



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File / Name: SP-17-14 / McNeil Pointe

General Location: Located at the south corner of Wake Forest Road and McNeil Street.

Owner: The Centre Development Company, LLC
Designer: Piedmont Land Design, LLP

CAC: Five Points

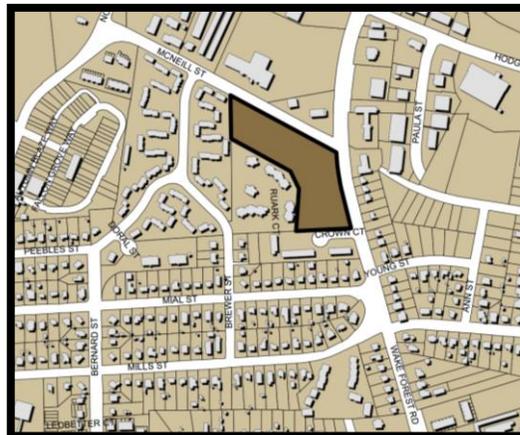
Nature of Case: The construction of a 31, 646 square foot Shopping Area, consisting of three retail buildings totaling 26,646 square feet and a 5,000 square foot office building on one parcel totaling 4.56 acres, located inside the city limits. Pin number 1715015068 (0.46 acres) is zoned Neighborhood Business CUD. Pin number 1715013133 (4.1 acres) is a split zoned parcel with approximately an acre area on the southern end of the parcel is zoned Office & Institutional-1 CUD. The remainder of the 4.1 acres is zoned Neighborhood Business CUD. The proposed office building is located on the Office & Institutional-1 CUD portion of the split zoned parcel. Planning Commission approval is required due the proposal being a shopping area located within 400' of a residential use.

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

Contact: David Lasley, Piedmont Land Design

Design Adjustment: Two Design Adjustments have been approved by the Public Works Director for this project, noted below.

1. Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.5.1G for existing streets streetscape.
2. Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.3 Blocks, Lots, Access, Section 8.3.1(4) for block perimeter requirements.



Location Map

SUBJECT: SP-17-14

**CROSS-
REFERENCE:** Z--3-91 & Z-66-05

LOCATION: This site is located at the south corner of McNeil Street and Wake Forest Road, inside the City Limits.

PIN: 1715013133 & 1715015068

REQUEST: The construction of a 31, 646 square foot Shopping Area, consisting of three retail buildings totaling 26,646 square feet and a 5,000 square foot office building on one parcel totaling 4.56 acres, located inside the city limits. Pin number 1715015068 (0.46 acres) is zoned Neighborhood Business CUD. Pin number 1715013133 (4.1 acres) is a spilt zoned parcel with approximately an acre area on the southern end of the parcel is zoned Office & Institutional-1 CUD. The remainder of the 4.1 acres is zoned Neighborhood Business CUD. The proposed office building is located on the Office & Insitutional-1 CUD portion of the split zoned parcel. Planning Commission approval is required due the proposal being a shopping area located within 400' of a residential use.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that with the following conditions of approval this request conforms to Part 10, Chapter 2, Sections 10-2042, 10-2034 and 10-2132.2, 10-2124 and 10-2090 Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 8/14/14, owned by The Centre Development Company, LLC, submitted by Piedmont Land Design, LLP.

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

**VARIANCES /
ALTERNATES:**

1. Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.5.1G for existing streets streetscape.
2. Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.3 Blocks, Lots, Access, Section 8.3.1(4) for block perimeter requirements.

To PC: September 23, 2014

Case History: This plan was submitted after September 1, 2013, but the subject property is located in a legacy zoning district and is subject to non UDO Code provisions.

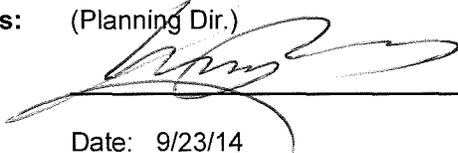
Staff Coordinator: Meade Bradshaw

Motion: Lyle
Second: Braun
In Favor: Braun, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink, Terando and Whitsett
Opposed: xxxxx

Excused: xxxxx

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

Signatures: (Planning Dir.)



