



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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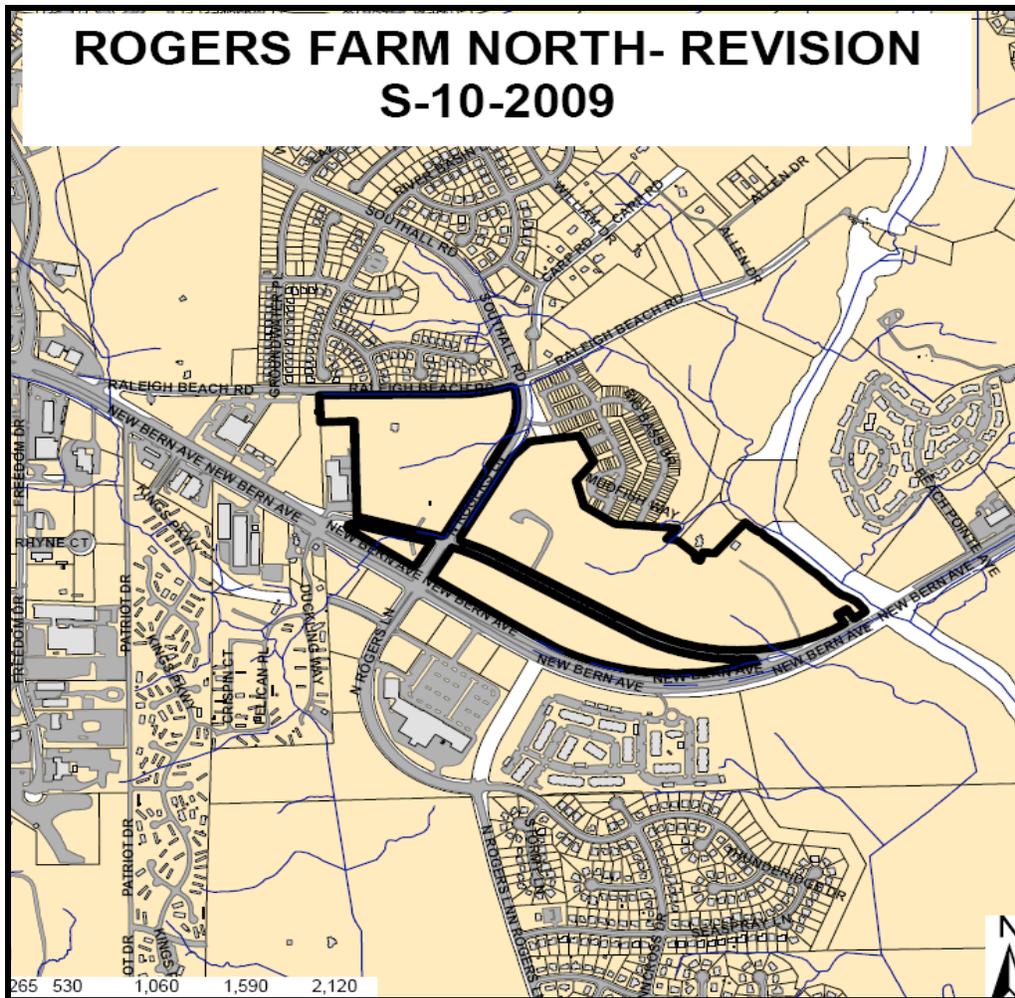
Case File / Name: S-10-2009 Rogers Farm North Revision

General Location: North of the intersection of Rogers Farm Rd. and New Bern Ave.

Planning District / CAC: South East / South East

Nature of Case: For the subdivision of 4 tracts totaling 65.49 acres into 3 phases consisting of 11 lots and 2 open space lots. This site is zoned R4/ PDD with specific land uses and restrictions in place per the PDD and must be referenced for any future development. This revision is to modify the area designated as Phase 1 which was previously Lots 3,4,5,6, and 7 to Lots 3, 4, 5, 6, 7, and 13. Lot 13 is designed solely for stormwater management for phase 1 lots.

Contact: Bass Nixon and Kennedy



SUBJECT: S-10-2009 Rogers Farm North Revision

CROSS-REFERENCE: MP-1-96, S-35-05

LOCATION: This site is located on the North side of New Bern Ave. and at the intersection of Rogers Farm Rd. inside the City Limits.

REQUEST: This request is to approve the subdivision of 4 tracts totaling 65.49 acres into 11 lots and 2 open space lots zoned R-4/PDD. Lots 11 and 12 will be dedicated as open space. Additionally there will be 2 right of way abandonments; Old U.S. 64 and a portion of N. Rogers Farm Rd. This revision is to modify the area designated as Phase 1 which was previously Lots 3,4,5,6, and 7 to Lots 3, 4, 5, 6, 7, and 13. Lot 13 is designed solely for stormwater management for phase 1 lots.

