



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-1-13 / Family Dollar Mitchell Mill Road

General Location: Located on the south side of Mitchell Mill Road, east of the intersection of Forestville Road.

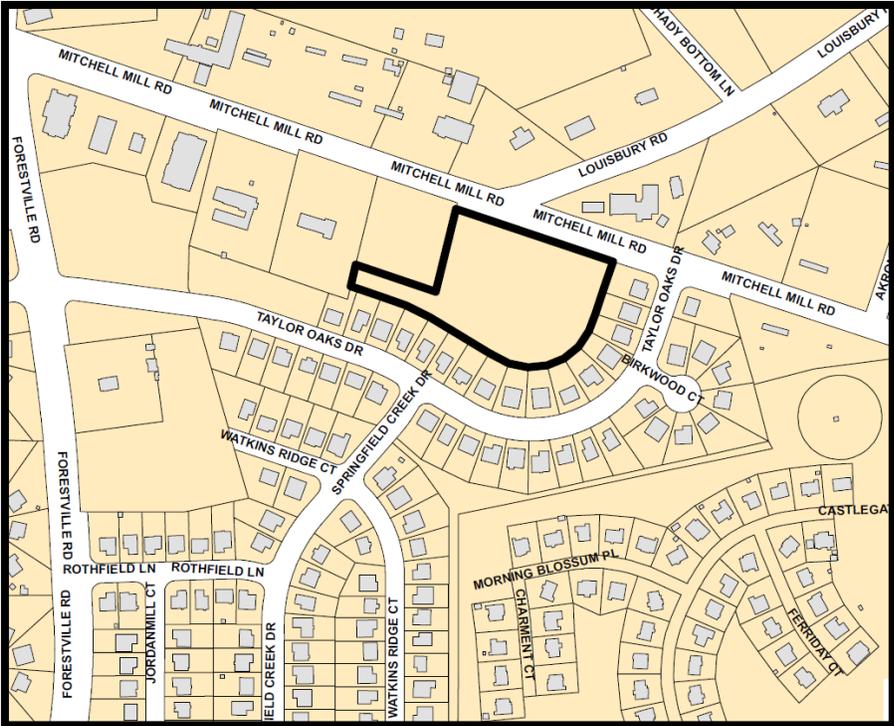
Owner: Sambrick Commercial Realty, LLC
Designer: Triangle Site Design, PLLC

