



# 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-79-15 / MGP Retail Grocery Store

**General Location:** This site is on the east side of Wake Forest Road, between Old Wake Forest Road and Ronald Drive.

**Owners:** Ozra Eftekhari; Wake Forest Road Property, LLC; Ronald Drive, LLC

**CAC:** Atlantic

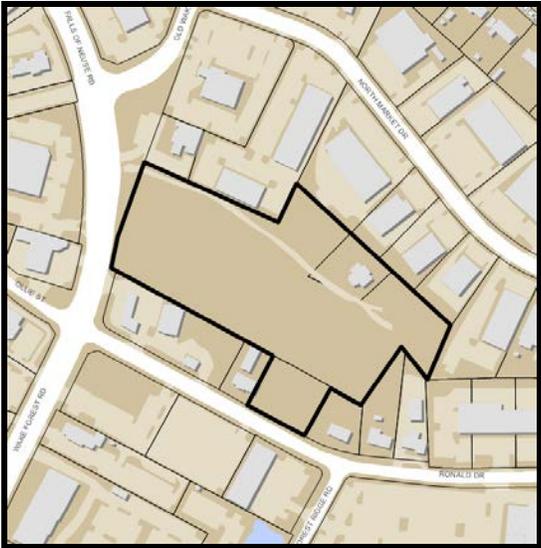
**Nature of Case:** A proposed 36,170 square foot grocery store on three existing tracts totaling 7.19 acres, zoned Neighborhood Business (NB) and Industrial-1 (I-1) at the time of submittal. This site is located within 400 feet of a residential use. This plan was submitted prior to February 14, 2016 and is subject to the regulations of the legacy Part 10 code.

**Key Issues:** As presented, staff finds that this plan conforms to Code standards and adopted land use policies. A landscaping alternate means of compliance is being requested with this development.

**Contact:** Rick Baker

**Design Adjustment:** N/A

**Administrative Alternate:** N/A



**SP-79-15 Location Map**



**SUBJECT:** SP-79-15

**CROSS-  
REFERENCE:** N/A

**LOCATION:** This site is located on the east side of Wake Forest Road, between Old Wake Forest Road and Ronald Drive, inside the City Limits.

**PINs:** 1716504796, 1716507739, 1716505487

**REQUEST:** This request is to approve a 36,170 square foot grocery store on three existing tracts totaling 7.19 acres, zoned Neighborhood Business (NB) and Industrial-1 (I-1) at the time of submittal. This site is located within 400 feet of a residential use.

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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 being met, this request conforms to Part 10, Chapter 2, Sections 10-2042, 10-2046 and 10-2132.2, Part 10A and Unified Development Ordinance Articles 8, and 9. This approval is based on a preliminary plan dated 3/14/16, owned by Ozra Eftekhari, Wake Forest Road LLC, and Ronald Drive LLC, submitted by the Timmons Group.

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**ADDITIONAL  
NOTES:** This application and site plan was filed prior to February 14, 2016. The applicant wishes the site plan to be reviewed under the legacy Part 10 Code.

**VARIANCES /  
ALTERNATES:** A Landscaping Alternate Means of Compliance is being requested in accordance with Section 10-2082.4.

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To PC: 4/26/16

Case History: N/A

Staff Coordinator: Justin Rametta

Motion: Braun  
Second: Fluhrer  
In Favor: Braun, Fluhrer, Hicks, Lyle, Schuster, Swink and Tomasulo  
Opposed: Terando

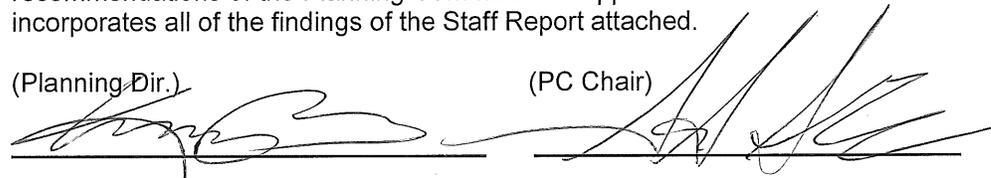
Excused: xxxxx

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)



Date 4/26/16

date: 4/26/16



## Staff Report

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**RECOMMENDED ACTION:** Approval with Conditions

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

- (1) That in accordance with 10-2082.4 (Landscaping Alternate Methods of Compliance), the Planning Commission approves an alternate to the size requirements for the Type B transitional protective yard and that the alternate is at least equivalent to the standards specified in terms of quality, effectiveness, durability, hardiness, and performance;
- (2) That the Planning Commission finds that this site plan meets the standards of section 10-2132.2(d);

