



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-38-15 / Sheetz Highway - 401 and Perry Creek Road

General Location: Located at the northeast quadrant of Louisburg Road and Perry Creek Road, located inside the city limits.

Owner: Northlake Southstar, LLC
Designer: Rivers & Associates, Inc.

CAC: Forestville

Nature of Case: The request is to approve a 6,489 square feet convenience store/eating establishment with drive-thru, 6 gas islands under a canopy, and carwash facility located on a 3.48 acre site, zoned Shopping Center CUD with SHOD-4.

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

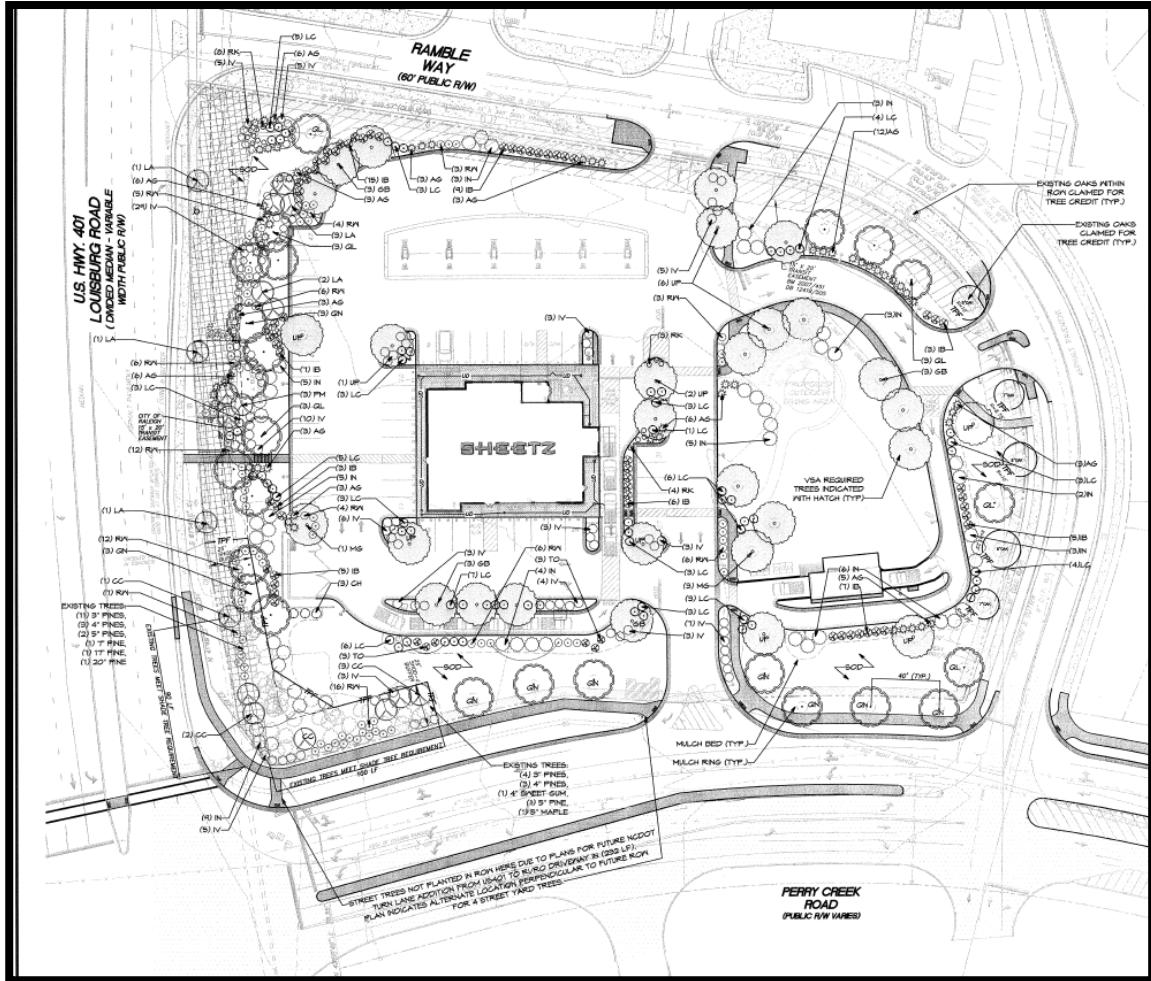
Contact: Dwight Vernelson, Rivers & Associates, Inc.

