



Administrative Approval Action

SR-44-17, Mellow Mushroom at Brier Creek
Transaction# 511487, AA 3676

City of Raleigh
Development Services Department
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2495
DS.help@raleighnc.gov
www.raleighnc.gov

LOCATION: This site is located on the north side of Brier Creek Parkway/State Route 3109 and east of the intersection of Brier Creek and Arnold Palmer Drive. The restaurant site is being proposed on Lot 2 at 9600 Brier Creek Parkway/PIN 0758836853. Infrastructure associated with the restaurant site will be located on Lot 3/PIN 0758931723 and Lot 4/PIN 0758935530.

REQUEST: Development of a 2.07 acre tract zone Commercial Mixed Use-3 Stories-Parkway Frontage (CX-3-PK) into a 1 story 6,435 square foot restaurant.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC:

A variance has been approved by the Board of Adjustment for this project, noted below:

1. August 14, 2017 the Board of Adjustment granted a 25' variance to reduce the width of the Parkway Frontage with the condition the resulting buffer is planted to SHOD-2 standards. Reference A-104-17.

Design Adjustments have been approved by the Development Services Director Designee for this project, noted below.

2. A Design Adjustment waiving the block perimeter requirement (UDO Section 8.3) has been approved by the Development Services Director Designee due to constraints of the Neuse Riparian Buffer and Brier Creek Golf Club within the rear adjacent property and residential developed properties to the west of the site.

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 Rick Baker of Timmons Group.

CONDITIONS OF APPROVAL and NEXT STEPS:

Note: *This document must be applied to the second sheet of all future submittals with the exception of final plats.*

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.

STORMWATER

3. A 100-year floodplain analysis shall be submitted and approved by the Engineering Services Department prior to the issuance of a mass grading permit or other site permit, whichever comes first.



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4. The State of North Carolina shall approve any proposed disturbance within the riparian buffer prior to the issuance of a mass grading permit or other site permit, whichever comes first.
5. Next Step: 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.

Next Step: 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.

URBAN FORESTRY

6. Obtain required stub and tree impact permits from the City of Raleigh.
7. Next Step: Prior to the issuance of a mass grading permit or other site permit, whichever comes first, submit a final tree conservation plan with a permit approved by Urban Forestry staff that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required.
8. Next Step: Tree protection fence must be located in the field and inspected by Urban Forestry staff prior to the issuance of a mass grading permit or other site permit, whichever comes first.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

GENERAL

1. A Final Plat shall be recorded with the Wake County Register of Deeds office for Tree Save Areas.
2. Provide fire flow analysis.

ENGINEERING

3. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 1' sidewalk width across the frontage of Lot 2 to supplement the existing 5' sidewalk as required by the UDO, shall be paid to the City of Raleigh.
4. A 24' cross access / shared driveway agreement between lot 2 with Pin #0758836853, lot 3 with Pin #0758931723 and lot 4 with Pin #0758935530, shall be approved by the Development Services Department for recording with the Wake County Register of Deeds, and a copy of the recorded offer of cross access / shared driveway easement shall be returned to the Development Services Department within one (1) day of lot recordation. A recorded copy of these documents must be provided to the Development Services Department.
5. A 10' x 15' slope easement shall be dedicated on each side of the 24' cross access / shared driveway easement and also any sidewalk adjacent to the cross access, at the shared property lines between lots 2 and 3 and 4. This slope easement will be shown on the plat and recorded as described in Condition of Approval #5.
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.



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19. Next Step: In accordance with Part 10A Section 8.1.3, a public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering program.
20. Next Step: 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.
21. Next Step: The flood prone areas, as approved by the City Stormwater Engineer, must be shown on the preliminary plan and shall be shown on the recorded map;
22. Next Step: The City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be approved by the City and recorded with the county register of deeds office.
23. Next Step: 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.
24. Next Step: In accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department.

URBAN FORESTRY

25. A final inspection of required tree conservation and right of way tree protection areas by Urban Forestry staff must be completed.
26. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way.

Prior to issuance of building occupancy permit:

1. 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.
2. Next Step: Required underground storm drainage improvements shall be completed and as-built plan(s) and certification(s) reviewed and accepted by the City of Raleigh Development Services – Development Engineering program.
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. Next Step: As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department



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6. Next Step: Final inspection of all required Tree Conservation and right of way tree protection areas by Urban Forestry Staff.

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: 12-20-2020

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 Dir./Designee) *Amy B. [Signature]* Date: 12/20/2017

Staff Coordinator: Daniel L. Stegall