



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-13-13 / Family Dollar at Lake Wheeler

General Location: East side of Lake Wheeler Road north of its intersection with Tryon Road.

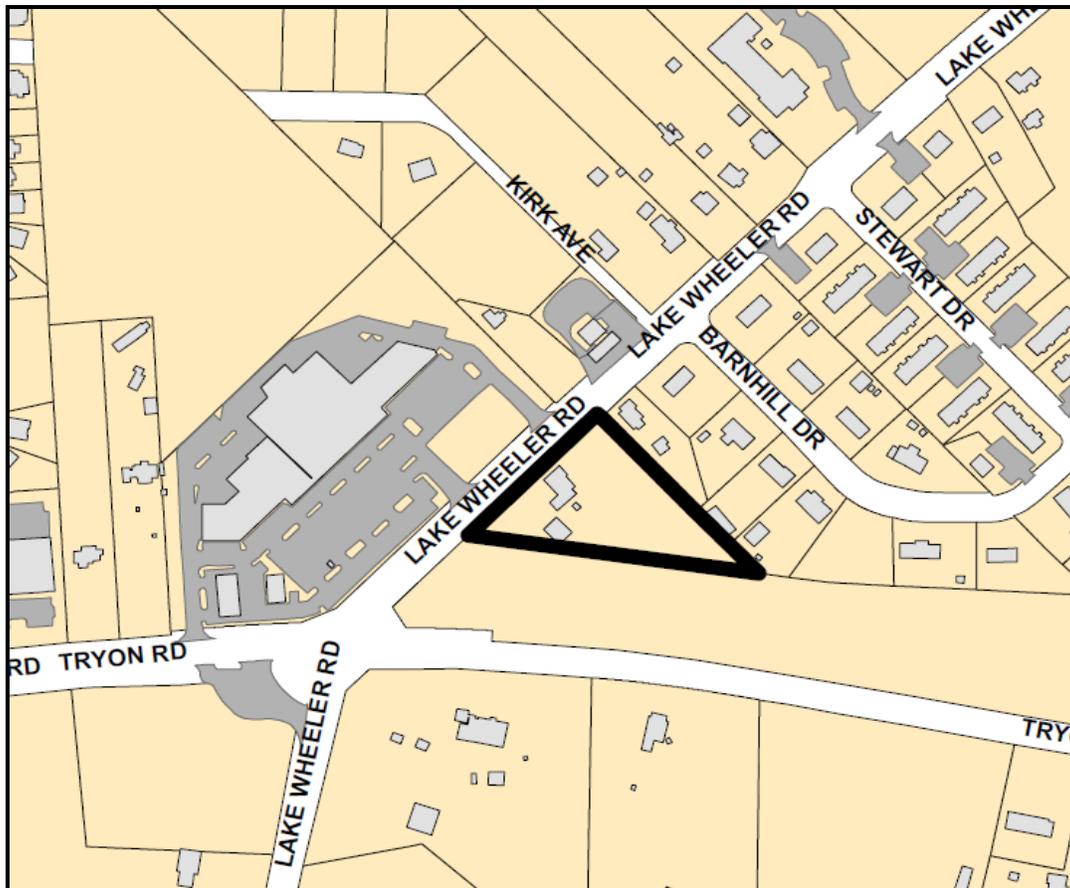
Owner: Crosland Southeast
Designer: Withers and Ravenel

