



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
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Case File / Name: S-8-13, Westlake at Country Trail Sunset Extension

General Location: The site is located on the west side of Leesville Road, at the intersection of Leesville Road and Worley Drive. Proposed phases 2 and 3 are within the city limits, and proposed phase 4 is outside of the city limits.

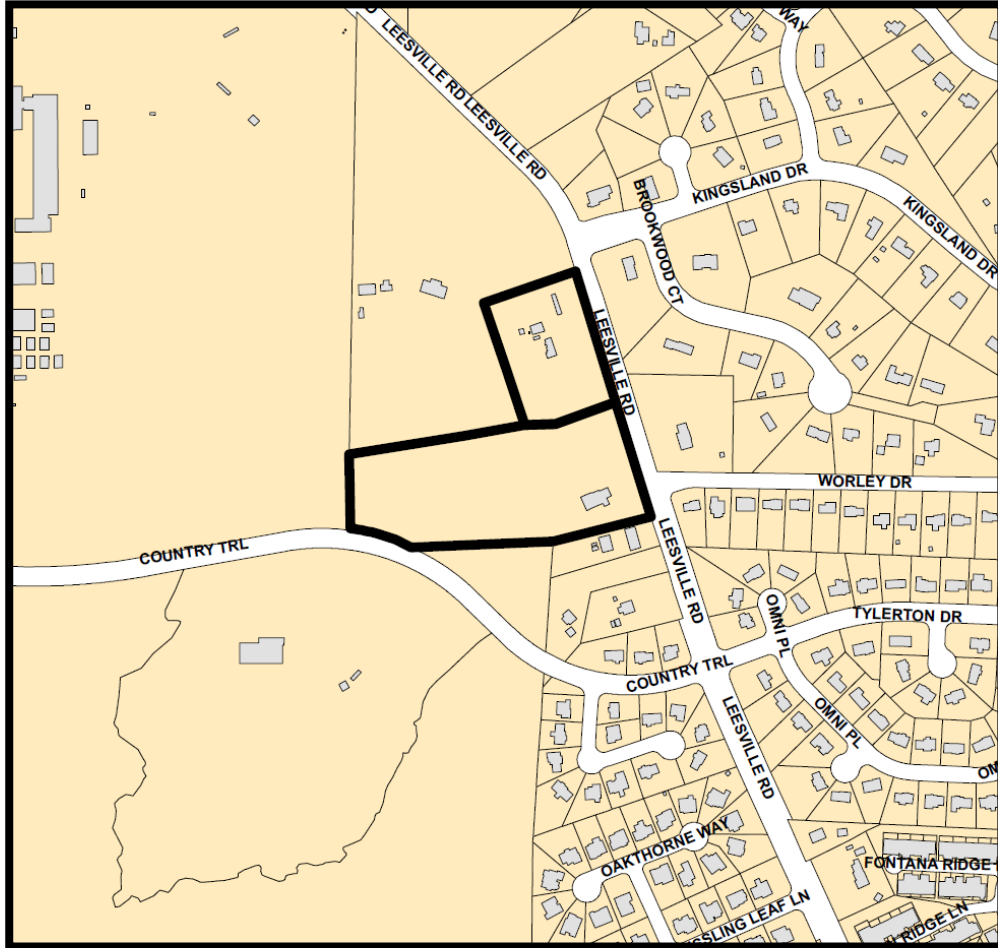
CAC: Northwest Citizens Advisory Council

Nature of Case: The original previously approved subdivision (S-8-13) was two parcels totaling 9.99 acres divided into 21 lots, to be completed in four phases, all zoned Residential-4, and located partially inside the city limits (phases 1-3), and partially outside of the city limits (phase 4). This previously approved subdivision was set to expire on 7/26/16 as less than 1/2 of the approved subdivision area had not been recorded as required by the city code. To date, phase 1 from the original approval has been recorded (One lot, BM 2010, 1020), phases 2-4 are proposed for re-approval and total 20 lots, zoned R-4. This plan approval is pursuant to a sunset extension request. This plan and revised phasing conforms to current Unified Development Ordinance standards.

Contact: William C. Piver, P.E.

Design Adjustment: N/A

**Administrative
Alternate:** NA



Location Map



S-8-13, Westlake at Country Trail Sunset Extension

SUBJECT: S-8-13, Westlake at Country Trail Sunset Extension

CROSS-REFERENCE: Transaction # 4386457

LOCATION: The site is located on the west side of Leesville Road, at the intersection of Leesville Road and Worley Drive. Proposed phases 2 and 3 are within the city limits, proposed phase 4 is outside of the city limits.

PIN: 0787570812, 0787582264, Recorded phase I

REQUEST: This request is to approve the Subdivision Sunset Extension. The original previously approved subdivision (S-8-13) was two parcels totaling 9.99 acres divided into 21 lots, to be completed in four phases, all zoned Residential-4, and located partially inside the city limits (phases 1-3), and partially outside of the city limits (phase 4). This previously approved subdivision was set to expire on 7/26/16 as less than ½ of the approved subdivision had been recorded as required by the original approval. To date, phase 1 from the original approval has been recorded (BM 2010, 1020), phases 2-4 are covered under this subdivision. This plan approval is pursuant to a sunset extension request. This plan and revised phasing conforms to current Unified Development Ordinance standards.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

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

- (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 (per code section 10-9044(a));
- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (3) That a tree impact permit is approved and issued;

Prior to Planning Department authorization to record lots:

- (4) That a demolition permit for the buildings on Pin # 0787582264; BM2016, pg.1090 (phase 4) are issued by the Development Services Department and the building permit number is shown on all maps when recording phase 4;

