Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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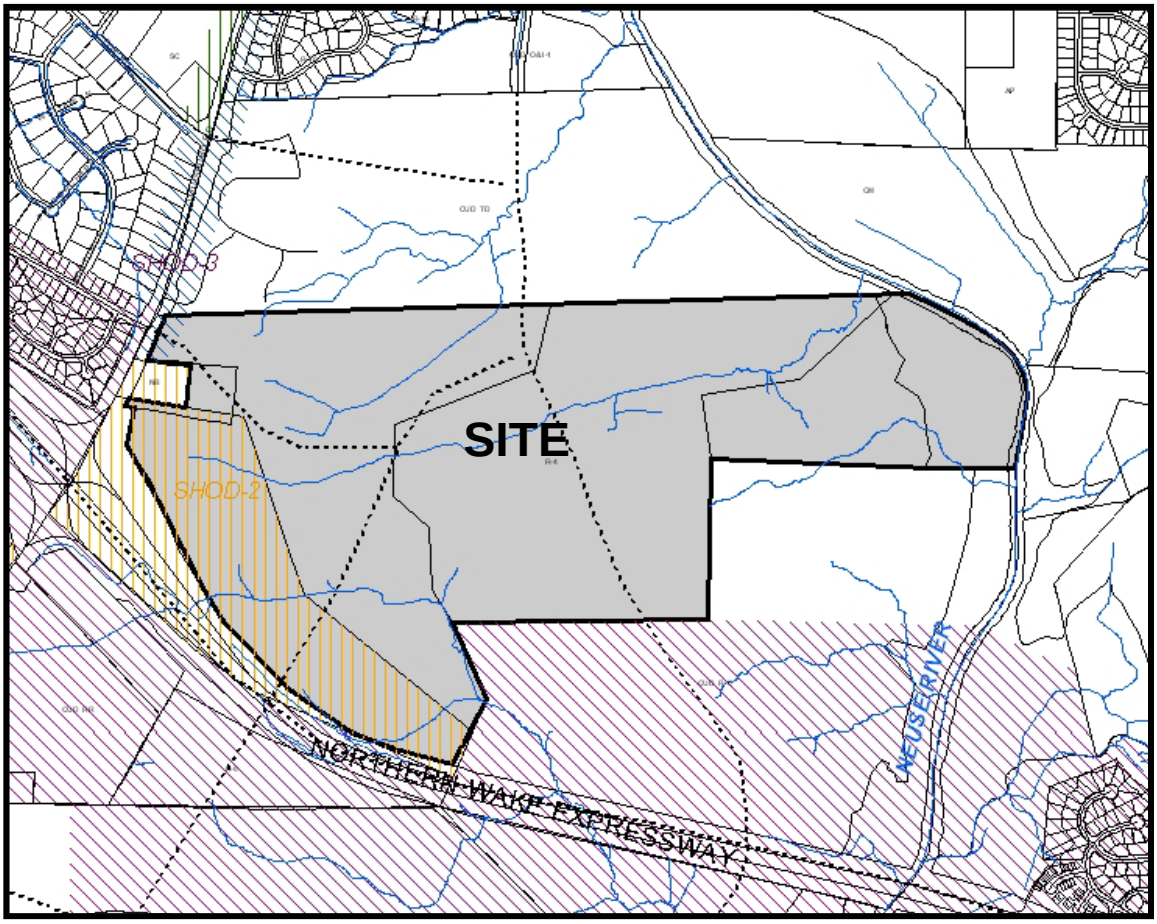
Case File / Name: **S-50-07 / 5401 North Subdivision**

General Location: This site is located on the east side of Louisburg Road, on the northeast quadrant of its intersection with I-540.

