AA# 2019
Case File: S-5-07

Administrative Action
Preliminary Subdivision

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

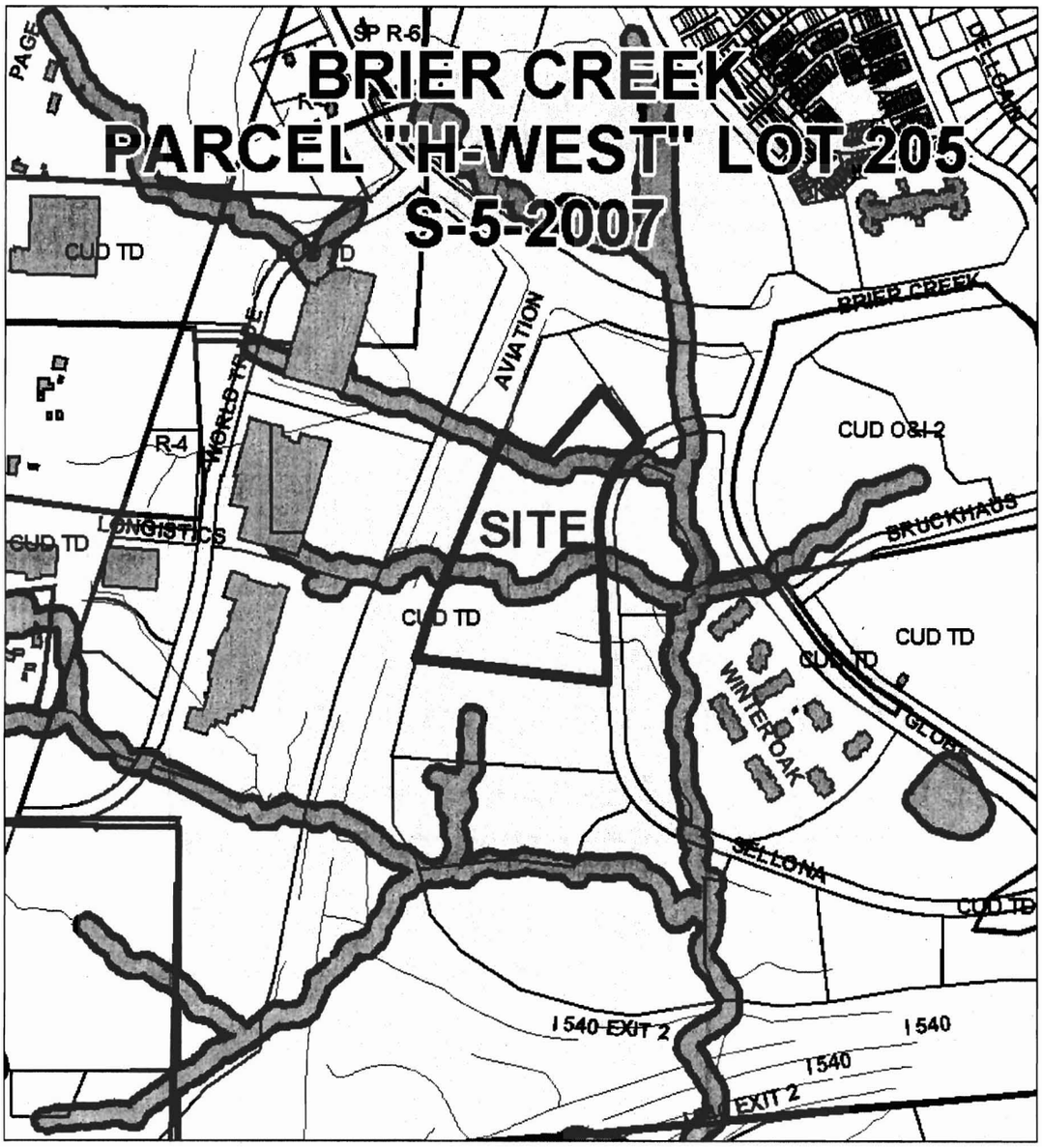
Case File 1 Name: **S-5-07 Brier Creek Parcel H West**

General Location: Southwest of the intersection of Globe Rd. and Sellona St.

Planning District / CAC: Umstead / Northwest

Nature of Case: This request is to approve the subdivision of a 12.46 acre tract into 4 lots, zoned TD CUD.

