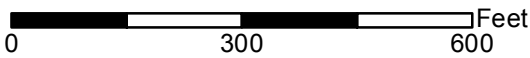
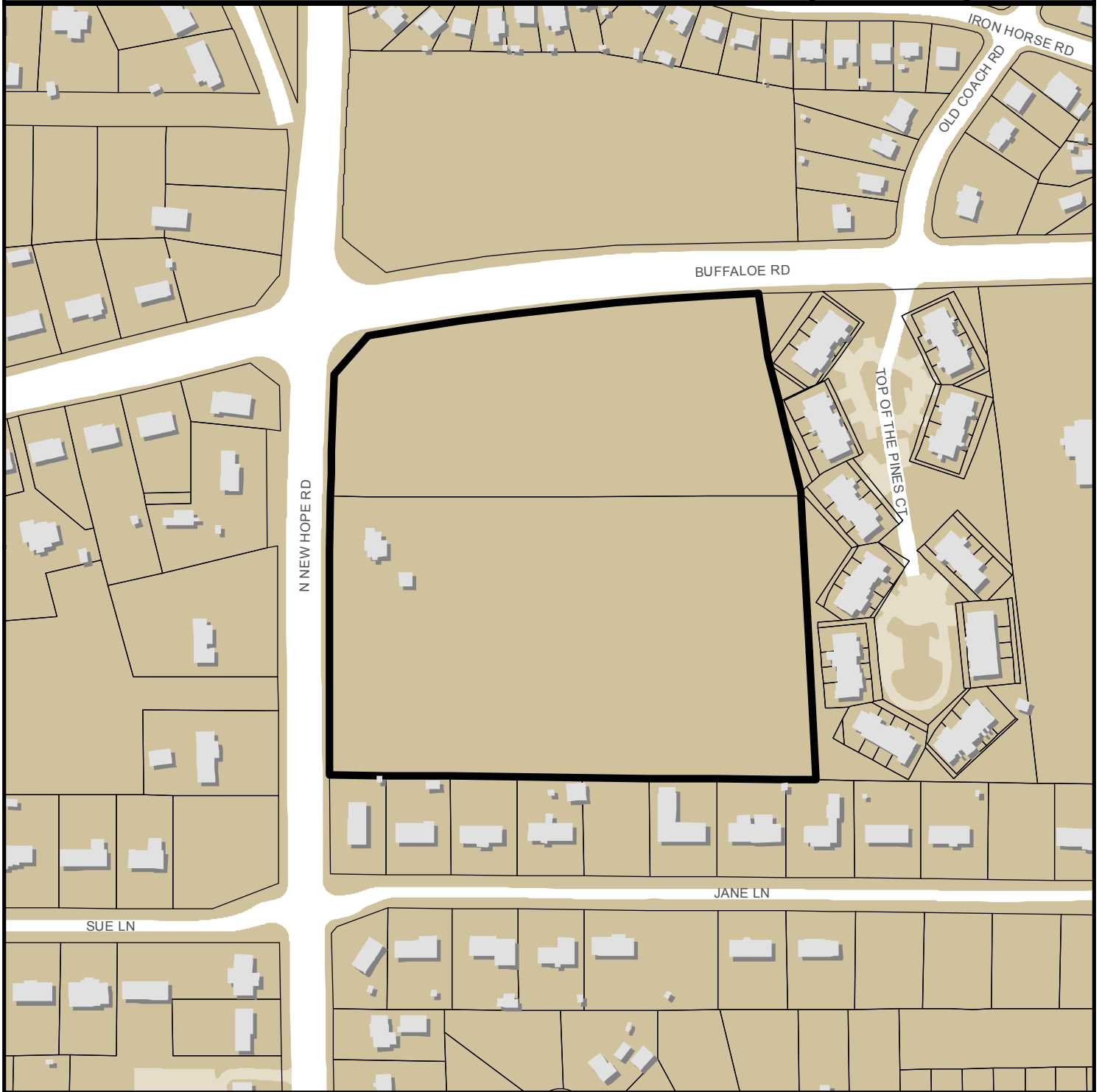


BUFFALOE NEW HOPE COMMERCIAL DEVELOPMENT



Zoning: **NX-3CU**
CAC: **Northeast**
Drainage Basin: **Marsh Creek**
Acreage: **15.59**
Square Feet: **61,952**

Planner: **Meade Bradshaw**
Phone: **(919) 996-2664**
Applicant: **Steve Howe**
Phone: **(843) 654-7888**





Administrative Action Administrative Site Review

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

Case File / Name: SR-16-15 / Buffaloe and New Hope Commercial Development (Transaction # 443643)

General Location: This site is located at the southeast quadrant of Buffaloe Road and New Hope Road, located outside the city limits.

