



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-32-10 / New Bern Crossing Hotel

General Location: On the north side of New Bern Avenue, just west of its intersection with Milburnie Road

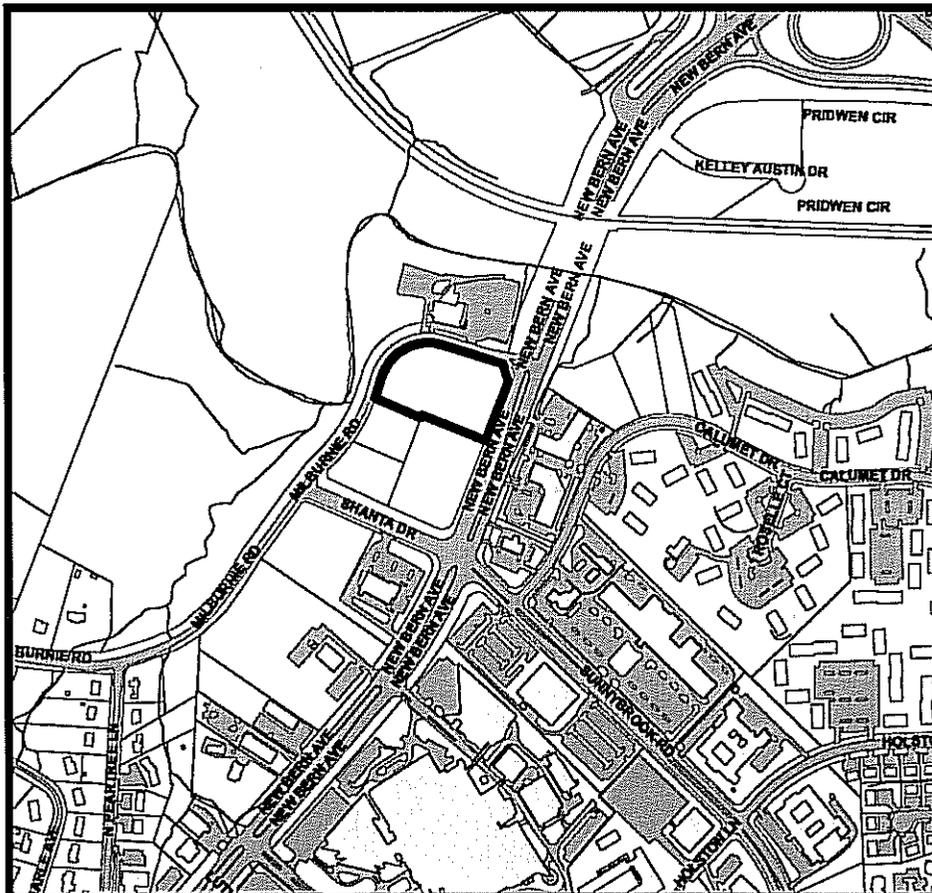
Owner: New Bern Crossings, LLC
Designer: Wetherill Engineering

