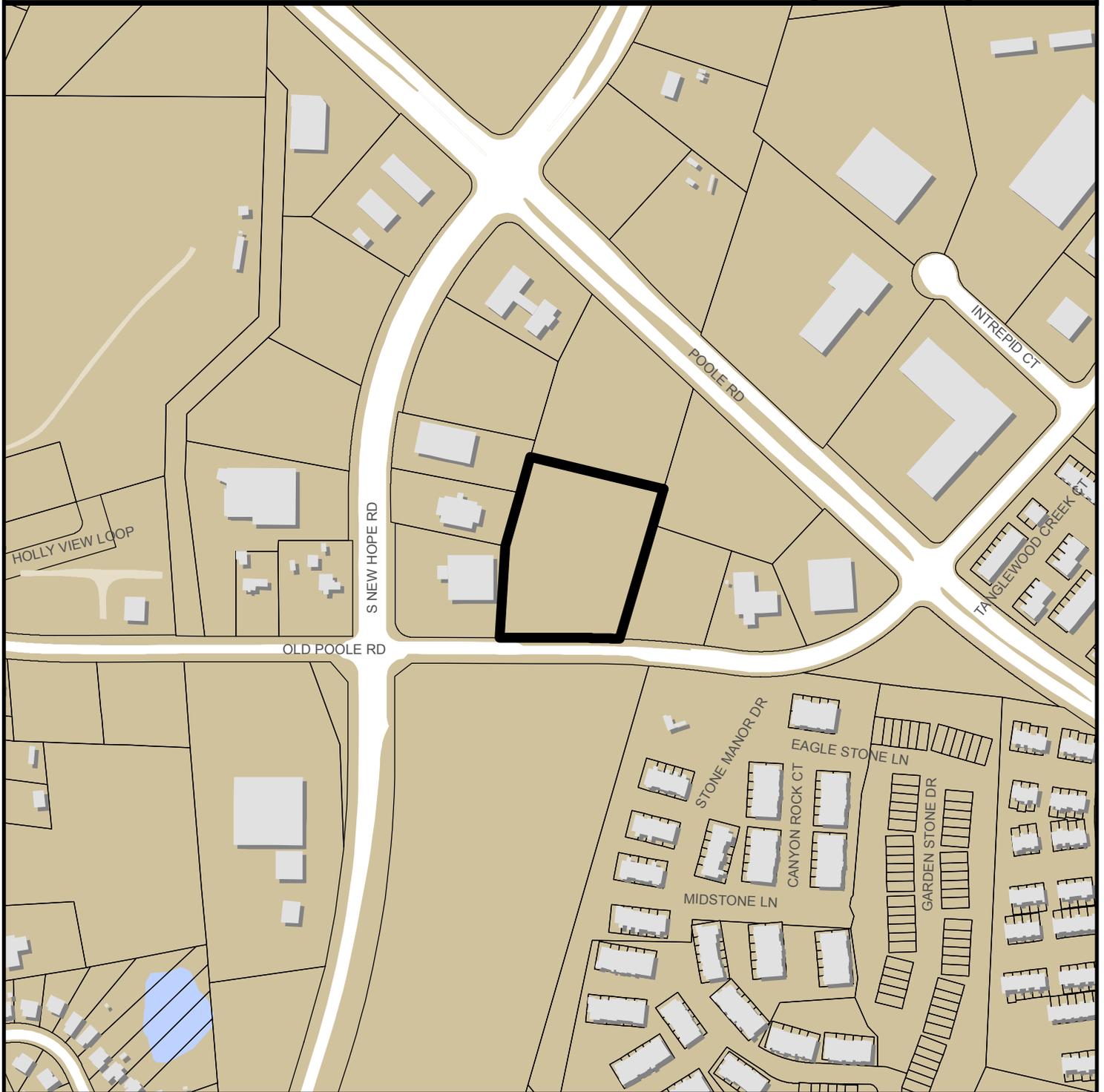


LIVE GREEN SR-86-2016



0 300 600 Feet

Zoning: **CX-3-CU**
CAC: **Southeast**
Drainage Basin: **Crabtree Basin**
Acreage: **2.85**
Sq. Ft. : **9,600**

Planner: **Michael Walters**
Phone: **(919) 996-2636**
Applicant: **Ammons East Corporation**
Phone: **(919) 453-0175**





