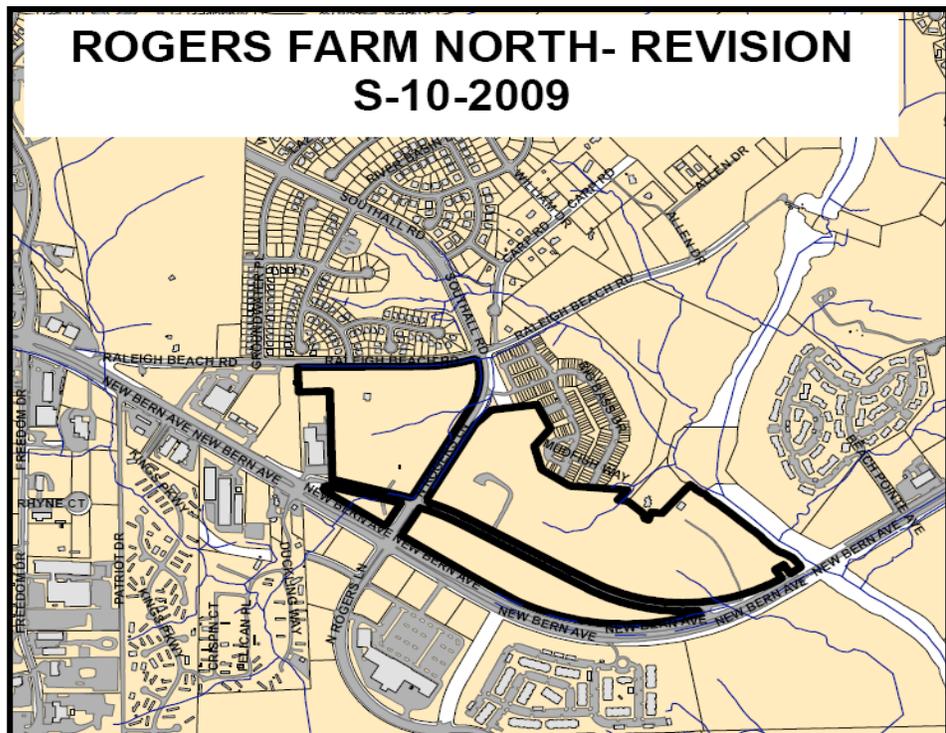


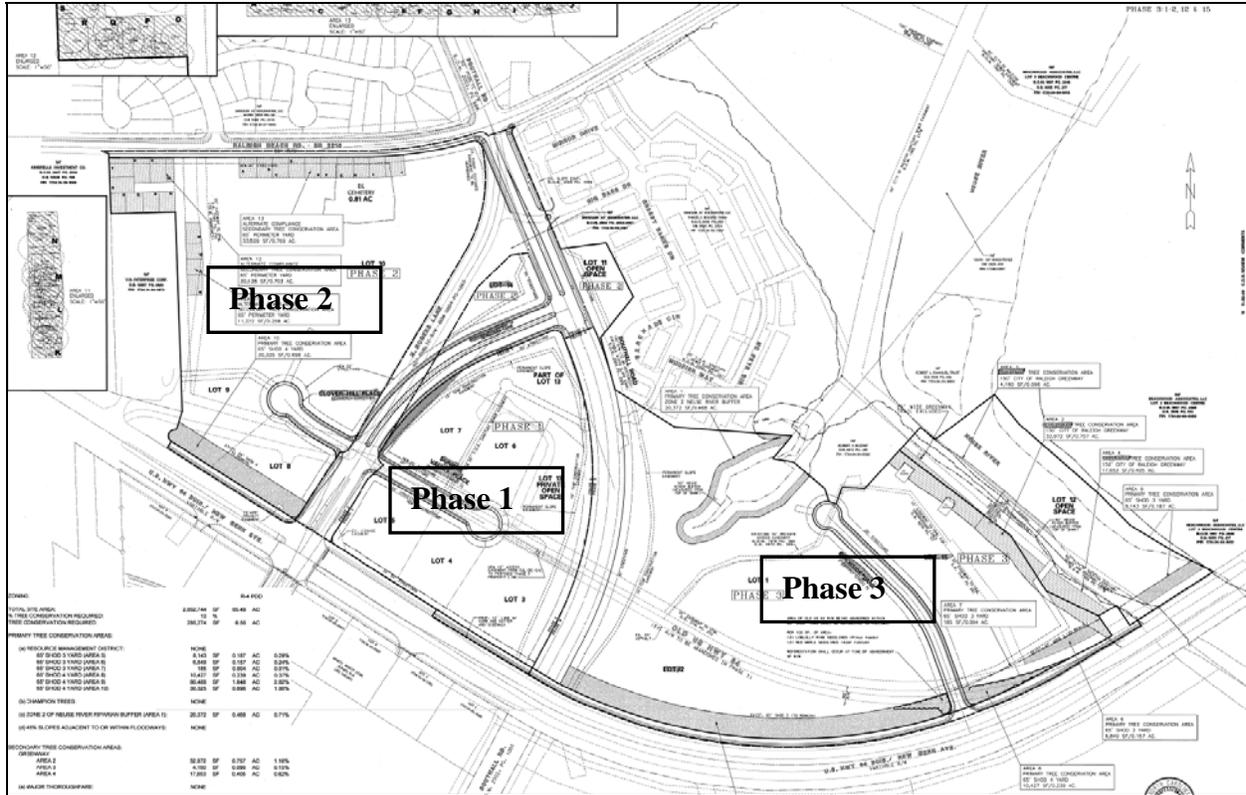


Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
219 Fayetteville Street
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

- Case File / Name:** S-10-2009 Rogers Farm North Revision (Second revision to previously approved plan)
- General Location:** North of the intersection of Rogers Farm Rd. and New Bern Ave.
- Planning District / CAC:** South East / South East
- Nature of Case:** Subdivision of 4 tracts totaling 65.49 acres into 15 lots with 3 open space lots to be recorded in 3 phases. 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.
Phase 1 consists of lots 3, 4, 5, 6, 7 and shared stormwater lot 13. Lot 13 is designed solely for stormwater management for phase 1 lots. 100' of right of way is to be dedicated for Southall Rd. and 90' of right of way is to be dedicated for the relocation of North Rogers Lane. In addition, open space Lot 12 is to be recorded in Phase 1.
Phase 2 consists of Lots 8, 9, 10, open space lot 11, 14, an existing cemetery by deed and a remnant tract from Edgewater (DB 11378 PG 919) . Once the existing N. Rogers Lane is abandoned in Phase 2, Lot 14 and the Edgewater remnant tract will be recombined into Lot 10.
Phase 3 consists of Lots 1, 2 and 15. Phase 3 is reserved for only residential uses.
- Contact:** Bass Nixon and Kennedy





2ND Subdivision Revision (current proposal)

SUBJECT: S-10-2009 / Rogers Farm North Revision (Second revision to previously approved plan)

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: The purpose of this (second) revised plan is to approve the subdivision of 4 tracts totaling 65.49 acres into 15 lots with 3 open space lots to be recorded in 3 phases. 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. Additionally there will be 2 right of way abandonments: Old U.S. 64 and a portion of N. Rogers Farm Rd.

Phase 1 consists of lots 3, 4, 5, 6, 7 and shared stormwater lot 13. Lot 13 is designed solely for stormwater management for phase 1 lots. 100' of right of way is to be dedicated for Southall Rd. and 90' of right of way is to be dedicated for the relocation of North Rogers Lane. Old Hwy 64 from the western most portion of this tract to the new dedication of Southall Rd. has been abandoned with Council resolution #(2009)-974. In addition, open space Lot 12 is to be recorded in Phase 1.