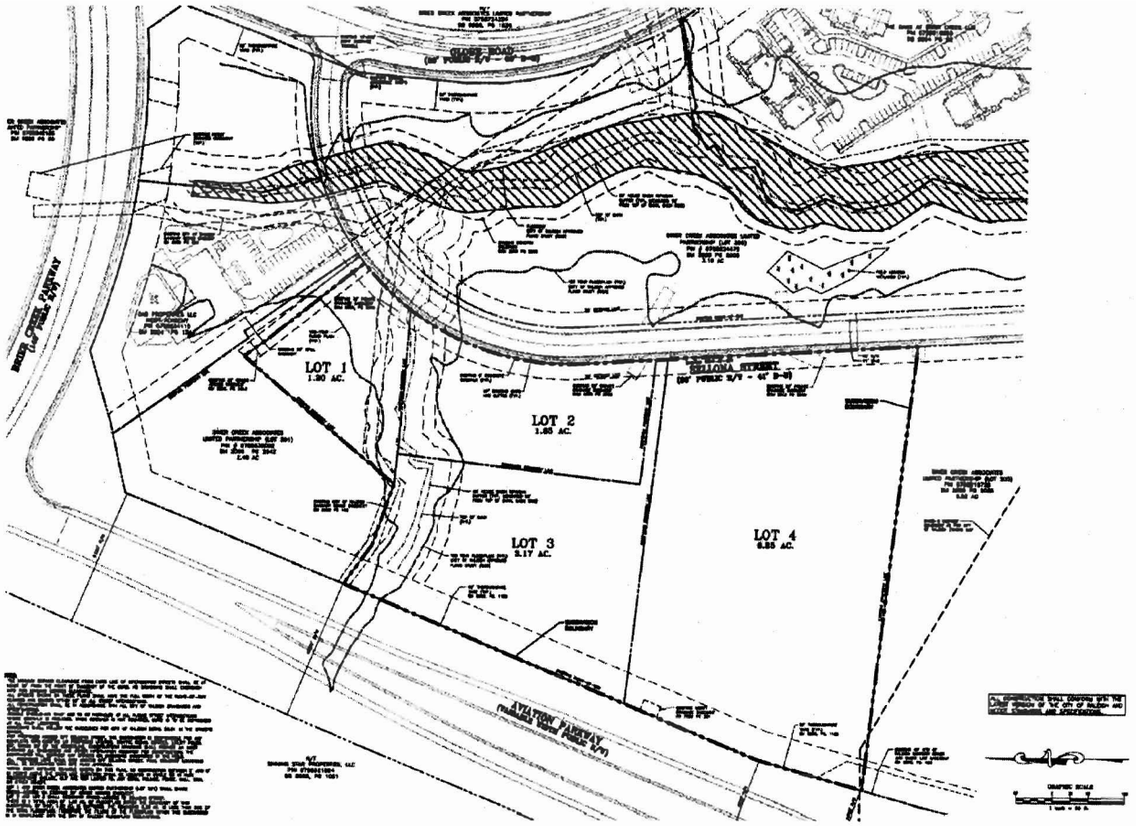
Contact: Ryan Akers



S-5-07 BRIER CREEK PARCEL "H-WEST"- LOT 205, 12.46 ACRES, 4 LOTS, ZONED TD CUD, UMSTEAD PLANNING DISTRICT, NORTHWEST CAC, PLANNER: J. MARAPOTI (919) 516-2642 APPLICANT CONTACT: THE JOHN R. MCADAMS COMPANY (919) 361-5000, LITTLE BRIER CREEK DRAINAGE BASIN

N

0 160 320 640 960 1,280 Feet



Proposed Subdivision

SUBJECT: S-5-07 Brier Creek Parcel H West

CROSS-REFERENCE: S-100-02,Z-65-96

LOCATION: Southwest of the intersection of Globe Rd. and Sellona St, inside the city limits.

REQUEST: This request is to approve the subdivision of a 12.46 acre tract into 4 lots, zoned TD CUD. This plan is in Area D noted in the zoning conditions for this district.