Design Adjustment: Two Design Adjustments have been approved by the Public Works Director for this project, noted below.

1. A Design Adjustment for street trees planted outside the right-of-way of Ramble Way, behind the 6' sidewalk.
2. A Design Adjustment for street trees planted within the Perry Creek Road right-of-way, behind the 6' sidewalk.

Administrative Alternate: N/A





SP-38-15 – Site Plan

SUBJECT: SP-38-15 / Sheetz - Highway 401

CROSS-REFERENCE: Z-58-04 & Z-29-05

LOCATION: Located at the northeast quadrant of Louisburg Road and Perry Creek Road, located inside the city limits.

PIN: 1737636962, 1737645187, & 1737644072

REQUEST: The request is to approve a 6,489 square feet convenience store/eating establishment with drive-thru, 6 gas islands under a canopy, and carwash facility located on a 3.48 acre site, zoned Shopping Center CUD. Planning Commission approval is required in accordance with Code Section 10-2132.2(b) because this site is located within 400 feet of a residential use and additionally zoning cases Z-58-04(16) and Z-29-05(5) applicable to this site require 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 this request conforms to Part 10, Chapter 2, Sections 10-2041, 10-2061 and 10-2132.2, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 8/11/15, owned by Northlake Southstar, LLC, submitted by Rivers & Associates, Inc.

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

VARIANCES / ALTERNATES: N/A

To PC: October 13, 2015

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Terando
Second: Whitsett
In Favor: Buxton, Fluhrer, Hicks, Lyle, Swink, Terando and Whitsett
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: _____ 10/13/15 date: _____ 10/13/15



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 mass grading permit for the site:

- (2) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City prior to site final permitting;
- (3) That a final tree conservation plan with permit be approved by the Forestry Specialist for all existing trees being used for credit within the SHOD-4 yard and trees 8" or greater in caliper measured 4 feet above the ground consistent with Z-58-04(9). The plan must show metes and bounds descriptions of all tree protected areas, and tree protection fence around all tree protected areas. Tree protection fence must be located in the field and inspected by the Forestry Specialist;

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever is applicable:

- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank. Verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (5) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City prior to site final permitting;
- (6) That plans shall confirm that the approved drainage area to the existing shared wetlands facility, as spelled out in S-70-05, shall not be exceeded;
- (7) That an analysis shall be provided showing if compliance with the 10-year storm and 25-year storm runoff limitations in Sec. 9.2.2.E.1 of the UDO results in no benefit to current and future downstream development, as determined by City-approved engineering studies;
- (8) That an NCDOT encroachment agreement is obtained for Louisburg Road improvements;

Prior to issuance of building permits:

- (9) That a recombination map is submitted and approved, recombining three lots into one lot;
- (10) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements on Louisburg Road will be paid, which remain incomplete;
- (11) That a fee-in-lieu for 1' sidewalk is paid on Ramble Way and Louisburg Road to the Public Works Department ;
- (12) That Infrastructure Construction Plans are approved by the City of Raleigh;
- (13) That a City of Raleigh water line easement for the 2" domestic and 1" irrigation be dedicated to the City and shown on all maps for recording;
- (14) That a 15' x 20' transit easement located on Louisburg 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 prior to building permit approval;
- (15) That a variable width right-of-way along Louisburg Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (16) That ½-126' of the required right-of-way along Perry Creek Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance; and
- (17) That all conditions of Z-58-04 and Z-29-05 are met;

ZONING:

**ZONING
DISTRICTS:**

Z-58-04 – Louisburg Road, east side, being Wake County PIN 1737-74-5343 and a portion of 1737-72-2853. Approximately 62.25 acres rezoned to Residential-4 Conditional Use (36.14 acres), Residential-10 Conditional Use with Special Highway Overlay District-3 (17.61 acres) and Shopping Center with Special Highway Overlay District-4 (8.5 acres).

Conditions dated: (12/7/04)

The property proposed for rezoning is hereafter referred to as the "Property."

