Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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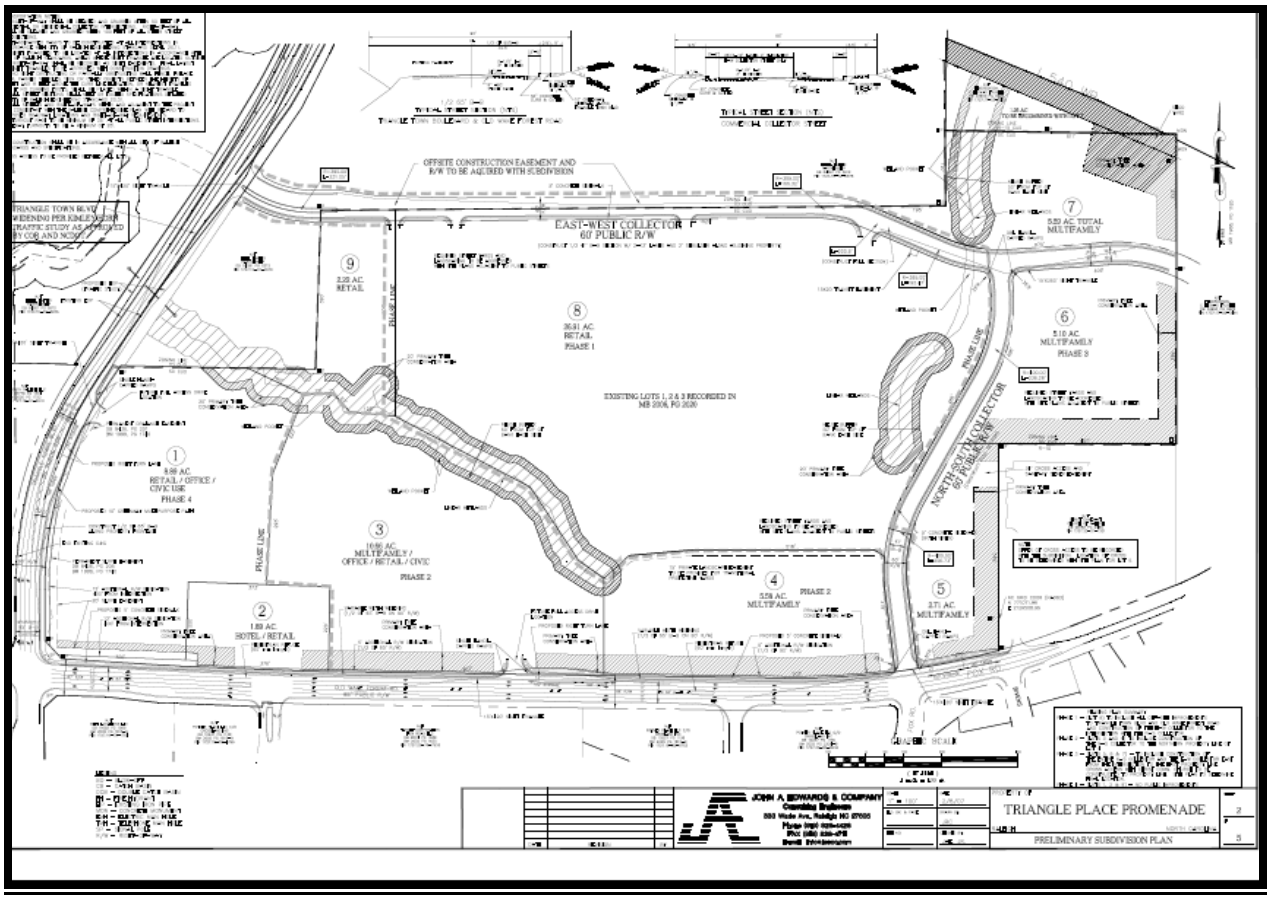
Case File / Name: **S-15-07 Triangle Place Promenade Subdivision**

