

Administrative Approval Action

Case File / Name: ASR-0061-2023 DSLC - Yardly Buffaloe Village

LOCATION:The site is located on proposed Lot 3 of the Yardly Buffaloe Village subdivision
(SUB-0034-2023). The site is south of the intersection of Buffaloe and Forestville
Road on the east side of Forestville Road. The current PIN number is 176422158,
which will change once the final subdivision plat has been recorded.
The proposed development is for a 1,973-sf convenience restaurant with a
drive-thru. The site is zoned CX-3-CU. All required and associated utilities (water,
franchise, sanitary and storm sewers) will be constructed as part of this
development.DESIGN
ADJUSTMENT(S)/
ALTERNATES, ETC:SUB-0034-2023: DSLC - Preliminary Subdivision/Preliminary Subdivision

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated April 3, 2024 by Kimley-Horn.

CONDITIONS OF APPROVAL and NEXT STEPS:

This document must be applied to the second sheet of all future submittals except for final plats. This is a preliminary plan and as such no permits have been issued with this approval. To obtain permits and/or completion of the project, the following steps are required:

☑ <u>SITE PERMITTING REVIEW</u> - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Site Permitting Review may be submitted upon receipt of this signed approval document.

The following items are required prior to approval of Site Permitting Review plans:

General

- 1. Prior to SPR approval, the project must comply with UDO 7.4 (Site Lighting) specifically any wall mounted lights and light poles located on the site.
- 2. As the developer has submitted a revised subdivision plan for this development, the revised subdivision plan for SUB-0034-2023 shall be approved.

Stormwater

3. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

☑ <u>BUILDING PERMITS</u> - For buildings and structures shown on the approved plans. Commercial building permit plans must include the signed, approved Site Permitting Review plans attached, if applicable. Permit sets may be reviewed prior to the recordation of required plats, but cannot be approved.

The following items must be approved prior to the issuance of building permits:

General



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1. The subdivision map establishing the lot for this development shall be recorded as approved in SUB-0034-2023.

Urban Forestry

2. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 4 street trees along Forestville Rd.

The following are required prior to issuance of building occupancy permit:

General

1. Final inspection of all street trees by Urban Forestry Staff.

Stormwater

2. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).

EXPIRATION DATES: The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: June 6, 2027

Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date:

Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

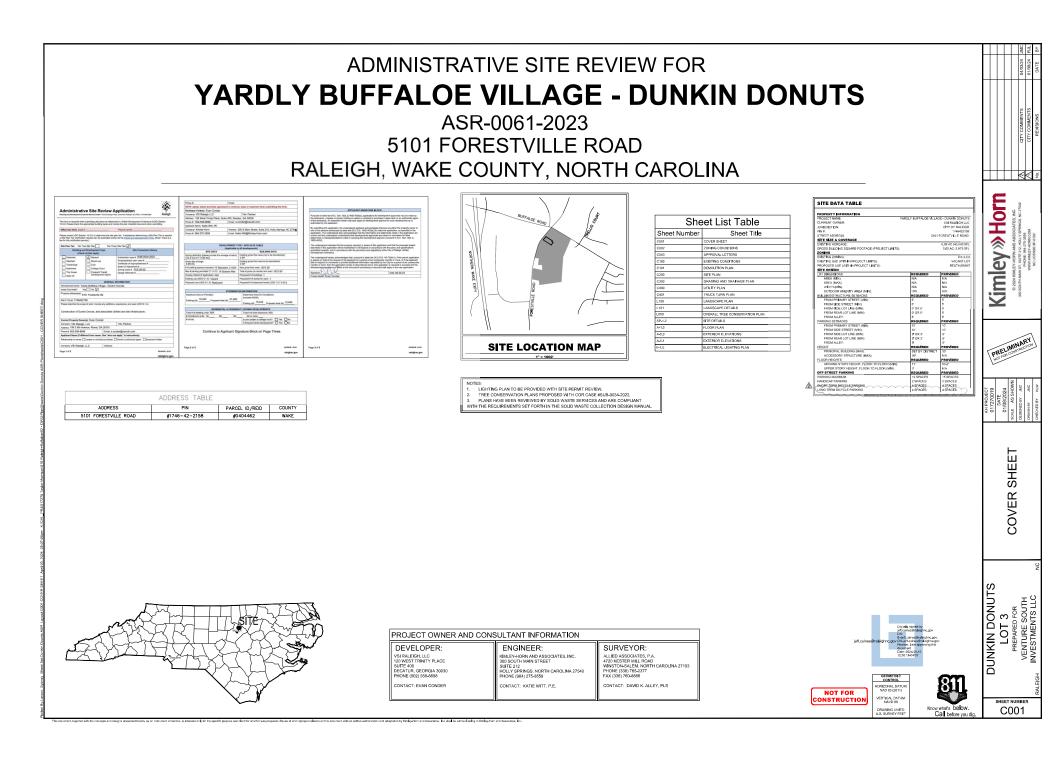
I hereby certify this administrative decision.

Date: 06/06/2024

Signed:

Development Services Dir/Designee

Staff Coordinator: Jeff Caines



ZONING CONDITIONS:

TCZ-28-22 • 0 BUFFALOE ROAD, LOCATED AT THE SOUTHEAST CORNER OF ITS INTERSECTION WITH FORESTVILLE ROAD, BEING WAKE COUNTY PIN 1746411926. APPROXIMATELY 22.93 ACRES REZONED TO COMMERCIAL MIXED USE-3 STORIES-CONDITIONAL USE (CX-3-CU) [MODIFIED CONDITIONS].

AMENDED CONDITIONS DATED: APRIL 13, 2022

A. CONDITION: THERE SHALL BE A MINIMUM FIFTY-FOOT (50') PRINCIPAL BUILDING SETBACK FROM THE SHARED BOUNDARY LINE WITH THOSE ADJACENT PROPERTIES WITH PROPERTY IDENTIFICATION NUMBERS (PINS) 1746-42/70'S (DEED BOOK 16) 05, PAGE 1342, WARE COUNTY REGISTRY) AND 1746-41-3877 (DEED BOOK 9550, PAGE 758), WARE COUNTY REGISTRY), ANY TREES WITHIN THE SETBACK SHALL REMIN, EXPECT FOR THOSE TREES DETERMINED TO BE UNHALTHY, DEAD OR HAZARDOUS.

MEANS OF COMPLIANCE: PROJECT IS NOT ADJACENT TO PROPERTIES LISTED IN THIS CONDITION.

