



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-56-13 / Walgreens - Perry Creek

General Location: The site is located at the northeast quadrant of Louisburg Road and Ramble Way.

Owner: TDC Greenway LLC
Designer: Triangle Site Design

CAC: Forestville

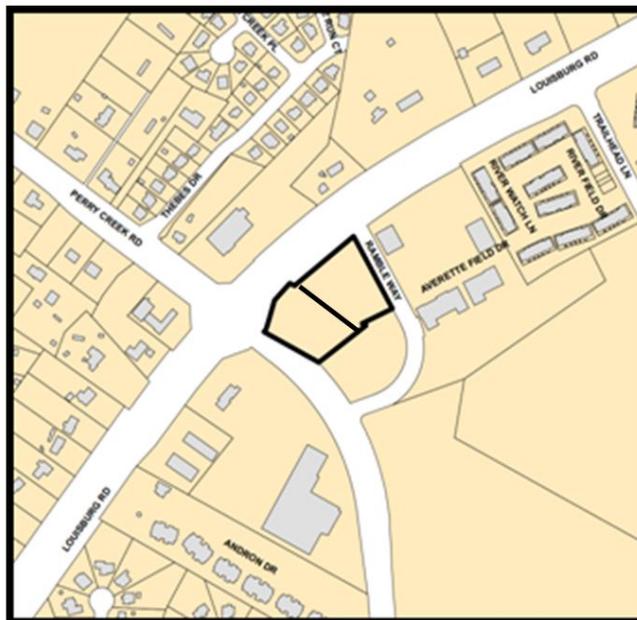
Nature of Case: This request is to approve a 14,820 square foot retail establishment with a drive-thru on a 2.39 acre site (consisting of lot 1 of S-70-05 BM 2007 PG451, and DB 15267 PG 2109) zoned Shopping Center CUD with Special Highway Overlay District-4. This site is located within 400 feet of a residential use.

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

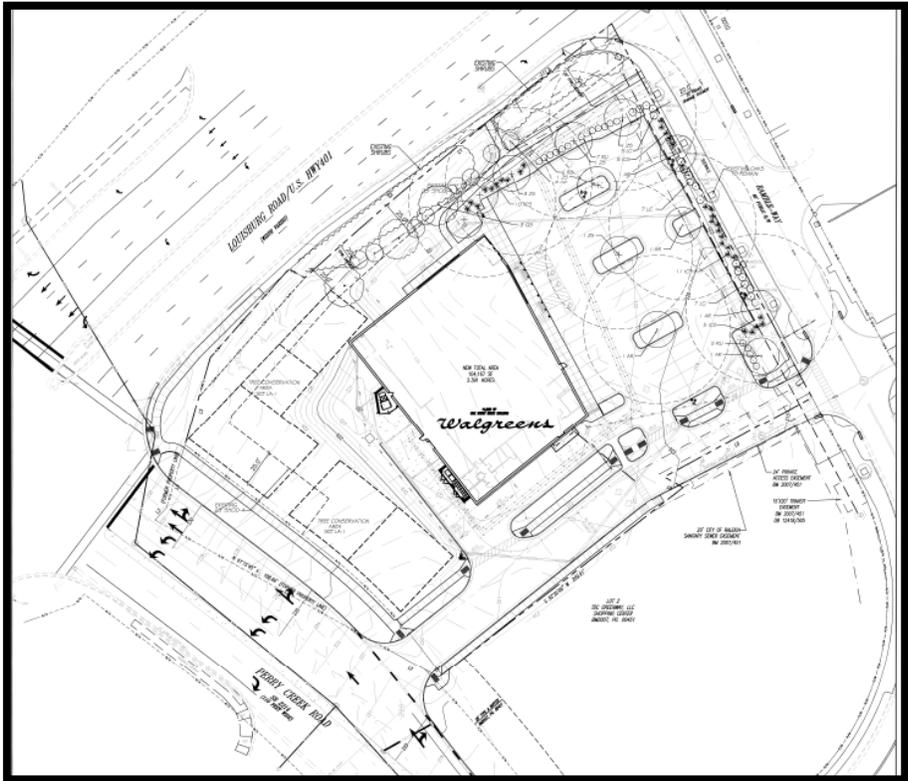
Contact: Matt Lowder, Triangle Site Design

Design Adjustment: N/A

Administrative Alternate: N/A



SP-56-13 / Walgreens – Perry Creek Road



Site Plan

SUBJECT: SP-56-13 / Walgreens - Perry Creek

**CROSS-
REFERENCE:** N/A

LOCATION: This site is located on the east side of Louisburg Road, north of its intersection with Perry Creek Road, inside the City Limits.

