



# Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 516-2626  
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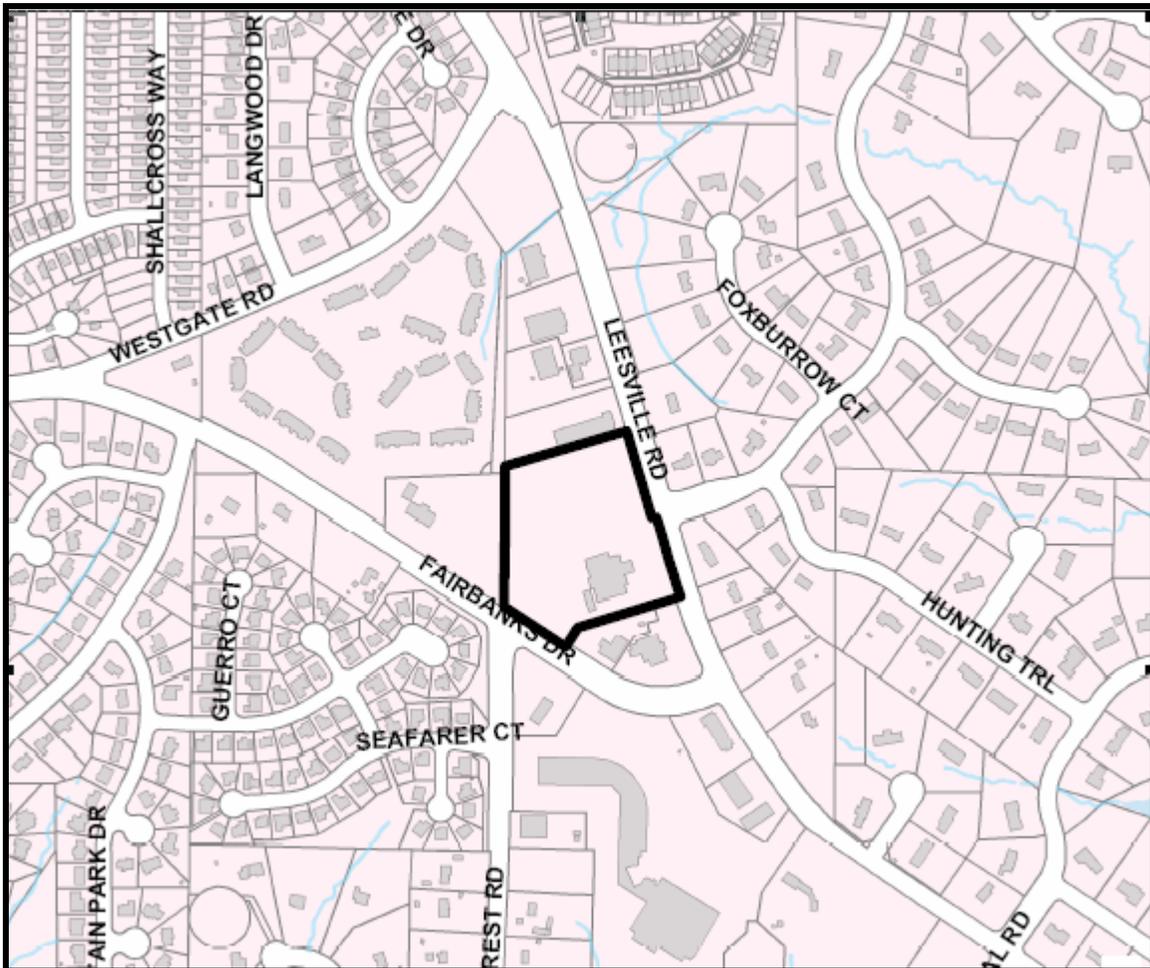
**Case File / Name:** S-5-09 / Unity Subdivision

