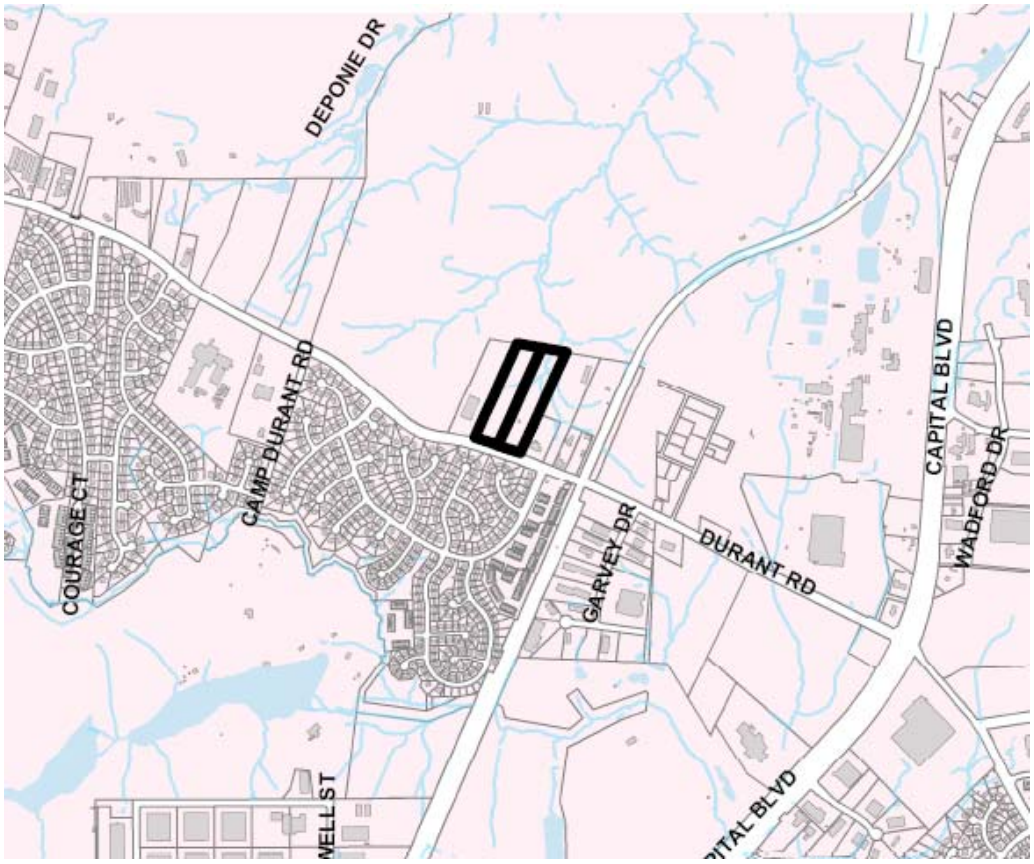
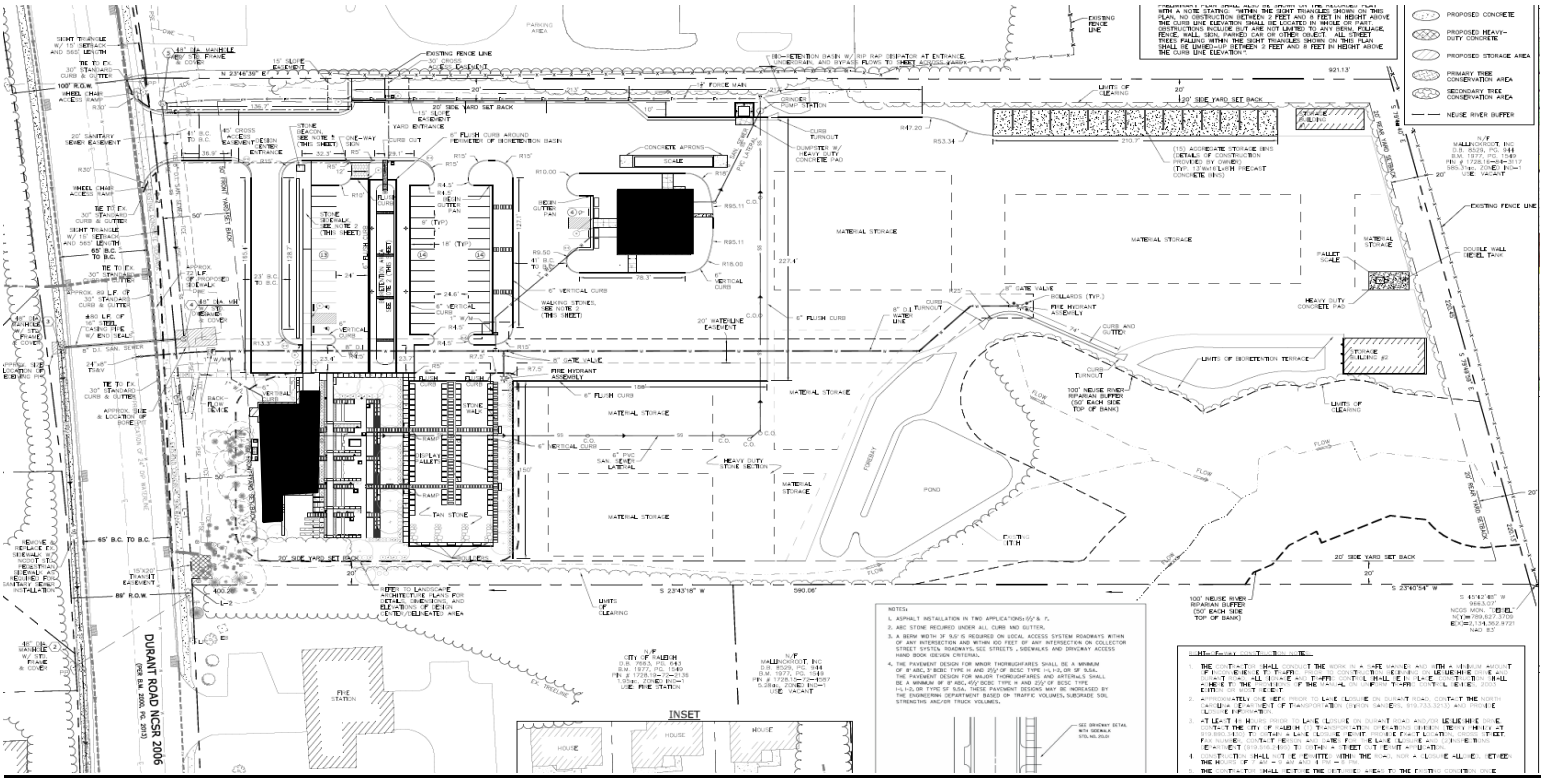
Certified Action
of the City of Raleigh Planning Commission

