



Administrative Approval Preliminary Site Plan

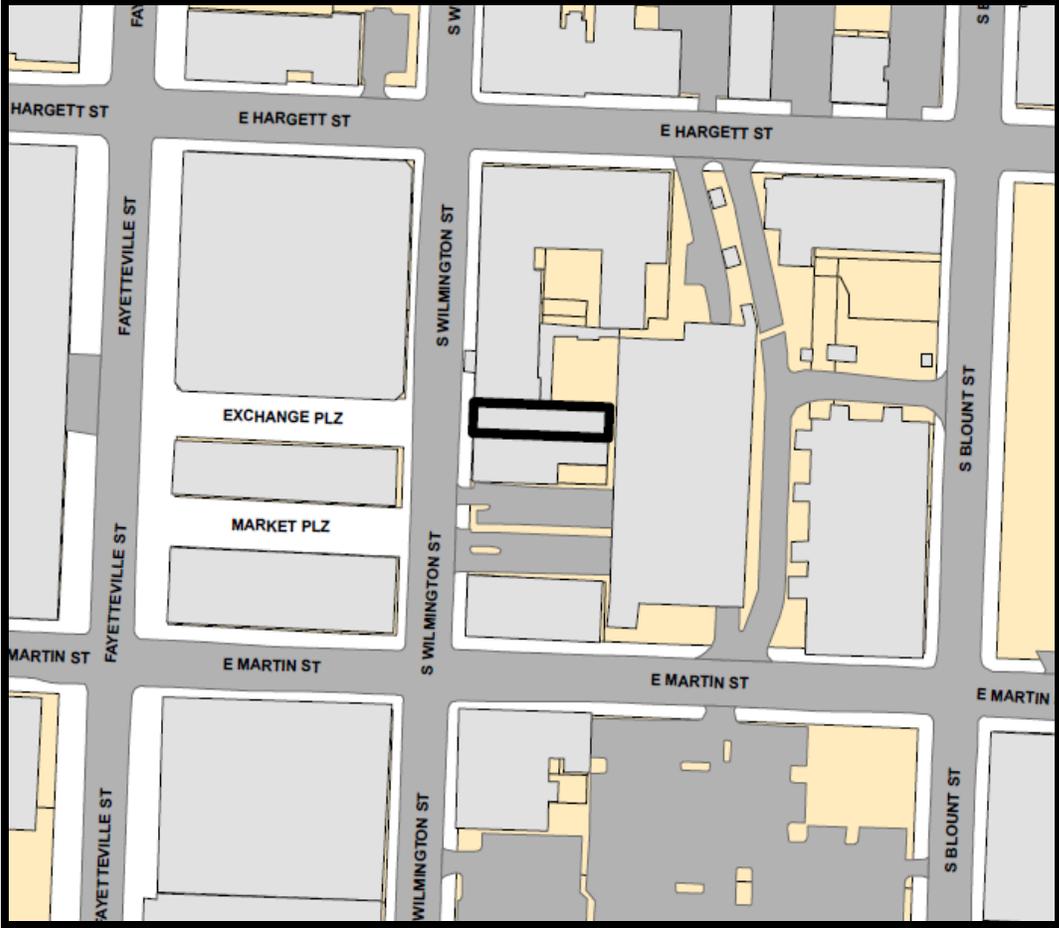
City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: SP-25-10 / Deepjava

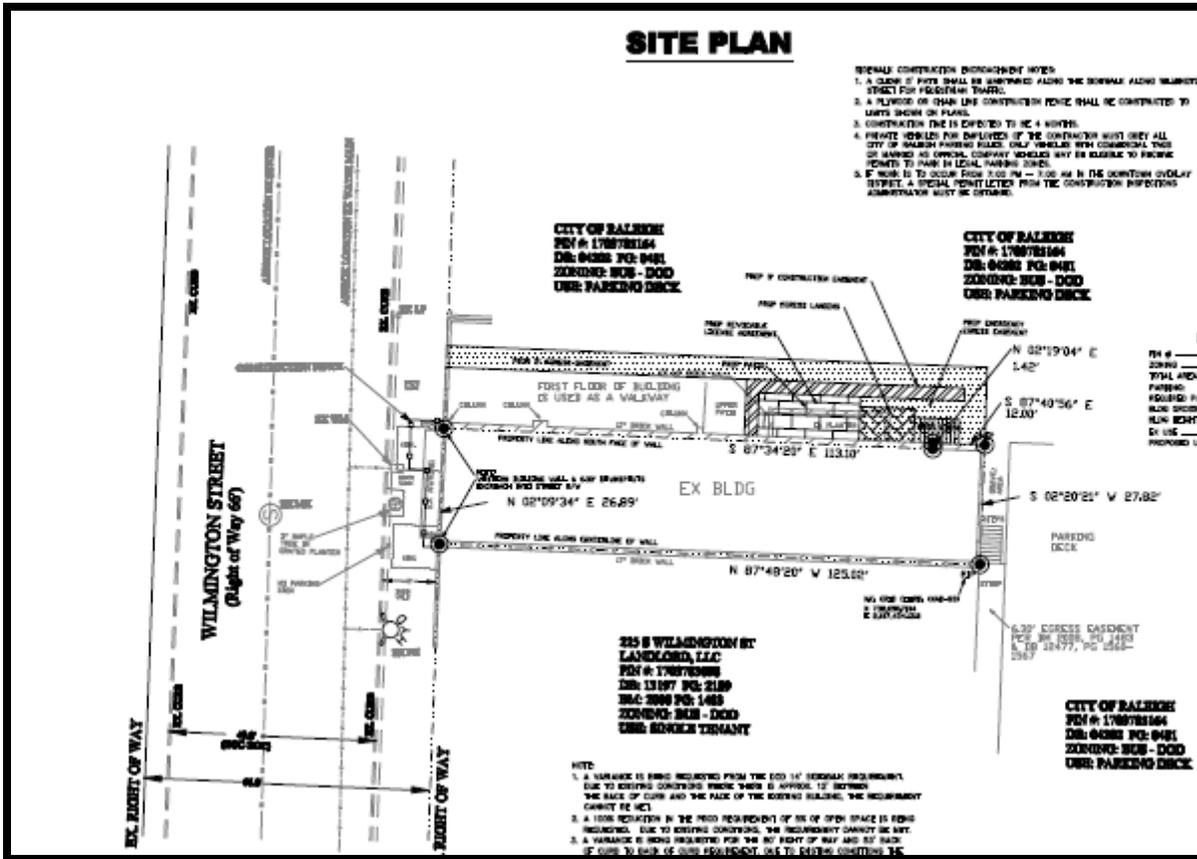
General Location: 223 S. Wilmington Street on the east side of Wilmington Street, in between its intersections with Hargett and Martin Streets

