



Administrative Action

Preliminary Subdivision / townhome

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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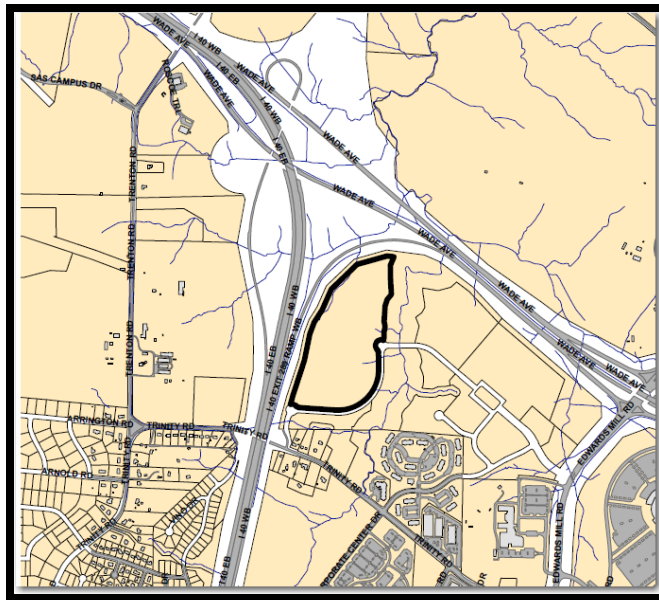
Case File / Name: S-10-10 / Inside Wade Townhomes

General Location: On the northwest quadrant of I-40, Wade Park Blvd and Wade Avenue, inside the city limits.

CAC: West

Nature of Case: Subdivision of 40.93 acres (Tract R-1) into a townhome development consisting of 307 townhomes (169 attached and 138 detached) and 12 open space lots and 1 amenity area. This development is located within the approved MP-2-05 Forty Wade. The property is zoned O&I-2 with Planned Development CUD overlay. This subdivision will create portions of a public street network and residential units that are in conformance with the approved Master Plan for this tract (MP-2-05).

Contact: John R. McAdams Company, Inc



S-10-10 Forty Wade Townhomes –site location map

SUBJECT: S-10-10 / Inside Wade Townhomes

CROSS-REFERENCE: MP-2-05 & Z-54-05

LOCATION: On the northwest quadrant of I-40, Wade Park Blvd and Wade Avenue, inside the city limits.

REQUEST: Subdivision of 40.93 acres (Tract R-1) into a townhome development consisting of 307 townhomes (169 attached and 138 detached) and 12 open space lots and one amenity area. This development is located within the approved MP-2-05 Forty Wade. The property is zoned O&I-2 with Planned Development CUD overlay. This subdivision will create portions of a public street network and residential units that are in conformance with the approved Master Plan for this tract (MP-2-05).

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

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

- (1) That prior to the issuance of a grading permit, 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;
- (2) That a revised preliminary plan be submitted and approved by the Forestry Specialist showing the combination silt/tree protection fence to be extended along the northwest along the existing traffic circle of Wade Park Blvd and this area be inspected and approved in the field;

Prior to approval of construction drawings for public improvements:

- (3) 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 10 Chapter 9, 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;
- (4) That an application for an encroachment agreement for the geogrid located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Public Works Department for review;
- (5) That the City Attorney approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from Wade Master Association, LLC PIN # 0774889959 DB 12902 PG 2269 property located northeast, as shown on the preliminary plan, 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;

- (6) That as the developer purposes to disturb a designated riparian buffer for the purpose of a City of Raleigh sewer easement extension, 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));
- (7) That the following note be shown on the construction drawings: For the retaining walls located parallel to the public right-of-way, walls shall be designed so that no portion of the wall or any part of its structure or foundation can be within the right-of-way;

Prior to Planning Department authorization to record lots:

- (8) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (9) That as stormwater control facilities are to be owned and maintained by a property owners' association, 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 Planning Department 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;
- (10) 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;
- (11) 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;