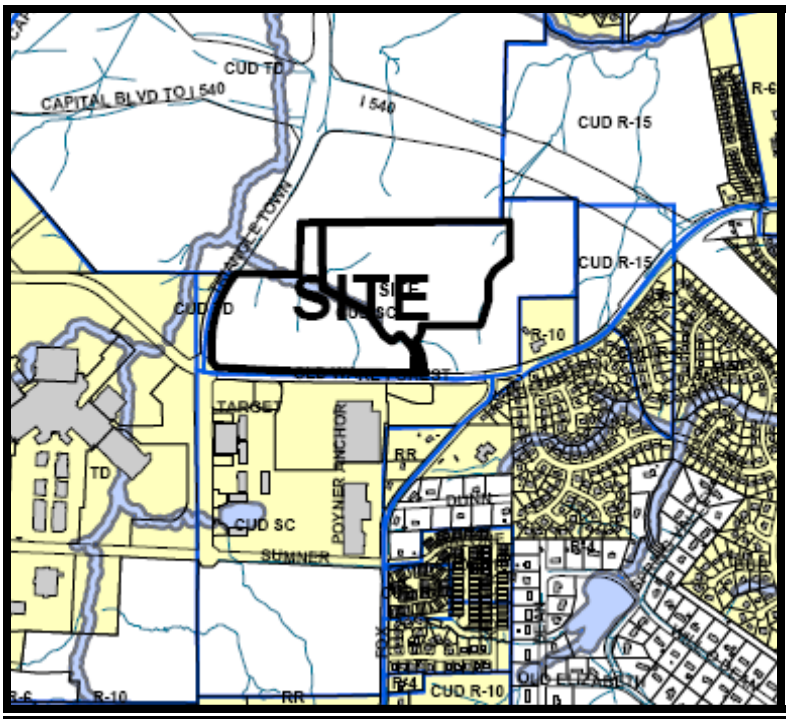
General Location: On the northeast corner of Old Wake Forest Road, Triangle Town Blvd and I-540 outside the city limits.

Planning District / CAC: Northeast / Northeast

Nature of Case: Subdivision of 73.56-acres into 9 lots zoned SC-CUD with SHOD-1.

Contact: John Edwards & Company




CUD TD
CAPITAL BLVD TO I 540
I 540
CUD R-15
SITE
CUD R-15
CUD TD
R-10
TARGET
POYNER ANCHOR
RR
TD
CUD SC
SUMNER
R-10
RR
CUD R-10

SUBJECT: S-15-07 Triangle Place Promenade Subdivision

CROSS-REFERENCE: SP-32-07 & Z-1-06

LOCATION: On the northeast corner of Old Wake Forest Road, Triangle Town Blvd and I-540 outside the city limits.

REQUEST: This request is to approve the subdivision of a 73.56 acre tract into 9 lots, zoned SC-CUD, with SHOD-1.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

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

(1) That a maintenance manual and budget for any detention or retention facilities or wet ponds be approved by the Conversation Engineer in the Inspections Department, that covenants for the maintenance of such facilities prepared in accordance with Raleigh City Code Section 10-5007(c) are included with any homeowner documents, and that recorded copies are provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of these documents are not provided to the Planning Department within this 14 day period, further plat recordings and building permits issuance may be withheld;

(2) 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 approval of construction drawings for public improvements:

(3) That the City Attorney approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from PIN # 1727.15-72-0976 (Ethel Limited Partnership DB 04061 PG 0212) property located West of lot 9 of the subdivision 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;

(4) That the City Attorney approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from PIN # 1737.17-01-2718 and PIN# 1737.13-03-3066 owned by MDP Fox Road LLC DB 12659 PG 0818 property located East of lots 6 &7 on the preliminary plan of the subdivision 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 Planning Department authorization to record lots:

(5) 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;

(6) That street names for the proposed two proposed public streets in this development be approved by the Raleigh City Planning Department and by Wake County;

(7) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;

(8) That and offer of cross access agreements between lots 5, 6 and Christ Covenant Church of Raleigh (PIN 1727.20-91-7331) are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(9) That and offer of cross access agreements between lots 1, 2, 3 4, 8, 9 and PIN 1727-72-0976 (Ethel Limited Partnership DB 04061 PG 0212) are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(10) That a 15x20 foot transit easement located on the East-West Collector (as shown on the preliminary plan) be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement 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 within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(11) That the following note be placed on all maps for recording: All newly dedicated right of way shall be reimbursed at R- value per Z-01-06 item G;

