



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

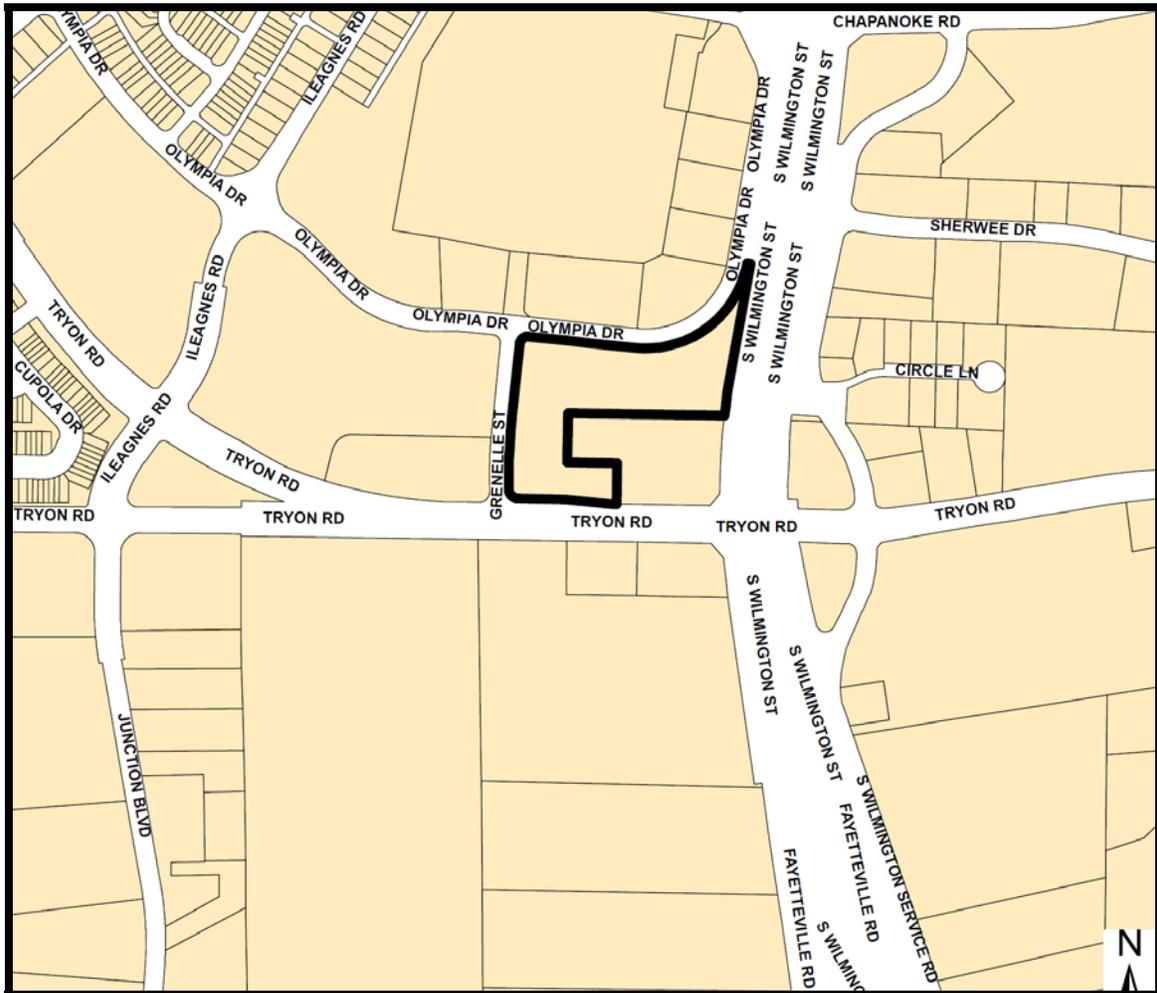
Case File / Name: S-17-2012 / Weiser Garner, LLC

General Location: The northwest corner of the intersection of S. Wilmington Street and Tryon Road

