Administrative Action
Preliminary Subdivision

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

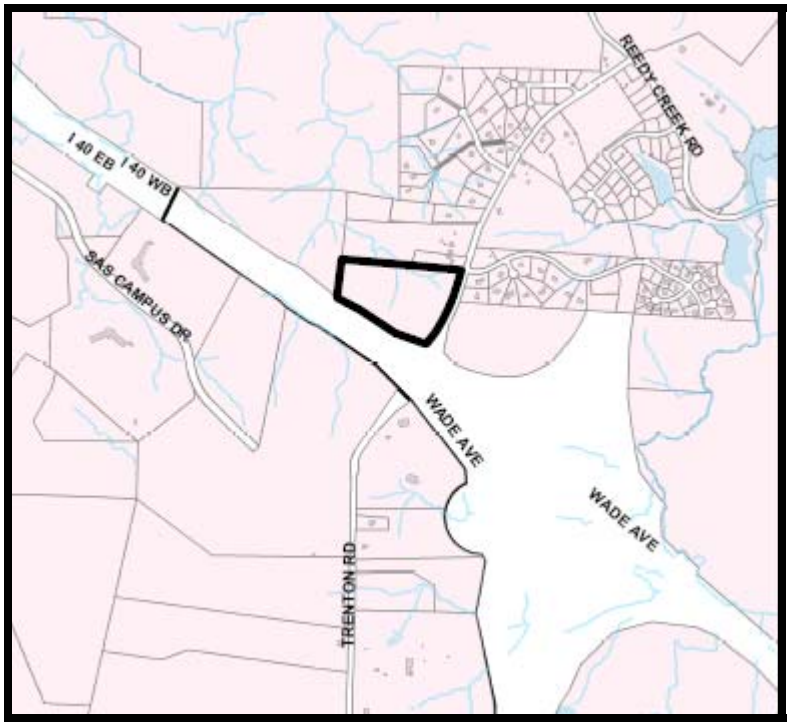
Case File / Name: **S-33-07 Trenton Pointe Subdivision**

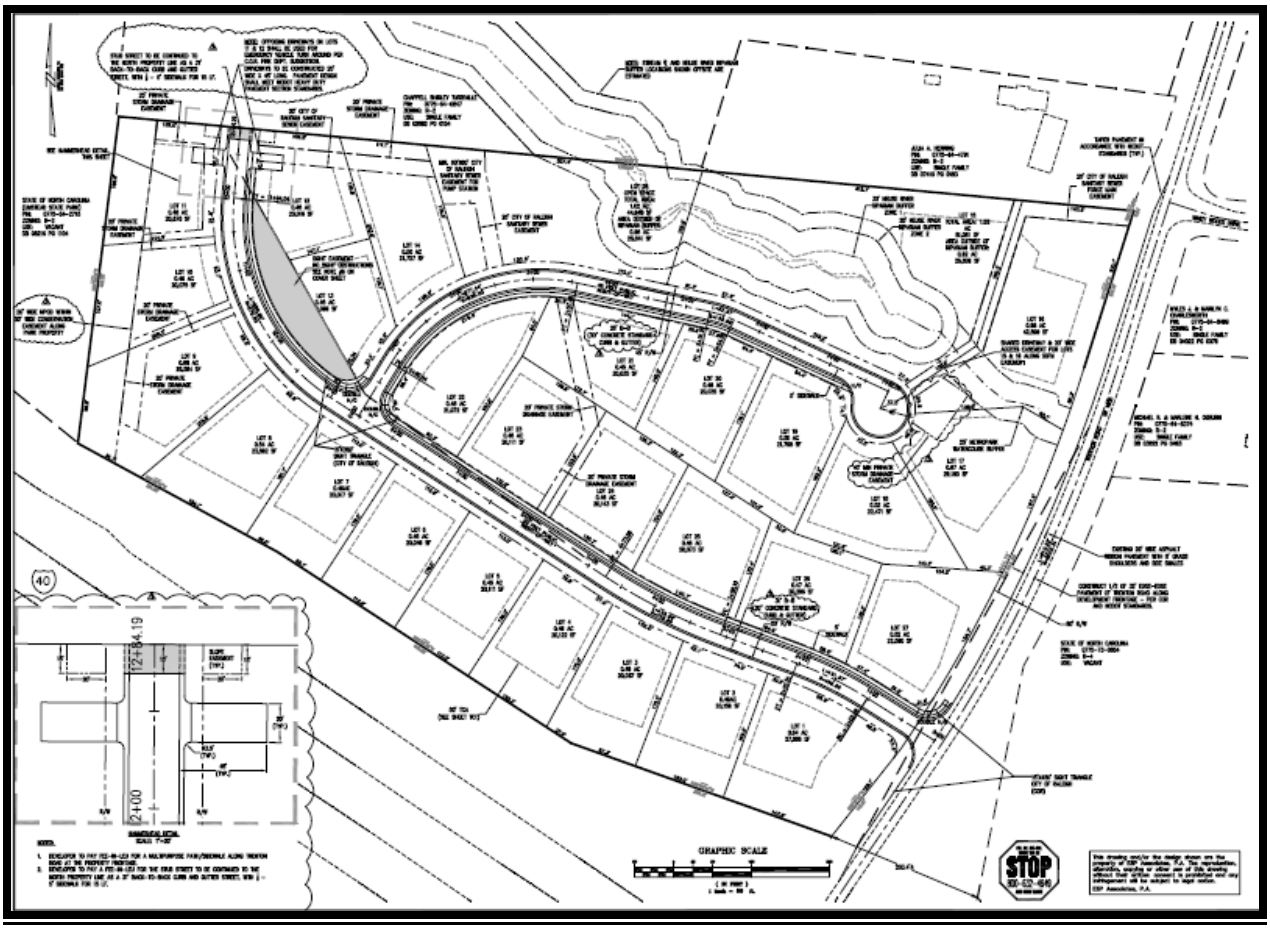
General Location: On the west side of Trenton Road, within the northwest quadrant of Wade Avenue and Reedy Creek Road, outside the city limits.

