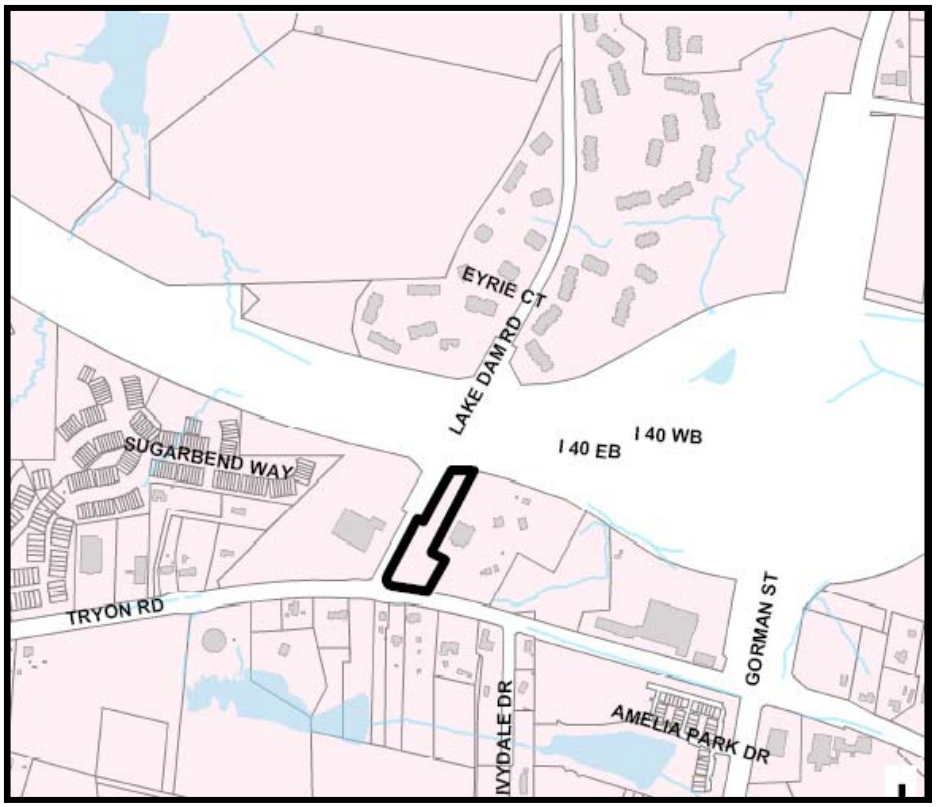
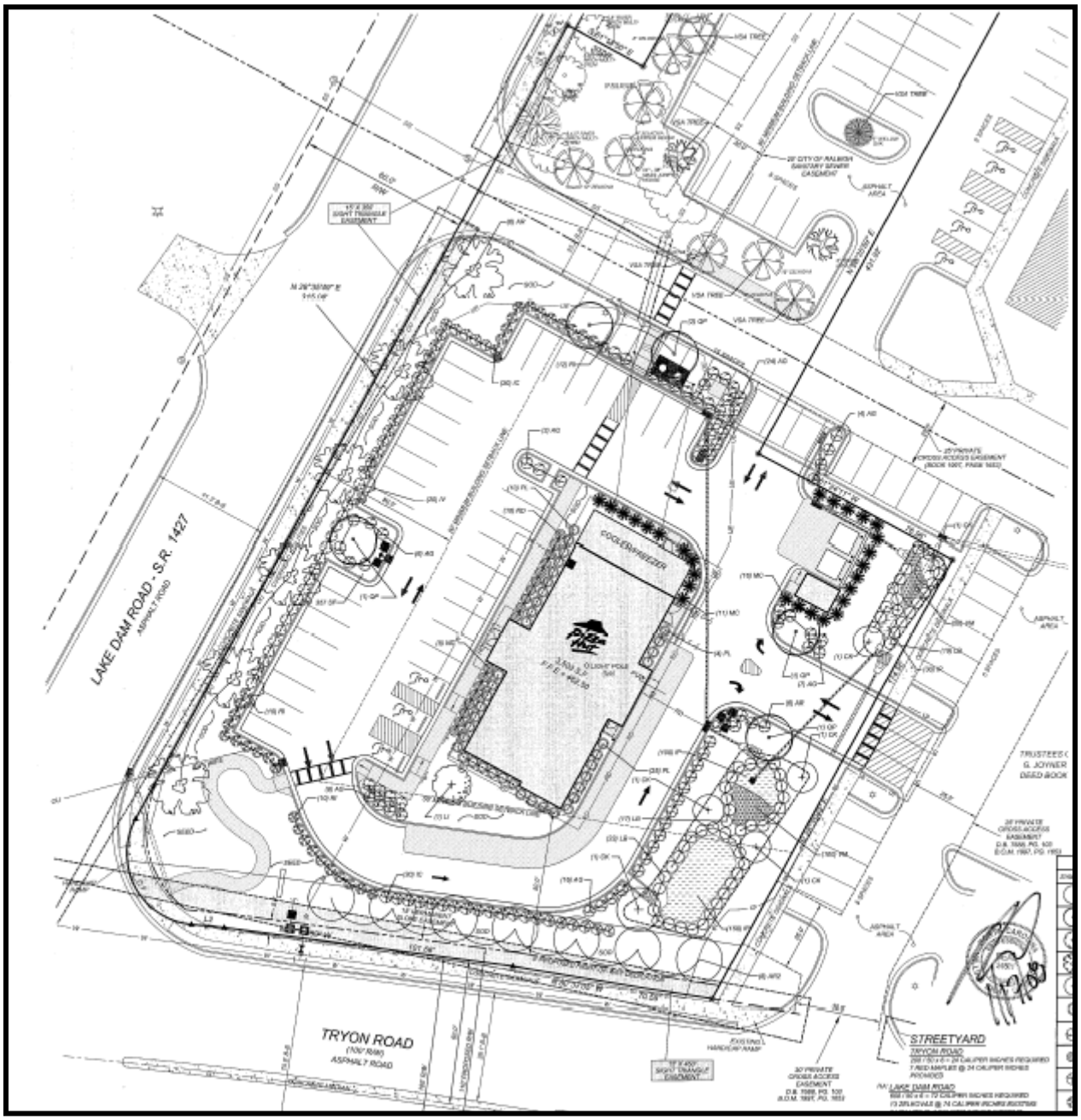
Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name:	**SP-56-07 / Pizza Hut Tryon Road**
General Location:	Northeast corner of intersection of Lake Dam Rd. and Tryon Rd.
Planning District / CAC:	Southwest / West
Nature of Case:	This request is to approve a 3,503 square foot retail building on a 2.01 acre site, zoned Industrial-1 and Special Highway Overlay District-1.
Key Issues:	As presented, staff finds that this plan conforms to Code standards and adopted land use policies.
Contact:	Jimmy Heizer