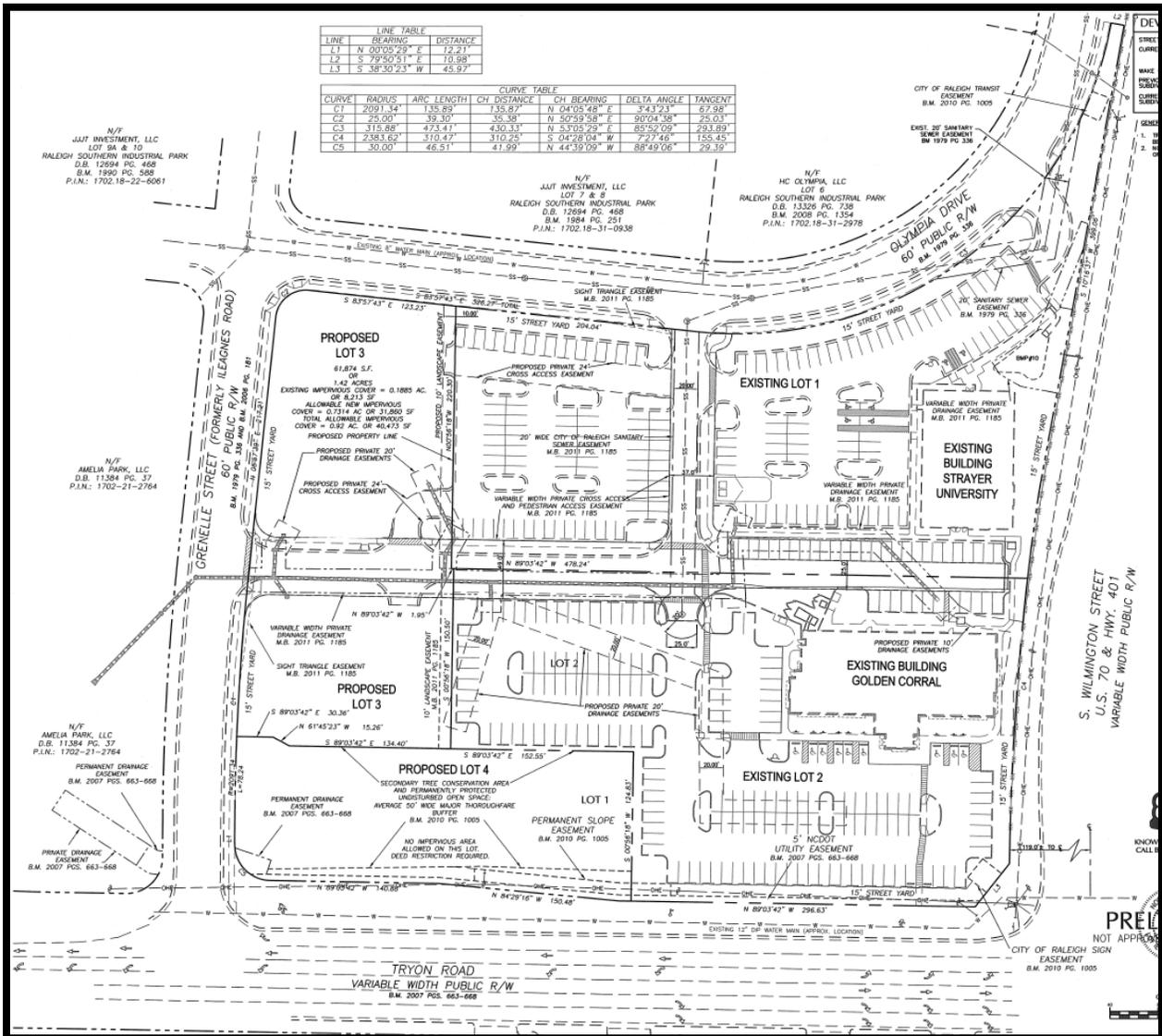
CAC: Southwest

Nature of Case: The subdivision of a 5.03 acre tract (formerly lot #1 of S-20-10) zoned Shopping Center Conditional Use District into three lots. The proposed lots are 3.61 acres, 1.42 acres and .759 acres in size.

Contact: Leigh Potts, Withers & Ravenel



S-17-12 Weiser Garner, LLC – Location Map



S-17-2012 Weiser Garner, LLC – Location Map

SUBJECT:
**CROSS-
REFERENCE:** S-20-10 The Weiser Companies

LOCATION: This site is located at the northwest corner of the intersection of S. Wilmington Street and Tryon Road, inside the City Limits.

REQUEST: A three lot subdivision of a 5.03 acre tract zoned Shopping Center Conditional Use District, noted as lots, 1, 3 and 4.

ADDITIONAL NOTES: The encroachment agreement for the stormwater pipe was recorded in BM 014118 pg 00225. The required tree conservation area and transit easement were previously recorded (BM 2010 PG 1005).

