



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-44-12 / Family Dollar Store Rock Quarry Road

General Location: Located on the east side of Rock Quarry Road, south of south of Interstate 40, north of Sanderford Road.

Owner: Capital Area Development Association
Designer: Withers & Ravenel

CAC: South

Nature of Case: The construction of an 8,320 square foot retail sales establishment. Planning Commission approval is required because the development is within 400' of a residential use.

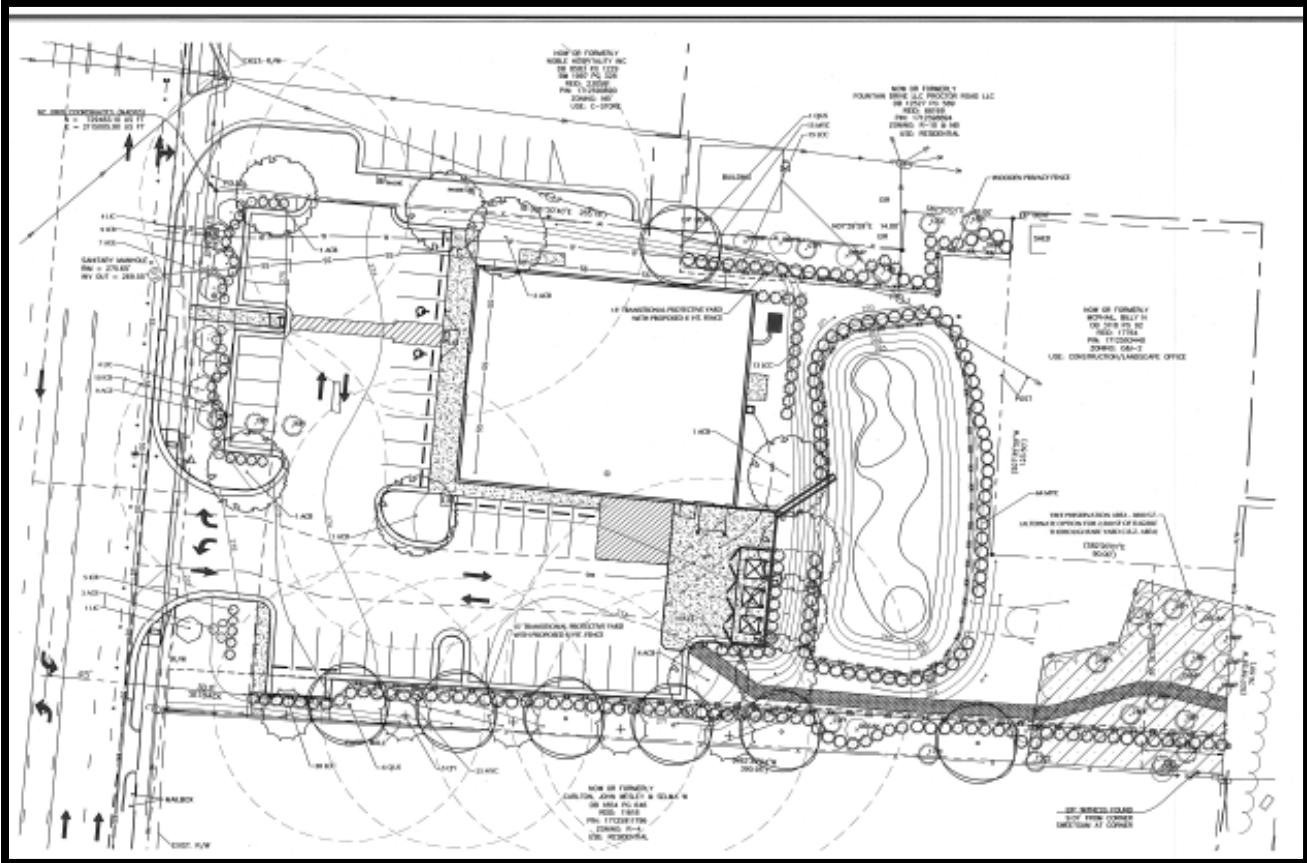
Key Issues: An alternate means of compliance is being requested from providing a 30' Type B Transitional Protective Yard along the northern and southern property lines.

An alternate means of compliance from Code Section 10-2132.2(b)(20) not providing a 50' Natural Protective yard along a Thoroughfare.

Contact: Dan Miller, Withers & Ravenel



SP-44-12 / Location Map



SP-44-12 / Site Plan

SUBJECT: SP-44-12 / Family Dollar Rock Quarry Road

CROSS-REFERENCE: N/A

LOCATION: This site is located on the east side of Rock Quarry Road, south of Interstate 40, north of Sanderford Road, inside the City Limits.