(12) That a 20-foot permanent slope easement on either side of Triangle Town Blvd and Old Wake Forest Road, as shown on the preliminary plan, be dedicated prior to or in conjunction with the recording of any map;

(13) That the recorded map shows the 15-foot off-site private landscape easement/transitional protective yard located on lot 4, as shown on the

preliminary plan and legal documents are recoded and a copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within 14-day period, further plan recordings and building permits authorization may be withheld;

(14) That 12-feet of right of way 400-feet from both sides of the intersection of Triangle Town Blvd and Old Wake Forest Road as shown on the preliminary plan be dedicated to the City of Raleigh prior to or in conjunction with the recording of any map;

(15) That 5-feet of right of way on Old Wake Forest Road as shown on the preliminary plan be dedicated to the City of Raleigh prior to or in conjunction with the recording of any map;

(16) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section10-2082.14;

(17) That a recombination map be recorded prior to or in conjunction with the recording of lots recombining the proposed lot 7 with the existing triangle portion of land/lot (approximately 1.26-acres zoned R-15CUD) located between lot 7 and I-540, as shown on the preliminary plan, PIN 1737.17-02-4361.

Prior to issuance of building permits in the Inspections Department:

(18) That all conditions of Z-1-06 and the concept plan be met;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Mauger) Date: 10-11-07

Staff Coordinator: Jacque Baker

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 10-2041 & 10-2058 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 2/8/07, owned by Faison Development, submitted by John A Edwards & Company.

ZONING:

ZONING DISTRICTS: Shopping Center-CUD, SHOD-1 and Residential-15CUD. Ordinance 2005 30ZC589 Effective 6/6/06.

Z-01-06 – Old Wake Forest Road and Triangle Town Boulevard on the north side of Old Wake Forest Road, NE of its intersection with Triangle Town Boulevard being Wake County PIN 1727816589. Approximately 72.27 acres rezoned to Shopping Center Conditional Use with Special Highway Overlay District-1.

Conditions: 05/24/06

A. The development of the subject property shall conform to the Concept Plan attached hereto and incorporated herein by reference as provided for in Code Section 10-2165(d)(8).

B. The following uses otherwise permitted in the Shopping Center zoning district as provided in the Schedule of Permitted Land Uses found in Code Section 10-2071, shall be prohibited:

1.) Adult establishments
2.) Airfields, landing strips or heliports
3.) Electrical generating plants
4.) Uses defined as Retail Sales — Highway within 400 feet of the rights-of-way of Old Wake Forest Road and Triangle Town Boulevard.

C. If desired by the City, at subdivision or site plan, which ever first occurs, the property owner shall make available at least two (2) 20-foot by 15-foot transit deeds of easement to support a bus stop along Old Wake Forest Road, Triangle Town Boulevard, or some other internal street (whether public or private). The specific location of such easements shall be approved by the Transit Division of the City at the time of subdivision or site plan approval.

D If desired by the City, at subdivision or site plan, which ever first occurs, the property owner shall offer a cross-access easement to the property immediately north which fronts on Triangle Town Boulevard (PIN 1727720976 - Ethel Limited Partnership Deed Book 4061, Page 212 Wake County Registry) and the properties to the east which front on Old Wake Forest Road (PIN 1737023461 - Thomas C. Hendrickson, Trustee Deed Book 3900, Page 622, Wake County Registry; and PIN 1727917331 — Christ Covenant Church of Raleigh Deed Book 8182, Page 469, Wake County Registry).

E. The development of the subject property shall include at least the following uses as shown on the Concept Plan: residential, office, civic and retail.

F. The development of this property shall comply with those key elements of the Urban Design Guidelines as shown on the attached Concept Plan and as set forth in the Narrative attached hereto and incorporated herein by reference.

