



# Administrative Action

## Preliminary Subdivision

### Cluster Unit Development

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

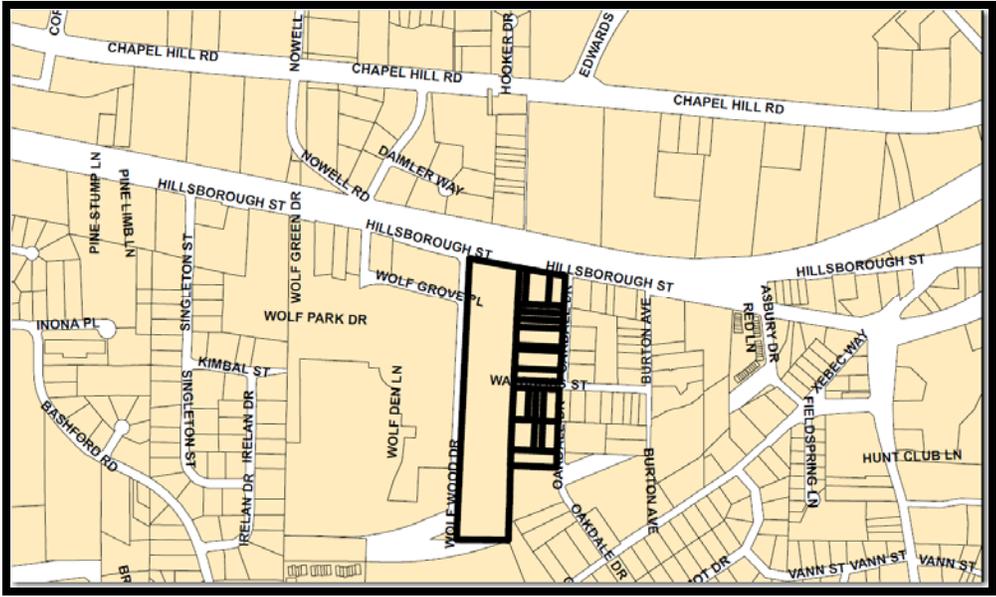
**Case File / Name:** S-5-11 / The Retreat @ Raleigh

**General Location:** On the northeast quadrant of Hillsborough Street, Wolf Wood Drive, Oakdale Drive and Waycross Street, inside the city limits.