Administrative Actions:

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

- (3) That in accordance with Part 10A Section 9.4.4, a surety equal to the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (4) That a tree conservation plan in compliance with UDO Article 9.1. must be approved by the Conservation Forester. The plan must include a map of the tree conservation areas with metes and bounds descriptions of all tree conservation area boundaries. Tree conservation area names must be corrected from what was in the preliminary review upon submittal for the tree conservation permit and must be the approved names. Tree protection fence must be located in the field along the boundaries of all tree conservation areas and inspected by the Conservation Forester;

***Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever is applicable:***

- (5) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the three existing lots into a single tract;
- (6) 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;
- (7) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (8) That if it is determined the property identified as PIN 1716512161 does not have access to public sewer, a public main (8" sewer) must be installed

where 6" sewer with clean-outs is now proposed and an additional easement to serve the property must also be dedicated;

- (9) A tree conservation plan in compliance with UDO Article 9.1 must be approved by the Conservation Forester. The plan must include a map of the tree conservation areas with metes and bounds descriptions of all tree conservation area boundaries. Tree protection fence must be located in the field along all boundaries of all tree conservation areas and inspected by the Conservation Forester. Ronald Drive street trees spacing must be on 40' centers.

***Prior to issuance of building permits:***

- (10) 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 owner/owners' association;
- (11) That a plat of all tree conservation areas with metes and bounds descriptions of the boundaries must be recorded at the Wake County Register of Deeds office;
- (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 in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (14) That if the proposed public improvements are not installed and inspected by the city to be accepted for maintenance, a surety in the amount of 125% of the cost of construction for the 6' sidewalk and streetscape trees installed on Ronald Drive is to be paid to the Public Works Department in accordance with code section 8.1.3 of the UDO;
- (15) That ½ of the required right of way for the Wake Forest Road and Ronald Drive is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (16) That a fee-in-lieu of construction for 1' of sidewalk along Wake Forest Road be paid to the Public Works Department;
- (17) That an offer of cross access with the lots to the north identified as PINs 1716515165 and 1716512161 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;
- (18) That copies of approved driveway permits and an encroachment agreement for the transit shelter from NCDOT are provided to the Public Works Department;

**Prior to issuance of a certificate of occupancy:**

- (19) That as-built certification for all stormwater control devices as required under UDO Sec. 9.2.2.d.3 shall be provided to the Public Works Department, Stormwater Management Division;
- (20) That the owner’s response to the Appearance Commission’s comments are met and reflected on the plans.

**ZONING:**

**ZONING DISTRICTS:** Neighborhood Business (NB) and Industrial-1 (I-1).

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards in the NB and I-1 districts. Front yard = 180.16, rear yard = 305’, side yard = 30.49. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 28’.

**PARKING:** Off-street parking conforms to minimum requirements: 181 spaces required, based on one parking space per 200 square feet of gross floor area. 181 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. A landscaping alternate means of compliance is being requested for a portion of the Transitional Protective Yard along the eastern property line to allow a reduction from 30’ to 20’ with a closed fence. Transitional protective yards are shown in the following locations:

<b>Location</b>	<b>Yard type required</b>	<b>Width proposed</b>
West	30’ Type ‘B’	30’
Southeast	30’ Type ‘B’	30’
East	30’ Type ‘B’	20’ w/ fence

**TREE CONSERVATION:** This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project provides 0.73 acres of tree conservation area which is 10 % of the net site acreage. Tree conservation acreage is as follows:

Primary: 0 acres  
Secondary: 0.73 acres

**DEVELOPMENT INTENSITY:** N/A

**PHASING:** N/A

**UNITY OF**

**DEVELOPMENT:** N/A

**COMPREHENSIVE PLAN:**

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

**STREET PLAN MAP:**

Dedication of right-of-way for the following streets is required by the Street Plan Map of the Comprehensive Plan. Wake Forest Road is classified as an Avenue, 6-lane, divided and Ronald Drive is classified as an Avenue, 2-lane, undivided.

Street Name	Existing R/W	Proposed R/W	Existing B to B	Proposed B to B	Slope Easement
Wake Forest Road	Variable (91'-100')	½ 126'	Variable	Variable	20'
Ronald Drive	60'	½ 64'	Variable	Variable	N/A

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: This site is located along a transit emphasis corridor. Increasing development will increase demand but it is not expected to exceed the capacity of the current system. The offer of a shelter installed within the ROW will mitigate this demand (if approved by NCDOT). This site is presently served by Go Raleigh Route 2 Falls of the Neuse in the existing transit system.