G. Reimbursement for any required right-of-way dedication shall remain at R-10 value.

H. Any retaining walls along and visible from Old Wake Forest Road shall have a maximum height of fifteen (15) feet above any adjacent sidewalk, with plantings in front of them. If grades require taller walls, they shall be stepped, with a maximum height of fifteen (15) feet per step. Each step shall be of sufficient depth to allow for planting in front of each wall, but not less that three feet in width. Where exposed retaining wall faces exceed 6 feet in height, trees shall be planted at the base of the wall at the rate of 1 canopy tree per 50 linear feet of wall or 2 medium-sized ornamental trees per 50 linear feet of wall. Where exposed wall faces are sub - 6 feet in height, shrubs will be planted at the base of the wall at a rate of 1 shrub per 5 linear feet of wall. Plant size at installation will conform to City of Raleigh standards for VSA planting.

I. Retaining walls, if any, along and visible from Old Wake Forest Road shall be of same or similar masonry materials as the nearest principal building, specifically permitted as "similar" would be segmental masonry for walls where color selections are coordinated with building materials.

J. Outdoor area and parking lot light fixtures in mixed use and residential areas shall be of full cutoff design.

K. Prior to preliminary site plan or subdivision submittal on any portion of this property, a traffic impact analysis (TIA) on the entire property based upon the Concept Plan shall be filed with City of Raleigh's Department of Public Works. A TIA submitted prior to adoption of this ordinance based upon the Concept Plan shall satisfy this condition.

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

TREE CONSERVATION: The total site is required to provide 10% or 7.36-acres in Tree Conservation Area; site has provided 10% of 7.36-acres. All Tree Conservation areas shown on the Preliminary plan.
Tree Conservation Areas Calculation:
Primary Tree Conservation - 20' wide Neuse Buffer Zone 2 = 1.95 acres
Primary Tree Conservation – variable with per concept plan Z-10-6 =4.66-acres
Primary Tree Conservation – 50' SHOD Yard =.75-acres.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: There are 4 phases in this development. A final phasing plan for infrastructure shall be approved with the submittal of infrastructure construction drawings.

COMPREHENSIVE PLAN:

GREENWAY: There is greenway on this site. On the east side Triangle Town Blvd is shown with a greenway connector on the street. A 10' wide greenway multipurpose path has been provided to accommodate the greenway connector. This path on the east side of Triangle Town Blvd is to accommodate the extension of Perry Creek greenway trail. The connection will cross the street at the intersection of Old Wake Forest Road and Triangle Town Blvd and continue northward on the east side of Perry Creek.

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.
Triangle Towne Blvd	12' from intersection	½ of a 65' b/b	10'multi-purpose path/turn lane 20'
Old Wake Forest Road	12' from intersection & 5' along road way	½ of a 90' b/b	

Additional right-of-way to be dedicated is reimbursable under the facility fees program.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: This site is presently not served by the existing transit system. A 15x20 transit easement is provided and shown on the preliminary plan.

URBAN FORM: This site is located in the Northwest Planning District, to the southeast quadrant of the Northeast Regional Intensity area which is designated for intense office, residential and employment uses. The site is also located in the northeast quadrant of the Triangle Town Center plan. The Triangle Town Center Small Area plan recommends that the northeast quadrant of the plan are include primarily mixed-use development consisting of office, hotel, and small service retail uses in the western portion of the quadrant. Approximately 25% of the land area is intended for residential uses with open space and vicinity uses included at the smaller percentage. Site design must have a strong pedestrian orientation that connects to the pedestrian network south of Old Wake Forest Road. Sidewalks are recommended on both sides of the street.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in the R-15CUD zoning district is 5,000 square feet. 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 is available, but sewer is not. The developer proposes to bring sewer to the site by means of an off-site sewer easement(s). The subdivider is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Service to be provided by a private contractor and locations for the Waste faculties shall be approved by City of Raleigh.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: Proposed sidewalk locations and conform to City regulations. A sidewalk is required along both sides of Old Wake Forest Road.

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

STORMWATER MANAGEMENT: This site is subject to Part 10 Chapter 9 of the City of Raleigh Stormwater Control and Watercourse Buffer regulations. Each lot will provide its own Stormwater Management on-site with underground retention and or bio-retention facilities. Retention / detention facilities are not shown on the preliminary plan will be required to be shown as each individual lot develops.

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

WETLANDS / RIPARIAN BUFFERS: Wetland areas and Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

STREET NAMES: 2 new street names are required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

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: 10/11/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 10/11/2012
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.