Administrative Action
Preliminary Subdivision

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

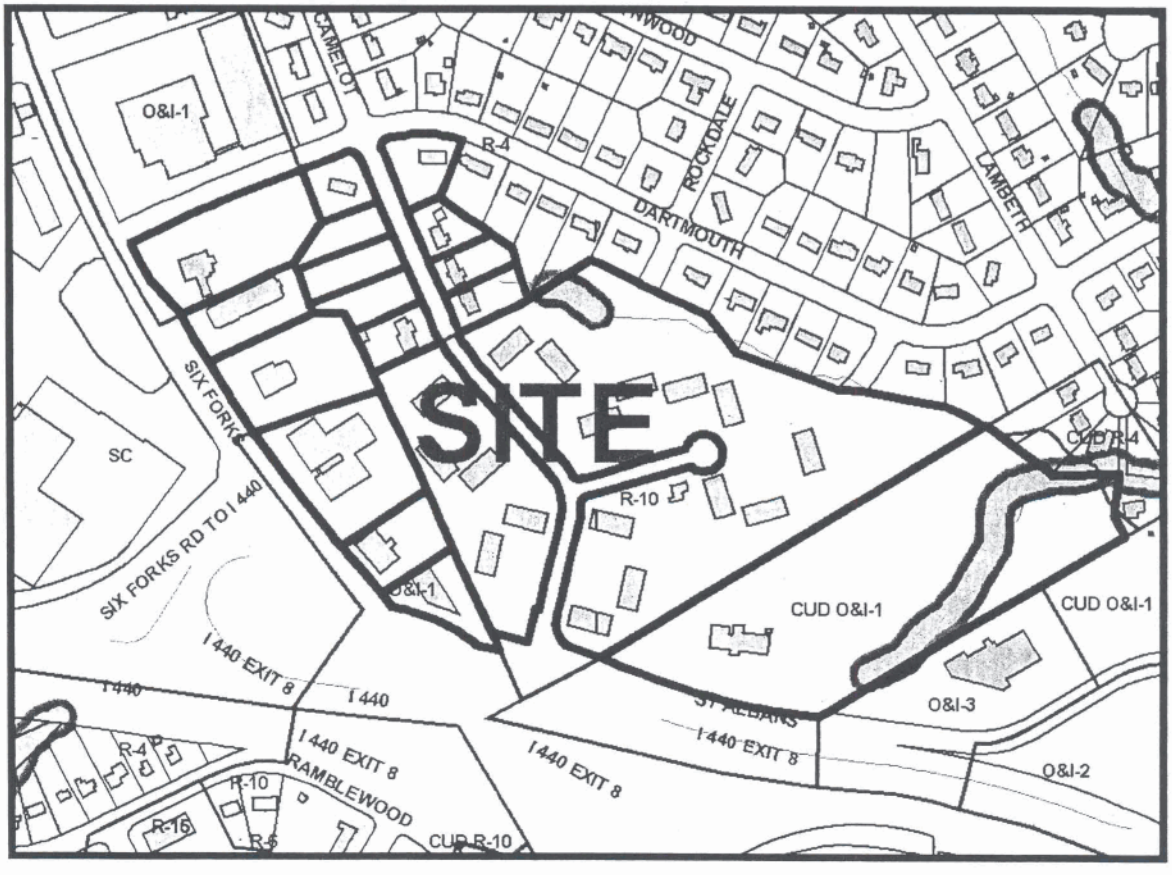
Case File / Name: **S-62-07 / North Hills East Subdivision – Lots 1-20**

General Location: This site is located on the north side of I-440, NE of its intersection with Six Forks Road