OFFICIAL ACTION: Approval with conditions

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

- (1) That all riparian buffers are field-located and the exact locations shall be shown on permitted plans;
- (2) That 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;
- (3) 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;
- (4) That as stormwater control facilities are to be owned and maintained by a property owners' association, (for lots 3,4,5,6,7 and 13 or referred to as Phase 1) stormwater control measures are required to be shared among all lots within Phase 1 the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installation or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Attorney for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;

- (5) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis; For those lots within Phase 1 and for those lots allocating impervious areas being removed as presented on the preliminary plan;

Prior to Planning Department authorization to record lots:

- (6) That cross access shall be shown and recorded between lot 2 and Big Bass Dr. (Rogers Farm Town homes, S-95-2003).
- (7) 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;
- (8) That a petition to close the existing right of way on North Rogers Lane (Approx. 800') and Old US HWY 64 is submitted to the Planning Department and approved as a separate action by the Raleigh City Council, and that the adopted street closing resolution number and effective date of closing is shown as a note on all recorded plats;
- (9) 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 perpetuity 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)". This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it;
- (10) 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."
- (11) That the following note be shown on all maps for recording: A minimum finished floor elevation will be required for all lots along the floodplain boundary.
- (12) 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.

- (13) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;
- (14) That the 150' greenway is to be dedicated as approved by the Parks and Recreation Department, and as shown on the preliminary plan;
- (15) That a new temporary 15' access easement is shown that links lot D.B. 4472 PG 349 to proposed cul-de sac, Street 'C';
- (16) 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: "Riparian buffers shown on this plat are subject to grading and vegetation removal restrictions in accordance with State law".
- (17) That a note be placed on the map for lot 10 that construction of Raleigh Beach Road is required prior to or in conjunction with development or further subdivision of lot 10.
- (18) That 3 new street name for this development be approved by the Raleigh City Planning Department and by Wake County;
- (19) That construction plans for this subdivision be approved by the Public Works Department;
- (20) That the 15'x20' transit easement located on HWY 64 be approved by Transit Planner in the Public Works Department; that the City Attorney approves the transit easement deed. The location of this easement with metes and bounds description shall be shown on all plats for recording. A recorded copy of the transit easement deed must be provided to the Site Review Specialist in the Inspections Department;
- (21) That the open space Lot 12, 6.08 acres be shown and dedicated fee simple to the City of Raleigh;
- (22) That a cumulative map be submitted to the Planning Department for the entire PDD tract showing the open space recorded, and all lots recorded;
- (23) That unity of development and unified sign criteria proposed for all non-residential uses for this development conform to the Rogers Farm Shopping Center be approved by the Inspections Department;
- (24) That the existing billboard on Lot 2 and Lot 8 or all billboards on the PDD be removed (per condition 14 of MP-1-96) at time of open space dedication;
- (25) That a plat be recorded showing riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, along with a note stating: "Riparian buffers shown on this plat are subject to grading and vegetation removal restrictions in accordance with State law".

- (26) That plantings be installed in the SHOD 3 portion of the right of way only (this will be done at time of right of way abandonment per sheet C1.1) and inspected by the Site Review Specialist in the inspections department;

Prior to issuance of building permits in the Inspections Department:

- (27) That a final detailed landscape plan showing street yards in accordance with the approved master landscape plan be submitted/stamped and approved by the Site Review Specialist in the Inspection Department;
- (28) That prior to site plan permit approval for Lots 6 or 7, Lot 11 has removed all asphalt debris, and that screened fill and topsoil mixture (to a depth of 12" or more) be redistributed and planted with maple, pine and hardwood saplings at a rate of 25' on center throughout Lot 11.

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell Lile (C. Day)

Date: 10.2.09

Staff Coordinator:

James Marapoti

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 Chapter 2, Part 10, Sections 10-2017, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/20/09, owned by James R. Rogers, submitted by Bass Nixon and Kennedy.

ZONING:

ZONING DISTRICTS:

MP-1-96 PDD.

LANDSCAPING:

Street yard landscaping will conform to Section 10-2082.5 upon individual site plan submittal. A 65' SHOD 3 buffer exists in front of Lots 1 and 2, 20' street yard in front of lots 3, 4 and 5, and a 65' SHOD 4 in front of Lot 8. There is a reforestation plan for the abandoned right of way of Old U.S. 64, only at the SHOD 3 area. (planting ratios and location shown on C4.1).
Reforestation will take place at time of R/W abandonment.