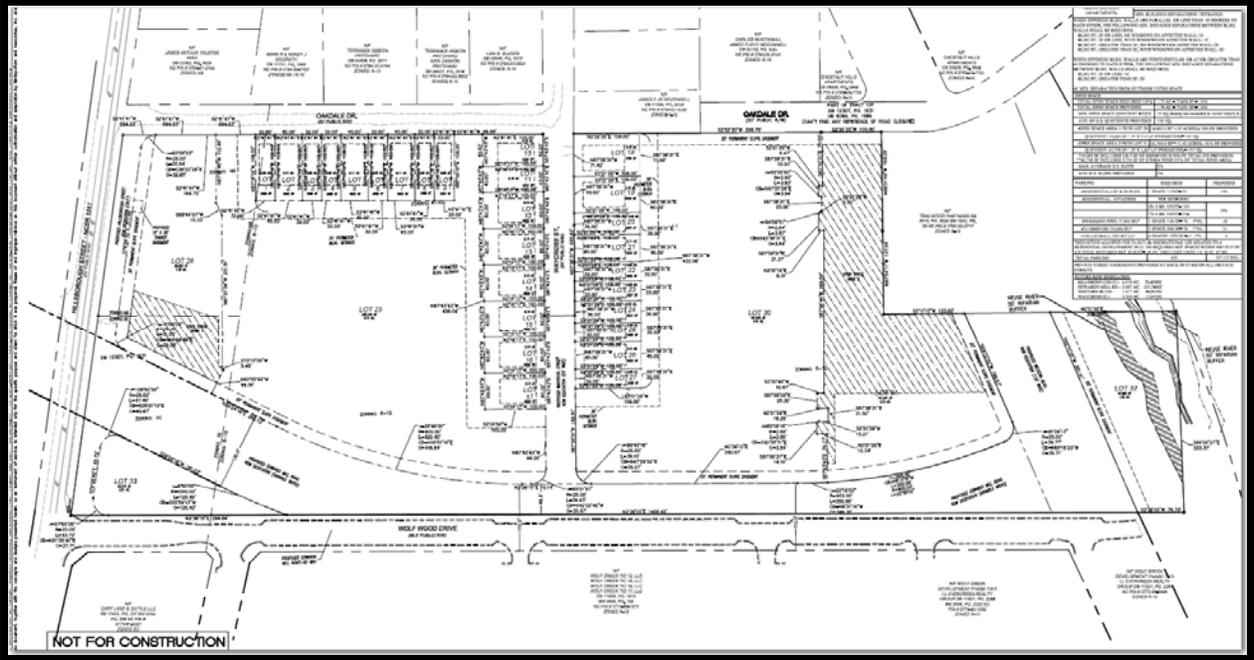
**CAC:** West

**Nature of Case:** Approval of a cluster development consisting of a total of 33 lots. There are 19 single family lots, 8 duplex lots, 2 parcels for future residential development (GH-5-11) plus 4 open space lots on 17.36 acres after right of way dedication. The property is zoned Residential-10, Neighborhood Business and Shopping Center. Total units proposed, included with the group housing is 149.

**Contact:** Kimley - Horn and Associates, Inc



S-5-11 The Retreat @ Raleigh



S-5-11 The Retreat @ Raleigh – subdivision plan

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**SUBJECT:** S-5-11 /The Retreat @ Raleigh

**CROSS-  
REFERENCE:** A-18-11, TR#279331 & GH-5-11

**LOCATION:** On the northeast quadrant of Hillsborough Street, Wolf Wood Drive, Oakdale Drive and Waycross Street, inside the city limits.

**REQUEST:** Approval of a cluster development consisting of a total of 33 lots. There are 19 single family lots, 8 duplex lots, 2 parcels for future residential development (GH-5-11) plus 2 open space lots on 17.36 acres after right of way dedication. The property is zoned Residential-10, Neighborhood Business and Shopping Center.

The overall proposed residential density is 8.5 units per acre. The future development of lots 29 and 30 will require compliance with density limits. The minimum lot size for single-family lots is 3,488 square feet. The minimum lot size for duplex units is 6,000 square feet. There is a pool and clubhouse to be located on lot 28 and the pool has received approval from the Board of Adjustment case #A-18-11.

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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 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;
- (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 no land disturbance of any type for the site shall be started or permitted until the proposed Brownfield Property agreement has been signed by all property owners and a copy of the signed agreement returned to the Planning Department and City Attorney's office along with a copy of the redevelopment plan approved by DENR pursuant to the Brownfield Property agreement. If the approved redevelopment plan is not identical to the approved preliminary plans and grading permit for the site issued by the City, the owner must submit a new application for a grading permits;

***Prior to approval of construction drawings or site review for public improvements:***

- (5) That the off-site sewer replacement be submitted with construction drawings;
- (6) That the impervious limitation per lot is shown on the construction drawings;

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

- (7) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (8) That a security in the form of a letter of credit in the amount of 1.5 times the cost of street improvements will be provided to the City for all proposed private and public streets;
- (9) That the future right of way (as shown on the preliminary plan) for Western Blvd extension, Edwards Mill Road extension, Hillsborough Street and Waycross Street be dedicated to the City of Raleigh prior to authorization of individual lots with the recording of the right of way except for lots 29 & 30 see subdivision layout- sheet SP-04A;
- (10) That a 20-foot permanent slope easement on Hillsborough Street, and a 20-foot permanent slope easement on the future right of way dedication for Western Blvd and Edwards Mill Road and 20- foot permanent slope easement for Oakdale Drive be dedicated prior to or in conjunction with the recording of any map;
- (11) That a recombination map be recorded prior to or in conjunction with either the recording of individual lots, recombining the existing lot into a single tract with the right of way required in condition #6 above;
- (12) That a payment in lieu for the alternate means of compliance as approved by the Forestry Specialist, be paid to the Forestry Specialist in the Inspections Department;
- (13) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (14) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (15) That a 15x20 foot transit easement located on Hillsborough Street be approved by the Transit Planner in the Public Works Department, be shown on all maps for recording, and that a transit easement deed be approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement deed 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;