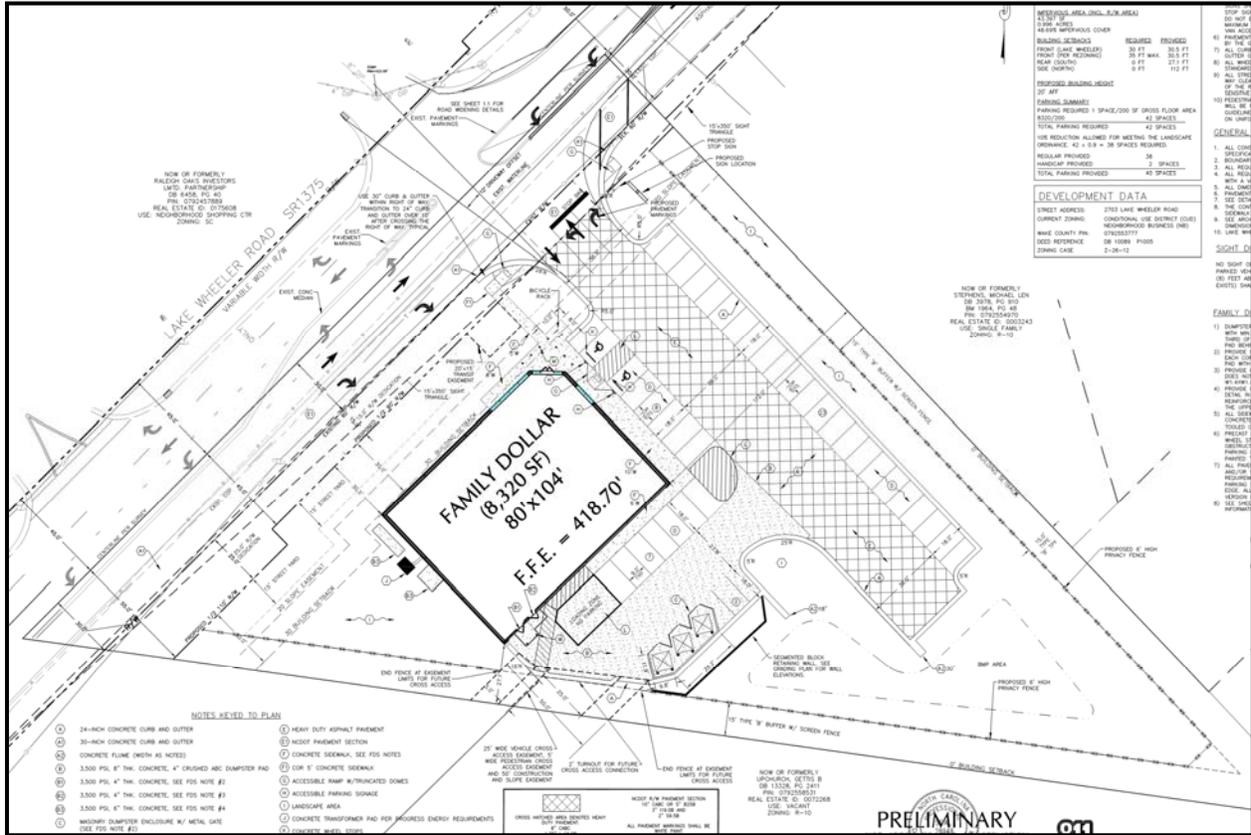
CAC: Southwest

Nature of Case: Construction of an 8,320 square foot retail store on a 2.05 acre property zoned Neighborhood Business Conditional Use. The proposed development is a commercial use within 400' of residential uses, therefore requiring Planning Commission approval.

Key Issues: Requested alternate means of compliance for required Transitional Protective Yards.

Contact: Daniel Miller, Withers and Ravenel





SUBJECT: SP-13-13 / Family Dollar at Lake Wheeler

**CROSS-
REFERENCE:** N/A

LOCATION: East side of Lake Wheeler Road north of its intersection with Tryon Road.

REQUEST: Construction of an 8,320 square foot retail store on a 2.05 acre property zoned Neighborhood Business Conditional Use, located inside the city limits. The proposed development is a commercial use within 400' of residential, therefore requires Planning Commission approval.

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 10-2042 and 10-2132.2 (d) and to Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/25/13, owned by Crosland Southeast, submitted by Daniel Miller.

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

**VARIANCES /
ALTERNATES:** This plan includes requested reduction in width for the required Transitional Protective Yards with alternate means of compliance to include the construction of a closed fence with plantings per Code.

To PC: September 10, 2013

Case History: N/A

Staff Coordinator: Stan Wingo

Motion: Lyle

Second: Buxton

In Favor: Braun, Buxton, Fluhrer, Lyle, Mattox, Schuster, Sterling Lewis, Swink and Terando

Opposed: xxxxx

Excused: xxxxx

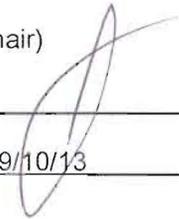
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)



date: 9/10/13

(PC Chair)



date: 9/10/13



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);
- (2) That the Planning Commission approves the requested alternate means of compliance for the Transitional Protective Yards on the northern and southern property lines showing 15 foot wide protective yards with closed wooden fence and plantings in accordance with Code section 10-2082.9(g)
- (3) That the developer install different varieties of red maples throughout landscape plan;
- (4) That the developer use wood material for the closed fence along the northern and southern property lines;
- (5) That the developer include a brick water table along the rear façade of the building;

Administrative Actions:

Prior to issuance of land disturbance permits upon site review:

- (6) 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;
- (7) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (8) That the developer shall show how the proposed bioretention cell meets all design criteria of the NCDENR BMP manual at time of grading permit.

