Administrative Action
Preliminary Subdivision

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

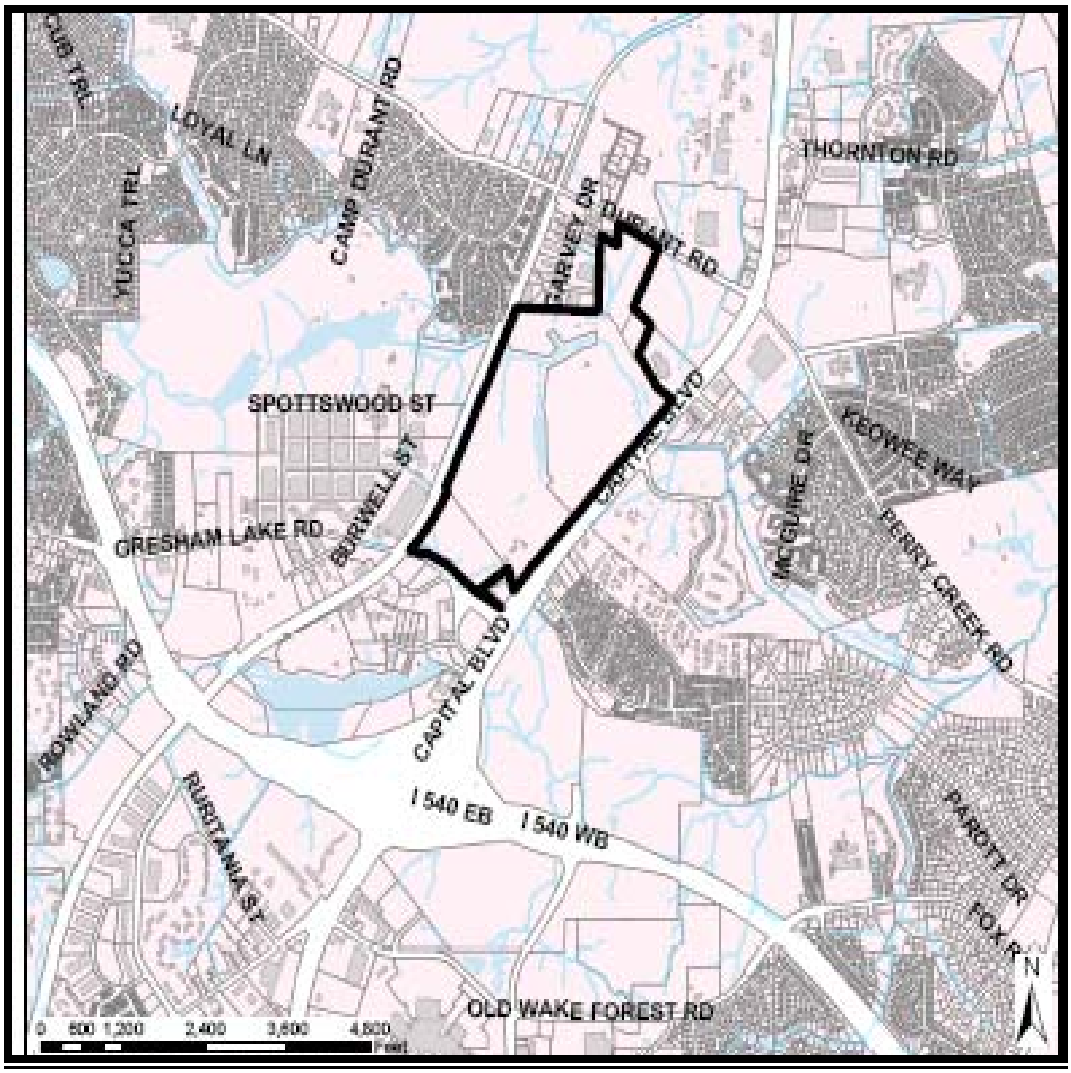
Case File / Name: **S-94-07 Cheviot Assemblage / 3rd revised conditions**

