



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File / Name: SP-7-13 / The Pointe at Creedmoor

General Location: The southeastern quadrant of Millbrook Road and Creedmoor Road.

Owner: York Development Group
Designer: Kimley-Horn and Associates, Inc.

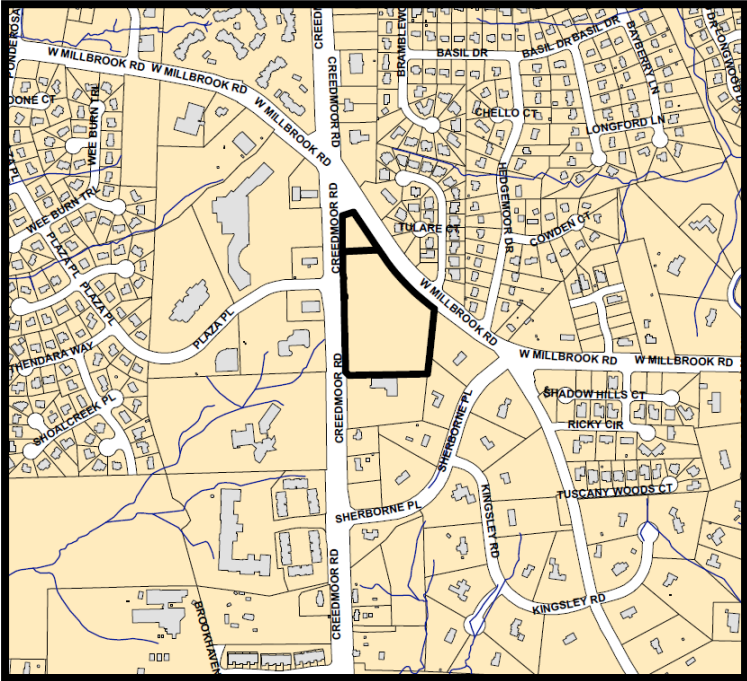
CAC: Northwest

Nature of Case: The recombination of two parcels totaling 7.06 acres to construct a 3 building Shopping Center totaling 59,999 square feet. The property is zoned Shopping Center CUD.

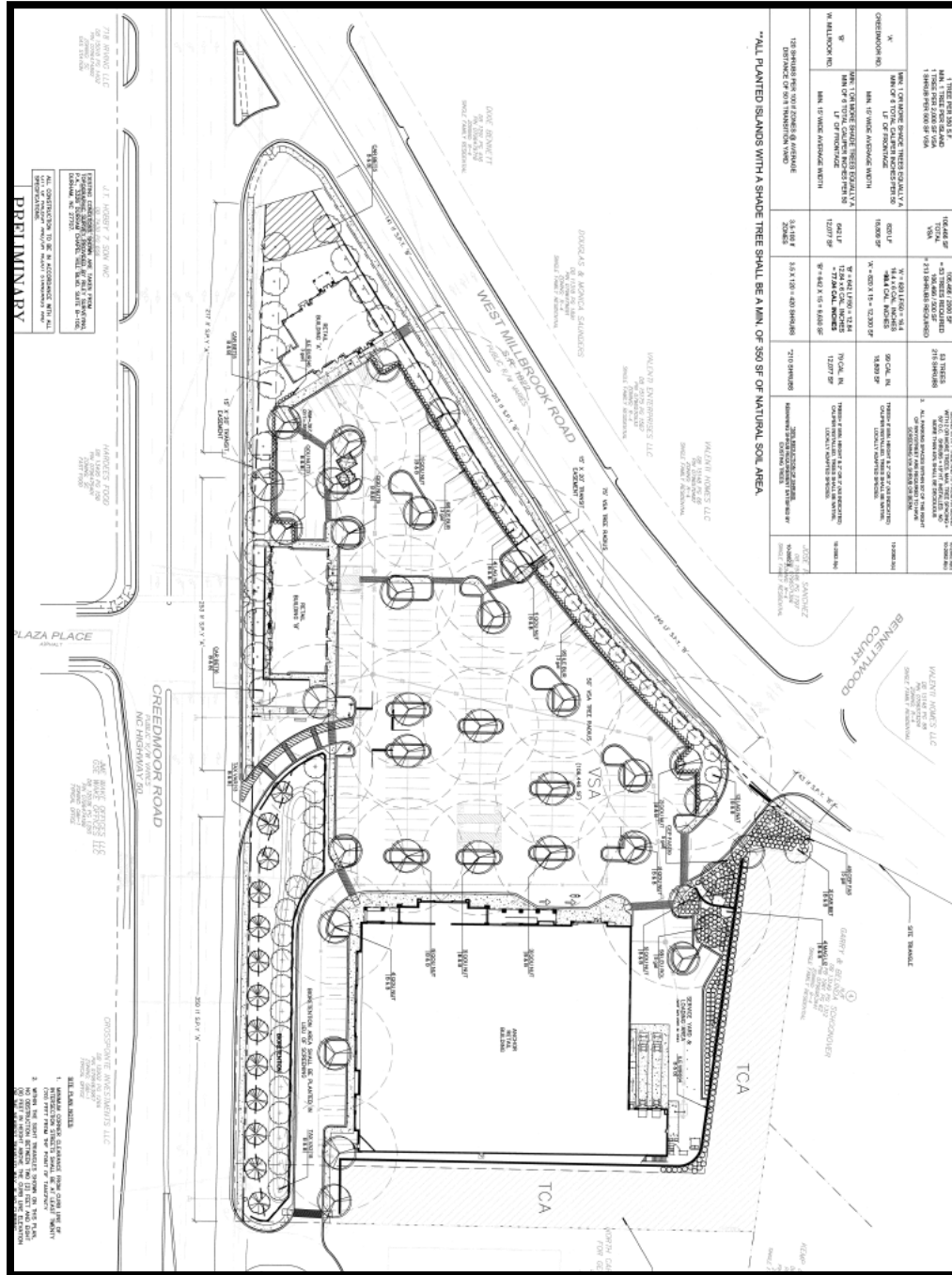
- Building A – 6,000 square feet
- Building B – 4,000 square feet
- Building C – 49,999 square feet