B. CONDITION: PROHIBITED USES: THE FOLLOWING USES SHALL BE PROHIBITED UPON THE PROPERTY:

- i. DORMITORY, FRATERNITY, SORORITY; ii. ADULT ESTABLISHMENTS:
- BAR, NGHYOLUB, TAVERN, LOUNGE (EXCEPT AS ASSOCIATED WITH A HOTEL IN THE SAME BUILDING) V: FUNERAL HOME; V. ANIMAL CARE (INDOOR); V. VETERINARY CLINICHOSTITAL; WI. DETENTION CENTER, JAL, PRISON; WI. MOVIE THEATRE - EITHER INDOOR OR OUTDOOR; V. EMERGEORY SHELTRE - TYPE B; X. BOWLING ALLEY; X. MINUWAREHOUSE STORAGE FACILITY.
- MEANS OF COMPLIANCE: THE DUNKIN DONUTS BUILDING BEING PROPOSED NOT DOES FALL INTO A PROHIBITED USE CATEGORY LISTED.
- C. CONDITION: THE VEHICLE FUEL SALES USE SHALL COMPLY WITH THE REGULATIONS SET FORTH IN UDO SECTION 6.4.11.C.3. UDO SECTIONS 6.4.11.C.3. AI IX SHALL NOT APPLY IF THE PROPERTY ON WHICH ANY VEHICLE FUELS SALES USE SITS IS FARTHER THAN 200' FROM A RESIDENTIAL DISTRICT.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED WILL NOT FACILITATE VEHICLE FUEL SALES.
- D. CONDITION: THE VEHICLE SALES/RENTAL AND VEHICLE REPAIR (MINOR) USE SHALL BE SUBJECT TO THE NEIGHBORHOOD MIXED USE REGULATIONS LISTED IN UDO SECTIONS 6.4.13.B.5. AND 6.5.6.C.2.F., RESPECTIVELY.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED WILL NOT FACILITATE VEHICLE SALES/RENTAL OR REPAIRS.
- E. CONDITION: NO SINGLE RETAIL ESTABLISHMENT DEVELOPED ON THE SUBJECT PROPERTY AFTER ADOPTION OF THIS REZONING ORDINANCE SHALL EXCEED 65.000 SOURCE FEET, FLOOR AREA GROSS. ADGREGATE RETAIL SOURCE PROTATE VERVICEOPED ON THE ENTIRE SUBJECT PROPERTY SHALL DE TO EXCEED 13:000 SOURCE FEET, FLOOR AREA GROSS. PRIOR TO RECORDING ANY PLAT OR DEED DIVIDING THE REZONED PROPERTY INCL TO YOO RI MORE PARCELS, AT RESTRICTIVE COVENANT ALLOCATING RETAIL FLOOR AREA GROSS SOURCE FORTS TO THE LOTS WITHIN THE REZONED PROPERTY SHALL DE RECORDED UNTIT REGUSTRY. NO COVENANT ALLOCATING RETAIL SOURCE ADVANCE FOOTAGE SHALL BE RECORDED AMENDED OR TERMINATED WITHOUT THE PRIOR WRITTEN CONSENT OF THE RALEIGH CITY ATTORNEY OR HISH'ER DEPUTY WHICH SHALL BE EVIDENCED BY HISHER SIGNATURE ON THE DOLMENT.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED IS NOT A RETAIL ESTABLISHMENT AND DOES NOT EXCEED THE AREA LIMITS.
- F. CONDITION: OFFICE AND INSTITUTIONAL USES DEVELOPED ON THE SUBJECT PROPERTY AFTER ADOPTION OF THIS REZONING ORDINANCE SHALL NOT EXCEED 20,000 SQUARE FEET, FLOOR AREA GROSS.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED IS NOT OFFICE OR INSTITUTIONAL USE AND DOES NOT EXCEED THE AREA LIMITS.
- G. CONDITION: RESIDENTIAL DENSITY DEVELOPED ON THE SUBJECT PROPERTY AFTER ADOPTION OF THIS REZONING ORDINANCE SHALL NOT EXCEED TEN (10) DWELLING UNITS PER ACRE.

MEANS OF COMPLIANCE: N/A - THE BUILDING BEING PROPOSED WILL NOT BE USED FOR RESIDENTIAL DWELLINGS.

- H. CONDITION: NO BUILDING CONSTRUCTED ON THE PROPERTY AFTER ADOPTION OF THIS ZONING ORDINANCE SHALL EXCEED A HEIGHT OF FORTY-FOUR (44) FEET, MEASURED IN ACCORDANCE WITH <u>UDO SECTION 1.5.7</u>, AND NO SUCH BUILDING SHALL EXCEED THREE (3) OCCUPIED STORIES.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED WILL NOT EXCEED THE HEIGHT OR STORY LIMITS.
- CONDITION: POLES FOR FREE STANDING LIGHTING SHALL NOT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT, AND ALL POLE MOUNTED LIGHT FIXTURES SHALL BE FULL CUTOFF TYPE, REGARDLESS OF WATTAGE. NOTWITHSTANDING THE FOREGOING, IN BUFFER AREAS AND PROTECTIVE YARDS, POLES FOR FREE STANDING LIGHTING SHALL NOT EXCEED TWELVE (21) FEET IN HEIGHT.
 - MEANS OF COMPLIANCE: PROPOSED LIGHTING IS LESS THAN 35 FEET IN HEIGHT. NO LIGHTING PROPOSED IN BUFFER AREAS OR PROTECTIVE YARDS.
- J. CONDITION: PRIOR TO LOT RECORDATION OR THE ISSUANCE OF ANY BUILDING PERMIT, WHICHEVER SHALL FIRST OCCUR, THE OWNER OF THE PROPERTY SHALL DEED TO THE CITY THE TRANSIT EASEMENT MEASURING TWENTY (20) FEET LONG BY FIFTEEN (15) FEET WIDE ADJACENT TO THE PUBLIC RIGHT OF WAY TO SUPPORT A BUS STOP FOR FUTURE TRANSIT SERVICES IN THE AREA. THE LOCATION OF THE TRANSIT EASEMENT SHALL BE TIMELY REVIEWED AND APPROVED BY THE TRANSIT DISION OF THE CITY, AND THE CITY ATTORNEY OR HIS<u>HED</u> DESIGNEE SHALL APPROVE THE TRANSIT EASEMENT DEED PRIOR TO RECORDATION IN THE WAKE COUNTY REGISTRY.
 - MEANS OF COMPLIANCE: THE OWNER OF THE PROPERTY WILL DEED THE STATED TRANSIT EASEMENT TO THE CITY PRIOR TO BUILDING PERMIT.
- K. CONDITION: UNTIL THE THREE LANES ON THE BUFFALOE ROAD BRIDGE OVER 1-540 ARE INCREASED BY AT LEAST ONE EASTBOUND LANE THROUGH REPLACEMENT, EXPANSION OR RE-STRIPING OF SAID BRIDGE, DEVELOPMENT OF THE ENTIRE SUBJECT PROPERTY SHALL BE CAPPED AS FOLLOWS: (I) ONE-STORY RETAIL USES SHALL NOT EXCEED TWENTY THOUSAND (20,000) SOURCE FEET, FLOOR AREA GROSS, AND (RT) OF STATUS SWITHIN VERTICAL MIXED USE BUILDINGS SHALL NOT EXCEED A TOTAL OF FORTY THOUSAND (20,000) SOURCE FEET, FLOOR AREA GROSS, AND (II) OFFICE AND INSTITUTIONAL USES AS LIMITED BY CONDITION E), AND (III) RESIDENTIAL USES SHALL NOT EXCEED FORTY (40) DUBLING UNITS.

