



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-29-12/ Sunnybrook Rd. Gas Station

General Location: Intersection of Rock Quarry Rd. and Sunnybrook Rd.

Owner: Earth Petroleum VI Inc.

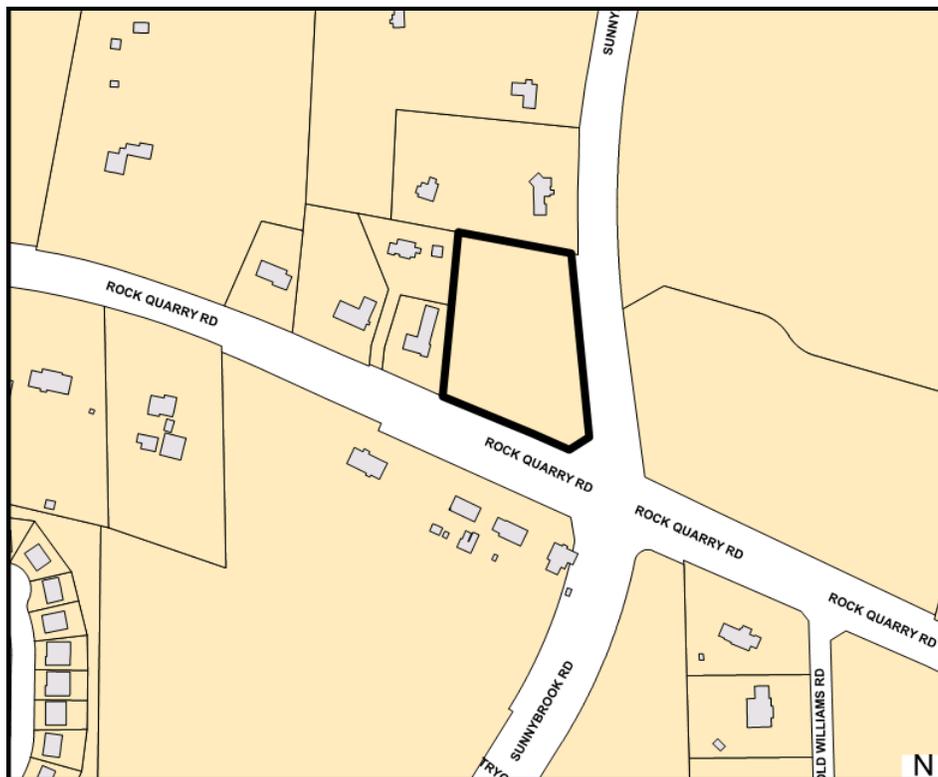
Designer: Bass, Nixon & Kennedy, Inc.

CAC: South

Nature of Case: This request is to approve a single story retail use of 6,000 square feet with a 6 gas pump canopy. The retail use is composed of a 4,000 square foot gas station/convenience store and a 2,000 square foot restaurant. This site plan is situated on a 1.96 acre site, zoned Neighborhood Business, SHOD 1 CUD. This 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: Danny Howell



Vicinity Map

SUBJECT: SP-29-12/ Sunnybrook Rd. Gas Station

CROSS-REFERENCE: Z-1-12

LOCATION: This site is located In the northwest quadrant of the intersection of Rock Quarry Rd. and Sunnybrook Rd., inside the City Limits.

REQUEST: This request is to approve a single story retail use of 6,000 square feet with a 6 gas pump canopy. The retail use is composed of a 4,000square foot gas station/convenience store and a 2,000 square foot restaurant. This site plan is situated on a 1.96 acre site, zoned Neighborhood Business, SHOD 1 CUD. This 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 with the following conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2042 and 10-2132.2, and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/4/2012, owned by Earth Petroleum VI Inc., submitted by Bass, Nixon & Kennedy, Inc.

