



# 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-5-16 / Englehardt Preserve Subdivision

**General Location:** The site is located on the west side of Englehardt Drive, south of the intersection of Leesville Road, inside the city limits.

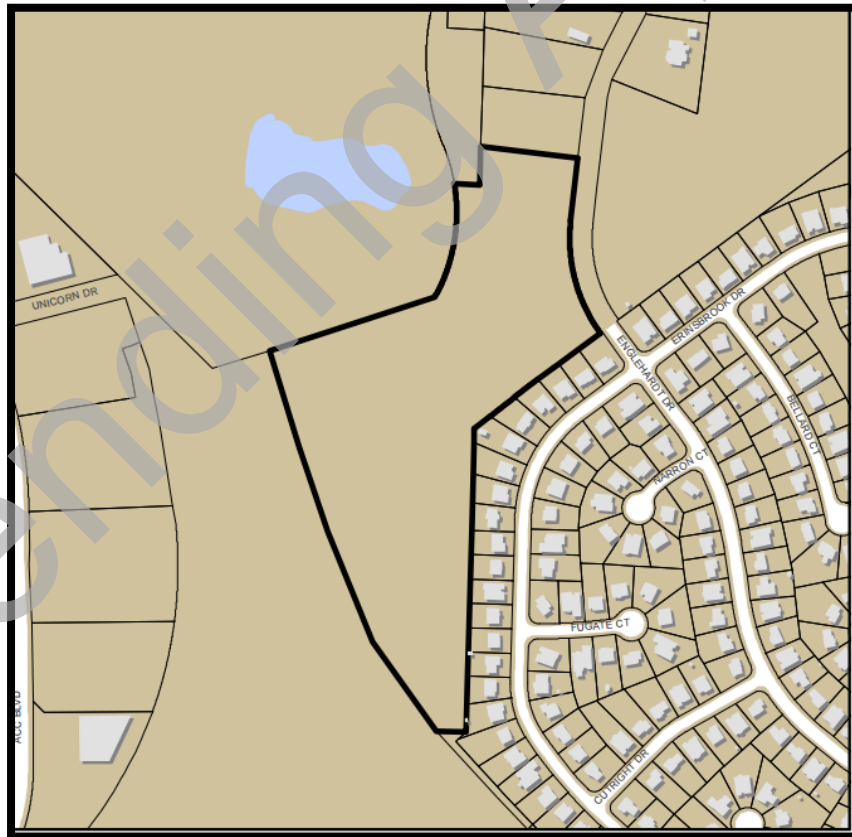
**CAC:** Northwest

**Nature of Case:** The subdivision 13.84 acres into 45 single-family detached lots and 2 open space lots zoned Residential-6 CUD.