Administrative Action Administrative Site Review

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

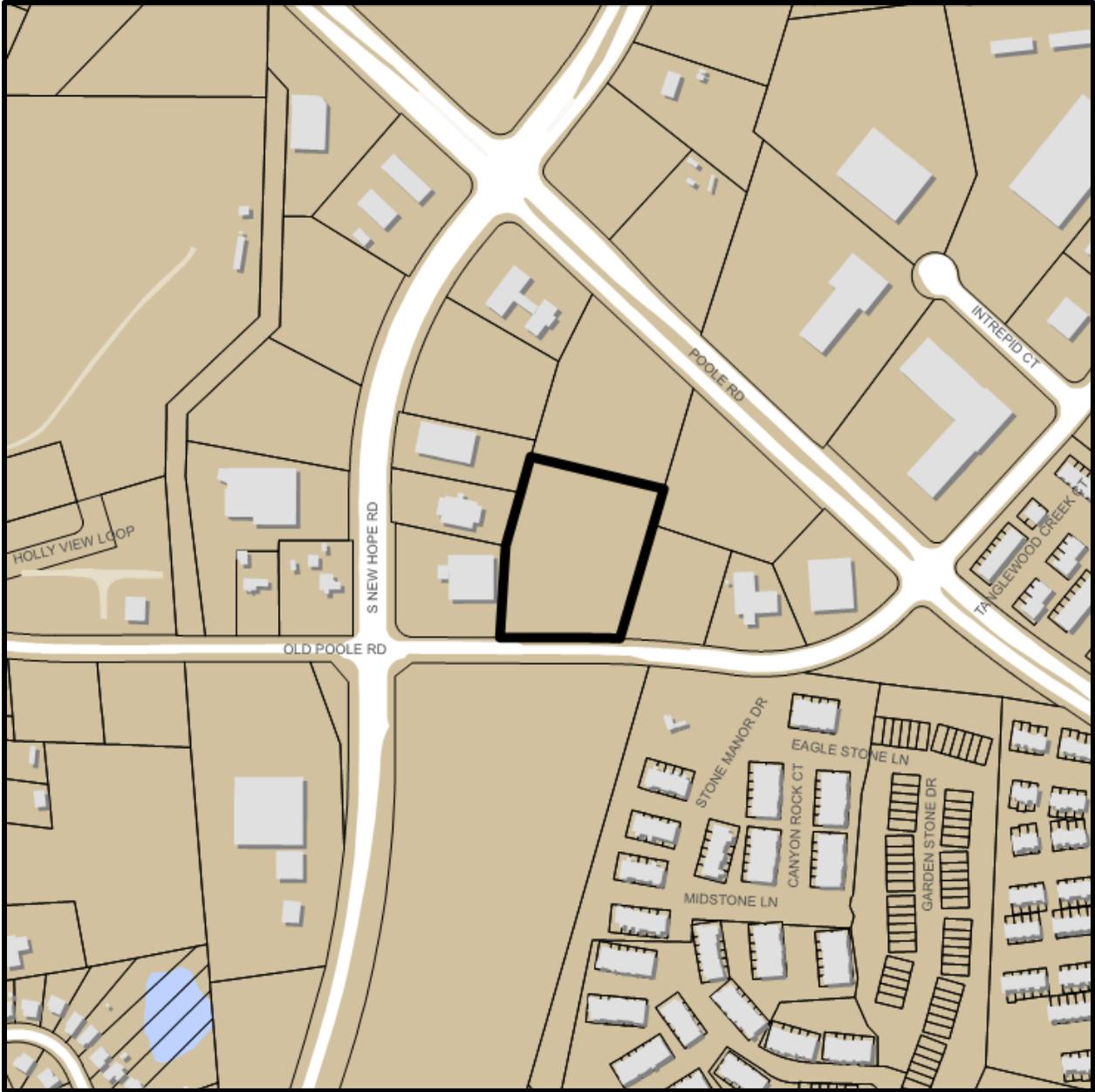
Case File / Name: SR-86-16, Live Green

General Location: This site is located on the north side of Old Poole Road, east of the intersection of Old Poole Road and S. New Hope Road and is within the city limits.