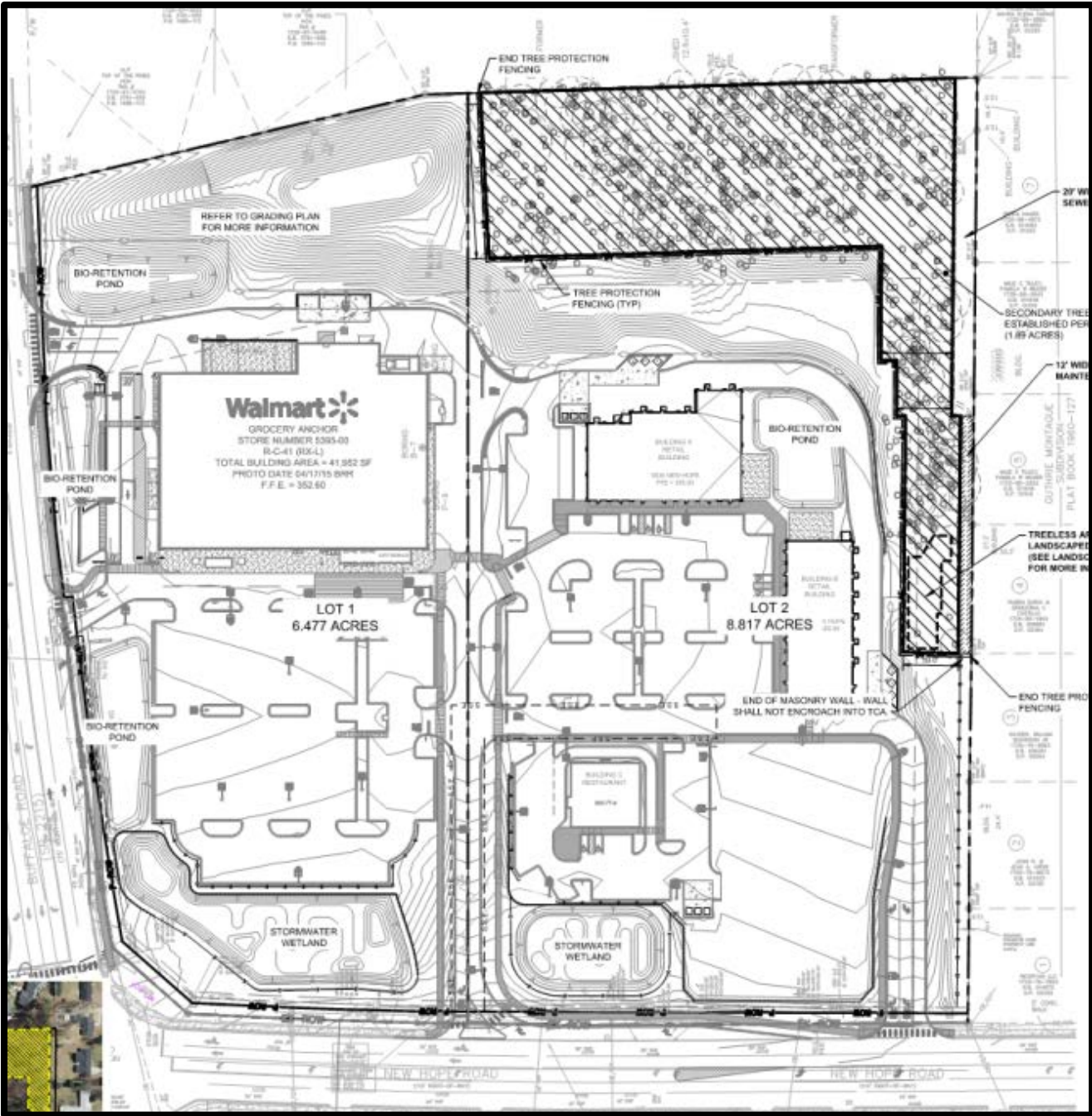
CAC: Wade

Request: Construction of a 65,952 square foot retail area, located on 2 parcels, totaling 15.294 acres. The building type is a general building type with the building height being 1-story, 24' in height. The properties are zoned NX-3-CU with Lot 1 proposing a 41,952 square foot building and Lot 2 proposing three buildings totaling 24,000 square feet.

