Zoning: IX-3-PL
CAC: Northeast
Drainage Basin: Marsh Creek
Acreage: 0.54
Sq. Ft.: 2,737

Planner: Martha Lobo
Phone: (919) 996-2664

Applicant: Wil-Dor Inc.
Phone: (919) 365-0381
LOCATION: This site is located on the east side of Capital Boulevard, north of Trawick Road, addressed as 3318 Capital Boulevard and a portion of 3300 Capital Boulevard.

REQUEST: Development of a 0.54 acre tract, addressed as 3318 Capital Boulevard and a 0.54 acre portion of 3300 Capital Boulevard, zone Industrial Mixed Use-3-Parking Limited (IX-3-PL) into a 2,737 square foot restaurant with a drive-thru and parking lot improvements.

DESIGN ADJUSTMENT(S): A Design Adjustment was approved for UDO Section 8.3.2 providing relief from block perimeter requirements.

ADMINISTRATIVE ALTERNATE(S): AAD-15-17: An administrative Alternate was granted for UDO Sec 1.5.9- Transparency

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 submitted by Commercial Site Design.

CONDITIONS OF APPROVAL and NEXT STEPS:

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

ENGINEERING

1. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering prior to concurrent review approval.

2. Next Step: A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.

3. A cross access agreement between lots identified by PINs 1725258220 and 1725255371 shall be approved by the Development Services Department for recording with the Wake County Register of Deeds, and a copy of the recorded cross access easement shall be returned to the Development Services Department within one (1) day of recordation.

PUBLIC UTILITIES

4. A Deed shall be recorded, prior to concurrent approval, for all necessary offsite City of Raleigh Sanitary Sewer Easements to accommodate future sewerline construction.

5. A Plat shall be recorded for all necessary offsite Right-of-Way to accommodate future waterline construction.

6. A Water Model in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval, prior to concurrent approval.
7. A Downstream Sewer Capacity Study, in compliance with the City of Raleigh Public Utilities Department Handbook, shall be submitted by the Project Engineer for review and approval.

8. The Developer shall provide a letter or e-mail from any Private Utility Company authorizing new water and sewer main encroachments across existing Transmission Easements, prior to concurrent approval.

**STORMWATER**

9. In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

**GENERAL**

1. A Final Plat shall be recorded with the Wake County Register of Deeds office for all Subdivision, Recombinations, Right of Way and/or Easement Dedications, and Tree Save Areas.

2. A demolition permit shall be obtained.

3. Provide fire flow analysis.

**ENGINEERING**

4. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 1’ of sidewalk for 272’ shall be paid to the City of Raleigh.

5. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering.

6. **Next Step:** A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

7. **Next Step:** In accordance with Part 10A Section 8.1.3, a public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program.

**PUBLIC UTILITIES**

8. Initiation of the easement exchange process is required (via dedication of new easement on Record Plat, ending with abandonment of old easement on subsequent Deed)

9. Utility re-alignment construction shall be substantially complete (to eliminate conflict with new building)
Prior to issuance of building occupancy permit:

1. All water, sanitary sewer and reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.

2. **Next Step:** Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

3. **Next Step:** All street lights and street signs required as part of the development approval are installed.

4. **Next Step:** Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.

5. That in accordance with Part 10A Section 9.2.2, an impervious surface as-built survey shall be reviewed and accepted by the Engineering Services Department.

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: 1-2-2021
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.

Signed: (Planning Director/Designee) [Signature]
Date: 1/21/2018

Staff Coordinator: Martha Y. Lobo
Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>Date completed Application received</th>
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</thead>
<tbody>
<tr>
<td>Case Number</td>
<td>SR-4-2017</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>500131</td>
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</table>

Staff Supports the Design Adjustment based upon the findings in these applicable code:

- [ ] UDO Art. 8.3 Blocks, Lots, Access
- [ ] UDO Art. 8.4 New Streets
- [ ] UDO Art. 8.5 Existing Streets
- [X] Raleigh Street Design Manual
- [ ] Other

DEPARTMENT

- [ ] Dev. Services Planner
- [X] Development Engineering
- [ ] Engineering Services
- [ ] Public Utilities

DEPARTMENT/RECOMMENDATION

- [ ] City Planning
- [ ] Transportation
- [ ] PRCR

Findings: Due to the presence of the existing shopping center, a Design Adjustment should be granted for block perimeter. Also, there is a blue line creek at the rear of the shopping center limiting block perimeter connection points.

Development Services Director or Designee Action: 

- [X] Approve
- [ ] Approval with Conditions
- [ ] Deny

Authorized Signature:

KENNETH W. PETCHE, PE

Date: 11/3/2017

*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature.

Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

<table>
<thead>
<tr>
<th>PROJECT</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Popeye's - Capital Boulevard</td>
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<tr>
<th>OWNER</th>
<th></th>
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<tbody>
<tr>
<td>Name:</td>
<td>Wil-Dor, Inc.</td>
</tr>
<tr>
<td>Address:</td>
<td>7408 Siemens Road</td>
</tr>
<tr>
<td>City:</td>
<td>Wendell</td>
</tr>
<tr>
<td>State:</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>27591</td>
</tr>
<tr>
<td>Phone:</td>
<td>(919) 365-0381</td>
</tr>
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<table>
<thead>
<tr>
<th>APPLICANT</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Brian Saltz</td>
</tr>
<tr>
<td>Firm:</td>
<td>Commercial Site Design, PLLC</td>
</tr>
<tr>
<td>Address:</td>
<td>8312 Creedmoor Rd</td>
</tr>
<tr>
<td>City:</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State:</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>27613</td>
</tr>
<tr>
<td>Phone:</td>
<td>919-848-6121</td>
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</tbody>
</table>

Applicant must be a Licensed Professional (Engineer, Architect, Surveyor, and/or Contractor)

<table>
<thead>
<tr>
<th>DESIGN ADJUSTMENT REQUEST</th>
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<tbody>
<tr>
<td>Code Section Referenced:</td>
<td>Block Perimeter UDO 8.3.2</td>
</tr>
<tr>
<td>Justification:</td>
<td>We request a design adjustment to alleviate the requirement for a block perimeter based upon preexisting development with buildings. The existing block measures 7,000' of frontage where 4,000' is allowed. The preexisting development and buildings prevent reducing this block frontage. While the code requirement cannot be achieved due to these preexisting conditions, the proposed development is part of a shopping center that provides for safe, efficient and convenient vehicular and pedestrian access with the development.</td>
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</table>

*Please include any additional support (Plan sheets, aerials, etc.) along with this application. It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request.

By signing this document I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature: __________________________ Date: 9/21/17

In Witness Whereof, the parties signed have executed this document on this date.

Notary Signature: __________________________ Date: 9/21/17

PAGE 1 OF 1

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exp. 8-27-20