Prior to approval of construction drawings for public or private improvements:

- (9) 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 issuance of building permits:

- (10) That construction drawings are approved by the Public Works and Public Utilities Departments;
- (11) 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 owner. The private drainage easements shall tie to the public right of way.":
- (12) 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;
- (13) That an offer of cross access easement as shown on the preliminary plan, to the adjacent property to the south, DB 13328, PG 2411 be recorded and a copy provided to the Planning Department prior to permit issuance.
- (14) That right-of-way and slope easements be dedicated to the City of Raleigh as shown on the preliminary plan and a copy of the recorded map be provided to the Planning Department prior to permit issuance;
- (15) That a fee-in-lieu for the construction of curb and gutter and ½ of a 5' sidewalk along the frontage of Lake Wheeler Road be paid to the Public Works Department;
- (16) 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 Lake Wheeler 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;
- (17) That the final site plan show conformance with all conditions of rezoning case Z-26-12.
- (18) That a security (letter of credit) in the amount of 1.5 times the cost of improvements will be provided to the City of Raleigh for all public improvements;

Prior to issuance of a certificate of occupancy:

- (19) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.
- (20) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

ZONING:

ZONING

DISTRICTS: Neighborhood Business Conditional Use (Z-26-12)

Z-26-12 – Lake Wheeler Road, Conditional Use – located on the east side of Lake Wheeler Road, north of its intersection with Tryon Road being Wake County PIN(s), 0792-55-3777. Approximately 1.71 acre(s) rezoned from Office and Institution -1 Conditional Use to Neighborhood Business Conditional Use.

Conditions Dated: 09/13/12

Narrative of conditions being requested:

As used herein, the “Property” means and refers to that certain tract or parcel of land containing approximately 1.71 acres, located near the intersection of Lake Wheeler Road and Tryon Road, in the City of Raleigh, NC, and having Wake County Parcel Identification Number: 0792-553777 (Deed Book 10089, Page 1005).

(a) The following uses shall be prohibited on the Property:

- adult establishment
- hotel/motel
- bar, night club, tavern, lounge
- riding stable
- automotive service and repair facility
- emergency shelter type A and emergency shelter type B
- landfill, all types
- mini-warehouse storage facility
- special care facility
- telecommunication tower of all heights
- kennel/cattery
- sorority and fraternity house
- apartments
- townhouse developments
- parking facility, principal use
- transitional housing, except supportive housing residence
- correctional penal facility
- eating establishment with drive-thru

Applicant has met zoning condition.

(b) All exterior lighting installed after the effective date of this rezoning shall be full cutoff (shielded) design and directed away from any adjacent residential uses.

Applicant has met zoning condition.

(c) Prior to the issuance of any building permit or subdivision of the rezoned land, whichever occurs first, an offer of cross-access, both vehicular and pedestrian shall be provided to the property to the south (Wake County Parcel Identification Number: 0792558531, Deed Book 13328, Page 2411).

Applicant has met zoning condition.

(d) Maximum building height shall be two stories or thirty (30) feet.

Applicant has met zoning condition.

(e) Developer will construct a closed fence at least six feet (6') in height along the northern property line of the Property, adjacent to those parcels with Wake County Parcel Identification Numbers 0792-55-4970 (Lot 12 on BM 1964, PG 48), 0792-55-6861 (Lot 9 on BM 1964, PG 48) and 0792-55-7734 (Lot 8 on BM 1964, PG 48). The closed fence shall be constructed and completed prior to the issuance of a certificate of occupancy.

Applicant has met zoning condition.

(f) Prior to subdivision of the Property or the issuance of a building permit for the Property, whichever shall occur first, a transit easement measuring twenty (20) feet along Lake Wheeler Road by fifteen (15) feet shall be granted to the City pursuant to a transit easement deed approved by the City Attorney and recorded in the Wake County Registry.

Applicant has met zoning condition.

(g) The amount of floor area gross for commercial uses shall not exceed 17,100 square feet. If the property is subdivided, then prior to plat recordation a declaration of land use allocation, approved by the City Attorney, shall be prepared and recorded in the county register of deeds office allocating the 17,100 square feet of floor area gross.

Applicant has met zoning condition.