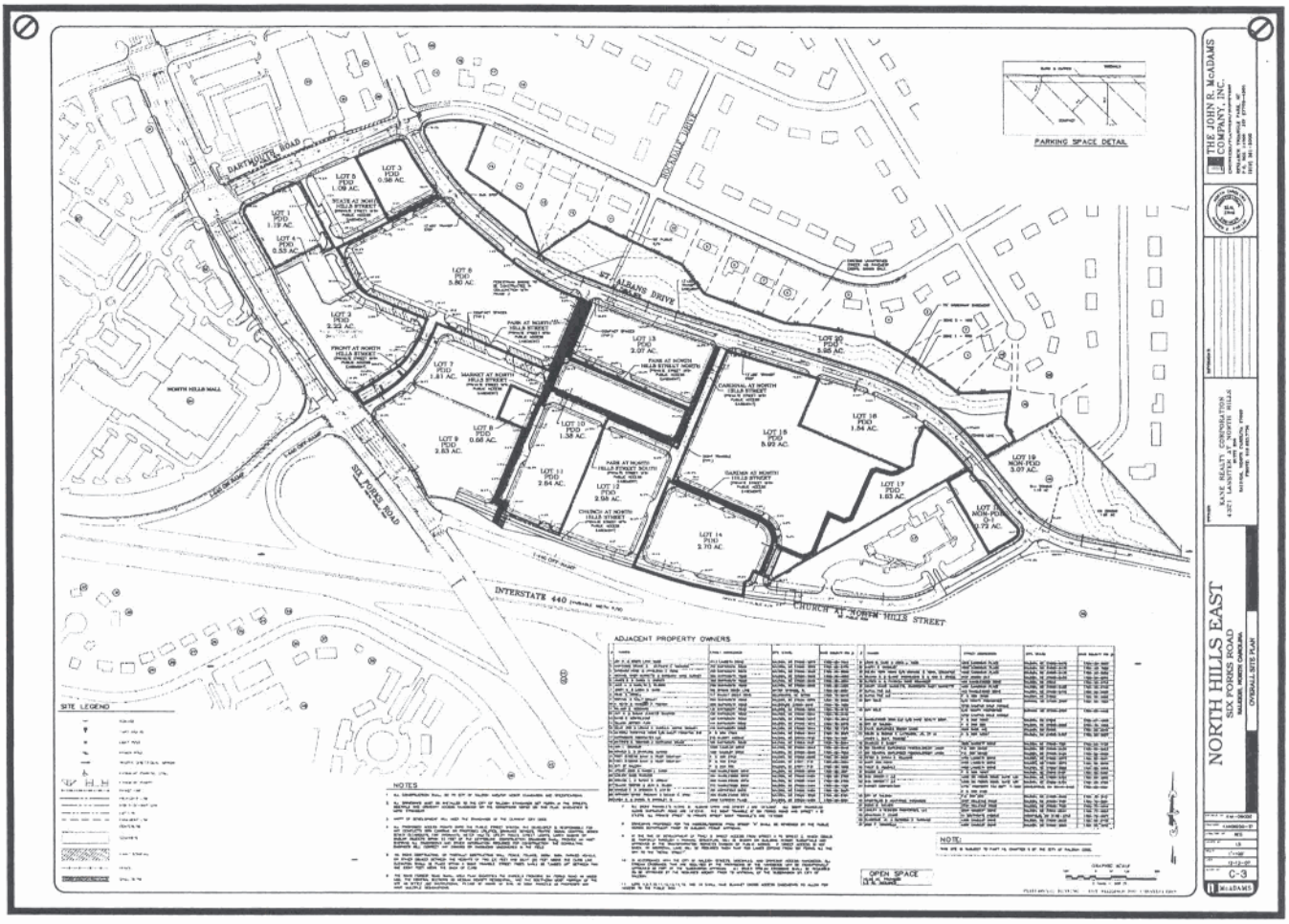
Planning District / CAC: North Hills / Falls of Neuse

Nature of Case: Subdivision of a 36.47 acre tract zoned Planned Development Conditional Use Overlay District (35.75 Ac)and Office and Institutional – 1 (.72 Ac) into seventeen lots and the subdivision of a 9.02 acre tract split zoned Planned Development Conditional Use Overlay District (5.95 Ac), Office and Institutional-1 (1.18 Ac) and Conservation Management (1.89Ac) into two lots. This proposal will create 19 lots from the 2 existing lots. This is in addition to the existing lot #2 which if taken into account will constitute a total of 20 lots in the overall North Hills East development.

Contact: Andy Padiak, The John R. McAdams Company, Inc.