CAC: East

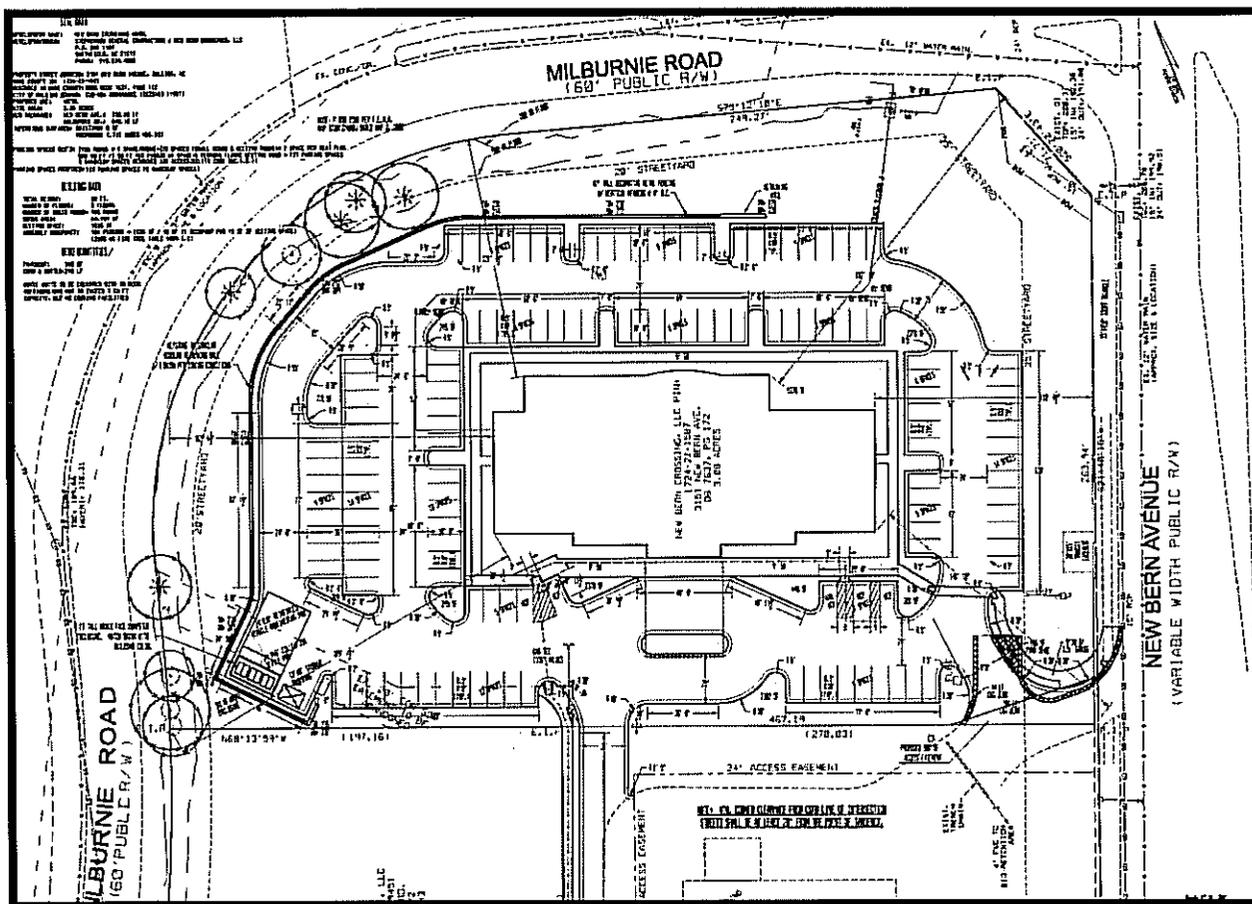
Nature of Case: A five story hotel consisting of 106 lodging units and 1,526 square feet of meeting rooms on a 3.08 acre parcel zoned Neighborhood Business – Conditional Use District.

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

Contact: Robert Tucker - Wetherill Engineering, Inc.



SP-32-10 / New Bern Crossing Hotel – Site Location Map



SP-32-10 / New Bern Crossing Hotel – Preliminary Site Plan

SUBJECT: SP-32-10 / New Bern Crossing Hotel

CROSS-REFERENCE: Z-27-97, S-70-95, S-103-98

LOCATION: On the north side of New Bern Avenue, just west of its intersection with Milburnie Road inside the City Limits.

REQUEST: This request is to approve a five story hotel consisting of 106 lodging units and 1,526 square feet of meeting rooms on a 3.08 acre parcel zoned Neighborhood Business – Conditional Use District.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: As noted on the Staff Report, attached

FINDINGS: The Planning Commission finds that with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2042, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/27/10, owned by New Bern Crossings, LLC, submitted by Wetherill Engineering, Inc.

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

VARIANCES / ALTERNATES: N/A

To PC: 12/14/10

Case History:

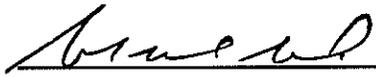
Staff Coordinator: Eric Hodge, AICP

Motion: Haq
Second: Fleming
In Favor: Anderson, Bartholomew, Butler, Harris Edmisten, Fleming, Haq, Mattox,
Schuster, Sterling Lewis
Opposed:
Excused:

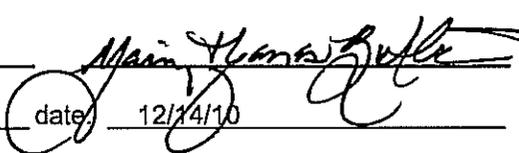
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 12/14/10



date: 12/14/10



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:**

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (1) The sanitary sewer easement will need to be abandoned prior to or concurrent with the recordation of the tree conservation areas;
- (2) 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;
- (3) 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. The receipt for payment of the nutrient offset shall be provided prior to grading permit approval;
- (4) 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. The private drainage easements must tie to an access onto the public right of way;
- (5) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first.;
- (6) That stormwater best management practices (BMPS) shall meet all requirements of the NCDENR BMP manual;
- (7) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (8) That as proposed by the design engineer, should less than 2 feet of clearance exist between storm drain pipes, then the pipes shall be encased in concrete;