ADDITIONAL NOTES: Not applicable

VARIANCES / ALTERNATES: Not applicable

To PC: 11/13/12

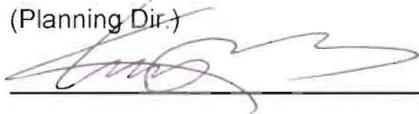
Case History:

Staff Coordinator: James Marapoti

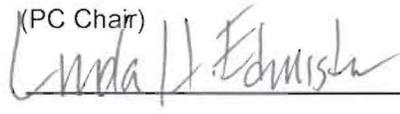
Motion: Mr. Fleming
Second: Mr. Haq
In Favor: Mr. Buxton, Mr. Fleming, Mr. Fluhrer, Ms. Harris Edmisten, Mr. Haq, Ms. Mattox, Mr. Schuster and Mr. Terando
Opposed:
Excused:

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: November 13, 2012

(PC Chair)


date: November 13, 2012



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:**

Planning Commission Actions:

- (1) That a bike rack ('U'- Style) be provided to hold 2 bikes;

Administrative Actions:

Prior to issuance of a land disturbance permit upon site review:

- (2) 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;
- (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

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

- (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 applicable NCDOT permits for work in both the Rock Quarry Road and Sunnybrook Road rights-of-way will be required to be obtained and evidence of these permits provided.

Prior to issuance of building permits:

- (6) 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."

- (7) 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;
- (8) That infrastructure construction plans for public improvements along Rock Quarry Rd. and Sunnybrook Rd. be approved by the Public Works Department;
- (9) That 1/2'-110' in width of right of way along Sunnybrook Rd. be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Planning Department at permit review;
- (10) That a construction surety in the amount of 1 ½ times the construction cost of the improvements to Sunnybrook Road will be required to be posted prior to issuance of building permits;
- (11) That the two waterline assessments on this property totaling \$6,215.65 be paid to the City of Raleigh;
- (12) That all the conditions of Z-01-12 are met;
- (13) That cross access and pedestrian cross access shall be provided to (GOODWIN GRIER & ASSOCIATES DB 09644, PG 1393, (GOODWIN, WILLIAM E. DB 06409, PG 0571) & (GOODWIN, WILLIAM E. DB 08353, PG 1732), and it shall be recorded in the Wake County Registry. And, that a recorded copy of this 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 plat recordings and building permits authorization may be withheld.
- (14) That a 15 x 20 foot transit easement located on Rock Quarry Rd. 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 Wake County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization recording and prior to building permit issuance;

Prior to issuance of occupancy permit:

- (15) 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;

ZONING:

**ZONING
DISTRICTS:**

Neighborhood Business, SHOD 1 CUD.

Ordinance (2012) 21 ZC 669

Z-1-12 – Rock Quarry Road, Conditional Use - located on the northwest quadrant of Rock Quarry Road/Sunnybrook Road intersection, being Wake County PIN, 1722-27-6122. Approximately 1.96 acre(s) is rezoned from to Residential-6 with SHOD-1 to Neighborhood Business CUD with SHOD-1.

Conditions Dated 03/14/12

Narrative of conditions being requested:

1. The following uses are excluded: agricultural uses, recreational uses, cemeteries, correctional/penal facilities, special care facilities, residential transitional housing (with the exception of supportive housing residence), bars, nightclubs, taverns, lounges, adult establishments, hotel/motel, commercial parking facilities, movie theater (indoor and outdoor), pest exterminating services, kennel, cattery, riding stable, outdoor stadium, reservoirs, landfills, utilities (except utility services), telecommunication tower, mini-warehouses, airfield, landing strip, heliport, veterinary hospital. **NONE OF THE EXCLUDED USES ARE PROPOSED.**
2. Building height shall be no higher than 35'. **THE BUILDING HEIGHT IS 13'-6½" and ~19' CANOPY.**
3. Building ground floor shall not exceed 10,000 sf. and total floor area shall not exceed 12,000 sf. **BUILDING GROUND FLOOR AND TOTAL FLOOR AREA EQUAL 6,000 SF.**
4. Driveways shall be limited to one on Sunnybrook Road and one on Rock Quarry Road. **ONE DRIVEWAY IS PROPOSED ON EACH ROAD.**
5. Prior to the issuance of any building permit for the property, the property owner shall convey to the City of Raleigh a transit easement on Rock Quarry Road measuring twenty (20) feet by fifteen (15) feet. The location of the easement shall be approved by the City of Raleigh Public Works Department Transit Division, and the City Attorney shall approve the transit easement prior to recordation. Upon development a bus shelter and concrete pad meeting City of Raleigh standards for bus shelters and concrete pads shall be provided. **TRANSIT EASEMENT AND SHELTER ARE SHOWN ON THE PLANS.**
6. All outdoor lighting fixtures shall be full cut-off design and shall be located no closer than 35' to property lines of 1722-27-6412 (Goodwin Grier & Associates DB 09644, PG 1393), 1722-27-4229 (Goodwin, William E. DB 06409, PG 0571) and 1722-21-4162 (Goodwin, William E. DB 08353, PG 1732). **LIGHTING DESIGN UTILIZES FULL CUT-OFF FIXTURES AND NO FIXTURES ARE CLOSER THAN 35' TO THE AFOREMENTIONED PROPERTIES.**
7. All outdoor audio communications and compressed air pumps shall be located no closer than 35' to property lines of 1722-27-6412 (Goodwin Grier & Associates DB 09644, PG 1393), 1722-27-4229 (Goodwin, William E. DB 06409, PG 0571) and 1722-27-4162 (Goodwin, William E. DB 08353, PG 1732). **NO OUTDOOR AUDIO COMMUNICATIONS NOR COMPRESSED AIR PUMPS ARE PROPOSED CLOSER THAN 35' TO THE AFOREMENTIONED PROPERTIES.**
8. Upon development, an offer of vehicular and pedestrian cross access shall be provided to 1722-27-6412 (Goodwin Grier & Associates DB 09644, PG 1393), 1722-27-4229 (Goodwin, William E. DB 06409, PG 0571) and 1722-27-4162 (Goodwin, William E. DB 08353, PG 1732). **VEHICULAR AND PEDESTRIAN CROSS ACCESS ARE PROVIDED TO THE AFOREMENTIONED PROPERTIES.**
9. An 8' minimum width sidewalk shall be provided from the primary building entrance to each road frontage. **AN 8' SIDEWALK IS PROVIDED FROM THE PRIMARY BUILDING ENTRANCE TO EACH ROAD FRONTAGE.**
10. A 6' height closed wooden fence shall be provided adjacent to a lot containing a single family detached dwelling at time or site development. **A 6' HEIGHT CLOSED FENCE IS PROVIDED ADJACENT TO LOTS CONTAINING SINGLE FAMILY DETACHED DWELLINGS.**

- 11. A building setback of a minimum of 30' shall be provided adjacent a lot containing a single family detached dwelling. **A 30' BUILDING SETBACK IS PROVIDED.**
- 12. Outdoor lighting level shall not exceed 0.40 foot candle at property lines adjacent to a lot containing a single family detached dwelling. **OUTDOOR LIGHTING LEVEL DOES NOT EXCEED 0.40 FOOT CANDLES AT PROPERTY LINES CONTAINING SINGLE FAMILY DETACHED DWELLINGS.**
- 13. Primary building entrance shall be oriented toward a public right-of-way. **PRIMARY ENTRANCES DIRECTLY FACES THE PUBLIC RIGHT-OF-WAY.**
- 14. An outdoor plaza of 100 square feet minimum shall be provided between the primary building and the public right-of-way. Plaza shall have a minimum dimension of 6' in width and length. **A 102 SQUARE FOOT OUTDOOR PLAZA, 6' x 17' IS PROVIDED BETWEEN THE BUILDING AND THE PUBLIC RIGHT-OF-WAY.**
- 15. Residential density shall be limited to 6 dwelling units per acre. **NO RESIDENTIAL DEVELOPMENT IS PROPOSED.**

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 145", rear yard = 35', front / rear aggregate = 180', side yard = 70', and 125' side yard aggregate = 195'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 14', the gas canopy structure is ~19'.

