



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-21-10/ Cheviot Assemblage Lots 6 & 7

General Location: On the northwest quadrant of Capital Connection Drive, Capital Hills Drive and Capital Blvd, inside the city limits.

Owner: MLC Automotive, LLC
Designer: William G. Daniel & Associates

CAC: Northeast

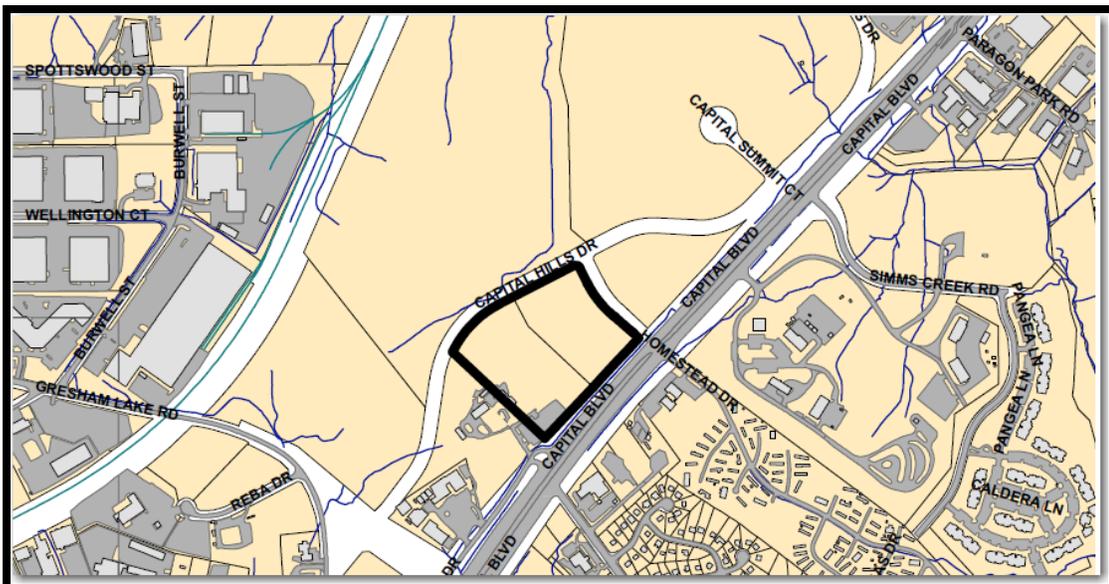
Nature of Case: This request is to approve a 74,924 square foot two story auto dealership on a 11.46 acre site, zoned Industrial-1. The first floor is 62,502 square feet of which 15,323 square feet is sales and 47,179 square feet is service. The second floor is 12,427 square feet in size for service parts and supplies. This site plan exceeds 70,000 square feet in floor area gross and requires preliminary site plan approval.