- (5) 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;
- (6) That a surety is required for construction costs of public improvements which are not complete at map recordation for subdivisions or building permit for site plans. For City-maintained facilities, the surety is 125% of estimated construction costs and 100% for NCDOT-maintained facilities;
- (7) That a fee in lieu for curb and gutter along the Leesville Road frontage shall be paid to the City of Raleigh prior to recordation in the Wake County Register of deeds;
- (8) That a fee in lieu for curb and gutter along the Leesville Road frontage shall be paid to the City of Raleigh prior to recordation in the Wake County Register of deeds;
- (9) That a fee in lieu for 1' sidewalk width along the frontage of both Leesville Road and Country Trail shall be paid to the City of Raleigh prior to recordation in the Wake County Register of deeds;
- (10) That a fee in lieu for 4 street trees required along Country Trail shall be paid to the City of Raleigh prior to recordation in the Wake County Register of deeds;
- (11) That Public Utilities Department approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from DB 04788 PG 0906 PIN # 0787571522 property located south of the subdivision and that the deed and map are recorded with the County Register of Deeds office. A recorded copy of these documents must be provided to the Planning Department within 14 days from authorization of lot recording. If a recorded copy of the documents are not provided to the Planning Department within this 14 day period, further recordings and building permit issuance may be withheld;
- (12) That a waterline assessment of \$4,739.30 is paid to the City of Raleigh;
- (13) That 1 street name is approved by the City of Raleigh GIS Department and Wake County;
- (14) That ½ - 104' Right of Way and a 13' slope easement for Leesville Road is to be shown on the plat and dedicated to the City of Raleigh prior to map recordation with the Wake County Register of Deeds;
- (15) That infrastructure construction drawings are approved by the Development Services Department. A pavement marking plan shall be included for the left turn-lane from Country Trail Road into the proposed subdivision;
- (16) That ½ - 64' Right of Way along Country Trail is to be shown on the plat and dedicated to the City of Raleigh prior to map recordation with the Wake County Register of Deeds;
- (17) That a fee in lieu for curb and gutter along the Leesville Road frontage shall be paid to the City of Raleigh prior to recordation in the Wake County Register of deeds;
- (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 prior to the approval of phases 2-4, that phase 1 is re-recorded as part of the subdivision and incorporated into all documents noted in conditions 21 and 22 below;

- (20) 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. Phase I lot shall be included in the map for recording so that phase one is part of the Exhibits for this document;
- (21) 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; Phase I lot shall be included in the map for recording so that phase one is part of the Exhibits for this document;
- (22) 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";
- (23) 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)."
- (24) That all future plats and legal documents associated with this project include the signature of the property owner of the lot(s) recorded. (BM 2015 pg 1020);

Prior to issuance of a certificate of occupancy for any lot:

- (25) That all public improvements are accepted by the Engineering Services Department for maintenance of public streets;
- (26) 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.)

Ka Baum (C. Rep)

Date: 1-18-17

Staff Coordinator: Michael Walters

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 the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1. This approval is based on a preliminary plan dated 11/10/16 owned by Westlake Partners, LLC, submitted by William C. Piver, P.E..

ZONING:

ZONING DISTRICTS: Residential-4

TREE CONSERVATION: The project provides 1.07 acres of tree conservation area which is 11.62% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.20 acres
Secondary: 0.87 acres

Tree Conservation is required and has been recorded. (BM 2015 pg 1020)

PHASING: There are four original phases in this development. Phase 1 has been recorded. (BM 2015 pg 1020)

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET PLAN MAP: Dedication of right-of-way and construction of the following streets is required by the Street Plan Map of the Comprehensive Plan. Dedication of right-of-way is required.

Additional right-of-way to be dedicated is reimbursable under the facility fees program. The difference between the required residential street with curb, gutter and sidewalk and the proposed construction of is reimbursable.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)	Slope Easement
Leesville Road	Avenue 4-Lane , Divided	60'	104' r/w	24' EOP	-	13'
Country Trail	Avenue 2-Lane Divided	60' r/w	64' r/w	41' b to b	-	-
Ghost Pony Trail (proposed)	Neighborhood Yield		55' r/w	-	27' b to b	-

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

COMPREHENSIVE PLAN: This site is located in the Northwest Citizens Advisory Council in an area designated as moderate density residential.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in R-4 zoning district is 10,000 square feet. The minimum lot depth in this zoning district is 100 feet. The minimum lot width of an interior lot and a corner lot is 80 feet in this zoning district. 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 a Residential streetscape. A fee in lieu for a 1' sidewalk width along both Leesville, and Country Trail frontages is required. No construction of sidewalk is proposed along existing streets.

For lots that abut Leesville Road, where a C2 type yard on private property is to be installed in lieu of a streetscape in the public right of way, the planting for this yard shall be required prior to be shown on the survey plot plan for individual lots prior to permit issuance and installed prior to issuance of a certificate of occupancy.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 6' sidewalk is proposed along both sides of the proposed street (Ghost Pony Trail). Access to the public right of way in addition to internal connection requirements is provided in accordance with 8.3.4 of the UDO.

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 Part 10 of the Raleigh City Code. Shared underground detention devices will be utilized to meet runoff control requirements. A buydown of nitrogen offset fees is proposed to satisfy water quality regulations.

Surety

That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeded a site, shall be paid to the City

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers exist on-site and show allowed disturbance for storm drainage pipes.

STREET NAMES:

One new street is 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: 1/18/20

Record at least ½ of the land area approved.

5-Year Sunset Date: 1/18/22

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.