- (9) That a note be placed on all plats for recording stating that this lot is subject to unity of development guidelines and unified signage criteria on file with the City of Raleigh;

Prior to issuance of building permits in the Inspections Department:

- (10) That the City Attorney approves the off-site transitional protective yard landscape easement. One-half of a 30' Type B transitional protective yard is required adjacent to the vacant parcel (PIN: 17241712.9451 / DB 7637 PG 172 / BM 2000 PG 233) so long as that parcel is vacant or is developed with a residential use;
- (11) That a 15x20 foot transit easement location on New Bern Avenue be approved by the Transit Planner in the Public Works Transportation Services, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department 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;
- (12) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas prior, to building permits or in conjunction with the recording of lots whichever comes first Tree conservation shall be in compliance with Code section 10-2082.14;
- (13) That a note be placed on all plats for recording stating that this lot is subject to unity of development guidelines and unified signage criteria on file with the City of Raleigh;

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

- (14) That all other conditions of rezoning case Z-27-97 be fulfilled

ZONING:

ZONING DISTRICTS: Neighborhood Business – Conditional Use District. Ordinance (1997) 132ZC413 Effective 6/3/97 Z-27-97

1. Development of the Neighborhood Business CUD Zoned Area will comply with the provisions of C.R. 7107 of the Raleigh Planning Commission.
2. A traffic analysis/site circulation study shall be included as a part of the submittal for site plan approval for the initial development of the zoned area.
3. Reimbursement values for additional right-of-way on New Bern Avenue and the right-of-way for Crabtree Boulevard shall be at the prevailing rate based upon O&I-1 zoning.
4. With the initial development of the zoned area the entire 110' wide right-of-way and a minimum of one-half of the required 89' pavement cross-section with associated curb, gutter and sidewalk for Crabtree Boulevard shall be installed between New Bern Avenue and Milburnie Road. The ultimate cross-section for the portion of the road to be installed shall be determined with the traffic study to be provided at site plan approval. This portion of the ultimate pavement shall be installed along the eastern side of the centerline of the right-of-way. In conjunction with the installation of this portion of Crabtree Boulevard a left turn lane with 150' of storage and a 180' long taper will be installed in New Bern Avenue to

accommodate turns onto Crabtree Boulevard. Prior to issuance of a certificate of occupancy for the initial development, Developer shall pay for appropriate modifications to the existing Sunnybrook Road, New Bern Avenue traffic signal to accommodate the intersection of Crabtree Boulevard and the left turn lane on New Bern Avenue.

5. Private driveway access to and from the zoned area to New Bern Avenue shall be limited to right-in-right-out facilities.

6. A master development plan shall be submitted with the initial site plan approval and approved by the City Council for the entire zoned area. This master development plan shall illustrate: lot configurations, points of ingress and egress, internal cross access circulation and general categories of land use for the respective parcels.

7. An additional twelve (12) feet of right-of-way and travel lane shall be provided along New Bern Avenue incrementally as abutting parcels from the zoned area develop.

8. The following land uses shall be prohibited:

a. Within the NB CUD zoned area:

- Non-governmental commercial recreational use-indoor
- Non-governmental commercial outdoor stadium/theater/amphitheater/ racetrack
- Governmental outdoor stadium/theater/ amphitheater/racetrack
- Riding Stable
- Rifle range-indoor
- Fraternity House
- Sorority House
- Transitional Housing-except supportive housing residence
- Civic Club
- Civic/convention center and assembly hall
- Correctional/penal facility
- Orphanage
- Schools
- Adult establishments
- Bar, nightclub, tavern, lounge
- Eating establishment with drive-thru, drive-in service, and with or without alcohol sales for on-premise consumption
- Kennel/cattery
- Home building supply store
- Any use engaged in the sale of gasoline to the public
- Mini warehouse storage facility
- Landfill debris from on-site
- Transportation uses allowed in section 10-2071
- Flea market
- Pawn shop as defined in Chapter 91A of the NC General Statutes
- Check cashing store (excluding banks, credit unions, savings & loans)
- Bailbond office
- Vehicle sales
- Automotive washing & cleaning as a primary use
- A shop for automotive body work and painting

b. Within the O&I-2 zoned area:

- Non-governmental commercial outdoor stadium/theater/amphitheater/ racetrack
- Governmental outdoor stadium/theater/amphitheater/ racetrack
- Fraternity House
- Sorority House
- Transitional Housing-except supportive housing residence
- Civic Club
- Civic/convention center and assembly hall-Governmental

9. Streetyards along New Bern Avenue west of Crabtree Boulevard and along Crabtree Boulevard shall be a minimum width of fifteen (15) feet and possess an area that is equal to the length of right-of-way multiplied by twenty (20) feet. Within this street-yard, understory trees shall be installed in addition to the required canopy trees. Understory trees shall be installed at a rate of one (1) tree for every sixty (60) linear feet of right-of-way and they shall be a minimum of: two inches (2") in caliper (6.28 inches in circumference) and seven (7) feet in height when installed.

