Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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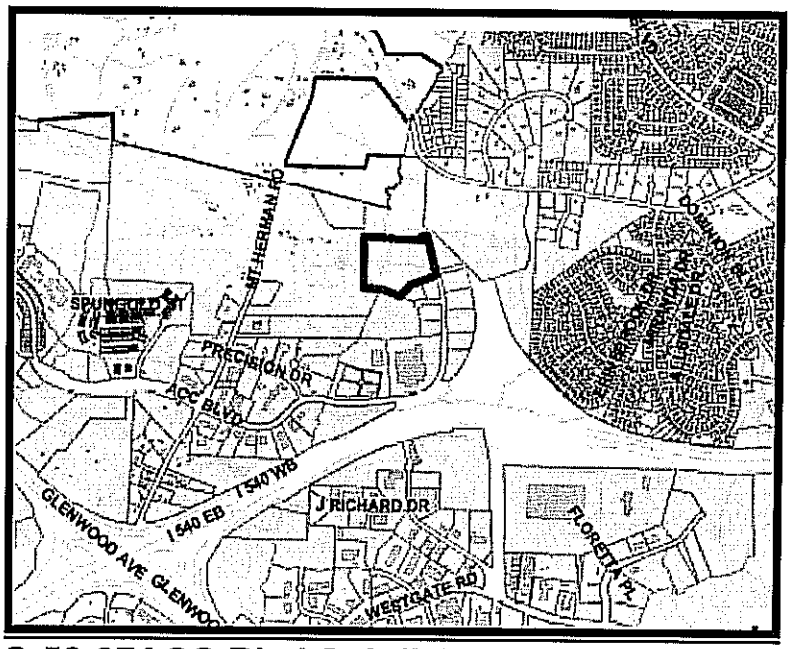
Case File / Name: **S-52-07 ACC Blvd Subdivision**

General Location: This site is located on the west side of ACC Blvd, north of its intersection with Thad's Overlook, inside the City Limits.

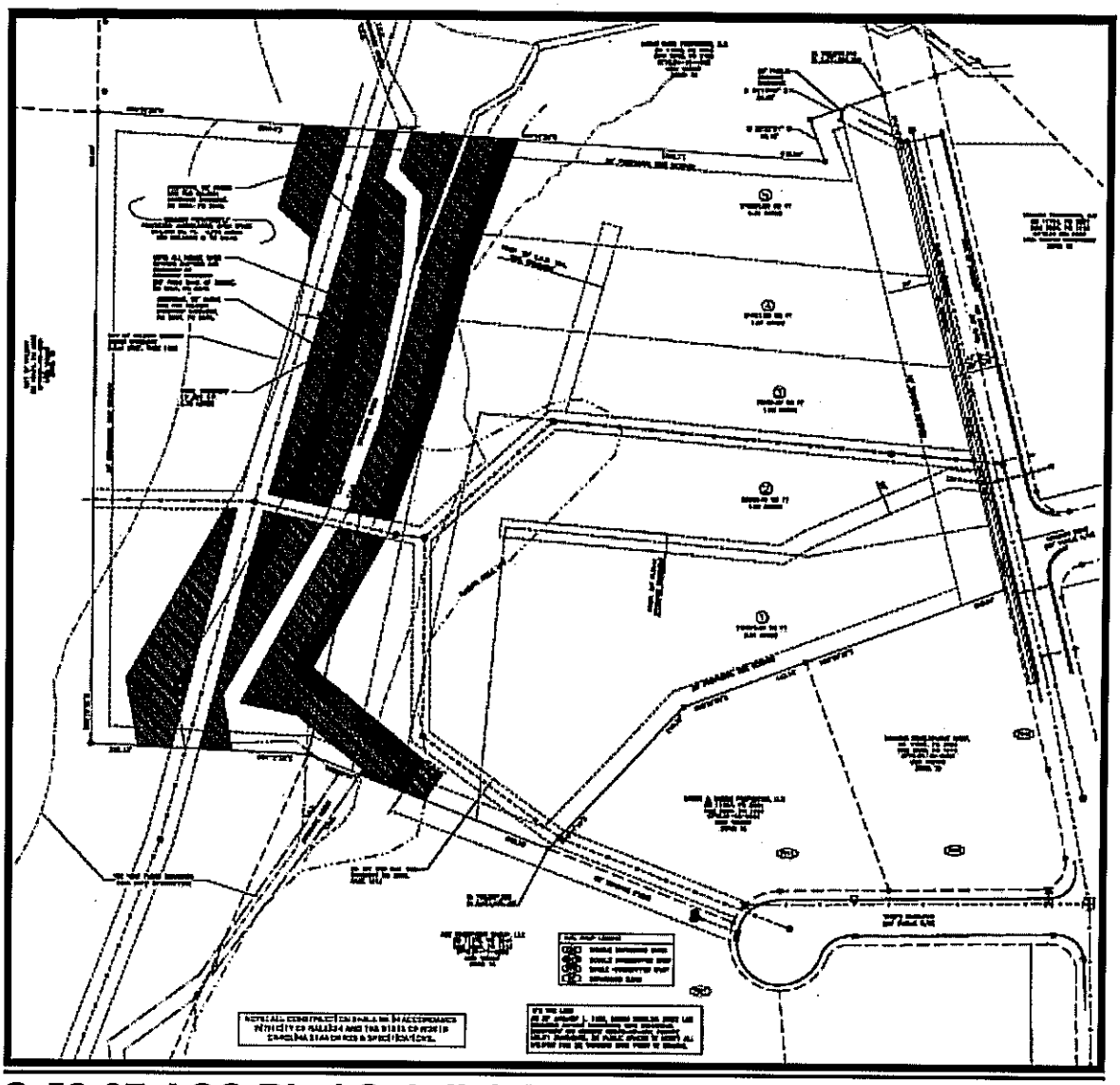
Planning District / CAC: Umstead / Northwest