- (12) 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;
- (13) That unity of development guidelines and sign criteria for this entire development are established and approved by the Planning Director and that all sign permits issued conform to the approved sign criteria dated September 10, 2007.
- (14) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (15) That 2 -15x20 foot transit easement located on Wade Park Blvd be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (16) That the 3-party encroachment agreement for the landscaping located in the public right of way be approved by the City Council and the city attorney approve the execution of the encroachment agreement and a copy is placed in the file;
- (17) That prior to recording of lots in phase 2, the applicant submit a cumulative map showing all lots, open space, and public rights-of-way that have been recorded to date along with subdivision case numbers, and a table showing the total units approved in each phase, total and net acreage in each phase, zoning districts and open space allocated for each phase, recorded book and page numbers of required legal documents including amendments and successive annexations to each phase, number of units transferred, and total of all units, acres, and open space for the entire cluster unit development;
- (18) That the homeowner' declaration contain a provision stating the existing 1 and 2-car garages (attached and detached)may not be enclosed for living space or be used as storage area but will remain as required parking;
- (19) That a final detailed landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;
- (20) That a note is placed on all recorded maps stating; All buildings and other site improvements must comply with Unity of Development guidelines and sign criteria on file in the Planning Department;
- (21) That an application for an encroachment agreement for landscaping located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections 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 that the encroachment agreement is to be recorded with the Wake County Register of Deeds;

- (22) That a tree conservation map be re-recorded with metes and bound showing the change to the Neuse Riparian Buffer Zone 2 designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (23) 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;
- (24) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared amount all lots, and said stormwater control measures shall be owned and maintained by a homeowners association for which all lot owners shall be a member. The legal documents establishing the association and its powers shall be prepared in accordance with the requirements of N.C.G.S Chapter 47F and the Raleigh City Code. The stormwater management documents required by Code section 10-9027 must be on forms provided by the City, be completed per instructions, and be submitted to the Planning Department for review ahead of recording;
- (25) That the City Attorney approves a public vehicular and pedestrian access easement from the use of the private streets and alley's;
- (26) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (27) 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."
- (28) That the existing private 20' access easement located across lot 5 as recorded in (BM 2007 PG 2870) is proposed to be relocated. The relocation shall be shown on the map for recording and all property owners (Wade Master Associates, LLC and or Post Properties and or Post Wade Tract R-1, LLC) shall sign all maps for recording including deeds;
- (29) That all phases shall be recorded in sequence order as shown on the preliminary plan;

Prior to issuance of building permits in the Inspections Department:

- (30) That elevations for units 114-122 and units 182-187 be submitted showing access doors located at the rear of the units that will access the private street for address placements;
- (31) This development shall have no less then 830 parking spaces that will be provided with 1 & 2 car garages and 1 & 2 car concrete driveway's verification of the parking requirements will be submitted for review and approval. The parking requirements are based upon 2,3 & 4 bedroom units as shown on the preliminary plan; and

Prior to issuance of occupancy permit in the Inspections Department:

- (32) That as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028 shall be provided.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Day) Date: 9-16-2010

Staff Coordinator: Jacque Baker

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 10-2103 & 10-2057, Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/26/10, owned by Post Wade, LLC, submitted by John R. McAdams.

ZONING:

ZONING DISTRICTS: Office and Institution-2 CUD with Planned Development Conditional Use Overlay District.

Z-54-05 Ordinance (2006) 23 ZC 588 Effective 5/16/06.

1. Development of the property shall be in accordance with Master Plan Amendment approved in connection with this rezoning petition.
2. Future dedications of rights-of-way shall be valued according to the original zoning classification (Agricultural Productive or Office and Institution-1, respectively) of the area dedicated.

LANDSCAPING: Preliminary landscaping is in conformity with Section 10-2082.5 as shown. Landscape areas for tree planting are a minimum of 350 square feet per tree in area, and have a minimum dimension of 7 feet. Transitional protective yards are not required based upon the site is surrounded by public right of way and existing open space.

TREE CONSERVATION: 17.99 acres or 10.72% of Tree Conservation Area was provided and recorded (BM 2007 PG 2873) under the MP-2-05. Tree Conservation will be re-recorded showing the change to the Neuse Riparian Buffer Zone 2.

