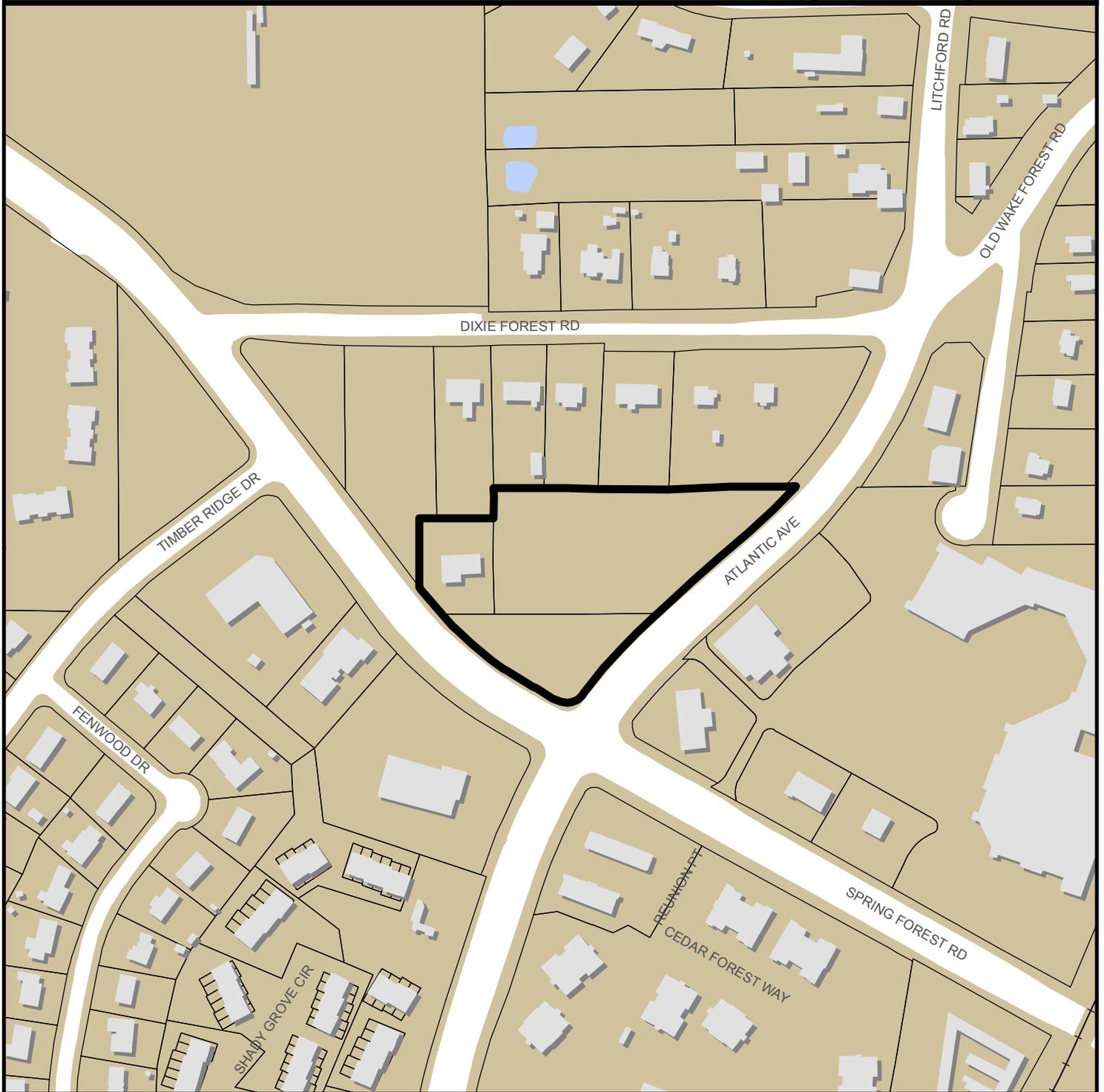


ATLANTIC PLACE SR-29-2016



0 300 600 Feet

Zoning: **CX-3-CU**

CAC: **North**

Drainage Basin: **Marsh Creek**

Acreage: **3.24**

Lots sq. ft.: **11,110**

Planner: **Michael Walters**

Phone: **(919) 996-2636**

Applicant: **MPHK Capital, LLC**

Phone: **919-612-6629**





Administrative Action

Administrative Site Review

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

Case File / Name: SR-29-16 / Atlantic Plaza

General Location: This site is located on the northwest corner of the intersection of Spring Forest Road and Atlantic Avenue, inside the City Limits.

CAC: North

Request: Development of a 3.32 acre tract consisting of three parcels to be recombined into two lots, all zoned CX-3 CU, into an 8,100 square foot multi-tenant retail structure and a 6,000 square foot restaurant (total of 14,100 square feet building space), both 25 feet tall general type buildings.