S-62-07 / North Hills East Subdivision Lots 1-20 – Location Map



S-72-07 / North Hills East Subdivision Lots 1-20 – Subdivision Plan

SUBJECT: S-40-06 / North Hills East Subdivision

CROSS-REFERENCE: MP-6-05 / Z-16-06, S-40-06

LOCATION: This site is located on the north side of I-440, northeast of its intersection with Six Forks Road, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 36.47 acre tract zoned Planned Development Conditional Use Overlay District (35.75 Ac)and Office and Institutional – 1 (.72 Ac) into seventeen lots and the subdivision of a 9.02 acre tract split zoned Planned Development Conditional Use Overlay District (5.95 Ac), Office and Institutional-1 (1.18 Ac) and Conservation Management (1.89Ac) into two lots. There are a total of 19 lots in this subdivision. Lot #2 is outside the limits of this subdivision but when taken into account provides for a total of 20 lots in the North Hills East development at this time.

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 Conservation 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 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 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;

(4) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows the increase in peak stormwater runoff between pre-development and post-development conditions for the two-year storm is ten percent 10% or less at each point of discharge;

(5) 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;

(6) That as an alternate means of compliance the developer has chosen to utilize a buy-down to offset a .22 acre portion of secondary tree conservation area by paying a fee-in lieu amount of $53,473.65 to the City of Raleigh. This payment shall be made to the Inspections Department and verification of the payment shall be provided to the City of Raleigh Department of City Planning;

Prior to Public Works approval of Construction drawings for infrastructure:

(7) That an application for encroachment into the public rights of way for the landscaping located within the proposed public rights of ways internal to the site as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections Department for review, and that the City Council, in a separate action, approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), said agreement shall be approved by the City Attorney. The approved encroachment shall be recorded with the Wake County Register of Deeds, and filed with the Inspections Department. Maintenance of the encroachment shall be the responsibility of the property's association and the developer;

Prior to Planning Department authorization to record lots:

(8) That the additional public right of way shown on the preliminary subdivision plan be shown on all maps for recording as be shown being dedicated as such and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department;

(9) That a Sanitary sewer easement exchange is approved by the City of Raleigh City Council;

(10) That as an alternate means of compliance the developer has chosen to utilize a buy-down to offset a .22 acre portion of secondary tree conservation area by paying a fee-in lieu amount of $53,473.65 to the City of Raleigh. This payment shall be made to the Inspections Department and verification of the payment shall be provided to the City of Raleigh Department of City Planning;

(11) That the following note be shown on all maps for recording: A minimum finished floor elevation will be required for all lots along the floodplain boundary;

(12) That existing wetlands are on this site and shall be shown on all maps for recording;

(13) 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;

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

(15) That a demolition permit be obtained for any structures that would result in subsequent code conflicts;

(16) That the two transit easements located on St. Albans be approved by the Transit Planner in the Public Works 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;

(17) 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 watering or any other agricultural use on such protected areas without written authorization of the Division of Water Quality (DWQ) or compliance with the Riparian Buffer Protection Rules (15A NCAC 2B .0233 or .0259). This note is to run with the land, and shall be binding on the Owner, and all parties claiming under it.";

(18) That, as designated on the final stormwater and nitrogen control plan, 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 without first obtaining a written watercourse buffer permit from the City of Raleigh Inspections Department.";

(19) That property owner's association legal documents prepared in accordance with Raleigh City Code Sections10-2057(c), 10-3072 -10-3074, 10-5007, 10-2082.14 and 10-9027(b) are recorded with the local County Register of Deeds office, and the City Attorney shall either actually approve the legal documents prior to their recordation or a certificate be submitted to the City Attorney from the attorney who prepares the legal documents stating that the legal documents contains all of the provisions of the Raleigh City Code requirement set forth in the City form Article. The legal documents shall contain the following provisions:

1. stormwater control measures serving more than one lot, which are situated outside of the public street rights of way, are common properties as well as any permanently protected undisturbed open space areas, if any;
2. stormwater control measures are maintained by the property owners' association in strict compliance with the stormwater operations and maintenance manual and budget approved by the Conservation Engineer as part of Administrative action condition (4) above which are attached to the three-party stormwater replacement protection easement and access maintenance agreement and replacement contribution required by condition number (9) below;
3. common expenses include maintenance of stormwater control measures, costs and expenses for which the association is obligated

under any encroachment agreement or other agreement with the City or other governmental entity and replacement contribution payments required to be paid by the Association to the City by the stormwater replacement protection easement and access maintenance agreement;

