



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-14-13 / Tryon Square

General Location: North side of Tryon Road east of its intersection with Lake Dam Road.

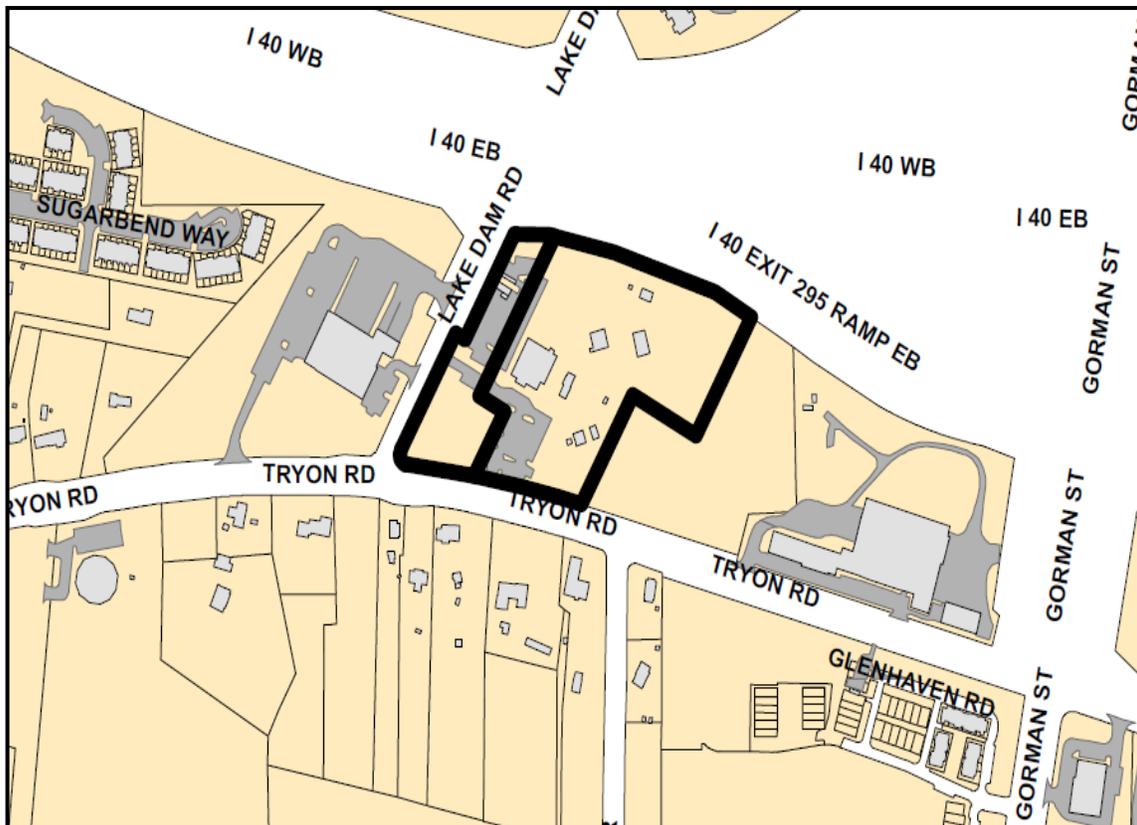
Owner: Eagles Enterprises, LLC
Designer: Watson Land Design

