



Certified Recommendation

Raleigh Planning Commission

CR# 11636

Case Information: TC-2(B)-15 / Vehicle Fuel Sales – Limited Use

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<p>Policy LU 5.2 Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p>Policy LU 5.4 – Density Transitions Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.</p> <p>Policy LU 5.6 – Buffering Requirements New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.</p> <p>Policy LU 7.4 – Scale and Design of New Commercial Uses New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.</p> <p>Policy LU 7.5 – High-Impact Commercial Uses Ensure that the City’s zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.</p>
<i>Action Items</i>	None Applicable

Summary of Text Change

<i>Summary</i>	Amends Sections 6.1.4. and 6.4.11.C of the Part 10A Raleigh Unified
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	Development Ordinance to amend the Allowed Principal Use Table and certain use regulations to reflect issues and concerns raised during the initial utilization period of the Unified Development Ordinance and during the UDO Citywide Zoning Map Amendment review process so that Retail Sales – “Vehicle Fuel (including gasoline and diesel fuel)” is made a Limited Use in the NX, CX, DX and IX districts. This text change also includes locational requirements for fuel pumps reflective of what NCDOT requires for facilities accessed from their roadways.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-2(B)-15:</u></p> <ol style="list-style-type: none"> 1. The adoption of the text change would make Retail Sales – “Fuel (including gasoline and diesel fuel)” a Limited Use in the NX, CX, DX & IX Districts 2. The adoption of the text change would require a Type 2: Medium protective yard, along any side of the property abutting a Residential District or use and must include a wall at least 6.5’ in height. 3. The adoption of the text change would require Retail Sales – “Fuel (including gasoline and diesel fuel)” would carry additional regulations if the lot is located within 200 feet of a Residential District (R-1, R-2, R-4, R-6, & R-10): <ol style="list-style-type: none"> A. The lot must be 100’ wide and within 300’ of a major intersection. B. Hours of operation for the “Vehicle Fuel Sales” and associated car washing/vacuuming would be limited to the hours between 6AM and 11PM. C. The total number of gas pumps would be limited such that no more than 8 vehicles could be simultaneously fueled. D. All vacuuming and compression machines located outside must be at least 50 feet from a residential district or use and shall not exceed a noise level reading of 55 dB(A). E. Accessory car washing is only allowed if the car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process. F. Backlighting of fuel canopies is prohibited. All Canopy lighting shall be flushed mounted underneath the canopy except for signs. G. Canopies shall be limited to a 16’ maximum height to the bottom of the underside of the
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	<p>canopy and a 23' maximum to the top of the roof of the canopy (absent any required vent stacks).</p> <p>H. Fuel pumps must be located a minimum of 50' from a Residential District.</p> <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. The Chapter 6 Use Regulations of the Part 10A Raleigh Unified Development Ordinance would remain as originally adopted in 2013. 2. The City is in the process of remapping the legacy districts. Certain decisions were based upon the mutually-understood premise that the permitted use chart would be amended to address these deficiencies. If this text change were not approved, some of the decisions made on the UDO zoning map may need to be revisited.

Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
Jan. 5, 2015	2-19-15 3-12-15 4-21-15 5-19-15	Recommended Approval	2-10-15 5-26-15	

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	That the Use Regulation issues and concerns raised during the UDO Citywide Zoning Map Amendment process and during the initial utilization period were significant enough to warrant the changes reflected herein. The proposed changes would reflect more variations amongst the mixed use zoning districts related to Fuel Sales so as to provide the City with a more distinguished set of zoning districts from which the City and property owners

	could utilize. The Limited Use standards for Fuel Sales would also have more stringent standards if adjacent or near residential zoning districts and uses.
<i>Motion and Vote</i>	Motion: Terando Second: Braun In Favor: Alcine, Braun, Buxton, Fluhrer, Lyle, Swink, Terando and Whitsett

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 attached Staff Report.