Evergreen shrubs shall be installed in a continuous hedge to screen the view of parked cars. Said hedge shall consist of evergreen shrubs planted three (3) feet on center that are a minimum height of (30) inches at installation and are a species that will attain a height of forty-two inches (42") at maturity.

Flowering shrubs (evergreen or deciduous) shall be installed at a rate of one shrub for every twenty (20) linear feet of right-of-way. They shall be a minimum height of twenty-four (24) inches when installed. These shrubs may be clustered.

Streetyards along New Bern Avenue east of Crabtree Boulevard shall be a minimum width of fifteen (15) feet and possess an area equal to the length of the right-of-way multiplied by thirty-five (35) feet.

Within this streetyard trees shall be installed at a rate of two shade trees and one understory tree for every forty (40) feet of right-of-way. Shade trees shall be a minimum of three and one-half inches (3.5") in caliper (10.99 inches in circumference) measured one-half foot above ground and nine (9) feet in height. Understory trees shall be a minimum of: two inches (2") in caliper (6.28 inches in circumference) measured one-half foot above ground; and, seven (7) feet in height. Evergreen shrubs shall be installed in a continuous hedge to screen the view of parked cars, said shrubs shall be a minimum of thirty inches (30") in height when installed and shall be a species that shall attain a height of forty-two inches (42") at maturity and be installed three feet (3') on center. Flowering shrubs (evergreen or deciduous) shall be installed at a rate of one shrub for every twenty (20) linear feet of right-of-way. Flowering shrubs shall be a minimum height of twenty-four (24) inches when installed, and may be clustered.

10. Buildings developed within the zoned total area (NB CUD and O&I-2 CUD) shall be unified in appearance by utilizing brick finishes similar to the brick types that are used on Wake Medical Center and the Wake County Health Building and through the use of a slate gray roof color for any visible roof finish.

These characteristics shall be specified in conjunction with the initial request for site plan approval.

11. Within the approximately 1.5 acre NB CUD zoned area on the northwest quadrant of the New Bern Avenue Crabtree Boulevard intersection, the following land uses are allowed:

1. a. No commercial retail sales shall be allowed except a drug store with general merchandise sales use;
- b. office(s);
- c. bank; and
- d. hotel/motel.

2. Should any part, or all, of this approximately 1.5 acre NB CUD zoned area develop in office; bank; or hotel/motel uses, then prior to receiving a certificate of occupancy for such a use, the owners shall file a petition to rezone that part, or all, of this area to O&I-2 so long as said uses are allowed in the O&I-1 district.

12. Building heights shall be limited as follows:

- a. In the O&I-2 CUD zoned area maximum heights shall be:
 - Office uses 50 feet
 - Hotel uses 60 feet

- b. In the NB CUD zoned area maximum building heights shall be:
 - Retail uses 35 feet

- Office uses 50 feet
- Hotel uses 60 feet

Building heights above the allowable 40 feet in the O&I-2 CUD area and 40 feet in the NB CUD area shall comply with Code Section 10-2076.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 110", rear yard = 162', front / rear aggregate = 272', side yard = 83', side yard aggregate = 205'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 60'.

PARKING:

Off-street parking conforms to minimum requirements: 137 spaces required, based on one parking space per hotel room and one space per 5 person occupancy in the meeting rooms. 137 spaces are provided.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 and zoning condition #9 (which calls for a 35' deep streetyard) is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. No transitional protective yards are required along the property line shared with the adjacent retail use. One-half of a 30' Type B transitional protective yard is required adjacent to the vacant parcel (PIN: 17241712.9451 / DB 7637 PG 172 / BM 2000 PG 233) so long as that parcel is vacant or is developed with a residential use. The applicants are proposing an off-site landscape easement to meet this requirement. If the vacant parcel develops with a non-residential use, then the landscape easement can be removed. The adjacent property to be screened is currently under the same ownership as the subject property.

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Southwest (vacant tract)	½ 30' Type B	15'

TREE CONSERVATION:

The preliminary plan shows .07 acres or 2.27% of secondary Tree Conservation Areas on the site. There were no additional qualifying areas on site.

