Administrative Action
Preliminary Subdivision

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

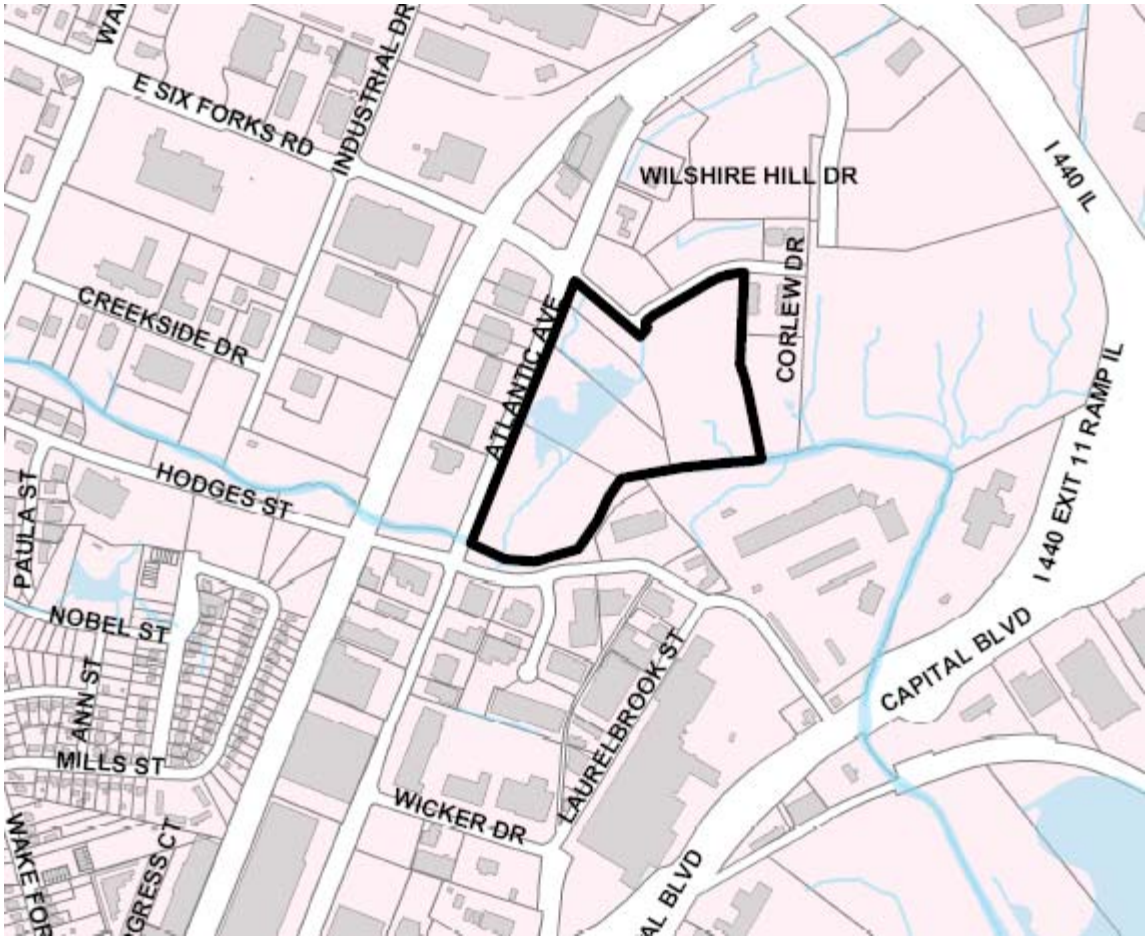
Case File / Name: **S-64-07/ Windsor Manor**