Planning District / CAC: Northwest / Northwest

Nature of Case: Subdivision of 18.66-acres into 27 single-family lots, 1 open space lot. The property is zoned Residential-2, SHOD-1 with Metro Park Overlay District.

Contact: ESP Associates PA





S-33-07 Trenton Pointe Subdivision

SUBJECT: S-33-07 Trenton Pointe Cluster

CROSS-REFERENCE: Z-47-07 (pending)

LOCATION: On the west side of Trenton Road, within the northwest quadrant of Wade Avenue and Reedy Creek Road, outside the city limits.

REQUEST: Subdivision of 18.66-acres into 27 single-family lots, 1 open space lot. The property is zoned Residential-2, SHOD-1 with Metro Park Overlay District. The overall residential density is 1.45 units per acre. The minimum lot size for single-family lots is 20,016 square feet.

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;

(2) That as stormwater control facilities are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Attorney for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;

(3) 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 10 Chapter 9, 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;

(4) That prior to the issuance of a grading permit or building permit a tree protection plan is approved by the Site Review Specialist in the Inspections Department for trees located within the Neuse Riparian Buffer and within the 50' wide Conservation easement located at the western boundary of lots 9, 10 & 11 as shown on the preliminary plan and a copy of this approved plan be placed in file in the Planning Department;

Prior to approval of construction drawings for public improvements: ***No longer required see revised preliminary plans.***

(5) That the City Attorney approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from Trinity Place Subdivision located northeast of Trenton Pointe 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:

(6) 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;

(7) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer

(8) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared among all lots, and said stormwater control measures shall be owned and maintained by a homeowners association for which all lot owners shall be a member. The homeowners' legal documents shall be prepared in accordance with Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b), and the City Attorney shall either actually approve the homeowners' legal documents or a certificate be submitted to the City Attorney from the attorney who prepared the homeowner legal documents state that the declaration of covenants contains all of the provisions of the Raleigh City Code Requirements set forth in City form Article.

The homeowners' declaration shall conform to G.S. 47-F, if applicable, and shall contain the following provisions: (a) a definition of stormwater control measures serving more than one lot and situated outside of the public street rights of way; (b) a statement in the definition of common areas that stormwater control measures are common area; (c) that stormwater control measures shall be maintained by the homeowners' association in strict compliance with the stormwater operations and maintenance manual and budget (approved by the Stormwater Engineer in the Public Works Department as part of condition 3 above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition 3 above; (d) that common expenses include: maintenance of stormwater control measures and replacement contribution payments required to be paid by the Association to the City by Stormwater Replacement Protection Easement and Access Maintenance Agreement required by condition 3 above; (e) that within permanently protected undisturbed open space area shown on any plat of the development, no tree-disturbing activity (as defined in Part 10 Chapter 2 of the Raleigh City Code), land-disturbing activity, placement of impervious surface, encroachment, new use or construction of any