**COMPREHENSIVE PLAN:**

The site is located within the Atlantic CAC, in an area designated Business and Commercial Services on the Future Land Use Map. The Comprehensive Plan states that: "This category is for higher-impact or 'heavy' commercial activities that would not be compatible with residential uses, or that have locational needs (such as frontage along freeways, expressways, or other major streets) that are not conducive to mixed use development. Examples include auto dealerships, auto repair and service businesses, lumberyards, nurseries, contractor suppliers, warehousing, printers, truck stops, distribution centers, and other uses that are quasi-industrial or highway-oriented in character. These areas would generally be zoned IX."

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

- LU 5.1 Reinforcing the Urban Pattern
- LU 5.2 Managing Commercial Development Impacts
- LU 7.4 Scale and Design of New Commercial Uses
- LU 10.6 Retail Nodes
- 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:

<u>Comment</u>	<u>Response</u>
<u>The Commission applauds the applicant for their design intent</u>	Comment appreciated
<u>Recommends the use of tan, beige, or other color for the roof membrane in order to minimize glare</u>	We can accommodate and recommend a tan color.
<u>Recommends additional roof overhang on the south and west elevations to address solar concerns</u>	We can accommodate by extending the roof overhang an additional 1'. Note, building will be required to meet energy code standards regardless of additional overhang.
<u>Recommends an enhanced planting plan that incorporates a holistic approach to the site.</u>	Landscape plan has been revised to shift plantings to a more uniform approach where gaps in the plantings had been previously shown. We also increased the species of shrubs from 7 to 10.
<u>Recommends the applicant put additional thought into material choice for retaining walls in order to match or complement the building materials</u>	Retaining walls shall be Pavestone Anchor Landmark Retaining Wall System, gray color. We believe this will complement the building materials.
<u>Recommends a material for the bollards at the building entrance that matches or compliments the building materials</u>	The bollards will be painted to match the storefront and other metal that is present on the building.

**SUBDIVISION  
 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:** Service to be provided by private contractor.

**BLOCKS / LOTS /  
 ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. No new streets are proposed with this development.

**STREETSCAPE**

**TYPE:** The applicable streetscape is a sidewalk and tree lawn. A fee in lieu for 1' of sidewalk is required along Wake Forest Road. As this is an NCDOT street, trees will be planted on-site in a 15' Type C2 yard in accordance with UDO Section 8.5.1.D 4. Construction of a 6' wide sidewalk and tree lawn is proposed along Ronald Drive.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 5' sidewalk exists along Wake Forest Road. A fee-in-lieu of construction will be required for the additional foot. A 6' sidewalk is proposed along Ronald Drive.

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

**STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. This project will be utilizing a bioretention device to attenuate post development peak flow rates to predevelopment conditions for the 2 & 10 yr. storm event. The bioretention device along with the purchase of offsite nitrogen mitigation credits will be used to ensure nitrogen loading rate does not exceed 3.6 lbs./ac./yr.

**WETLANDS / RIPARIAN BUFFERS:** Shown wetland & stream impacts have been approved by NCDENR. See DWR#15-1192. Per NBRRO#15-208 the watercourse on site is not subject to Neuse Buffer Rules

**OTHER REGULATIONS:** Developer shall meet all other applicable City requirements of Code Part 10 and 10A (Unified Development Ordinance).

## **Lidl Grocery Store (SP-79-15)**

### **EIGHT FINDINGS FOR PLANNING COMMISSION REVIEW**

**(1) The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:**

**a. The physical character of adjacent and surrounding roads;**

Wake Forest Road has a seven-lane undivided cross-section and primarily services commercial developments in the immediate study area. Wake Forest Road is heavily traveled commuter facility and provides a north-south link from downtown Raleigh to residential developments located in North Raleigh. Ronald Drive is an unmarked two-lane facility that serves as a primary access point to several commercial developments including a Walmart shopping center. Sidewalks exist along both facilities. No accommodations exist along either facility for bicyclists.

**b. Nearby median openings or intersections and stub streets;**

Although Wake Forest Road is not currently median divided, future widening plans designate it to be median divided and therefore, the proposed drive onto Wake Forest Road has a “pork chop” island to limit vehicular movement to right in/right out. The drive onto Wake Forest Road is located to maximize the distance between the intersections of Ronald Drive/Wake Forest Road and Wake Forest Road/Falls of Neuse Road.