CAC: Forestville

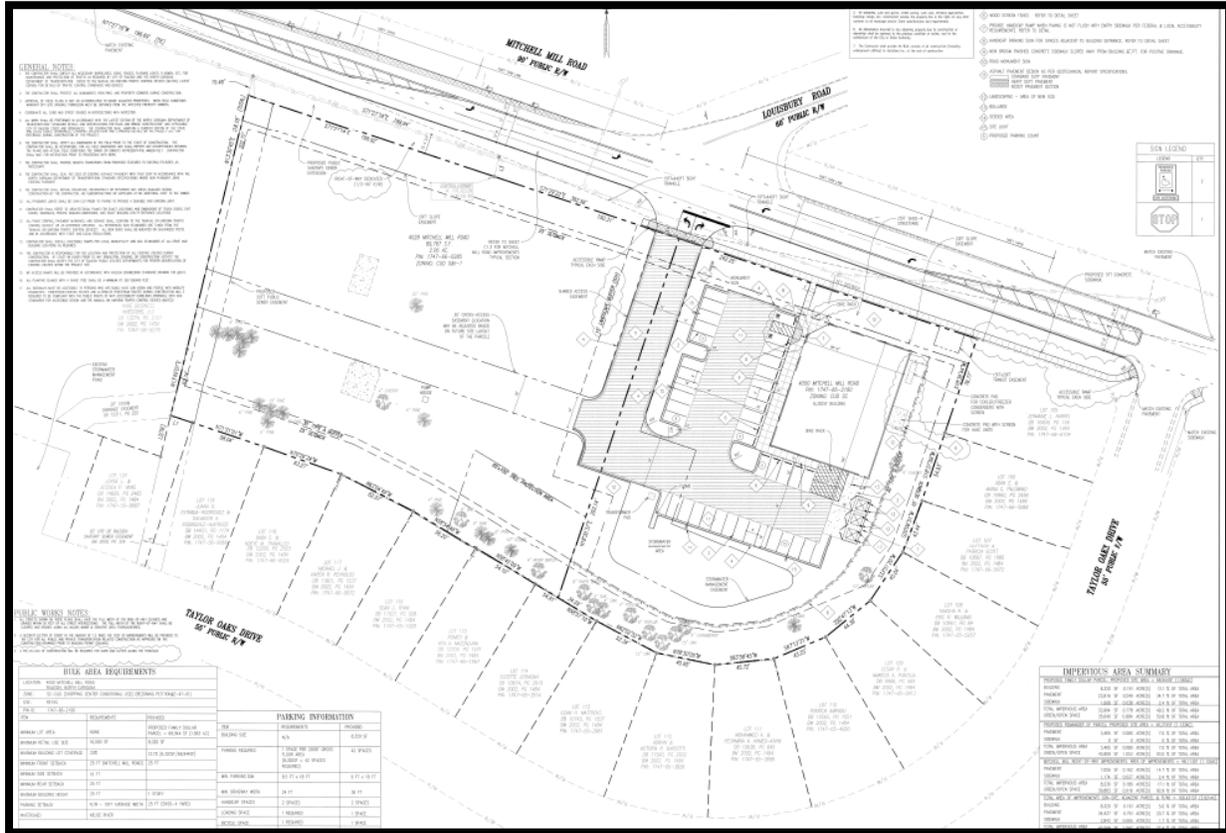
Nature of Case: The construction of an 8,320 square foot retail sales establishment on a 1.58 acre parcel zoned Shopping Center CUD. Planning Commission approval is required because the proposed retail use is within 400' of a residential use.

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

Contact: Matt Lowder, Triangle Site Design



SP-1-13 / Family Dollar Mitchell Mill Road – Location Map



SP-1-13 / Family Dollar Mitchell Mill Road – Site Plan

SUBJECT: SP-1-13 / Family Dollar Mitchell Mill Road

CROSS-REFERENCE: Z-47-01

LOCATION: This site is located on the south side of Mitchell Mill Road, east of its intersection with Forestville Road, outside the City Limits.

REQUEST: This request is to approve a 8,320 square foot retail establishment on a 1.58 acre site, zoned Shopping Center CUD. This site is 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 with the following conditions of approval being met, this request conforms to Chapter 2, Part, 10, Sections 10-2041 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/16/13, owned by Sambrick Commercial Realty, LLC, submitted by Triangle Site Design, PLLC.

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

VARIANCES / ALTERNATES: N/A

To PC: June 11, 2013

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Butler

Second: Buxton

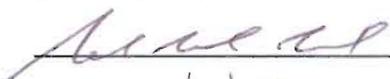
In Favor: Braun, Butler, Buxton, Fleming, Edmisten, Fluhrer, Mattox, Schuster,
Sterling Lewis and Terando

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: 6/11/13

(RC Chair)



date: 6/11/13



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);

Administrative Actions:

Prior to issuance of a grading permit upon site review for the site:

- (2) 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;
- (3) That a nitrogen payment must be made to a qualifying mitigation bank;
- (4) That prior to the issuance of a grading permit, the final tree protection plan must be approved by the Forestry Specialist in the Development Services Department. A tree protection fence shall be located around the critical root zones of all protected trees being used as credit located in the transitional protective yard. The tree protection fence must be located by the field and inspected by the Forestry Specialist;

Prior to issuance of building permits:

- (5) That ½ of a 90' right-of-way with a 20' slope easement be dedicated on Mitchell Mill Road and be shown on all maps for recording;
- (6) That infrastructure drawings be approved by the Public Works Department and Public Utilities Departments;
- (7) 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;
- (8) 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;