structure or expansion there of shall occur except in accordance with a watercourse buffer first being issued by the City of Raleigh; (f) that the City of Raleigh is assigned the right to collect stormwater assessments of the Association, file liens against the lots and to foreclose delinquent liens for monies owned to the City. Foreclosure of stormwater assessments liens shall be in accordance with N.C.G.S 47F-3-116 and to foreclose the claim of lien in like manner as a mortgage on real estate under a power of sale under Article 2A of Chapter 45 of the General Statures; (g) a statement that no amendment to the legal documents affecting stormwater control measures or the replacement fund shall be made without the prior written consent of the Raleigh City Attorney as evidenced by signature of the City Attorney or his/her deputy on the recorded original or copy of the amendment; (h) a statement that the stormwater control measures are the joint and several liability of each owner served by the stormwater control measure required to comply with the Raleigh City Code, and the failure to maintain stormwater control measures is a violation potentially subjection each lot owner to significant daily civil penalties and other enforcement action; (i) the homeowners' association shall be empowered to plant, maintain and protect within tree conservation areas shown on recorded plats of the development, and the future owners of lots and their agents shall have the right to enter any of the tree conservation area shown on the recorded plats of the development with the consent of the Association and the City of Raleigh Inspections Department to perform active tree protection as defined in Chapter 2 Part 10 of the Raleigh City Code to remove trees, plat trees and to replant replacement tree; (j) a statement that any tree disturbing activity as defined in Chapter 2 Part 10 of the Raleigh City Code undertaken in any tree conservation area shown on the recorded plats of the development without the prior issuance of a permit from the City of Raleigh Inspections Department is a violation of the Raleigh City and will result in significant financial consequences. A recorded copy of these deeds 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;

(9) 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 homeowner association."

(10) That a pump station is proposed on lot 28 (open space lot) to allow sewer service to this site. This pump will be constructed by the developer. That the City Attorney approves a utility and access easement for use, operation and maintenance of the pump station until such time as the site is able to be served by gravity sewer. **The access easement will not require legal documents per Public Utilities but the easement must be shown on all maps for recording.**

(11) 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;

(12) That natural resource buffer yards along watercourses shown on the preliminary plan shall be shown on the maps for recording along with a note stating; "That areas shown on the recorded plat identified as natural resource buffer yards shall remain as undisturbed natural areas unless a watercourse buffer permit is first issued by the City of Raleigh in accordance with code section 10-9044";

(13) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;

(14) That all permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently preserved undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment.

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

(16) That a final detailed landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;

(17) That cross-access and shared driveway agreements between lots 15 and 16 shall be shown on the map and are recorded in accordance with Raleigh City Code and are returned to the Planning Department within 14-days of recording. If a copy of the recorded documents are not returned within 14-days, further plat recording will be withheld and no building permits will be issued on any lot;

(18) That the 50' wide Conservation Easement along with the DB 8774 PG 1811 located at the western property/rear of lots 9, 10 & 11 adjacent to Umstead State Park, as shown on the preliminary plan, shall be shown on all maps for recording with the following note: This easement is a result of a legal settlement between the pervious property owner and The State of North Carolina;

(19) That the 60'x60' City of Raleigh Sanitary Sewer easement for the pump station located on lot 28 (open space) be dedicated to the City of Raleigh and shown on all maps for recording;

(20) 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;

(21) That the 25' wide Metropark Watercourse Buffers be shown on all maps for recording;

(22) That a fee in fee-in-lieu of construction for a multipurpose path and 5' sidewalk along Trenton Road in an amount determined by the City Engineer, is paid in the Public Works Department;

(23) That a fee in fee-in-lieu of construction for ½ of a 31' back to back and ½ of a 5' sidewalk for the extension of the stub street to the north, as shown on the preliminary plan, in an amount determined by the City Engineer, is paid in the Public Works Department;

(24) That a 20' permanent slope easement be dedicated, as shown on the preliminary plan for the future extension of the public street to be extended the north, shall be dedicated on lots 11 & 12;

(25) That the following note be shown on all maps for recording: That driveways located on lots 11 & 12 shall be used for emergency vehicle turn around and these driveways are to be no less than 20' wide by 45' long;

(26) That prior to recording of any lot within this subdivision that a copy of a tree protection plan as approved by the Site Review Specialist in the Inspections Department for trees located within the 50' wide Conservation easement located at the western boundary/rear of lots 9, 10 & 11 as shown on the preliminary plan and a copy of this approved plan be placed in file in the Planning Department; and

(27) That the following note be placed on all maps for recording: Lots 1, 16, 17 & 27 shall have no direct access onto Trenton Road.