Cross-Reference: Z-12-15



Location Map



Site Plan

Code Conformance:		Code Section(s)								
Zoning District:	NX-3-CU; Z-12-15	<u>2.1</u> , <u>3.1</u>								
Overlay District:	N/A	<u>5.1</u>								
Parking:	Automobile Required - 252; Provided 314 Bicycle (Short term) Required – 14; 14 Bicycle (Long Term) Required – None; 0	<u>7.1.2</u>								
Street Type(s):	Buffaloe Road (NCDOT)– Avenue 4-Lane, Divided ½-104' right-of-way dedicated with ½-76' B-B constructed New Hope Road – Avenue 4-Lane, Divided ½-76' B-B constructed	<u>8.4</u>								
Streetscape:	Mixed-Use – NC DOT Streets C2 Street Protective Yards (7.2.4 b)	<u>8.5</u>								
Setbacks/Frontage:	<table border="0"> <tr> <td>Lot 1</td> <td>Lot 2</td> </tr> <tr> <td>Front – 150'</td> <td>Front – 170'</td> </tr> <tr> <td>Side – 36' & 90'</td> <td>Side – 90' & 110'</td> </tr> <tr> <td>Rear – 115'</td> <td>Rear – 275'</td> </tr> </table>	Lot 1	Lot 2	Front – 150'	Front – 170'	Side – 36' & 90'	Side – 90' & 110'	Rear – 115'	Rear – 275'	<u>3.4</u> , <u>3.2</u> , <u>2.2</u>
Lot 1	Lot 2									
Front – 150'	Front – 170'									
Side – 36' & 90'	Side – 90' & 110'									
Rear – 115'	Rear – 275'									
Neighborhood Transitions:	410' along eastern property line starting from Buffaloe Road – 8' berm and Type 3 Protective Yard (zoning condition 6) 440' along eastern property line to southern property line – 150' in width Tree Conservation (3.5.3.D.1 & zoning condition 7); 370' along southern property line starting from the eastern property line – 50' in width Tree Conservation (3.5.3 d 1 & zoning condition 8); 335' along southern property line starting from New Hope Road - 7' in height masonry wall with Type 2 Protective yard (zoning condition 5).	<u>3.5</u>								
Transitional Protective Yards:	See Neighborhood Transitions Section (above)	<u>7.2.4</u>								
Stormwater:	This multiple parcel development will utilize 5 bioretention ponds and 2 dry detention ponds to meet stormwater quality and quantity regulations. Additionally a nitrogen offset payment will be required.	<u>9.2</u>								
Tree Conservation:	The site is providing 1.89 acres or 12.36% of tree conservation in accordance with Article 9.1	<u>9.1</u>								

<p>Variances, Design Adjustments, Administrative Alternates:</p>	<p>N/A</p>	
<p>Other:</p>	<p>10% or 63,630 sq. ft. of the site has been designated as amenity area</p>	

Z-12-15 – Buffalo Road and New Hope Road: southeast corner of the intersection, being Wake County PINs 1725779568 and 1725779177. Approximately 15.7 acres rezoned to Neighborhood Mixed Use-3 stories-Conditional Use (NX-3-CU).
Conditions dated: July 24, 2015