TREE CONSERVATION:

The total site is 65.49 acres and requires 10% dedication for tree conservation or 6.55 acres. This site is dedicating 6.87 acres toward primary and secondary tree conservation reference preliminary plan sheet C4.1.

PHASING:

This plan is to be constructed in 3 phases: Phase 1 composes of lots 3, 4, 5, 6, 7 and 13, Phase 2 composes of lots 8, 9, and 10 and Phase 3 composes of 1, 2, and 12.

OPEN SPACE: This plan is for the approval of (Lot 12) 6.08 + (Lot 11) 0.84 acres= 6.92 acres of open space. Lot 12 is to be deeded to the City of Raleigh fee simple.

UNITY OF DEVELOPMENT: This subdivision is subject to unity of development and unified sign criteria for all non-residential uses and must conform to the Rogers Farm Shopping Center.

COMPREHENSIVE PLAN:

GREENWAY: There is an existing 60' greenway easement on the south eastern edge of the property. This plan is proposing to increase the easement to a 150' greenway easement.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan: For the following improvements reference C1.1 site plan sheet.

Street	ROW	Construct	Slope Esmt.
Southall Road	100'	50' of 69' b-b w/ 5' sidewalk	Variable - Sheet C 1.1
N. Rogers Ln.	100'	69' b-b w/median & 5' sidewalk	Variable - Sheet C 1.1
US 64 Hwy	Sufficient	12' travel lane w/ 5' sidewalk	N/A
Street 'A'	50'	31' b-b w/ 5' sidewalk	N/A
Street 'B'	60'	41' b-b w/ 5' sidewalk both sides	N/A
Street 'C'	60'	41' b-b w/ 5' sidewalk both sides	N/A
*Raleigh Beach Rd	60'	½-41' b-b	N/A

*Raleigh Beach Road construction will be deferred until Lot 10 is developed or further subdivided.

There are two sections of road which will require City Council action for R/W abandonment;

-Approximately 900' (90' R/W) on N. Rogers Farm Lane. Ref. C1.1
 -Approximately 1,675' (60' R/W) on Old. U.S. 64. Ref. C1.1
 Thoroughfare and Collector Street Plan: For the following improvements, reference C1.1 site plan sheet for S-10-2009.

URBAN FORM: This site is located in the South East Planning District, in an area designated a residential area.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: Future development of this PDD must conform to the Residential Lot Standards, in some instances, certain uses and standards of the R=15 and TD districts may apply as stated in the Master Plan,

Lots 1 and 2- or (MR-3 max. allowed units 490) is ~ 32.7 acres zoned R-15 based on MP-1-96 these lot will be limited to medium density residential single family and multi-family dwellings including town homes, duplexes, triplexes, group housing and condominiums. Slopes in excess of 20% within 300' of the Neuse River Buffer shall not be disturbed.

Lots 3,4,5,6, 7 and 13 or (EC-2) is ~ 12.3 acres zoned O&I-1/ TD, all uses permitted except;

- a. Shopping Centers**
- b. Adult establishments**
- c. Land Fills**
- d. Individual retail establishments which exceed 20,000 square feet of gross building area.**

Lots 8, 9, and 10 or (EC-1) ~ 21.4 acres zoned O&I-1/TD, all uses permitted except;

- a. Adult establishment**
- b. Land fills**
- c. Individual retail establishments which exceed 20,000 square feet of gross building area.**
- d. Residential development exceeding 15 units per acre.**

Lots 11 and 12 are open space lots.

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.

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: Will be provided in accordance with the solid waste manual.

CIRCULATION: Proposed street improvements shall conform to City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along U.S. 64, both sides of N. Rogers Farm Lane, both sides Southall Rd. and both sides in cul-de- sacs Street 'B' and 'C' and a 5' sidewalk is required for Street 'A'.

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

**STORMWATER
MANAGEMENT:** This subdivision will utilize a wet pond for stormwater quantity requirements. The subdivision will utilize this wet pond as well as a NCEEP buydown to meet stormwater quality regulations.

Phase 1 (lots 3, 4, 5, 6 & 7 & 13) will share the wet pond facility and has assumed impervious areas identified in a table on sheet C3.1. The other lots in Phase 2 (lots 8-10) and Phase 3 (lots 1 and 2) will address stormwater regulations on a lot by lot basis. These lots are subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. All of the proposed lots (lots 1, 2, 8, 9, and 10) exceed one acre in size. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision. Lots 11 and 12 will be permanently preserved open space lots.

**WETLANDS
/ RIPARIAN
BUFFERS:**

There are 3 Neuse River riparian buffer locations on this site.

STREET NAMES:

3 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.

**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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 10/2/2012

Record at least ½ of the land area approved.

5-Year Sunset Date: 10/2/2014

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.