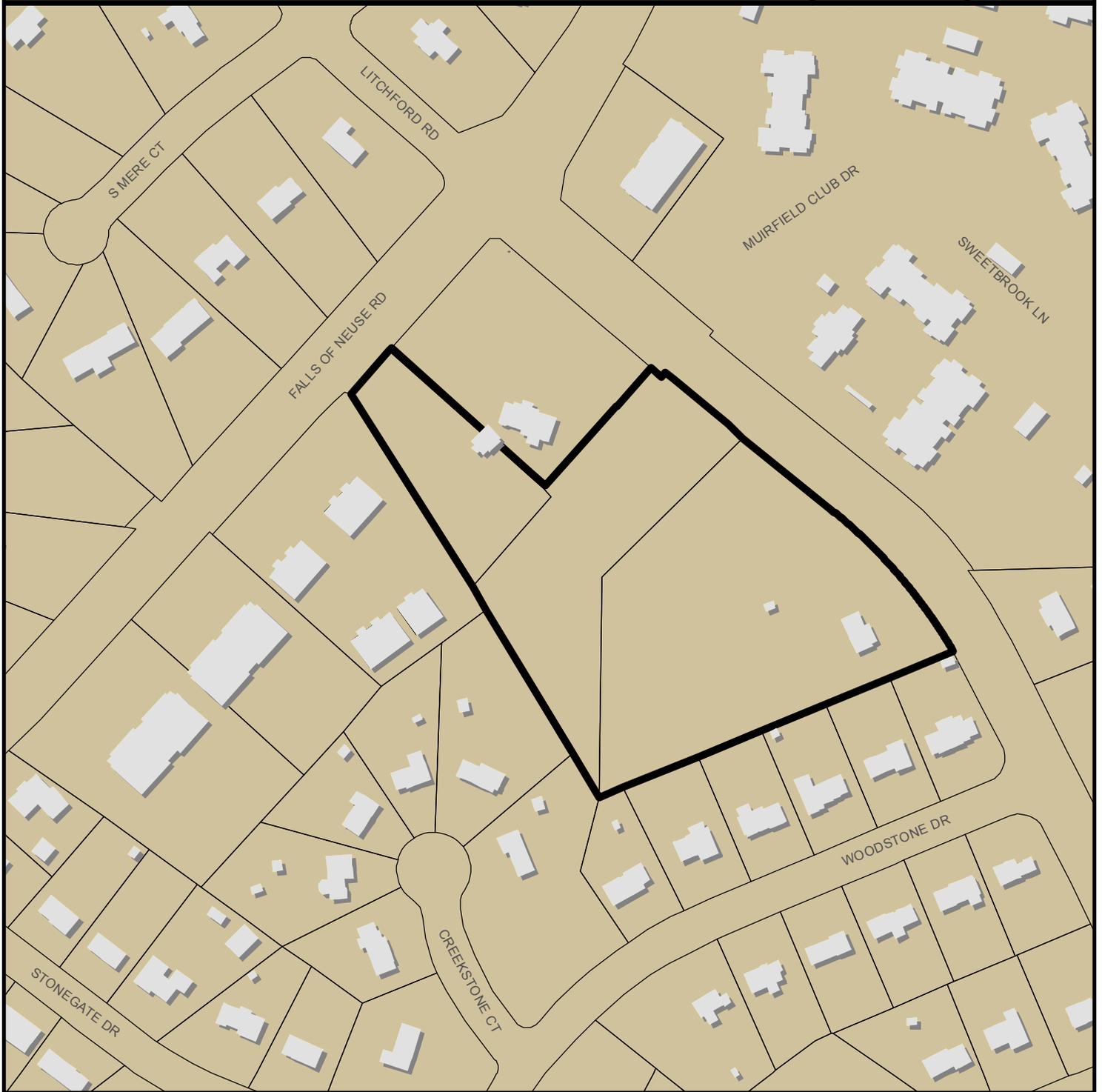


OLIVE PARK RETAIL CENTER SR-20-2015



0 300 600 Feet

Zoning: **NX-3-PL-CU**
CAC: **North**
Drainage Basin: **Perry Creek**
Acreage: **6.95**
Square Feet: **65,620**

Planner: **Micahael Walters**
Phone: **(919) 996-2636**
Applicant: **D & N**
Developments
Phone: **(919) 523-9237**