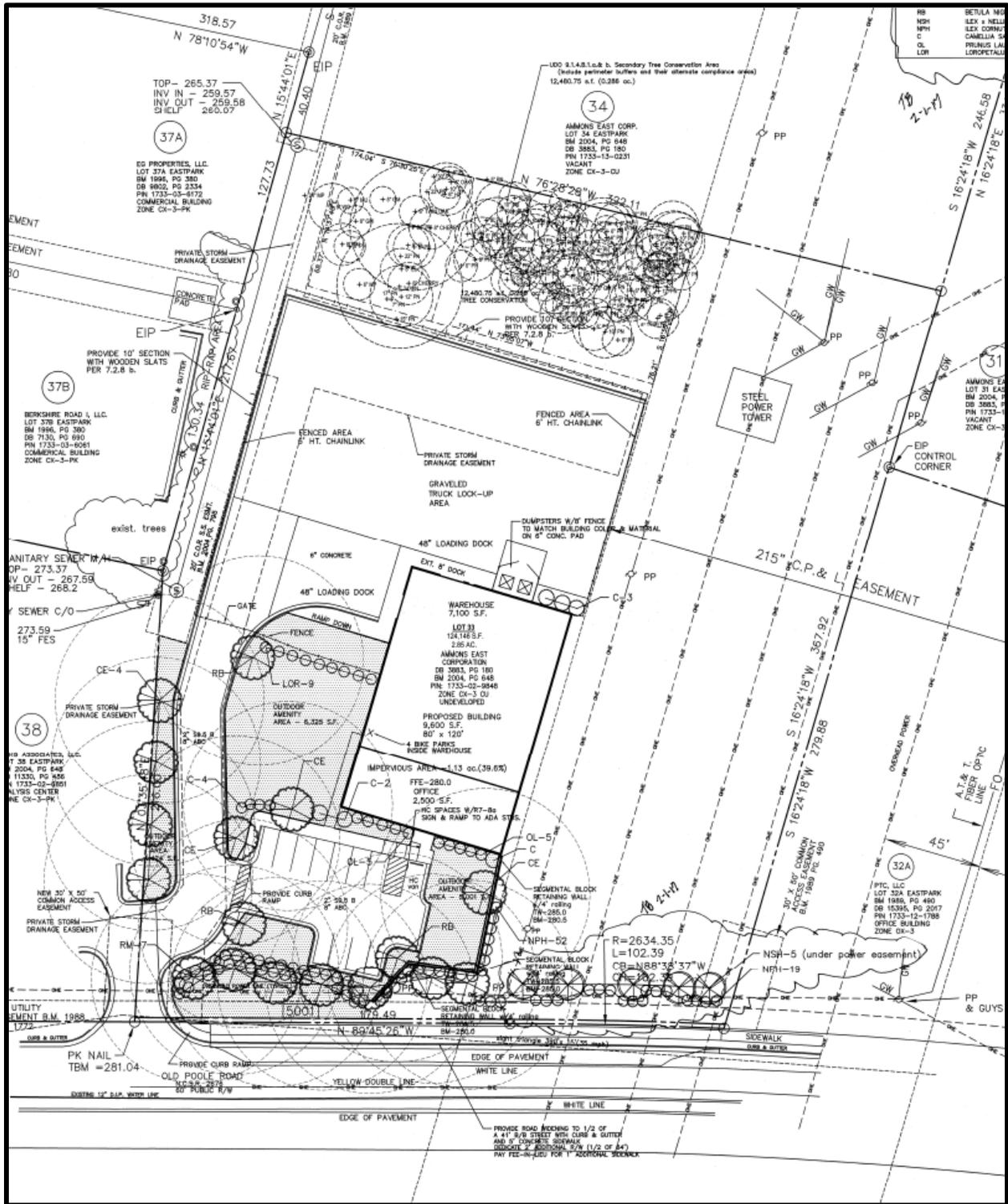
CAC: Southeast

Request: Development of a 2.85 acre tract zoned CX-3-CU into a 9600 square foot, 17' 9" tall office and warehouse building.

Cross-Reference: Z-30-13, TR# 491998



SR-86-16 Location Map



SR-86-2016 Preliminary Site Plan

Code Conformance:		Code Section(s)
Zoning District:	CX-3 CU (Z-30-13)	3.1
Overlay District:	NA	5.1
Parking:	Required (1/600 sf office + 1/3000 sf add'l) = 8 sp. Proposed = 12 spaces Bicycle (1 sp/40000 sf, min. 4) = 4 proposed	7.1.2
Street Type(s):	Avenue 2-Lane undivided	8.4
Streetscape:	NC DOT maintained street (C-2 protective yard)	8.5
Setbacks/Frontage:	Front 5' Side 0 or 6' Rear 0 or 6'	3.2,
Neighborhood Transitions:	NA	3.5
Transitional Protective Yards:	NA	7.2.4
Stormwater:	This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. This site is proposing the use of an underground detention system to meet water quantity regulations, as well as a nitrogen buy down to meet water quality regulations. FEMA Floodplain is not present on site. No wetland areas or Neuse River riparian buffers are required on this site.	9.2
Tree Conservation:	This Site Review proposes 10.05% of the net site area as tree conservation area which is made up of 0.286 acres of secondary tree conservation area in accordance with Article 9.1.	9.1