4. that open space shall be available to all residents, occupants and their invitees of the properties;
5. that within permanently protected undisturbed open space areas shown on any pat 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, removal of vegetation, encroachment, construction, or erection of any structure within open space preservation and protection areas except in accordance with a watercourse buffer permit first being issued by the City of Raleigh;
6. prohibit any amendment to the legal documents affecting stormwater control measures or the replacement fund without the prior written consent of the Raleigh City Attorney as evidenced by the signature of the City Attorney or his/her deputy on the recorded original or copy of the recorded amendment;
7. 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 that failure to maintain stormwater control measures is a violation potentially subjecting each lot owner to significant daily civil penalties and other enforcement actions;
8. no tree disturbing activity shall occur within tree conservation areas except in accordance with a tree conservation permit first being issued by the Inspections Department;
9. the maintenance and protection of trees within the recorded tree conservation areas,
10. the right, privilege and easement in favor of the homeowner's association, its agents and contractor, and all future lot owners of the property and their agents and contractors, to enter the recorded tree conservation areas for the property to perform any active tree preservation measures and to replant replacement trees; and

11. 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 Chapter 47C of the General Statures 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;

No building permit will be issued for any lot affected by the maintenance covenant until a recorded copy of the maintenance covenant is provided to the Inspections Department. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording. If recorded copies of the homeowners' documents are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld;

(20) That as stormwater control facilities are to be owned and maintained by a property owner's 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 and the property owners' association and given to the City of Raleigh Conservation Engineer of the Public Works Department for signature of the City Manager. Following the signature of the City Manager, the developer shall record the stormwater replacement easement and access maintenance agreement and replacement contribution contract with the local county Register of Deeds Office. A recorded copy of the stormwater replacement agreement shall be given to the Conservation Engineer within (14) days of plat recordation. No building permit will be issued for any lot affected by this agreement until a recorded copy is provided to the Inspection Department;

(21) That all off-site and or shared stormwater control measures, swales, storm pipes, and facilities conveying, treating and storing stormwater to and from such stormwater control measures, shall be shown on the recording plats as private drainage easements, and the plat shall contain the following note: "All private drainage easement and stormwater control measures will be maintained by the property's owners' association.";

(22) That construction plans be approved by the Public Works Department for all infrastructure and that all internal private streets meet private street standards;

(23) That a unity of development plan with unified sign criteria is approved by the Planning Director, and that a note on the plat reflects that the lots are subject to Unity of Development and sign criteria. These documents must be provided to the Inspections Department along with building permit applications. That no building permit will be issued that is inconsistent to the approved unity of development and sign criteria;

(24) That a permit is issued by the Urban Forester permitting proposed landscaping in the public right-of-way;

(25) That the Site Specialist in the Inspection Department approve a detailed landscape plan in accordance with Master Plan;

(26) That all conditions of Z-16-06 and MP-4-06 are met;

Prior to issuance of building permits in the Inspections Department:

(27) That at the time of development of Tract D, direct access from street A to street C, which could be partially through a parking structure, will be shown on building permit submittals and approved by the Transportation Services Division of Public Works. If direct access is not given, an additional lane will be required such that two lanes extend from Six Forks all the way to the "Retail Street".

(28) That in accordance with Section 10-2057 (F)(4)b.4.(i)(ii), evidence is provided as to how retail phasing will be addressed. If a letter of credit is chosen, then the City Attorney will have to approve the letter of credit;

Prior to issuance of a Certificate of Occupancy in the Inspections Department:

(29) That public street improvements and public water mains and public sewer mains are accepted by the Public Works Department. If phases are proposed, improvements are to be proportionate to each phase. For the realignment of Camelot/St. Albans the developer must construct the realigned street and allow for vehicular access from St. Albans through to Dartmouth (withstanding a final coat of asphalt). For the realigned St. Albans, the City Attorney must approve a vehicular access easement over the realigned St. Albans until fully accepted by the City. For the realigned St. Albans, the City will not accept those portions of the street adjacent to any phase of the PDD development until that phase of construction is complete.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C.McCray) Date: 1-16-08

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 10-2035, 10-2030, 10-2057 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated June 22, 2007 owned by Kane Realty Corporation, submitted by The John R. McAdams Company, Inc.

ZONING:

ZONING DISTRICTS: Office and Institutional-1, Conservation Management, and Planned Development Conditional Overlay District: Ordinance 95 AC 59 Effective 9/19/06, Office and Institutional – 1 and Conservation Management.