MEANS OF COMPLIANCE: N/A - THE PROPOSED BUILDING DOES NOT FALL INTO THESE USE CATEGORIES AND DOES NOT EXCEED THE AREA LIMITS.

L. CONDITION: DEVELOPMENT OCCURRING ON THE PROPERTY AFTER THE ADOPTION OF THIS REZONING ORDINANCE SHALL BE CONSISTENT WITH THE FOLLOWING-GUIDELINES.

- 1. PARKING SHALL NOT OCCUPY MORE THAN ONE-THIRD OF THE FRONTAGE OF THE PROPERTY ALONG BUFFALOE ROAD IF PARKING IS LOCATED TO THE SIDE(S) OF THE BUILDINGS ALONG BUFFALOE ROAD.
 - MEANS OF COMPLIANCE: PARKING IS NOT PROPOSED ALONG THE FRONTAGE OF BUFFALOE ROAD WITH THIS BUILDING

2. ANY PARKING SPACES LOCATED WITHIN TWENTY-FIVE LEST (25') OF THE RIGHT-OF-WAY OF EITHER BUFFALOE ROAD OR FORESTVILLE ROAD SHALL BE VISUALLY SCREEWED BY EVERGREEN SHRUBS SPACED NO MORE THAN FOUR FEET (4') ON CENTER AND EXPECTED TO REACH A HEIGHT OF AT LEAST THIRTY INCHES (30') WITHIN THREE, D'Y CHARG OF PLANTING WITH A NIMMUM INSTALL HEIGHT OF 18 INCHES.

- MEANS OF COMPLIANCE: NO PARKING PROPOSED WITH THIS BUILDING IS WITHIN 25 FEET OF RIGHT-OF-WAY OF BUFFALOE ROAD OR FORESTVILLE ROAD.
- 3. INTERNAL STREETS WILL BE DESIGNED TO BE PEDESTRIAN ORIENTED AND A NETWORK OF INTERNAL AND PUBLIC SIDEWALKS, WALKWAYS TO BUILDING ENTRANCES AND CROSSWALKS WILL CONNECT BUILDINGS, PARKING, BIKE RACKS, SIDEWALKS AND A TRANSIT STOP.
- MEANS OF COMPLIANCE: SIDEWALKS PROPOSED ALONG INTERNAL STREET NETWORK
- 4. PEDESTRIAN CONNECTIONS BETWEEN THE TRANSIT STOP AND BUILDING ENTRANCES SHALL BE PROVIDED VIA PUBLIC SIDEWALKS AND/OR INTERNAL SIDEWALKS.

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CONDITIONS

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DUNKIN DONUTS LOT 3 PREPARED FOR

SHEET NUMBER

C002

Know what's below. Call before you did VENTURE SOUTH INVESTMENTS LLC

Kimley >>> Horm

- MEANS OF COMPLIANCE: SIDEWALKS PROPOSED CONNECT FROM THE BUILDING MAIN ENTRANCE TO PUBLIC MUP
- 5. SIDEWALKS INTERNAL TO THE SITE SHALL BE A MINIMUM OF SIX (6) FEET WIDE.
- MEANS OF COMPLIANCE: SIDEWALKS ALONG PUBLIC AND PRIVATE ROADWAY NETWORK ARE A MINIMUM OF 6 FEET WIDE.
- M. CONDITION: AN APARTMENT BUILDING TYPE MAY NOT INCLUDE DWELLING UNITS THAT ARE SEPARATED BY A HORIZONTAL PARTY WALL, MEANING THAT DWELLING UNITS IN THE SAME BUILDING MUST BE SEPARATED BY A VERTICAL PARTY WALL. THIS SHALL NOT PROHIBIT A DWELLING UNIT FROM HAVING MULTIPLE STORIES.
 - MEANS OF COMPLIANCE: N/A THE BUILDING BEING PROPOSED IS NOT AN APARTMENT.

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	February 20, 2024	
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To Whom it	May Concern,	
This letter n	epresents that Waste Management is working with Kimley Horn and will service "5101	
Forestville F containers a	epresents that Waste Management is working with Kimley Horn and will service "5101 load Lot 3, Raleigh, NC 27616, upon completion of the build out. Our intent is to service t this site for their waste and recycling needs. Please let me know if you have any questions.	
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04/03/24 JMC 01/08/24 RJL DATE BY

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PRELIMINARY HOTFOR CONSTRUCTION