Phase 2 consists of Lots 8, 9, 10, open space lot 11, 14, an existing cemetery by deed and a remnant tract from Edgewater (DB 11378 PG 919). Once the existing N. Rogers Lane is abandoned in Phase 2, Lot 14 and the Edgewater remnant tract will be recombined into Lot 10.

Phase 3 consists of Lots 1, 2 and Lot 15. Phase 3 is reserved for residential uses only. Old US 64 right of way will need to be abandoned during this phase and recombined. If any other use is proposed other than residential a new subdivision will be required.

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" (Installment 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) Phase 1: That 90' of right of way for the future relocation of N. Rogers Lane and 100' of right of way for the Southall Rd. flyover w/ variable with of slope easements (ref. C1.1) be dedicated to the City of Raleigh;
- (7) Phase 1: That proposed open space Lot 12 be recorded in phase 1 of lot recordation;
- (8) Phase 1: That the proposed 150' greenway easement along the Neuse River, along with a greenway easement on all of open space Lot 12 (6.08 acres in accordance with MP-1-96 Open Space requirements) is dedicated to the City of Raleigh (as greenway easement) and be shown as a greenway easement on all plats for recording;
- (9) Phase 1: That a new temporary 15' access easement is shown that links lot D.B. 4472 PG 349 to proposed cul-de sac, Street 'C';
- (10) Phase 1: That a revised tree conservation plan and tree conservation permit be approved by the Forestry Specialists in the Inspections Department removing the land area found within the Neuse River from Lot 12;
- (11) Phase 1: That a note be placed on all plats for recording stating that Lot 14 will be limited to a maximum of 1,000 square feet impervious surface area until such time that Lot 14 has been recombined into Lot 10 (Phase 2) at which time this restriction will not be applicable;