- (16) 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;
- (17) That a fee in fee-in-lieu of construction for ½ of a 31' b/b street section and ½ of a 5' sidewalk along Hillsborough Street in an amount determined by the City Engineer, is paid in the Public Works Department;
- (18) That a fee in fee-in-lieu of construction for ½ of a 31' b/b street section and ½ of a 5' sidewalk along Oakdale Street in an amount determined by the City Engineer, is paid in the Public Works Department;
- (19) That a fee in fee-in-lieu of construction for a full 31' b/b street section and ½ of a 5' sidewalk along the future extension of Western Blvd in an amount determined by the City Engineer, is paid in the Public Works Department;
- (20) That a fee in fee-in-lieu of construction for a full 31' b/b street section and ½ of a 5' sidewalk along Edwards Mill Road in an amount determined by the City Engineer, is paid in the Public Works Department;
- (21) That a demolition permit for all existing structures be issued by the Inspections Department and these building permit numbers be shown on all maps for recording;
- (22) 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;
- (23) 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;
- (24) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (25) 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."
- (26) 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 local county register of deeds office prior to any recordation of a subdivision 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;

- (27) That a fee in fee-in-lieu of construction for water line Edwards Mill Road in an amount determined by the Public Utilities Department, is paid in the Public Utilities Department;
- (28) That a fee in fee-in-lieu of construction for water line in Western Blvd in an amount determined by the Public Utilities Department, is paid in the Public Utilities Department;
- (29) That a fee in fee-in-lieu of construction for water line in Hillsborough Street in an amount determined by the Public Utilities Department, is paid in the Public Utilities Department;
- (30) That a restrictive covenant be prepared in accordance with the approved construction drawings and be submitted to the City Attorney; the restrictive covenant shall allocate maximum impervious surface for each lot. The covenant shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (31) That a fee in fee-in-lieu for the extension of the outlet pipe of the wet pond under right of way (Western Blvd or Edwards Mill Road extension) in an amount determined by the Stormwater Engineer in the Public Works Department, is paid in the Public Works Department;
- (32) That lot 32 and 33 are to be deed restricted to prohibit future development. Lot 32 shall remain as a tree conservation area and lot 33 shall remain as open space of the HOA;
- (33) That an application for an encroachment agreement for the 30" RCP located within the public right-of-way ( Waycross Street), as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Public Works Department for review and approved by City Council as a separate action;
- (34) That an application for an encroachment agreement for the "construction lay down" located within the public right-of-way of Western Blvd extension and Edwards Mill Road extension, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Public Works Department for review and approved by City Council as a separate action;
- (35) That the proposed Brownfield Property agreement must be signed by all property owners and a copy of the signed agreement returned to the Planning Department and City Attorney's office prior to any map for this site being recorded;

***Prior to issuance of certificates of occupancy permit in the Inspections Department:***

- (36) That prior to the issuance of the first certificate of occupancy, the off-site sewer be tested, inspected and accepted by the City of Raleigh Public Utilities Department;
- (37) That road improvements are accepted for maintenance by the City of Raleigh for all proposed public and private streets to be built with this project;

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**ADDITIONAL NOTES:**

The capacity of the downstream sewer line is inadequate and upgrading the existing downstream infrastructure is required.

Construction drawings for Western Blvd extension and Edwards Mill Road extension will not be required as a fee in lieu has been paid for the construction of the roads.

Lots 32 and 33 shall remain undeveloped; Deed restrictions are necessary to maintain Stormwater compliance as the Stormwater devices associated with the creation of these lots are not designed to handle any additional impervious area.