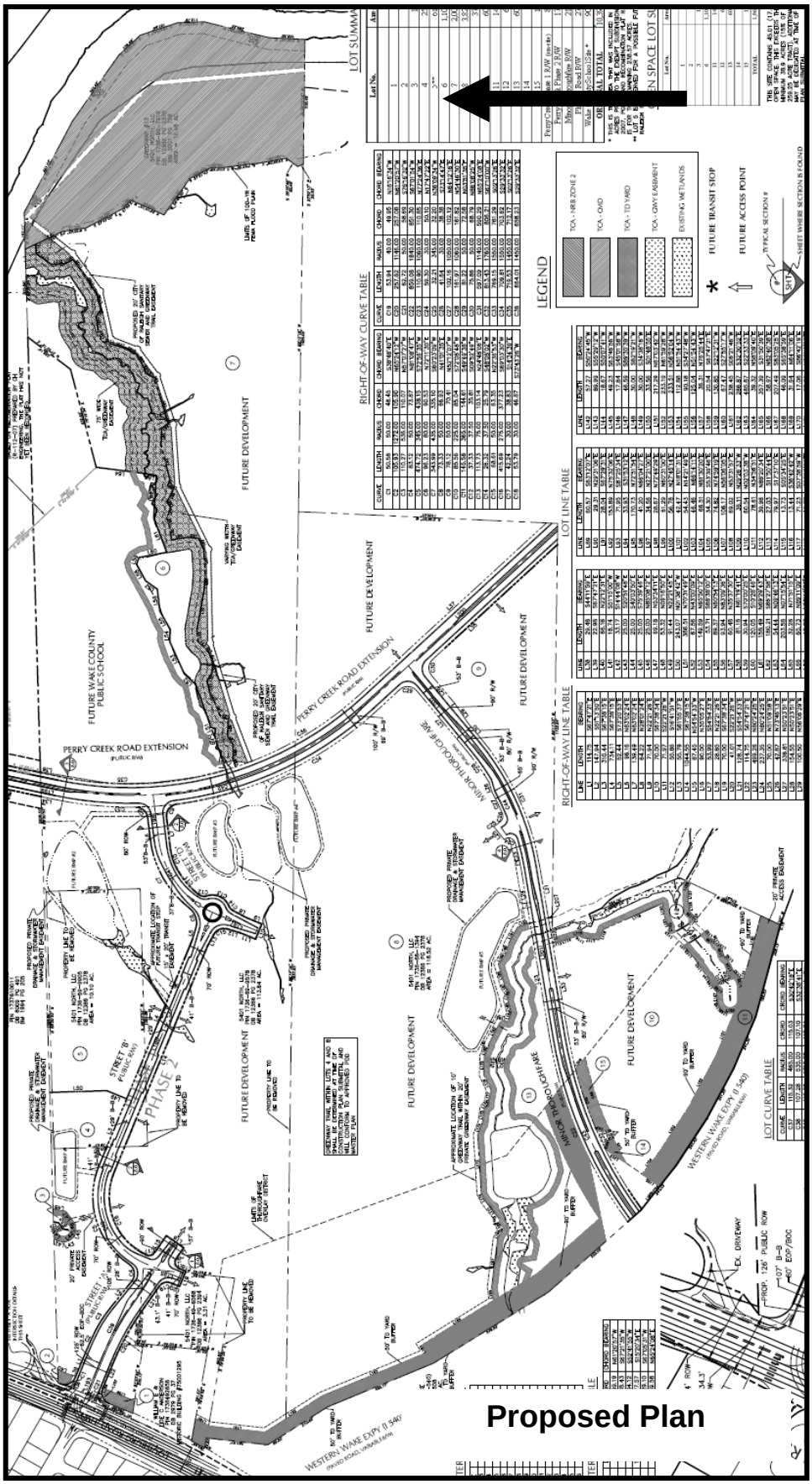
Planning District / CAC: Northeast / Northeast

Nature of Case: Subdivision of 238.57 acres into 15 lots (9 of which are common open space lots) with creation of a portion of a public street network as shown in the approved master plan for this tract (MP-3-06 / Z-52-06). This site is zoned Thoroughfare District CUD, R-4, R-6 CUD and Conservation Management with Planned Development Conditional Use Overlay District. This plan is to be recorded in two phases.

Contact: Withers and Ravenel



S-50-07 / 5401 North Subdivision – Location Map


Proposed Plan
PERRY CREEK ROAD EXTENSION
FUTURE DEVELOPMENT
FUTURE WAKE COUNTY PUBLIC SCHOOL
WESTERN WAKE EXPY (I 540)
LEGEND
TCA - MRB ZONE 2
TCA - OHD
TCA - TD YARD
TCA - GWY EASEMENT
EXISTING WETLANDS
FUTURE TRANSIT STOP
FUTURE ACCESS POINT
TYPICAL SECTION #
SHEET WHERE SECTION IS FOUND
LOT SUMMARY
RIGHT-OF-WAY CURVE TABLE
LOT LINE TABLE
RIGHT-OF-WAY LINE TABLE
LOT CURVE TABLE

SUBJECT: S-50-07 / 5401 North Subdivision

CROSS-REFERENCE: MP-3-06, Z-52-06

LOCATION: This site is located on the east side of Louisburg Road, on the northeast quadrant of its intersection with I-540, outside the City Limits.

