



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

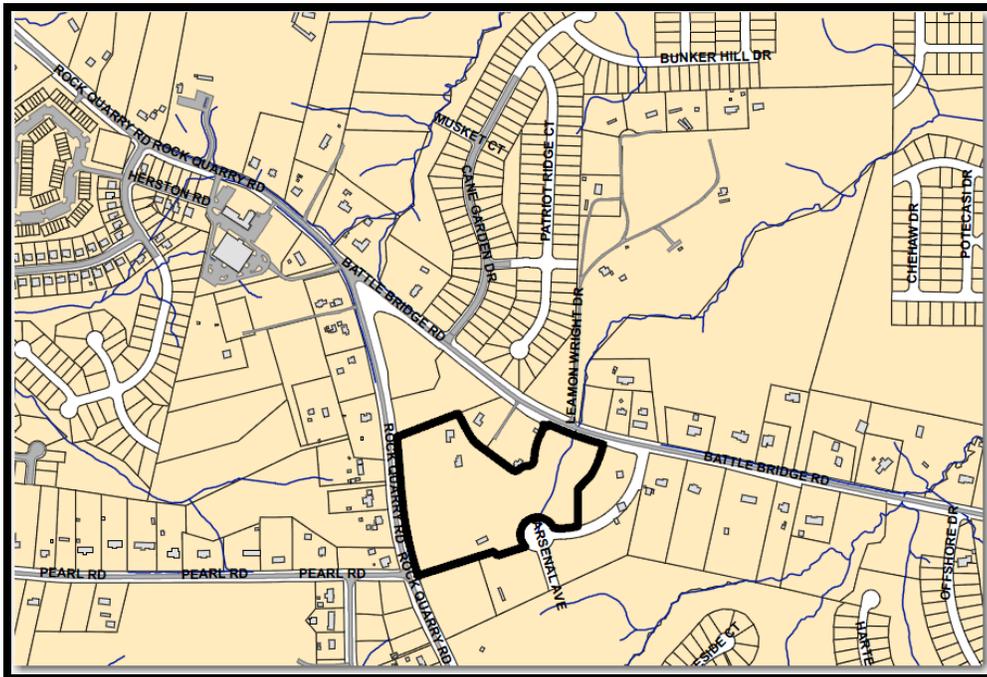
Case File / Name: S-18-10 / Shoppes at Battle Bridge lot 3

General Location: Southeast quadrant of Battle Bridge Road and Rock Quarry Road, inside the city limits.