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:**

Prior to Planning Department authorization to record lots:

- (1) That all maps for recording show impervious limits for all proposed lots;
- (2) That a note be included on all maps for recording noting that Lot 1 and Lot 2 (of S-20-10) are built out to the maximum impervious limits and that no additional impervious areas are allowed on either lot;
- (3) That the City attorney approved a deed restriction for lot 4 stating it cannot be used for development and that no impervious surface is allowed;
- (4) 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 association."
- (5) That a note must be placed on any plat for recording noting that unity of development criteria will apply to these lots, and that a unity of development plan (for Renaissance Park) is on file in the Planning Department.
- (6) That the City Attorney approve a restrictive covenant for the further distribution of the non-residential square footage allocation of non-residential uses in accordance with condition L of Z-71-04; This allocation shall be referenced on the plat for recordation; The allocation shall be recorded within 14 days of lot recordation;
- (7) That a cross access easement among all lots in the subdivision is approved and recorded at Wake County Register of Deeds within 14 days of lot recording;

- (8) That an amendment to the recorded stormwater and city code covenant documents are approved by the city of Raleigh, acknowledging the lot numbers in the subdivision; A recorded copy of these documents must be provided to the Planning Department within 14-day from authorization of lot recording. If recorded copies of the of the deed are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld;

I hereby certify this administrative decision.

Signed: (Planning Dir.) _____ Date: _____

Staff Coordinator: Eric Hodge, AICP

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

FINDINGS: City Administration finds that this request, with the above conditions of approval being met, conforms to Chapter 2, Part 10, Sections 10-2041 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated July 26, 2012, owned by Weiser Garner, LLC, submitted by Withers & Ravenel.

ZONING:

ZONING

DISTRICTS: Shopping Center Conditional Use District. Ordinance (2004) 790 ZC 567; effective March 15, 2005.

Z-71-04 – Tryon Road and South Wilmington Street, northwest quadrant, being various Wake County PIN's. Approximately 8.85 acres rezoned to Shopping Center Conditional Use District.

Conditions dated: 3/9/05

- A. Architecture for development within this subject area shall adhere to the same Unity of Development Criteria submitted for the adjacent Amelia Park PDD (MP-4-04). In the event that the Amelia Park PDD (MP-4-04) is not approved, a separate Unity of Development application that applies to the Z-71-04 subject property shall be submitted for approval to the City.
- B. Street yards along all public streets shall be a minimum of fifteen (15') feet in width and shall be provided in accordance with City Code Section 10-2082.5(d)(2).
- C. Upon development, vehicular and pedestrian connections shall be made to Tract B of the adjacent Amelia Park PDD (MP-4-04) (Wake County PIN 1702-21-6612 DB 02204 Page 0113). In the event the Amelia Park PDD (MP-4-04) is not approved, the developer shall still provide a vehicular and pedestrian access easement upon development of the subject property to Wake County PIN 1702-21-6612 DB 02204 Page 0113.

- D. Full movement entry drives to the surrounding public streets shall be designed so they provide logical and safe vehicular movements between the adjacent shopping center parcels to the north (Wake County PINs 1702-31-0938 DB 08621 Page 1387; 1702-32-3154 DB 07511 Page 0178; 1702-21-7999 DB 08621 Page 1387) and Tract B of the adjacent Amelia Park PDD (MP-4-04) (Wake County PIN 1702-21-6612 DB 02204 Page 0113).
- E. The development shall provide a minimum of two (2) five (5') foot wide sidewalk connections (in addition to those provided along Tryon Road) to the Tract B of the adjacent Amelia Park PDD (MP-4-04). In the event that the Amelia Park PDD (MP-4-04) is not approved, the developer shall provide the corresponding two (2) five (5') foot wide sidewalk connections to both Tract B (Wake County PIN 1702-21-6612 DB 02204 Page 0113) and to the adjacent shopping center parcel to the north (Wake County PINs 1702-31-0938 DB 08621 Page 1387; 1702-32-3154 DB 07511 Page 0178; 1702-21-7999 DB 08621 Page 1387).
- F. One (1) fixed bike rack, one (1) bench and one (1) outdoor trash receptacle shall be provided for every 20,000 square feet of gross floor area. Locations may vary so long as at least one of each is located within 100' of each store entrance.
- G. Linear landscaped medians (to meet the City's Vehicular Surface Area standards in 10-2082.6(c)(9) a through c) shall be provided to break up surface parking areas. These landscaped medians shall be provided between parking spaces at minimum rate of one (1) island per 65,000 square feet of Vehicular Surface Area.
- H. Vehicular and pedestrian cross-access easements shall be provided among all non-residential uses in the subject property.
- I. Upon development of the property, a minimum of one (1) transit easement with a minimum dimension of 15' by 20' shall be offered within the development area. A central location for this transit easement with access to a public street that is also suited for pedestrians and development activity shall be determined by the City of Raleigh Transit Division at the time of plan submittal. The location for this transit easement will take into consideration the location of the transit easement and shelter to be provided within Tract B of Amelia Park PDD (MP-4-04) (if approved).
- J. All uses permitted in Shopping Center (SC) Districts shall be allowed except for: Residential (all); Cattery; Kennel; Riding Stables; Telecommunications Towers; Automotive service/repair facilities; Vehicle sales/rental; Individual storage buildings; Mini-warehouse storage facilities; and Adult establishments.
- K. Points of vehicular/egress along the re-alignment of Tryon shall be limited to a maximum of one (1) driveway. Additional access points shall be obtained via access to other public streets that surround and/or bi-sect the subject area. The location of this drive shall be reviewed and approved by the City and NC DOT for adequate spacing and safety.
- L. All non-residential uses within the subject area shall be limited to a maximum of 88,500 square feet (floor area gross).
- M. Individual non-residential buildings shall provide minimum height of twenty (20') feet and a maximum height of fifty (50') feet.
- N. An easement with a minimum area of 400 square feet shall be offered to the City for the purposes of locating an entry feature and /or sign that indicates entry to the City of Raleigh. The location for this easement shall be determined and provided by the developer upon development of the subject property.