REQUEST: This request is to approve the subdivision of a 238.57 acre site into 15 lots (9 of which are common open space lots) with creation of a portion of a public street network as shown in the approved master plan for this tract (MP-3-06 / Z-52-06). This site is zoned Thoroughfare District CUD, R-4, R-6 CUD and Conservation Management with Planned Development Conditional Use Overlay District. This plan is to be recorded in two phases.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to issuance of a grading permit for the site:

(1) That the Stormwater Engineer in the Public Works Department approves a final stormwater control plan for stormwater runoff control and nitrogen reduction, including a stormwater operations and maintenance manual and budget, showing compliance with Part 10 chapter 9 for individual site plans or further subdivision on each parcel within the development;

Prior to approval of construction drawings for public improvements:

(2) That approval be obtained from the North Carolina Division of Water Quality for proposed street crossings of all Neuse River Riparian buffers;

Prior to Planning Department authorization to record lots:

(3) 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;

(4) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lots into a single tract;

(5) That construction plans be approved by the Public Works and Public Utilities Departments for all public infrastructure;

(6) That a unity of development plan with unified sign criteria is approved by the Planning Director, and that these documents are provided to the Inspections Department. That no building permit will be issued that is inconsistent with the approved unity of development and sign criteria. That a note be added to all plats for recording stating that unity of development is required and that a copy of the unity of development plan is on file with the City of Raleigh Planning Department;

(7) That the 14.22 acre proposed lot 5 be reserved for a city park for one year from the date of preliminary subdivision approval, that this reservation be referred to the City's Administrative Services Department; and, that vegetation in the park reservation area be preserved for one year;

(8) That the final location of the proposed 15'x20' transit stop easements along the public streets is approved by the City's Transit Division, and that the City Attorney and the Transit Division approve these transit easement agreements. A recorded copy of the transit easements shall be provided to the Planning Department within 14-days from authorization of lot recording. If these documents are not provided to the Planning Department within this 14-day period, further plat recording and building permit issuance may be withheld;

(9) That a property owners' association declaration of covenants and restrictions for the required open space shall be prepared in conformance with Raleigh City Code section 10-2057(f)(4)c, shall be approved by the City Attorney, and these documents shall be recorded with the County Register of Deeds. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording. If these documents are not provided to the Planning Department within this 14-day period, further plat recording and building permit issuance may be withheld. These legal documents shall not be required prior to recording phase one of this development plan if the developer separately and voluntarily dedicates open space totaling 6.12 acres or greater to the City of Raleigh;

(10) That all flood prone areas and wetlands, as shown on the preliminary plan, be shown on any plat for recording;

(11) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, are shown on any plat for recording, and that a note be placed on all recorded plats stating "These areas are subject to grading and vegetation removal restrictions in accordance with State law and, that the North Carolina Division of Water Quality must give approval for crossing the Neuse River Riparian buffers";

(12) That the City of Raleigh greenway easements through this tract be shown with a metes and bounds description on any plat for recording;

(13) That street names for this development be approved by the Raleigh Planning Department and by Wake County;

Prior to issuance of building permits in the Inspections Department:

(14) That no building permits be issued on proposed lots 4 and 5 until phase two of this plan is recorded unless the developer separately dedicates open space totaling 6.12 acres or greater to the City of Raleigh;

(15) That no building permits be issued on proposed lots 7 and 8 until further subdivision plans are recorded for those tracts establishing a public street network and lots in conformance with the approved master plan MP-3-06;

(16) That final building elevations be approved by the Site Review Specialist in the Inspections Department to show conformance with both the approved

unity of development guidelines and the Master Plan design guidelines of MP-3-06 for this site;

(17) That final site plans be approved by the Site Review Specialist in the Inspections Department to show conformance with the Master Plan design guidelines of MP-3-06 for this site. The final site plans shall include details regarding building setbacks and placement, streetscape design and landscaping, pedestrian facilities, and all other design guidelines included in the master plan document.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (S Barbour) Date: 10/17/07

Staff Coordinator: Stacy Barbour

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 10-2017, 10-2019, 10-2030, 10-2045, and 10-2057, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/27/07, owned by 5401 North LLC, submitted by Withers and Ravenel.

ZONING:

ZONING DISTRICTS: Thoroughfare Conditional Use District, R-4, and R-6 CUD with Planned Development Conditional Use Overlay District. A portion of the site is also zoned Conservation Management.