Administrative Action

Administrative Site Review

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

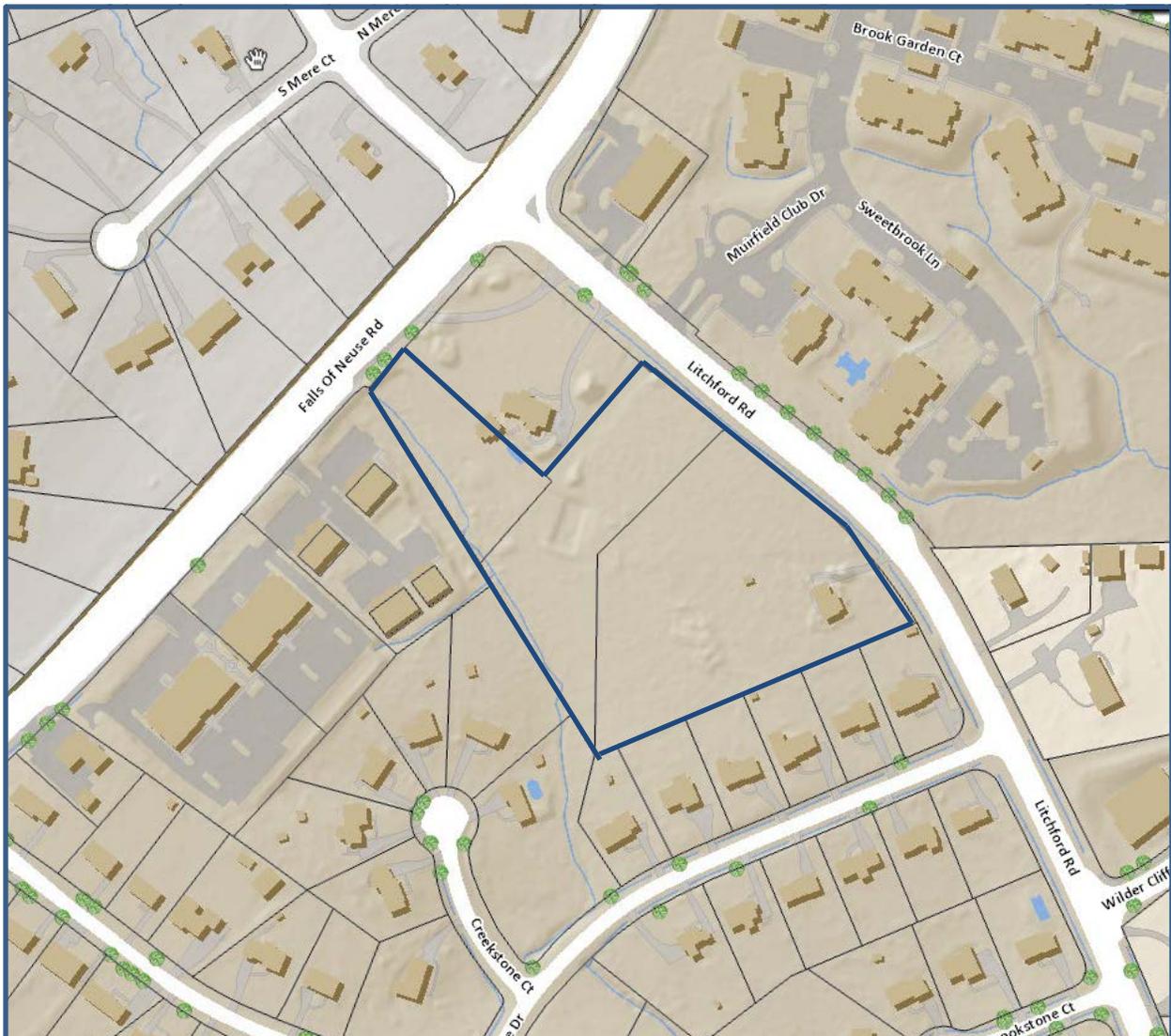
Case File / Name: SR-20-15 / Olive Park Retail Center