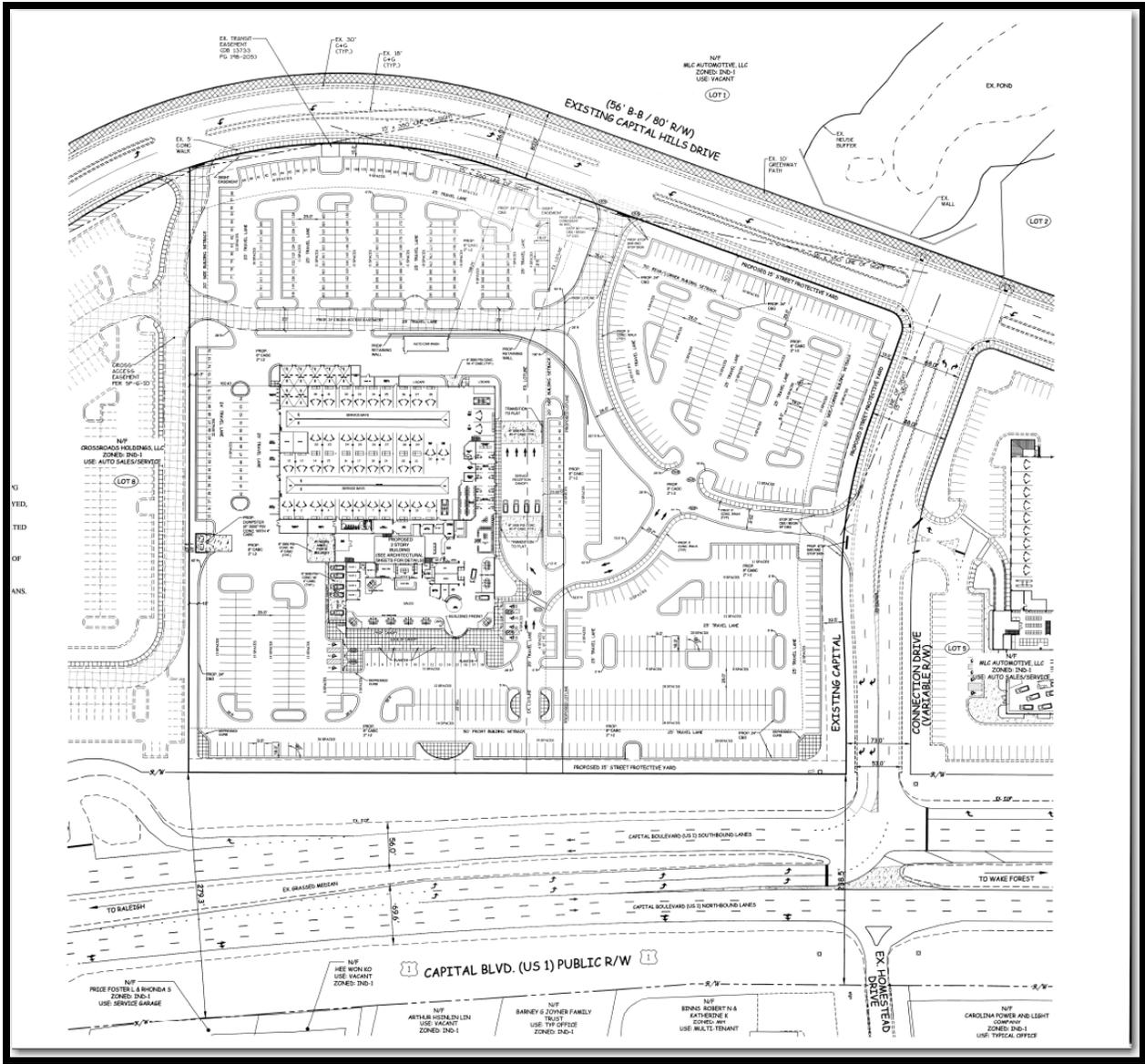
The auto dealership building will be located on lot 7 and portions of the display/parking will be located on lot 6. Cross access and shared parking will be required between the two lots.

The creation of Lots 6 & 7 was approved by staff under S-94-07 Cheviot Assemblage on February 11, 2009. The subdivision plat has been recorded (BM 2010 PG 84-93), all required right of way dedicated including tree conservation and stormwater detention areas and all stormwater documents have been recorded.

Key Issues: As presented, staff finds this plan conforms to Code standards and adopted land use policies. Planning Commission should evaluate the proposal using the 8 standards of code section 10-2132.2(d).

Contact: William G. Daniel & Associates





SP-21-10 Cheviot Assemblage Lots 6 & 7 – Site plan

SUBJECT: SP-21-10 / Cheviot Assemblage Lots 6 & 7

CROSS-REFERENCE: S-94-07, SP-43-09, TR#267818 & SP-6-10 & TR#274038

LOCATION: On the northwest quadrant of Capital Connection Drive, Capital Hills Drive and Capital Blvd, inside the city limits.

REQUEST: This request is to approve a 74,924 square foot two story auto dealership on a 11.46 acre site, zoned Industrial-1. The 1st floor is 62,502 square feet of which 15,323 square feet is sales and 47,179 square feet is service. The second 2nd floor is 12,427 square feet is service parts and supplies. This site plan exceeds 70,000 square feet in floor area gross and pursuant to code section 10-2132.2(2)b Planning Commission approval is required and may be appealed as a quasi-judicial hearing to City Council per code section 10-2132.2(c)(1)c.

