



# 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-11-15 / 2828 Tryon Townes

**General Location:** The site is located at the northeast corner of the intersection of Tryon Road and Trailwood Hills Drive, inside the city limits.

**CAC:** Southwest

**Nature of Case:** Subdivision of a 1.32 acre tract into 13 townhouse lots zoned Conditional Use District Neighborhood Business (CUD NB) with Special Residential Overlay Parking District (SPROD).

**Contact:** Patrick Perez, Mulkey Engineers and Consultants

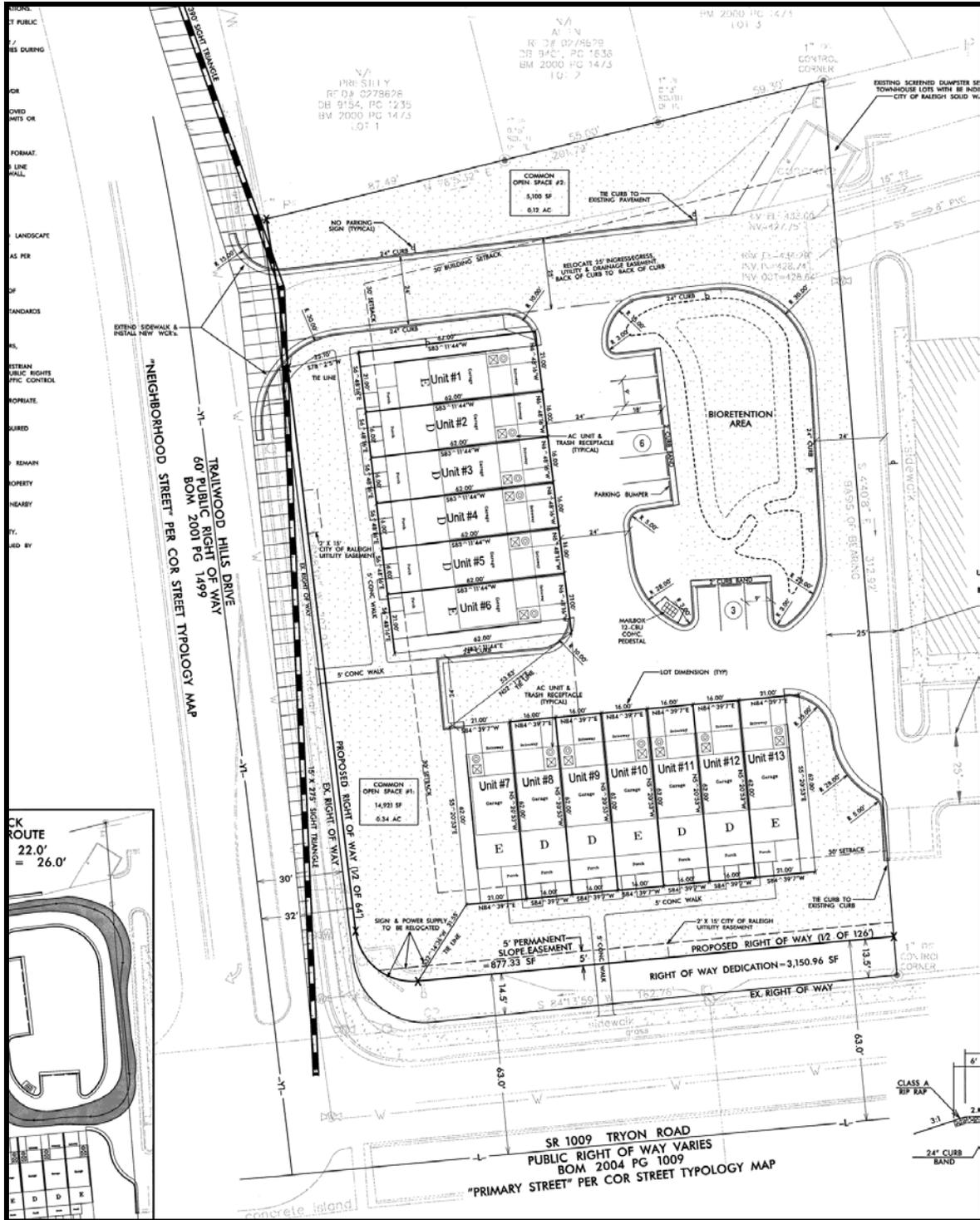
**Design Adjustment:** Two Design Adjustments have been approved by the Public Works Director for this project, noted below.

1. To allow an alternate streetscape along Tryon Road, allowing the street trees to be placed inside the right-of-way, but outside the required six-foot tree lawn;
2. To allow an alternate streetscape along Trailwood Hills Drive. This places the required street trees on private property as opposed to within the public right-of-way.

**Administrative Alternate:** NA



S-11-15 Location Map



S-11-15 Preliminary Subdivision Layout

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**SUBJECT:** S-11-15

**CROSS-  
REFERENCE:** NA

**LOCATION:** The site is located at the northeast corner of the intersection of Tryon Road and Trailwood Hills Drive, inside the city limits.

**PIN:** 0792450692

**REQUEST:** This request is to approve the subdivision of a 1.32 acre tract into 13 townhouse lots and one open space lot, zoned Conditional Use District Neighborhood Business (CUD NB) with Special Residential Overlay Parking District (SPROD).

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF  
APPROVAL:**

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

- (1) 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;

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

- (2) That condition 1, above, be met;
- (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 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;
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;

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

- (6) 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;
- (7) 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, if applicable;

- (8) 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, if applicable;
- (9) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees, is paid to the Public Works Department;
- (10) That  $\frac{1}{2}$  of the required right of way both existing streets is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (11) That all conditions of Z-104-99 are complied with;
- (12) That a fee-in-lieu of construction be paid for 1' of sidewalk along the property's frontage on both existing streets;
- (13) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of construction of a stormwater device shall be paid to the City;
- (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 homeowner association.