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

Contact: Sal Musarra, Kimley-Horn and Associates, Inc.



Location Map



Site Plan

SUBJECT: SP-7-13 / The Pointe at Creedmoor

**CROSS-
REFERENCE:** Z-12-12

LOCATION: This site is located on the southeast quadrant of Millbrook Road and Creedmoor Road intersection, inside the City Limits.

REQUEST: This request is to approve a 59,999 square foot square foot Shopping Center on a 7.06 acre site , zoned Shopping Center CUD. This site is located within 400 feet of a residential use or zone.

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:** **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that, with the following conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2041, 10-2124(b), 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/9/13, owned by York Development Group, submitted by Kimley-Horn and Associates, Inc.

**ADDITIONAL
NOTES:** There are no additional notes for this plan.

**VARIANCES /
ALTERNATES:**

To PC: July 23, 2013

Case History: N/A

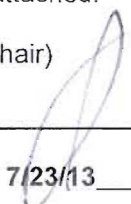
Staff Coordinator: Meade Bradshaw

Motion: Schuster
Second: Terando
In Favor: Braun, Butler, Fleming, Fluhrer, Lyle, Mattox, Schuster, Swink and Terando
Opposed: xxxxx
Excused: xxxxx

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)


_____

date: 7/23/13

date: 7/23/13



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL: Planning Commission Actions:

- (1) That a minimum of 4 bike racks are provided on the site, as agreed to by the applicant;

Administrative Actions:

Prior to issuance of site review or construction drawings for the site, whichever comes first:

- (2) That a final tree conservation plan 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. Tree protection fence must be located in the field and inspected by the Forestry Specialist;
- (3) 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 homeowner association.
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) 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 10 Chapter 9, 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;

Prior to issuance of building permits:

- (6) That a recombination map be recorded prior to building permit issuance, recombining the existing two lots into a single tract;
- (7) That unity of development guidelines and sign criteria for this entire development are established and approved by the Planning Director;
- (8) That all ground mounted signage shall be low profile signage consistent with Z-12-12(g);
- (9) That a cross access agreement with the adjacent parcel, DB12939 PG2468 (Pin Number 0796468665), consistent with Z-12-12(D) is

recorded in the Wake County Register of Deeds and a copy of the agreement be provided to the Planning Department;