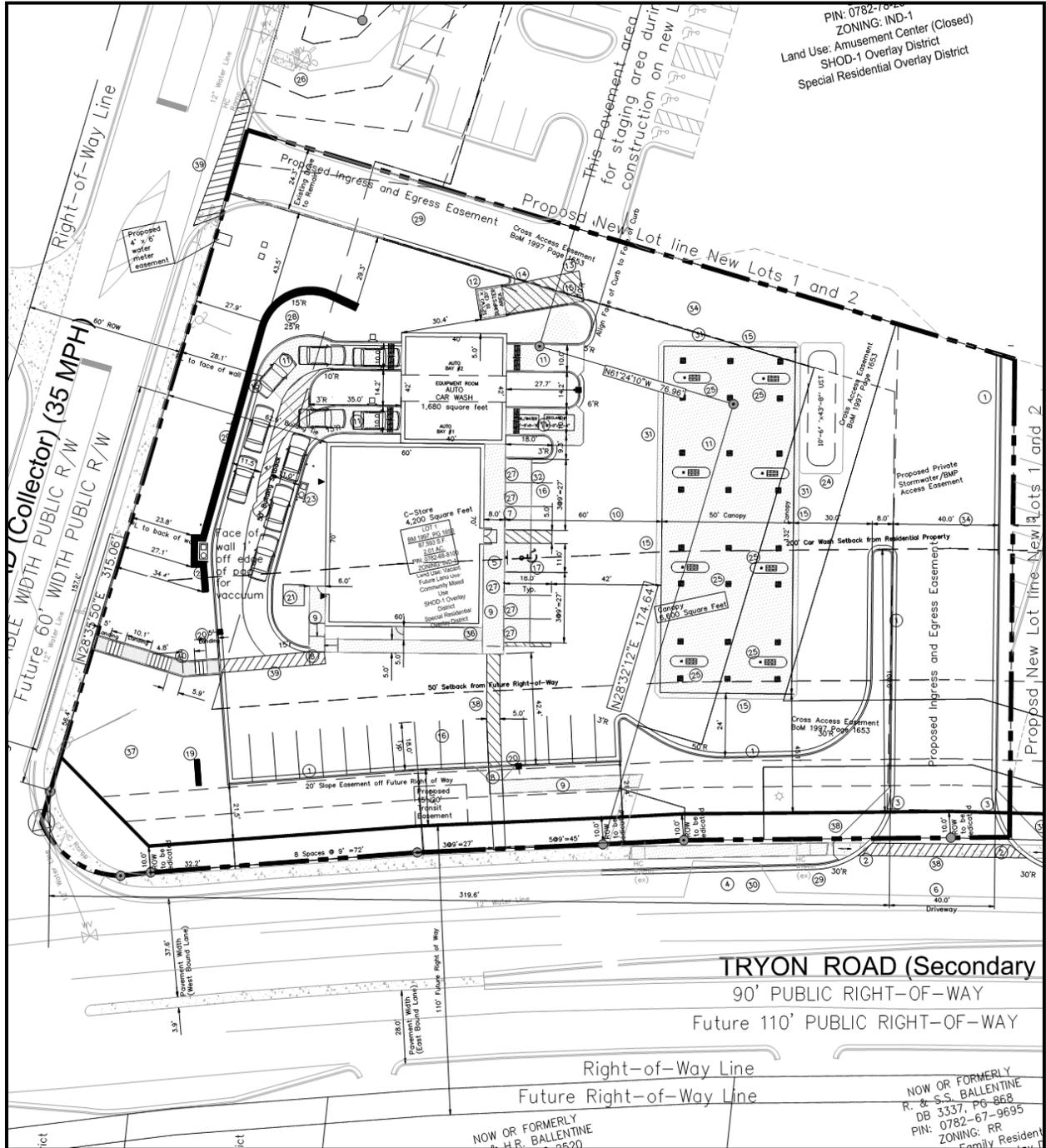
CAC: West

Nature of Case: Construction of a 4,200 square foot convenience store with gasoline sales on a 1.79 acre property zoned Industrial-1 with Special Highway Overlay District-1. The proposed development is a commercial use within 400' of residential, therefore requires Planning Commission approval.

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

Contact: Ray Watson, Watson Land Design





SUBJECT: SP-14-13 / Tryon Square

**CROSS-
REFERENCE:** N/A

LOCATION: Located north of Tryon Road east of its intersection with Lake Dam Road.

REQUEST: Construction of an 4,200 square foot convenience store with gasoline sales on a 1.79 acre property zoned Industrial-1 with Special Highway Overlay District-1, 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 10-2046, 10-2058 and 10-2132.2 and to Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/29/13, owned by Eagles Enterprises, LLC, submitted by Ray Watson.