PIN: 173764072 & 1737645187

REQUEST: This request is to approve a 14,820 square foot retail establishment with a drive-thru on a 2.39 acre site, (consisting of lot 1 of S-70-05 BM 2007 PG451, and DB 15267 PG 2109) zoned Shopping Center CUD with Special Highway Overlay District-4. This site is located within 400 feet of a residential use.

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 being met, this request conforms to Chapter 2, Part 10, Sections 10-2041, 10-2061, 10-2132.2, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 5/27/14, owned by TDC Greenway, submitted by Triangle Site Design.

**ADDITIONAL
NOTES:** N/A

**VARIANCES /
ALTERNATES:** N/A

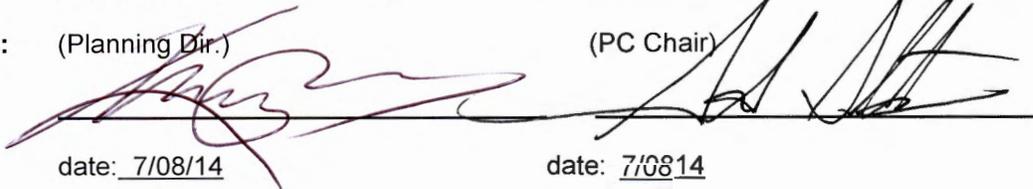
To PC: July 8, 2014
Case History: N/A
Staff Coordinator: Meade Bradshaw
Motion: Swink
Second: Buxton
In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink, Terando and Whitsett
Opposed: xxxxx
Excused: xxxxx

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)

Handwritten signatures in black ink. The signature on the left is more fluid and cursive, while the signature on the right is more angular and blocky. Both are written over a horizontal line.

date: 7/08/14

date: 7/08/14



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);

Administrative Actions:

Prior to issuance of any grading permit for the site:

- (2) The final tree conservation plan will need to clarify that the tree conservation area boundary along Louisburg Road does not overlap with the Duke Energy easement and this needs to be discussed with the City Forestry Specialist prior to submittal.

A map of the tree conservation areas with metes and bounds descriptions must be submitted to the City Forestry Specialist. Tree protection fence must be set up along the boundaries of all tree conservation areas, and an appointment must be made with the City Forestry Specialist to inspect the fence;

Prior to issuance of a site review permit, Infrastructure Construction Plans, or Concurrent Review, approval whichever comes first:

- (3) That a nitrogen offset payment be made to a qualifying mitigation bank;
- (4) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be revised/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;
- (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;
- (6) That NCDOT has approved infrastructure construction plans for the proposed construction in Louisburg Road. NCDOT has reviewed the infrastructure construction plans for proposed construction in Perry Creek Road, and the comments of NCDOT must be incorporated into the final infrastructure construction plans prior to City approval of the construction drawings;
- (7) That all off-site grading easements are acquired on DB 15217 PG 0741 (Pin # 1737636962);

- (8) That the client submit an NCDOT driveway permit is submitted for all construction and modifications on Louisburg Road;

Prior to issuance of building permits:

- (9) That in accordance with Z-29-05(1) and Z -58-04(14) the cross access easement recorded in Book 11550 PG 1046 be revised to:
- (a) Replace Kahn Family LLC with TDC Greenway LLC (see DB15217 PG 741) and
 - (b) Include the parcel acquired by TDC Greenway LLC in Deed Book 15267 PG 2109.
 - (c) Include the connection to Perry Creek Road as part of the access easements

A copy of the recorded revised cross access easement shall be provided to the Planning Department prior to building permit issuance;