- (10) That prior to the first permit issued, a 3,000 square foot public art easement be recorded with the Wake County Register of Deeds and be shown on all maps for recording consistent with Z-12-12(f);
- (11) That the plans show the closed wall that screens the dumpster and loading area to be 8' in height consistent with zoning condition(H) and a covenant be recorded with the Wake County Register of Deeds that the dumpsters shall not be emptied before 7:00 am or after 7:00 pm. A copy of the recorded covenant shall be provided to the Planning Department prior to building permit issuance;
- (12) That when permits have been issued for 75% of the non-residential square footage, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions;
- (13) A plat of all tree conservation areas must be recorded at the Wake County Register of Deeds office and the book and map reference must be provided to the City Forestry Specialist;
- (14) 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;
- (15) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas;
- (16) That two 15' x 20' transit easements located on Millbrook Road and Creedmoor Road be approved by the Transit Planner in the Public Works Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department prior to building permit approval;
- (17) That the site plan be modified to show where the 4 bike racks will be locate;
- (18) That plans are submitted providing the construction of the benches and shelters to be installed within the transit easements consistent with Z-12-12(l);
- (19) That 10'-20' variable width right-of-way, for the construction of an additional northbound lane, and 10'-35' variable width slope easement along Creedmoor Road be dedicated to the City and be shown on all maps for recording;
- (20) That 9.5' of variable width right-of-way, for the construction of an eastbound right turn lane, and 10'-35' variable width slope easement along Creedmoor Road be dedicated to the City and be shown on all maps for recording;

- (21) That a petition to abandon a portion of the existing City of Raleigh Sanitary Sewer easement (BM 1999 pg 1411) is submitted to the Public Utilities Department and approved as a separate action by the Raleigh City Council;
- (22) That infrastructure construction drawings are approved by the Public Works Department;
- (23) That notice referenced for zoning condition K shall be recorded in the Wake County Registry within 30 days following approval of this rezoning ordinance. Copies of this recorded document shall be provided to the city;

Prior to issuance of an occupancy permit:

- (24) That zoning condition K of Z-12-12 is met;
- (25) That for That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;
- (26) That for non-residential developments with multiple buildings, if financial security has been provided at the time of 75% permit issuance, then the final building certificate of occupancy shall be withheld until the improvements have been accepted for maintenance by the City of Raleigh;
- (27) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

ZONING:

**ZONING
DISTRICTS:**

Z-12-12. Ordinance (2012) 96 ZC 675 Effective .

Z-12-12 — Creedmoor Road and West Millbrook Road, Conditional Use - located on the southeast corner of Creedmoor Road, and south of its intersection with West Millbrook Road, being Wake County PIN(s), 0796478165 and 0796477549. Approximately 7.27 acres are to be rezoned from Shopping Center Conditional Use District to Shopping Center Conditional Use District to amend conditions associated with property zoned Shopping Center Conditional Use District.

Conditions Dated: 07/31/12

Narrative of conditions being requested:

- a) The following uses shall be prohibited:
 - i. Automotive service and repair facility,
 - ii. Hotel/motel;
 - iii. Movie (theater. indoor and outdoor);
 - iv. Schools (elementary, middle, and high, public, private or parochial);
 - v. Carwash facility - all types
 - vi. Emergency shelter type B;
 - vii. Landfill (debris from on-site);
 - viii. Manufacturing-custom;
 - ix. Manufacturing-specialized;
 - x. Mini-warehouse, storage facility;

- xi. Outdoor storage of recyclable material;
- xii. Special care facility;
- xiii. Telecommunication tower — all;
- xiv. Adult establishment;
- xv. Airfield or landing strip;
- xvi. Kennel/cattery;
- xvii. Riding stable;
- xviii. Correctional/penal facility;
- xix. Heliport — all types;
- xx. Outdoor stadium/theater — all types;
- xxi. Bed and breakfast inn.

The proposed uses are retail uses

- b) A natural protective yard area at least 50 feet in width shall be maintained along the property line adjoining those properties with Wake County Parcel Identification Numbers 0796-56-2637 (Deed Book 2454, Page 368) and 0796-56-1425 (Deed Book 5279, Page 306).

This natural protective yard area may be used as primary tree conservation area so long as it complies with the requirements of Raleigh City Code Section 10-2082.14(c). Also, the width of this natural protective yard area may be increased in order to capture additional tree cover to qualify as primary tree conservation area. To the extent the natural protective yard areas described above are not used for primary tree conservation area, they may be disturbed subject to the provisions of Raleigh City Code Section 10-2075(e), a copy of which is attached hereto as Exhibit A.

A 50' natural protective yard is proposed along Wake County Parcel Identification Numbers 0796-56-2637 (Deed Book 2454, Page 368) and 0796-56-1425 (Deed Book 5279, Page 306).

