



# Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
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www.raleighnc.gov

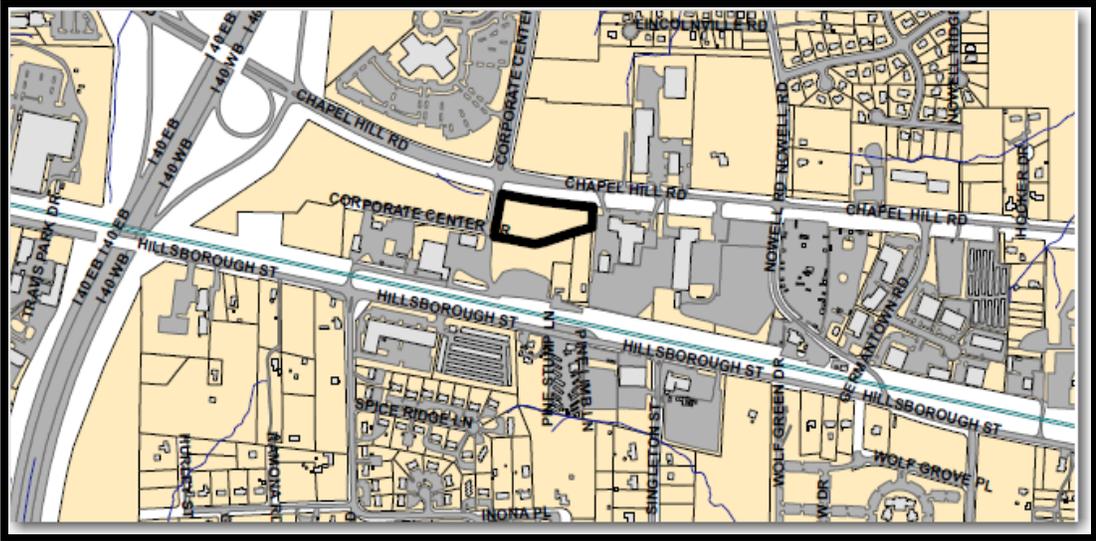
**Case File / Name:** S-1-09 Corporate Center Plaza Phase 2

**General Location:** On the southeast corner of Chapel Hill Road and Corporate Center Drive inside the city limits.

**Planning District / CAC:** Southwest / West

**Nature of Case:** Subdivision of 2.47 acres into 2 lots zoned Industrial-1.

**Contact:** EDR Engineering  
**Owner:** CHD Investments



**S-1-09 Corporate Center Plaza Phase 2 Lots 7 & 8**



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**SUBJECT:** S-1-09 Corporate Center Plaza Phase 2

**CROSS-REFERENCE:** S-61-08 & SP-44-09

**LOCATION:** On the southeast corner of Chapel Hill Road and Corporate Center Drive inside the city limits.

**REQUEST:** This request is to approve the subdivision of a 2.47 acre tract into 2 lots, zoned Industrial-1.

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**OFFICIAL ACTION:** Approval with conditions

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**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;
- (2) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater 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;

***Prior to approval of construction drawings for public improvements:***

- (3) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater 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 an encroachment agreement for the underground stormwater detention piping to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Inspections Department for review, and that the City Council approves 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), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds;

***Prior to Planning Department authorization to record lots:***

- (5) 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."
- (6) 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 Planning Department 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;
- (7) 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;
- (8) That existing wetlands are on this site and shall be shown on all maps for recording;
- (9) 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;
- (10) That the City Attorney approve a public sidewalk easement for any portion of public sidewalk along Corporate Center Drive located within private property;
- (11) That a note be placed on the recording maps stating, "That all development will be subject to unity of development guidelines and sign criteria on file with the Raleigh Planning Department" approved per CA#1195;
- (12) That a revised preliminary plan be submitted labeling the "undisturbed open space" that will be used for nitrogen reduction;
- (13) That a revised preliminary plan be submitted labeling the correct "preliminary Nitrogen Calculations" for S-61-08 and S-1-09 for the calculation charts located on page 4;

- (14) That the 34' of right of way for the road that is located on lot 7 (as shown on the preliminary plan) be dedicated;
- (15) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (16) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (17) That the City Attorney shall approve a restrictive covenant stating that lot 7 & lot 8 each shall have a maximum impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City code of 68,800 square feet for lot 7 and 22,600 square feet for lot 8. No installation of impervious surface which causes the impervious surfaces on the lot to exceed specified square feet shall be made without first obtaining a permit from the Stormwater Division of the Public Works Department of the City. 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 recorded with Wake County Register of Deeds office;
- (18) That as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028 shall be provided;
- (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 section 10-2082.14;
- (20) That an encroachment agreement for the underground stormwater detention piping to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Inspections Department for review, and that the City Council approves 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), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds;
- (21) That a letter of credit or bond shall be posted for improvements for lots 7 & 8 along Chapel Hill Road to be constructed. The letter of credit or bond will be 1.5 times the construction cost for curb, gutter and 5' sidewalk along the entire property;
- (22) That a letter of approval be submitted to the Stormwater Engineer from US Army Corp of Engineer allowing the wetlands as shown on the preliminary plan to be filled;
- (23) That cross access and shared parking agreements between lots 7 & 8 will 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 permit authorization may be withheld;

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

(25) That all conditions of S-61-08 are satisfied.

***Prior to issuance of building permits in the Inspections Department:***

(26) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;

(27) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silu (C. Way) Date: 10.1.09

**Staff Coordinator:** Jacque Baker

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

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**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 7/27/09, owned by CHD Investments, submitted by Development Solutions, LLC.

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**ZONING:**

**ZONING DISTRICTS:** Industrial-1.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.06 is shown. Transitional protective yards will be dictated at the time a use is proposed on the property.

**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; 10% or .25-acres of the subdivision qualifies as Secondary tree conservation area. A final tree conservation plan with metes and bounds description shall be shown and labeled on any plat for recording.

**UNITY OF DEVELOPMENT:** Unity of development criteria is required in this subdivision. A unity of development plan and sign criteria has been approved by the Planning Commission (as required in S-61-08 on 9/8/09) and Planning Department and the Planning Director. 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 is one phase and two lots in this development

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**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE  
/ COLLECTOR  
PLAN:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Future Public Street on lot 7 34 '1 /2 of a 41' b/b with curb, gutter with 5' sidewalk			

**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 Southwest Planning District, and subject to the provisions of the Arena Small Area Plan.

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**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 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 facility 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.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations.

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

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. The stormwater runoff control is exempt under code section 10-9023(b) (2). Lots 7 will have a maximum impervious surface of 68,800 square feet and lot 8 will have a maximum impervious surface of 22,600 square feet. A one time buy down is required for nitrogen reduction prior to issuance of a grading permit or map recording which ever occurs first.

### **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**

Lots less 2 acres - This subdivision plan creates one lot less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Attorney that the maintenance covenant is in accordance with Raleigh City Code requirements.

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installation 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 are required on this site.

### **STREET NAMES:**

1 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:**

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:** 10/1/2012

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 10/1/2014  
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.