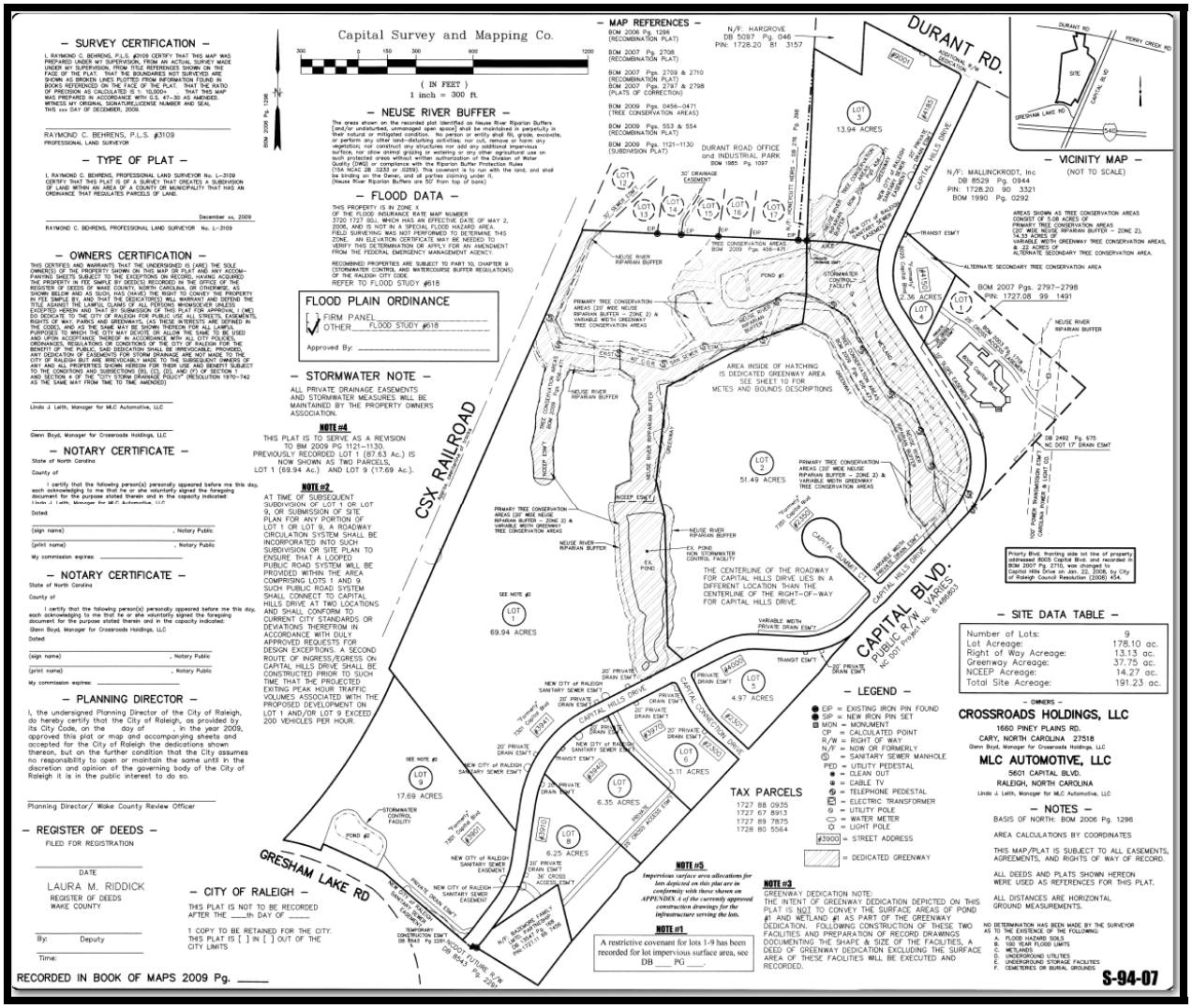
General Location: On the southwest corner of Capital Blvd (US 1North) and Durant Road inside/outside the city limits.