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I hereby certify this administrative decision.

**Signed:**

(Planning Dir.)

*Mitchell Loh (C. Day)*

Date: *9-15-11*

**Staff Coordinator:**

Jacque Baker

*corrected total units in cluster.*

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 10-2021, 10-10-2042 & 10-2041 Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 8/22/11, owned by Landmark Properties, submitted by Kimley -Horn and Associates, Inc.

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**CLUSTER STANDARDS:**

**ZONING DISTRICTS:**

Residential-10, Neighborhood Business & Shopping Center.

**DEVELOPMENT DENSITY:**

The proposed plan contains 33 lots. The total residential density is 8.5 units per acre after right of way dedication. The plan does not propose a density transfer out of the dedicated right of way. Once recorded, densities may not be transferred from lots separated by a public right of way.

**PHASING:**

There are no phases requested in this development.

**LOTS / SETBACK:**

The minimum lot size allowed the R-10 portion of the cluster is 3,000 square feet the minimum lot shown on the preliminary plans is 3,488 square feet. The aggregate side yard setback is 10' this setback is based upon the requirement of code section 10-2101(6)5. All HVAC equipment, generators and similar mechanical equipments shall not be located within the side yard areas. Building height shall be a maximum of 34 feet. The main entrance of the dwelling units shall be oriented toward the public street right of way. There shall be no less than 5' of side yard setback on any lot in this development.

**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.

**OPEN SPACE:** Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 1.73 acres required, 10% or 1.73 acres provided. Open space quotient is not required as the project does not exceed the allowed density. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is divided by two thoroughfares but all required open space is not located across either of the two thoroughfares.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium residential density project under Section 10-2082.8. Transitional protective yards are not required as the site is surrounded on all sides by public right of way.

**TREE CONSERVATION:** The site after right of way dedication will be 17.4 acres and requires 10% of tree save area. The plan provides 9.5% tree conservation area and will provide a buyout of approximately 3,709 square feet.

**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.   |
|-----------------|--------------|----------------|---------------|
| Western Blvd    | 130'         | *condition#18* | 20' permanent |
| Edwards Mill Rd | 49.5 -130'   | *condition#19* | 20' permanent |
| Oakdale Drive   | 50' existing | *condition#17* | 20' permanent |
| Hillsborough St | 32.5'        | *condition#16* | 20' permanent |

Additional right-of-way to be dedicated is reimbursable under the facility fees program. Right of way dedication in excess of 110' is being conveyed without requirement in accordance with Chapter 3 of the Streets, Sidewalk and Driveway Handbook.

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: 15'x20' transit easement along Hillsborough Street.

**URBAN FORM:** This site is located in the West CAC District.

- No specific Comprehensive Plan policies apply to this subdivision. While land use policy LU 8.7 related to neighborhood conservation and development discourages use of "flag lots" when subdividing residential property, this recombination proposal does not create a "flag lot".

**SUBDIVISION  
STANDARDS:**

- PUBLIC UTILITIES:** City water and sewer services are not immediately available. The sudivider is responsible for installation of all lines necessary to provide service to this site. Off-site extension is required as conditioned. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association. An off-site sewer replacement is required to be completed prior to issuance of the first Certificate of Occupancy.
- SOLID WASTE:** Refuse collection is to be provided based on the standards in the Solid Waste Manual.
- CIRCULATION:** Proposed public and private street improvements & fee in lieu payments shall conform to City construction standards.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. Additional sidewalks will be required for the developments on lots 29 and 30.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER  
MANAGEMENT:** This subdivision will comply with Part 10, Chapter 9, Stormwater Control regulations. Detention and nitrogen regulations are being met through the use of a wet pond. A nitrogen offset payment will also be required.

**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**

Cluster - This development is a cluster unit development and contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (24% payment 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:**

Neuse River riparian buffers present on this site and are required to be shown on all maps for recording.

- STREET NAMES:** 8 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. All internal street sections are private.

**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:** 9/15/2014

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 9/15/2016

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.