



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

Case File / Name: S-5-15 / North Grove

General Location: The site is located on the northeast quadrant of Lead Mine Road and Millbrook Road.

CAC: North

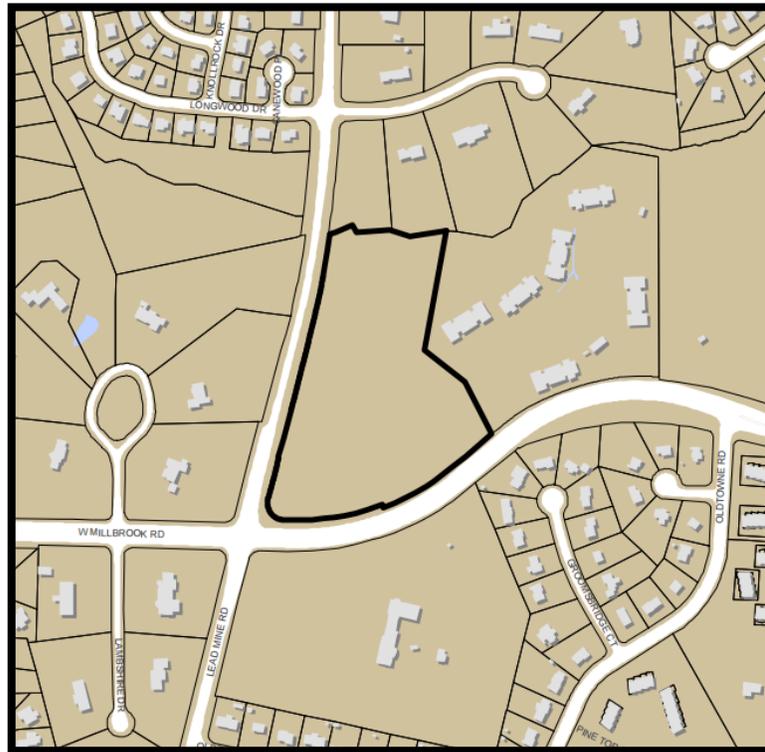
Nature of Case: Subdivision of 10.11 acres into 13 single-family detached lots and 2 open space lots, zoned Residential-6 with Conservation Management District. This is the further subdivision of Lot 2 approved with S-40-13. A density transfer occurred with the approval of S-40-13 limiting the density on this 10.11 acre tract (Lot 2) to 1.5 units an acre.