The auto dealership building will be located on lot 7 and a portion of the display/parking will be located on lot 6 at this time no building will be located on lot 6. The new acreage for Lot 6 will be 4.54 acres and Lot 7 will be 6.92 acres. Cross access and shared parking will be required between the two lots.

The creation of Lots 6 & 7 was approved by staff under S-94-07 Cheviot Assemblage on February 11, 2009. The subdivision plat has been recorded (BM 2010 PG 84-93) all required right of way dedicated including tree conservation and stormwater detention areas and all stormwater documents have been recorded.

OFFICIAL ACTION: **Approval with conditions**

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

FINDINGS: The Planning Commission finds that this request, with the following conditions of approval below, conforms to Chapter 2, Part 10, Sections 10-2046 and 10-2132.2, Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/18/10, owned by MLC Automotive LLC, submitted by William G. Daniel & Associates.

ADDITIONAL NOTES:

The City Council approved the encroachment agreement for the private stormwater on October 7, 2009; Resolution 1996 -153.

The City Council approved the encroachment agreement for the landscape islands in the public right of way on June 1, 2010.

The entire site has completed the nitrogen buy down.

The cross access agreement between lots 6 & 7 have been recorded DB13965 PG 32 - 40 as required in S-94-07 and is required to be amended see condition #4 below.

Appendix A of the approved construction drawings has been revised and approved by the City Stormwater Engineers May 24, 2010. This revision allocates 9.44 acres of impervious to lots 6 & 7 which correspond to the impervious areas proposed on the site plan.

**VARIANCES /
ALTERNATES:** There is no variance request.

To PC: July 13, 2010

Case History:

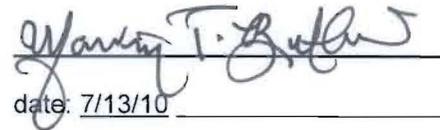
Staff Coordinator: Jacque Baker

Motion: Fleming
Second: Anderson
In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming, Harris Edmisten, Mattox,
Mullins, Sterling
Opposed:
Excused:

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

Signatures: (Planning Dir.)

(PC Chair)



date: 7/13/10

date: 7/13/10



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL:

Planning Commission Actions:

- (1) That the Planning Commission first finds that this site plan, with the conditions of approval being met, conforms the eight standards for site plan approval, code section 10-2132.2(d);

Administrative Actions:

Prior to issuance of building permits in the Inspections Department:

- (2) That a final detailed landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;
- (3) That a recombination plat be recorded to reconfigure the existing property line located between lots 6 & 7 as shown on the preliminary plan; and
- (4) That the existing cross access as recorded in DB13965 PG 32-40, be amended to reflect the newly recombined lot line between lots 6 & 7 as required above in condition number 3.

ZONING:

ZONING DISTRICTS: Industrial-1.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 153', rear yard = 198', front / rear aggregate = 351', side yard = 102', side yard = 23', side yard aggregate = 125'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 30'4".

PARKING:

Off-street parking conforms to minimum requirements: 77 spaces required, based on 1 parking space per 200 square feet of sales component; an additional 132 spaces are required based on 3 spaces per service bay. There are 44 bays. 739 spaces are provided (530 spaces for vehicle display and inventory storage) Lot 6 will have 382 parking spaces and lot 7 will have 359 parking spaces.

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 not required as the lot is encompassed by public streets and adjacent industrial land uses.

- TREE CONSERVATION:** A total of 10% is required and 19.63-acres has been recorded per S-94-07; BM 2009 PG 456-471. There are no tree conservation areas on lots 6 & 7.
- DEVELOPMENT INTENSITY:** N/A
- PHASING:** There are no phases in this development.
- UNITY OF DEVELOPMENT:** Unity of development and sign criteria is not required in this development.

COMPREHENSIVE PLAN:

GREENWAY: Greenway has been shown on lots 1 and 2 with the approval S-94-07 Cheviot Assemblage Subdivision. The greenway will be dedicated with the recording of each lot. A 10' greenway multi-purpose sidewalk has been installed along the north side of the entire length of Capital Hills Drive as part of phase 1 of the infrastructure for the development.