***Prior to issuance of a certificate of occupancy for either lot:***

- (15) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate;
- (16) That the inspection of the construction of internal access ways submitted for city approval will become the responsibility of the owner/developer. Copies of certified inspection reports (see attached requirements) involving subgrade/aggregate base proof rolls, aggregate base and asphalt densities and thickness, and other pertinent information must be submitted to the City of Raleigh Public Works Department.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bowen (A Bowen) Date: 8-21-15

Staff Coordinator: Justin Rametta

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 Chapter 2, Part 10, Sections 10-2103, 10-2042, 10-2109, and Chapter 2, Part 10A, Chapters 8 and 9, and Section 5.6.1. This approval is based on a preliminary plan dated 5/13/15 owned by Walter P and Carol L Mazurick, submitted by Mulkey Engineers and Consultants.

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**ZONING:**

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DISTRICTS:**

Conditional Use District Neighborhood Business (CUD NB) with Special Residential Overlay Parking District (SPROD)

Ordinance 717 ZC 471 Effective 1/18/2000.

1. Any development of the Property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission applied as if the Property was zoned R-4 prior to rezoning in this case.

*Not Applicable*

2. Reimbursement for future right-of-way dedication affecting the Property shall be based on current zoning (Residential-10 District).

*Not Applicable*

3. The portion of the Property zoned Neighborhood Business CUD shall not be utilized for any of the following uses otherwise authorized in the Neighborhood Business District; automotive service and repair facility; bar, nightclub, tavern or lounge; eating establishment; hotel/motel; indoor movie theater; dry-cleaning establishment, utility service and substation; Emergency Shelter Type A or Emergency Shelter Type B; landfill; manufacturing; mini-warehouse facility; adult establishment; kennel/cattery; limited home business; riding stables; correctional/penal facility; outdoor stadium, outdoor theater, or outdoor racetrack; retail food store; video rental or sales facility; department store; discount store; home building supply store; retail sales-highway; retail sales-personal services; and retail sales-convenience.

*No prohibited use is proposed*

4. Access to the Property from Tryon Road will be provided by a single public street curb cut (the extension of Trailwood Hills Drive) and by no more than one additional curb cut. In the event that the City elects to place a median in Tryon Road at the location of such additional curb cut, it shall be right in, right out only. Otherwise, it shall be a full service curb cut. Incident to the development of the Property, an additional left turn lane shall be constructed on the north side of Tryon Road west of the intersection of Tryon Road and the extension of Trailwood Hills Drive in accordance with standards of the North Carolina

Department of Transportation.

*Met*

5. With the exception of the public street and curb cut referenced in the foregoing paragraph (4), a streetyard an average of twenty-five (25) feet in width shall be provided along the right-of-way of Tryon Road (as widened to 90 feet) which shall be landscaped in accordance with SHOD-2 standards of the Raleigh City Code.

*Met*

6. With the exception of doors and window trim, building facades facing Tryon Road shall be at least seventy-five percent (75%) brick.

*Compliance must be shown with final site submittal.*

7. A closed wooden fence six (6) feet in height shall be maintained along the boundary of the Property with Tax Parcel 0792.10-45-3866.

*Met with SP-24-01.*

8. The light source of any exterior lighting upon the Property shall be shielded so that such light source is shielded from direct view from any adjoining parcel zoned for residential use

*No exterior lighting proposed.*

9. Any building constructed upon the Property shall be limited in height to two (2) stories or thirty-five (35) feet.

*Compliance must be shown with final site submittal.*

10. The floor area ratio of building constructed upon the Property shall not exceed .40.

*Met (FAR=.375)*

11. Signage upon the portion of the Property zoned Neighborhood Business CUD shall comply with provisions of the City Code regulating signage upon parcels zoned Office and Institution-1 District.

*NA*

12. The trees designated on Exhibit C-1 submitted herewith shall be preserved and shall be subject to active tree protection during any construction activity.

*Met*

13. Upon the redevelopment of tax parcel 0792.10-45-3866 an offer of cross access will be made to the owner of such parcel allowing access across adjoining areas of the Property (in a location designated by the owner of such portion of the Property) to the extension of Trailwood Hills Drive.

*Met with SP-24-01.*

**TREE  
CONSERVATION:**

The subject parcel is smaller than two acres. Compliance with UDO Article 9.1 Tree Conservation is therefore not required.

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

**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**STREET PLAN MAP:**

Dedication of right-of-way is required for this development by the Street Plan Map of the Comprehensive Plan. Existing street classifications and right-of-way requirements are as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Tryon Road	Avenue 6-Lane, Divided	90'	1/2- 126'	72'	72'
Trailwood Hills Drive	Neighborhood Street	60'	1/2 - 64'	36'	36'

Additional right-of-way to be dedicated is reimbursable under the facility fees program. The difference

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

**COMPREHENSIVE PLAN:**

This site is located in the Southwest Citizens Advisory Council in an area designated for Neighborhood Mixed Use.

**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** There is no minimum lot size in townhouse developments. The density is 9.8 units to the acre. Floor Area Ratio is .375. Building height shall be no greater than 35'.

**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 private contractor.

**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. A fee in lieu of construction for 1' of additional sidewalk is required for both Tryon Road and Trailwood Hills Drive. Street trees shall be planted in accordance with the approved design adjustments.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A fee in lieu is required for 1' of sidewalk for both Tryon Road and Trailwood Hills Drive. 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 or Article 9 chapter 2 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.

**WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

**STREET NAMES:** One new street name is required for this development.

**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:** 8/21/2018  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 8/21/2020  
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.