



## 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-36-10 / Lowe's Fuel Canopy

**General Location:** On the southeast corner of Ebenezer Church Road and Marvino Lane, inside the city limits.

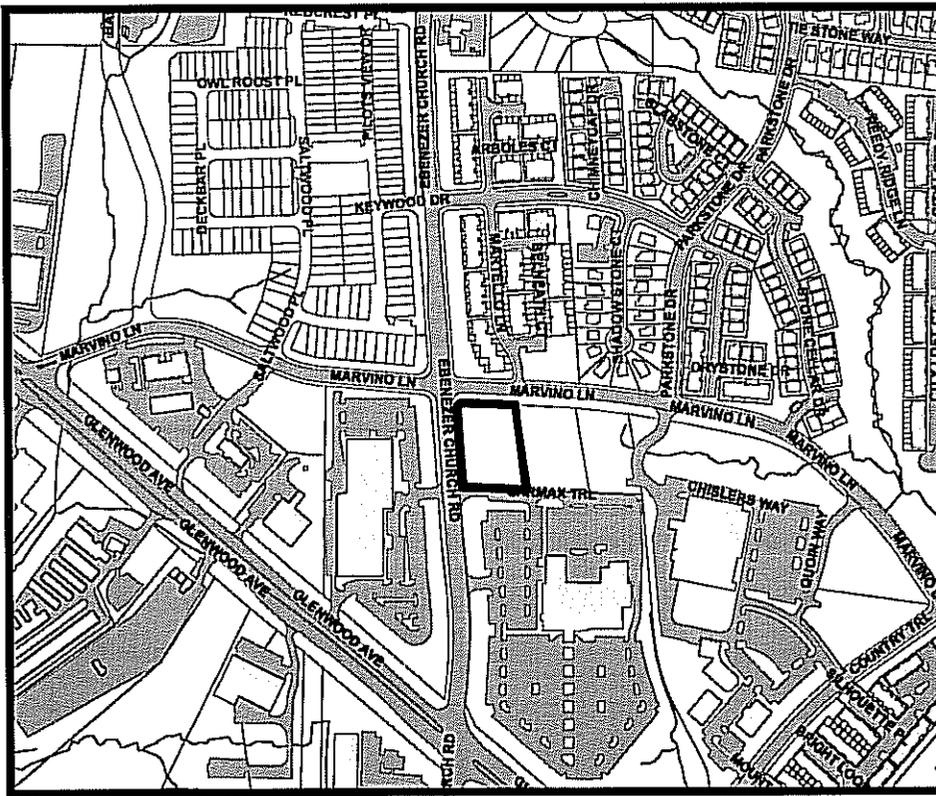
**Owner:** Cornerstone Commons Retail Inv, LLC  
**Designer:** The Isaacs Group, LLC.

**CAC:** Northwest

**Nature of Case:** The construction of a 229 square foot convenient store with 6 gas islands under a canopy located on a 1.2 acre parcel, zoned Thoroughfare District CUD. This is a retail use within 400' of residential uses. The proposed construction is on a vacant parcel within a previously approved shopping center (Cornerstone Commons, case SP-62-03).

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

**Contact:** Benji Layman



**SP-36-10 - Location Map**



**SUBJECT:** SP-36-10 / Lowe's Fuel Canopy

**CROSS-REFERENCE:** Z-8-04, SP-62-03 & S-61-03

**LOCATION:** This site is located on the east side of Ebenezer Church Road, south of its intersection with Marvin Lane, inside the City Limits.

**REQUEST:** This request is to construct a 229 square foot convenient store with 6 gas islands under a canopy located on a 1.2 acre parcel zoned Thoroughfare District CUD. This site is located within 400 feet of a residential use or zone.

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**OFFICIAL ACTION:** Approval with conditions

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

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**FINDINGS:** The Planning Commission finds that with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2045 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/1/10, owned by Cornerstone Commons Retail Inc, LLC, submitted by The Isaacs Group.

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

**VARIANCES / ALTERNATES:** N/A

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To PC: December 14, 2010

Case History: N/A

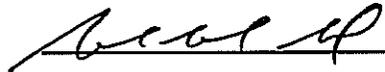
Staff Coordinator: Meade Bradshaw

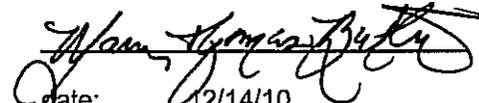
**Motion:** Fleming  
**Second:** Anderson  
**In Favor:** Anderson, Bartholomew, Butler, Harris Edmisten, Fleming, Haq, Mattox,  
Schuster, Sterling Lewis  
**Opposed:**  
**Excused:**

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: 12/14/10

  
\_\_\_\_\_  
date: 12/14/10



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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**CONDITIONS OF  
APPROVAL:** Planning Commission Actions:

- (1) That the hours of operation be limited from 7 am to 11 pm.