Date: 9/23/14

(PC Chair)



Date: 9/23/14



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL:

Planning Commission Actions:

- (1) That the Planning Commission finds that this site plan meets the standards for approval of Code Section 10-2132.2(d);
- (2) That two U-shaped bicycle racks are installed on the site;
- (3) That the landscape plan provide shade trees planted 20' on center for the proposed retaining wall;
- (4) That the landscape plan incorporate additional potted plants at the corner as noted by the Appearance Commission;

Administrative Actions:

Prior to issuance of a mass grading permit for the site:

- (5) That in accordance with Part 10A Section 9.4.4, a surety equal to 125% of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (6) That a tree conservation plan with permit be approved by the Forestry Specialist. The plan must show metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance, Z-3-91, and Z-6-05. The tree protection fence must be set up along the boundaries of all tree conservation areas and an appointment must be made with the City Forestry Specialist to inspect the fence;

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever occurs first:

- (7) 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;

Prior to issuance of building permits:

- (8) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance, Z-3-91, and Z-6-05;

- (9) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lots into a single tract;
- (10) That a 15' x 20' transit easement with the installation of a bench located on Wake Forest Road be approved by the Transit Planner in the Public Works Transportation Department, 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 prior to building permit approval;
- (11) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (12) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete;
- (13) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (14) 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;
- (15) 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;
- (16) 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;
- (17) That infrastructure construction plans for public improvements be submitted and approved by the Public Works Department and Public Utilities Department;
- (18) That a pedestrian cross access agreement among the parcel to the adjacent south, Deed Book 14984, Page 1570, owned by Williams Rental Company and the subject site is approved by the Planning Department for recording in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department within 1 day of lot recording;
- (19) That a Unity of Development plan with sign criteria will be submitted to, and approved by, the City of Raleigh Planning Department;
- (20) 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 homeowner association;

- (21) That the plans are in conformance with all conditions from Z-3-91 and Z-66-05; and

Prior to issuance of a certificate of occupancy for either lot:

- (22) That BMP certifications and as-built plans must be provided and accepted prior to building certificate of occupancy;
- (23) That the road improvements are completed and accepted for maintenance and that a warranty in the amount of 15% of the estimated value of the development related improvements is provided to the Public works department;

ZONING:

**ZONING
DISTRICTS:**

Z-3-91. Ordinance 1991 793 ZC 293 Effective 6-18-91.

Z-3-91 Wake Forest Road, west side, at its intersection with the south side of McNeil Street, being Parcels 439 and 440, Tax Map 465, rezoned to Residential-15 Conditional Use and Neighborhood Business Conditional Use Districts.

Conditions:

1. Construction on the Neighborhood Business portion of the property shall not exceed two stories in height, or twenty-five (25) feet measured from the finished ground elevation, whichever is greater.

Proposed buildings are one story, not exceeding 25' in height

2. Construction on the R-15 portion of the property shall not exceed three stories in height, or forty (40) feet measured from the finished ground elevation, whichever is greater.

Proposed buildings are one story, not exceeding 25' in height

3. There shall be no more than one private driveway access on Wake Forest Road and it shall be located at least 200 feet south of the McNeil Street intersection. There shall be no more than 2 private driveway connections to McNeil Street with the closest to Wake Forest Road being at least 200 feet west of the intersection.

One driveway is proposed on Wake Forest Road and is located approximately 270 feet from the McNeil Street intersection. One driveway is proposed on McNeil Street and is located approximately 500 feet from the Wake Forest Road intersection.

4. As a supplement to other yard spaces and transition screens required in the Neighborhood Business district, the following buffer will be established along the west boundary of the Neighborhood Business portion and shall meet minimum requirements of code and in addition the following shall be added: a berm with vegetation sufficient in height and depth to restrict the view of parked cars from pedestrian standing 50 feet from said boundary at a point 100 feet south of McNeil Street right-of-way looking due east (at minimum meeting the standards set forth in Section 10-2068.5(b)(2)(d)). The buffer shall be a minimum of 20 feet in width but no berm shall be required at locations where existing or new

vegetation is sufficient to accomplish the stated objective. The berm and landscaping shall comply with NCDOT and City of Raleigh standards regarding driveway sight requirements.

The area 100 feet south of the McNeil Street right-of-way is located within the 100 year flood plain, therefore, a berm has not been provided. New vegetation has been added in this area that is sufficient to accomplish the stated objective of screening parked cars from pedestrian standing 50 feet away.

5. Site plans filed for both the residential and business portions of the subject property will include a tree inventory and plan to protect and preserve trees eight (8) inches in caliper and over. The plan will include provisions for substitute plantings elsewhere on the property for trees which cannot be preserved due to their condition or location.

A tree inventory has been performed and substitute plantings will be provided for trees 8 inches and greater that cannot be preserved due to their condition or location. Tree replacement calculations and locations are provided on the landscape plan.

6. Adult establishments as defined in City Code Section 10-2002 shall not be allowed anywhere on the subject property. Parking lots, garages, filling stations and restaurants providing curb or drive through service shall not be allowed on the portion of the neighborhood business property hereinafter described:

BEGINNING at a point in the south right-of-way of McNeil Street midway between the northwest corner of Tax Parcel 465-439 and Wake Forest Road, running thence in a southwesterly direction perpendicular to McNeil Street 210 feet to a point; running thence north 56° 43' 19" west 200'+/- to a point in the west boundary of Tax Parcel 465-439; thence with the west boundary north 83° 52" east 250'+ to the right-of-way of McNeil Street; thence with McNeil Street south 56° 43' 19" to the point and place of beginning.