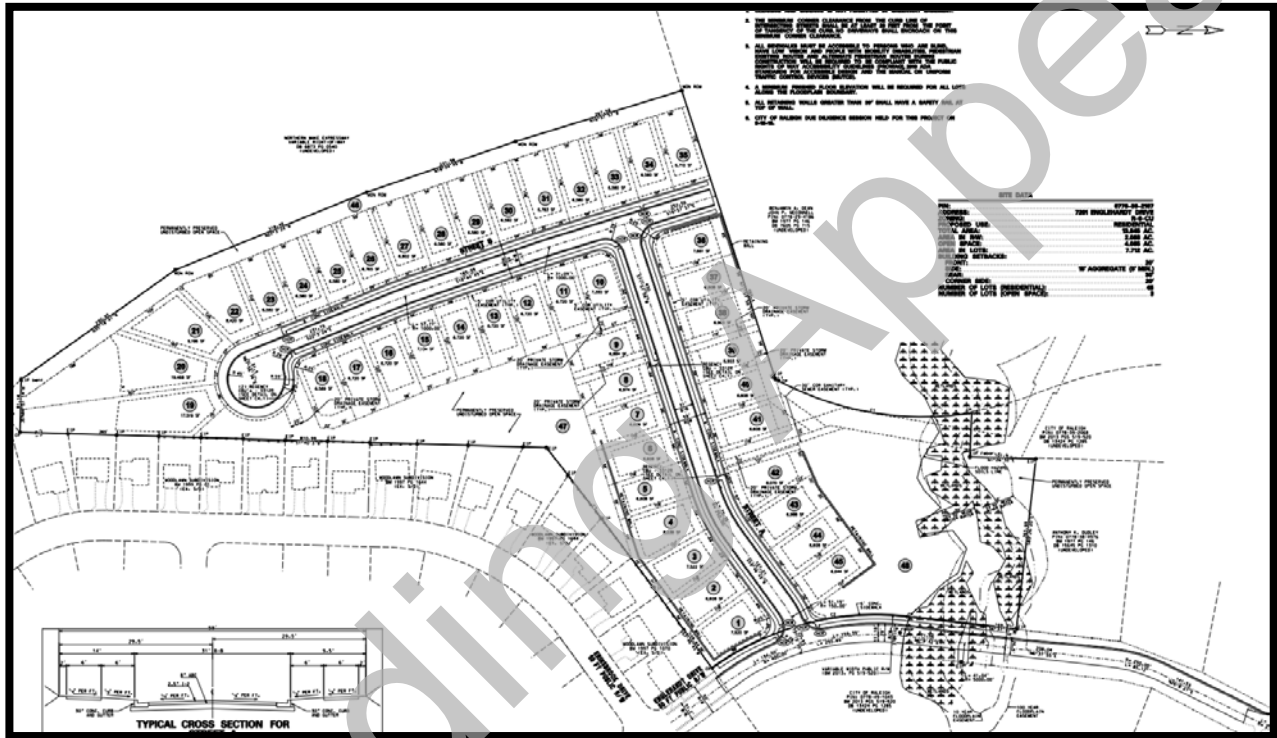
**Contact:** Bass, Nixon & Kennedy, Inc.

**Design Adjustment:** N/A

**Administrative Alternate:** NA



**Location Map**



Subdivision Layout

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**SUBJECT:** S-5-16 Englehardt Preserve Subdivision

**CROSS-REFERENCE:** Z-8-15

**LOCATION:** The site is located on the west side of Englehardt Drive, south of the intersection of Leesville Road, inside the city limits.

**PIN:** 0778382107

**REQUEST:** This request is to approve the subdivision of a 13.84 acre tract into 45 single-family lots and 2 open space lots (total of 47 lots), zoned Residential-6 CUD.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

***Prior to issuance of a grading permit for the site:***

- (1) 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;
- (2) 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;
- (3) That a tree conservation plan is approved by the Conservation Forester and a tree conservation permit is issued.

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

- (4) That all off-site utility easements shall be acquired by the developer. These off-site easements shall be recorded by map and deed of easement prior to construction approval;
- (5) 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;
- (6) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (7) That plans for the shared stormwater devices be submitted and approved by the Public Works Department;

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

- (8) That a 50' greenway easement as shown on the preliminary plan be dedicated to the City of Raleigh and shown on all maps for recording;
- (9) That conditions #2 and #3 of Z-8-15 are met. Per condition #2 a note shall be placed on the final subdivision map which states that the property lies within the Raleigh Durham International Airport "composite 65 DNL noise contour" projected in the RDU Airport's long range facility plan. Additionally per condition #3 the owner shall grant an Avigation Easement to the Raleigh Durham Airport Authority and a copy of the recorded easement shall be provided to the City and a reference to the recorded easement shall be shown on the final subdivision map for recording;
- (10) 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;
- (11) 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;
- (12) 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;
- (13) That offsite flood storage areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map as a "Flood Storage Easement;"
- (14) 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;
- (15) 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);”

- (16) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (17) That an encroachment agreement for the 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 Department for review, and that the City Council approve 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 Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (18) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of public improvements, including streetscape trees on Englehardt Drive, Moss Glen Drive, and Villoria Lane street is paid to the Public Works Department;
- (19) That ½-64' of the required right-of-way and a 5' General Utility Placement Easement be dedicated along Englehardt Drive be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to map recordation;
- (20) That a 55' right-of-way and 5' General Utility Placement Easement be dedicated along Villoria Lane (west of Moss Glen Drive) to the City of Raleigh and a copy of the recorded plat be provided to the City prior to map recordation;
- (21) That a 59' right-of-way and 5' General Utility Placement Easement be dedicated along Villoria Lane (east of Moss Glen Drive) and a copy of the recorded plat be provided to the City prior to map recordation;
- (22) That a 59' right-of-way and 5' General Utility Placement Easement be dedicated along Moss Glen Drive to the City of Raleigh and a copy of the recorded plat be provided to the City prior to map recordation;
- (23) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
- (24) That Infrastructure Construction Plans are approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan; and
- (25) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

**Prior to issuance of building permits on any lot:**

- (26) That construction plans for all residential dwellings show conformance with Zoning condition #4 of Z-8-15.