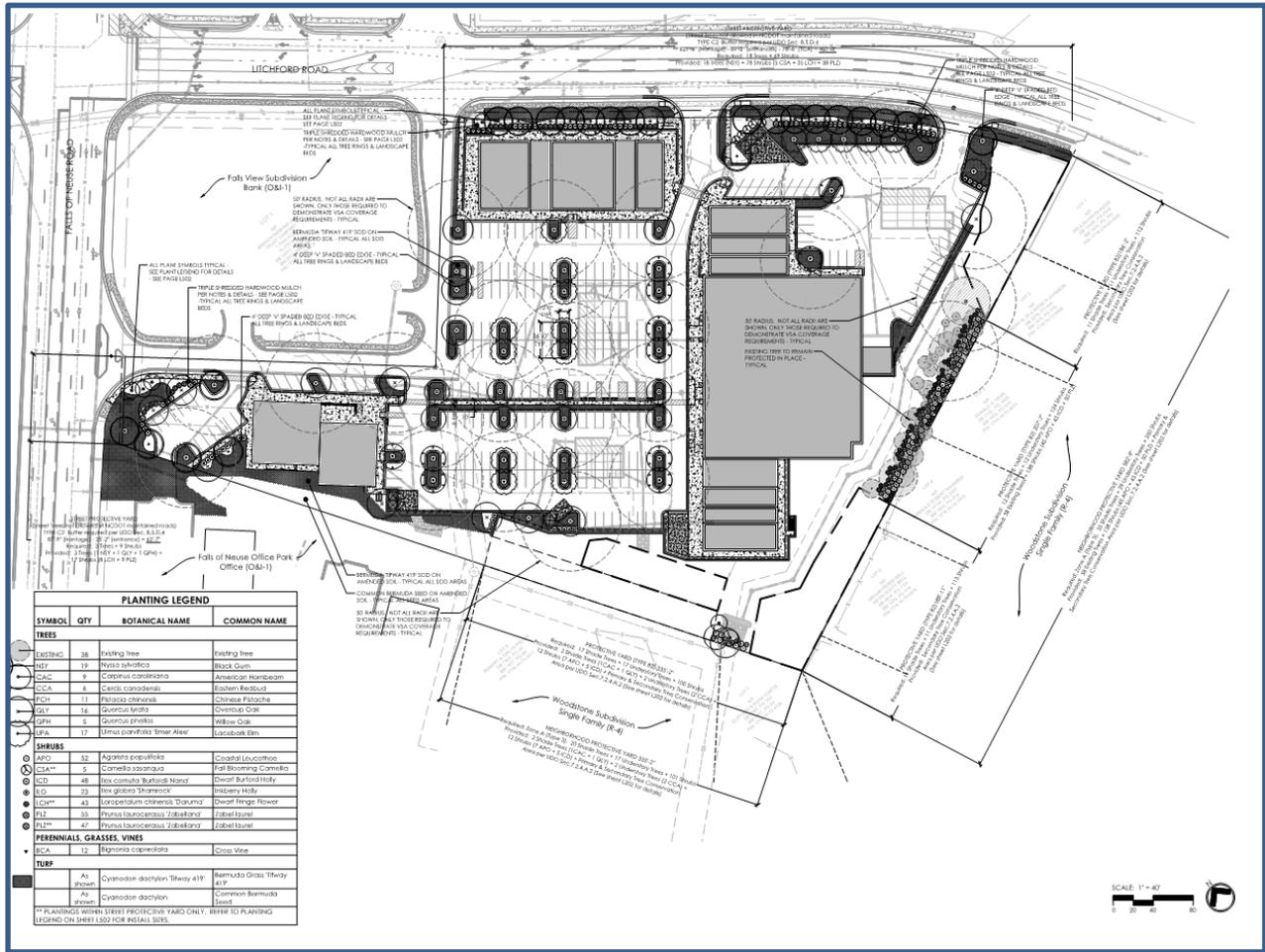
General Location: This site is located on the southeast corner of the intersection of Falls of Neuse, and Litchford Roads.

CAC: North

Request: Development of a recombined 6.95 acre tract zoned NX-3-PL-CU into a three building retail center, totaling 62,620 square foot of retail space (retail sales, restaurant, personal services). The three buildings range from 26' to 35'tall.

Cross-Reference: Z-2-15, TR# 451998





SR-20-15 Preliminary Site Plan



Planning and Development Director Action

Administrative Alternate Findings:

Sec. 1.5.6.D. Administrative Alternate Findings

The Planning and Development Officer may in accordance with Sec. 10.2.17. reduce the build-to requirement, subject to all of the following findings:

1. The approved alternate meets the intent of the build-to regulations;

Staff response: The project contains a building located within a range of building placement that supplements the existing street edge along Falls of Neuse Road. The alternate provides flexibility for the building to be moved further back from the street to help indicate a major ingress/egress that serves multiple parcels and buildings.