_____	_____	_____	5/26/15
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report – TC-2(B)-15

Vehicle Fuel Sales – Limited Use Regulations

Request

<p><i>Section Reference</i></p>	<p>Part 10A §6.1.4 Allowed Principal Use Table Part 10A §6.4.11.C Retail Sales – Use Standards</p>
<p><i>Basic Information</i></p>	<p>Amends the Part 10A Raleigh Unified Development Ordinance's Allowed Principal Use Table and certain use regulations to reflect Use Regulation issues and concerns raised during the initial utilization period of the Unified Development Ordinance and during the UDO Citywide Zoning Map Amendment review process. The proposed changes make Vehicle Fuel Sales a Limited Use, rather than a Permitted Use in the NX, CX, DX and IX Districts. Specific buffering requirements have been added if adjacent to a residential use or zone. Additional use standards have been added to this use in the NX district if a property intended for this use is within 200' of a Residential District. This text change also includes locational requirements for fuel pumps reflective of what NCDOT requires for facilities accessed from their roadways.</p>
<p><i>PC Recommendation Deadline</i></p>	

Comprehensive Plan Guidance

<p><i>Applicable Policies</i></p>	<p>Policy LU 5.2 Managing Commercial Development Impacts Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.</p> <p>Policy LU 5.4 – Density Transitions Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.</p> <p>Policy LU 5.6 – Buffering Requirements New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing,</p>
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	<p>screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.</p> <p>Policy LU 7.4 – Scale and Design of New Commercial Uses New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.</p> <p>Policy LU 7.5 – High-Impact Commercial Uses Ensure that the City’s zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.</p>
<i>Action Items</i>	None Applicable

Contact Information

<i>Staff Coordinator</i>	Eric Hodge: eric.hodge@raleighnc.gov ; 919.996.2639
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History/Overview

This text change was initiated by the City Staff, the City of Raleigh Planning Commission and The City of Raleigh City Council to address the Use Regulation issues and concerns that came about during the initial utilization period of the Unified Development Ordinance as well as those discussed during the UDO Citywide Zoning Map Amendment review process.

Purpose and Need

The proposed changes would reflect more variations amongst the mixed use zoning districts so as to provide the City with a more distinguished set of zoning districts from which the City and property owners could utilize. It would provide additional measures intended to protect residential uses and districts from the development and operational aspects of Vehicle Fuel Sales.

Alternatives Considered

None

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

Additional regulations will be imposed on Vehicle Fuel Sales. Some sites may no longer qualify for the establishment of that use.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

The issues and concerns regarding the Use Regulations raised during the initial utilization period as well as those expressed during the UDO Citywide Zoning Map Amendment process wouldn't be addressed.

Impacts Summary

Adoption of Proposed Text Change

The adoption of this text change will result in Use Regulations that address the issues and concerns over Fuel Sales raised during the UDO Citywide Zoning Map Amendment. Fuel Sales will be a Limited Use subject to certain use standards depending on their proximity to a residential use or district.

No action

The status quo will be maintained and the Part 10A Raleigh Unified Development Ordinance's Chapter 6 Use Regulations will remain unchanged from what was originally adopted in 2013. Vehicle Fuel Sales will be treated no differently than any other retail use.

**ORDINANCE NO. (2015) 473 TC 370
TC-2(B)-15**

**AN ORDINANCE TO MODIFY THE ALLOWED PRINCIPAL USE TABLE
IN THE CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.1.4 of the Part 10A Raleigh Unified Development Ordinance, Allowed Principal Use Table, is hereby amended by adding: “Vehicle Fuel Sales (including gasoline and diesel fuel)” to the Specific Use column as a separate entry underneath “Retail Sales, Except As Listed Below:” and marking it as a Limited Use in the NX-, CX-, DX- and IX- districts.

Section 2. Section 6.4.11.C of the Part 10A Raleigh Unified Development Ordinance, Retail Sales – Use Standards, is hereby amended by inserting the following underlined section numbered “3.”: “Vehicle Fuel Sales (including gasoline and diesel fuel)” in the NX- District is subject to the following:

- a. If any portion of the property is located within 200 feet of a Residential District (determined by a straight line from the property line to the district boundary line) “Vehicle Fuel Sales (including gasoline and diesel fuel)” shall meet all of the following:
 - i. Width Dimensions:
 - (a) Width (min): 100’
 - ii. Any lot that contains “Vehicle Fuel Sales (including gasoline and diesel fuel)” must be located within 300’ of the centerline of an intersection that includes a street from at least one of the following Street Types: Mixed Use Streets or Major Streets.
 - iii. Hours of operation for “Vehicle Fuel Sales (including gasoline and diesel fuel) can begin no earlier than 6 AM and end no later than 11PM Operations include all deliveries and collections. Preparation, store cleaning and inventory may be allowed during these restricted hours. Uses other than “Vehicle Fuel Sales (including gasoline and diesel fuel)”, car washing and vacuuming may continue operation during these restricted hours.
 - iv. The total number of vehicles capable of being simultaneously serviced cannot exceed 8.
 - v. All vacuuming and compression machines located outside of an enclosed building shall be located at least 50 feet from a residential District or use and shall be of a design that does not exceed a noise level reading of 55 dB(A).

- vi. Accessory car washing is only allowed if the car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process.
- vii. Backlighting of fuel canopies is prohibited. All canopy lighting shall be flushed mounted underneath the canopy except for signs.
- viii. Canopies shall be limited to a 16' maximum height to the bottom of the underside of the canopy and a 23' maximum to the top of the roof of the canopy (absent any required vent stacks).
- ix. Fuel pumps must be located a minimum of 50' from a Residential District.

Section 3. Section 6.4.11.C of the Part 10A Raleigh Unified Development Ordinance, Retail Sales – Use Standards, is hereby amended by inserting the following underlined section numbered “4.”: “Vehicle Fuel Sales (including gasoline and diesel fuel)” in a NX-, CX-, DX- or IX- District is subject to the following:

- a. A Type 2: Medium protective yard, in accordance with Sec. 3.5.3, must be established along any side of the property abutting a Residential District or a residential use. The protective yard must include a wall at least 6.5' in height.
- b. Subject to NC DOT driveway access regulations, no fuel pump island shall be located closer than 25' feet from any public street right-of- way.

Section 4. Section 11.4.5 of Part 10A Raleigh Unified Development Ordinance related limitations on issuance of permits for gasoline pumps is hereby repealed in its entirety and reserved for future use. Said repealed code section reads as follows:

Sec. 11.4.5. Reserved for Future Use. Limitations on Issuance of Permits for Gasoline Pumps

- A. ~~No permit shall be issued for the construction and erection of gasoline and other fuel pumps and the islands on which they are installed unless the same are to be located a minimum of 12 feet back of the property line or of any public way except where the same are to be located within a building; provided, further, that vehicles shall not stand on any public way while being serviced.~~
- B. ~~A permit may be issued to a nonconforming service station for the reconstruction or re-erection of gasoline and other fuel pumps and the islands on which they are located when the public right of way is at least 24 feet in excess of that portion of said public right of way used for vehicular or pedestrian travel on the side of said public right of way on which the nonconforming station is located; provided that said pumps and islands must be located wholly without the public right of way; provided, further, that no vehicles shall be allowed to stand on the traveled portion of any public way while being serviced, but may stand or be serviced on the 12 feet of the~~

~~untraveled portion of the public right of way nearest the adjacent property line of the nonconforming service station whose pumps or islands are constructed as set out heretofore in this subsection. All permits which allow the reconstruction or re-erection of pumps or islands as above provided shall be issued subject to the condition that such pumps or islands shall be relocated at any time at the cost of the property owner in the discretion of the Council. No permit for the reconstruction or re-erection of the pumps or islands as herein set out shall be issued until an instrument is recorded in the office of the Register of Deeds of Wake County setting forth the conditions upon which the pumps and islands are constructed, which said instrument shall be sufficient to give notice of all conditions hereto.~~

Section 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This text change has been reviewed by the Raleigh City Planning Commission.

Section 8. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 5 days after adoption.

Section 12. Completed applications for permits or site plans for vehicular fuel sales received by the City prior to the effective date of this ordinance shall be processed by the City in accordance with applicable standards and procedures existing at the time of submittal.

ADOPTED: August 4, 2015
EFFECTIVE: August 9, 2015

DISTRIBUTION: Planning – Bowers, Crane, Hodge
City Attorney – Botvinick, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor

Prepared by the Planning and Development Department