- (1) With respect to the portion of the Property rezoned Shopping Center Conditional Use District, commercial land uses (as such term is used in Section 10-2071 of the Raleigh City Code, the "Schedule of Permitted Land Uses in Zoning Districts") shall not exceed 50,000 square feet floor area gross.
- (2) With respect to the portion of the Property rezoned Shopping Center Conditional Use District, office land uses and institution/civic/service land uses (as such terms are used in Section 10-2071 of the Raleigh City Code, the "Schedule of Permitted Land Uses in Zoning Districts") shall not exceed 24,000 square feet floor area gross.
- (3) Upon development of the Property, there shall be dedicated to the City of Raleigh an easement to accommodate a paved parking area for no fewer than twelve (12) vehicles at a trail head within one hundred (100) feet of the City of Raleigh greenway easement along the eastern boundary of the Property with the Neuse River. At such time, an easement also shall be dedicated to the City for construction of a paved vehicular ingress and egress drive to such parking area from US Highway 401 and/or Southall Road. The City and the owner of the Property shall mutually agree upon the design of such paved parking area and ingress and egress drive and the budget and timetable for their construction. The owner of the Property shall reimburse the City for the cost of those improvements.
- (4) Upon development of the areas of the Property zoned Shopping Center Conditional Use District and Residential-10 Conditional Use District, improvements within such areas shall be connected for pedestrian access via sidewalks on both sides of a street or streets which shall connect the areas. The areas shall be connected by a street or streets built to City standards and with a design and layout approved by the Raleigh Department of Transportation.
- (5) Vehicular access to the Property shall be provided via no more than three (3) curb cuts on Louisburg Road and a single curb cut on Southall Road.
- (6) Upon development of the Property, offers of cross-access will be provided to the adjacent properties to the east and west.
- (7) Reimbursement for future right-of-way dedications shall remain at pre-existing Residential-4 rates.

- (8) Upon development, the City shall be granted one transit easement twenty (20) feet in length adjoining the right-of-way of Louisburg Road and fifteen (15) feet in depth. Prior to site plan approval, the Transit Division of the City of Raleigh shall review and approve the easement location.
- (9) Fifty percent (50%) of all hardwood trees upon the Property eight (8) inches or greater in caliper measured four (4) feet above the ground shall be actively preserved and protected.
- (10) All outdoor area and parking lot lighting fixtures upon the Property shall be of full cut-off (shielded) design.
- (11) All ground-mounted signs shall be of low- or medium-profile design. Signs mounted upon a pole shall be prohibited upon the Property.
- (12) All dumpsters upon the Property shall be located behind a building and screened from view from any adjacent property or public right-of-way.
- (13) No single commercial business establishment upon the Property shall be greater in size than 10,000 square feet floor area gross. For purposes of this condition, a group housing development shall not be considered a "commercial business establishment."
- (14) Upon development, an offer of cross access shall be made to tax parcel PIN 1737.04-64-4043.
- (15) Attached as Exhibit C-1 is a Concept Plan which illustrates the conceptual layout and design of improvements to be constructed upon that portion of the Property rezoned Shopping Center Conditional Use District. Drive-thru shall be allowed only within "Parcel A" and "Parcel C" as shown on Exhibit C-1. Attached as Exhibit C-2 is an illustrative site plan depicting a means of developing the Property in accordance with the Concept Plan.
- (16) Any subdivision or site plan for development upon that portion of the Property zoned R-4 Conditional Use District shall be subject to approval by the Planning Commission.
- (17) Attached as Exhibit C-3 is a table which presents guidelines of the Urban Design Guidelines which shall be applicable as indicated therein to the portion of the Property zoned Shopping Center Conditional Use District.

Z-29-05 – Louisburg Road, southeast side, southwest of Kyle Drive intersection, being Wake County PIN's 1736164190 and 1736165272. Approximately 1.20 acres rezoned from Rural Residential with Special Highway Overlay District-4 to Shopping Center with Special Highway Overlay District-4.

