



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-18-12 / Sheetz at Millbrook

General Location: Located on the southwest quadrant of East Millbrook Road and Green Road.

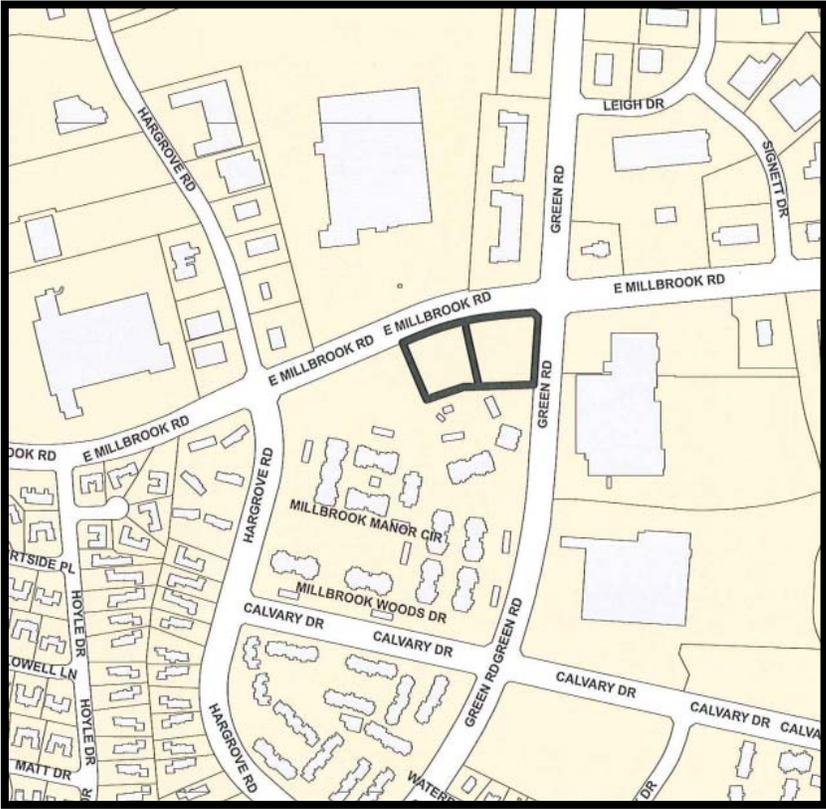
Owner: Sheetz, Inc.
Designer: Pabst & Hilburn, PA

CAC: Atlantic

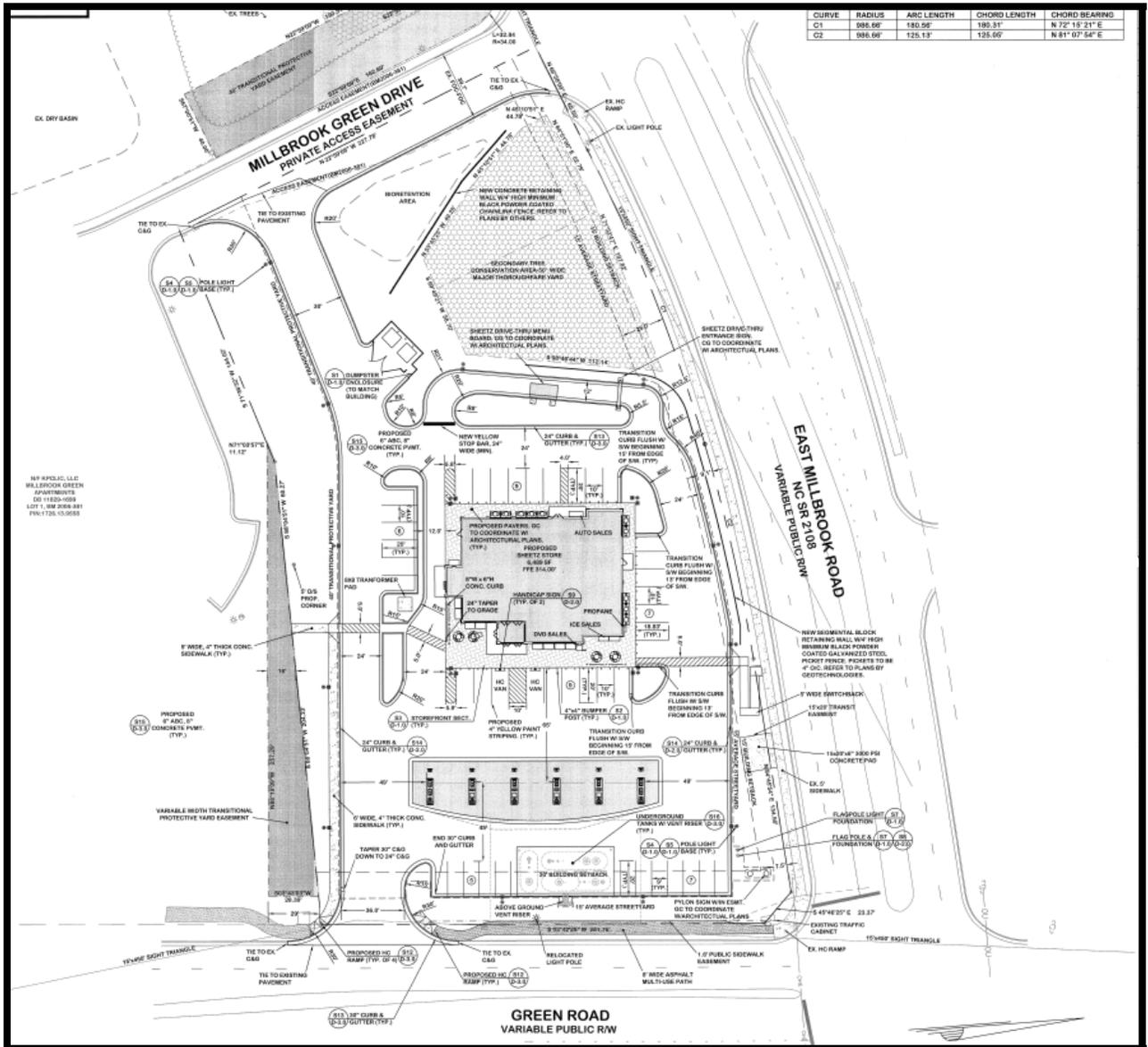
Nature of Case: The request is to approve a 6,489 square feet convenience store/eating establishment with drive-thru and 6 gas islands under a canopy located on a 2.646 acre site, zoned Neighborhood Business CUD.

