



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-51-13 / Walgreens - Leesville Road

General Location: This site is located on the east side of Leesville Road, south of its intersection with Strickland Road.

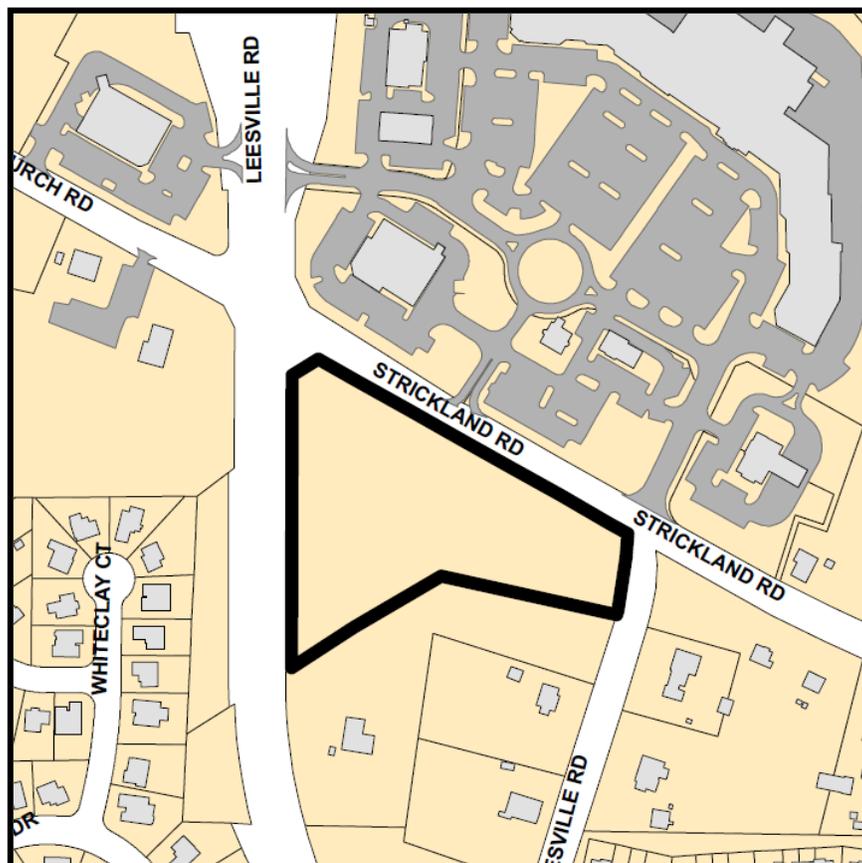
Owner: Saintsing Properties LLC
Designer: Jonathan Allen – Stantec

CAC: Northwest

Nature of Case: Proposed development of a 13,650 square foot retail use on 3.91 acres zoned Shopping Center Conditional Use. As the property is within 400 feet of residential, site plan approval is required by Planning Commission.

Key Issues: Requested Alternate Means of Compliance for the Transitional Protective Yard along the southern property line which requires Planning Commission approval. The applicant is proposing the installation of a fence to reduce the Transitional Protective Yard from 30' to 15'.

Contact: Jonathan Allen - Stantec



SUBJECT: SP-51-13 / Walgreens – Leesville Road

CROSS-REFERENCE: May 6, 2014 City Council approval for alternative tree conservation area.

LOCATION: This site is located on the east side of Leesville Road, south of its intersection with Strickland Road outside the City Limits.

PIN: 0788-05-6251

REQUEST: Proposed development of a 13,650 square foot retail use on 3.91 acres zoned Shopping Center Conditional Use. As the property is within 400 feet of residential, site plan approval is required by Planning Commission.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that, with the conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2041 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/17/14, owned by Saintsing Properties LLC, submitted by Jonathan Allen, Stantec.