- (9) That a fee-in-lieu for the construction of ½-65' roadway section with curb and gutter and ½-5' sidewalk from the drive opposite Louisbury Road to the west property line of Tract 1 be paid to the Public Works Department;
- (10) That a cross access agreement between the subject parcel, lot 1, (deed book 14594 Page; Pin Number 1747663190) and the parcel to the adjacent west, lot 2, (Deed Book 14594 PG 0262; Pin number 1747661230) be recorded;
- (11) 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;
- (12) That unity of development guidelines for 2 tracts (lot 1 - deed book 14594 Page 0262; Pin Number 1747663190 and lot 2 Deed Book 14594 PG 0262; Pin number 1747661230) and sign criteria for this entire development are established and approved by the Planning Director;
- (13) That a deed is recorded for the construction of an off-site sidewalk easement on the property to the adjacent east (Deed Book 10608 PG 0156);
- (14) That an off-site landscape easement deed be approved by the City Attorney on the parcel to the adjacent west DB 14594 PG 0262; Pin Number 1747663190 and recorded be recorded;
- (15) That the property owners shall prepare a transit easement deed approved by the City Attorney measuring fifteen (15') feet by twenty (20') feet at a location along Mitchell Mill Road approved by City of Raleigh transportation services. The transit easement shall be recorded with the Wake County Register of Deeds Office, and a recorded copy of the transit easement deed shall be present to the Planning Department prior to issuance of a building permit;
- (16) That all conditions of Z-47-01 are satisfied; and

Prior to issuance of an occupancy permit:

- (9) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

ZONING:

**ZONING
DISTRICTS:**

Z-47-01 Mitchell Mill Road. Ordinance (2002) 171 ZC 513 Effective 3/5/02.

Z-47-01 Mitchell Mill Road, south side, east of Forestville Road, being Wake County PIN 1747.66-2190. Approximately 2.7 acres rezoned to Shopping Center Conditional Use.

Conditions dated: (02/27/02)

- a. Reimbursement for future right-of-way dedication shall be based on R-2 zoning.

Reimbursement will be at the R-2 rate.

- b. Uses shall be limited to those allowed within the Neighborhood Business zoning district, except the following uses, which shall be prohibited::

1. Auto service and/or repair facility,
2. Bar, nightclub, tavern, lounge, adult establishment,
3. Landfill (debris from onsite),
4. Parking lot, deck, garage including motor pool,
5. Emergency shelter Type B,
6. Telecommunications tower,
7. Airfield, landing strip, and heliport,
8. Riding stable,
9. Correctional/penal facility,
10. Outdoor stadium, outdoor theater, or outdoor racetrack,
11. Carwash,
12. Businesses of any kind with a drive-through, except banks, drug stores, dry cleaners, ice cream store, or doughnut store.

Proposed use is retail

- c. No buildings will be more than two stories, or 25 feet, in height.

Proposed building height is 24'

- d. At the time of initial site plan approval, recombination, or subdivision approval, an offer of reciprocal pedestrian and vehicular cross-access will be made to the abutting property to the west (PIN 1747 66 0285), currently owned by James E. Shearin, and the property to the south (PIN 1747 54 6698) owned by Crossman Communities of N.C., Inc.

Cross access is being proposed

- e. A minimum 25-foot street yard will be provided and maintained along Mitchell Mill Road for new development, planted to SHOD-4 standards.

A 25' SHOD-4 yard is proposed along Mitchell Mill Road

- f. All refuse containers and mechanical equipment will be fully screened from public view and the adjacent properties, and the screening will be of a design and materials compatible with those of the principal building.

A 30' Type B Transitional protective yard and 6' fence will be constructed to screen refuse containers from the single-family residences to the adjacent east.

- g. New buildings will be residential in scale and character, designed with an exterior primarily consisting of wood or wood-like siding, or brick; and have pitched roofs (6:12 minimum), with all elevations displaying the same quality of design and materials. No buildings shall be constructed with vinyl or metal siding. At the time of initial site plan approval or subdivision, whichever shall first occur, unity of development criteria shall be established assuring complimentary architectural style, addressing construction materials, color scheme, roof materials, and landscaping for buildings.