REQUEST: This request is to approve a 8,320 square foot retail sales use on a 1.47 acre site, zoned Neighborhood Business CUD. This site is located within 400 feet of a residential use.

An alternate means of compliance is being requested from providing a 30' Type B Transitional Protective Yard along the northern and southern property lines.

An alternate means of compliance from Code Section 10-2132.2(b)(20) is requested because the plan is not providing a 50' Natural Protective yard along the Thoroughfare. This project shows dedication of .09 acres tree conservation area to be considered by Planning Commission in the southeast corner of the property.

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 listed below, 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 11/30/12, owned by Capital Area Development Association, submitted by Withers & Ravenel.

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

VARIANCES / ALTERNATES: An alternate means of compliance is being requested from providing a 30' Type B Transitional Protective Yard along the northern and southern property lines. The alternate proposed is a 15' in width yard with the construction of a six-foot wooden fence and 1 tree planted every 20 linear feet and 1 evergreen shrub planted 5 feet on center.

To PC: 2/26/13
Case History: N/A
Staff Coordinator: Meade Bradshaw
Motion: Mattox
Second: Terando
In Favor: Butler, Buxton, Fluhrer, Harris Edmisten, Mattox, Sterling Lewis, Schuster and 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.)	(PC Chair)
		
	date: <u>2/26/13</u>	date: <u>2/26/13</u>



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 an alternate means of compliance in accordance with 10-2082.4 is approved from providing a 30' Type B transitional protective yard along the northern and southern property lines. The alternate is a 6' closed wooden fence and a 15' in width transitional protective yard along the property lines. 1 tree will be planted every 20 linear feet with evergreen shrubs planted 5' on center;
- (3) That in accordance with Code Section 10-2132.2(d) the Planning Commission approve the provided tree conservation measures on site;
- (4) That an offer of cross access to the property to the north owned by Noble Hospitality and described in DB 08583 PG 1229 826 and to the south owned by John Wesley and Selma Carlton and described in DB 01854 PG 0646 be recorded in the Wake County Registry, and that a recorded copy of this offer of cross access easement be returned to the Planning Department; Upon acceptance of the adjacent property, that the Family Dollar site will be responsible for removing the existing fence areas and provide any pavement necessary on their site to allow for the connection;

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (5) 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. Tree protection fence must be located in the field and inspected by the Urban Forester in the Planning Department. A copy of the approved plan is place on file in the Planning Department;

Prior to issuance of a site review permit:

- (6) That if the Planning Commission approves the Tree Conservation Area as an Alternate Tree Conservation Area, then Tree Conservation Plans shall be submitted with the Site Review including: Tree Conservation Area with Secondary Tree Conservation Area(s) identified and broken up into 50 ft. plots, a tree cover report with pictures or tree survey (please refer to 10-2082.14 tree conservation ordinance), a second plan with the tree conservation areas outlined in dashed lines, metes and bounds descriptions;

- (7) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (8) 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:

- (9) That a driveway permit and/or encroachment permit will be required;
- (10) 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:

- (11) 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;
- (12) That a fee in lieu of construction for ½ -5 foot sidewalk along Edwin Drive in an amount determined by the City Engineer, is paid in the Public Works Department;
- (13) For non-residential developments with a single structure, financial security equal to 1.5 times the cost of public or private improvements will be provided to the Public Works Department for any uncompleted portions of roadway extensions for public and private streets;
- (14) That a 1.5' x 20' transit easement located on Rock Quarry 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 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;
- (16) That construction plans for public improvements be approved by the Public Works Department;
- (17) That a revised landscape plan be submitted relocating the shrub plantings outside the tree conservation area;

Prior to issuance of occupancy permit:

- (18) That 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 shall be provided;
- (19) 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;"
- (20) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

ZONING:

**ZONING
DISTRICTS:**

Z-59-94. Ordinance (1994) 451 ZC 350 Effective 8/2/94.

Z-59-94 Rock Quarry Road, east side, south of Proctor Road, being Map 1712.07, Block 59, Parcel 1386, rezoned to Neighborhood Business Conditional Use District.

Conditions:

Only the following uses are permitted:

1. Retail sales
2. Banks
3. Food store - retail
4. Eating establishment - all kinds
5. Office center
6. Day care facility (child or adult)
7. Office, agency, and studio of a professional or business agent or political, labor, or service association.

None of the above uses shall include adult establishments as defined in the city zoning code, and also not include night clubs, adult book stores, bars, movie theaters, taverns, dance clubs or recording studios.