2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;

Staff response: The project conforms to several Comprehensive Plan policies, including policies of the I-540/Falls of Neuse Area Plan. The scale and design of the proposed building is similar to and reinforces the pattern of surrounding development along Falls of Neuse Road.

3. The approved alternate does not substantially negatively alter the character defining street wall or establish a build-to pattern that is not harmonious with the existing built context;

Staff response: The project proposes a building located behind two bays of on-site parking with cross access to adjoining parcels, which is consistent with neighboring parcels along Falls of Neuse Road.

4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and

Staff response: Pedestrian access is still maintained from Falls of Neuse Road to the proposed building with a pedestrian walkway along the access driveway.

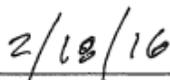
5. Site area that would have otherwise been occupied by buildings is converted to an outdoor amenity area under Sec. 1.5.3.B.

Staff response: In addition to two bays of on-site parking with a single drive aisle permitted by the Parking Limited frontage, the applicant is providing two amenity areas within the area between the building and the street right-of-way.

Decision

The Planning and Development Director finds that the requested alternate generally meets the findings enumerated in the Unified Development Ordinance.


Signature


Date

SR-20-15 Administrative Alternate

Code Conformance:		Code Section(s)
Zoning District:	NX-3-PL-CU (Z-2-15) Neighborhood Mixed Use - 3 - Parking Limited - CU	3.1
Overlay District:	NA	
Parking:	Automobile Required. 231, proposed 278; Bike (short term) required 13, proposed 14; Bike (long term) required 2, proposed 2;	7.1.2
Street Type(s):	Falls of Neuse (NC DOT) Avenue 6 Lane Divided Required ½ of a 126' Right of Way; Litchford Road (NC DOT) Avenue 4 Lane Divided Required ½ of a 104' Right of Way;	8.4
Streetscape:	Mixed-Use – NC DOT Streets C2 Street Protective Yards (7.2.4 b)	8.5.
Setbacks/Frontage:	General Building - Front=5', corner = 5', side = 0 or 6', rear = 0' or 6'; Build To (PL) Primary Street = 0'/100' (standard being met via Administrative Alternate), Side Street = 0'/100'.	3.4 , 3.2 ,
Neighborhood Transitions:	335' along southern border, 40' of which consists of Zone A and B (type 3) Neighborhood Transition Yd. The remainder - Tree Conservation (3.5.3 d 1); 582'9" along eastern border, 210' consists of Zone A and B (type 3) Neighborhood Transition Yd. No structure is greater than 40' at the zone C line. The remainder - Tree Conservation (3.5.3 d 1);	3.5
Transitional Protective Yards:	Type B2 Transitional Protective Yard and fence or retaining wall minimum 6 ½' (required where adjacent to any residential property that contains a single family dwelling.) (Z-2-15, conditions 3 and 12)	7.2.4
Stormwater:	This site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance and Z-2-15. The proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual and the NCDENR BMP Manual.	9.2
Tree Conservation:	This site is providing .69 acres or 10% of tree conservation area in accordance with Article 9.1.	9.1

<p>Variances, Design Adjustments, Administrative Alternates:</p>	<p>An Administrative Alternate has been approved allowing the reduction of the primary "Build To" to 130' from the primary Right of Way. (10.2.17)</p>	<p>10.2.17</p>
<p>Other:</p>	<p>The Transit Program does not wish to request a shelter as the GoRaleigh route, that previously served Litchford Road, has been discontinued. (condition #14, Z-2-15)</p>	

Zoning Conditions (Z-2-15):

1. The hours of operation for service of the trash and recycle facilities shall be limited to between 7:00 AM - 7:00 PM, Monday-Saturday.

Noted on plan

2. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from adjacent residential properties. Light Level at the perimeter property line adjacent to a residential use property shall be no more than four-tenths (4/10) of a foot candle. Pole-Mounted site lighting for parking areas shall not exceed twenty feet (20') in height.

To be reviewed at building permits

3. Unless a greater standard is required by the UDO, a Protective Yard, in accordance with Type B2 of UDO Section 7.2.4, with a thirty-two and one-half foot (32.5') minimum width, shall be provided adjacent to any adjacent property that contains a single-family dwelling. For Retail Sales located on the rezoned properties, the above-referenced Protective Yard shall be increased to a fifty foot (50') minimum, with a fence or wall (see condition #12).

Conforms- shown on plan

4. Stormwater management for the subject property shall provide additional detention for the twenty-five year storm event for net increase to impervious area. Offsite stormwater run-off entering the site shall not be included under this provision.