The building will have a pitched roof of 6:12 and be constructed of brick

- h. Maximum building lot coverage shall not exceed 20% for one story structures, and 15% for structures of two stories.

Building lot coverage is 12%

- i. There will be no more than 10 residential dwelling units per acre on this site.

Proposed tract is a nonresidential use

- j. Any free-standing signs on the property will be low-profile designs.

Signage will be low profile

- k. At the time of initial site plan approval, the property owners shall make available to the City and easement for a transit stop measuring fifteen (15') feet by twenty (20') feet at a mutually agreeable location along Mitchell Mill Road.

A 15'x20' transit easement is proposed along Mitchell Mill Road

- l. The front yard setback between any buildings and Mitchell Mill Road shall not exceed 25 feet and no parking shall be permitted in this area.

No parking is proposed within 25' of Mitchell Mill Road

- m. The facades or any buildings located 25 feet or less from Mitchell Mill Road shall face the street and have at least one entrance on the street side with a sidewalk connection to the public sidewalk in the right-of-way.

Building is located further than 25' feet from Mitchell Mill Road. A sidewalk connects the building to the Public Sidewalk along Mitchell Mill Road.

- n. Where there is a conflict between the approval processes described in the Shopping Center zoning district and the Neighborhood Business zoning district, the more restrictive approval process shall apply.

The proposed use is a retail use within 400' of a residential use, Planning Commission approval is required.

- o. Initial site plans for all non-residential uses shall require review of the Raleigh Planning Commission as in the same manner as set forth in Raleigh City Code Section 10-2132.

The proposed use is a retail use within 400' of a residential use, Planning Commission approval is required.

- p. In order to encourage vertical and horizontal mixed use in the Wake Crossroads area, no retail use shall exceed 16,000 square feet except that any retail use may increase its square footage on a 1:1 ratio with non-retail land uses (i.e. retail land uses may add one square for every square foot on non-retail land use under common ownership or located on the same site at the time of development). For purposes of this section, "non-retail land uses" are defined as office uses, institutional uses, residential uses, personal service retail uses (including personal service and beauty shops, nail/manicure services, and barber shops in addition to the code definition) and all other uses not designated as "retail sales" uses in the Table of Permitted Uses, Section 10-2071 of the City of Raleigh zoning code. No more than 20,000 square feet of retail land uses shall be permitted on this site.

Proposed retail use is 8,320 square feet.

- q. The pedestrian-friendly streetscape in the Wake Crossroads area shall include the following elements: (1) upon development, plantings meeting the requirements of a SHOD-4 shall be installed along thoroughfares, (2) sidewalks shall be a minimum of 5 feet in width, (3) the area where public sidewalks cross private driveway accesses shall be constructed of the same material as the sidewalk (subject to approval of the material by the Raleigh Department of Transportation), and (4) sidewalks shall connect main entrances to the public sidewalk located in the right-of-way.
 - **SHOD-4 plantings are proposed**
 - **Sidewalks are 5' in width**
 - **Concrete sidewalks are proposed where sidewalks and driveways meet.**
 - **Private sidewalks connect the building to the public sidewalk on Mitchell Mill Road.**

- r. At the time of site plan approval, recombination or subdivision approval, whichever shall occur first, that a north-south pedestrian connection (minimum of 5 feet in width) with streetscape improvements from Mitchell Mill Road south to PIN 1747 54 6698, along property PIN 1747 66 0285, will be provided. A building with public entrance shall front the pedestrian connection

The parcel with the pin number 1747546698 was recombined with a single-family residential lot. This zoning condition does not apply.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 25', rear yard = 130', front / rear aggregate = 155', side yard = 195' & 75', side yard aggregate = 265'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 24'.