- (10) That a ground sign no greater than 6' in height and no more than 70 square feet in area is issued;
- (11) That a map be recorded recombining corner lot DB 15267 PG 2109 (Pin # 1737644072) with lot 1 of S-70-05 BM 2007 PG 451 (Pin # 1737645187) into one lot;
- (12) 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;
- (13) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (14) 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;
- (15) That the existing stormwater replacement agreement recorded in BK 12418 PG 401 be amended by the City's amendment form, obtained in Planning and Development to include the recombined lot.
- (16) That the Declaration of Drainage Easement recorded in BK 12418 PG 446 shall be revised
- (a) to re-define in Article 1, Costs (payment to the City of Raleigh are no longer required) and New Lot 1 to be the recombined parcel (See, condition of approval number 12 above)
 - (b) to amend Article 5, sharing of costs
 - (c) to amend Exhibit A, Stormwater Operations and Maintenance Manual and Budget to increase the drainage area to include the corner lot, 15267 PG 2109, to include the new construction detail sheet to handle this additional drainage area and to delete in Article VII B Replacement Schedules for the sinking fund;
- (17) That the City form documents entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses and Declaration of Maintenance Covenant and Grant of Protection Easements for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is

located within 1 day of after the recordation of the recombination plat. A copy of these recorded documents shall be provided to the Planning Department within the 14 days after recording. Further plat recordings and building permit authorizations will be withheld if the recorded documents are not provided to the Planning Department;

- (18) That infrastructure construction plans for shared stormwater devices and other public improvements be submitted and approved by the Public Works Department;
- (19) That no portion of the building exceeding 10,000 square feet encroaches the zoning line from case Z-58-04 in accordance with Z-58-04(13);
- (20) That the off-site grading easement and utility easements are shown to be recorded on a plat;
- (21) That the proposed right-of-way for Louisburg Road and Perry Creek Road are dedicated to the City of Raleigh and a copy of the recorded plat;
- (22) That a plat of all tree conservation areas must be recorded at the Wake County Register of Deeds office and the book and map reference must be provided to the City Forestry Specialist;
- (23) That all conditions of Z-58-04 and Z-29-05 are met; and
- (24) 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;
- (25) That a fee-in-lieu for street trees on Louisburg Road is paid;
- (26) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of construction of a stormwater device shall be paid to the City prior to permit issuance;

Prior to issuance of an occupancy permit:

- (27) That the road improvements are completed and the warranty in the amount of 15% of the estimated value of the development related improvements is provided to the Public works department;
- (28) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate of occupancy issuance.

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).

Z-58-04 Ordinance (2005)761ZC562 Effective January 4,2005.
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-throughs 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 and Southall Road, northeast quadrant, being Wake County PIN 1737644043. Approximately 1.66 acres are rezoned from Residential-4 w/ Special Highway Overlay District-4 to Shopping Center Conditional Use.

Z-58-04 Ordinance (2005)761ZC562 Effective January 4,2005.
Conditions dated: 6/27/05

- (1) Upon development, vehicular and pedestrian cross access will be provided to the existing adjacent parcel which is referenced in that deed recorded in Book 11333 Page 1870 Wake County Register of Deeds.
- (2) The following uses will be prohibited: Cemetery, Correctional/penal facility, Crematory, Day care facility, Adult establishment, Hotel/Motel, Movie theater (both indoor and outdoor), all Residential uses.

- (3) All outdoor lighting fixtures upon the Property shall be of full cut-off (shielded) design.
- (4) There will be a SHOD-4 yard along Louisburg Road.
- (5) Prior to development of the Property, Petitioner will return to Planning Commission for site plan review.
- (6) Any ground sign for the Property will be no greater than six (6) feet in height and no more than seventy (70) square feet in area.

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 94', rear yard = 138', front / rear aggregate = 232', side yard = 55 & 70', side yard aggregate = 125'. 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: 60 spaces required, based on 1 parking space per 250 square feet of floor area gross. 60 spaces are provided. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. Z-29-05(4) requires a SHOD-4 yard along Louisburg Road. 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 not required with the proposed land being a shopping center and two sides fronting on public rights-of-way.

**TREE
CONSERVATION:**

This project is larger than two acres and compliance with Code Section 10-2082.14—Tree Conservation is required. The project provides 0.2627 acres of tree conservation area which is 11.32% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.2627 acres
Secondary: 0.00 acres

OPEN SPACE:

N/A

**DEVELOPMENT
INTENSITY:**

There is no floor area ratio or building lot coverage maximums in the Shopping Center District.

PHASING:

There is one phase in this development

**UNITY OF
DEVELOPMENT:**

The Greenway Village Unity of Development applies.

**COMPREHENSIVE
PLAN:**

GREENWAY:

There is no greenway on this site.