CAC: Central

Request: The conversion of a 9,952 square foot retail space into a restaurant. The subject property is .0769 acres and is zoned Business Zone and Downtown Overlay District. As the subject property is located in the Downtown Overlay District and the request exceeds the thresholds of a plot plan, but falls short of the thresholds to warrant a public hearing, this project requires preliminary site plan approval by the Department of City Planning.



SP-25-10 / Deepjava – Location Map



SP-25-10 / Deepjava – Location Map

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: Attached

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2047, 10-2051, Chapter 3, Part 10, Sections 10-3001-3059. As the existing conditions preclude meeting open space requirements and the 14' sidewalk requirement, an alternate is being approved that utilizes adjacent City-owned land for outdoor patio space. This approval is based on a preliminary plan dated 6/29/10, owned by Deepjava Property Co., Inc., submitted by Baker Engineering Consultants, Inc.

CONDITIONS OF APPROVAL:

Prior to issuance of building permits in the Inspections Department:

- (1) That a Major Encroachment agreement for the area where the building wall and the downspouts are in the right-of-way and where any landscaping,

steps, awnings, etc. are to be located within the public right-of-way and said application is approved by the City Council by separate action. An application for encroachment into the public right of way for any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approves the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;

- (2) That a Vegetation Impact Permit is required for the landscape contractor from the Urban Forestry Division for all impacted trees existing on the public property. This applies to removal, pruning, trenching, boring, excavating, filling and planting;
- (3) That if the existing awning is being replaced or modified a Minor Encroachment will be required. Please work through Faye Allen, 516-2546, if you have any questions regarding the Minor Encroachment process;
- (4) That as this project is in a locally designated Historic District, the applicants must obtain a Certificate of Appropriateness from the Raleigh Historic Districts Commission authorizing the construction;
- (5) That an agreement is approved by the City attorney that allows the site's use City property and that a recorded copy of this agreement between the City of Raleigh and the applicants is provided and a copy placed on file with the Planning Department;
- (6) That the decking/planter improvements on City Property meet the following parameters as proposed by the applicant:
 - a. Existing planter area: 147 SF
 - b. Planter area to be removed: 34 SF
 - c. Planter area to remain: 113 SF (under wood decking)
 - d. New planter area: 78 SF (43 SF under open steel stair)
 - e. Wood decking planks are to be spaced at least 1/8" apart so that stormwater can drain between them.

- SETBACKS / HEIGHT:** This plan conforms to all code standards.
- PARKING:** This plan conforms to all code standards.
- LANDSCAPING:** This plan conforms to all code standards.
- TREE CONSERVATION:** Not applicable.
- DEVELOPMENT INTENSITY:** Not applicable.
- PHASING:** Not applicable.

UNITY OF DEVELOPMENT: Not applicable.

COMPREHENSIVE PLAN:

GREENWAY: Not applicable.

THOROUGHFARE / COLLECTOR PLAN:

No construction of streets or dedication of right-of-way was required for this site.

TRANSIT: There are existing transit stops in front of this location and the property is adjacent to the Moore Square Transit Station.

HISTORIC / DISTRICTS:

This project is in a locally designated Historic District and as such will require a Certificate of Appropriateness from the Raleigh Historic Districts Commission.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: This plan conforms to all code standards.

PUBLIC UTILITIES: This plan conforms to all code standards.

SOLID WASTE: This plan conforms to all code standards.

CIRCULATION: This plan conforms to all code standards.

PEDESTRIAN: The applicants are being granted a reduction in the 14' sidewalk requirements due to existing conditions where there is only 12' between the back of the curb and the face of the existing building.

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

STORMWATER MANAGEMENT:

This plan conforms to all code standards.

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.

I hereby certify this administrative decision.

Signed:

(Planning Dir.)



Date: 8/5/10

Staff Coordinator:

Eric Hodge, AICP

SUNSET DATES: The sunset provisions of City Code Section 10-2132.2 (j), including the ability to request extensions in the sunset date, apply to this site plan. If significant construction has not taken place on a project after preliminary site plan 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: 8/5/13

Submit a final site plan and valid building permit application for the total area of the project, or a phase of the project.

5-Year Sunset Date: 8/5/15

Complete construction of entire development.

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.