PARKING:

Off-street parking conforms to minimum requirements: 42 spaces required, based on 1 parking space per 200 square feet of floor area gross. 42 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:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
East Property Line	Type B	30'
South Property Line	Type B	30'
West Property Line	½ Type B (off-site)	15'

TREE CONSERVATION:

The site is less than two acres in size; compliance with Code Section 10-2082.14 is not required. No trees exist along the thoroughfare therefore no natural protective yard is required.

DEVELOPMENT INTENSITY:

There are no floor area maximums in the Shopping Center Zoning District.

PHASING:

There is one phase in this development

UNITY OF

DEVELOPMENT: Unity of development and sign criteria are required in this development based on Z-47-01. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots. Sign criteria is to be approved by the Inspections Department prior to permit issuance.

**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:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Mitchell Mill Road	½ - 90'	symmetrical turn lanes left turn lanes EB/WB	20'

Additional right-of-way to be dedicated above ½-60 feet is reimbursable under the facility fees program (Z-47-01(a) requires reimbursement to be based on R-2 zoning). Off-site improvements are reimbursable, including the 5' offsite sidewalk connecting to Taylor Oaks Drive. Reimbursement application must be made by the developer within two years of right-of-way and slope easement dedication and within two years of acceptance of roadway improvements.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: A 15' x 20' easement has been provided along Mitchell Mill Road. This site is presently not served by the existing transit system; however zoning condition (k) requires a 15' x 20' easement.

**COMPREHENSIVE
PLAN:**

This site is located in the Northeast Citizen Advisory Council, in an area designated as neighborhood mixed-use. The following Comprehensive Plan Policies Apply:

- Policy LU 4.5 Connectivity
- Policy LU 7.6 Pedestrian Friendly Development
- Policy T 5.1 Enhancing Bike/Pedestrian Circulation
- Policy T 5.2 Incorporating Bicycle and Ped. Improvements
- Policy T 5.3 Bicycle and Pedestrian Mobility
- Policy T 5.5 Sidewalk Requirements
- Policy T 5.9 Pedestrian Networks

**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>
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The Commission suggests that applicant to include additional windows on Mitchell Mill Road building elevation	The store needs the wall space for shelving, coolers, etc which does not allow enough room to add additional windows.
The Commission recommends applicant to consider ways to provide greater screening of the mechanical and HVAC equipment with materials that are complementary to the building colors and design and additional vegetative screening. Use of one 6' fence to screen all mechanical units is another suggestion to help mitigate noise to neighboring residential properties	One continuous fence can be used to hide all mechanical units. The fence would be located along the edge of the required buffer which contains a 6' high fence and plantings. No additional plantings should be required along the mechanical unit fence.
The Commission encourages the use of a greater variety of landscape species, as well as a more consistent and uniform pattern for planting	The transitional protective yard contains 3 types of shrub species - Azalea - India Hawthorn - Glossy Abelia
The Commission recommends the applicant to consider the potential location of future buildings on the parcel to the west when locating driveway stub, as proposed location may not allow flexibility for future development to the west	The stubbed driveway was relocated further south on the site
The Commission recommends the applicant to incorporate additional landscaping and streetscape elements, such as bike racks, benches and/or other street furniture, in front of the building on Mitchell Mill Road near the building entrance	A bicycle rack was added near the entrance of the building.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: The proposed 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.

SOLID WASTE: Individual lot service to be provided by private contractor.

CIRCULATION: Proposed street improvements are constructed per NCDOT requirements for a left-turn lane each side of the intersection with Louisbury Road / site driveway. The City will be widening Mitchell Mill Road as a Capital Improvement project in the future (unfunded at this time) and will not require full street improvements

along the frontage of Mitchell Mill Road at this time. Cross Access between the subject parcel, lot 1, (deed book 14594 Page; Pin Number 1747663190) and the parcel to the adjacent west, lot 2, (Deed Book 14594 PG 0262; Pin number 1747661230) be recorded prior to building permit issuance.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations along the frontage of the Family Dollar site. A sidewalk connection off-site is being provided to Taylor Oaks Drive.

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 (a bio-retention pond) is shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.

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.