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

Contact: Pabst & Hilburn, Inc



SP-18-12 Sheetz at Millbrook – Location Map



SP-18-12 Sheetz at Millbrook – Site Plan

SUBJECT: SP-18-12 / Sheetz at Millbrook

**CROSS-
REFERENCE:** Z-66-97

LOCATION: This site is located on the south side of East Millbrook Road, west of its intersection with Green Road, inside the City Limits.

REQUEST: This request is to approve a 6,489 square feet convenience store/eating establishment with drive-thru and 6 gas islands under a canopy located on a 2.646 acre site (the two existing parcels will be recombined into one parcel), zoned Neighborhood Business CUD. This requires Planning Commission approval because the proposed use is a retail use within 400' of a residential use.

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, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/25/12, owned by Sheetz Incorporated, submitted by Pabst & Hilburn.

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

**VARIANCES /
ALTERNATES:** N/A

To PC: August 14, 2012

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Terando

Second: Haq

In Favor: Butler, Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis, Terando

Opposed:

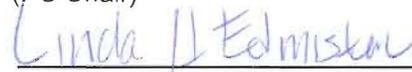
Excused:

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.)

date: August 14, 2012

(PC Chair)



date: August 14, 2012



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL: Planning Commission Actions:

- (1) That three Inverted U bicycle racks are added to the site plan;

Administrative Actions:

Prior to issuance of any grading 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;

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

- (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;
- (5) That prior to the issuance of a grading permit a recombination map be recorded recombining the existing lots into a single tract;

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

- (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;

Prior to issuance of building permits:

- (7) That the City Attorney approve a public sidewalk easement deed for any portion of the public sidewalk along Green Road located within private property;
- (8) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (9) That a 15x20 foot transit easement located on East Millbrook Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot 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;
- (10) That prior to issuance of building permits the developer will make a contribution of twenty-four percent (24%) of the initial construction cost of all stormwater control device(s) to the City in accordance with City Code 10-9027;
- (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 property owner/owner's association." , and
- (12) That an off-site landscape easement deed be approved by the City Attorney on the east and north property line of DB 11829 PG 1699 consistent with what is was approved on the preliminary plan and that the approved easement be recorded in the Wake County Registry;

Prior to issuance of a occupancy permit:

- (13) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028; and
- (14) That at least three bicycle racks are installed on the site

ZONING:

**ZONING
DISTRICTS:**

Neighborhood Business CUD. Ordinance (1997) 208 ZC 421 Effective 10/8/97.

Z-66-97 Green Road, west side, bordered by Millbrook Road, Hargrove Road and Calvary Drive. Approximately 15.8 acres rezoned to Office and Institution-2 Conditional Use and Neighborhood Business Conditional Use.

Conditions: (7-17-97)

For the purposes of these conditions, the portions of the tax map parcels listed in Schedule 2 attached hereto and proposed for rezoning in the case are referred to as the "Property".