Contact: Andy Petty, The Curry Engineering Group, LLC

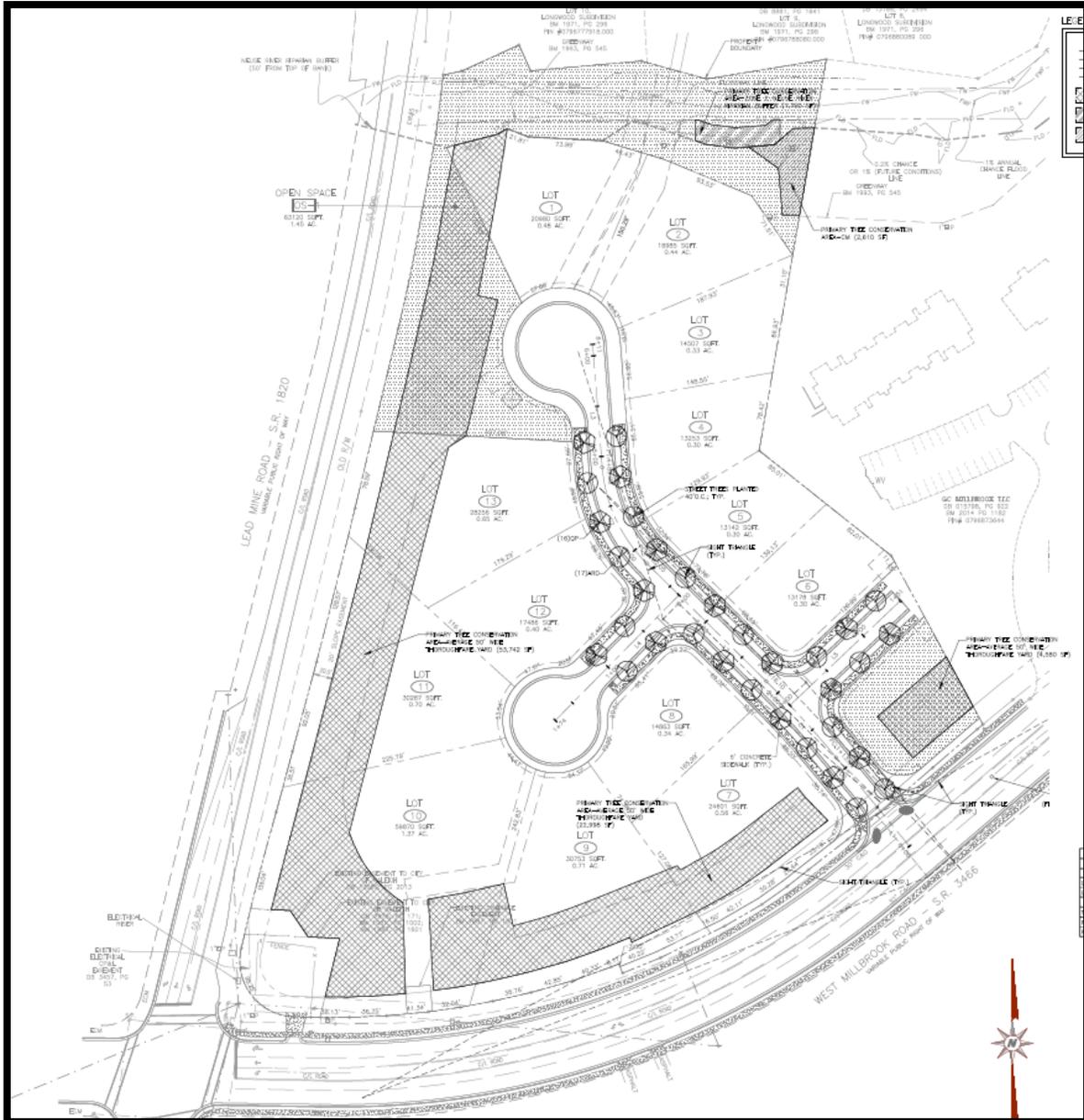
Design Adjustment: One Design Adjustment have been approved by the Public Works Director for this project, noted below.

1. UDO Section 8.3 – Block Perimeter

Administrative Alternate: NA



Location Map



Subdivision Layout

SUBJECT: S-5-15 / Paces Forest Lot 2

**CROSS-
REFERENCE:** Z-73-1982 & S-40-13

LOCATION: The site is located on located on the northeast quadrant of Lead Mine Road and Millbrook Road, inside the city limits.

PIN: 0796777343

REQUEST: Subdivision of 10.11 acres into 13 single-family detached lots and 2 open space lots, zoned Residential-6 with Conservation Management District. This is the further subdivision of Lot 2 approved with S-40-13. A density transfer occurred with the approval of S-40-13 limiting the density on this 10.11 acre tract (Lot 2) to 1.5 units an acre.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a land disturbance permit for the site:

- (1) That a final tree conservation plan with permit be approved by the Forestry Specialist. 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 Forestry Specialist;
- (2) That as the developer proposes to disturb a designated riparian 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;
- (3) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever is applicable:

- (4) 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 10A Chapter 9 of the Unified Development Ordinance, 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;

(5) That an encroachment agreement for any stormwater drainage systems that carry private drainage 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 the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works;

(6) That a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to Planning Department authorization to record lots:

(7) That the existing greenway easement as shown on the preliminary plan be shown on all plats for recording;

(8) That Infrastructure Construction Plans are approved by the City of Raleigh and include obtaining stub permits and tree impact permits;

(9) That NCDOT Permits and encroachment agreements are obtained;

(10) That a surety will be required for all public improvements within the right-of-way prior to map recordation;

(11) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;

(12) 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;

(13) 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 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;"

(14) That street names for this development be approved by the Raleigh GIS Division and by Wake County;

(15) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;

(16) That a right of way permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;

(17) That ½ of 104' right-of-way, 13' Slope Easement, & 5' Utility Easement along Lead Mine Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to map recording;

- (18) Fee-in-Lieu for 27' b-b for Street C for section of street not constructed to the property line.
- (19) That ½ of 104' right-of-way, 20' Slope Easement, & 5' Utility Easement along West Millbrook Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to map recording;
- (20) That a fee-in-lieu for 1' of sidewalk on West Millbrook Road be paid to the Public Works Department;
- (21) That a fee-in-lieu for 6' of sidewalk and curb & gutter along Lead Mine Road be paid to the Public Works Department;
- (22) 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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable; and
- (23) 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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bauer (C. Hays)
Date: 7-9-15

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 City Administration finds that this request, with the above conditions being met, conforms to Chapter 2 Section 10-2019, 10-2030 and Article 2.2, Sections 2.2.1, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 5/5/15 owned by Fuller Land & Development LLC, submitted by The Curry Engineering Group LLC.