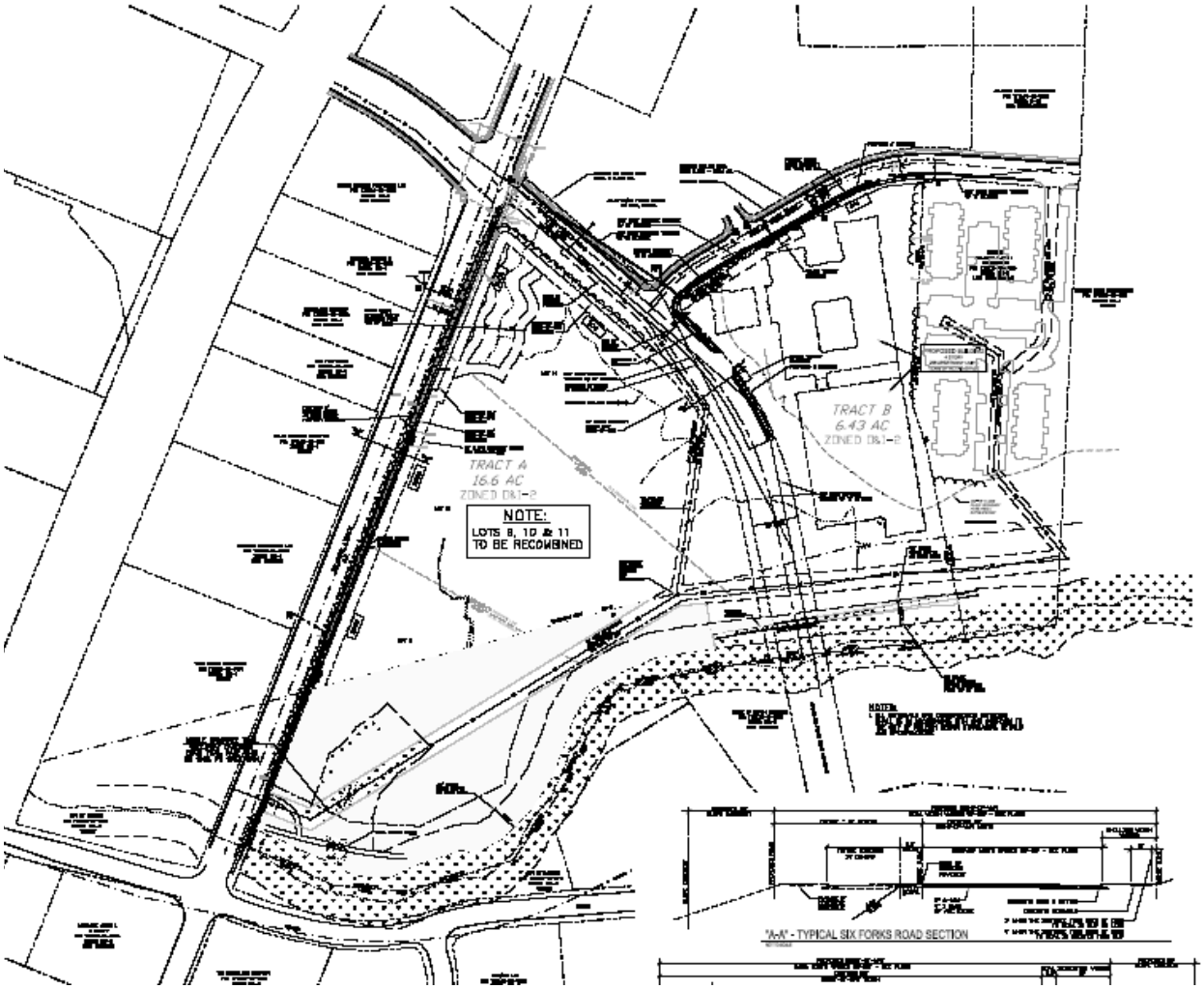
General Location: This site is located on the southeast quadrant of the intersection of Atlantic Avenue and Six Forks Road.

Planning District / CAC: North Hills / Six Forks

Nature of Case: This request is to approve the subdivision of a 24.85 acre tract into 2 lots, zoned O&I-2, CM and PDD.

Contact: Harry Mitchell




TRACT A
16.6 AC
ZONED D&I-2
NOTE:
LOTS 8, 10 & 11
TO BE RECOMBINED
TRACT B
6.43 AC
ZONED D&I-2
"A-A" - TYPICAL SIX FORKS ROAD SECTION

SUBJECT: **S-64-07/ Windsor Manor**

CROSS-REFERENCE: MP-2-06, Z-46-06

LOCATION: This site is located on the southeast quadrant of the intersection of Atlantic Avenue and Six Forks Road., within the City Limits.