As per plan

5. If Vehicle Surface Area is located within fifty feet (50') of any parcel containing a single-family dwelling, an evergreen hedge shall be provided between the Vehicle Surface Area and the perimeter property line so as to provide buffering and screening to the adjacent property. The plantings shall be installed per the following standard: Install one (1) Evergreen Shrub a minimum of every four feet (4') on center (O.C.); plant shall be three feet (3') in height at time of installation; plantings shall achieve a mature height and spread of no less than five feet (5') within three years of initial certificate of occupancy. If the shrubs are located within a Protective Yard (PY), they may be credited toward the requirement of the PY, or the Neighborhood Transition (NT) if in accord with City of Raleigh Code requirements.

Conforms- shown on plan

6. The following uses shall be prohibited: Boardinghouse; Dormitory; Fraternity; Sorority; Outdoor Sports or Entertainment Facility of all types; Animal Care; Vehicle Sales/Rental; Vehicle Repair; Vehicular Fuel

Sales, but not to exclude electric vehicle charging station(s); Electric Sub-Station; Telecommunication Towers of all types; Special Care Facility; Multi-Unit Living; Daycare; Bar; Night Club; Tavern; Lounge.

Proposed uses – Commercial/retail/restaurant

7. If additional trees are required in Protective Yards to supplement existing vegetation, no less than eighty-five percent (85%) of the installed trees shall be an evergreen species. Supplemental plantings shall not be composed of a single tree or shrub species, and shall be arranged as informal groups or clusters. Tree species shall be selected to provide screening benefit, and include but not limited to Red Cedar, Magnolia, Cryptomeria, and plants with similar characteristics.

As per plan

8. Retail Sales shall be limited so that a single retail space shall not exceed a gross floor area of thirty thousand square feet (30,000SF). Building(s) containing either Eating Establishment or Retail Sales shall be limited in height as follows:
- a. With exception of the main facade entry elevation, the building height shall be no greater than thirty-five feet (35').
 - b. The front facade entry element shall not exceed forty-five feet (45').

Conforms

9. Dedicated facilities for loading area and/or loading dock for Retail Sales shall be screened from view by means of a solid wall that is no less than twelve feet (12'-0") in height. The hours of delivery vehicle arrival and departure for Retail Sales loading and dock facilities shall be limited to between 7:00 AM 9:00 PM Monday through Friday and 8:00 AM to 6:00 PM Saturday and Sunday. The unloading of cargo from a previously parked delivery vehicle shall not be prohibited outside of the hours of arrival and departure. A parked delivery vehicle in loading dock shall not run engine or refrigeration equipment outside of the hours stated above for arrival and departure.

12' wall as per plan. Time limitations and vehicle requirements noted on plan

10. Bank ATM, drive-thru order station and/or drive-thru pickup window shall not be located within two hundred feet (200') of a property line shared with any of the eight (8) adjoining single family lots in the Woodstone Subdivision: Paliga (DB7207/PG0034); Curtis (DB9097/PG103); Deighton (DB15056/PG0938); Bell (DB9836/PG1161); Navarro (DB13134/PG2057); Hess (DB3254/PG0572); Johnson (DB3279/PG0645); Havis-Kizzie (DB 15448/PG2449).

As per plan – 200' buffer shown

11. Total gross floor area for Eating Establishment and Retail Sales on the rezoned properties shall not exceed sixty-five thousand square feet (65,000 SF).

Total Square footage proposed – 62,620 sq. ft.

12. For any lot on the rezoned properties that contains a building(s) with either Eating Establishment or Retail Sales a fence, retaining wall, or a combination of fence and wall, with a minimum height of six and one half feet (6'-6") shall be provided where adjacent to a property line shared with the eight (8) adjoining single family lots in the Woodstone Subdivision: Paliga (DB7207/PG0034); Curtis (DB9097/PG103); Deighton (DB15056/PG0938); Bell (DB9836/PG1161); Navarro (DB13134/PG2057); Hess (DB3254/PG0572); Johnson (DB3279/PG0645); Havis-Kizzie (DB15448/PG2449). The fence, wall, or combination fence/wall shall be located between development features (i.e. parking lot, building, stormwater facility) and the shared property line. The fence/wall shall be in addition to the 50' buffer described in condition #3 (for retail use) and the fence/wall shall not be located within a Tree Conservation Area. The height of the fence shall be in accord with the provisions of UDO Section 3.5.3.