- c) Only to the extent necessary to achieve 10% total tree conservation area based on gross parcel acreage, tree protection areas at least 50 feet in width may be maintained along the property line adjoining that property with Wake County Parcel Identification Number 0796-46-8665 (Deed Book 12939, Page 2468). The width of those tree protection areas may be increased in order to capture additional tree cover to qualify as primary tree conservation area. These areas may be used as primary tree conservation area so long as they comply with the requirements of Raleigh City Code Section 10-2082.14(e), a copy of which is attached hereto as Exhibit B.

A 50' natural protective yard is proposed along Wake County Parcel Identification Numbers 0796-56-2637 (Deed Book 2454, Page 368) and 0796-56-1425 (Deed Book 5279, Page 306).

- d) Vehicular ingress and egress to the property from public streets shall be limited to no more than (1) a right-in only access from Creedmoor Road; (2) a full service access on West Millbrook Road directly across from Bennettwood Court; and (3) the joint driveway access from Creedmoor Road described in that Cross Access and Easement Agreement recorded in Book 13665, Pages 363-384 of the Wake County Registry.

A right-in only access is proposed on Creedmoor Road

A full service access is proposed on West Millbrook Road

A joint driveway access from the parcel to the south (Book 13665, Page 363-384) is proposed

e) Prior to subdivision approval or the issuance of any building permit for new construction on the property, whichever shall first occur, the owner of the property shall deed to the City: (i) a transit easement measuring twenty (20) feet adjacent to Creedmoor Road by fifteen (15) feet wide; and (ii) a transit easement measuring twenty (20) feet adjacent to West Millbrook Road by fifteen (15) feet wide to support a bus stops for current and/or future transit services in the area. The location of the easements shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easements deed prior to recordation.

15' x 20' transit easements are shown on Creedmoor Road and West Millbrook Road.

f) The northernmost tip of the subject property bounded by West Millbrook Road and Creedmoor Road shall be reserved for use by the City of Raleigh for installation and maintenance of public art. The area to be reserved shall be that land north of a line created by connecting two points, each fifty (50) feet from their respective property corners, south along Creedmoor Road and east along West Millbrook Road, and representing approximately 3,000 square feet. The owner or developer of the subject property shall not be permitted to install any ground signs or vertical structures on this portion of the subject property; however the City of Raleigh or its designee may install public art on this portion of the subject property. Any public art installed on this portion of the subject property shall be maintained by the City of Raleigh. The owner of the subject property shall retain the right to maintain this portion of the property in a safe condition and shall be permitted to use this portion of the subject property as open space. Upon receiving thirty (30) days notice from the City of Raleigh of its intent to install public art pursuant to this Condition (f), the owner of the subject property shall contribute \$2,500 to the City of Raleigh for the public art display.

A 3,000 square foot easement site has been reserved for public art on the northern portion of the site.

g) All ground mounted signage shall be low profile signage.

Will be shown at the time of permitting

h) All dumpsters on the property shall be screened from view from West Millbrook Road with a solid closed wall or fence which is at least eight (8) feet in height and is the same or compatible in terms of texture and quality with the material and color of the principal buildings, and the emptying of dumpsters shall not occur before 7:00 am or after 7:00 pm.

A closed wall is shown on the plans, screening the dumpster and loading areas from Creedmoor Road.

i) If not opposed by the City at the time of site plan review, the owner of the subject property shall construct a bench and shelter in association with each transit easement described in above Condition (e).

These details will be shown at the time of permit review.

j) Only one drive-thru establishment shall be permitted on the subject property, and it may only be associated with a principal or accessory pharmacy use. The drive-thru window permitted by this condition may not be located on an exterior building wall facing the Creedmoor Road right-of-way and may not be located on an exterior building wall facing the Millbrook Road right-of-way if such drive-thru window is located within 100 feet of the Millbrook Road right-of way.

A drive-thru is proposed with the principal building, and the drive thru window faces Millbrook but is located 150' from the road.

k) Within ninety (90) days after the adoption of this rezoning ordinance and every two years thereafter, the property owner shall request the North Carolina Department of Transportation (NCDOT) to install a traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the access to the subject property. The owner of the subject property shall provide written notice of this request to all owners of property located within the Bennett Place - Phase Two neighborhood, as platted on Book of Maps 1998, Page 2253 in the Wake County Registry. Within five (5) years of the date of the first site plan approval for any portion of the subject property or upon 100% occupancy, whichever is later, and after receiving written notice from NCDOT regarding its decision to permit the installation of the traffic signal at the intersection of West Millbrook Road, Bennettwood Court, and the access to the subject property, the then owner(s) of the subject property shall pay up to \$100,000 toward the cost of the installation of the traffic signal. If there are multiple owners of the subject property at the time the obligation to pay toward the cost of the installation of the traffic signal arises, then each owner of the subject property shall be jointly and severally responsible for the \$100,000, with a right of contribution from the other owners of the subject property on a pro rate share of the acreage owned divided by the total acreage of the subject property. Notice of this zoning condition shall be recorded in the Wake County Registry within 30 days following approval of this rezoning ordinance.