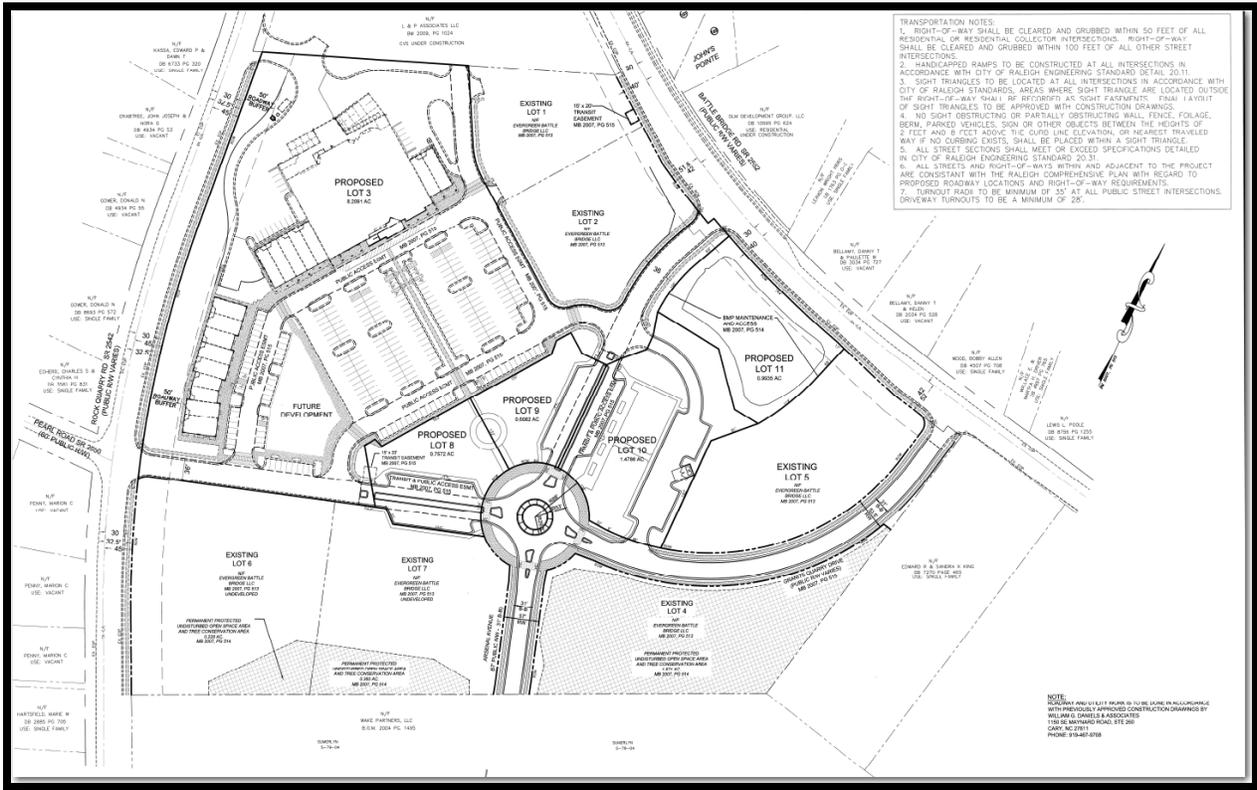
CAC: Southeast

Nature of Case: Approval of 12.04 acres (recorded today as lot 3) into 5 lots (3, 8, 9, 10 & 11) zoned Neighborhood Business CUD. Lot 3 is a part of a previously approved subdivision S-85-06 Shoppes at Battle Bridge approved by staff January 5, 2007. Located on lot 3 is a shopping center SP-43-05 Shoppes at Battle Bridge approved by City Council on March 7, 2006. Lot 3 will be 8.2091 acres and the constructed buildings will remain. Lot 9 will be .608 acres and is vacant. Lot 8 will be .7272 acres and is vacant. Lot 10 will be 1.478 acres and is currently vacant. Lot 11 contains the shared stormwater facility.

Contact: John A Edwards & Company



S-18-10 Shoppes at Battle Bridge – subdivision of lot 3



S-18-10 Shoppes at Battle Bridge – subdivision of lot 3

**SUBJECT:
CROSS-
REFERENCE:** SP-43-05, S-85-06, Z-14-04

LOCATION: This site is located on the southeast quadrant of Battle Bridge Road and Rock Quarry inside the City Limits.

REQUEST: Approval of 12.04 acres into 5 lots (3, 8, 9, 10 & 11) zoned Neighborhood Business CUD. Lot 3 is a part of a previously approved subdivision S-85-06 Shoppes at Battle Bridge approved by staff January 5, 2007. Located on lot 3 is a shopping center SP-43-05 Shoppes at Battle Bridge approved by City Council on March 7, 2006. Lot 3 will be 8.2091 acres and the constructed buildings will remain. Lot 9 will be .608 acres and is vacant. Lot 8 will be .7272 acres and is vacant. Lot 10 will be 1.478 acres and is currently vacant. Lot 11 contains the shared stormwater facility.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to Planning Department authorization to record lots:

- (1) That a note is placed on all recorded maps stating; All buildings and other site improvements must comply with Unity of Development guidelines and sign criteria on file in the Planning Department;
- (2) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared among all lots, and said stormwater control measures shall be owned and maintained by a homeowners association/property owners association for which all lot owners shall be a member. The legal documents establishing the association and its powers shall be prepared in accordance with the requirements of N.C.G.S. Chapter 47F and the Raleigh City Code. The stormwater management documents required by Code section 10-9027 must be on forms provided by the City, be completed per their instructions, and be submitted to the Planning Department for review ahead of recording.
- (3) That the existing cross access agreements recorded in article 6 BK 12435 PG 1- 47 as amended by BK12723 PG 1737-1741 (article 6) shall be amended to include lots 3, 8, 9, 10 & 11 and shall be recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (4) That cross-parking agreements between lots 3, 8, 9 and 10 are recorded in accordance with Raleigh City Code and are returned to the Planning Department within 14- days of recording. If a copy of the recorded documents are not returned within 14-days, further plat recording will be withheld and no building permits will be issued on any lot;