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Keith Bowen (S. Bowen)  
Date: 8-18-16

**Staff Coordinator:** Meade Bradshaw

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 the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 7/15/16 owned by CalAtlantic Homes, submitted by Bass, Nixon & Kennedy, Inc.

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**ZONING:**

**ZONING DISTRICTS:** R-6 CUD with SHOD-2

**Z-8-15 – Englehardt Drive** – approximately 13.84 acres, rezoned from Thoroughfare District with Airport Overlay District and Special Highway Overlay District-2 (TD w/AOD & SHOD-2) to Residential-6 Conditional Use with Special Highway Overlay District-2 (R-6 CUD w/SHOD-2) (PIN 0778382107).  
Conditions dated: February 25, 2015

1. The following principal uses as listed in the Allowable Principal Use Table (UDO Section 6.1.4) are prohibited: special care facility and outdoor recreation – all types.
2. Any recorded subdivision map of the property shall include a notation that the property lies within the Raleigh Durham International Airport “composite 65 DNL noise contour” projected in the RDU Airport’s long range facility plan.
3. Prior to recordation of a subdivision map of the property, the owner of the property shall record an Avigation Easement, which shall grant in favor of the Raleigh Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the property not within the Airport Overlay District and used for residential purposes.

4. Any new residential dwelling on the property shall be constructed with material and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the dwelling resulting in interior sound levels not exceeding 42 dB. A written certification by an architectural acoustician accredited by the Acoustical Society of America, or state licensed engineer or architect shall be deemed to satisfy this condition.

**TREE  
 CONSERVATION:**

This project has proposed 12.47% or 1.47 acres for tree conservation, which is broken into:  
 Primary: 1.47 acres  
 Secondary: 0 acres

**PHASING:** There is one phase in this development.

**COMPREHENSIVE  
 PLAN:**

**GREENWAY:** There is a 50' greenway easement dedicated north of the stream site.

**STREET  
 PLAN MAP:**

Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)	Slope Easement
Englehardt Drive	Neighborhood Street	50'	64'	N/A	1/2-36' + 11' pavement	N/A

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

Additional pavement width is being constructed along Englehardt Drive to provide a 29' back-of-curb to edge of pavement section from the existing Englehardt Drive terminus to the property line and constructed as a 22' ribbon-paved section continuing to pavement south of the connection to Leesville Road.

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

**COMPREHENSIVE  
 PLAN:**

This site is located in the Northwest Citizen Advisory Council in an area designated as Office & Development and Public Parks & Open Space.

**SUBDIVISION  
 STANDARDS:**

- LOT LAYOUT:** The minimum lot size in the 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:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. A fee for street signs is required in accordance with the Raleigh Street Design Manual.
- STREETSCAPE TYPE:** The applicable streetscape is residential. Construction of a 6' planting strip with a 6' wide sidewalk is proposed within all streets.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of all proposed public streets and along the site's frontage of Englehardt Drive.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with UDO Section 9.2. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The subdivision is proposing to address runoff and nitrogen with a Wet Pond and a buydown. Impacts to Wetlands and Neuse Buffer for road crossing/extension will require appropriate State approvals.
- In accordance with Part 10A Section 9.2.2, an as-built plan and certification of any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate.
- WETLANDS / RIPARIAN BUFFERS:** Wetlands and Neuse River riparian buffers are located on this site. There is disturbance to the Riparian Buffer for the construction of extending Englehardt Drive.
- STREET NAMES:** 2 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:** 8-18-2019

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 8-18-2021

Record entire subdivision.

**WHAT NEXT?:**

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE 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 Public Works Department for street construction; by the first working day in November and May each year.

Pending Appeal