Uses above are not proposed.

7. Upon development, the rate of stormwater runoff will comply with C.R. 7107.

Complies with CR7107

8. Additional right-of-way for Wake Forest Road (1/2 of 110 feet) will remain as presently zoned for reimbursement purposes.

noted

9. A traffic impact study will be filed with the City of Raleigh Department of Transportation concurrently with submittal of subdivision and/or site plan approval applications for the subject property.

A TIA was submitted and approved by city staff

10. No dwelling shall be constructed within fifty (50) feet of Wake County Tax Parcel 465-443 (2114 Brewer Street).

No dwellings are proposed

Z-66-05 Ordinance (2005) 956 ZC 581 Effective: 1/17/06

Z-66-05 – Wake Forest Road, northwest quadrant of the intersection of Crown Court and Wake Forest Road, being a portion of Wake County PIN 1715.17-01-3133 (rezoning to follow existing zoning line). Approximately 1.20 acres rezoned from Residential-15 Conditional Use to Office and Institution-1 Conditional Use.

Conditions dated: November 15, 2005

A. Reimbursement for future right-of-way dedication shall be based upon the pre-existing zoning, R-15.

Noted

B. Residential density shall be limited to ten (10) dwelling units per acre.

No residential uses are proposed

C. Cross-access shall be provided between the property subject to this rezoning and the remainder of the parcel, in the event they are developed separately. An offer of cross-access shall be made to the property to the south known by Deed Book 2880, Page 110, Wake County Registry.

The properties are being recombined into once parcel

D. Prior to subdivision approval or the issuance of any building permit for the subject property, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to Wake Forest Road by fifteen (15) feet wide to support transit services in the area, if requested by the City Transit Division. The location of the transit easement shall be approved by the City Transit Division and the City Attorney shall approve the transit easement deed prior to recordation.

A transit easement has been provided on Wake Forest Road

E. Buildings shall orient their primary pedestrian entrance toward Wake Forest Road.

Building D (building within the Office & Institutional-1 CUD) has the primary entrance facing Wake Forest Road

F. New structures shall incorporate facade projections or recesses a minimum of four inches (4") deep every thirty feet (30').

Building shows projections/recessions at least 4 inches every 30 feet.

G. No more than 5,000 square feet of non-residential building square footage shall be permitted.

Building D total square footage does not exceed 5,000 square feet.

H. No building shall exceed two (2) stories or forty feet (40') in height.

Building D is a one story building, not exceeding 25' in height

I. Tree preservation areas at least twenty feet (20') in width shall be maintained along the common boundary line with residential property the property to the south known by Deed Book 2880, Page 110, Wake County Registry.

A twenty foot wide tree preservation area has been provided along the common boundary line with the residential property to the south

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 18', rear yard = 125', front / rear aggregate = 143', side yard = 45' & 205', side yard aggregate = 250'. This plan conforms to maximum height standards in this zoning district. Proposed height of the buildings are one story, not exceeding 25' in height.

PARKING:

Off-street parking conforms to minimum requirements: 124 spaces required, based on 1 parking space per 250 square feet of retail and 1 parking space per 300 square feet for office uses. 163 spaces are provided.

LANDSCAPING:

Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium 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>
Southern Property Line	Type B	35'
Western Property Line	Type B	53'-95'*

*Z-3-91 required a minimum 20' buffer. The proposed plan exceeds this requirement

TREE CONSERVATION:

This project is larger than two acres and compliance with Code Section 10-2082.14—Tree Conservation is required. The project provides 0.441 acres of tree conservation area which is 11.32% of gross site acreage.

Tree conservation acreage is as follows:

Primary: 0.00 acres

Secondary: 0.441 acres

*Z-3-91 required a minimum 20' buffer width along the western property line. The proposed plan provides a buffer 53'-95' in width.

OPEN SPACE:

N/A

DEVELOPMENT INTENSITY:

Proposed floor area ratio (FAR) of 0.17 and lot coverage of 17% conform to the maximum zoning district standards of 0.75 FAR and 25% lot coverage within the portion of the parcel zoned Office & Institutional-1 CUD.

PHASING:

Not applicable.