UNITY OF DEVELOPMENT: Unity of development and sign criteria are required in this development. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots. Sign criteria is to be approved by the Inspections Department prior to permit issuance.

DEVELOPMENT

DENSITY: The number of units allowed in Tract R-1 shall be 200 units and a maximum will be 500 units. The proposed plan contains 307 townhouse-- units.

SETBACK /

HEIGHT: Setbacks and height conform to MP-2-05. See file MP-2-05 Forty Wade approved master plan document dated 10/9/08.

- Building height not exceed 70 feet – see page 8 of MP-2-05
- See below for setback – page 26 of MP-2-05

TOWNHOMES (DETACHED) 21-39 WIDE LOTS	N/A	5'	5'	0' (6' between buildings)	3'	3'
TOWNHOMES (ATTACHED) WITH REAR GARAGES WITH FRONT GARAGE	N/A	0' 18'	5'	0'	10' PUBLIC / 5' PRIVATE STREETS 10' PUBLIC / 5' PRIVATE STREETS	3'

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 4.09 acres required, 24% or 9.94 acres provided for this tract. The overall Master Plan required 30% or 50.56 acres, 30.5% or 51.35 acres provided (BM 2007 PG 2869).

PARKING: Off-street parking conforms to minimum requirements: 830 spaces are provided with 1 & 2 car garages (attached and detached) and 1 & 2 car concrete driveway spaces. Parking spaces are based upon 2, 3 & 4 bedroom units. Parking spaces meet minimum standards for size and aisle width. This development will have no less then 830 parking spaces. The development as approved show 137 on street parking that is not included in the required parking spaces of 830. The plan indicates a pool to be located on open space lot 320 the parking calculations for the pool (3500 sq.ft) is to be no less then 35 spaces.

PHASING: There are 3 phases in this development. Phase 1 will have 182 units on 25.27 acres. Phase 2 will have 105 units on 13.33 acres. Phase 3 will have 20 units on 2.34 acres. 307 total units to be constructed.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site but greenway has been provided and recorded in the Master Plan (BM2007 PG 2869).

**THOROUGHFARE
/ COLLECTOR
PLAN:**

All required dedication of right-of-way and construction exist for Wade Park Blvd.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 2 -15'x20' transit easement along the existing Wade Park Blvd as shown on the preliminary plan.

URBAN FORM: This site is located in the West Citizen Advisory Council.

Policy LU 4.5—Connectivity
 New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Policy T 5.5 Sidewalk Requirements
 New subdivisions and developments should provide sidewalks on both sides of the street.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** There is no minimum lot size in townhouse developments.
- 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 including the off-site sewer easement necessary to provide service to this site.
- SOLID WASTE:** Refuse collection is to be provided based on the standards in the Solid Waste Manual.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of all internal public streets.
- FLOOD HAZARD:** There are flood hazard and Neuse Buffers areas on this site and required to be shown on all maps.
- STORMWATER
MANAGEMENT:** Site will comply with Part 10 Chapter 9 stormwater control regulations. Exemption from detention can be claimed under 10-9023(b)(4). The site discharges directly into a FMA floodplain. Nitrogen regulations compliance through shared BMP devices; an existing wetland, and existing bioretention area, a proposed wet pond. Permanently Preserved Undisturbed Open Space, and a buydown to NCEEP. There is FEMA floodplain and Neuse River Buffers on the site.

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

NATURAL RESOURCE BUFFER YARD DISTURBANCE

This development contains a natural resource buffer yard as defined under 10-9042 and disturbance to the buffer yard is anticipated, the following requirements as applicable shall be met: for utility mains, an approved "sediment loss control plan" in accordance with 10-9042(a) shall be required; for stormwater control facilities, the guidelines under 10-9042 (b) shall be followed; for all disturbances, a tree planting plan in accordance with 10-9042(b)(2) is required.

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

STREET NAMES: 6 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. Wade Park Blvd is currently public. The site proposes 4 new public streets; the remaining streets will be private/alley.

**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: 9/16/2013
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/16/2015
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.