**c. The classification of streets and plans for future improvements;**

No new streets will be constructed as a result of this development. Wake Forest road is classified as Avenue, 6-lane divided which will be widened along the frontage to its ultimate section with the required 6’ sidewalk and right of way dedication. Ronald Drive is classified as Avenue, 2-lane undivided. No widening of Ronald Drive is proposed however, right of way dedication will be provided for future widening.

**d. Proximity to pedestrian generators such as schools, transit stops and facilities, parks and greenways;**

The subject property is located in close proximity to various transit stops along Wake Forest Road but has no schools, parks or greenways in the immediate vicinity.

**e. The accident experience near the site;**

The intersection of Wake Forest Road / Ollie Street / Ronald Drive had 66 reported accidents in the past five year period. Due to the high number of crashes at this unsignalized intersection, the NCDOT created a safety project (to signalize the intersection) in hopes of reducing the overall number of crashes and crash severity.

**f. Bicycle, pedestrian and transit access and circulation;**

Bicycle racks will be provided near the building entrance. Pedestrian connectivity will be provided by sidewalks provided from Ronald Drive, through the site, to Wake Forest Road and a new transit stop with shelter will be provided along the property frontage of Wake Forest road.

**g. Traffic volumes existing and projected from approved site plans;**

Heavy peak hour traffic volumes exist along Wake Forest Road, but with six travel lanes, adequate capacity exists to facilitate this traffic. Due to the type of development and its location, a significant portion of the expected (peak hour) vehicular traffic generation will be from “pass-by” trips. Because the facility includes high percentage of commuter traffic during the peak hours, it is believed that actual “pass-by” trips will be higher than those projected by the *ITE Trip Generation Manual* and used in the TIA analyses.

**h. Interference with any other driveway;**

The drive onto Wake Forest Road will utilize a “pork chop” island to limit the drive to right in/right out movements so there is no interference with existing drives on the opposite side of Wake Forest Road. The drive onto Wake Forest Road is located as closely to the center of the property as possible maximizing distance to existing drives to the north and south of the site. The drive onto Ronald Drive has been located to maximize distance between drives to the west and east and does not interfere with any existing drives on the opposite side of Ronald Drive.

**i. Response time of nearby emergency services such as fire and hospital;**

There are no known issues with response time by emergency services.

**j. The character of the traffic to be generated from the site; and**

The majority of peak hour vehicular traffic generated by this development will be passenger vehicles with a high percentage of “pass-by” trips. A new right-in/right-out site driveway access will be provided onto Wake Forest Road. A “pork chop” island will be constructed to prohibit southbound left-turning

vehicles from accessing this driveway. A full movement site driveway access will be provided onto Ronald Drive. This driveway will be replace an existing single family residential driveway.

**k. Opportunities to enhance street, parking lot and sidewalk connectivity.**

The proposed plan includes the widening of Wake Forest Road and a drive onto both Wake Forest Road and Ronald Drive for enhancement of vehicular connectivity. Sidewalk enhancement is by connectivity from Ronald Drive, through the site to Wake Forest Road.

**(2) The site plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other City Council - adopted plans and standards.**

On the future Land Use Map, this area is designated for Business and Commercial Services. The proposed use as a grocery store is consistent with this designation. To our knowledge, the plan meets all other adopted codes and standards.

**(3) The site plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:**

**a. Stormwater;**

Storm drainage is proposed to meet Code requirements for controlling stormwater runoff.

**b. Air or water pollutant discharges,**

No adverse impacts anticipated.

**c. Noise, light and odor;**

No adverse impacts anticipated.

**d. Access to air and light;**

No problems anticipated. The proposed building height of one story minimize impacts to light and air.

**e. On and off-street parking;**

Off street parking is being provided per the requirements of the City Code. 181 parking spaces are required and 181 spaces are being provide. The on site

parking is located to the west of the building. No on-street parking is provided or requested.

**f. Dust, smoke and vibration;**

No adverse impacts anticipated.

**g. Hours of operation;**

No adverse impacts anticipated.

**h. Site conditions that may foster unsafe or unlawful activities.**

No adverse impacts anticipated.

