Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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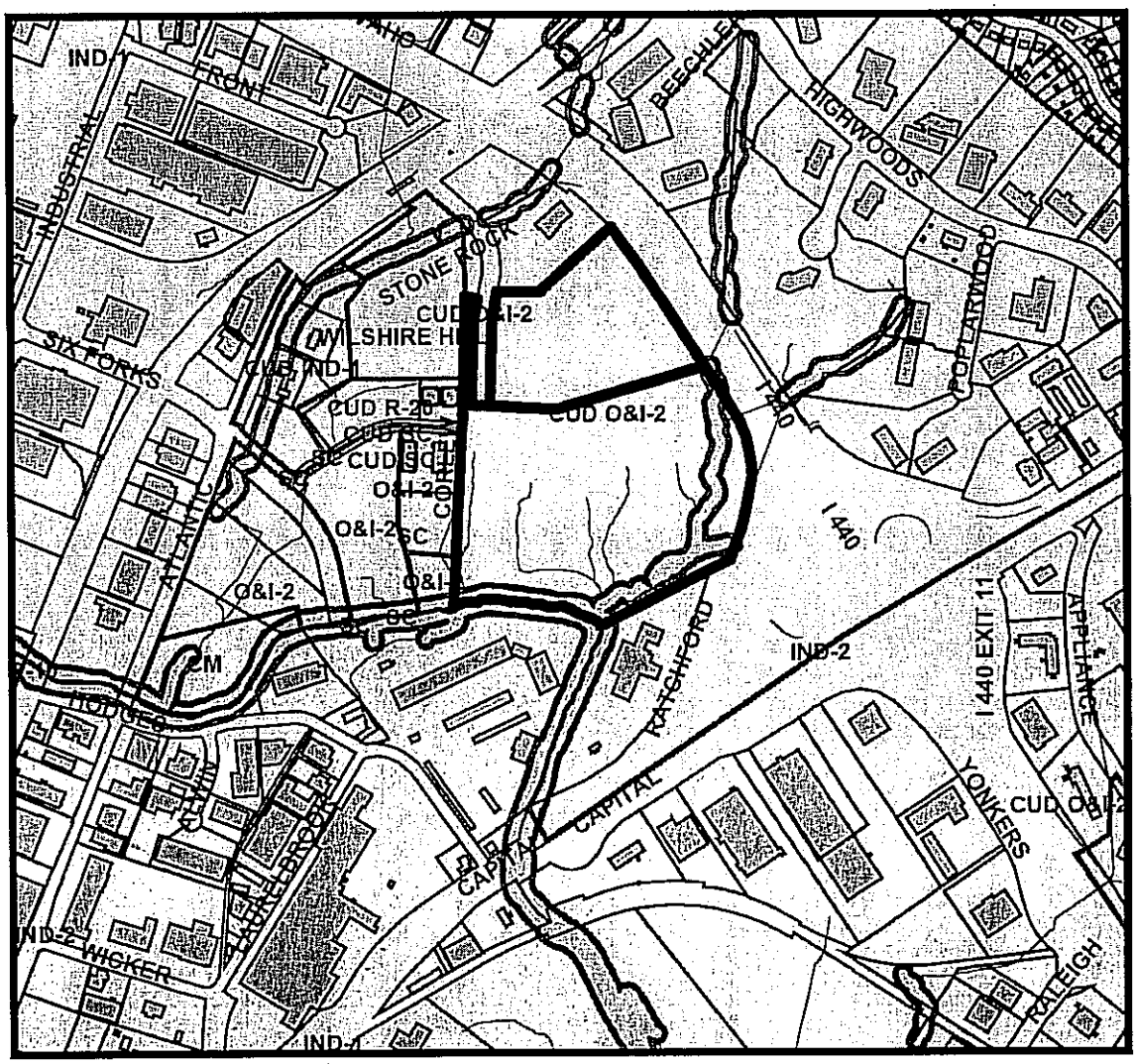
Case File / Name: **S-20-07 / BSP Atlantic Subdivision**

General Location: Southwest corner of the intersection of Capital Boulevard and I-440

