



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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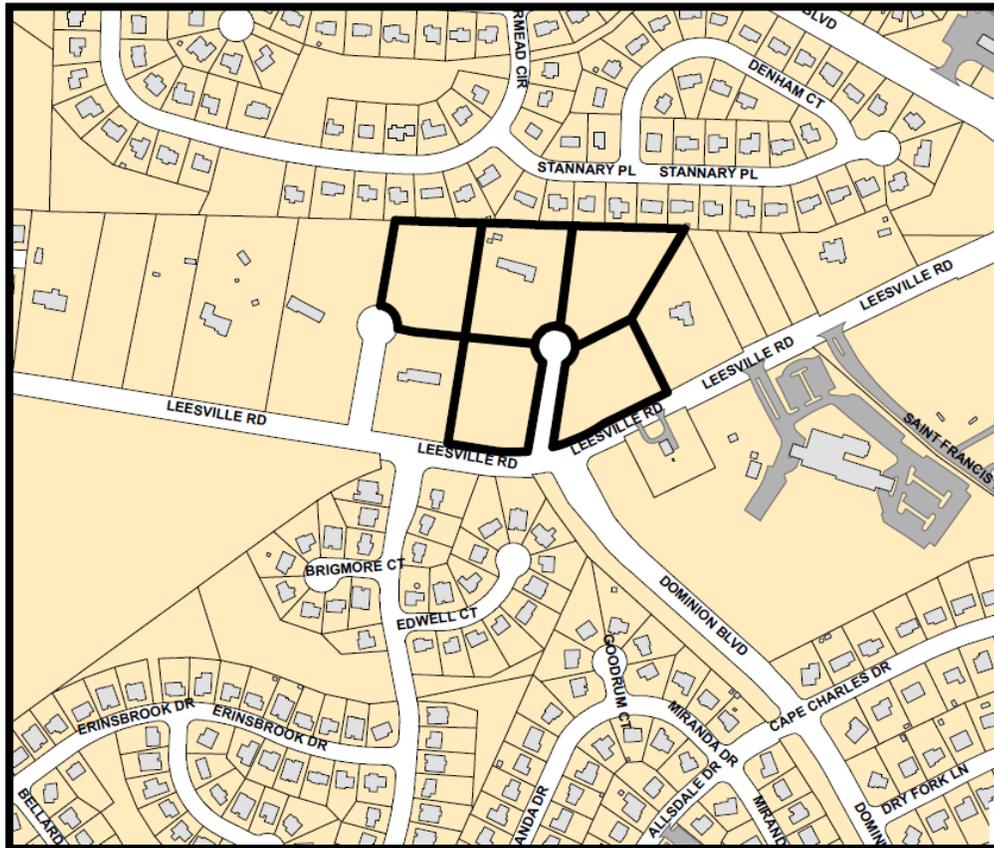
Case File / Name: S-3-13 / Old Oak Commons

General Location: Located on the north side of Leesville Road west of its intersection with New Leesville Road.

CAC: Northwest

Nature of Case: The subdivision of a 6.92 area parcel into 22 single-family lots and 1 open space lot, zoned Residential-6 CUD located outside the City limits.

Contact: John A. Edwards Jr.



S-3-13 / Old Oaks Subdivision – Location Map

SUBJECT: S-3-13 / Old Oak Commons

**CROSS-
REFERENCE:** Z-29-12

LOCATION: This site is located on the north side of Leesville Road, west of its intersection with New Leesville Road.

REQUEST: This request is to approve the subdivision of a 6.92 acre tract into 22 single-family lots and 1 open space lot zoned Residential-6 CUD, located outside the City limits.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a grading 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 issuance of a site review permit:

- (2) That a map of the tree conservation areas with metes and bounds descriptions must be submitted to the City Forestry Specialist. Except for construction drawings, tree protection fence must be set up along the boundaries of all tree conservation areas and an appointment must be made with the City Forestry Specialist to inspect the fence;
- (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 nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That conditions of Z-29-12 are satisfied;

Prior to approval of construction drawings for public or private improvements:

- (6) That a sanitary sewer capacity analysis submitted to the Public Utilities Department (with design & construction of any necessary upgrades included as part of the project);
- (7) 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 Planning Department authorization to record lots:

- (8) That a demolition permit be issued by the Development Services Department and this building permit number be shown on all maps for recording;
- (9) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (10) 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;
- (11) That a 20' City of Raleigh Sanitary Sewer Easement is recorded as shown on the preliminary plan;
- (12) That a 20' slope easement along Leesville Road is shown on all maps for recording;
- (13) Revised landscape plan showing conformity with Code Section 10-2082.13;
- (14) That construction drawings are approved by the Public Works and Public Utilities Department;
- (15) That fee in lieu of assessment of \$3,691.69 for a waterline on for existing lot 12 (DB 1972 PG10) must be paid to the City of Raleigh;
- (16) A fee-in-lieu of construction is required to be paid for 30" curb & gutter and ½-5' sidewalk along the property frontage along Leesville Road;
- (17) That a plat of all tree conservation areas must be recorded at the Wake County Register of Deeds Office and the book and map reference must be provided to the City Forestry Specialist;
- (18) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;

- (19) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (20) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (21) 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 homeowner association.
- (22) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

Prior to issuance of building permits:

- (23) That when 75% of the permits have been issued for residential developments, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions;

Prior to issuance of an occupancy permit:

- (24) That the Leesville Road Improvements are completed and accepted by NCDOT and the City before a Certificate of Occupancy for the last lot is issued;
- (25) For residential subdivisions, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;
- (26) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.
- (27) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

I hereby certify this administrative decision.

Signed: (Planning Dir.) *Mitchell Siler (C. W. Siler)* Date: 5-8-13

Staff Coordinator: Meade Bradshaw

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 10-2103, 10-2019 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/27/13, owned by Alan Higgins, submitted by John A. Edwards & Company.

ZONING:

**ZONING
DISTRICTS:**

Residential-6. Ordinance (2012)125 ZC 680 Effective 11/20/12.

Z-29-12 – Leesville Road, Conditional Use District – located north of Leesville Road, north of its intersection with Dominion Boulevard being Wake County PIN(s), 0778590777, 0778592755, 0778594785, 0778594570, and 0778592407. Approximately 6.77 acre(s) is rezoned from Rural Residential to Residential-6 Conditional Use District.

Conditions Dated: 12/4/12

Narrative of conditions being requested:

1. No more than twenty-three (23) single-family, detached dwelling units shall be permitted on the subject property.
2. Upon development of the subject property, a ten foot (10') wide natural protective yard except such disturbance as maybe required for the installation of a transitional protective yard and to connect to the sanitary sewer service located near the northernmost point of the Bolton lot described below, shall be provided along the common boundary line with the following properties: property now or formerly known by Wake County PIN number 0778 59 6686 and further described in Deed Book 6349, Page 439, Wake County Registry (Bolton); property now or formerly known by Wake County PIN 0778 49 9459 and further described in Deed Book 2539, Page 173, Wake County Registry (Taylor); property now or formerly known by Wake County PIN 0778 49 9957 and further described in Deed Book 12573, Page 445, Wake County Registry (Gill); property now or formerly known by Wake County PIN 0778 59 0945 and further described in Deed Book 11432, Page 2628, Wake County Registry (Rayfield); property now or formerly known by Wake County PIN 0778 59 1915 and further described in Deed Book 6514, Page 290, Wake County Registry (Maready-Ray); property

now or formerly known by Wake County PIN 0778 59 2945 and further described in Deed Book 12226, Page 937, Wake County Registry (Evans); property now or formerly known by Wake County PIN 0758 59 3953 and further described in Deed Book 7387, Page 128 Wake County Registry (Dalton); property now or formerly known by Wake County PIN 0778 59 4935 and further described in Deed Book 7019, Page 290, Wake County Registry (Carmine); property now or formerly known by Wake County PIN 0778 59 5915 and further described in Deed Book 10725, Page 2089, Wake County Registry (Yonetti); property now or formerly known by Wake County PIN 0778 59 5995 and further described in Deed Book 10658, Page 195, Wake County Registry (Pang); and property now or formerly known by Wake County PIN 0778 59 6974 and further described in Deed Book 14785, Page 1725, Wake County Registry (Harris). The natural protective yard along the northern boundary line shall begin immediately south of the fence to be installed pursuant to Condition 3 below. This natural protective yard will not be a primary tree conservation area.