ADDITIONAL NOTES: This development plan was submitted prior to September 1, 2013 so the Unified Development Ordinance does not apply. However it should be noted that zoning conditions permit the applicant to apply Articles 1.1, 1.2 and 7.1 as well as Chapters 8, 9 and 10 of the Unified Development Ordinance. However, the applicant has requested approval of the plan utilizing Articles, 1, 7, and 8 only.

**DESIGN ADJUSTMENTS:
/ ALTERNATES:**

1. The applicant requested a Design Adjustment for alternative street cross sections along Strickland and Leesville Road that was approved by the Public Works Director on July 17, 2014.
2. The applicant requested an Alternate Means of Compliance for Tree Conservation; located across Leesville Road to meet their Tree Conservation requirements. This alternative tree conservation area was approved by City Council on May 6, 2014.

To PC: 8/12/2014

Staff Coordinator: Stan Wingo

Motion: Lyle
Second: Fleming
In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink and Whitsett
Opposed: xxxxx
Excused: xxxxx

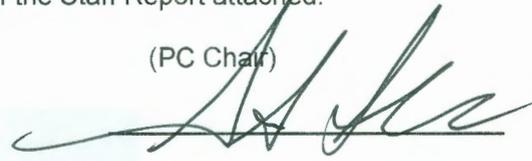
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)



Date: 8/12/14

(PC Chair)



Date: 8/12/14



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 finds that this development meets the findings required for an alternate means of compliance for the Transitional Protective Yard along the southern boundary as referenced in Code Section 10-2082.4;

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

- (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 10A Chapter 9 of the Unified Development Ordinance, 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 a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That a final tree conservation plan with permit be approved by the Forestry Specialist. 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 Forestry Specialist;
- (6) That all applicable NCDOT permits shall be obtained;

Prior to Issuance of a building permit:

- (7) That infrastructure construction plans for public roadways be approved;
- (8) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas;
- (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 a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (11) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements is paid to the Public Works Department;
- (12) That half of the required right of way for the proposed or existing street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (13) That all conditions of Z-11-12 are complied with;
- (14) That an offer of cross access easement between this parcel and the adjacent parcel to the south, DB 012987 PG01214, be recorded in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department prior to building permit issuance;

Prior to Issuance of a building 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.
- (16) That the street improvements are completed and accepted for maintenance and that a warranty in the amount of 15% of the estimated value of the development related improvements is provided to the Public works department improvements.

ZONING:

**ZONING
DISTRICTS:** Shopping Center CUD (Z-11-12)

Z-11-12 - Strickland Road located on the Southside, southwest of its intersection with Old Leesville Road being Wake County PIN 0788056251. Approximately 3.91 acres are to be rezoned from Residential-4 to Shopping Center Conditional Use District.

Conditions Dated: 5/1/13

- 1) The following uses shall be prohibited:
 - (a) automotive service and repair facilities;
 - (b) landfills of all types;
 - (c) manufacturing of all types;
 - (d) mini-warehouse storage facilities; and
 - (e) riding stables;
 - (f) outdoor stadium;

- (g) theater;
- (h) amphitheater;
- (i) racetrack;
- (j) correction/penal facility;
- (k) kennel/cattery;
- (l) outdoor movie theater;
- (m) airfield/landing strip;
- (n) non-hospital related heliports;
- (o) adult establishments.

None of the above listed uses are proposed.

2) Building height shall not exceed a maximum of five stories or 75 feet.

Building meets this height threshold.

3) At least thirty-three percent (33%) of the surface of the ground floor level of building facades facing Strickland Road shall be non-opaque glass window(s) and/or non-opaque glass door(s), (with ground floor level being measured between three (3) feet and twelve feet (12) feet above the adjacent sidewalk).

Shown accordingly on plans.

4) If requested by the City, prior to the subdivision of the property or the issuance of a building permit for the property, whichever shall occur first, a transit easement, measuring twenty (20) by fifteen (15) feet along Leesville Road (or such lesser size as requested by the City Transit Division), shall be granted to the City pursuant to a transit easement deed approved by the City Attorney and recorded in the Wake County Registry.