As per condition of approval and plan

13. Prior to issuance of certificate of occupancy for new development on the subject properties, the additional left-turn lane on Litchford Road at its intersection with Falls of Neuse Road (as described in the Z-2-15 Traffic Impact Analysis) shall be built and accepted by the City of Raleigh and/or the North Carolina Department of Transportation.

To be reviewed prior to CO

14. If requested by the Public Works Department, a transit shelter with a minimum dimension of no less than 4' x 8' shall be provided by the owner along Litchford Road prior to issuance of certificate of occupancy for any new development on the rezoned properties. The shelter may be located in the existing transit easement, or in a new easement location that is no greater than 15' x 20' and in a location approved by the City of Raleigh. In addition to the shelter, a paved access area (location to be approved by the City of Raleigh) shall be provided between the back of curb and the public sidewalk to facilitate passenger loading.

The Transit Program does not wish to request a shelter.

15. The cumulative parking count on the rezoned properties shall be no greater than 125% than the parking rate established for minimum code requirement.

Proposed parking does not exceed 125% of required.

16. Trash facilities located outside of a building (dumpster, compactor, and similar) and serving a restaurant, grocery store or any business selling or processing perishable items shall be serviced no less than three (3) times per week.

Noted on plan

17. Prior to recordation of a subdivision plat for the property or issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable parking (described in condition #15) and the allowable Eating Establishment/Retail Sales floor area gross (described in condition# 11) upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant, and such restrictive covenant shall be recorded within 45 days following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.

As per condition of approval

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass land disturbing permit for the site:

1. That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;

Prior to the issuance of any site permits, infrastructure construction plans or concurrent review process, whichever is applicable:

2. That a nitrogen offset payment must be made to a qualifying mitigation bank;
3. 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 prior to grading or the approval of construction drawings whichever event comes first;
4. That the final site plans show conformance with all rezoning conditions of Z-2-15;
5. That the final site plans show a fence or wall as required by Condition 12 of Z-2-15 between the developed features on the site and the adjacent properties in conformance with the zoning condition and with standards of UDO Section 7.2.8 B

Prior to issuance of building permits:

6. That all conditions of Z-2-15 are met;
7. That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
8. That a slope easement and an offer of cross access with the lot to the southwest owned by Falls of Neuse Office Park Condos (BM CM 2007, Pg.436A1), at the location of the stubbed vehicular and pedestrian connection to the neighboring property, is to be recorded in the Wake County Registry, and that a copy of the recorded offer of cross access easement, and recorded slope easement is to be returned to the City prior to building permit issuance;
9. That $\frac{1}{2}$ of the required 120' right of way for Falls of Neuse Road, and that $\frac{1}{2}$ of the required 90' right of way for Litchford Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
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;

11. That Infrastructure Construction Plans are approved by the City of Raleigh, including obtaining stub permits, and tree impact permits;
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; 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 City of Raleigh;
13. That the exchange and/or abandonment of the existing City of Raleigh Sanitary Sewer Easement resolution number is noted on the plat and recorded in the Wake County Register of Deeds;
14. That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on both Falls of Neuse and Litchford Roads is paid to the Public Works Department;
15. That a fee in lieu is to be paid for the additional 1' of sidewalk along Litchford Road prior to issuance of building permits:
16. That the owner of the property shall record in the Wake County Registry a restrictive covenant that allocates the allowable parking (described in condition #15) and the allowable Eating Establishment/Retail Sales floor area gross (described in condition# 11) upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant, and such restrictive covenant shall be recorded (Z-2-15, condition # 17) within 45 days following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee;
17. That the final building elevations show the rear façade on the south side of the site within Zone C of the required neighborhood transition in conformance with rear wall articulation standards of UDO Section 3.5.5 and 1.5.10;
18. That a fence or wall as required by Condition 12 of Z-2-15 between the developed features on the site and the adjacent properties show conformance with the zoning condition and with standards of UDO Section 7.2.8 B;

Prior to issuance of building occupancy permit:

19. That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate;
20. That the additional left turn lane on Litchford Road at the intersection of Falls Of Neuse Road shall be built and accepted by the City of Raleigh and/or NC DOT as per condition #13 (Z-2-15).

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bowen (S. Barber) Date: 3-1-16

Staff Coordinator: Michael Walters

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

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated 1/15/16, submitted by DHM Design, Inc., Graham Smith.

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: 3-1-2019

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.

WHAT NEXT?:

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