3. A wooden fence no more than six feet (6') in height shall be installed meandering along the common boundary line with the following properties: property now or formerly known by Wake County PIN 0778 49 9957 and further described in Deed Book 12573, Page 445, Wake County Registry (Gill); property now or formerly known by Wake County PIN 0778 59 0945 and further described in Deed Book 11432, Page 2628, Wake County Registry (Rayfield); property now or formerly known by Wake County PIN 0778 59 1915 and further described in Deed Book 6514, Page 290, Wake County Registry (Maready-Ray); property now or formerly known by Wake County PIN 0778 59 2945 and further described in Deed Book 12226, Page 937, Wake County Registry (Evans); property now or formerly known by Wake County PIN 0778 59 3953 and further described in Deed Book 7387, Page 128 Wake County Registry (Dalton); property now or formerly known by Wake County PIN 0778 59 4935 and further described in Deed Book 7019, Page 290, Wake County Registry (Carmine); property now or formerly known by Wake County PIN 0778 59 5915 and further described in Deed Book 10725, Page 2089, Wake County Registry (Yonetti); property now or formerly known by Wake County PIN 0778 59 5995 and further described in Deed Book 10658, Page 195, Wake County Registry (Pang); and property now or formerly known by Wake County PIN 0778 59 6974 and further described in Deed Book 14785, Page 1725, Wake County Registry (Harris). Installation of the fence shall be completed prior to issuance of the first certificate of occupancy for a residential dwelling.

4. Vehicular access onto Leesville Road shall be limited to no more than one (1) access point.

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

**TREE
CONSERVATION:** This project is larger than two acres and compliance with Code Section 10-2082.14—Tree Conservation is required. The project provides 0.724 acres of tree conservation area which is 10.7% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.00 acres
Secondary: 0.724 acres

**UNITY OF
DEVELOPMENT:** N/A

PHASING: There is one phase in this development.

**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:

| Street | ROW | Construct | Slope Esmt. |
|----------------|------------|---------------------|--------------------|
| Leesville Road | 18'-38' | opposing turn lanes | 20' |

Leesville Road exists as a substandard street alignment due to a horizontal centerline radius that is 477.46 feet instead of the 955 foot radius that is required per the Streets, Sidewalks and Driveway Access Handbook for a street classification of a major thoroughfare. The dedication varies to meet the revised alignment and 20 foot slope easements are dedicated along the entire Leesville Road frontage.

North Carolina Department of Transportation required opposing left turn construction for the subdivision entrance and Dominion Boulevard access as warranted by traffic volumes along Leesville Road.

Additional right-of-way to be dedicated beyond a ½-45-foot right-of-way is reimbursable under the facility fees program. Additional widening exceeding ½-26 foot pavement section will also be eligible for reimbursement. A fee-in-lieu is required to be paid for curb and gutter and ½-5-foot sidewalk along the Leesville Road frontage.

TRANSIT: This site is presently not served by the existing transit system.

URBAN FORM: This site is located in the Northwest Citizen Advisory Council, in an area designated as Low Density Residential (1-6 dwellings units an acre) on the Future Land Use Map.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- Policy LU 8.9 Open Space in New Development
- Policy LU 8.11 Development of Vacant Sites
- Policy EP 2.3 Open Space Preservation
- T 2.4 Road Connectivity
- T 5.5 Sidewalk Requirements
- EP 5.3 Canopy Restoration
- LU 8.10 Infill Development

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in this zoning district is 7,260 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 50'. 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. A turn lane is being constructed as a temporary widening measure for traffic circulation on Leesville Road. Internal subdivision streets are being constructed to normal City construction standards. Stub streets are required in accordance with the 1500' rule for connections per the Handbook.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along at least one side of Public Street A, Public Street B and Public Street C. A fee-in-lieu is required for ½-5' sidewalk on Leesville Road.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- 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 subdivision will address runoff utilizing a dry detention pond. Nitrogen requirements will be met utilizing the dry pond and offset fees.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or 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 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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 5/8/2016
Record at least ½ of the land area approved.

5-Year Sunset Date: 5/8/2018
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.