THOROUGHFARE / COLLECTOR PLAN: The required right of way has been approved and will be recorded in accordance of the conditions as written in S-94-07 Cheviot Assemblage Subdivision

TRANSIT: The required transit easement located on the site has been recorded in accordance with S-94-07; BM 2010 PG 83-94.

URBAN FORM: This site is located in the northeast CAC.
The following 2030 Comprehensive Plan policies would apply to this site:

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 7.6 – Pedestrian Friendly Development – new commercial developments and redeveloped commercial area should be pedestrian-friendly.

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:

<u>Comment</u>	<u>Response</u>
The committee recommends that the building be designed “in the round”, with all building facades exhibiting a like degree of detail and quality of materials as that facing Capital Boulevard.	The proposed building is the result of intense coordination between the developer of the site and representatives of the dealership. Features have been incorporated into the design to break up building mass, vary the architectural materials, and provide tasteful use of color for architectural interest—all within the parameters imposed by the dealership brand. We are proud of the building and the investment in the City that it represents. We respectfully request approval of the plan as submitted.
As was recommended for recent site plans on Cheviot Assemblage Lots 5 and 8, install a means of dimming pole-mounted lights after regular business hours, to reduce reflective upright and glare.	The Owner has considered the request of the Appearance Commission regarding the dimming of the parking and display lights after the close of business. Although the Owner sees the potential economic and aesthetic merit of maintaining a lower level of lighting during after business hours as compared to the levels required during business hours, the owner has concerns that reduced lighting levels could result in a lower level of security for the tremendous value of investment associated with maintaining the necessary inventory of automobiles. The proposed lighting plan meets all requirements of the City’s lighting ordinance, and our request is that the plan be approved as submitted
Install additional planting islands along the unbroken stretch of parking lot curbing facing Capitol Boulevard, to provide visual relief and reduce “heat island” effects.	The Owner has considered the request of the Appearance Commission related to installation of additional landscape islands along the frontage of Capital Blvd. Although the parking configuration and associated landscaping as submitted is in conformity to the City’s ordinances and standards, an additional landscape island occupied by evergreen shrubs has been added to the plan to break up the longest row of continuous parking spaces.

**SUBDIVISION
STANDARDS:**

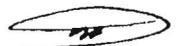
BLOCK LAYOUT: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this 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 disposal will be by private contractor. Location and design of collection facilities shall meet the standards in the Solid Waste Design Manual.
- CIRCULATION:** Existing street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Capital Hills Drive and Capital Connection Drive as approved under S-94-07.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures have been approved and recorded under S-94-07.
- Cheviot Assemblage lots 6 & 7 shares a constructed wetland approved under S-94-07 Cheviot Assemblage Stormwater Management plan dated 3/31/09. This preliminary plan indicates impervious area totals exceed the initially approved allocation. The appendix A of the approved Construction drawings has subsequently been revised to achieve agreement between the approved allocation and the amount of impervious area associated with the proposed site plan.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on lots 6 & 7.
- 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.

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

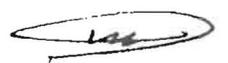
- a. The physical character of adjacent and surrounding roads;
The abutting sites are of comparable zoning. Proposed landscaping in accordance with City regulations is proposed along each of the two abutting streets.
- b. Nearby median openings or intersections;
Access to the site is via connections to Capital Hills Drive at existing median breaks. Additional right in/right out access is provided on Capital Connection Drive.
- c. The classification of roads and plans for future improvements;
Capital Hills Drive is a collector street, Capital Blvd is a major arterial. Extensive off-site roadway improvements are being constructed by the developer of the overall Cheviot project of which Lot 6,7 is a part.
- d. Proximity to pedestrian generators such as schools, transit facilities, parks and greenways;
The overall Cheviot project includes major greenway connections and routes within its landuse plan.
- e. The accident experience near the site;
Such information was taken into account in an extensive TIA conducted for the project as part of the permitting process.
- f. Bicycle, pedestrian and transit access and circulation;
Greenways, multi-purpose trails, and bus stops are included within the landuse plan of Cheviot.
- g. Traffic volumes existing and projected from approved site plans;
Such information was taken into account in an extensive TIA conducted for the project as part of the permitting process.
- h. Interference with any other driveway;
Project access is aligned with future accesses to undeveloped parcels within Cheviot.
- i. Response time of nearby emergency services such as fire and hospital; and
Response times to this site have been markedly improved as a result of the off-site and on-site roadway improvements undertaken as part of the Cheviot infrastructure.
- j. The character of the traffic to be generated from the site.
Such information was taken into account in an extensive TIA conducted for the project as part of the permitting process.