- (5) That the existing transit easement documents recorded BK 12435 Pg 100 - 105 be amended to incorporate lots 8, 9 and 10 be approved by the City Attorney and recorded with the local County Register of Deeds. That the recorded copy of this transit easement 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;
- (6) That as stormwater control facilities are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Planning Department for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;
- (7) That the existing Stormwater Replacement Protective Easement and Access Maintenance Agreement and Installment Replacement Contribution as recorded in BK 12435 PG 93 shall be submitted to the City Attorney office for review and approved to amend and include lots 8, 9 and 10 and signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;
- (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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the homeowner association/property owners' association;
- (9) That the City Attorney shall approve a restrictive covenant stating that lot 1 shall have a maximum impervious surface of 30,056.4 square feet. Lot 2 shall have a maximum impervious surface of 39,639.65 square feet. Lot 3 shall have a maximum impervious surface of 366,339.6 square feet. Lot 5 shall have a maximum impervious surface of 43,560 square feet. Lot 6 shall have a maximum impervious surface of 71,002.8 square feet. Lot 8 shall have a maximum impervious surface of 21,780 square feet, lot 9 shall have a maximum impervious surface of 15,681.6 square feet and lot 10 shall have a maximum impervious surface of 38,768.4 square feet, as defined in Part 10 Chapter 9 of the Raleigh City Code. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Public Works Director. This covenant shall be recoded with Wake County Register of Deeds office.
- (10) That an amendment to the existing Declaration of Retail Use Restriction recorded BM 12723 PG 1737-1741, and as amended shall be submitted to

the City Attorney office for review and approval. That the recorded copy of this document be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

- (11) That an amendment to the existing declaration of Easements and Restrictive Covenants recorded BK 12723 PG 1, and as amended shall be submitted to the City Attorney office for review and approval. That the recorded copy of this document be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (12) That an amendment to the existing Easement Agreement document recorded BK 11999 PG 1267-1289, and as amended shall be submitted to the City Attorney office for review and approval. That the recorded copy of this document be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (13) That a note be placed on the recording maps stating, "That all development will be subject to unity of development guidelines on file with the Raleigh Planning Department";
- (14) That all conditions of Z-14-04 are satisfied;

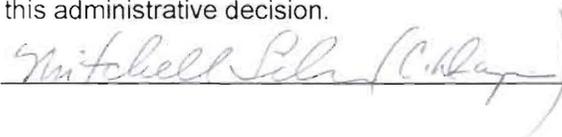
Prior to issuance of building permits in the Inspections Department:

- (15) That all required legal documents have been recorded and a copy is on file in the Planning Department,
- (16) That all conditions of Z-14-04 are satisfied;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)



Date: 9-30-10

Staff Coordinator:

Jacque Baker

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

FINDINGS:

City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2042 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/24/2010, owned by Evergreen Battle Bridge LLC, submitted by John A Edwards & Company.

ZONING:

ZONING

DISTRICTS: Z-14-04 Ordinance (2004) 780ZC556 Effective 9/21/04.

1. Vehicular access to abutting roads shall be limited to no more than two (2) full-movement driveways on Battle Bridge Road, and no more than two (2) full-movement driveways on Rock Quarry Road. One of the two full-movement driveways on Rock Quarry Road shall be located so as to align with the intersection of existing Pearle Road and Rock Quarry Road. All driveway accesses are subject to review and approval by the City of Raleigh and NCDOT.
2. A maximum of 100,000 square feet of gross building floor area shall be devoted to retail uses. Prior to any subdivision or division of the property, and in no event more than 45 days following the adoption of this zoning ordinance, the owner will record a restrictive covenant approved by the City Attorney or his deputy allocating this square footage of gross floor area of retail uses as defined in Raleigh City Code section 10-8002 to each lot or tract then in existence.
3. No single tenant building space shall exceed 50,000 square feet of gross building floor area.
4. Reimbursement for any required right-of-way dedication shall remain at the current R-4 value.
5. A minimum of 10% of the area of the site shall remain wooded.
6. A natural protective yard of 50' in width (as measured outward from the stream bank) will be provided adjacent to all streams on the property that are deemed to be subject to the Neuse River Basin Rules riparian buffer requirements.
7. A transitional protective yard of 25' (minimum) in width shall be provided adjacent to all adjoining residential properties other than those properties comprising Zoning Petition #Z-15-04.
8. All outdoor lighting fixtures shall be of full cut-off design and directed away from residential properties.
9. All structures on the property shall be limited to a height of 35', or two (2) stories.
10. All roofs shall be designed and constructed to present a pitched appearance with a minimum slope of 3V:12H.
11. Open-air stormwater facilities shall be designed as site amenities, and shall incorporate edge treatments and perimeter landscaping sufficient to avoid the need for fencing.
12. Any ground-mounted signs shall be of low-profile design.
13. The site shall be designed to provide vehicular and pedestrian interconnectivity with the properties immediately to the south (those properties comprising Zoning Petition Z-15-04).
14. The development of this site shall be in compliance with the key elements of the City of Raleigh Urban Design Guidelines as depicted on the Neighborhood Center Core Area Plan as recommended by the Comprehensive Plan.
15. Upon development of any portion of the property, the land owner will deed to the City of Raleigh at least two transit easements approved by the City of Attorney or his deputy at locations approved by the City Transportation Division.