NCDOT responded to this issue on October 5, 2009

l) Upon development, all exterior flood, display and parking lot lighting shall be fill cut-off (shielded) design and directed away from the adjacent residential uses.

Lighting will be cut-off (shielded) and directed away from residential uses.

m) The maximum height for any building on the property shall be 40 feet.

Proposed building height is 36'.

n) Development on the property shall be limited to residential, office and commercial uses (as listed in Raleigh City Code section 10-2071 "Schedule of Permitted Land Uses in Zoning Districts") not otherwise prohibited by this rezoning ordinance. The amount of floor area gross for commercial uses shall not exceed 65,000 square feet and the total amount of floor area gross for office uses shall not exceed 5,000 square feet. In the event residential uses are developed on the property, the number of dwelling units or equivalent dwelling

units shall not exceed 105 units, the amount of floor area gross for commercial uses shall not exceed 60,000 square feet and the amount of floor area gross for office uses shall not exceed 5,000 square feet.

Proposed uses are retail uses with the proposed square footage of 59,999

o) Direct and convenient pedestrian connections shall be provided between the Creedmoor Road right-of-way and the Millbrook Road right-of-way to any principal building developed on the property. Where the pedestrian connection crosses a vehicular surface area, such pedestrian connection shall be identified using one or more of the following: (i) specialty paving techniques such as modular pavers or stamped paving; or (ii) raised crosswalks.

A sidewalk will be constructed within planting islands to connect the transit easement on West Millbrook Road to Building B.

p) For any principal building developed on the property, the exterior wall of a building facing Creedmoor Road or Millbrook Road shall have a minimum 25% transparency within that façade area measured between 0 feet and 12 feet above the adjacent sidewalk.

The western elevation faces Creedmoor Road and provides 34% transparency.

q) No exterior wall of any principal building facing Creedmoor Road or Millbrook Road shall have more than 30 linear feet of continuous wall without intervening transparency measuring at least 10 square feet in area.

No facades have more than 30 linear feet of continuous wall without intervening transparency.

r) No more than a single bay of parking may be located between a principal building and the Creedmoor Road right-of-way, measured from that building wall closest and parallel to the Creedmoor Road right-of-way.

Buildings front the street with no more than a single bay of parking located between the building and right-of-way of Creedmoor Road.

s) The infrastructure improvements shown in the Traffic Impact Analysis dated March 2009 prepared by Kimley-Horn & Associates for zoning case Z-43-08 shall be installed upon development of the property, with such infrastructure improvements being: (i) an exclusive eastbound right turn lane on Millbrook Road as part of the City's thoroughfare widening (100' vehicle storage, 150' deceleration length), (ii) a shared through-left and an exclusive right turn lane exiting the project on Millbrook Road, and (iii) an exclusive northbound right turn lane on Creedmoor Road as part of the City's thoroughfare widening.

Road improvements have been met.

t) For any principal building developed on the property, each building façade facing Creedmoor Road or Millbrook Road shall consist of at least 35% masonry materials. No stucco or EFIS shall be placed below 30 inches, as measured from the adjacent sidewalk, around the exterior of the building.

All 3 buildings will be constructed of masonry materials.

u) The maximum floor area gross for a single building shall be 50,000 square feet. Floor area gross shall mean the sum in square feet of the gross horizontal areas of all floors of the building measured from the exterior walls or from the center line of separating two (2) buildings. The floor area gross of a building shall include basement floor area when more than one-half (1/2) of the basement height is above the established curb level or above the finished lot grade level where the curb level has not been established, Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses shall be included in the calculation of floor area gross. However, the following shall not be included in the floor area gross: any space devoted exclusively to off-street parking; or outdoor loading, display, utility service areas; or mechanical equipment and uninhabited enclosed space on tops of roofs; or attic space having head room of less than seven (7) feet ten (10) inches.