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



The site plan complies with all City plans and standards.

- (3) The plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:
(see below)
- a. Stormwater;
Overall stormwater plan was implemented as part of the Cheviot development of which this site is a part.
 - b. Air or water pollutant discharges,
Water quality is addressed within the overall stormwater management plan for Cheviot of which this site is a part.
 - c. Noise, light and odor;
The area is zoned industrial. The proposed uses are in conformity with all City standards related to noise and light. No manufacturing or industrial processes are proposed that would generate noxious odors.
 - d. Access to air and light;
The proposed building is a two-story building with ample setbacks. Access to light and air is quite adequate.
 - e. On and off-street parking;
Sufficient parking is provided as part of the plan.
 - f. Dust, smoke and vibration;
No manufacturing or industrial processes are proposed that would generate noxious odors, dust, smoke, or vibrations.
 - g. Hours of operation; and
Hours of operation are those normally associated with commerce activities and well within the expected hours of operation for the zoning of the site.
 - h. Site conditions that may foster unsafe or unlawful activities.
No such conditions are evident in the plan.
- 4) The plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:
The site is separated by Capital Blvd from the nearest residential development. The proposed low building height, streetscape treatment in accordance with City Code, the limitation of impervious area as per the approved stormwater management plan, as well as limitation of access to streets internal to the Cheviot development ensure that the proposed development will not be a detriment to the nearest residential development.
- a. Building scale;
(see above)
 - b. Architectural character;
(see above)
 - c. Landscaping;
(see above)
 - d. Amount and placement of impervious surfaces;



(see above)

- e. Placement of structures and vehicular surface areas; and
(see above)
- f. Orientation of uses and entranceways.
(see above)

(5) The site plan coordinates with existing and planned public facilities such as:

- a. Stormwater drainage structures;
BMPs are in place as constructed by the developer.
- b. Public utilities;
Public water and sewer facilities are in place as extended by the developer.
- c. Streets, sidewalks and on-street parking;
The street providing access to the site has been constructed by the developer as part of the Cheviot project. Sidewalks within the street r/w have been constructed. On-site parking is proposed as part of the site plan.
- d. Parks, greenways and recreational facilities;
Greenways have been dedicated and are being constructed by the developer in phases. The first (and major phase) of greenway construction has been completed along Capital Hills Drive connecting Durant Road and Gresham Lake Road.
- e. Fire stations and community service facilities;
Relationship to such facilities was taken into account in the review and approval of the Cheviot subdivision.
- f. Schools;
Relationship to such facilities was taken into account in the review and approval of the Cheviot subdivision.
- g. Trash collection; and
All trash collection is private.
- h. Transit facilities.
Transit considerations were taken into account in the review and approval of Cheviot S./D. Transit easements were dedicated in accordance with the City's requests.

(6) The plan provides for a unified development within the site and with adjoining properties when such properties are either:

The proposed site is a part of the overall Cheviot development. A coordinated infrastructure system with unifying elements of landscape buffers, greenways, stormwater management, and streetscape treatment ensures compatibility of the proposed use for this site with the existing and future uses that will be developed on the undeveloped sites within the overall project.

- a. Under similar ownership as the site,
(see above)
- b. Are being developed in a coordinated manner with the site, or,
(see above)



- c. The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access or signage will promote good order, convenience and safety.
(see above)

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

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

The site is in full compliance with not only the items mentioned above, but also the commitments and obligations associated with the approval and implementation of the Cheviot development.

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

The site is in full compliance.

Responses presented in **BOLD** above are provided by:



William G. Daniel, P.E.