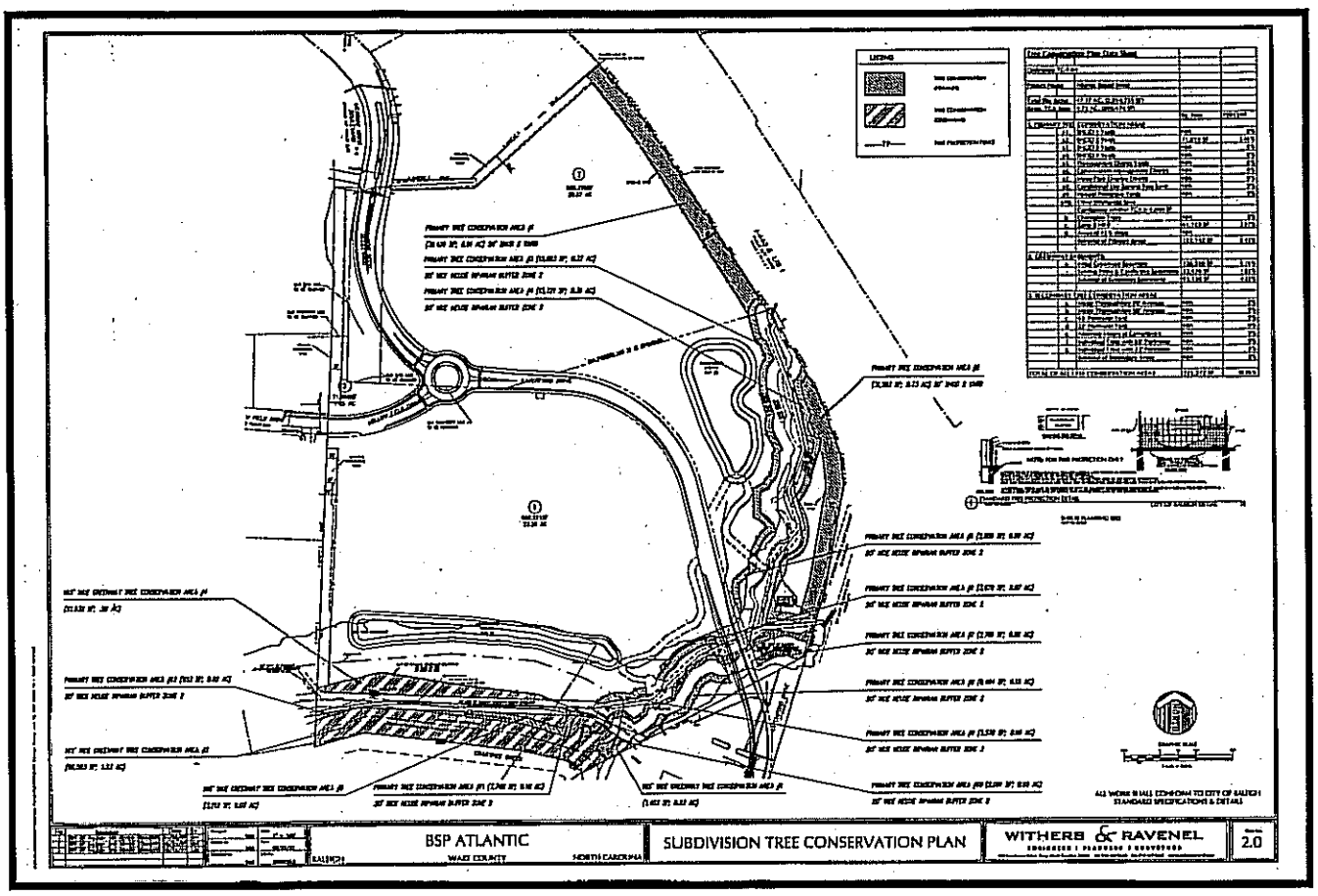
Planning District / CAC: North Hills / Northeast

Nature of Case: The subdivision of a 47.01 acre tract zoned Office and Institutional-2 Conditional Use District into three tracts, all separated from one another by public right-of-way.

Contact: Withers & Ravenel



S-20-07 / BSP Atlantic Subdivision – Location Map



S-20-07 / BSP Atlantic Subdivision – Location

SUBJECT: S-20-07 / BSP Atlantic Subdivision

CROSS-REFERENCE: GH-2-07, Z-3-06

LOCATION: This site is located on the south side of I-440, west of its intersection with Capital Boulevard, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 47.01 acre tract into 3 lots, zoned Office and Institutional – 2 Conditional Use District.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: ***Prior to issuance of a land disturbing permit for the site:***

(1) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating "The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in perpetuity in their natural or mitigated condition, No person or entity shall fill, grad, excavate, or perform any other

land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259).". This covenant is to run with the land, and shall be binding on the Owner, and all parties claming under it;

(2) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;

(3) That a flood study shall be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the purposed stream crossing;

(4) That as the developer purposes to disturb a designated riparian buffer for the purpose of a street crossing, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a);

(5) That a final tree conservation plan be approved by the Forestry Specialist in the Inspections Department. The final tree conservation plan shall include a metes and bounds description of the tree conservation areas conforming to code requirements. Tree protection measures shall be in place on site prior to any grading;

Prior to Planning Department authorization to record lots:

(6) That a 15x20 foot transit easement located on Ratchford Drive 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;

(7) That all of the pertinent conditions associated with Z-3-06 have been satisfied.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Hedgepeth) Date: _____

Staff Coordinator: Eric Hodge

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 10-2036 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated June 12, 2007, owned by Tradition Atlantic, LTD, submitted by Withers & Ravenel.