Prior to issuance of building permits in the Inspections Department:

(28) That the City of Raleigh pump station is required to be build prior to the issuance of the first building permit.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Hayes) Date: 10-16-07

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 10-2016, 10-2058 & 10-2053 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/13/07, owned by GC Development Group LLC, submitted by ESP Associates.

ADDITIONAL NOTES: That the driveways on lots 11 & 12 are to be constructed 20' wide x 45 long, pavement design shall meet NCDOT heavy duty pavement standards as approved by City of Raleigh Fire and City of Raleigh DOT. These driveways are to be used for emergency vehicle turn around.

SUBDIVISION STANDARDS:

ZONING DISTRICTS: Residential-2, SHOD-1 with Metro Park Overlay District.
A rezoning application has been submitted on this plan to rezone the property for R-2 CUD, SHOD-1with MPOD.
Attached are the conditions of the rezoning. The subdivision must meet existing zoning and proposed rezoning conditions:

Office Use Only
Petition No. Z-47-07
Original Date Filed: 6.15.07
Amended Date: 10.2.07

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied – please type or print. See instruction, page 8.

1) **Conditional Use Zone Requested: Residential-2 Conditional Use District with MPOD and SHOD-1**

2) **Narrative of conditions being requested:**

a) As used herein, the "Property" means and refers to all of that certain tract or parcel of land containing +/- 18.45 acres located along the west side of Trenton Road abutting Interstate-40, Wake County, North Carolina, having Wake County PIN 0775.15-64-1432.

b) Prohibited Uses. The following uses shall be prohibited upon the Property:

- **Church, synagogue, or religious education building.**
- **Civic club**

DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 37. The proposed plan contains 27 lots and 1-open space lot. This site has a total of 25.8% impervious.

PHASING: There is one (1) phase in this development.

LOTS / SETBACK: The minimum lot size allowed is 20,000 square feet. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development.

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.

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

TREE CONSERVATION: The site is required to provide 15% or 2.79-acres in Tree Conservation Area; site has provided 2.835-acres. All Tree Conservation Areas are shown on the preliminary plan:

Primary Tree Conservation Area = 1.97-acres
Secondary Tree Conservation Area = .86-acres

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

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.
Trenton Road	80' existing	½ of a 32' edge of pavement (Trenton Road is classified as a sensitive area minor thoroughfare)	

TRANSIT: This site is presently not served by the existing transit system and does not required dedication of an easement as indicated by the Transit Division.

URBAN FORM: This site is located in the Northwest Planning District, in an area recommended for rural residential uses.

SUBDIVISION STANDARDS:

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. An off-site easement is required with the approval of infrastructure construction drawings. This off-site sewer easement is required to be acquired by the developer of

Trenton Pointe from Trinity Place Subdivision located northeast off Trenton Road and Windy Woods Drive. ***No longer required see revised preliminary plans.***

SOLID WASTE: Upon annexation refuse collection is to be provided based on the standards in the Solid Waste Manual.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations.

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. Retention / detention facilities are shown on the preliminary plan and are located within lot 28 (open space) and shall be located outside the existing Neuse Riparian Buffer. This open space lot exceeds the required 20,000 square feet as required by Residential-2.

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)].

NATURAL RESOURCE BUFFER YARD DISTURBANCE

This development contains a natural resource buffer yard as defined under 10-9042 and disturbance to the buffer yard is anticipated, the following requirements as applicable shall be met: for utility mains, an approved “sediment loss control plan” in accordance with 10-9042(a) shall be required; for stormwater control facilities, the guidelines under 10-9042 (b) shall be followed; for all disturbances, a tree planting plan in accordance with 10-9042(b)(2) is required.

This plan is within a Metro-Park Protection Overlay District, the Natural Resource Buffer Yards specified under Section 10-9040 (a) and (b) shall be delineated on recorded plats (or at the time of the development of the property for lots already existing) with a note stating. “No grading or land-disturbance, or any development, expansion, any placement of impervious surfaces, new use, construction, or encroachment shall be initiated within the natural resource buffer yards as shown on this plat without first being issued a written watercourse buffer permit from the Inspections Department.”

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

Lots less 2 acres - This subdivision plan creates two lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Attorney that the maintenance covenant is in accordance with Raleigh City Code requirements.

Replacement - A “Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution” (Installment or Lump

Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

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

STREET NAMES: 2 new street names are required for this development. A street name application has been approved. All proposed streets are public right of way.

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: 10/16/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 10/16/2010
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.