KH PROJECT 0172/0019 0172/0019 077E 01/08/2024 soure AS SHOWN DESIGNED BY AIC DEWINI BY AIC

APPROVAL LETTERS

DUNKIN DONUTS LOT 3 PREPARED FOR VENTURE SOUTH INVESTMENTS LLC

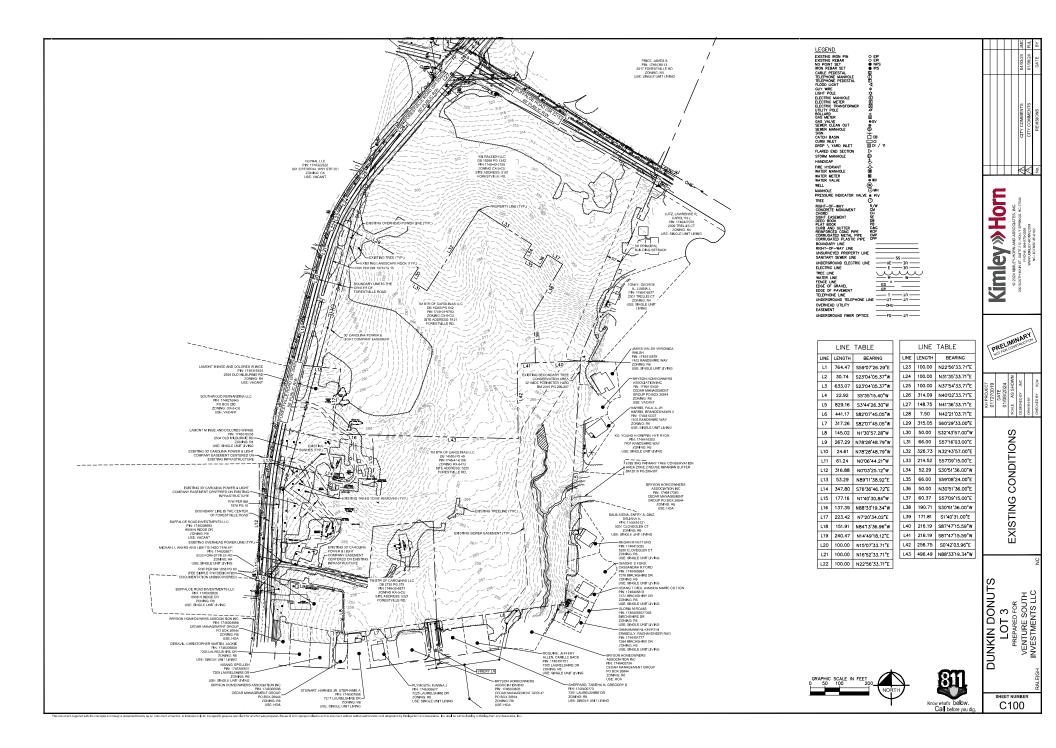
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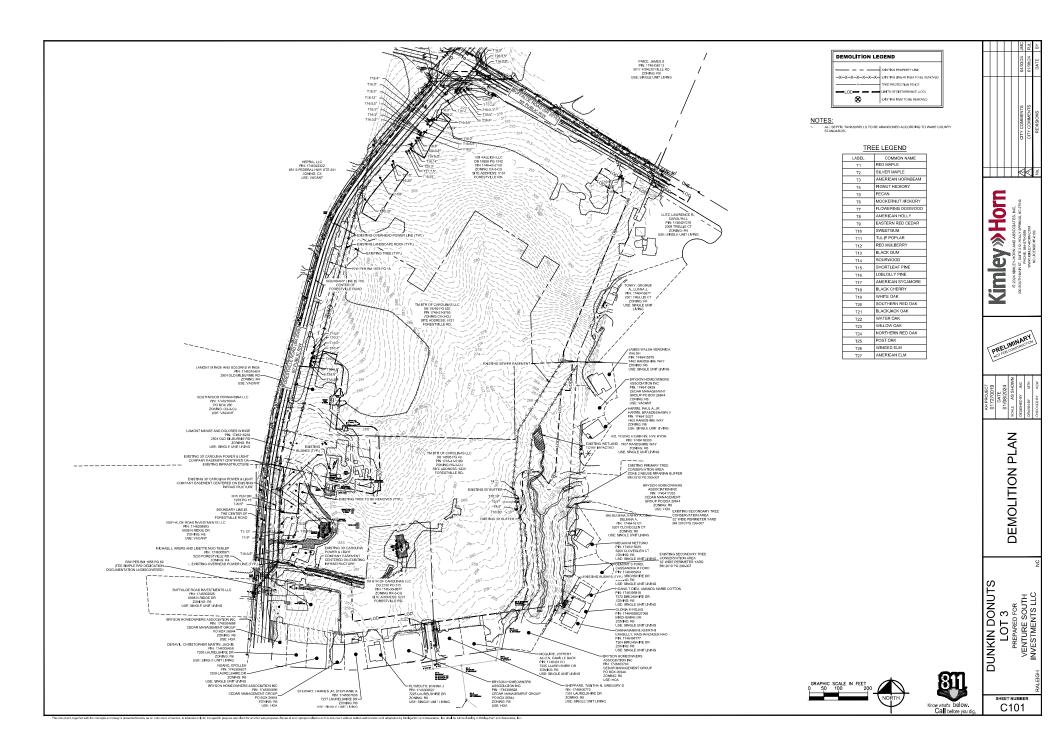