Vicinity Map




LAKE DAM ROAD - S.R. 1427
ASPHALT ROAD
TRYON ROAD
(100' R/W)
ASPHALT ROAD
COOLER/FREEZER
STREETYARD
TRYON ROAD
LAKE DAM ROAD
20' PRIVATE CROSS ACCESS EASEMENT
20' CITY OF RALEIGH SANITARY SEWER EASEMENT
ASPHALT AREA
VSA TREE
TRUSTEES OF G. JOYNER DEED BOOK

SUBJECT:	**SP-56-07 / Pizza Hut Tryon Road**
CROSS-REFERENCE:	S-97-96
LOCATION:	This site is located on the north east intersection with Tryon Rd. and Lake Dam Rd., inside the City Limits.
REQUEST:	This request is to approve a 3,503 square foot retail building on a 2.01 acre site, zoned Industrial-1 and Special Highway Overlay District-1. This is a retail use located within 400 feet of a residential use or zone.
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 conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2046, 10-2058, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 1.14.08, owned by Rage Inc., submitted by Commercial Site Design.
ADDITIONAL NOTES:	There are no additional notes for this plan.
To PC:	1.29.08
Case History:	
Staff Coordinator:	James Marapoti
Motion:	Davis
Second:	Haq
In Favor:	Anderson, Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, Harris Edmisten, Mullins, Smith
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: 1/31/08 date: 1/31/08