ZONING:

ZONING DISTRICTS: Office and Institutional-2 Conditional Use District. Ordinance No. (2006) 19 ZC 587 Effective 5/2/06.

Z-3-06 – Capital Boulevard and I-440, northwest side of Capital Boulevard, northwest of its intersection with I-440, being Wake County PINs 1715-53-5076; 1715-52-5191; and 1715-42-9946. Approximately 47.01 acres from Industrial-1 with Special Highway Overlay District-2 to Office and Institution-2 Conditional Use with Special Highway Overlay District-2.

Conditions dated: March 9, 2006

A. The following uses shall be prohibited on the subject property:

(i) General uses:
- (a) Cemetery
- (b) Hospital
- (c) Funeral home

(ii) Conditional uses:
- (a) Emergency shelter
- (b) Special Care facility
- (c) Telecommunication towers

(iii) Special uses:
- (a) All special uses required to be approved by the Board of Adjustment as specified in Code Section 10-2144 are prohibited, save and except for yard encroachments and yard reductions which are permitted with Board of Adjustment approval and save and except other professional offices not otherwise listed as allowed in the Office and Institution District by Code Section 10-2071.
- (b) All special uses required to be approved by the Raleigh City Council as specified in Code Section 10-2145 are prohibited.

B. A SHOD-2 Natural Protective Yard shall be provided along the frontage of I-440 and the exit ramp to Capital Boulevard, which Yard shall have an average width dimension of fifty feet (50') and a minimum width dimension of twenty-five feet (25').

C. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and

the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

D. Within fifty feet (50') of adjoining residential parcels, site lighting fixtures for parking areas shall not exceed sixteen feet (16') in height, unless located in a protective yard, where height of lighting fixtures shall not exceed twelve feet (12') in height. (All measurements shall be from finished grade.) Additionally, all such fixtures shall be of "Full Cut-Off" (shielded) design.

E. Natural Protective Yards shall be provided (1) along the common line of the Property and the property now known as the Atlantic Place Condominium (PIN 1715427698; Deed Book 8008, page 334) and Atlantic Place II Condominium (PIN 1715427335; Deed Book 8851, page 2708 and PIN 1715427022; Deed Book 9247, page 776) and (2) along the common line of the Property and the parcel now owned by NC Eastern Municipal Power Agency and NC Municipal Power Agency Number 1 (PIN 1715532496; Deed Book 3502, page 544), which Natural Protective Yards shall have an average width dimension of twenty-five feet (25') and a minimum width dimension of twenty feet (20').

F. Reimbursement for any required right-of-way dedication shall retain the current Industrial-1 value.

G. The maximum height of any building or buildings upon the Property shall be limited to no more than one hundred twenty feet (120'); provided however, the building or buildings located within one hundred feet (100') of the common line of the Property and the properties now known as Atlantic Place Condominium (PIN 1715427698; Deed Book 8008, page 334) and Atlantic Place II Condominium (PIN 1715427335; Deed Book 8851, page 2708 and PIN 1715427022; Deed Book 9247, page 776) and the common line of the Property and the property now owned by NC Eastern Municipal Power Agency and NC Municipal Power Agency Number 1 (PIN 1715532496; Deed Book 3502, page 544) shall have a maximum height of sixty feet (60').

H. Residential density upon the Property shall not exceed 1,200 dwelling units and office development upon the Property shall not exceed 350,000 square feet.

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

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. 10% or 2.22 acres of tree conservation area is required, 23% or 5.17 acres is provided. A final tree conservation plan with a metes and bounds description of all tree conservation areas shall be shown and labeled on any plat for recording.

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

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

COMPREHENSIVE

PLAN:

GREENWAY: A 165' wide greenway is shown along the southern side of this site and has been dedicated (DB 3630 PG 500 & DB 1989 PG 1187).

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following strees are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Ratchford	60'	31'-41'	N/A
Mellow Field	60'	31'-41'	N/A
Meadow Wood	60'	31'-41'	N/A

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 15' X 20' Transit Easement ~150' to the East of the traffic circle on the south side of the road. This site is presently not served by the existing transit system.

URBAN FORM: The site is located in the North Hills Planning District. The Urban Form map designates this site as an employment area, as such the height limit guideline is 70 feet. In addition, Six Forks Road is designated as a primarily non-residential thoroughfare. The Atlantic Ave –Litchford Rd Corridor Plan designates this area as an employment area. Employment Areas allow for some medium to high density residential development.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5000 square feet. The minimum lot size proposed is 71,986 square feet. 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.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of all three streets associated with this subdivision.

FLOOD HAZARD: There are flood hazard areas on this site (100 year flood plain) and are shown on the preliminary plans.

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: Wetland areas and Neuse River riparian buffers are located on this site and are shown on the preliminary plans.

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: 8/28/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 8/28/2012
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.