PARKING:

Off-street parking conforms to minimum requirements: 30 spaces required, based on 1 space/ 200 s.f. retail parking. 32 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
West	40' Type A	* 30' w/ 6' fence
North	40' Type A	100' w/ 6' fence

*The applicant is utilizing the 6' tall closed fence pursuant to rezoning condition and 10-2082.9(g)(1)c which allows the installation of a closed fence adjacent to a residential district & 10-2082.9(g)(3)b which allows for a 10' reduction in the transitional protective yard with the installation of a fence. As such the applicant is utilizing the fence to take a 10' reduction in the transitional protective yard.

Due to the installation of the 6' fence, both transitional protective yards are being planted at the rate of 1 tree/ 20 linear feet and 1 shrub per 5' pursuant to 10-2082.9(g)(2).

TREE CONSERVATION:

This is a commercial site less than 2 acres along two thoroughfares and there are no wooded areas along the thoroughfares. A natural protective yard is not required.

DEVELOPMENT INTENSITY:

Not applicable in this zoning district.

PHASING:

This project is to be constructed in 1 phase.

UNITY OF DEVELOPMENT: Not applicable.

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:

Street	ROW	Construct
Rock Quarry Rd.	Adequate	Median improvements + 5' sidewalk
Sunnybrook Rd.	½ 110'	½ 80'b/b+ 5' sidewalk

TRANSIT: A 15' x 20' transit easement with shelter is being dedicated and constructed with this site plan on Rock Quarry Rd.

COMPREHENSIVE PLAN:

The site is located within the South CAC, and is designated as Neighborhood Mixed Use on the future land use map. The Neighborhood Mixed Use category envisions a mix of residential, retail or office, with a trade area radius of one mile or less.

Staff has reviewed the following Comprehensive Plan policies:

- LU 4.5 Connectivity
- LU 4.9 Corridor Development
- LU 5.6 Buffering Requirements
- LU 6.4 Bus Stop Dedication
- LU 7.4 Scale and Design of New Commercial Uses
- LU 10.6 Retail Nodes
- UD 2.1 Building Orientation
- UD 2.4 Transitions in Building Intensity
- UD 7.3 Design Guidelines

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:

Comment	Response
The Commission suggests adding windows, entrance, signage, murals vines or architectural details to the southern façade as it faces Rock Quarry Road	We have heeded the Commissions' advice and signage and additional architectural details have been made to the southern façade that is facing Rock Quarry Road. Elevations and floor plans have also been revised to include a glass door on this side of the building as well.
It is also recommended that the applicant diversify the selection of	Subsequent to the Appearance Commission review, we added a

buffer plantings through the use of different types of evergreens, and the use of plants to add color and seasonal interest. flowering evergreen shrub to the plant list for spring and fall blooming color, as well as expanding from one variety of evergreen shade tree to four.

**SUBDIVISION
STANDARDS:**

- BLOCK LAYOUT:** Not applicable.
- 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 is to be provided by private contractor.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. Site plan is proposing cross access to the west and north pursuant to rezoning conditions.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. 5' wide sidewalks are proposed along Rock Quarry Rd. and Sunnybrook Rd. Two sidewalks are provided connecting the primary building the public right of way.
- 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. A bioretention basin is proposed to be constructed in the southeast corner of the site to reduce nitrogen loads below the required threshold in order to utilize the option to purchase offsite mitigation credits from the NCEEP or accredited private mitigation bank. This project has also demonstrated the bioretention basin has the capability to attenuate post development peak discharge rates to the pre-development conditions for the 2 and 10 year design storms.
- WETLANDS
/ RIPARIAN
BUFFERS:** Neuse River riparian buffers are present.
- 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.