1. The following uses shall be prohibited upon the Property: telecommunication tower (< 250 ft.); telecommunication tower (≥ 250 ft.); outdoor sports or entertainment facility (< 250 seats); outdoor sports or entertainment facility (≥ 250 seats); vehicle sales/rental; detention center, jail, prison; vehicular repair (minor); any establishment engaged in the sale of fuel (gasoline or diesel fuel); arcade; tattoo parlor; nightclub; check cashing establishment; sweepstakes parlor; pawn shop; bar, tavern or lounge except restaurant, as defined In N.C.G.S. § 18B-1000(6).
2. The hours of operation of any establishment upon the Property shall be limited to the period from 6:00 am until 11:00 pm. There shall be no deliveries to or shipments from establishments upon the Property between 11:00 pm and 6:00 am. Trash shall not be picked up, or a dumpster emptied, upon the Property between 11:00 pm and 6:00 am. Vehicles making deliveries to or shipments from establishments upon the Property, or picking up trash or emptying a dumpster upon the Property, shall not arrive upon the Property prior to 6:00 a.m.
3. The height of any building constructed upon the Property shall not exceed one (1) story and 30 feet.
4. No curb cut providing vehicular ingress or egress to or from the Property shall be located within 120 feet of the boundary of the Property with parcel PIN 1725-87-5703 (Owner: Top of the Pines Townhouses Homeowners Association, Inc. [the "HOA"]; deed recorded at Book 3761, Page 65, Wake County Registry) or within 30 feet of the boundary of the Property with parcel PIN 1726-76-7853 (Owner: Ricoryan LLC; deed recorded at Book 14972, Page 358 of the Wake County Registry).
5. Beginning at the right-of-way of New Hope Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the City's Transportation Services Staff) and extending for a minimum distance of 310 feet along the boundary of the Property with parcels PIN 1726-76-7853 (Owner: Ricoryan LLC; deed recorded at Book 14972, Page 358 of the Wake County Registry), PIN 1725-76-8873 (Owner: John R. and Jean A. Ardis; deed recorded at Book 11033, Page 2150 of the Wake County Registry), and PIN 1725-76-9893 (Owner: William D. Gayden, Jr.; deed recorded at Book 6261, Page 64 of the Wake County Registry) there shall be constructed and maintained a masonry wall at least seven (7) feet in height and a Type 2: Medium protective yard which meets the standards of Section 3.5.3.B of the UDO and is a minimum of 30 feet in width. The masonry wall shall be constructed within six (6) feet of such boundary. Along the exterior of the wall (facing the parcels referenced by PIN in this condition), the protective yard shall be planted with a

minimum of one row of evergreen shrubs at least three (3) feet in height at the time of planting and planted no more than five (5) feet apart. In addition to plants required by the UDO, the protective yard referenced in this condition 5 may be planted with additional plants, subject to site plan approval.

6. Beginning at the right-of-way of Buffaloe Road as established at the time of site plan approval (or as close thereto as allowed by NCDOT and the City's Transportation Services Staff) and extending for a minimum distance of 370 feet along the boundary of the Property with parcels PIN 1725-87-5703 (Owner: the HOA; deed recorded at Book 3761, Page 65, Wake County Registry) PIN 1725-87-5730 (Owner: B&S Development Corp.; deed recorded at Book 3498, Page 858 of the Wake County Registry), PIN 1725-87-5620 (Owner: the HOA; deed recorded at Book 3761, Page 659 of the Wake County Registry), PIN 1725-87-5543 (Owner: B&S Development Corp.; deed recorded at Book 3498, Page 858 of the Wake County Registry), PIN 1725-87-5456 (Owner: the HOA; deed recorded at Book 3761, Page 659 of the Wake County Registry), and PIN 1725-87-6001 (Owner: the HOA; deed recorded at Book 3761, Page 659 of the Wake County Registry) there shall be maintained a Type 3: Wide protective yard which meets the standards of Section 3.5.3.C of the UDO and varies in width from a minimum of 100 feet to no less than 150 feet. This protective yard shall include a berm a minimum of 8 feet in height. The toe of the berm shall begin no less than 85 feet from the right-of-way of Buffaloe Road and the berm shall continue for a toe to toe distance of at least 265 feet. The parcels referenced by PIN number in this condition 6 are hereafter referred to as the "Top of the Pines Parcels." In addition to plants required by the UDO, the protective yard referenced in this condition 6 may be planted with additional plants, subject to site plan approval.

7. Beginning at a point no more than 400 feet from the right-of-way of Buffaloe Road and continuing for a minimum of 450 feet along the boundary of the Property with parcel PIN 1725-87-6001 (Owner: the HOA; deed recorded at Book 3761, Page 659 of the Wake County Registry), there shall be maintained a tree conservation area a minimum of 150 feet in width which meets the standards of Article 9.1 of the UDO. There shall not be a break between the protective yard provided in condition 6 and the tree conservation area provided in this condition 7.

8. From the western boundary of the tree conservation area referenced in condition 7, a tree conservation area with a minimum width which varies from 50 to 65 feet, which, subject to the last sentence of this condition, meets the standards of Article 9.1 of the UDO, shall continue along the boundary of the Property with parcels PIN 1725-86-3843 (Owner: Milie and Pamela Wilder; deed recorded at Book 11646, Page 1518 of the Wake County Registry); PIN 1725-86-2822 (Owner: Milie and Pamela Wilder; deed recorded at Book 11646, Page 1518 of the Wake County Registry), PIN 1725-86-1802 (Owner: Rubin and Ernestine Castillo; deed recorded at Book 8851, Page 2464 of the Wake County Registry), and a portion of PIN 1725-76-9893 (Owner: William Gayden, Jr.; deed recorded at Book 6261, Page 64 of the Wake County Registry) for a distance of not less than 370 feet. The parcels referenced by PIN number in this condition 8 and those referenced in condition 5 are hereafter referred to as the "Jane Lane Parcels." If any portion of the area designated for tree conservation in conditions 7 and 8 fails to meet the standards of Article 9.1 of the UDO, such portion of the area shall be planted to meet the standards for a Type 3: Wide protective yard as provided in Section 3.5.3.C of the UDO.