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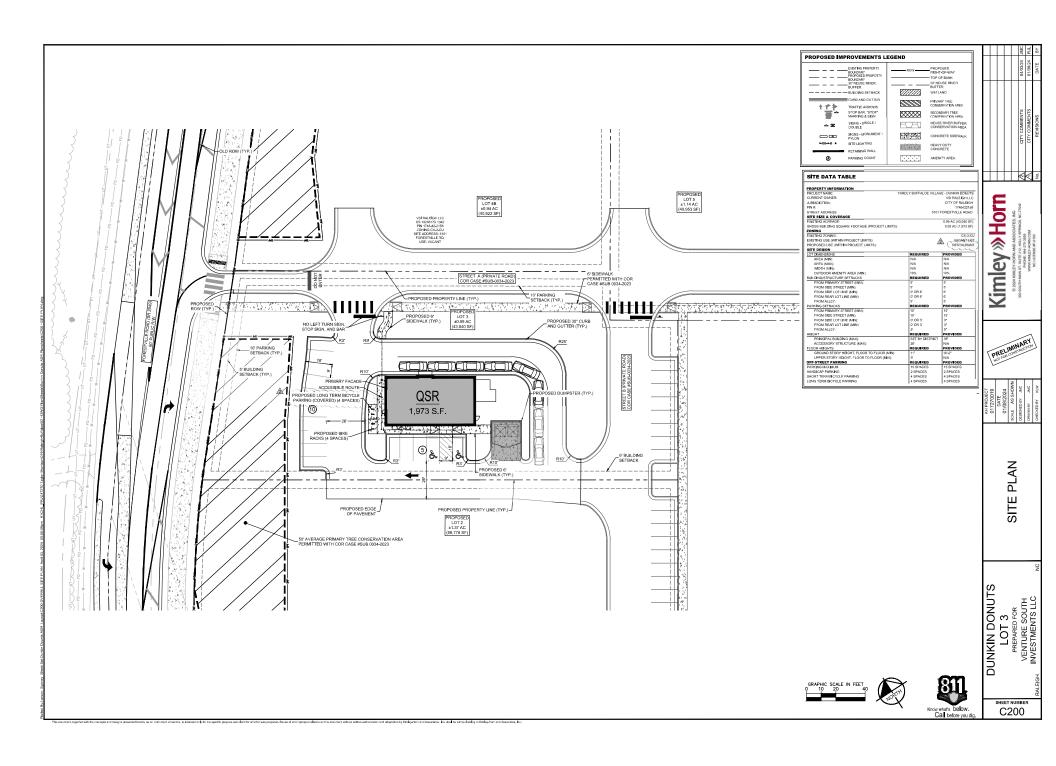
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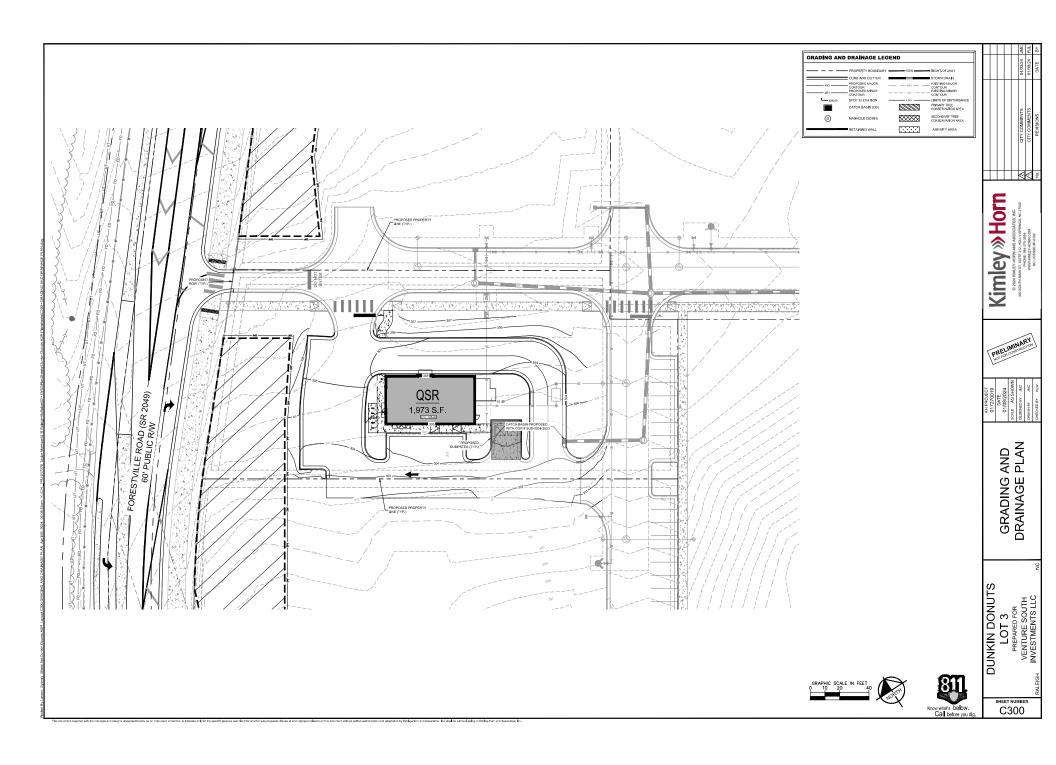
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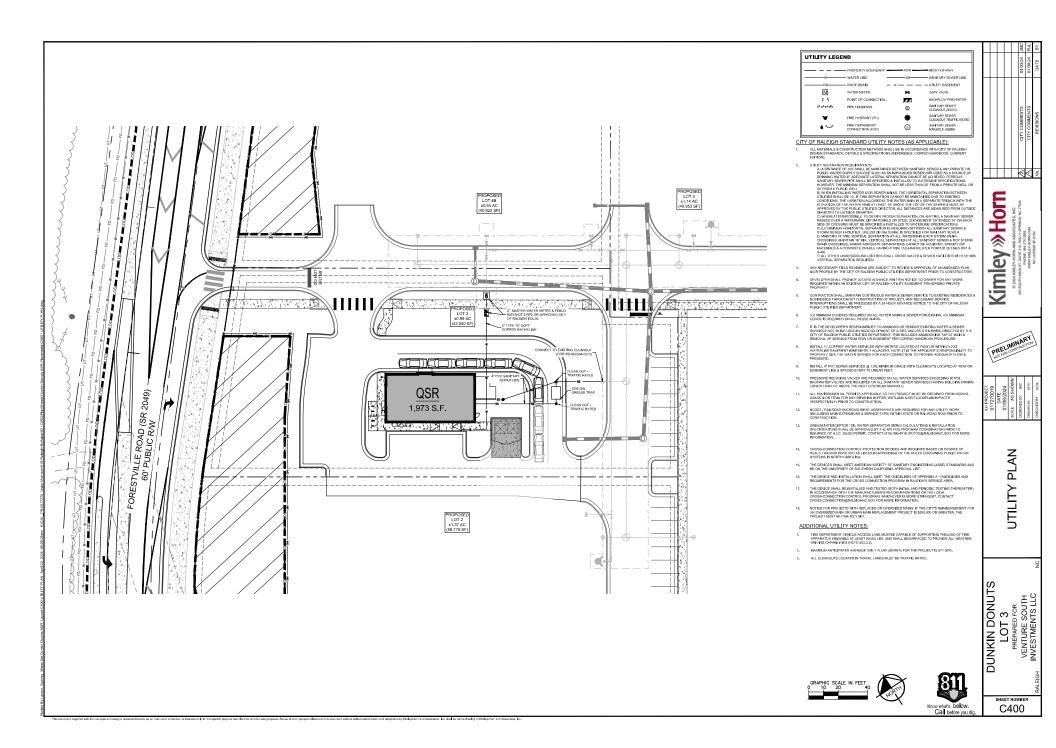
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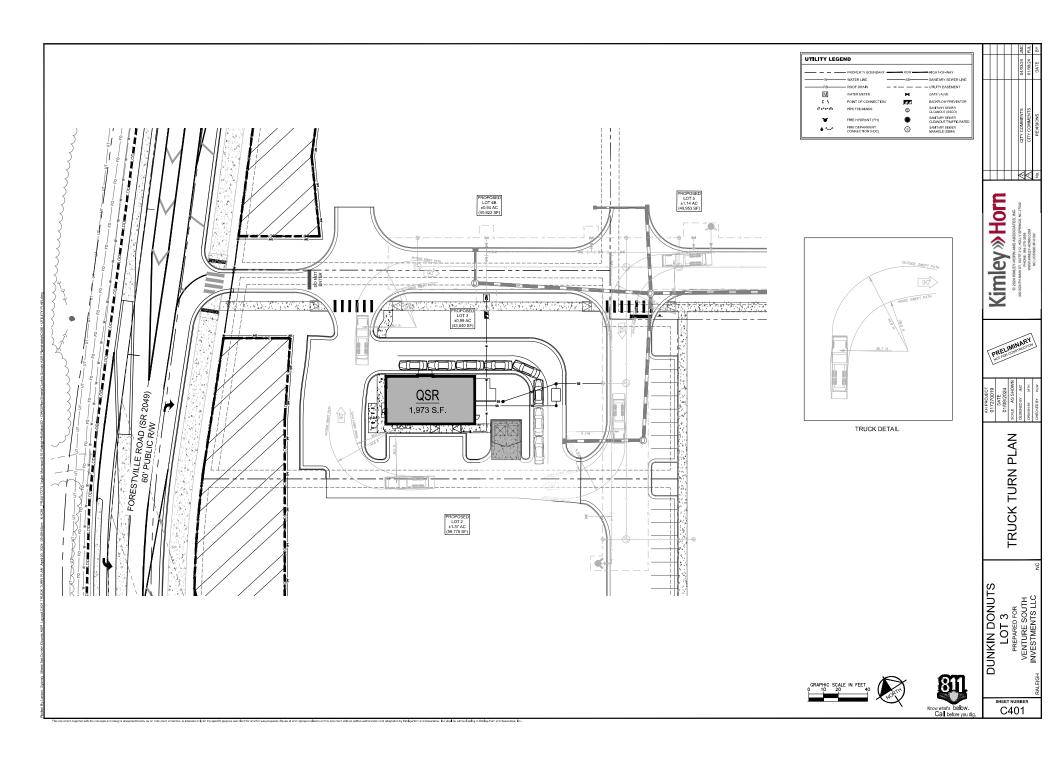