Z-16-06 – Six Forks Road / MP-6-05 – North Hills East Master Plan – north side of I-440, northeast of its intersection with Six Forks Road, being Wake County PINs 1706-60-4198; 1706-60-6034; 1705-69-6884; 1705-69-8528; 1705-69-9378; 1705-79-0274; 1705-79-8582; 1705-69-9963; 1706-60-9024; 1706-60-8162; 1706-60-8252; 1706-60-8325; 1706-70-0329; 1706-70-0272; 1706-70-1152; 1706-70-2014 and 1705-89-4413. Approximately 45 acres from Office and Institution-1, Shopping Center, Office and Institution-1 with Special Highway Overlay District-2, Residential-4 Condition Use and Residential-10 with Special Highway Overlay District-2 to Planned Development Conditional Use Overlay District, removing the Special Highway Overlay District-2 in accordance with the Master Plan Document dated September 14, 2006.

LANDSCAPING: Street yard landscaping in conformity with the Master Plan Document and Section 10-2082.5 is shown.

TREE CONSERVATION: This site is subject to the tree conservation ordinance, code section 10-2082.14. A preliminary tree conservation plan showing primary and secondary

conservation areas of approximately 4.3 acres (9.5%) total and an alternate compliance secondary tree conservation are fee-in-lieu amount for .22 acres ($53,473.65) has been reviewed by the Forestry Specialist in the Inspections Department. A final tree conservation plan shall be required prior to grading permit issuance.

UNITY OF DEVELOPMENT: Unity of development criteria is required 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 six phases in this development. A final phasing plan for infrastructure shall be approved with the submittal of construction drawings.

COMPREHENSIVE PLAN:

GREENWAY: There is a 75' wide greenway easement shown on this subdivision plan.

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.
Six Forks Road	½ of 110' (5')	½ of 89' b-b	n/a
Dartmouth Road	½ of 60'	½ of 41' b-b	n/a
St. Albans Drive	½ of 60'	½ of 41' b-b	n/a

Additional right-of-way to be dedicated is reimbursable under the facility fees program for rights of ways in excess of 60'. As curb, gutter and sidewalk exist along Six Forks Road, Dartmouth Road and St. Albans Drive, the difference between the required construction of ½ of a 41' b-b street section with ½ of a 5' sidewalk and the proposed construction of curb, gutter and sidewalk is reimbursable.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: two transit stops shown within the right-of-way along the South side of St. Albans Drive, one 15' x 20' transit easement behind the right-of-way on the north side of St. Albans Drive and one bus stop identified across from Street B on the north side of St. Albans Drive. This site is presently served by the existing transit system via CAT route 2A.

URBAN FORM: The site is located in the North Hills Planning District, and is identified as a City Focus area on the Recommended Urban Form map. The site is within a Community Park search area. Specific recommendations are given in the Wake Forest Road Small Area Plan. The Wake Forest Road Small Area Plan identifies the parcels fronting Six Forks as mixed use, the central sections as medium density residential, and the southernmost portion of the site as office and institutional.

SUBDIVISION STANDARDS:

LOT LAYOUT: This subdivision is comprised of 19 lots. The minimum lot size in these zoning districts is 5000 square feet. The minimum lot size proposed is .53 of an acre. The minimum lot depth in these zoning districts is 70'. The minimum lot width in these zoning districts is 45' and 60' for corner lots. 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 and the details shown on the preliminary subdivision plan and the MasterPlan associated with MP-6-05/Z-16-06.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations and the details shown on the preliminary subdivision plan and the Masterplan associated with MP-6-05/Z-16-06. Private sidewalk connections will be shown on building permit submittals.

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

STORMWATER MANAGEMENT: This site is subject to stormwater and nitrogen reduction requirements of Part 10, Chapter 9. There are 4 stormwater devices proposed on the site - a dry detention pond, a constructed wetland and 2 underground sand filters. Stormwater quality requirements will be met through the use of these devices, as well as, a buydown payment to the NCEEP. Stormwater quantity requirements will be met through the use of 2 underground pipe detention systems, in addition to, the other 4 stormwater devices. Detention of the 2 year storm will be required during construction.

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)].

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

This development contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a

Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

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 are shown on the preliminary subdivision Plan.

STREET NAMES: One new street name is 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: **The sunset dates for this revision to a previously approved subdivision have not changed.** 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: 1/16/2011
Record at least ½ of the land area approved.

5-Year Sunset Date: 1/16/2013
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.