Conditions dated: October 13, 2005

- (1) The following uses shall be prohibited: rifle range indoor or outdoor, stadium, amphitheater or racetrack, correctional or penal facility, adult establishments.
- (2) Vehicular access from Louisburg Road will be limited to no more than one driveway.
- (3) Prior to development, access will be provided to the adjacent properties to the north, south, and east (DB4583/PG 646, DB2074/PG458, DB11015/PG250, DB8291/PG336).
- (4) Cross-access will be provided for both parcels in this petition in the event they are not combined into a single parcel.
- (5) Prior to subdivision approval or the issuance of any building permits, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring ten (10) feet long adjacent to Louisburg Road by six (6) feet wide to support a bus stop. Transit easement shall be approved by the Transit Division of the City. The City Attorney shall approve the transit easement deed prior to recordation.
- (6) Outside transitional protective yards, any site lighting within forty (40) feet of the east and southern most property lines shall be a maximum of sixteen (16) feet in height and directed away from the residential property.
- (7) Reimbursement for any required right of way dedication shall be at Rural Residential value.
- (8) The maximum front yard building setback from Louisburg Road shall be 32 feet.
- (9) Upon development of the property, a continuous private drive with sidewalk shall be constructed which provides a direct connection between Louisburg Road and property to the east (DB2074/PG458 or DB11015/PG250).

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards.

Building

Front yard = 113', rear yard = 144', front / rear aggregate = 257', side yard = 130' and 256', side yard aggregate = 386'. This plan conforms to maximum height standards in this zoning district of 40'. Proposed height of the building is 24' 8".

Canopy

Front yard = 260' from canopy supports, rear yard = 60' from canopy supports, front / rear aggregate = 320' from canopy supports, side yard = 125' from canopy supports, side yard aggregate = 305'.

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). 47 spaces are provided. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

LANDSCAPING: Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. The site is bounded by rights-of-way; therefore, no transitional protective yards are required.

TREE CONSERVATION: No tree conservation priorities exist on this site, therefore compliance with Article 9.1. tree conservation is not required.

DEVELOPMENT INTENSITY: Z-58-04(13) limits no single commercial business establishment upon the Property shall be greater in size than 10,000 square feet floor area gross. The portion of the building that falls within the zoning boundary of this site does not exceed 10,000 square feet. The remainder of the building falls within the zoning boundary of Z-29-05, which neither the zoning case nor the Shopping Center Zoning District have limitations on floor area gross or building lot coverage.

PHASING: Not applicable

UNITY OF DEVELOPMENT: The Greenway Village Unity of Development applies.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET PLAN MAP: Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan. Dedication of right-of-way is / not required.

Street Name	Street Classification	Existing R/W	Proposed R/W	Existing B to B	Proposed B to B	Slope Easement
Louisburg Road	Avenue 6-Lane, Divided	Variable width 155'	Variable width dedication		N/A	N/A
Perry Creek	Avenue 4-Lane, Divided	Variable width 99'	Variable width ½-126'		½-98' b-b, & turn lane, 6' sidewalk	N/A

Reimbursement for future right-of-way dedications shall remain at pre-existing Residential-4 rates. Construction of infrastructure outside the project limits on Perry Creek road are eligible for reimbursement.

Additional right-of-way on Perry Creek Road is being dedicated to provide for a future right-turn lane to be constructed when warranted (by others). A 6' sidewalk is being constructed in the ultimate location for the sidewalk based on the design of the additional turn lane being provided in the infrastructure construction plans.

A surety for the required improvements shall be provided in accordance with 8.1.3 of the UDO.

TRANSIT: Z-58-04(8) required a 15' x 20' transit easement to be dedicated on Louisburg Road.

**COMPREHENSIVE
PLAN:**

This site is located in the Forestville Citizen Advisory Council, in an area designated as Neighborhood Mixed Use. The following Comprehensive Plan Policies apply:

Policy LU 2.1—Placemaking

Development within Raleigh's jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.

Policy LU 5.1—Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy LU 7.6—Pedestrian Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Policy UD 1.2—Architectural Features

Quality architecture should anchor and define the public realm. Elements of quality architecture include architectural accents and features conducive to pedestrian scale and usage, such as a distinct base, middle, and top (for high-rise buildings); vertical and horizontal articulation; rooflines that highlight entrances; primary entrances on the front façade; transparent storefront windows and activated uses on the ground floor; and corner buildings with defining landmark features.