Planning District / CAC: Northeast / Northeast

Nature of Case: Subdivision of 191.39-acres into 9 lots zoned Industrial-1.

Contact: Wm. G Daniel & Associate





S-94-07 Cheviot Assemblage – preliminary subdivision

SUBJECT: S-94-07 Cheviot Assemblage

CROSS-REFERENCE: Z-55-86, R-203-07 & BS-231-07

LOCATION: On the southwest corner of Capital Blvd (US 1North) and Durant Road, inside/outside the city limits.

REQUEST: This request is to approve the subdivision of a 191.39-acre tract into 9 lots, zoned Industrial-1.

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 Conversation 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 ny 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 will be withheld;

(2) 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;

(3) 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 50' Neuse Riparian Buffer;

Prior to Planning Department authorization to record lots:

(4) That the construction plans for the greenway trail, as shown on the preliminary plans, be submitted to the Parks and Recreation Department and approve

(5) That the calculations for maximum impervious be shown on the plat for recording and reviewed by the Stormwater Engineer in the Public Works Department on a per lot basis;

(6) 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 claiming under it;

(7) That a flood study along with a 100- year flood analysis be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the purposed stream crossing;

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

(9) 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;

(10) That as the developer purposes to disturb a designated riparian buffer for the purpose of a road crossing, the existing buffer, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a);

(11) 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 property owners association."

(12) 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;

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

(14) That cross access agreements between lots 6, 7, 8 and the Bazemore Family property located to the west, DB 6771 PG 349 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld. The cross access easement shall be shown on the map for recording;

(15) That construction plans for public improvements and the greenway plans as well as phasing notes for the greenway be approved by the Public Utilities Department and the Public Works Department and Parks and Recreation Department;

(16) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;

(17) That an assessment fee on Capital Blvd. for the City of Raleigh water & sewer is paid to the Assessment Specialist in the Public Works Department;

(18) That the two (2) - 15x20 foot transit easements (as shown on the preliminary plans sheet CS-7A) located on Capital Hills Drive be approved by the Transit Planner in the Public Works Transportation 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;

(19) 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;

(20) That the 10' greenway sidewalk along the western side of Capital Hills Drive, as shown on the preliminary plan, be dedicated and the construction of this greenway sidewalk be constructed in phase 1;

(21) That a variable width of right of way dedication on Durant Road as required on the plans to accommodate the required additional right turn lane in conformity with approval construction plans be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review; R/W dedication width is estimated to be 10 feet; this right of way is eligible for reimbursement;

(22) That the right of way for Capital Hill Drive located along the back corner of the Bazemore Family LTD Partnership (DB6771 PG 0349) , as shown on the preliminary plan be dedicated, **recombined and recorded -**

(23) That cross access agreements between the existing MLC Automotive LLC (DB 8488 PG 263) Toyota Site and lot 4 shall be recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld; The easement shall be shown on the map for recording;

(24) That the greenway as shown on the preliminary be dedicated at the time of map recording;

(25) That a note be placed on the preliminary plat stating that "prior to or at time of subsequent subdivision of lot 1 or lot 9, or submission of site plan for any portion of lot 1 or lot 9, a roadway circulation system shall be incorporated into such subdivision or site plan to ensure that a looped public road system will be provided within the area comprising lots 1 and 9. Such public road system shall connect to Capital Hills Drive at two locations and shall conform to current city standards or deviations therefrom in accordance with duly approved requests for design exception. A second route of ingress/egress on Capital Hills Drive shall be constructed prior to such time that the projected exiting peak hour traffic volumes associated with the proposed development on lot 1 and or lot 9 exceed 200 vehicles per hour;"

(26) That a recombination map be recorded prior to or in conjunction with the recording of lots, reconfiguring the existing lots;

Prior to issuance of building permits in the Inspections Department:

(27) That a cul-de-sac right of way for the extension of Preslyn Drive with the radius of 55' be dedicated prior to issuance of building permits on Lot 3. R/W dedication is contingent upon the landowner acquiring additional R/W from the owners of that tract which lines to the west of lot 3 [AJ Honeycutt Heirs & Ledawn R Renshaw] as described in DB12523 PG1235, WCR. If the landowners, through good faith efforts, cannot acquire the off-site R/W dedication from AJ Honeycutt Heirs & Ledawn R Renshaw, then no additional R/W dedication is required from Lot 3 for the extension of Preslyn Drive.