Not requested by Transit.

5) Any drive-through window serving the subject property shall be located at the rear or side of any building as viewed from Strickland Road and Leesville Road.

Shown accordingly on plans.

6) Prior to obtaining a building permit for any development within the subject property, the property owner requesting the permit shall provide for access to the adjoining property identified as PIN 0788045738 (Deed Book 12987/Page 1214) by either making a recorded offer of cross access to such property to the south, to be approved by the office of the Raleigh City Attorney, or dedicating right-of-way to the public which connects said property to the right-of-way of Strickland Road.

Condition of approval.

7) Retail development shall be limited to no more than 29,000 square feet floor area. Within forty-five (45) days of recording of a plat subdividing the subject property, a covenant allocating the retail square footage to the various lots shall be recorded with the Wake County Registry. For purposes of this condition, "retail" shall mean any retail sales, eating establishments and personal services listed in the permitted land use schedule irrespective of any exclusions.

Proposal is within this threshold.

8) Unless a more stringent standard is required Development of the property shall require covered or uncovered bicycle parking facilities (bike racks) at a ratio of one bike space per 5,000 square feet of building area gross; such bike racks shall be located within 100 feet of a building entrance.

Bike racks show accordingly on plans.

9) That upon the effective date of this rezoning ordinance but before September 1, 2013, the applicant may elect to apply to have all of the following chapters and sections of the UDO apply to the rezoned land:

- i. Article 1.1
- ii. Article 1.2
- iii. Article 7.1
- iv. Chapter 8
- v. Chapter 9
- vi. Chapter 10, except UDO sections 10.2.7 Plot Plan Review and 10.2.8 Site Plan Review. Reviews of plot plans and site plans in legacy zoning districts shall be conducted in accordance with City Code sections 10-2132.1 and 102132.2(a) through (i).

Applicants proposal was submitted with intentions of being reviewed under all sections above excepting Chapter 9.

10) In the event property owner does not elect to develop the property under the provisions of condition 9 above, then in such event, the amount of vehicular surface parking provided to serve the uses on the property shall not exceed 150% of the minimum amount of parking required by the Code at the time of site plan submittal.

N/A, proposal is developed under Condition 9 above.

11) City Council shall have final approval of any alternative means of compliance with the tree conservation ordinance.

City Council approved an alternative tree conservation area at May 6th, 2014 Hearing.

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 70', rear yard = 150+', side yard = 34' and 300+'. All setbacks as shown on plans exceed minimum setbacks standards of the Shopping Center zoning district. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 22'8".

PARKING:

Off-street parking conforms to minimum requirements: 46 spaces required, based on UDO Article 7.1 which states 1 parking space per 300 square feet of floor area. 69 parking spaces are provided.

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. Transitional protective yards as shown require approval from Planning Commission. Applicant is proposing a reduction from 30' to 15' with the installation of a 6' closed wooden fence. Transitional Protective Yards are shown in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Southern Property Line	Type B w/ closed fence	15'-30'

**TREE
CONSERVATION:**

This project is required 10% or 0.391 acres for tree conservation. The applicant requested an alternative tree conservation area located across Leesville Road which was approved at City Council Hearing. This project has proposed 0.57 acres which is broken into:

Primary: 0 acres
Secondary: .57 acres (TCA area across Leesville 0.48 acre of total)

DEVELOPMENT INTENSITY: Proposed development equals a floor area ratio (FAR) of 8.01%.

PHASING: There will be one phase of development.

UNITY OF DEVELOPMENT: N/A

COMPREHENSIVE PLAN:

GREENWAY: This site is not located along an existing or proposed greenway trail.