- (12) Phase 1: That a revised cumulative map be submitted to the Planning Department for the entire PDD tract showing all recorded lots including the open space recorded;
- (13) Phase 1: That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas in compliance with Code section 10-2082.14 and as approved by the Forestry Specialists in the Inspections Department;
- (14) Phase 2: 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.
- (15) Phase 2: 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;
- (16) Phase 2: That a petition to close the existing right of way on North Rogers Lane (Approx. 800') 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;
- (17) That a note be placed on the recorded map that if Lot 14 is not recombined with Edgewater lot (DB 11378 PG 919) and into Lot 10, and is sold independently, it is the responsibility of the owner/developer of lot 14 to extend sewer and water services to this lot prior to building permit issuance;
- (18) 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;
- (19) 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."
- (20) 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.

- (21) 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.
- (22) 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;
- (23) That construction plans for each phase of this subdivision be approved by the Public Works Department;
- (24) That unity of development and unified sign criteria for each phase be submitted for approval in the Planning Department;
- (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;
- (27) Phase 3: That a petition to close the existing right of way on 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;

Prior to issuance of building permits in the Inspections Department:

- (28) 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;
- (29) That prior to building permit approval for Lots 6 or 7, all asphalt debris on Lot 11 shall be removed, and a screened fill and topsoil mixture (to a depth of 12" or more) shall 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 Silver (W. J. Jackson)

Date: 12-16-09

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 11/30/09, 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 in phase 3.

TREE CONSERVATION: The total site is 65.49 acres and requires 10% dedication for tree conservation or 6.55 acres. This plan shows dedication of 6.87 acres toward primary and secondary tree conservation. Reference preliminary plan sheet C4.1. However, a both a significant portion of the site and a portion of tree conservation area is shown within the Neuse River. A revised tree conservation plan which excludes the area within the banks of the river shall be required prior to lot recordation.

PHASING: This plan is to be constructed in 3 phases: Phase 1 composes of lots 3, 4, 5, 6, 7, 12 and 13; Phase 2 composes of lots 8, 9, 10, 11 and 14. Please note that Lot 14 and the remnant tract Edgewater (DB 11378 PG 919), additionally approx. 900' section of N. Rogers Lane will be abandoned will be recombined once plans have been submitted for this phase. Phase 3 composes of 1, 2, and 15.

OPEN SPACE: This plan is for the approval of Lot 12, 6.08 acres, and Lot 11, 0.84 acres = 6.92 acres of open space. Lot 12 is to have a greenway easement dedicated to the City of Raleigh on the entirety of the lot.

UNITY OF DEVELOPMENT: Per the master plan each phase of this subdivision will require a new unity of development plan and unified sign criteria to be submitted and approved by the Planning Department and Inspections Department.

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. In addition all of proposed open space lot 12 is to have a greenway easement dedicated upon it.

**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.

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
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. **Approximately 1,400' has been abandoned reference Council resolution #(2009)-974.**
 Thoroughfare and Collector Street Plan: For the following improvements, reference C1.1 site plan sheet for S-10-2009. **Street A in phase 3 is designed as a residential collector street as such residential uses are solely permitted within this phase. If the use should change, this street will require commercial street standards.**

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, 2 and 15 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. **Infrastructure service to Lots 14 and 2 is required to be shown able to extend by the subdivider and is shown on the preliminary. Exact details of the extension will be provided at construction plan review per phase.**

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, 10 and 15) 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.

This revision to the previously approved subdivision is in part addressing stormwater concerns revolving lot 14. The final configuration of Lot 14 is such that it can stand on it's own (regarding stormwater quantity and quality issues created by impervious surfaces). Lot 14 is currently under 1 acre in size and therefore has an impervious surface limitation identified

(by self imposing a limitation of 1,000 SF) since it will not share stormwater BMP's. This lot is intended to be recombined at a later date (Phase 2 Lot 10) into a lot greater than one acre. It will then be able to stand on it's own in addressing stormwater and the impervious surface limitation will not apply at that time.

**WETLANDS
/ RIPARIAN
BUFFERS:**

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

STREET NAMES:

Street names have been approved by Wake County and City of Raleigh Planning Department.

**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 before lots may be recorded or 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: 12/16/2012

Record at least ½ of the land area approved.

5-Year Sunset Date: 12/16/2014

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.