**General Location:** Northwest corner of Fairbanks Drive and Leesville Rd. intersection

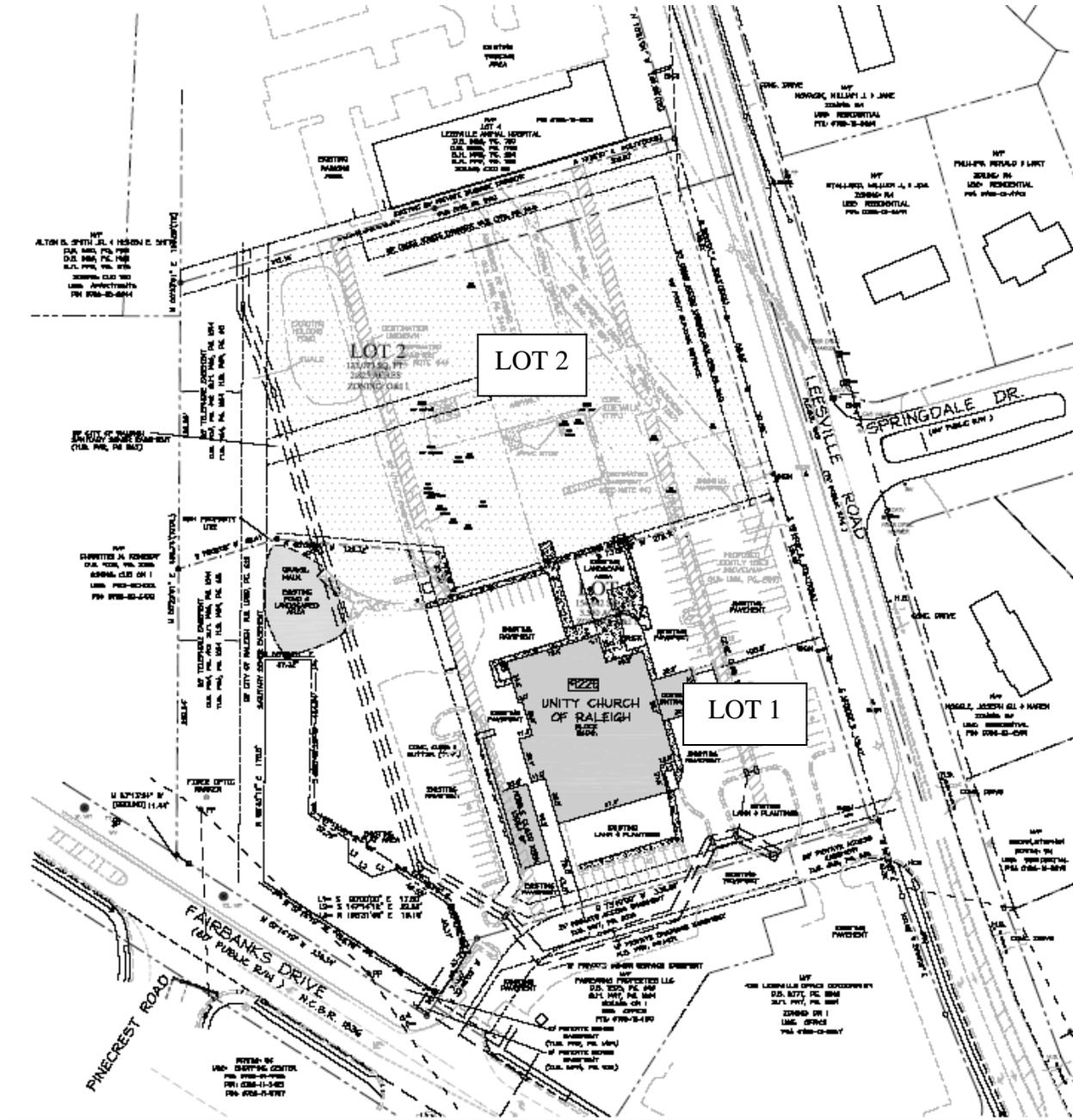
**Planning District  
/ CAC:** Northwest / Northwest

**Nature of Case:** This request is to approve the subdivision of a 6.37 acre tract zoned O&I-1 into 2 lots. Lot 1 is to be 3.55 acres and Lot 2 is to be 2.85 acres in size.

**Contact:** Kathryn McPherson



Vicinity Map



Proposed Subdivision

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**SUBJECT: S-5-09 / Unity Subdivision**

**CROSS-  
REFERENCE:** PA-74-89, S-54-89

**LOCATION:** This site is located on the northwest corner of Fairbanks Drive and Leesville Rd. intersection inside the City Limits.

**REQUEST:** This request is to approve the subdivision of a 6.37 acre tract zoned O&I-1 into 2 lots. Lot 1 is 3.55 acres and Lot 2 is 2.85 acres. An existing church use will remain on Lot 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 to be placed on file in the Planning Department;

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

- (2) That construction plans for public improvements be approved by the Public Works Department;
- (3) That approved tree conservation areas be shown on all plats for recording with metes and bounds descriptions in compliance with Code section 10-2082.14;
- (4) 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;
- (5) That a 25' permanent slope easement and retaining wall easement along Leesville Road be dedicated to the City of Raleigh as shown on the preliminary plan and be shown on all plats for recording. This easement is eligible for reimbursement at Code established rates;
- (6) That the 25' cross access easement (Book of Maps 1998, page 344) along the Leesville Road frontage only, be abandoned and a new proposed 25' cross access easement deed between Lots 1 and 2 and shared driveway access easement deed opposite Springdale Drive be recorded. These easements are to be general access easements between the two lots with

the final connecting driveway location to be determined at the time of site plan approval on Lot 2. These easement documents are to be recorded and returned to the Planning Department within 14-days of lot recording. If a recorded copy of these documents is not provided to the Planning Department within the 14 day period, further plat recordings and building permit authorization may be withheld;