OFFICIAL ACTION: **Approval with *conditions***

CONDITIONS OF APPROVAL:

Prior to issuance of a land disturbing permit for the site:

(1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. 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 Inspections Department. A copy of the approved plan is placed on file in the Planning Department;

Prior to Planning Depattment authorization to record lots:

(2) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas prior, to building permits or in conjunction with the recording of lots whichever comes first Tree conservation shall be in compliance with Code section 10-2082.14;

(3) That a note be placed on Lot 3 stating that appropriate address identification will be provide to facilitate the delivery of public services including emergency services;

(4) That a note be placed on the recorded map referencing zoning case "Z-65-96 Thoroughfare District CUD with Special Highway Overlay District-2 and Airport Overlay District";

(5) That unity of development guidelines and sign criteria for this entire subdivision are established and approved by the Planning Director;

(6) That a note be placed on the recording maps stating, "that all development will be subject to unity of development guidelines on file with the Raleigh Planning Department";

(7) That a Cross Access Deed be recorded between lots 2 and 3 and that the deed and map are recorded with the County Register of Deeds office. A recorded copy of theses documents must be provided to the Planning Department within 14 days from authorization of lot recording. If a recorded copy of the documents are not provided to the Planning Department within this 14 day period, further recordings and building permit issuance may be withheld;

Prior to issuance of building permits in the Inspections Department:

(8) That Lot 1 is only allowed to gain access to Sellona Street via existing 30' cross access easement BM 2006 pg 2642;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Mauga) Date: 4-23-07

Staff Coordinator: James Marapoti

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 being met, conforms to Chapter 2, Part 10, Sections 10-2045, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/7/07, owned by Brier Creek Assoc. LP, submitted by John R. McAdams.

ZONING Thoroughfare District

ZONING DISTRICTS: TD CUD The majority of the site lies within the Thoroughfare Conditional Use District subject to zoning conditions of 2-65-96 [Ordinance No. (1996) 929 ZC 392, effective July 2, 1996]. This plan is in Area D noted in the zoning conditions for this district.

2-65-96 Airport Assemblage, generally bounded by U.S. 70 on the northeast, property of the Raleigh Durham International Airport on the south, and the Wake County/Durham County line on the west, being various maps and parcels. Approximately 1999 acres rezoned to Thoroughfare District Conditional Use with Special Highway Overlay District-2 and Airport Overlay District.

Conditions: 6/26/96

1. Petitioner's property to be divided into four (4) areas (A, B, C & D) as shown upon map entitled "Eastern Airline Property Conditional Use Plan" dated March 15, 1996, last revised May 20, 1996 (the "Conditional Use Plan") incorporated herein by reference with land use by area as specified upon Exhibit C-1 attached hereto and incorporated herein by reference.

2. Allowed Land Uses are as specified upon Exhibit C-2 attached hereto and incorporated herein by reference shall apply to the Petitioner's property.

3. General Conditions as specified in Exhibit C-3 attached hereto and incorporated herein by reference shall apply to the Petitioner's property.

4. The Conditional Use Plan notes set forth in Exhibit C-4 attached hereto and incorporated herein by reference shall apply to Petitioner's property.

5. The Conditional Use Plan as set forth in Exhibit C-5 attached hereto and incorporated herein by reference shall apply to Petitioner's property.

6. The Conceptual Roads and Utility Plan as set forth in Exhibit C-6 attached hereto and incorporated herein by reference shall apply to Petitioner's property.

(See attachments as indicated)

2-65-96 Exhibits:
See zoning file for Exhibits C-1, C-5 and C-6

Exhibit C-2
ALLOWED USES BY LAND USE AREA
1. RESIDENTIAL
All residential uses allowed in the Residential 30 District as indicated in Section 10-2071 of the City of Raleigh Zoning Code up to and including 30 unitslacre; however, no more than 1500 dwelling units shall be allowed in Area " A , 3550 dwelling units in Area "B", 450 dwelling units in Area "C", and 1000 dwelling units in Area "D". Areas "C" and " D may not contain single family detached residential dwelling units.

2 OFFICE, INSTITUTIONAL, CIVIC & SERVICES
All Office, Institutional, Civic and Services uses allowed m the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code also including without limitation hospitals, and multi-family (30 through 40 units per acre), and residential uses but excepting single family detached dwellings, which are excluded

3. COMMERCIAL
All Commercial uses allowed in the Thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code. Also all recreation uses as indicated in Sec. 10-2071 of the City of Raleigh Zoning Code, save and except any recreation uses explicitly listed in Land Use Area 5 "Open Space/Buffers & Recreation Areas."

4. INDUSTRIAL
All industrial uses allowed in the thoroughfare District Zone as indicated in Section 10-2071 of the City of Raleigh Zoning Code.

5. OPEN SPACE/BUFFERS & RECREATION AREAS
Open Space/Buffers &; Recreation Areas will include, at the Petitioner's discretion, floodways; public and private park areas; public and private greenways; bike trails; lakes, ponds, streams, and other water features not included in floodways; golf courses and golf related facilities and outdoor tennis facilities.