- O. Reimbursements for any additional right-of-way shall be at the City's established rate for Industrial-1.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown.

TREE CONSERVATION: 10.51% or .76 acres of Tree Conservation Areas was approved and recorded on proposed Lot 4 as part of an earlier site plan and subdivision (BM 2010 PG 1005).

UNITY OF DEVELOPMENT: Unity of development criteria is required in this subdivision. A unity of development plan has already been approved for this tract (Renaissance Park). A note must be placed on any plat for recording noting that unity of development criteria will apply to these lots, and that a unity of development plan is on file in the Planning Department.

PHASING: There is only one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan.

TRANSIT: A 15x20 transit easement was approved as part of the Strayer University Site Plan (BM 2010 PG 1005).

URBAN FORM: This site is located in the Southwest Citizen Advisory Council, in an area. This site falls within a designated Mixed Use Community Center on the Growth Framework Map of the Comprehensive Plan. At time of Site Plan, Urban Design Guidelines would apply.

Policy LU 4.5 – Connectivity; would also apply to this subdivision. The proposed plan is consistent with this policy.

The following Comprehensive Plan policies would apply at time of Site Plan review:

- 1. LU 6.1 – Composition of Mixed Use Centers
- 2. LU 6.4 – Bus Stop Dedication
- 3. LU 7.4 – Scale and Design of New Commercial Uses
- 4. LU 7.6 – Pedestrian Friendly Development
- 5. T 5.5 – Sidewalk Requirements
- 6. Urban Design Policies for Mixed Use Development, Table UD-1 Urban Design Guidelines

SUBDIVISION STANDARDS:

- LOT LAYOUT:** There are no minimum lot sizes or dimensional requirements in this zoning district.
- BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.
- PUBLIC UTILITIES:** City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.
- SOLID WASTE:** In accordance with the Solid Waste Design Manual, individual lot service will be by private contractor.
- CIRCULATION:** Existing street improvements conform to normal City construction standards.
- PEDESTRIAN:** Existing and proposed sidewalk locations conform to City regulations. A sidewalk is required along the entirety of the properties street frontages with the exception of South Wilmington Street which is a controlled access road in this location.
- 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. Proposed off-site stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. A previously approved and certified constructed wetland across Grenelle Street has been designed to accommodate the proposed subdivision, with impervious restrictions. The maximum impervious area allowed to drain from the subdivision to the constructed wetland is 4.80 acres; Lot 1 is restricted to 1.8628 acres of impervious (to drain to wetland). Lot 2 is restricted to 2.0173 acres of impervious. Lot 3 is restricted to 0.9199 acres of impervious. Lot 4 will not be allocated any impervious area. As presented, no additional impervious area will be allowed to be added to Lot 1 or Lot 2. Legal documents must be updated to reflect the additional property owner as a contributor to the shared device prior to the approval of any plats or issuance of any permits associated with lot 3. An encroachment across Grenelle Street already exists for the conveyance of the stormwater system to the treatment device.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new street names are required for this development.
- 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.
- SUNSET DATES:** If significant lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring

re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 9/28/2015

Record at least ½ of the land area approved.

5-Year Sunset Date: 9/28/2017

Record entire subdivision.

WHAT NEXT?:

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

**FACILITY FEES
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Engineering Department for street construction; by the first working day in November and May each year.