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

Case File / Name:	**SP-59-07/ Luck Stone Raleigh ASD**
General Location:	Leslieshire Drive and Durant Rd.
Planning District / CAC:	North/ North
Nature of Case:	This request is to approve a site plan composed of a retail design center and contractor sales use totaling 10,108 square feet on a 9.38 acre site, zoned Industrial-1. This site was recently recombined into one tract. This site is a retail use located within 400 feet of a residential use or zone.
Key Issues:	As presented, staff finds that this plan conforms to Code standards and adopted land use policies.
Contact:	Stuart Little



Vicinity Map



Proposed Plan

SUBJECT:	**SP-59-07/ Luck Stone Raleigh ASD**
CROSS-REFERENCE:	Not applicable
LOCATION:	This site is located near the intersection of Leslieshire Drive and Durant Rd., outside the City Limits.
REQUEST:	This request is to approve a site plan composed of a retail design center and contractor sales use totaling 10,108 square feet on a 9.38 acre site, zoned Industrial-1. This site was recently recombined into one tract. This site 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 being met, conforms to Chapter 2, Part 10, Sections 10-2046 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/12/08, owned by Luck Stone Corporation, submitted by Timmons Group.
ADDITIONAL NOTES:	There are no additional notes for this plan.
To PC:	9/23/08
Case History:	
Staff Coordinator:	James Marapoti
Motion:	Haq
Second:	Bartholomew
In Favor:	Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Holt, 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: 9/25/08 date: 9/25/08