ZONING:

ZONING DISTRICTS: Residential-6 with Conservation Management District
 Z-73-1982 Ordinance: 074ZC116 Effective 3/1/83.

TREE CONSERVATION: This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project provides 1.97 acres of tree conservation area which is 19.46% of the net site acreage.
 Tree conservation acreage is as follows:
 Primary: 1.97 acres
 Secondary: None

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is an existing greenway easement on this site for the Crabtree Creek Mine Creek Tributary E. This easement was recorded BM 1993 PG 545.

STREET TYPOLOGY MAP: Dedication of right-of-way and construction of the following streets are required by the Street Typology Map of the Comprehensive Plan. Dedication of right-of-way is / not required.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Lead Mine Road	Avenue, 4-Lane Divided	90'	½ 104'	24'-38'	N/A
West Millbrook Road	Avenue, 4-Lane Divided	90'	½ 104'	65'	N/A

Within 400' of Lead mine Road intersection 110' of right-of-way exists.

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

TRANSIT: N/A

COMPREHENSIVE PLAN: This site is located in the North CAC, in an area designated as a residential area.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The minimum lot size in Residential-6 zoning district is 6,000 square feet. The minimum lot depth in this zoning district is 80 feet. The minimum lot width of an interior lot in this zoning district is 50' feet. Lots in this development conform to these minimum standards.

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.

BLOCKS / LOTS / ACCESS: Lot arrangement and access conform to Chapter 8 of the UDO. A design Adjustment from UDO Section 8.3 - Block Perimeter was approved by the Interim Public Works Director. The Design Adjustment is attached, Page 8 of the Administrative Action. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

STREETSCAPE TYPE: The applicable streetscape is a Residential. Construction of a 6' planting strip with a 6' wide sidewalk is proposed on Street A, Street B, and Street C. Lead Mine Road and West Millbrook Road are NCDDOT maintained streets. Instead of planting the required Type C2 yard, UDO Section 7.2.4.B.2 allows tree conservation areas that meet the requirements of Article 9.1 to replace the required street protective yard.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 6' sidewalk is required along both sides of Street A, Street B, and Street C. A 5' sidewalk exists on West Millbrook Road. A fee-in-lieu for 1' of sidewalk will be paid for West Millbrook Road. Sidewalk does not exist on Lead Mine Road, resulting in a fee-in-lieu for 6' of sidewalk.

FLOOD HAZARD: There is FEMA floodplain and floodway on this site.

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Article 9.2 of the UDO. Site is exempt from runoff controls under 9.2.2.2.E.2. A level spreader will be utilized to meet diffuse flow requirements into the Neuse River Buffer, and Nitrogen will be mitigated with a buy down.

In accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are located on this site and are protected.

STREET NAMES: 3 new streets are being proposed with this development. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

OTHER REGULATIONS: Developer shall meet all City requirements, including underground utility service, flood protection measures, and the soil erosion ordinance, 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 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: 7/9/2018
Record at least ½ of the land area approved.

5-Year Sunset Date: 7/9/2021
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.



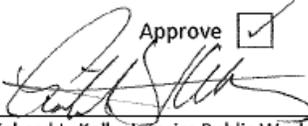
Public Works Design Adjustment – Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Public Works Director may consult with the heads of other City departments regarding the review of the request. The Public Works Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

Project	Project Name	North Grove Subdivision	Date Completed Application Received	4/16/2015
	Case Number	S-5-2015	Transaction Number	417824

Staff Response/Recommendation	<p>This request for relief from the maximum block perimeter is based on the topographical limitations and subdivision access requirements for a 13-lot subdivision not providing a benefit with a street connection to Lead Mine Road. There is a stub street from this subdivision to the east adjacent property being provided as can be seen on the attached site plan.</p> <p>Staff supports this request.</p>		
	Staff Member	Kathryn Beard	Support Request <input checked="" type="checkbox"/>

Public Works Director's Action:

Approve Approval with Conditions Deny

5/18/15
 Richard L. Kelly, Interim Public Works Director Date

*The Public Works Director may also authorize a designee to sign in his stead. Please print name and title next to signature.

Conditions for Approval	
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Appeal of the decision from the Public Works Director shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).

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