UNITY OF

DEVELOPMENT: Unity of development and sign criteria are required in this development. A Unity of Development Plan is to be submitted to the Planning Department for review and approval prior to the issuance of building permits. Sign criteria is applicable to the entire shopping area, for retail and office uses.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

**STREET
TYPOLOGY MAP:**

Dedication of right-of-way and construction of the following streets are required by the Street Typology Map of the Comprehensive Plan. Dedication of right-of-way is required:

Street	ROW	Construct	Slope Esmt.
Wake Forest Road	½-104'	76' b-b	N/A
McNeil Street	½-64'	36'b-b	N/A

McNeil Street is classified as a Neighborhood Street.
Wake Forest Road is classified as an Avenue, 4-lane Divided.

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement with the installation of a bench on Wake Forest Road is proposed. The installation of the bench is voluntary.

COMPREHENSIVE PLAN:

This site is located in the Five Points Citizen Advisory Council, in an area designated Neighborhood Mixed Use on the future land use map. That category applies to neighborhood shopping centers and pedestrian-oriented retail districts. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than super-stores/centers), drug stores, dry cleaners, video stores, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood. Heights would generally be limited to three stories, but four or five stories could be appropriate in walkable areas with pedestrian-oriented businesses.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- LU 4.7 Capitalizing on Transit Access
- LU 5.6 Buffering Requirements
- LU 2.1 Building Orientation
- UD 7.3 Design Guidelines
- LU 6.4 Bus Stop Dedication

HISTORIC / DISTRICTS:

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:

Comment	Response
<p>The commission recommends the retaining wall be treated as a prominent and visible site element and that it include:</p> <p>Additional patterning and detail be added to the poured in place concrete wall, echoing the materials and scale of the proposed buildings</p>	<p>Although we do not know what the exact patterning on the concrete wall will be, the wall will be scored or textured to breakup the massing of the wall and create visual interest.</p>
<p>The commission recommends the retaining wall be treated as a prominent and visible site element and that it include:</p> <p>Art components for the wall and railing</p>	<p>The addition of art components for the wall and rail may be considered but not agreed to be provided at this time depending on construction budget constraints.</p>
<p>The commission recommends the retaining wall be treated as a prominent and visible site element and that it include:</p> <p>An inset of the wall between buildings</p>	<p>Insetting the retaining wall between buildings will add unnecessary construction cost to an already expensive retaining wall. It may be considered at a later time but no commitment to provide at this time</p>
<p>The commission recommends the retaining wall be treated as a prominent and visible site element and that it include:</p> <p>Additional plantings on and in front of the wall, including an evergreen buffer between the</p>	<p>The placement additional planting to screen the wall are counter intuitive to the purpose of scoring the wall. We believe the streetscape being planted along the Wake Forest Road and McNeill frontages will adequately serve the purpose of breaking up the wall's mass while allowing visual corridors to the businesses, signage, and the fabric of the wall.</p>

sidewalk and wall to camouflage the wall's scale	
The Commission recommends additional landscaping between buildings, in the plaza to create the feeling of a streetscape on the interior drive.	The interior streetscape within the development is planned to be enhanced by the strategic placement of large potted plants that can be shifted or re-arranged as required when tenants and uses change within the retail space.

SUBDIVISION STANDARDS:

- LOT LAYOUT:** The minimum lot size in the Neighborhood Business District and Office & Institutional-1 District is 5,000 square feet. The minimum lot depth in this zoning district is 70' feet. The minimum lot width of an interior lot in this zoning district is 45' feet. Lots in this development conform to these minimum standards.
- PUBLIC UTILITIES:** City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site.
- SOLID WASTE:** Individual lot service to be provided by private contractor.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- BLOCKS / LOTS / ACCESS:** Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.3 Blocks, Lots, Access, Section 8.3.1(4) for block perimeter requirements. See attachment
- STREETSCAPE TYPE:** Design Adjustment has been approved by the Public Works Director for this project, per UDO Article 8.5.1G for existing streets streetscape. On Wake Forest Road the construction of a 6' sidewalk adjacent to the street with the 6' planting strip between the sidewalk and property line is proposed. McNeil Street is the installation of a 6' planting strip adjacent to the street with the construction of a 6' sidewalk between the planting strip and property line.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 6' sidewalk is required along the site's frontage on both McNeil Street and Wake Forest Road. A sidewalk is proposed to the property to the adjacent south (Deed Book 2880, Page 110) meeting condition Z-66-05(c).
- FLOOD HAZARD:** There is FEMA flood hazard areas on this site as per panel 1715J.
- STORMWATER MANAGEMENT:** The site is subject to Stormwater Regulations under Article 9 of UDO. A bio retention pond and TN offset payment will be utilized to meet stormwater quality regulations. No stormwater quantity control is required as per Part 10A, Sec 9.2.2 E 2e (no benefit downstream). This site will develop less than 50% of the floodplain as per Sec 9.3.5 C.

WETLANDS

**/ RIPARIAN
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**OTHER
REGULATIONS:**

Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).