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That a sidewalk be added linking this site with Lake Dam Rd. from the existing private drive;

Administrative Actions:

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

(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;

(4) 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;

Prior to Planning Department authorization to record lots:

(5) That a tree conservation map be recorded with metes and bound 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;

(6) That 1/2'-110' in width of right of way and a 15' slope easement along Tryon Rd. be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;

(7) That as volunteered by the applicant that signage shall be limited to low profile design and a final signage plan shall be approved by the Inspections Department;

(8) That as volunteered by the applicant that full-cutoff lighting fixtures will be utilized and a final lighting plan shall be approved by the Site Review Specialist in the Inspections Department;

Prior to issuance of building permits in the Inspections Department:

(9) That a sidewalk be added linking this site with Lake Dam Rd. from the existing private drive;

ZONING:

ZONING DISTRICTS: IND-1, SHOD-1

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 52', rear yard = 475', front / rear aggregate = 527', side yard = 73', side yard aggregate = 153'. This plan conforms to maximum height standards in this zoning district, proposed height is 22'.

PARKING: Off-street parking conforms to minimum requirements: 37 spaces required, based on 1 parking space per 35 s.f. of public floor area. 36 spaces are provided but the applicant is entitled to a ten percent reduction in the number of off-street parking spaces pursuant to section 10-2082.6(c)(6) due to provided landscaping or 33 parking spaces required. The parking area on the subject lot north of the private cross access easement may not be used by Pizza hut in that this parking area has been reserved for the exclusive use of the adjacent lot pursuant to that Declaration of Easement recorded in BK 7688 PG 0103, Wake Registry. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Existing SHOD-1 protective yard landscaping fulfills the requirements of 10-2058. Vehicular surface area landscaping is in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Transitional protective yards are not required since similar adjacent uses exist.

TREE CONSERVATION: There are only 0.11 acres of trees (5.5% of the site area) which can be utilized to comply with tree conservation area requirements; these trees are located in a primary tree conservation area.

UNITY OF DEVELOPMENT: Not required.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Tryon Rd.	½ 110'	N/A	15'

Sufficient right of way and road construction exists along Lake Dam Rd. Additional right-of-way to be dedicated is reimbursable under the facility fees program.

TRANSIT: Not required.

URBAN FORM: The site is within a Neighborhood Focus in the Southwest Planning District which allows for retail.

APPEARANCE COMMISSION: The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
1. Clad cooler in material(s) used elsewhere on the building.	Cooler materials to match building
2. Site sign should be of low-profile, ground-mounted design.	Site plan is specifying low-profile sign.
3. Break up the broad expanse of parking on the west side of the building by adding at least one tree planting area (min. 350 sf). Explore options for adding more trees in the Tryon Road street yard as well.	Applicant added an island with plantings to break up parking.
4. Given the corner exposure of the site, only install pole-mounted lighting of full-cutoff configuration (e.g., shoebox fixtures).	Applicant complied with new detail fixtures.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: Not applicable.

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 is to be provided by private contractor.

CIRCULATION: No street improvements necessary for this project. There is an existing 25' private access easement through the site (BOM 1997 PG 1653, DB 7688 PG 103) which serves to link Lots 1, 2 and 3.

PEDESTRIAN: Existing sidewalks along Tryon Rd. and Lake Dam Rd conform to City regulations. A sidewalk is proposed linking the proposed use with the public sidewalk.

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

STORMWATER MANAGEMENT: The preliminary site plan meets the provisions of Part 10, Chapter 9 of the Raleigh City Code. Stormwater quality control will be met through the use of a bio-retention area and offset fees paid to the NCEEP. The site will comply with stormwater quantity control provisions under 10-9023(a) because the increase in peak stormwater runoff will be detained to pre-development conditions for the two and ten-year storm using the bioretention area. There are no riparian buffers or floodplain areas located on the property.

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.