1. Any development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission, which deals with the control of stormwater.

2. No single business establishment located upon the Property shall exceed 60,000 square feet floor area gross.

Proposed square footage is 6,489

3. Vehicular access to the property shall include the construction of a driveway which shall traverse the property from Millbrook Road to Green Road and shall align with existing median openings in such roadways.

The driveway (Millbrook Green Drive) is constructed. Cross access will be recorded.

4. Reimbursement for future right-of-way dedication affecting the Property shall be based on Office and Institution District-1 values.

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards.

Building

Front yard = 160', rear yard = 240', front / rear aggregate = 400', side yard = 68' and 91', side yard aggregate = 159'. This plan conforms to maximum height standards in this zoning district of 40'. Proposed height of the building is 24' 7".

Canopy

This plan conforms to all minimum setback standards. Front yard = 70' from canopy supports, rear yard = 370' from canopy supports, front / rear aggregate = 440' from canopy supports, side yard = 70' from canopy supports, side yard aggregate = 145'.

This plan conforms to maximum height standards in this zoning district of 40'. The proposed height of the gas canopy is 24'7".

PARKING:

Off-street parking conforms to minimum requirements: 43 spaces required, based on 1 parking space per 35 square feet floor area for public space (restaurant with a drive-thru) and 1 space per 200 square feet of floor gross area (retail sales). 43 spaces are provided. 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. 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>
West (off-site)	Type A	40'
South (off-site)	Type A	40'

**TREE
 CONSERVATION:**

This project is required 10% or 0.2646 acres for tree conservation. This project has dedicated 0.2649 acres which is broken into:

Primary: 0.0 acres
 Secondary: 0.2649 acres – Major Thoroughfare yard

**DEVELOPMENT
 INTENSITY:**

There is no floor area ratio or building lot coverage maximums in this zoning district.

PHASING:

There is one phase with this development.

**UNITY OF
 DEVELOPMENT:**

Unity of development and sign criteria do not apply.

**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>
Green Road	N/A	8' asphalt multi-use path	N/A

TRANSIT:

The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement located on East Millbrook Road.

**COMPREHENSIVE
 PLAN:**

The site is located within the Atlantic CAC, and is designated "High Density Residential" on the future land use map. That category envisions apartment or condominium development of up to 28 units per acre, with retail uses limited to ground-floor spaces. However, the site's Neighborhood Business zoning permits exclusive retail use of the site, such as the highway retail, convenience retail, and eating establishment proposed. The proposed plan is in conformance with the Comprehensive Plan.

Staff has reviewed the following Comprehensive Plan policies in relation to the proposal:

- LU 4.5 Connectivity

- LU 5.1 Reinforcing the Urban Pattern
- LU 7.4 Scale and Design of New Commercial Uses
- LU 7.6 Pedestrian Friendly Development
- EP 5.4 Tree Selection
- EP 8.1 Light Pollution
- EP 8.4 Noise and Light Impacts
- UD 2.2 Multi-modal Design

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 has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
Create/ expand sidewalk area at northeast corner of building to provide additional outdoor dining space and a more inviting arrival for pedestrians walking from E. Millbrook Road [commensurate with Code Sec. 10-2132.2(d)(1)(d)].	Applicant will provide a more appealing pedestrian experience by providing 5 tables w/ awnings along the northern side of the building.
Given visibility of north elevation to street (and pedestrian access there), break up expanse of wall: more vertical articulation; add actual windows; wrap an awning around NE corner of building to cover partially an expanded outdoor dining area [commensurate with Code Sec. 10-2132.2(d)(1)(k)].	Applicant provided articulation to the northern elevation and added awnings over the service door and "faux windows."
Diversify plant selections in transitional protective yard to create more of native woodland feel [commensurate with Code Sec. 10-2132.2(d)(1)(k)].	Applicant diversified the plant selections as requested.

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 shall conform to normal City construction standards.

The site will utilize Millbrook Green Drive, common access easement (BM 2006 PG 381 and 382 and Deed Book 11829 PG1722) as access the site.

PEDESTRIAN: A 5' sidewalk exists along Millbrook Road. An 8' multi-use path is proposed along Green Road. Private sidewalks connect the public right-of-way to the front door of the building. In addition, a private sidewalk connects the front door of the building to the adjacent parcel to the south.

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. This development plan proposes to use an underground detention facility to attenuate the post-development peak discharge rates to pre-development conditions for the 2 year and 10 year storm events. A Bioretention basin and one time mitigation payment to the NCEEP are proposed to negotiate targeted stormwater runoff pollutants to the State's thresholds for the Neuse River Basin.

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.