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That the hours of operation for this business in regard to truck traffic for delivery and receipt of goods be restricted to between 7:00 am and 8:00 pm and that no outdoor cutting or grinding of stone is allowed on site;

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 prior to issuance of grading permit;

(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;

(5) That all best management practices (BMP's) proposed to meet Part 10, Chapter 9 of The Raleigh Code of Ordinances must meet all criteria of the NCDENR BMP Manual as Adopted October 1, 2007;

Prior to issuance of building permits in the Inspections Department:

(6) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating: "The areas shown on the

recorded plat identified as Neuse River Riparian Buffer shall be maintained in their natural or mitigated condition, No person or entity shall fill, grade, excavate, or perform any other land-disturbing activities; nor engage in any tree disturbing activity as defined In Raleigh City Code Part 10 Chapter2; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259).";

(7) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;

(8) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas. Tree conservation shall be in compliance with Code section 10-2082.14;

(9) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;

(10) That a 30' wide offer of cross-access easement and construction easement between the subject property and the lot to the north DB 2204 PG 646 be recorded in the Wake County Registry, and that a recorded copy of these offers of cross access easement be returned to the Planning Department within 14-days of recording. If a copy of this recorded offer of cross access is not provided to the Planning Department within the 14 day period, further building permit authorization may be withheld;

(11) That a 15 x 20 foot transit easement located on Durant Rd. be approved by the Transit Planner in the Public Works Transportation Department, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds Office. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of 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 construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;

(13) That as restricted by the Planning Commission, the hours of operation for this business in regard to truck traffic for delivery and receipt of goods be restricted to between 7:00 am and 8:00 pm and that there be no outdoor cutting or grinding of stone on the site. These restrictions shall be labeled on the site plan set prior to building permit issuance.

ZONING:

ZONING DISTRICTS: Industrial 1

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 50', rear yard = 25', front / rear aggregate = 75', side yard = 25', side yard aggregate = 70'. This plan conforms to maximum height standards in this zoning district, proposed height is 37'.

PARKING: Off-street parking conforms to minimum requirements: 37 spaces required, based on 1 parking space per 200 square feet for retail. 46 spaces are provided.

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 shown in compliance with City standards in the following locations:

Location	Yard type required	Width proposed
South	Type D	25'
North	Type D	25'

TREE CONSERVATION: This site is 9.39 acres, 10% area is required or 0.93 acres. This site is dedicating 0.94 acres utilizing primary and alternate tree conservation.

DEVELOPMENT INTENSITY: Not applicable in Industrial zoning district.

UNITY OF DEVELOPMENT: Not applicable.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Adequate right of way and constructed road width exist along Durant Rd.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 1- 15 x 20 foot easement is proposed along Durant Rd. on the southern portion of the tract.

URBAN FORM: This site is located in the North Planning District in an area designated for employment uses that consists largely of a mix of industrial and office uses. It is also within the limits of the Capital Boulevard Corridor Plan that recommends industrial uses for the site.

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

Comment	Response
1. Explore options for strengthening the visual presence of the main door.	The visual presence of the main door is strengthened by providing a driveway access with a linear tree corridor on each side of the drive leading to the entrance. The visual presence of the entrance sequence is strengthened even more with the datum wall that also parallels the drive and ties into the main entrance.
2. Provide direct ADA-compliant access to the property from the sidewalk along Durant Road.	An ADA compliant access is proposed to access the building from Durant Road.

SUBDIVISION 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. This site plan is proposing an off-site sewer which will be entirely within public right of way.

SOLID WASTE: Individual lot service by private contractor.

CIRCULATION: This site plan is required to dedicate a 30' cross access easement to the tract to the north and physically construct to the property line.

PEDESTRIAN: Plan is proposing to construct a sidewalk linking the design center to Durant Rd.

FLOOD HAZARD: There are no flood hazard 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 by City Code Part 10 Chapter 9. Site is proposing to meet the nitrogen requirements of part 10, chapter 9 through the use of a wet pond, three bioretention basins and a one time buydown payment to NCEEP. Water quantity requirements are being met through the use of the wet pond.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are present and shall be shown on all plats for recording.

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.