LANDSCAPING: Street yard landscaping is not required on the preliminary plan but will be required at time of permit issuance and must comply with Code Section 10-2082.5 is shown. Transitional Protective Yards may be required by City Code per code section 10-2028.9.

TREE CONSERVATION: All required tree conservation 2.64-acres recorded BK 2007 PG 514 and located on lots 6, 7 & 4.

UNITY OF DEVELOPMENT: Unity of development criteria is required in this subdivision. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots. A note must be placed on any plat for recording noting that unity of development criteria will apply to these lots, and that a unity of development plan is on file in the Planning Department.

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

All required dedication of right-of-way and construction has been completed with S-85-06.

TRANSIT: S-85-06 Shoppes at Battle Bridge required one 15x20 transit stop on Battle Bridge Road and one transit stop on the internal private street with public vehicular access (transit recorded BM 2007 PG 515) (legal document recorded BK12435 PG100).

URBAN FORM: This site is located in the Southeast Citizen Advisory Council.

- No specific Comprehensive Plan policies apply to this subdivision. While land use policy LU 8.7 related to neighborhood conservation and development discourages use of “flag lots” when subdividing residential property, this recombination proposal does not create a “flag lot”.
-

SUBDIVISION STANDARDS:

LOT LAYOUT: There is no minimum lot size in this zoning district.

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, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

PUBLIC UTILITIES: City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.

- SOLID WASTE:** Refuse disposal will be by private contractor. Location and design of collection facilities shall meet the standards in the Solid Waste Design Manual.
- CIRCULATION:** Existing street improvements conform to normal City construction standards.
- PEDESTRIAN:** Existing sidewalk locations conform to City regulations.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The subdivision will utilize the existing BMP, as it was designed to handle the originally lot 3. Impervious restrictions are imposed to ensure the design retractions of the BMP are not exceeded.

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

This subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Attorney/Planning Department that the maintenance covenant is in accordance with Raleigh City Code requirements.

That the City Attorney shall approve a restrictive covenant stating that lot 1 shall have a maximum impervious surface of 30,056.4 square feet. Lot 2 shall have a maximum impervious surface of 39,639.65 square feet. Lot 3 a maximum impervious surface of 366,339.6 square feet. Lot 5 shall have a maximum impervious surface of 43,560 square feet. Lot 6 shall have a maximum impervious surface of 71,002.8 square feet. Lot 8 shall have a maximum impervious surface of 21,780 square feet, lot 9 shall have a maximum impervious surface of 15,681.6 square feet and lot 10 shall have a maximum impervious surface of 38,768.4 square feet, as defined in Part 10 Chapter 9 of the Raleigh City Code. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Public Works Director. This covenant shall be recoded with Wake County Register of Deeds office.

- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new street names are required for this development.
- 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.
- SUNSET DATES:** If significant lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 9/30/2013

Record at least ½ of the land area approved.

5-Year Sunset Date: 9/30/2015

Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City. and submit them to the Development Plans Review Center for approval.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE SUNSET THRESHOLDS AS NOTED ABOVE.

**FACILITY FEES
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Engineering Department for street construction; by the first working day in November and May each year.