PHASING:

This is a one phase development

UNITY OF DEVELOPMENT:

Unity of development and sign criteria are required in this development. A unity of development plan is on file with the Planning Department. Sign criteria is on file with the Inspections Department.

COMPREHENSIVE PLAN:

GREENWAY:

There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan. Dedications associated with the zoning case were done at the time of the previously recorded subdivision.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 20'x15' transit easement. This site is presently served by the existing transit system.

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

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.

Policy LU 5.1—Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy LU 7.6—Pedestrian Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Policy T 2.9—Curb Cuts

The development of curb cuts along public streets—particularly on thoroughfares and arterials—should be minimized to reduce vehicular conflicts, increase pedestrian safety and improve roadway capacity.

Policy T 5.2—Incorporating Bicycle and Pedestrian Improvements

All new developments, roadway reconstruction projects, and roadway resurfacing projects in the City of Raleigh's jurisdiction should include appropriate bicycle facilities as indicated in the Recommended Bicycle Network of the 2008 City of Raleigh Bicycle Transportation Plan.

Policy T 5.5—Sidewalk Requirements

New subdivisions and developments should provide sidewalks on both sides of the street.

Policy T 5.9—Pedestrian Networks

New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

Policy UD 1.2—Architectural Features

Quality architecture should anchor and define the public realm. Elements of quality architecture include architectural accents and features conducive to pedestrian scale and usage, such as a distinct base, middle, and top (for high-rise buildings); vertical and horizontal articulation; rooflines that highlight entrances; primary entrances on the front façade; transparent storefront windows and activated uses on the ground floor; and corner buildings with defining landmark features.

Policy UD 1.3—Creating Attractive Facades

Well-designed building facades, storefront windows, and attractive signage and lighting should be used to create visual interest. Monolithic or box-like facades should be avoided to promote the human quality of the street.

HISTORIC /

DISTRICTS: There are no designated Historic Structures on the property. 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>
1. The committee recommends that the building façade facing New Bern Avenue exhibit similar design presence and detail as those facades perpendicular to the street [commensurate with code Sec. 10-2132.2(d)(2)],	

through such measures as but not restricted to:

- 3 vertical rows of windows along New Bern (in continuation of those on the "front" and "rear" elevations).
 - Providing greater architectural prominence to the entrance door facing the street (e.g., adding a canopy echoing the design of that on the "front" elevation).
 - Increasing the degree of wall articulation, to emulate that of the "front" elevation (e.g., bump out central section of the façade sufficiently to create a vertical shadow line on either side of the section).
2. Break up the vertical mass of the proposed retaining wall (20' at highest point) along Milburnie Road [commensurate with code Sec. 10-2132.2(d)(3)], through such measures, singly or in combination, as:
- Terracing the wall, adding plantings at the wall base and on any terrace.
 - Adding ribs and/or recesses to segment the mass vertically.
 - Adding vining plants to cover the wall surface.
 - Adding masonry bands of complementary color.
3. Design site lighting such that fixtures are set back from the site perimeter [commensurate with code Sec. 10-2132.2(d)(3)], due to the height of the site above the adjacent grade.

Three rows of windows have been incorporated into the side wall as requested. See sheet A-8.

A canopy has been added to the side entrance door as requested. See sheet A-8.

Bump out not provided. See sheet A-8.

Horizontal ribs have been incorporated to the wall to reduce the vertical impact. Additional landscape plantings have been added at the top of the wall along with vines that will cascade over the top of the wall. At the tallest portion of the wall existing trees have been maintained between the wall and Milburnie Ave. that will serve to hide the wall. See sheets EXB-2, TC-1, and LP-1.

Lighting design incorporates low level lighting and minimal spillover. See sheet C-1.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT:

The existing 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. An existing sanitary sewer easement will need to be abandoned prior to or concurrent with the recordation of the tree conservation areas;
- 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:** Proposed street improvements shall conform to normal City construction standards. Cross access easements exist between the subject parcel lot and the other lots in the subdivision per S-103-98 (BM 2000 page 233, DB 8516 pages 2177-2180). This plan shows driveway connections with the adjacent lots in conformance with the previously approved subdivision and no additional driveways with direct connections to the public street system are proposed as part of this site plan.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of New Bern Avenue. A sidewalk connection from the public sidewalk to the front of the building is being provided.
- FLOOD HAZARD:** There are flood prone areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management. Stormwater nitrogen reduction and stormwater runoff control are required for this site per City Code Part 10 Chapter 9. Underground pipe detention is shown for stormwater runoff control requirements and a sand filter is shown for nitrogen reduction requirements.
- 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.