Building C is the largest building in the development totaling 49,999 square feet.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Building A - Front yard = 15', rear yard = 15', front / rear aggregate = 30', side yard = 30' & 730', side yard aggregate = 760'. Building B - Front yard = 15', rear yard = 180', front / rear aggregate = 195', side yard = 278' & 477', side yard aggregate = 755'. Building C - Front yard = 105', rear yard = 88', front / rear aggregate = 193', side yard = 130' & 65', side yard aggregate = 195'. Z-12-12(M) limits the building height to 40' maximum. Proposed height of the building is 36'.

PARKING:

Off-street parking conforms to minimum requirements: 240 spaces required, based on 1 parking space per 250 square feet of floor area gross. 239 spaces are provided. A reduction of 24 off-street parking spaces for landscape planting area is being utilized. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a high impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
East	Type A	50'*
South	Type A	50'

*Z-12-12(C) – requires a 50' natural protective yard along the eastern property line.

TREE CONSERVATION:

This project is larger than two acres and compliance with Code Section 10-2082.14—Tree Conservation is required. The project provides 0.7504 acres of tree conservation area which is 10.74% of gross site acreage. Tree conservation acreage is as follows:

Primary: 0.7504 acres of natural protective yard required by Z-12-12
Secondary: None

**DEVELOPMENT
INTENSITY:**

There are no floor area ratios or building lot coverage restrictions in the Shopping Center Zoning District; however, Z-12-12(N) limits the total square footage to 65,000 square feet. The cumulative square footage for this development is 59,999.

PHASING:

There is one phase in this development.

**UNITY OF
DEVELOPMENT:**

Unity of development and sign criteria are required in this development. An application will be submitted and approved by the Planning Department prior to building permit

**COMPREHENSIVE
PLAN:**

GREENWAY:

There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Creedmoor Road	10'-20'	right turn lane*	10'-35'
W. Millbrook Road	9.5'	right turn lane*	N/A

* The right turn lanes are required by Z-12-12(s)

TRANSIT:

The following transit-oriented features of this site are incorporated into the proposed plan: 15'x20' easements with the construction of benches on both Creedmoor Road and West Millbrook Road.

**COMPREHENSIVE
PLAN:**

The site is located within the Northwest CAC, in an area designated as Neighborhood Mixed Use on the future land use map. That category envisions neighborhood shopping centers and pedestrian-oriented retail districts. The service area of these districts is generally about a one mile radius or less.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- Policy LU 1.2 – Future Land Use Map and Zoning Consistency
- Policy LU 1.3 – Conditional Use District Consistency
- Policy LU 2.6 – Zoning and Infrastructure Impacts
- Policy LU 4.5 – Connectivity
- Policy LU 4.9 – Corridor Development
- Policy LU 5.6 – Buffering Requirements
- Policy LU 6.4 – Bus Stop Dedication
- Policy LU 7.1 – Nodal Development
- Policy LU 7.4 – Scale and Design of New Commercial Uses
- Policy LU 7.5 – High-Impact Commercial Uses

Policy LU 10.6 – Retail Nodes
 Policy EP 8.4 – Noise and Light Impacts
 Policy UD 2.4 – Transitions in Building Intensity
 Policy UD 3.2 – Highlighting Important Intersections
 Policy UD 7.3 – Design Guidelines

**HISTORIC /
 DISTRICTS:**

The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District.

**APPEARANCE
 COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment Response

Introduce pedestrian safety enhancements at proposed crossings of the “right-in” entrance drive on Creedmoor Road.	Plan has been modified to incorporate paver bands to change color and texture within the driveway as a traffic calming measure.
Blank wall expanses on both retail out-buildings should be articulated similar to other elevations and similar to the Harris Teeter in order to promote unity of development between the buildings.	Elevations have been revised accordingly.
The site plan should strive to minimize the height of site retaining walls.	The wall heights shown are required to meet grading requirements given accepted engineering standards for driveway access, parking, and walks.

**SUBDIVISION
 STANDARDS:**

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

PUBLIC UTILITIES: City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site. The plan shows abandonment of an existing sewer easement along Creedmoor Road which is no longer being used and will not serve the site.

SOLID WASTE: Individual lot service to be provided by private contractor.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. Cross access is to be established to the adjacent parcel to the south per Z-12-12(D).

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Private sidewalks connect the buildings to the public sidewalks within the right-of-way.

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

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. A proposed bioretention basin along with a one-time mitigation payment to the NCEEP, or authorized private nutrient mitigation bank, is proposed to meet water quality requirements. An underground detention system is proposed to attenuate post development runoff rates for the 2 and 10-year storm events to pre-development conditions.

**WETLANDS
/ RIPARIAN
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**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.