STREET

T 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 Avenue 4 lane divided:

Street	ROW	Construct	Slope Esmt.
Perry Creek Road	variable width ½-126' b/b	½-98' b-b, & turn lane, 6' sidewalk	None
Louisburg Road	variable width dedication	n/a	none

Additional right-of-way to be dedicated is reimbursable under the facility fees program. The difference between the required 4-lane avenue, divided, with curb, gutter and sidewalk and the proposed construction of the additional turn lane is reimbursable.

A fee-in-lieu for street trees will be paid prior to building permit issuance.

T TRANSIT: This site is located along a transit route, but a transit easement is not required.

C COMPREHENSIVE PLAN: This site is located in the northeast citizen advisory council, in an area designated for neighborhood mixed use.

The following Comprehensive Plan policies apply:

- A. Policy LU 4.5 – Connectivity
The proposal is consistent with this policy.
- B. Policy LU 7.4 – Scale and Design of New Commercial Uses
The proposal is consistent with this policy.
- C. Policy LU 7.6 – Pedestrian Friendly Development
The proposal is consistent with this policy.
- D. Policy LU 10.6 – Retail Nodes
The proposal is consistent with this policy.
- E. Policy T 2.9 – Curb Cuts
The proposal is consistent with this policy.
- F. Policy T 5.5 – Sidewalk Requirements
The proposal is consistent with this policy.
- G. Policy T 5.10 – Building Orientation
The proposal is consistent with this policy.

H HISTORIC / DISTRICTS: The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District.

A 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 commends the	Walgreens is committed to providing a

applicant for their attention to the detail in the design and detailing of the building.	high-quality, visually attractive building for this project
The Commission encourages the further use of plane shifts to complement the existing articulation and banding used to break up the side elevation adjacent to customer parking.	The architect will continue to refine the proposed building elevation and will add elements to enhance the appearance of the building.
The Commission suggests the use of trident maples instead of red maples in space-constrained areas.	The red maples will be replaced with trident maples in space constrained areas
The Commission encourages the addition of planting areas adjacent to the building, between the sidewalk and parking area on Ramble Way, and on the embankment between the tree conservation area and service bay.	Additional landscaping will be provided at the rear of the building between the conservation area and service area as well as along Ramble Way between the existing sidewalk and the proposed parking area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in the Shopping Center zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width for a corner lot in this zoning district is 60'. The recombination of the two lots conforms 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. A 24' access easement (BM 2007, PG 0451) exists on the north adjacent property on Ramble Way. The cross access is to be extended from the existing terminus to the Perry Creek Road access.

BLOCKS / LOTS / ACCESS: The block perimeter is met with the already constructed Ramble Way, a public street which creates a 2,000 foot block perimeter between Louisburg Road and Perry Creek Road. Access to the site will be from a proposed private street, required as part of Z-58-04, which connects Ramble Way with Perry Creek Road

STREETSCAPE TYPE: This site is bordered by three streets. Ramble Way is classified as a mixed use streetscape. Louisburg Road and Perry Creek Road are classified as commercial streets. Ramble Way has existing trees in tree grates within the sidewalk within the right of way spaced 40' on center within a variable 7'-8' sidewalk, built in conformance to Z-58-04. Louisburg has an existing 5' sidewalk along 290' of the site's frontage. Proposed construction along 110' of the site is a 6' sidewalk. Louisburg Road is a NCDOT roadway thus 15' Type C-2 is provided per UDO section 7.2.4 (within a SHOD-4 yard per Z-58-04). Perry Creek Road will be widened in the future. 6' sidewalk is proposed with a fee-in-lieu for tree plantings will be paid prior to building permit issuance.

- PEDESTRIAN:** Proposed public sidewalk locations on Perry Creek Road and Louisburg Road. Internal private sidewalk connections will be provided from Louisburg Road and Perry Creek Road to the site and a sidewalk will extend from the cross access driveway on Perry Creek Road to the existing Region Way sidewalk.
- FLOOD HAZARD:** Flood hazard areas exist on the site and shall be shown on all recorded maps.
- STORMWATER
MANAGEMENT:** The site is subject to the stormwater regulations of Part 10A Chapter 9 of the Unified Development Ordinance. The developer has proposed compliance with water quality regulations through use of the existing constructed wetlands for Greenway Village Subdivision (S-70-05 Revision) and a nitrogen payment to a qualifying mitigation bank. There is an existing stormwater agreement tied to the approved subdivision. This agreement will be required to be amended to incorporate this site.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- OTHER
REGULATIONS:** Developer shall meet all applicable City requirements of Part 10 and 10A (Unified Development Ordinance).