9. No building upon the Property shall be situated less than 180 feet from the boundary of the Property with the Top of the Pines Parcels. No building upon the Property shall be situated less than 50 feet from the boundary of the Property with the Jane Lane Parcels.

10. Buildings situated upon the Property shall not exceed a total of 71,000 square feet floor area gross. No single establishment upon the Property shall exceed 42,600 square feet floor area gross.

11. There shall be constructed and maintained a closed fence at least six feet in height which shall extend along the entire interior perimeter of the protective yards and tree conservation area described in the foregoing conditions 6, 7, and 8. Subject to site distance requirements, the fence shall begin at the right-of-way of Buffalo Road and terminate at the end of the masonry wall referenced in condition 5 at its farthest point from the right-of-way of New Hope Road.

12. No drive thru for an eating establishment upon the Property shall be located on a building façade facing the right-of-way of New Hope Road or the Jane Lane Parcels.

13. If requested by the City of Raleigh, upon development the owner shall provide transit easements at least 15 feet wide by 20 feet in width along the rights-of-way of New Hope and Buffalo Roads. The deeds creating such easements shall be in a form acceptable to the City Attorney.

14. Prior to the recordation of a subdivision plat or recombination plat or the 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 floor area and residential dwelling units permitted upon the Property to all lots of record comprising the Property. Such restrictive covenants shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. 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.

15. The Property will be developed as a shopping center, and the businesses within the shopping center when operations commence will include a grocery store with a pharmacist. For purposes of this condition, the term "shopping center" shall be defined as a planned unified development which contains at least three (3) establishments with either commercial or recreational uses and contains at least 25,000 square feet of floor area gross on a land area of at least two and one-half (2 ½) acres in size.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a grading 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;
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. Tree protection fence must be located in the field and inspected by the Forestry Specialist;

Prior to approval of a concurrent review, final site review, or whichever comes first:

3. That a nitrogen offset payment must be made to a qualifying mitigation bank;
4. 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;
5. That construction plans for the shared stormwater devices be submitted and approved by the Engineering Services Department;
6. That encroachment agreements and driveway permits are approved by NCDOT;

Prior to issuance of building permits:

7. That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
8. That a demolition permit be issued and this building permit number be shown on all maps for recording;
9. That a recombination map is recorded as shown on the preliminary plan;
10. That a 15' x 20' transit easement located on New Hope Road. be approved by the Transit Planner in the Public Works Transportation 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;
11. That sewer assessments are paid for 3606 New Hope Road (\$7,059) and 4100 Buffaloe Road (\$3,698);
12. 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;

13. That a restrictive covenant be approved by the city attorney and recorded in the Wake County Registry allocating the allowable floor area and residential dwelling units permitted upon the property to all lots of record comprising the property;
14. That all conditions of Z-12-15 are complied with;
15. That a cross access agreement between Lot 1 (DB 011631 PG 01590) and Lot 2 (DB 011631 PG 01590) is approved by the City for recording in the Wake County Registry, and that a copy of the recorded cross access easement be returned to the City prior to building permit issuance;
16. That Infrastructure Construction Plans and a street lighting plan are approved by the City of Raleigh;
17. That in accordance with Part 10A Section 8.1.3, a surety equal to 100% of the cost of development related improvements is paid to the Development Services Department;
18. That ½-104' right-of-way and a 5' General Utility Placement Easement along Buffalo 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;
19. That a 5' General Utility Placement Easement along New Hope 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;
20. 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;
21. That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
22. That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
23. 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;"
24. 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 Engineering Services Department; and

Prior to issuance of a Certificate of Occupancy:

25. That as-built certification for all stormwater control devices as required under UDO Sec. 9.2.2.d.3 shall be provided to the Public Works Department, Stormwater Management Division.

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Kenneth Bowen (A. Bush)

Date:

7-18-16

Staff Coordinator:

Meade Bradshaw

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 2/24/16, submitted by Kimley-Horn and Associates.

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: 7-18-2019

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.