**Administrative Actions:**

***Prior to issuance of a grading permit for the site:***

- (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) or an appropriate private mitigation bank in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made and verification of the payment shall be provided to the City of Raleigh Stormwater Engineer;
- (3) That prior to the issuance of a grading permit a tree protection plan is approved by the Forestry Specialist in the Planning Department and a tree protection fence located in the field for trees located within the 50' thoroughfare yard on Ebenezer Church Road and the street protective yard along Marvino Lane;
- (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;

***Prior to issuance of building permits in the Inspections Department:***

- (5) That if cross access to the Carmax Trail property (DB06045 PG 0626), cannot be attained, partial construction for a truck turnaround will be required. A revised plan will be submitted to city staff and approved by the Fire Department and Public Works Department;
- (6) That a grant of cross access and a private drive constructed with the properties to the east owned by Cornerstone Commons Retail Inc, LLC and described in DB 10671 PG 1560 (Lots 201, 205 and 204 as shown on BM 2005 Page 639) be recorded in accordance with the City Code and in the local County Register of Deeds office, 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 cross access easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

- (7) That a grant of cross access to the property to the east for a shared driveway on Marvino Lane owned by Cornerstone Commons Inc, LLC and described in DB 10671 PG 1560 (Lots 206 and 205 as shown on BM 2005 Page 639) be recorded in accordance with the City Code and in the local County Register of Deeds office, 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 cross access easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld.
- (8) 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;
- (9) That the three recommendations from the appearance commission are met;
- (10) That a note be placed on all maps for recording stating, that "all development will be subject to unity of development guidelines on file in the Raleigh Planning Department and applicable sign criteria on file in the Inspections Department" and;
- (11) That a 15x20 foot transit easement located on Marvino Lane 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 deed 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.

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**ZONING:**

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DISTRICTS:**

Thoroughfare District CUD. Z-8-2004 Ordinance (2004) 570 ZC 546 Effective 2/17/04.

1. Allowed land uses upon the Property shall consist only of Commercial, Institution/Civic/Services, Office, and/or Residential uses as set forth in the Schedule of Permitted Land Uses in Zoning Districts for the Thoroughfare District in Section 10-2071 of the Raleigh City Code.
2. Vehicular access to the Property shall be limited to no more than five (5) locations as generally shown on the map attached hereto as Exhibit C-1

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 78' from canopy supports, rear yard = 100' from canopy supports, front / rear aggregate = 178' from canopy supports, side yard = 80' from canopy supports, side yard aggregate = 135'. This plan conforms to maximum height standards in this zoning district. The proposed height of the gas canopy is 19'.

**PARKING:**

Off-street parking conforms to minimum requirements: 2 spaces required, based on 1 parking space per 200 square feet of retail area. 6 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 not required with this being within a shopping center. Existing trees along Ebenezer Church Road is in conformance with Section 10-2045 and 10-2082.12. The detention pond shall be screened in accordance with Section 10-2082.13.

**TREE  
CONSERVATION:**

This parcel is less than 2 acres in size thus tree conservation is not required. But the property is zoned Thoroughfare District, and it is subject to 10-2082.12. The

**DEVELOPMENT  
INTENSITY:**

There are no floor area ratios or building lot coverage limitations in the Thoroughfare Zoning District.

**PHASING:**

There is one phase in this development.

**UNITY OF  
DEVELOPMENT:**

Unity of development and sign criteria are required in this development. The proposal is consistent with the approved unity plan for the Cornerstone Commons development.

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**COMPREHENSIVE  
PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE  
/ COLLECTOR  
PLAN:**

Sufficient right-of-way and road construction exists along both Ebenezer Church Road and Marvino Lane exists.

**TRANSIT:**

The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' transit easement is dedicated on Marvino Lane.

**URBAN FORM:**

This site is located in the Northwest Citizen Advisory Council.

1. Policy T 5.5 – Sidewalk Requirements
  - a. Sidewalks exist on the site's frontage of Ebenezer Church Road and Marvino Lane. along the edge of the street to the rear of the building.
2. Policy T 5.9 – Pedestrian Networks
  - a. Private sidewalks connect the site to the public sidewalks along Ebenezer Church Road and Marvino Lane.

**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>
1. The committee recommends that more diverse and additional plantings be provided as part of the screening of the stormwater BMP [commensurate with code Sec. 10-2132.2(d)(2)&(4)]: <ul style="list-style-type: none"> <li>· Rather than all evergreen screen shrubs being the same species, vary them, in groupings, for increased visual variety.</li> <li>· Add water-tolerant trees species (e.g., river birch, bald cypress) in with the screen plantings (e.g., in corner groupings).</li> </ul>	Wintergreen barberry and dwarf Buford hollies will be planted to screen the detention pond
2. Improve the aesthetics of the building by installing planting beds next to those walls where minimal foot traffic is expected; include shrubs and/or crape myrtles [commensurate with code Sec. 10-2132.2(d)(4)].	Dwarf Buford hollies were planted around the building
3. For reduced visual impact, the canopy color should be the same as shown in the renderings	The canopy color will be tan

offered (light tan), rather than corporate colors [commensurate with code Sec. 10-2132.2(d)(4)].

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**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. Cross access agreements will be recorded with the adjacent parcel, lot 205, (BM2005 PG639) for the joint driveway on Marvino Lane.

A grant of cross access shall be recorded with adjacent lot 205 BM2005 PG639 for a private drive constructed on the southern portion of the site. This drive will eventually connect with Chislors Way.

The site also indicates a drive onto Carmax Trail (DB 06045 PG 0626), a private drive on the Carmax Lot to the adjacent south. Cross access agreements will have to be recorded to access Carmax Trail. If cross access agreements are not approved with Carmax, then a revised circulation plan will have to be reviewed and approved by the city prior to approval of revised site plans and building permits.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. Sidewalks exist along Ebenezer Church Road and Marvino Lane. Sidewalks also are provided from the site to the public sidewalks along both Ebenezer Church Road and Marvino Lane.

**FLOOD HAZARD:** There are no flood hazard areas on this site.

**STORMWATER  
MANAGEMENT:** This site is subject to stormwater management. Stormwater nitrogen reduction is achieved with a proposed underground/ vault style sand filter. Stormwater runoff control is achieved using a proposed dry detention pond.

**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.