The approved master plan and PDD rezoning are referenced by cases MP-3-06 and Z-52-06, Ordinance 156 ZC 598, Effective 1/9/07.

Conditions: 06/16/06

For purposes of the following conditions, the word "Property" shall refer to Tax Parcels 1736-69-8130, 1736-49-6568 and 1736-99-7618.

Development of the Petitioners' property will be in accordance with the Master Plan associated with this zoning case.

LANDSCAPING: Final landscape plans showing conformance with standards of code and the approved master plan shall be approved with site plan review of individual tracts.

TREE CONSERVATION: A tree conservation plan has already been approved for this development and a map recorded (BM2007 pg 2230).

UNITY OF DEVELOPMENT: Unity of development criteria are required for non-residential and mixed use development in this subdivision. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots. 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 are two phases in this development. Phase 1 consists of a portion of street right-of-way for Perry Creek Road and streets "A", "B", and "D" which provide a connection to Louisburg Road. Phase 1 also consists of proposed lots 4 and 5 of approximately 20.13 acres as well as open space lots 2 and 3 consisting of approximately 0.29 acres. Note that 14.22 acre lot 5 is to be reserved for a city park.

OPEN SPACE: This Planned Development District requires that a minimum of 15% of the land area, 38.88 acres, be devoted to open space. This open space may utilize the preservation and maintenance of natural features, spaces suitable for active and passive recreation, and should provide an interconnected system within reasonable proximity to all properties which allows the opportunity for alternative pedestrian access and recreation to all parts of the development. This plan shows 45.01 acres (17.4%) open space on 9 lots to be recorded with the subdivision. Phase 1 of this plan includes approximately 0.29 acres open space (less than 15% of the total of phase 1 building lots and the 20.68 acre tract previously created by exempt subdivision, subject to MP-3-06, and sold to the Wake County Public School System [BM2007, page 880]). At the time of this approval the developer and the City of Raleigh are separately negotiating for the dedication of an open space tract of greater than 6.12 acres to the City. Upon completion of this open space dedication then legal documents related to required open space within the Planned Development District will not be required prior to recordation of phase 1 or prior to issuance of building permits within phase 1 or on the 20.68 acre WCPSS tract.

COMPREHENSIVE PLAN:

PARKS & GREENWAY: Greenway easements are shown on this plan in conformance with City standards. A park site reservation was included as part of the master plan approval with MP-3-06/Z-52-06. The 14.22 acre lot 5 is identified on this plan for reservation as a City of Raleigh park.

THOROUGHFARE / COLLECTOR PLAN: Sufficient right-of-way exists along this site's frontage on Louisburg Road. This plan includes dedication of right-of-way and construction of two thoroughfares thru the site: Perry Creek Road extension and an un-named minor thoroughfare.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: one 15'x20' transit easement along proposed "street B". Additional transit easements may be requested with further subdivision of this development.

URBAN FORM: The site is located in the Northeast Planning District with specific recommendations in the US 401 Corridor Plan and in Northeast Regional Center Plan.

SUBDIVISION STANDARDS:

LOT LAYOUT: Proposed lots for future development range from 5.91 to 87.86 acres size. Open space lots range from 0.06 acres to 25.31 acres in size.

BLOCK LAYOUT: The proposed street layout conforms to City Code and the overall layout of the master plan for this site, MP-3-06, providing for efficient circulation of traffic within the entire neighborhood area.

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: Refuse collection may be provided by means of a private contractor or as individual lot service provided by the City in accordance with the standards in the Solid Waste Design Manual. Location, design of collection facilities, and service provision shall be determined at the time of subdivision or specific site plan approval.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards and specific requirements of MP-3-06. Stream crossings within the development shall require approval by the NC Division of Water Quality prior to specific construction plan approval.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of the streets shown on this plan.

FLOOD HAZARD: There are Flood Prone Soils on site and there is a FEMA 100 year flood zone on the east side of the site. Flood prone areas shall be shown on all maps for recording.

STORMWATER MANAGEMENT: This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision. No stormwater BMP's are required at this point in time. Impervious area allocations for the roadway improvements have been assigned to the appropriate lots as a part of this process.

WETLANDS / RIPARIAN BUFFERS: Designated wetlands are shown on this site. 50' riparian buffers are required on this site in accordance with State of NC regulations, are shown on the preliminary plan, and shall be shown on any plat for recording.

STREET NAMES: 4 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: 10/17/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 10/17/12
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.