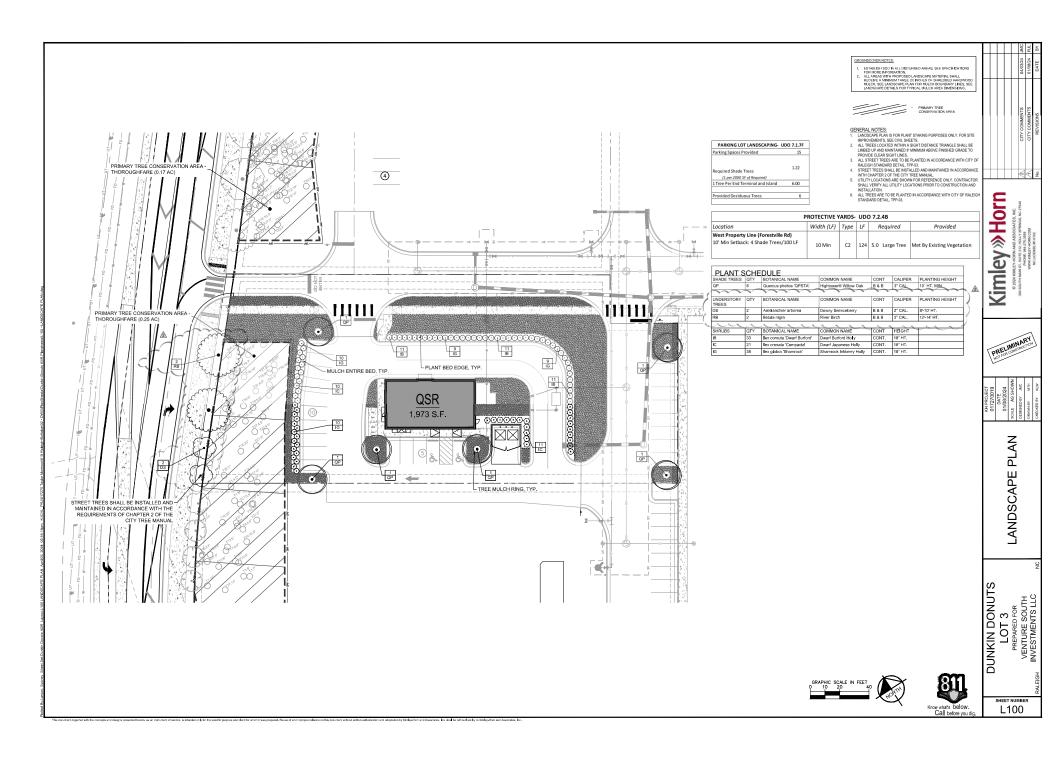


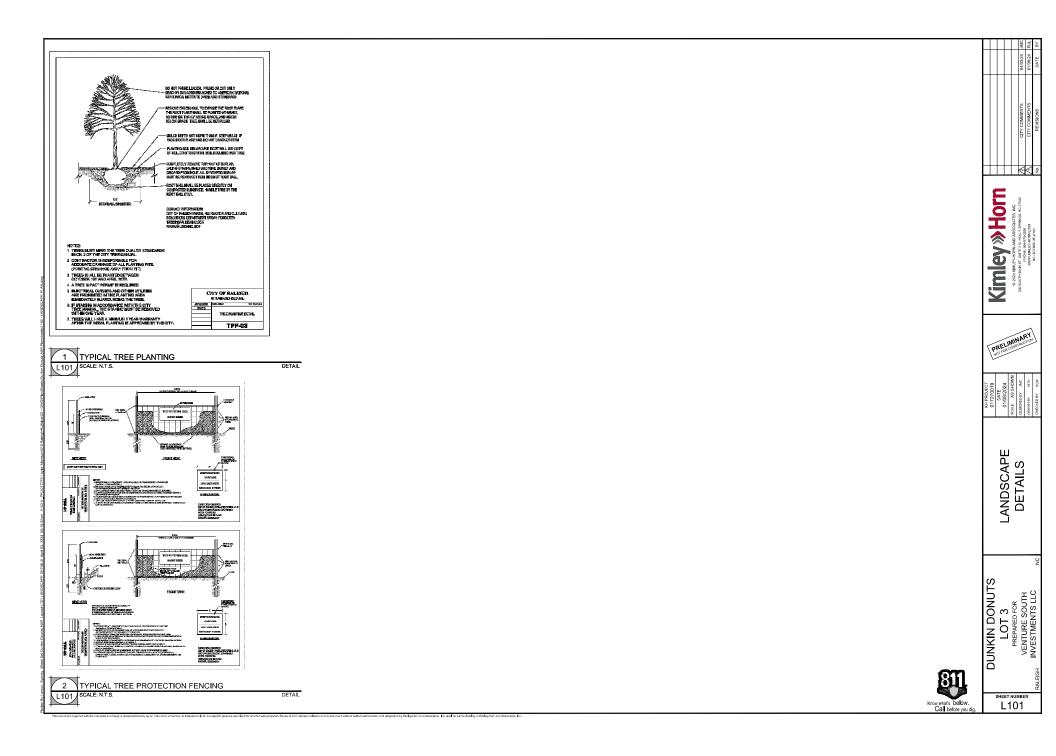


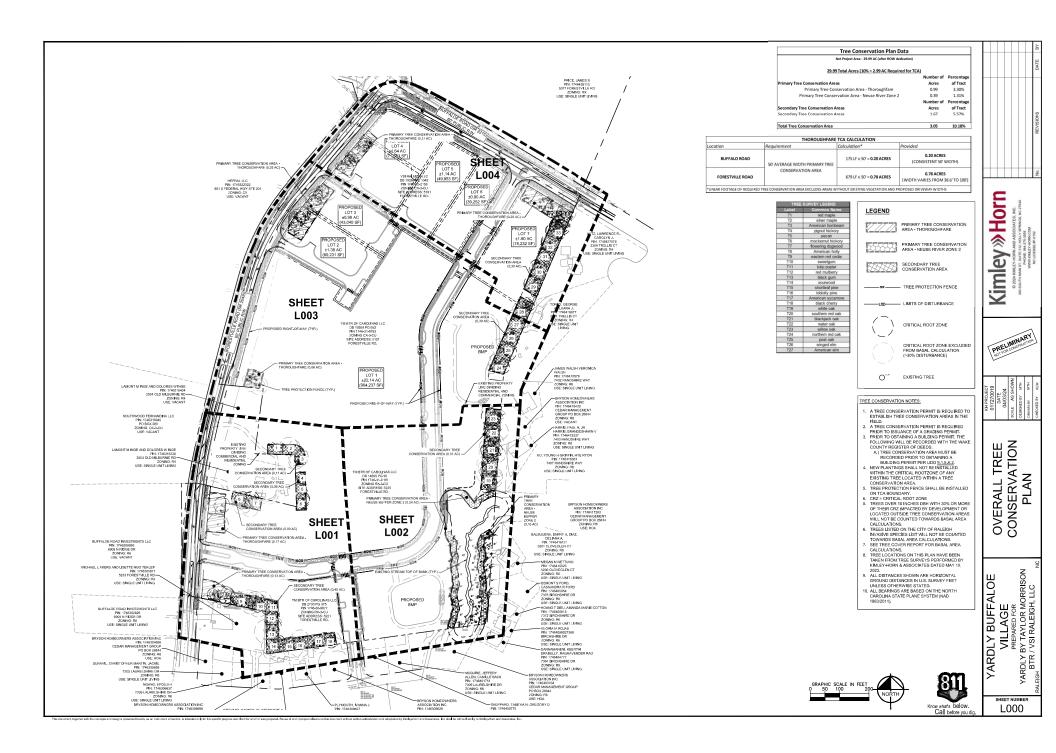