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

**VARIANCES /
ALTERNATES:** N/A

To PC: September 10, 2013

Case History: N/A

Staff Coordinator: Stan Wingo

Motion: Swink
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.)	(PC Chair)
		
	_____	_____
	date: 9/10/13	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);

Administrative Actions:

Prior to issuance of land disturbance permits upon site review:

- (2) Tryon Road is a NCDOT-maintained facility & is subject to state approval and permitting for any access point locations and/or encroachments. An approved NCDOT Driveway permit for access onto Tryon Road must be submitted to City staff for City review and approval prior to final "sign off" of mylar construction drawings.
- (3) 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;
- (4) That as existing trees along Tryon Road will be within the proposed right-of-way to be dedicated, a revised landscape plan be approved showing street protective yard plantings on site along Tryon Road frontage in accordance with code sections 10-2082.5 , 10-2058 and 10-2082.12;

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

- (5) 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:

- (6) That BMP's must be shown in private drainage easements with access to public right-of-way;
- (7) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (8) That 10' in width of right of way and 20' slope easement along Tryon Road be dedicated to the City of Raleigh and a copy of the recorded map

be submitted to the Planning Department prior to issuance of building permits;

- (9) 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;
- (10) 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."
- (11) That a recombination map be recorded recombining the existing parcels into the configuration as shown on the preliminary plan;
- (12) That as existing trees along Tryon Road will be within the proposed right-of-way to be dedicated, a revised landscape plan be approved showing street protective yard plantings on site along Tryon Road frontage in accordance with code sections 10-2082.5, 10-2058 and 10-2082.12;
- (13) That all NCDOT driveway and/or encroachment permits must be obtained prior to building permit issuance. Building permits will not be issued until NCDOT has approved encroachment permits and/or driveway permits and the City has received a copy;
- (14) That the property owner shall prepare a transit easement deed approved by the City Attorney measuring fifteen (15') feet by twenty (20') feet at a location along Tryon 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. The transit easement was voluntarily offered by the applicant.

ZONING:

ZONING DISTRICTS: Industrial-1 with Special Highway Overlay District-1

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard (50' min) = 55', rear yard (0' min) = 50', corner side yard (50' min) = 63' and side yard (0' min) = 195'. This plan conforms to maximum height standards in this zoning district of 50'. Proposed height of the building is 24'.

PARKING: Off-street parking conforms to minimum requirements: Development proposes 4,200 square feet of retail, which requires one (1) parking space per 200 square feet. A total of 21 parking spaces are required, and 23 parking spaces are proposed.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 and Section 10-2082.12 is shown along Lake Dam Road frontage. Existing trees which currently meet code standards are also along Tryon Road frontage; however, with right-of-way dedication the existing trees will lie within the public right-of-way. Therefore, new tree plantings along Tryon Road shall be required in accordance with code. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. All adjacent parcels bordering the property are zoned Industrial-1. Transitional Protective Yards are not required with this development.

TREE CONSERVATION: This project is less than two acres in size, and does not contain areas that would qualify as 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 Construct</u>	<u>Slope esmt.</u>
Tryon Road	Dedicate - 10' or 1/2 of 90'	20'

TRANSIT: This site is not presently served by the existing transit system, however the site is within the CAT Short Range Transit Plan and the Wake County 2040 Transit Study area. A 15'x20' transit easement will be dedicated with this development.

COMPREHENSIVE PLAN:

The site is located within the West CAC, in an area designated Community 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 5.2 Managing Commercial Zoning Impacts
- LU 7.1 Encouraging Nodal Development
- LU 7.4 Scale and Design of New Commercial Uses
- LU 10.6 Retail Nodes
- UD 2.4 Transitions in Building Intensity

**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 July 18th, 2013 and had the following comments:

- The Commission suggests the incorporation of durable materials as used on the front and side facades into the rear façade, as well as the incorporation of additional articulation of the rear facade. This could be accomplished by extending the brick base used on the side facades to the rear façade. Applicant has incorporated into plan.
- The Commission suggests the further incorporation of the pedestrian path leading to Lake Dam Road into the overall site circulation plan. Applicant has incorporated into plan.
- The Commission suggests the addition of crosswalks across all driveways. Applicant has incorporated into plan.
- The Commission suggests diversifying the plant palette. Applicant has included in revised plan.

**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 provide by a contractor.

CIRCULATION:

Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN:

Existing and proposed sidewalk locations conform to City regulations. A sidewalk is required along Tryon Road and Lake Dam Road.

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. The project is proposing to utilize an underground pipe detention to attenuate the 2-year and 10-year peak flow rates to pre-development conditions. An underground sand filter will be utilized to reduce nitrogen loading rates below 10 lbs/ac/yr in order to utilize the nutrient offset payment option.

**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.