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

**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>
The Commission suggests relocating the roof access ladder to a less visible location.	Access ladder has been relocated to the drive thru or left side of the building.
The Commission suggests either removing the carwash graphics or using a less literal graphic, such as a geometric pattern or bubbles.	The proposed carwash graphic has been eliminated from the window side of the car wash.
The Commission suggests the inclusion of shade trees in traffic islands adjacent to outdoor dining areas, and consideration of outdoor dining areas away from the building in the grassy shaded area.	A tree has not been added.
The Commission suggests additional directional signs for the drive through area to prevent circulation confusion.	Directional signs have been added to provide more information on access and traffic circulation to the drive thru.
The Commission compliments the variety of plant material included in the plan, and suggests the addition of understory trees adjacent to the sidewalks, especially along Louisburg Road.	Three Crape Myrtles have been relocated to provide shade for the sidewalk along Highway 401.

**SUBDIVISION
 STANDARDS:**

LOT LAYOUT: The minimum lot size in Shopping Center zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70 feet. The minimum lot width of a corner lot in this zoning district is 60 feet. Lots in this development conform to these minimum standards.

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 have two access points on Ramble Way, one is a right in/right out access and the site will have a third access point on Perry Creek Road, which will be a right in/ right out.

**BLOCKS / LOTS /
 ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

STREETSCAPE

TYPE:

The applicable streetscape is a commercial. 5' sidewalk exists along Louisburg Road and Ramble Way. A fee in lieu for a 1' sidewalk along both streets will be required prior to lot recordation. Street trees exist along Ramble Way, approved with SP-24-05. Louisburg Road is a NCDOT maintained facility, a SHOD-4 yard on private property is planted in lieu of 6' tree lawn with trees planted 40' on center within the right-of-way. Construction of a 6' sidewalk is required along Perry Creek Road. A Design Adjustment was approved by the Interim Public Works Director planting trees within the right-of-way, behind the sidewalk.

PEDESTRIAN:

5' sidewalk exists along Louisburg Road and Ramble Way. Construction of a 6' sidewalk is required along Perry Creek Road. Private sidewalk connections connect the building to all three public rights-of-way in accordance with Code Section 10-2091.

FLOOD HAZARD:

There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:**

The site is proposing compliance with the stormwater water quality and water quantity regulations of Part 10A Article 9, through the use of the existing shared wetlands facility and through additional nitrogen offset payment to a qualifying mitigation bank.

**WETLANDS
/ RIPARIAN
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**OTHER
REGULATIONS:**

Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).



Public Works Design Adjustment – Staff Response


Per Section 10.2.18.C of the Unified Development Ordinance, the Public Works Director may consult with the heads of other City departments regarding the review of the request. The Public Works Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

Project	Project Name	Sheetz-US Hwy 401 & Perry Creek Road	Date Completed Application Received	7/31/2015
	Case Number	SP-38-2015	Transaction Number	434873
Staff Response/Recommendation	<p>NCDOT maintains US Hwy 401 and has specific requirements relating to street yard trees in relation to the edge of travelway. No adjustment is necessary as Type C-2 street yard is approved in the UDO.</p> <p>The City of Raleigh maintains Ramble Way and Perry Creek Road. A portion of Ramble Way has oak trees in sidewalk street grates and will be maintained as existing within the existing wider sidewalk. Approximately 1/3 of the frontage has oak trees on private property approximately 6' behind the right-of-way and will be maintained in the current location. New street trees are being installed along the section of Ramble Way that has a 6' sidewalk and will be planted outside the right-of-way.</p> <p>Perry Creek Road street trees are being installed west of the right-in/right-out driveway, behind the sidewalk constructed in the ultimate location due to future street widening for a right turn lane onto US Hwy 401. Between the right-in/right-out driveway and Ramble Way, street trees will be planted behind the new 6' sidewalk to allow for future widening, if required, based on future traffic volumes.</p>			
	Staff Member	Kathryn Beard and Zach Manor		Support Request <input checked="" type="checkbox"/> Does Not Support <input type="checkbox"/>

Public Works Director's Action:

Approve Approval with Conditions Deny


 Richard L. Kelly, Interim Public Works Director


 Date

*The Public Works Director may also authorize a designee to sign in his stead. Please print name and title next to signature.

Conditions for Approval	
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Appeal of the decision from the Public Works Director shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).

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