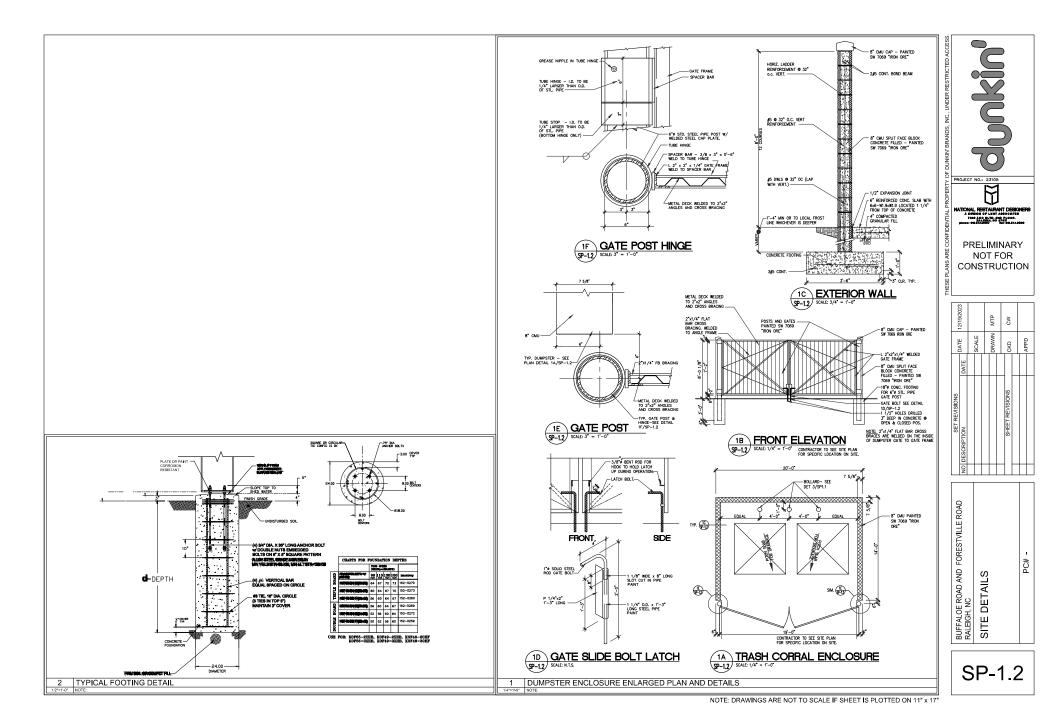


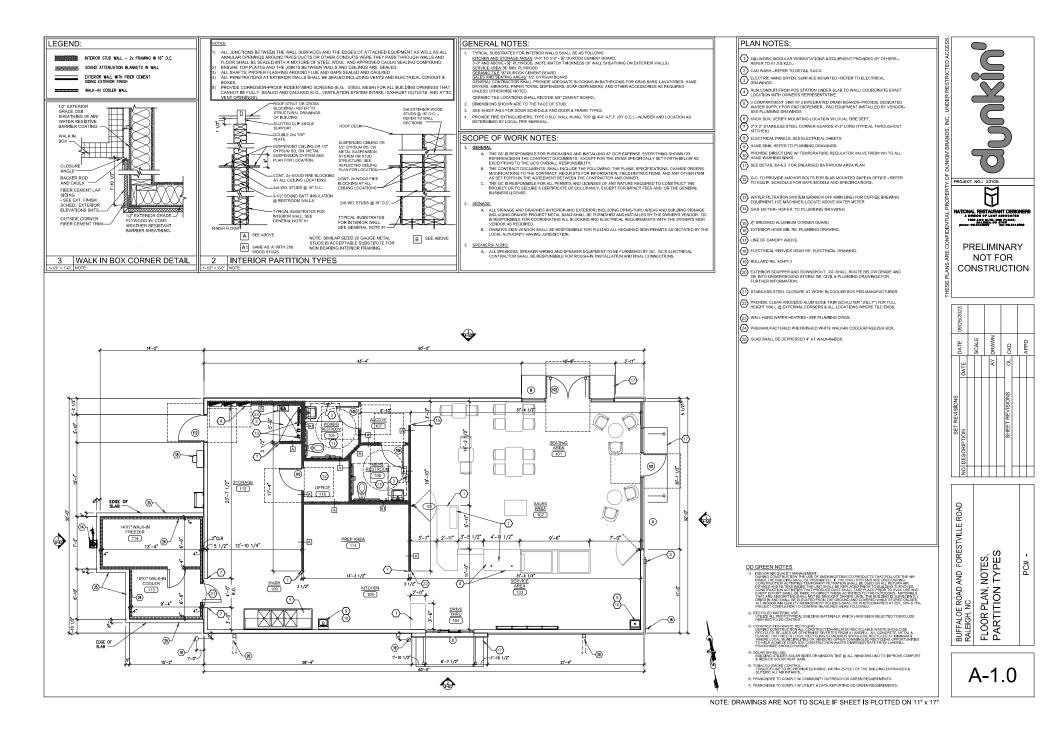


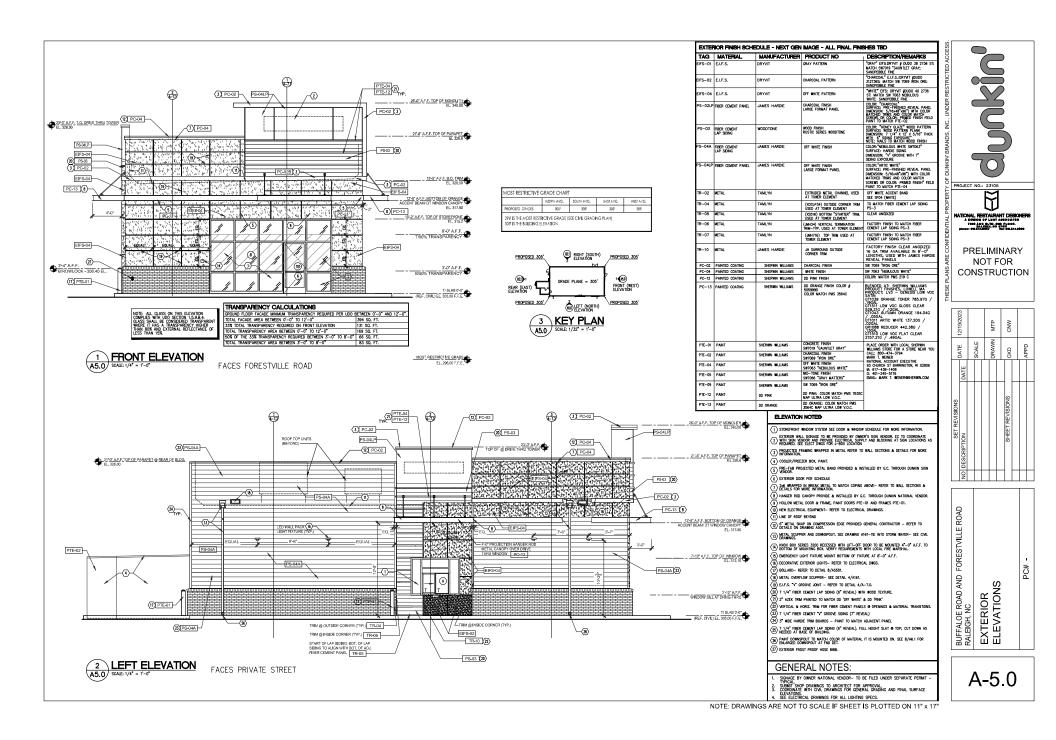