Nature of Case: Subdivision of 14.35-acres into 5 lots zoned Thoroughfare with Airport Overlay District and SHOD-2 overlay.

Contact: Bass, Nixon and Kennedy, Inc



S-52-07ACC Blvd Subdivision



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SUBJECT: S-52-07 ACC Blvd Subdivision

CROSS-REFERENCE: N/A

LOCATION: This site is located on the west side of ACC Blvd, north of its intersection with Thad's Overlook, inside the City Limits.

REQUEST: Subdivision of 14.35-acres into 5 lots zoned Thoroughfare with Airport Overlay District and SHOD-2 overlay.

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 Department authorization to record lots:

(2) 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, grade, 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;

(3) That cross-parking agreements between 1 thru-5 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;

(4) 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;

(5) 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;

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

(7) That as the developer has chosen to reserve an area of permanently protected undisturbed open space on proposed lot 5 and to allocate this open space toward nitrogen reduction requirements for each lot in this subdivision, the following requirements must be fulfilled prior to recordation of lots: (a) that the permanently protected undisturbed open space on proposed lot 5 to be used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall contain a note stating: "That within permanently protected undisturbed open space areas shown on this plat 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 except for any construction of greenway trails without first obtaining the prior approval from the City of Raleigh Inspection s Department; (b) that legal documents allocating the permanently protected undisturbed open space toward nitrogen reduction requirements for each lot in this subdivision on a pro-rata basis be approved by the City Attorney; (c) that the legal documents be recorded with the County Register of Deeds and a copy provided to the Planning Department within 14-days from authorization of lot recording; and (d) that a note be included on all recording plats referencing these legal documents.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Mayo) Date: 8-24-07

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 10-2045,10-2050 & 10-2059. Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated August 13, 2007, owned by Angus Barn Properties, LLC, submitted by BN&K, Inc.

ZONING:

ZONING DISTRICTS: Thoroughfare with Airport Overlay District and SHOD-2.

LANDSCAPING: N/A

TREE CONSERVATION: Primary Tree Conservation area is located in zone 2 of Neuse River Riparian Buffer 1.435-acres or 10% as recorded in BM 2007 page 570.

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

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: An existing greenway easement is shown on the preliminary plan and recorded in Book of Maps 2007 Page 570 for a total of 2.79-acres.

THOROUGHFARE / COLLECTOR PLAN: All required right of way and road improvements along ACC Blvd exist. All improvements required per S-136-03.

TRANSIT: No transit-oriented features are incorporated into the proposed plan. The City's Transit Technician determined there was not a need for any improvements at this location.

URBAN FORM: This site is located in the Umstead Planning District, Regional Center Plan. In that plan, Mixed Use- Employment based land uses are recommended.

SUBDIVISION STANDARDS:

LOT LAYOUT: There is no minimum lot size in the Thoroughfare zoning district; however, residential development is precluded with this subdivision because lots less than 10 acres are being created. The minimum lot size proposed is 1.33 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: This site will be served by private contractors and waste facilities shall conform to adopted city standards.

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

PEDESTRIAN: Existing sidewalk locations conform to City regulations.

FLOOD HAZARD: Flood hazard areas and alluvial soils are present on this site [see BM 2003 page 2155] and shall be shown on all plats for recording.

STORMWATER MANAGEMENT: This site is subject to stormwater control and nitrogen reduction requirements of Part 10 Chapter 9. This site is not subject to additional stormwater management zoning conditions. Shared stormwater runoff facilities are not shown on the preliminary plat as all lots are greater than one acre in size. Stormwater control plans and stormwater control measures will be required at the time of site plan submittal. This plan proposes setting aside an area of 4.772 acres of permanently protected undisturbed open space on lot 5 to be allocated toward nitrogen reduction requirements for each of the 11 lots in this subdivision and for lots approved in S-136-03. The permanently protected undisturbed open space on lot 5 will be shown on the final plat. Credit towards nitrogen reduction requirements from the permanently preserved undisturbed open space will be allocated on a pro-rata basis to each of the lots in this subdivision through legal documents to be approved by the City Attorney prior to lot recordation. Any additional requirements for nitrogen reduction on the individual lots must be met at the time of individual site plan approval.

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.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are required on this site.

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: 8/24/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 8/24/2012
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.