NOTE A as to above Sections 1, 2, 3, 4 and 5: Allowable uses shall include "accessory uses" and "accessory structures" as permitted in the City of Raleigh Zoning Code. Where a use is allowed and is proposed for development by a mixed-use site plan the dominant use designated by the applicant on said site plan shall determine the Land Use Area to be allocated under Exhibit C-1, Table 1. In non-mixed-use site plan proposals, the applicant shall allocate the land use acreage to a particular Land Use Area as permitted herein. All principal buildings however, which indicate the primary use as being "retail" shall be allocated to the "Commercial" category.

NOTE B as to above Sections 1, 2, 3, 4 and 5: Correctional/Penal facilities and adult establishments are prohibited.

NOTE C as to above Section 5: Land Use Area acreages used for golf courses and golf related facilities will be counted toward the minimum Open Space required and not deducted from any of the other maximum land use by area acreages.

Exhibit C-3

GENERAL CONDITIONS

1. Acreages and number of living units shown in Exhibit C-1, Table 1 are base densities and may, upon request by the Petitioner (i.e. Owner), be adjusted upward or downward by twenty-five (25%) percent by transfer to or from an adjacent Land Use Area, provided that no residential density other than Congregate Care and Congregate Living Facilities shall exceed forty (40) dwelling units or equivalent dwelling units per acre. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.

2. Site plans and/or subdivision plans shall be submitted for review in accordance with the requirements of the Raleigh City Code and shall show allocations of land use types by Exhibit C-1, dated March 15, 1996, last revised June 14, 1996, and Exhibit C-5 dated March 15, 1996, last revised May 20, 1996. A projection of traffic trip generation, based on guidelines described in the project's Transportation Analysis dated June 6, 1996, will be provided to the City Transportation Department at the time of site plan approval of individual parcels within the property unless waived by the City's Director of Transportation. See Note 2 of Table 1, Exhibit C-1 and Section 6 of the Transportation Report, both which are incorporated herein by reference.

3. Development of the subject property, or subdivided lots thereof, will comply with the provisions of Certified Recommendation 7107 of the Raleigh Planning Commission.

4. Any additional public road right-of-way needed from Parcels 0758.02-65-0728, 0758.04 93 5713 or 0758.04 82 4852 shall be reimbursed based upon their present zoning of R-4.

5. Recorded subdivision plats will contain reference to this zoning case as follows:
"Z-65-96 Thoroughfare District CUD with Special Highway Overlay District-2 and Airport Overlay District."

EXHIBIT C-4
CONDITIONAL USE NOTES

1. GENERAL

A. The City Planning Director shall be permitted to administratively approve site plans which reflect modifications to Exhibit C-1, Table 1, entitled "Land Use By Area" dated March 15, 1996, last revised June 14, 1996, Exhibit C-5 dated March 15, 1996, last revised May 20, 1996, and Exhibit C-6, the Petitioner's Conceptual Road and Utility Plan, dated June 3, 1996.

Modifications include:
1. The transfer or expansion of acres and/or uses between land use Areas A, B, C & D as requested by the Petitioner and illustrated on Exhibit C-1, Table 1, and Exhibit C-5, provided no one land use or area is adjusted by more than 25% in any given Land Use Area. The Land Use Areas to which and from which transfers may be made must be under the same ownership at the time of the transfers.

2. Adjustments to the sizes and alignments of utility lines and roads requested by the Petitioner (i.e. Owner) and illustrated on Exhibit C-6, which maintain the same overall level of service.

2. ROADS & UTILITIES (See Exhibit C-6 for Conceptual Roads and Utility Plan)

A. Access to Highway US-70.

1. Access in Area A along US 70 between Alexander Drive and the Durham County line (approximately 4,900 feet) will have no more than one intersection with a Cross-Over on US 70 plus no more than two right-turn-in/right-turn-out access points exclusive of the out-parcels owned by others and located within or contiguous to the boundaries of the rezoned property as of the date of the approval of this Petition by the Raleigh City Council. Such access and/or driveways will be subject to NCDOT review and approval.