The proposed use retail sales

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 98', rear yard = 185', front / rear aggregate = 283', side yard = 88' & 20', side yard aggregate = 108'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 20'.

PARKING:

Off-street parking conforms to minimum requirements: 38 spaces required, based on 1 parking space per 200 square feet of retail. A reduction 4 off-street parking spaces for landscape planting area is being utilized. 42 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 medium 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>
North	30' Type B	15'*
South	30' Type B	15'*

* An alternate means of compliance is being requested from providing a 30' Type B Transitional Protective Yard along the northern and southern property lines. The alternate proposed is a 15' in width yard with the construction of a six-foot closed fence and 1 tree planted every 20 linear feet and 1 shrub planted 5 feet on center.

TREE CONSERVATION: Code Section 10-2132.2(b)(20) item 1 requires all nonresidential site plans less than 2 acres to provide a 50' natural protective yard along Thoroughfares. A natural protective yard of 2,500 square feet would be required along the Rock Quarry Road. The plans propose 4,400 square feet located in the southeast corner of the property which is broken into:

Primary: 0.0 acres
Secondary: 0.69 acres (4,400 square feet)

DEVELOPMENT INTENSITY: There are no building lot coverage maximums or floor area ratio maximums in the Neighborhood Business Zoning District.

PHASING: There is one phase within this development.

UNITY OF DEVELOPMENT: Unity of development is not required for this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Rock Quarry Road has sufficient existing right-of-way and no construction is required by the Thoroughfare and Collector Street Plan.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 11.5'x20' easement on Rock Quarry Road.

COMPREHENSIVE PLAN: The site is located within the South CAC, and is designated as Moderate Density Residential on the Future Land Use map. The Moderate Density Residential category applies to "some of the city's older single family residential neighborhoods, along with newer small lot single family subdivisions and patio home developments. Other housing types would be consistent with this designation as long as an overall gross density not exceeding 14 units per acre was maintained. Gross density in these areas would be 6 to 14 units per acre.

The SPR-30 (Special Residential-30) zoning district could also be appropriate in this land use category. Other corresponding zoning districts are R-6 and R-10.” However, the current zoning of the parcel is Neighborhood Business Conditional Use District, which permits neighborhood-scaled retail development. Zoning conditions in effect of the property (per case Z-59-94) limit site uses; “retail sales” is among those uses which are permitted.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- LU 2.2 Compact Development
- LU 4.5 Connectivity
- LU 4.9 Corridor Development
- LU 5.1 Reinforcing the Urban Pattern
- LU 5.2 Managing Commercial Development Impacts
- LU 5.6 Buffering Requirements
- LU 7.1 Encouraging Nodal Development
- LU 7.4 Scale and Design of New Commercial Uses
- LU 7.6 Pedestrian Friendly Development
- LU 10.6 Retail Nodes
- T 5.1 Enhancing Bike/Pedestrian Circulation
- T 5.2 Incorporating Bicycle and Pedestrian Improvements
- T 5.3 Bicycle and Pedestrian Mobility
- UD 1.3 Creating Attractive Facades
- UD 3.7 Parking Lot Placement

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 is concerned about mulch being used in the pedestrian path (rear of building). The Commission recommends that more attention and detail should be given to the path; clients should consider using different material for path outside of the tree conservation area.	A timber lined path with a series of single steps
The Commission recommends using additional plantings to the parking lot and front side of building	19 Dwarf Buford Hollies and 3 Chinese Witch Hazel shrubs were added to the interior of the site.
The Commission recommends the continued use of brick on the side elevations of the building. While the Commission would prefer the use of brick for the entirety of the side elevations, it should at a minimum extend to the transitional protective yard fence and landscaping on the north side of the building and the rear of the parking area adjacent to the building on the south side.	Brick was added to the side elevations and makes up about 75% of the façade. Split –face CMU base, accent stripe. Canopies and glazed store front expressions on both side walls were added.

**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: Vehicular cross access easements will be offered to the north and south adjacent properties and constructed with this plan within the subject property.

PEDESTRIAN: Existing sidewalk on Rock Quarry Road conforms to City regulation. Edwin Drive, a public street along the east property frontage, requires a pedestrian path to connect this site to the public right-of-way. A five (5) foot mulched pedestrian path will be constructed from the parking lot of the Family Dollar to the right-of-way on Edwin Drive. This path is being constructed within the proposed tree preservation area.

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. A constructed wetland is proposed to attenuate post development runoff rates to the pre-development conditions for the 2 year and 10 year design storms. The constructed wetland along with a one-time mitigation payment to the NCEEP, or appropriate private pollutant mitigation bank, is proposed to reduce nitrogen loading rates to 3.6 lbs/ac/yr

**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.