- (7) That the existing 25' cross access easement between proposed Lot 2 and the northerly adjacent parcel, Lot 4-Leesville Animal Hospital with PIN No. 0788-12-1803 remain as shown in Book of Maps 1998, page 344, and be shown on all plats for recording. This cross access easement does not grant the Lot 4 property access to the shared drive on the south side of proposed Lot 1 (DB 8137 PG 2028) located between Fairbanks Drive and Leesville Road;
- (8) That all sight triangles and sight easements be shown on the recorded map and the following note added: No sight obstructing, or partially obstructing wall, fence, foliage, berm, sign, parked vehicle, or other object between the height of two (2) feet and eight (8) feet above the curb line elevation (or the edge of pavement if no curb exists) shall be placed within a sight triangle. All street trees falling within the sight triangles shown on this plan shall be limbed up between 2 feet and 8 feet in height above the curb line elevation;
- (9) That a fee-in-lieu of construction be paid for widening to a ½ 41' section, curb & gutter and ½-5' sidewalk along the property frontage of Leesville Road, (Lots 1 and 2). This cost will be determined by the Public Works Department based on current fee-in-lieu rates at time of payment;
- (10) That a letter of credit in the amount of 1-1/2 times the cost of construction be provided to the Public Works Department for the required roadway widening on Fairbanks Drive.

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silver (S-Barbaro) Date: 4-16-09

**Staff Coordinator:** James Marapoti

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, Section 10-2035, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 1/12/09, owned by Unity Church of Raleigh, submitted by Tony M. Tate Landscape Architecture PA.

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**ZONING:**

**ZONING DISTRICTS:** O&I-1

**LANDSCAPING:** Not applicable

**TREE CONSERVATION:**

The site is 6.37 acres in size and tree conservation areas of 10%, 0.63 acres, are required. However only 5.4%, 0.35 acres, of alternate compliance secondary tree conservation area meeting basal area requirements is available for preservation. The plan shows an additional 0.295 acre area on the west side of the site encumbered by an existing AT&T easement which the applicant is petitioning for abandonment. In the event that 0.295 acre easement area is abandoned it will be added to the tree conservation area on site.

**UNITY OF DEVELOPMENT:**

Unity of development criteria are not required in this subdivision.

**PHASING:** No phasing proposed.

**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 &amp; Retain. Wall Esmt.</u>
Leesville Road	n/a	n/a	25'
Fairbanks Drive	n/a	1/2-53' bb curb & gutter, 5' sidewalk	n/a

This project is required to pay a fee-in-lieu of construction for pavement, curb & gutter and 1/2-5' sidewalk along the property frontage of Leesville Road. Provisions have been incorporated to ensure the 25' slope easement remain and an allowance to construct a retaining wall the entire length of Leesville Rd. frontage. The slope easement is eligible for reimbursement at code specified rates.

Roadway widening and sidewalk construction (1/2-53' bb curb & gutter and 5' sidewalk) is required along the site's frontage on Fairbanks Drive adjacent proposed lot 1 where the church currently exists. However, at the applicant's request the applicant may post a letter of credit in the amount of 1-1/2 times the amount of construction cost in lieu of the required widening construction. This letter of credit is to be provided to the Public Works Department prior to lot recordation.

**TRANSIT:** Not required for this project.

**URBAN FORM:** The proposed development is located in the Northwest District and is a part of a Community Focus Area, more specific recommendations can be found in the Pinecrest Pointe Small Area Plan (SAP). The Pinecrest Pointe SAP indicates that this property should be developed with office and institutional development.

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**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** Not applicable for this subdivision.

**BLOCK LAYOUT:** Not applicable for this subdivision.

**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 a private contractor to be provided.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. This plan is proposing cross access and cross parking agreements between Lot 1 and Lot 2. Existing private cross access easements DB 8137 PG 2028 and DB 4581 PG 506 are in place linking the subject lots access to Leesville Rd. and Fairbanks Drive at the southern portion of the site. This subdivision will also be modifying the easement shown in BM 1998 PG 344 which is located along proposed lot 2 to remove the 25' cross access, but will be adding an allowance for a retaining wall to be constructed once Leesville Rd. is constructed. Also a floating 25' cross access is proposed parallel to BM 1998 PG 344. This subdivision is also proposing a floating cross access between Lots 1 and 2. The actual access points to be determined at site plan submittal.

**PEDESTRIAN:** Proposed sidewalk location on Fairbanks Drive conforms to City regulations requiring sidewalk along both sides of a thoroughfare. A fee-in-lieu is to be paid for ½- 5' sidewalk along Leesville Road.

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

**STORMWATER  
MANAGEMENT:** Each proposed lot is over one acre in size and will meet stormwater detention requirements upon further site development. Nitrogen reduction requirements will be met by setting aside permanently preserved undisturbed open space.

**WETLANDS  
/ RIPARIAN  
BUFFERS:** No riparian buffers are present.

**STREET NAMES:** No 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:** 4/16/12  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 4/16/14  
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.