2. Access to US-70 between T. W. Alexander Drive and Northern Wake Expressway will be limited to no more than two intersections with Cross-Overs on US-70 and no more than one right-turn-in/right-turn-out access point exclusive of the out-parcels as of the date of the approval of this Petition by the Raleigh City Council, between T.W. Alexander. Drive and Northern Wake Expressway. Such access and/or driveways will be subject to NCDOT review and approval.

a. A strip of land 20 feet wide shall be reserved along the US 70 Petitioner's frontage of the property between Alexander Drive and the Durham County line for eventual widening until such time as it is determined that the strip is not needed to accommodate the anticipated improvements. Any reservation by Petitioner of right-of-way in excess of existing right-of-way at the time of approval of this Zoning Petition can be used to meet City of Raleigh requirements for streetscape setbacks and/or buffers along US 70.

B. Access to T.W. Alexander Drive.

Access to T.W. Alexander Drive from Areas A & B will be in accordance with the agreement relating to the construction of Southern Parkway (now Alexander Drive) between NCDOT and Wachovia Bank & Trust, et al, dated December 18, 1986 and as amended June 15, 1987.

C. Brier Creek Parkway.
1. The Petitioner (i.e. Owner) will convey one hundred ten (110') feet of right of way to NCDOT for the construction of Brier Creek Parkway. An additional fifteen (15') feet of land on each side of the initial dedication will be reserved for temporary construction and drainage easements for a period of ten (10) years to accommodate widening unless and until such time as it is determined that the additional fifteen (15') feet on each side is not needed to accommodate the anticipated improvements. If the reservation is not purchased within the ten year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist. The dimensions of any setbacks, buffers and/or landscape yards required on properties adjacent to Brier Creek Parkway will be measured from the boundary of the original one hundred ten (110') foot right of way as conveyed by the Petitioner.

2. The one hundred ten (110') foot conveyed right-of-way for Brier Creek Parkway will qualify for reimbursement to the Petitioner by the City of Raleigh under existing City Road Right-of-way Reimbursement Policy. Any of the additional reserved slope easements (referred to as construction and drainage easements in Paragraph C[1] above), will also qualify for reimbursement to the Petitioner by the City of Raleigh under existing City road right of way reimbursement policy.

D. Completion of Roads.

Site plans for no more than 50% of the total frontage of any one side of a section of a Collector or Thoroughfare street between two intersections as shown on Exhibit C-6, which provide access from two completely different directions will be approved until a commitment is made to the City of Raleigh pursuant to 10-3013(c)(2) of the Raleigh City Code guaranteeing completion of that section of the street to a cross-section width equal to or greater than the existing completed sections of the street unless otherwise agreed by the City of Raleigh. Open Space shall not be included in the total road frontage.

E. Cross Overs on Thoroughfares and Collectors.

Cross Overs shall be a sum of 660 feet apart on Collectors and on Thoroughfares. Cross Overs on Brier Creek Parkway will be located per the Construction Agreement between the Petitioner and the North Carolina Department of Transportation dated June 19, 1996.

F. Public access to outparcels.

If at the time of subdivision, tracts of land owned by others which adjoin Petitioner's property (sometimes referred to herein as "outparcels"), are affected by the relocation of a street, the subdivision must indicate "equivalent access" to the adjoining outparcels).

G. When US 70 is constructed as a freeway, direct access shall be limited to full service interchanges at Aviation Parkway, T.W. Alexander Drive, and Brier Creek Parkway. Prior to actual construction of such improvements to US 70, direct access to US 70 from the property will be allowed as stated in Exhibit C-4 (2)(A)(1) and Exhibit C-4(2)(A)(2) above.

H. The Petitioner will reserve land, owned by the Petitioner, for full service interchanges at the proposed intersection of Brier Creek Parkway and US 70, at the intersection of T.W. Alexander Drive and US 70, and at the proposed intersection of Aviation Parkway and US 70 for purchase by governmental authorities for up to ten (10) years from the date of final approval by the Raleigh City Council of this zoning petition.

The land reserved at Aviation Parkway and T.W. Alexander Drive will be of a size and location to accommodate the current functional interchange designs illustrated in the US 70 Corridor Study, prepared by BAKK and dated March 1992, or an alternate design mutually acceptable to the Petitioner and NCDOT. The land reserved for the Brier Creek Parkway interchange will be of a size and location to accommodate a functional design which will be developed with the design of Brier Creek Parkway.