<p>Variances, Design Adjustments, Administrative Alternates:</p>	<p>NA</p>	
<p>Other:</p>	<p>Utilities – There is an existing overhead power line running along the frontage of the parcel. There is a 250' CP&L easement and power lines running along the eastern edge of the parcel.</p> <p>There is a proposed 30' x 50' cross access easement located at the entrance shared with the parcel to the west.</p>	

Ordinance: 258 ZC 694
Effective: January 7, 2014

Z-30 -13 – Poole and Old Poole Road Conditional Use - located east of their intersection with New Hope Church Road, being Wake County PIN(s), 1733130231, 1733133022, and 1733029848,. Approximately 7.23 acres to be rezoned from O&I-1 and TD to CX-3-CU. Conditions Dated: 12/19/2013

Narrative of conditions being requested:

The following uses shall be prohibited upon the Property;

1. Per the purposes of the following conditions. "Property" shall refer to tax parcels (PINs) 1733-13-0231, 1733-13-3022, and 1733-02-9848,

Dormitory, Fraternity, Sorority; Emergency Shelter Type A; Emergency Shelter Type B; Telecommunication Tower (less than 250 feet); Telecommunication Tower (greater than 250 feet); Adult Establishment; Outdoor Sports or Entertainment Facility (less than 250 seats); Outdoor Sports or Entertainment Facility (more than 250 seats); Commercial Parking Lot; Remote Parking Lot; Heliport; Bar, Nightclub, Tavern, Lounge; Detention Center, Jail Prison; Vehicle Sales; Vehicle Repair (minor and major) and Gasoline Sales.

Proposed use is not one of the listed prohibited uses.

2. The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute or Transportation Engineers, and appropriately adjusted to account for Pass-By Trips and Internal Capture, will generate no more than 4,170 daily vehicle trips with no more than 293 vehicle trips in the AM peak hour and no more than 387 vehicle trips in the PM peak hour,

Total driveway volume – 79 trips/day, peak AM 18 + 4, Peak PM 4 + 11 (Rynal Stephenson, Ramsey Kemp & Associates)

3. If requested by the City, the Property owner shall offer to the City prior to recordation of a subdivision plat or issuance of a building permit, whichever shall first occur, a transit easement along Poole Road measuring fifteen feet (15') by twenty feet (20'). The location of the easement shall be approved by the Transit Division at the time of such

subdivision or site plan approval and the City Attorney shall approve the form of the conveyance document. If the Property is served by public transit at that time and the City so requests, the owner shall at its cost construct an ADA accessible, standard City transit shelter on a concrete pad within the transit easement and pour a concrete strip between the sidewalk and curb along the side of the shelter facing the Street.

Transit easement is not requested by the city.

4. Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing condition 2 among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) or all portions of the Property affected, by the amendment and shall be at the sole discretion of such owner(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P0 Box 590, Raleigh NC, 27602 with a reference to Zoning Case Z-30 13.

Book 015810, page 00097 October 15, 2014

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 the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
2. That a final tree conservation plan with permit be approved by the Forestry Specialist. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas;

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

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 a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to issuance of building permits:

5. That a cross access agreement among the proposed lots owned by Ammons East Corporation and VJKG Associates, LLC, is recorded at the Wake County Register of Deeds and that a copy of the recorded offer of cross access easement be returned to the Development Services Department within 1 day of lot recording;
6. 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;
7. 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 property owners association.
8. That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of construction of a stormwater device shall be paid to the City;
9. That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
10. That in accordance with Part 10A Section 8.1.10, a fee-in-lieu for an additional 1' of sidewalk along Old Poole Rd. is paid to the City of Raleigh prior to building permits;
11. That ½ of the required 64' right of way for Old Poole 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;
12. That in accordance with Part 10A Section 8.1.3, a surety equal to 100% of the cost of development related improvements, including a 41' back to back street section with curb and gutter, and a 5' wide concrete sidewalk along Old Poole Road is paid to the Development Services Department;
13. That a fee in lieu shall be paid to the City of Raleigh for 1' of additional sidewalk width along Old Poole Road;
14. That all conditions of Z-30-13 are complied with;

Prior to issuance of building occupancy permit:

15. 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;

I hereby certify this administrative decision.

Signed:

(Planning Dir.) Ker Bomer (C. Dog)

Date: 4-27-17

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 2/1/17, submitted by B. Taylor Blakely, Blakely Design Group.

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: 4/27/2020

Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date: 4/27/2021

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.