REQUEST: This request is to approve the subdivision of a 24.85 acre tract into 2 lots, zoned O&I-2, CM PDD. There exists 4 lots which will be recombined into 2 lots and this subdivision will be dedicating right of way for Six Forks Rd. to the east.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Administrative Actions:

Prior to issuance of a grading permit for the site:

(1) That a final tree conservation plan shall include an inventory and documentation of existing trees for all proposed tree conservation areas to verify compliance with the tree conservation ordinance, Code Section 10-2082.14, as well as a metes and bounds description of the tree conservation areas conforming to Code requirements. Protective fencing shall be installed in the field and inspected by the Forestry Specialist in the Inspections Department;

(2) That each proposed lot will be subject to TC-22-04 Floodway Fringe Regulations upon development, including the proposed roadway improvements. Impervious area of the proposed roadway improvements will need to be included in nitrogen export calculations for each site plan upon development;

(3) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Conservation 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 as open space areas shown on the approved stormwater control plan are to be used for complying with Part 10 Chapter 9, a natural area protection plan shall be submitted and approved by the Conservation Engineer in the Public Works Department and the natural area protection measures are in place on the site for *(either*) riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations; permanently protected undisturbed open space areas used for stormwater treatment;

Prior to Planning Department authorization to record lots or building permit issuance in the Inspections Department, whichever first occurs:

(5) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lots into a single tract or two tracts with 90'-110' of right of way and 20' slope easement on Six Forks Road be dedicated pursuant to the preliminary plan sheet C2, to the City of Raleigh Planning Department and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;

(6) That property owner's association legal documents prepared in accordance with Raleigh City Code Sections10-2057(f)(4)c, 10-3073, 10-3074, and 10-2082.14 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 include the note from condition of approval number 4 above. 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;

(7) That the covenants provided in condition 4 above also include a declaration of covenants and restrictions governing density transfer within the subdivision per the approved MP-2-06 and 10-2057 (d)1b;

(8) That the location and size of the proposed transit easements are approved by the City's Transit Technician in the Transportation Division; that the City Attorney approves the transit easement deed. The location of this easement, with metes and bounds description, shall be shown on all plats for recording. A recorded copy of the transit easement deed must be provided to the Planning Department and the Site Review Specialist in the Inspections Department;

(9) That construction plans be approved by the Public Works Department for all infrastructure;

(10) 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 to the approved unity of development and sign criteria;

(11) That the greenway shown on the plan is dedicated to the City as shown on a recorded map. A recorded copy of the greenway easement must be provided to the Site Review Specialist in the Inspections Department;

(12) That a fee-in-lieu to the City be paid by the developer for the relocation of the Middle Crabtree Greenway Trail due to the extension of Six Forks Road East to the southern property line, and that an improved temporary pedestrian path is installed within the development linking development with existing greenway trail;

(13) That a fee-in-lieu of construction for the 12' water main be paid by the developer to the City of Raleigh Public Utilities Department;

(14) That the applicant pay a fee in lieu payment to the City for the construction of Six Forks Road to the southern boundary of the property; the fee-in lieu

payment will include sidewalks and street trees along Six Forks Road, to include street yard plantings for both sides of Six Forks Road.

(15) That if this property is developed as a condominium, then prior to the issuance of any building permit certification shall be submitted to the Zoning Inspector that the condominium declaration contains the provisions required by Raleigh City Code Sections 10-2108(g) 10-2122(e) and contains a certification statement that the stormwater control measures will be made maintained in accordance with the approved stormwater operations and maintenance manual and budget (required by condition of approval number 2 above) which maintenance manual shall be attached to the declaration of unit ownership and that such maintenance shall be included in the definition of a common expense;

(16) That homeowner/property owner association legal documents prepared in accordance with Raleigh City Code Sections 10-3072 -10-3074, 10-5007, 10-2082.14 and 10-9027(b), and recorded with the County Register of Deeds, 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 and undisturbed open space areas, if any;
2. stormwater control measures are maintained by the homeowners' association in strict compliance with the stormwater operations and maintenance manual and budget approved by the Conservation Engineer as part of condition (2) above and which shall be attached as an exhibit to the homeowners' declaration;
3. responsibility for common expenses including the maintenance of stormwater control measures and funds required to be contributed to the Stormwater Replacement Fund;
4. that open space shall be available to all residents, occupants and their invitees of the properties; prohibition against 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;
5. prohibition against 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. prohibition against amendments to the legal documents affecting stormwater control measures or the replacement fund without the prior written consent of the Raleigh City Attorney;
7. warning statement that the stormwater control measures are required to comply with the Raleigh City Code, and the 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.