If the reservation is not purchased within the ten-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

3. OPEN SPACE

A. Active Recreation - A potential location(s) for park sites of no less than eight (8) acres in size for active recreation totaling no more than fifty acres which will be available for acquisition by the City of Raleigh will be located within the property. With regard to a site for active recreation uses:

1. A map designating the boundaries of the location for the park sites, as determined jointly by the Petitioner and the City Parks and Recreation Director shall be filed with City of Raleigh Parks and Recreation Department prior to approval of site plans for more than a total of 2,000 dwelling units and equivalent dwelling units in Land Use Area B.

2. The park sites shall be reserved for acquisition by the City for a period of two years from date of acceptance of the map by the Parks and Recreation Director. The Parks and Recreation Director shall have two months after the date of submission of the map to respond to the Petitioner as to the acceptability of the site. Failure of the Parks and Recreation Director to respond in writing within two months shall constitute acceptance of the site.

If the reservation is not purchased within this two-year time period, the reservation may, in the sole discretion of the Petitioner, be abandoned and if so, shall no longer exist.

3. The park sites shall not be designated as floodway, and shall be part of the Petitioner's area(s) for Open Space/Buffers & Recreation to be designated by the Petitioner.

B. Greenways - Up to fifty acres within the Petitioner's property will be reserved to the City of Raleigh for inclusion in the City's Greenway system. If so included, this greenway acreage shall be considered part of Petitioner's area(s) for Open Space/Buffers & Recreation.

At the earlier time of either site plan approval or subdivision of areas between points E & F, F & G, E & H, I & J and K & L as indicated on the Conditional Use Plan, Greenways will be reserved for purchase from the owner by the City of Raleigh, in accordance with the applicable provisions of the Raleigh City Code. Where not included in public rights of way, the greenways will be reserved to a width as indicated in the City of Raleigh Comprehensive Plan From time of reservation (at subdivision) the City will have two (2) years to purchase the reservation. If the reservation is not purchased within this time, the reservation may, in the sole discretion of Petitioner be abandoned and if so abandoned shall no longer exist.

C. The total acreage of Open Space/Buffers & Recreation Area(s) can be allocated to different areas of the respective land use areas A, B, C and D in Exhibit C-1, Table 1, but the sum total acreage of all Open Space/Buffers & Recreation in each land use area shall be provided. No more than 80% of the acreage within each land use area, as shown on Exhibit C-1, Table 1, dated March 15, 1996, and last revised May 20, 1996 shall be given site plan approval until all the minimum Open Space/Buffers & Recreation for each zoning area is delineated on either approved preliminary subdivisions or site plans.

D. For all Open Space/Buffers & Recreation Area(s) corridors which follow stream, or drainageway alignments, the distance from the boundary of the corridor to the centerline of the stream shall be a minimum of fifty feet.

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

TREE CONSERVATION: This site is required to provide 1.25 acres, proposed plan dedicates 1.32 acres. There are 1.22 acres dedicated in the Primary Tree Conservation Area and 0.10 acres dedicated in the Secondary Tree Conservation Area.

UNITY OF DEVELOPMENT: Unity of development has already been required per recombination of Lot 205 and Lot 201 dated 12/21/05 Book 2006 PG2642. Unity of development must be submitted to the City of Raleigh Planning Department for approval.

COMPREHENSIVE PLAN:

GREENWAY: No greenway requirements on this site.

THOROUGHFARE / COLLECTOR PLAN: Adequate right of way and infrastructure exists.

TRANSIT: Transit easement not required.

URBAN FORM: This site is located in the Umstead Planning District within the Triangle Regional Center in the Brier Creek Village Center, a plan area that is designated as a Regional Intensity Area. This urban form designation encourages a high intensity urban development pattern with mixed uses. The Brier Creek Village Center

Small Area Plan recommends a mix of retail, office and institutional uses for the site.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The average lot size proposed Ois 3.12 acres and the minimum lot size proposed is 1.20 acres. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. Lots in this development conform to these minimum standards.

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 Manual. 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: Individual lot service by the City is to be provided.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing that is to be shared with an adjacent property owner. The developer of this property will construct the entire stream crossing, and will be reimbursed by the City for 1/2 the cost of construction.

PEDESTRIAN: A 5' sidewalk exists along South side of Sellona Street.

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

STORMWATER MANAGEMENT: This subdivision is subject to stormwater and nitrogen reduction requirements of Part 10, Chapter 9 of the Raleigh City Code. All proposed lots exceed one acre in size. Therefore, stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision.

WETLANDS / RIPARIAN BUFFERS: 50' riparian buffers are present.

STREET NAMES: No 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: 4/23/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 4/23/12
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.