(28) That "prior to the development of lot a subdivision plan be submitted and approved for the dedication of a public street through the lot;"

(29) That an application for an encroachment agreement for landscaping located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections Department for review;

(30) 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;

(31) That the City Attorney shall approve a restrictive covenant limiting the maximum impervious surface coverage of lots 1, 2, 3, 4, 5 ,6, 7, 8 and 9 as shown on the approved construction drawings. Impervious surface shall be defined as ser forth in Part 10 Chapter 9 of the Raleigh City Code. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. This covenant shall be recoded with Wake County Register of Deeds Office. That a recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

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

(32) That the construction of the greenway trail be inspected, approved and accepted by the Parks and Recreation Department.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver Date: ~~2/11/09~~ Feb 11, 2009

Staff Coordinator: Jacque Baker

revision condition #25 added 12-16-09

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 10-2046 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 2/11/08 owned by MLC Automotive, LLC & Crossroads Holdings, LLC, submitted by Wm.G. Daniel & Associate.

ZONING:

ZONING DISTRICTS: Industrial-1.

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

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. A total of 10% or 19.67-acres being provided.

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

PHASING: There 4 phases in this development for road construction only. A final phasing plan for infrastructure shall be approved with the submittal of a construction drawing review.

COMPREHENSIVE

PLAN:

GREENWAY: There is greenway on this site. The greenway will be dedicated with the recording of each lot. The 10' greenway multi-purpose sidewalk will be installed along the north side of Capital Hills Drive in phase 1. This sidewalk will be constructed with the issuances of the first building permit on any lot approved in this development. The greenway trail, as shown on the preliminary plan, construction plans are to be submitted to the Parks and Recreation Department and approved prior to the issuance of any building permit.

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.
Durant Road	90' existing	(see condition) see condition above	n/a

Additional right-of-way to be dedicated is reimbursable under the facility fees program.

TRANSIT: That the 15x20 transit easements along Capital Hill Drive, as shown on the preliminary plan are dedicated.

URBAN FORM: This site is located in the North Planning District, with land use recommendations in the Northeast Regional Center Plan northwest quadrant. Industrial and distribution uses are recommended.

SUBDIVISION STANDARDS:

LOT LAYOUT: There is minimum lot size in this zoning district.

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 400 feet in length except for the cul-de-sac length of 440' in lot 2 as approved by the Public Works Director.

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 disposal will be by private contractor. Location and design of collection facilities shall meet the standards in the Solid Waste Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing and will require North

Carolina Division of Water Quality approval except as approved above in Block Layout above.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Capital Hills Drive except for the portion of Capital Hills that abuts Capital Boulevard. The sidewalk located on the north side of Capital Hills Drive will be dedicated and constructed as a 10' greenway multi-purpose sidewalk.

FLOOD HAZARD: There are flood hazard areas on this site and shall be shown on all maps for recording.

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The site will utilize 2 wet ponds and 1 construct wetland to meet stormwater quality and stormwater regulations.

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)].

RIPARIAN BUFFER DISTURBANCE

The developer proposes to disturb a designated riparian buffer for the purpose of future road crossing, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer and evidence of such approval shall be provided to the Conservation Engineer in the Public Works Department.

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

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: Wetland areas and Neuse River riparian buffers are required on this site.

STREET NAMES: 3 new street names are required for this development. A street name application has not been approved. All proposed street are public. 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: 2/11/2012
Record at least ½ of the land area approved.

5-Year Sunset Date: 2/11/2014
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.