**4) The site plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:**

**a. Building scale;**

The proposed building height is 28'-0" and consistent with other adjacent and nearby commercial development. The building façade consists of a combination of brick and stucco with aluminum framed storefront glazing. The use of a contrasting brick base, alternating materials, and strong horizontal lines through the elevation help to break down the scale and massing of the building. It should be noted in the Future Land Use Plan and City of Raleigh Zoning, the existing residential use lots are designated as Business and Commercial Services and Commercial Mixed Use, respectively.

**b. Architectural character;**

Durable and high end materials are utilized on the exterior façade such as brick, Stucco, and wood panel soffits which will help accentuate the details of the building façade while more easily blending with the adjacent residential properties. It should be noted in the Future Land Use Plan and City of Raleigh Zoning, the existing residential use lots are designated as Business and Commercial Services and Commercial Mixed Use, respectively.

**c. Landscaping;**

Landscaping is to be provided per the Raleigh Code which includes vehicular surface plantings and screening for most adjacent properties, particularly the single family use lots. It should be noted in the Future Land Use Plan and City of Raleigh Zoning, the existing residential use lots are designated as Business and Commercial Services and Commercial Mixed Use, respectively.

**d. Amount and placement of impervious surfaces;**

The amount of impervious surface will increase with the development of these properties however stormwater detention and treatment will be provided by bioretention to meet the City UDO. The proposed drainage patterns will follow the existing drainage patterns. It should be noted in the Future Land Use Plan and City of Raleigh Zoning, the existing residential use lots are designated as Business and Commercial Services and Commercial Mixed Use, respectively.

**e. Placement of structures and vehicular surface areas;**

The proposed structure will be located closer to Wake Forest Road and on the north side of the property, away from the three (3) existing single family uses fronting Ronald Drive. To minimize impact, parking is located adjacent to only one (1) single family use lot. It should be noted in the Future Land Use Plan and City of Raleigh Zoning, the existing residential use lots are designated as Business and Commercial Services and Commercial Mixed Use, respectively.

**f. Orientation of uses and entranceways.**

Entranceway and orientation of use will be focused on the right-of-way of Wake Forest Road.

**(5) The site plan coordinates with existing and planned public facilities such as:**

**a. Stormwater drainage structures;**

Storm drainage is proposed to meet Code requirements for controlling stormwater runoff.

**b. Public utilities;**

Existing adequate public utilities are in place and adjacent to the subject property.

**c. Streets, sidewalks and on-street parking;**

The property fronts on Wake Forest Road and Ronald Drive, existing public streets. Widening of Wake Forest Road along the property frontage is being completed and no widening along Ronald Drive is required. No on-street parking is being requested as all parking provided is on site.

**d. Parks, greenways and recreational facilities;**

There are parks/open spaces in close proximity to the subject property (Green Road Park and Community Center and Eastgate Park and Neighborhood Center).

**e. Fire stations and community service facilities;**

As this is a well-developed area, Fire, Police and EMS stations are in close proximity.

**f. Schools;**

As this project is a proposed a grocery store, there is no expected increase in demand on Wake County Public schools.

**g. Trash collection;**

Trash collection is by private vendor, no additional demand on public services.

**h. Transit stops and facilities.**

Wake Forest Road is designated as a Premium Transit Corridor with existing Transit stops located along Wake Forest Road and near the proposed development. In addition, a new transit stop is proposed along the property frontage on Wake Forest Road with shelter.

**(6) The site plan provides for a unified development within the site and with adjoining properties when such properties are either:**

**a. Under similar ownership as the site,**

No adjacent properties are under similar ownership as the subject parcels.

**b. Are being developed in a coordinated manner with the site,**

All adjacent properties are already developed.

**c. The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access street connectivity or signage will promote good order, convenience and safety.**

All adjacent properties (most having been developed for at least 25 years) have access to lessor traffic volume public streets than Wake Forest Road and due to grade changes and existing building orientations, cross access or shared street connectivity is not possible. However, this site has two connections to public streets (Wake Forest Road and Ronald Drive) to promote better traffic circulation and provide a safe and convenient environment.

**Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance.**

**(7) The site plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and applicable conditional use zoning ordinances.**

To the best of our knowledge, the site is in compliance with the above-stated criteria. The following are provided: widening of Wake Forest Road with sidewalk to maintain pedestrian connection from Old Wake Forest Road/Falls of Neuse Road intersection to Ronald Drive and addition of a transit stop with shelter to meet City of Raleigh requirements.

**(8) The site plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met.**

To the best of our knowledge, the site is in compliance with the above-stated criteria.