STREET TYPOLOGY MAP: Dedication of right-of-way and construction of the following streets are required by the Street Typology Map of the Comprehensive Plan. Proposed street(s) are classified as: Leesville and Strickland – Avenue 4-Lane Divided, Old Leesville – commercial street. Dedication of right-of-way is required.

Street	ROW	Construct	Slope Esmt.
Leesville Road	Variable width dedication along frontage.	Construct streetscape per the approved Design Adjustment from the Public Works Director.	
Strickland Road	Variable width dedication along frontage.	Construct streetscape per the approved Design Adjustment from the Public Works Director.	
Old Leesville Road	Dedicate half 69' of Right of Way section.		

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT: This site is presently not served by the existing transit system. It is not proposed to be served in the CAT Short Range Transit Plan nor the Wake County 2040 Transit Study.

COMPREHENSIVE PLAN: This site is located in the Northwest CAC, in an area designated as Neighborhood Mixed Use.

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**:

Comment	Response
The Commission recommends the addition of further architectural detail, fenestration and articulation to mimic the rhythm of the glazing of the primary facades to the southeast and southwest elevation of the building. The Commission also suggests the use of brick detailing to these facades.	<i>At the south elevation, clearstory windows have been added where internal program requirements allow. This area is enhanced with landscaping in coordination with the window locations. The face brick has been modified to be a tone on tone scheme with an accent color brick. Base, belt and cornice courses have been added as soldier courses in the accent brick color. The addition of the accent courses will add visual interest while maintaining the modern design intent of the project.</i>
The Commission recommends the inclusion of additional landscaping at the northeast corner of the building.	<i>An expanded landscaping island has been implemented at the northeast corner of the building and additional landscaping has been added. Sheet L-101 Landscape Plan.</i>
The Commission suggests the use of trident maples instead of red maples in space-constrained areas.	<i>Trident maples have been added in these locations. See sheet L-101 Landscape Plan. .</i>
The Commission encourages future Walgreens developments to place the building closer to the street corners to encourage a more urban environment.	<i>Noted. although as mentioned at the Appearance Commission meeting, the original design for this location had a more urban layout, with a multi-way boulevard street type, but was not approved by NCDOT.</i>
The Commission suggests the addition of a landscaped island where the striped pavement is shown at the southwest corner of the building.	<i>This area has been reviewed with vehicle turning templates and we propose to leave this area as striping so as not to impede vehicular traffic in this area. Landscaping is included on either side of this access drive.</i>
The Commission applauds Walgreens for the updated prototype, and considers it an improvement.	<i>Noted.</i>

**SUBDIVISION
STANDARDS:**

**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:**

A Design Adjustment has been granted by the Public Works Director for both streetscapes along the frontage of the subject property. The Strickland Road frontage is proposed from back of curb a 6' planting area, 6' sidewalk, 4' maintenance strip then a 3' utility placement easement. The Leesville Road frontage is proposed from back of curb a 3.5' maintenance strip, 6' sidewalk, 4.5' planting area and 5' utility placement easement.

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:

Service to be provided by private contractor.

CIRCULATION:

Proposed street improvements shall conform to normal City construction standards. Proposed layout meets block perimeter standards as set forth in Chapter 8 of the UDO.

PEDESTRIAN:

Proposed sidewalk locations conform to City regulations. Sidewalks are proposed along Strickland and Leesville Road, with internal sidewalks connecting to building entrances. Applicant has also included a sidewalk connecting to Old Leesville 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. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. This project is proposing underground detention device to ensure post development peak discharge rate does not exceed pre-development conditions for the 10-yr. storm event. This project is proposing to utilize a nitrogen offset payment to meet nitrogen reduction requirements. No stormwater quality device is proposed. This project provided NCDENR-DWQ Buffer Determination I BBRRO#07-210 indicating the stream shown as buffered on BM2000-723 is not subject to buffer regulations. The North Carolina Permit Extension Act of 2009 (NCPEA) extends the expiration date for NBRRO#07-210 until September 19, 2016.

**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.