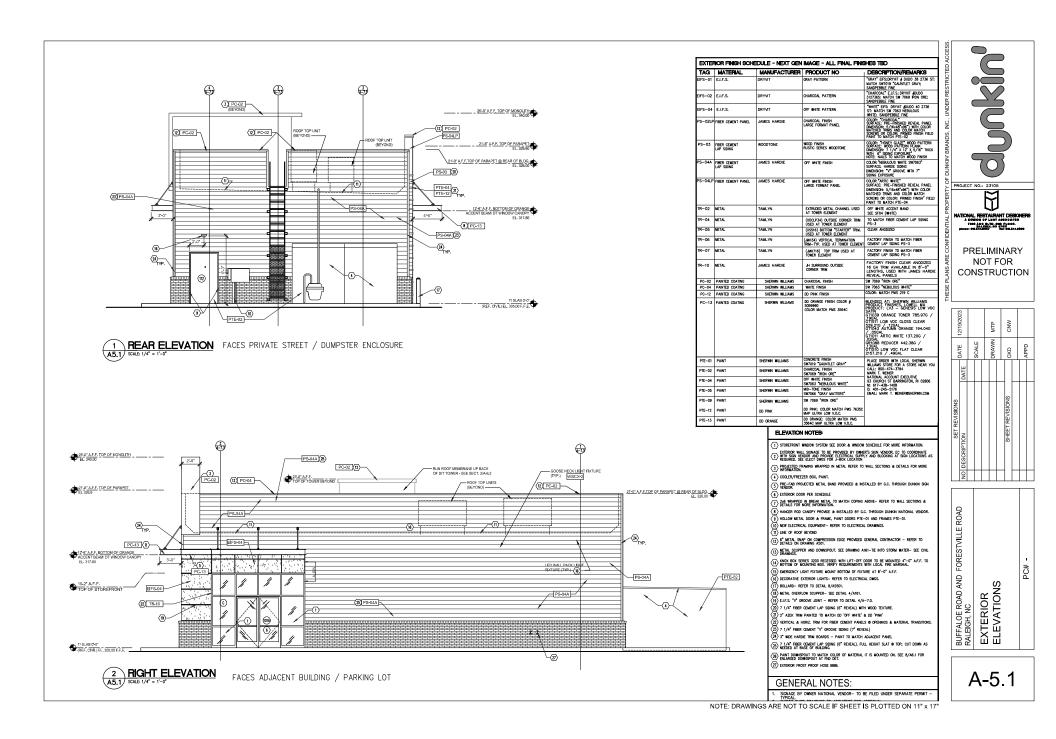


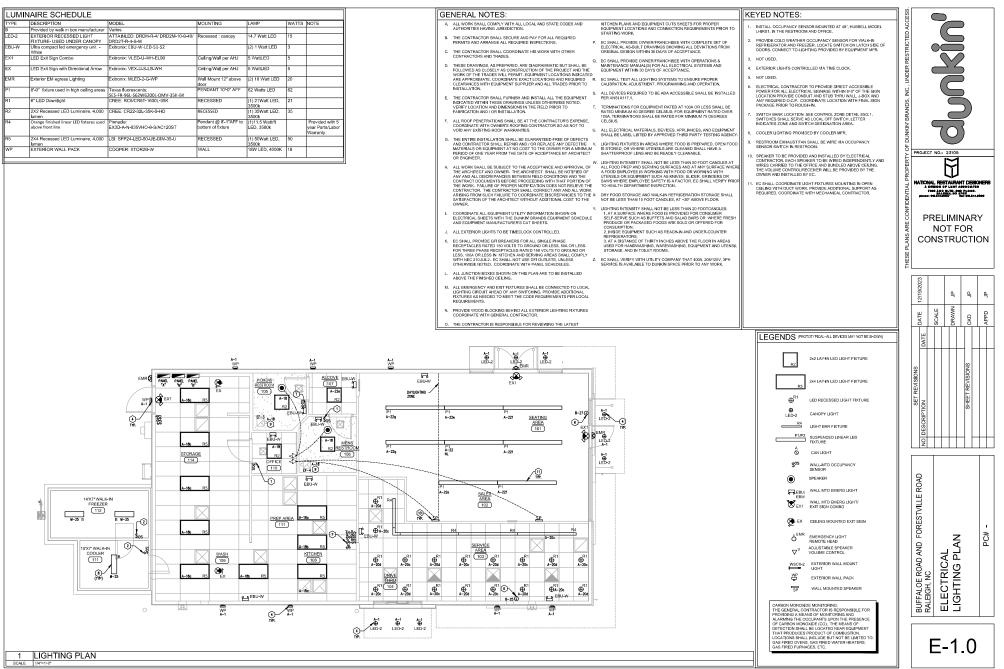












NOTE: DRAWINGS ARE NOT TO SCALE IF SHEET IS PLOTTED ON 11" x 17"