Cross-Reference: Z-15-2015, TR# 471418





Planning and Development Director Action

**Administrative
Alternate
Findings:**

UDO Section 1.5.8 Build-to

The Planning and Development Officer may in accordance with Sec. 10.2.17, reduce the build-to requirement, subject to all of the following findings:

1. The approved alternate meets the intent of the build-to regulations;
Staff Response: The approved alternate meets the intent of the build-to regulations, provided the applicant complies with the condition to replace the seven parking spaces directly contiguous to Spring Forest Road with amenity area of sufficient size, such that when combined with the adjacent building depth, 25 percent of the Spring Forest frontage width is occupied by building and amenity area.
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
Staff Response: The approved alternate conforms with the Future Land Use Map and a number of Comprehensive Plan policies, including, but not limited to, the following:
 - LU 2.1: Placemaking
 - T 4.15: Enhanced Rider Amenities
 - UD 7.3: Design Guidelines:
 - a. UDG 8
 - b. UDG 10
 - UD 4.1: Public Gathering Spaces
 - UD 5.1: Contextual Design
3. The approved alternate does not substantially negatively alter the character-defining street wall or establish a build-to pattern that is not harmonious with the existing bulk context;
Staff Response: There is no character-defining street wall along Atlantic Avenue or Spring Forest Road. The development is in keeping with the pattern established along both streets.
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and
Staff Response: The approved alternate improves pedestrian access and comfort along both Atlantic Avenue and Spring Forest Road, provided that the applicant complies with the aforementioned condition. The proposal provides pedestrian connections to the retail uses, amenity areas along both streets, and a transit facility along Spring Forest Road.

5. Site area that would have otherwise been occupied by buildings is converted to an outdoor amenity area under Sec. 1.5.3.B.
Staff Response: Provided that the applicant complies with the recommended condition, the approved alternate consists of outdoor amenity area and pedestrian spaces that are within the build-to range.

Decision

The Planning and Development Director finds that the requested alternate generally meets the findings enumerated in the Unified Development Ordinance, subject to the following condition:

- That the seven parking spaces directly contiguous to Spring Forest Road be replaced with an amenity area of sufficient size, such that when combined with the adjacent building depth, at least 25 percent of the Spring Forest Road frontage width is occupied by building and amenity area.



Signature

5/10/17

Date

AAD-12-17 5621 Atlantic Avenue

Code Conformance:		Code Section(s)
Zoning District:	CX-3-CU (Z-15-15)	3.1
Overlay District:	NA	5.1
Parking:	<p>Vehicle Required Retail = 8,300/300 = 28 spaces Restaurant = 5800/150 = 39 spaces Total = 67 spaces Proposed = 78 spaces</p> <p>Bicycle Required = 4 short term and 4 long term spaces Proposed = 4 short term and 4 long term spaces</p>	7.1.2
Street Type(s):	Atlantic Ave and Spring Forest Rd are classified as Avenue 4-Lane Divided streets, which require 104' r/w width or ½ of the required r/w dedication (52').	8.4
Streetscape:	Spring Forest Road – Required C-2 yard as shown Atlantic Avenue – Commercial streetscape	8.5
Setbacks/Frontage:	Primary Street = 5' Side Street = 5' Side lot line = 0' or 6' Rear lot line = 0' or 6' Proposal conforms to standards	3.4 , 3.2 , 2.2
Neighborhood Transitions:	NA	3.5
Transitional Protective Yards:	NA	7.2.4
Stormwater:	This project will utilize a shared underground detention system and 2 bio-retention ponds as well as a TN offset buy down, in order to meet stormwater quality and quantity regulations	9.2

Tree Conservation:	This site is providing .317 acres or 10.03% of tree conservation area in accordance with Article 9.1.	9.1
Variances, Design Adjustments, Administrative Alternates:	Design Adjustment – Allowing an alternative streetscape cross section Administrative Alternate AAD-12-17 – Approving the percentage within the Build To area along Spring Forest Road to be met with both building façade and amenity area.	
Other:	15 x 20' transit easements along each street frontage (Atlantic Avenue, and Spring Forest Road)	

Ordinance (2016) 543 ZC 724
 Effective: 2/2/16
 Z-15-15 – Spring Forest Road and Atlantic Avenue, northwest quadrant of the Spring Forest Road and Atlantic Avenue intersection, being Wake County PINs 1716884957, 1716881975, and 1716883767, approximately 3.24 acres rezoned to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU).

Conditions dated: January 25, 2016

1. Development on the property shall be limited to a maximum of 14,900 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 “Allowed Principal Use Table”, and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.