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;

A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording. The attorney who prepares such documents shall certify in writing to the City Attorney that documents are in accordance with Raleigh City Code requirements. 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.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Maya) Date: 12-19-07

Staff Coordinator: James Marapoti

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 10-2057, 2036, 2030 and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/21/07, owned by WM Six Forks LLC, submitted by Bass Nixon and Kennedy.

ZONING:

ZONING DISTRICTS: Ordinance 124 ZC 595 Effective 11-07-06

Z-46-06 (MP-2-06) PDD – Six Forks Road, on the southeast quadrant of the intersection of Atlantic Avenue and Six Forks Road being Wake County PIN's 1715316339,1715318768, 1715329026 and 1715424040. Approximately 24.82 acres to Office and Institution –2 (20.51 acres) and Conservation Management (4.35 acres) With Planned Development Conditional Use Overlay District.

Conditions (04-21-06)

(a) Development of the property shall be in accordance with the Master Plan approved in connection with this Petition.

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 has been approved by the Forestry Specialist in the Inspections Department. Given the total site acreage of 23.03 acres, 2.30 acres of tree conservation area is required. The preliminary plan indicates 4.73acres (or 20.5% of site) is being dedicated for tree conservation. The 4.73 acres is made up of 4.43 acres rezoned CM area and .30 acres in the Zone 2 portion. A revised document with exhibits is to be submitted to staff to reflect omission of the slope easements.

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.

PHASING: This project will be constructed in one phase.

COMPREHENSIVE PLAN:

GREENWAY: This property is adjacent to the Middle Crabtree Trail (Existing Greenway Easement BM 1996 PG 1583, 1584). The minimum greenway width of this corridor is 100' on each side of the water course measured from the top of bank. The applicant is aware and has acknowledged that a fee in lieu for the relocation of the existing greenway trail is required.

THOROUGHFARE / COLLECTOR PLAN: East Six Forks Road is classified as a major thoroughfare on the thoroughfare plan. Currently there is a 400 l.f. section with 55' of right of way constructed to a 41' b/b. The comprehensive plan dictates that East Six Forks will extend southward with an ultimate right of way ranging from 90' to 110' per sheet MP-2. This project will need to be reviewed and assessed a fee-in-lieu for remainder of unconstructed section of East Six Forks Rd. which must be paid prior to map recording. No right of way densities have been utilized with the Six Forks Rd. right of way. Right-of-way is reimbursable at the current rate.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: two 15' x 20' transit stops, one on the South side of Mellow Field Dr., and one the East side of East Six Forks Rd. This site is within 0.6 miles of a proposed TTA rail station and within 0.5 miles of current CAT bus service.

URBAN FORM: This site is located within the North Hills Planning District, within a designated employment area. The Atlantic/ LitchFord Road Corridor Plan recommends office and institutional uses specifically for the portion to the southeast of the Atlantic/ Litchford Road intersection.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 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: Refuse collection will be by means of a private contractor. The collection facilities will meet the standards set forth in the City's Solid Waste Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. Fee-in-lieu for improvements on East Six Forks road to include the greenway easement will be required to be paid for prior to map recording.

PEDESTRIAN: Sidewalks shall be proposed as indicated in the master plan document, and will vary in width from 5' to 8' and will expand where plaza areas are.
Sidewalks adjoining Six Forks Road are in keeping with the City's Streets, Sidewalks and Driveway Access Handbook Section 4.13, figure 14d, which calls sidewalks to be at least 6' wide along thoroughfares.

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

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: Neuse River riparian buffers are required on this site.

STREET NAMES: No new street names are required.

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: 12/19/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 12/19/2012
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.