(h) Any drive thru window may not be located on an exterior building wall facing the Lake Wheeler Road right-of-way.

Applicant has met zoning condition.

(i) Any loading area shall be located on the side or rear of the principal building, but in no event shall any loading area face the Lake Wheeler Road right-of-way.

Applicant has met zoning condition.

(j) For any principal building developed on the Property, the primary vertical material of the building facade facing Lake Wheeler Road shall be 100% brick materials and glazing (except for minor architectural and structural elements and signage). The side walls of any principal building shall consist of at least 60% brick materials.

Applicant has met zoning condition.

(k) For any principal building developed on the Property, the exterior wall facing Lake Wheeler Road shall have a minimum 25% transparency measured between 0 feet and 12 feet above the adjacent sidewalk.

Applicant has met zoning condition.

(l) Any principal building developed on the Property shall have a maximum front yard setback of 35 feet measured from the front wall of conditioned space to the Lake Wheeler Road right-of-way as it now exists or may exist in the future.

Applicant has met zoning condition.

SETBACKS /

HEIGHT:

This plan conforms to all minimum setback standards. Front yard (30' min) = 30', rear yard (0' min) = 27', and side yard (0' min) = 27' and 112'. This plan conforms to maximum height standards in this zoning district of 30' (Z-26-12). Proposed height of the building is 20'.

PARKING:

Off-street parking conforms to minimum requirements: Development proposes 8,320 square feet of retail, which requires one (1) parking space per 200 square feet. A total of 42 parking spaces are required, and 40 parking spaces are proposed. A 10% parking reduction is allowed in accordance with Code

section 10-2082.6 which would lower the required number of spaces to 38 total 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. Proposed retail use is considered a medium impact use adjacent to Low Density Residential; which requires a Type B Transitional Protective Yard. Applicant proposes an alternate means of compliance with a reduction in the required Transitional Protective Yard with the construction of a closed fence along the northern and southern property lines in accordance with Code section 10-2082.9(g) 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>
Northern Property Line	Type B	15'
Southern Property Line	Type B	15'

TREE CONSERVATION: This project does not contain wooded areas that would qualify for tree conservation.

PHASING: There is one phase in this development.

UNITY OF DEVELOPMENT: N/A

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>
Lake Wheeler variable (½ 110' then ½ 90')		N/A	20'

Proposed right-of-way and slope easement dedication is reimbursable per City Code.

TRANSIT: This site is presently served by CAT route 7L. The City of Raleigh CAT Short Range Transit Plan and the Wake County 2040 Transit Plan both anticipate

continued service to this area. A 15'x20' transit easement will be dedicated with this development in conformity with zoning condition letter F of Z-26-12.

COMPREHENSIVE

PLAN:

The site is located within Southwest CAC, in an area designated Neighborhood Mixed Use on the Future Land Use Map.

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

- LU 2.2 – Compact Development
- LU 4.9 – Corridor Development
- LU 5.1 – Reinforcing the Urban Pattern
- LU 5.2 – Managing Commercial Development Impacts
- LU 5.6 – Buffering Requirements
- LU 7.1 – Encouraging Nodal Development
- LU 7.4 – Scale and Design of New Commercial Uses
- LU 7.6 – Pedestrian Friendly Development
- LU 10.6 – Retail Nodes
- T 5.1 – Enhancing Bike/Pedestrian Circulation
- T 5.2 – Incorporating Bicycle and Pedestrian Improvements
- UD 2.2 – Multi-modal Design
- UD 2.4 – Transitions in Building Intensity
- UD 3.7 – Parking Lot Placement

**HISTORIC /
DISTRICTS:**

The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District.

**APPEARANCE
COMMISSION:**

The Appearance Commission reviewed this proposal on August 1st, 2013 and had the following comments:

- The Commission commends the applicant on the landscaping plan, underscoring the importance of screening of this site. The Commission also suggests a different choice of red maple rather than October glory due to root constraints, and also suggests increasing the variety of evergreens (similar size and screening). **Applicant has not addressed.**
- The Commission suggests the use of a wood fence for screening. **Fence shown on plans.**
- The Commission suggests the addition of a brick water table on the rear elevation. **Applicant has not addressed.**

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT:

No new streets are required or proposed.

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:

Solid Waste Service will be provided by private contractor.

- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** Plans show sidewalk connection from building to the right-of-way. A fee-in-lieu of sidewalk construction along Lake Wheeler Road is to be paid prior to building permit issuance.
- 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 are 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.