- *Proposed building square footage = 14,100 sf*

2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, two transit easements shall be deeded to the City and recorded in the Wake County Registry – one along Spring Forest Road and one along Atlantic Avenue. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of each easement shall be approved by the Public Works Department and each easement document approved by the City Attorney's office. If, prior to issuance of the first building permit for new development, the Public Works Department requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with

construction plans approved by the Public Works Department.

- *As shown on plan.*

3. Development on the property shall comply with the Parking Limited frontage standards set forth in UDO section 3.4.5 and any allowable administrative alternates.

- *As shown on plan.*

4. The following Commercial and Industrial land uses, as set forth in Table 6.1.4 "Allowed Principal Use Table", are prohibited: adult establishment; outdoor recreation – all types; overnight lodging; heliport – all types; bar, nightclub, tavern, lounge; pawnshop; fuel sales; vehicle sales and rental; vehicle repair (major); detention, jail, prison; light manufacturing – all types; research and development – all types.

- *As shown on plan.*

5. Low profile ground signs and medium profile ground signs are permitted. The maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.

- *To be reviewed at sign permit issuance*

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

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

1. That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;.
2. That a final tree conservation plan with permit be approved by the Forestry Specialist. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas

Prior to the issuance of any site permits, infrastructure construction plans or concurrent review process, whichever is applicable:

3. That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10A Chapter 9 of the Unified Development Ordinance, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings whichever event comes first;
4. That a nitrogen offset payment must be made to a qualifying mitigation bank;

5. That construction plans for the shared stormwater devices be submitted and approved by the city;
6. That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
7. That a detail of proposed "bike lockers" demonstrating conformance to (7.1.8 B 3) will be provided on the plan;

Prior to issuance of building permits:

8. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by rezoning case Z-15-15. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee;
9. That a 15' x 20' transit deed of easement is approved by the City staff and that the location of the easement is shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the recorded plat;
10. That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lots into two tracts as shown on the preliminary plan;
11. That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the property owners association;"
12. That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be approved by the City and recorded with the county register of deeds office where the property is located and a copy of the recorded document be provided to the City by the end of the next business day following the recordation of the final plat; further recordings and building permit authorization will be withheld if the recorded document is not provided to the City;
13. That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be approved by the City and recorded with the county register of deeds office where the property is located and a copy of the recorded document be provided to the City by the end of the next business day following the recordation of the final plat; further recordings and building permit authorization will be withheld if the recorded document is not provided to the City;
14. That all proposed outdoor lighting will meet the standards of Section 7.4 of the Unified Development Ordinance;
15. That all mechanical equipment must be located and shown on the plan and will meet the screening standards of section 7.2.5 of the Unified Development Ordinance;

16. That a cross access agreement among the proposed lots owned by MPHK CAPITAL, LLC is approved by the Development Services Department for recording in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the City within one day of recording;
17. That ½ of 104' of required right of way with utility easement for both Spring Forest Road and Atlantic Avenue is dedicated to the City of Raleigh and recorded with the Wake County Register of Deeds;
18. That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
19. That a fee-in-lieu must be paid for 1' of sidewalk for the length of frontage along Spring Forest Rd and Atlantic Ave to the city;
20. That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Atlantic Avenue street is paid to the city;
21. That an encroachment agreement for any plantings, planters, awnings or stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Development Services Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Development Services Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
22. That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of construction of a stormwater device shall be paid to the City;
23. That an application for abandonment for the existing public sanitary sewer easement on site as shown on the preliminary plan be filed with the Raleigh Public Utilities Department, the abandonment be approved, and the abandoned easement be shown on all plats for recording;
24. That an offer of cross access and temporary construction easement with the lot to the north currently owned by Roger Williamson and referenced in DB 15577, PG 2328 as shown on the preliminary plan be recorded in the Wake County Registry, and that a copy of the recorded offers of easements be returned to the Development Services Department prior to building permit issuance;
25. That a tree impact permit be approved by the urban forester in the Parks, Recreation, and Cultural Resources Department and a permit be issued by the City for the proposed plantings within the public street right-of-way as shown on the preliminary plan;

Prior to issuance of building occupancy permit:

26. That in accordance with zoning condition number 2 of Z-15-15, if prior to issuance of the first building permit for new development, the Public Works Department (or its successor agency) requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the City;

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

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bauer Date: 7/24/2017
(B)

Staff Coordinator: Michael Walters

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE PROCESS.

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated 12/7/16 with revisions dated 5/18/17, submitted by Chris Bostic, Kimley-Horn and Associates, Inc..

EXPIRATION DATES: **The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan.** If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: 7-24-2020

Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date:

Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the City for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE EXPIRATION THRESHOLDS AS NOTED ABOVE.