



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-14-16 / Waterview Townes

General Location: This site is located on the south side of Buffalo Road and west side of Durwood Lane, east of the intersection of Buffalo Road and Old Buffalo Road, inside the city limits.

CAC: Northeast

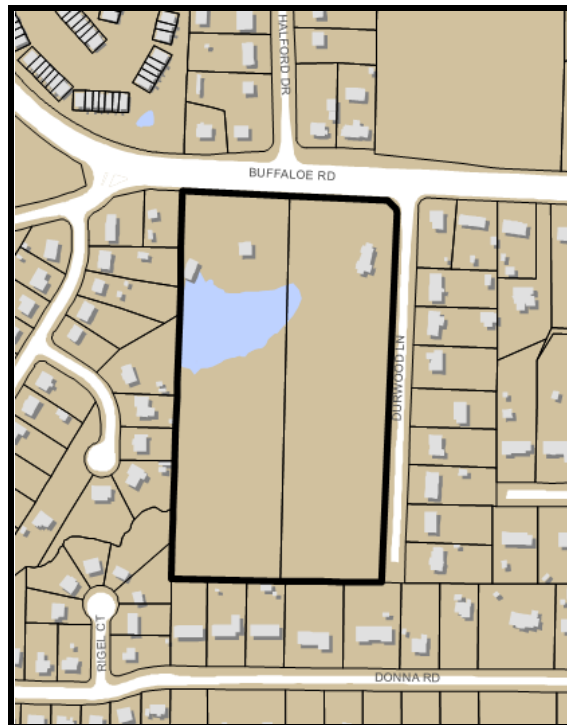
Nature of Case: Subdivision of an 11.93 acre parcel zoned R-10-CU into 53 residential townhome lots and two open space lots.

Contact: Jeff Westmoreland, SEPI Engineering

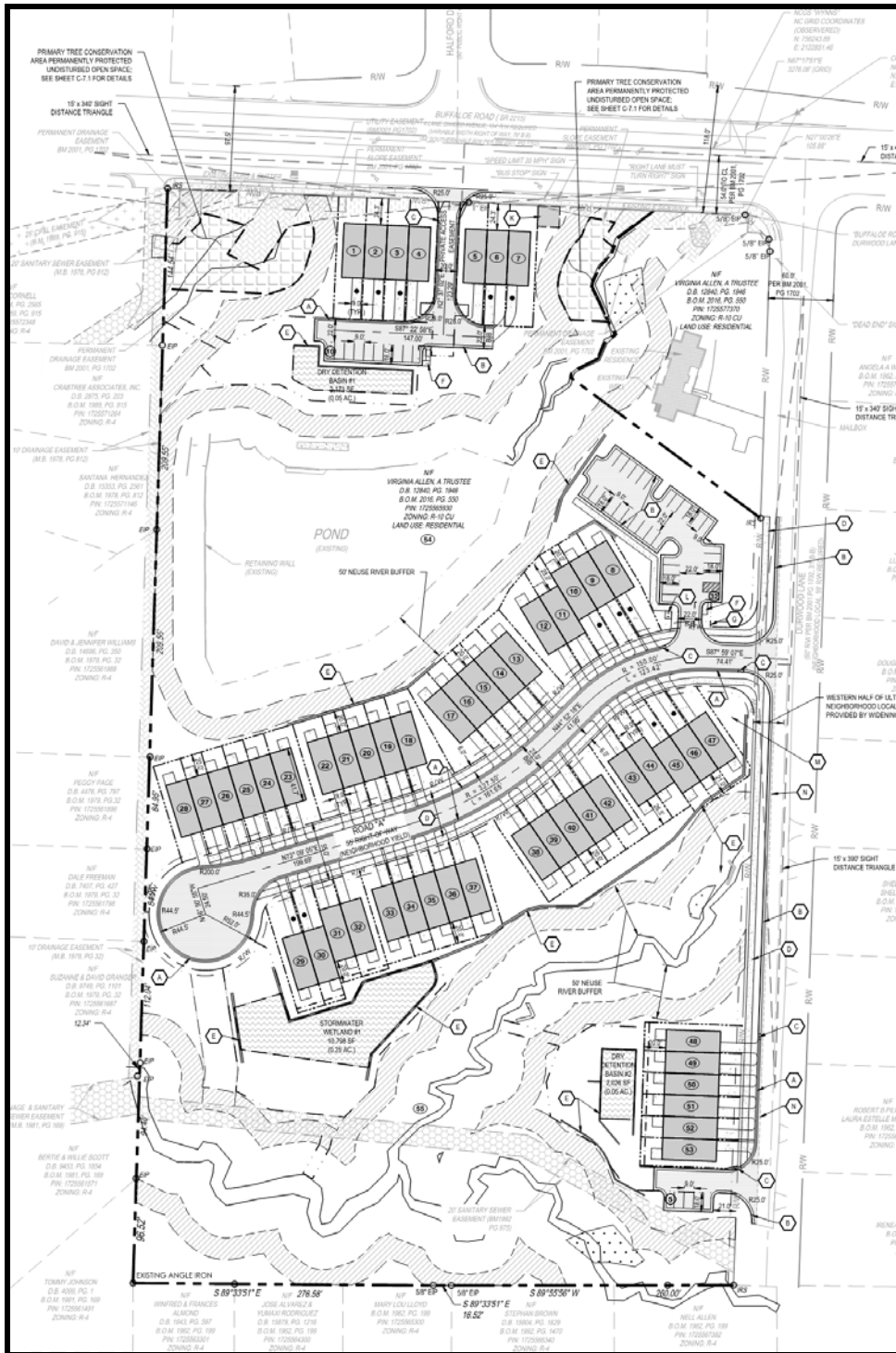
Design Adjustment: Two Design Adjustments have been approved by the Engineering Services Director for this project (see attached):

1. Design Adjustment granted for relief from maximum block perimeter and maximum dead end street length requirements.
2. Design Adjustment granted for an alternate sidewalk construction along a portion of Durwood Lane.

Administrative Alternate: NA



S-14-16 Location Map



S-14-16 Preliminary Subdivision Layout

SUBJECT: S-14-16 / Waterview Townes

**CROSS-
REFERENCE:** Z-23-15

LOCATION: This site is located on the south side of Buffalo Road and west side of Durwood Lane, east of the intersection of Buffalo Road and Old Buffalo Road, inside the city limits.

PIN: 1725565930

REQUEST: This request is to approve the subdivision of an 11.93 acre parcel zoned R-10-CU into 53 residential townhome lots and two open space lots.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a grading permit for the site:

- (1) That a final tree conservation plan with permit be approved by the Forestry Specialist. 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 Forestry Specialist;
- (2) 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;
- (3) That a 100-year floodplain analysis be submitted and approved by the Public Works Department;
- (4) 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;

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

- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (6) That plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (7) 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;

Prior to Planning Department authorization to record lots:

- (8) That street names for this development be approved by the Raleigh GIS Division and by Wake County;
- (9) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
- (10) 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;
- (11) 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;
- (12) That a fee-in-lieu of construction be paid for 1' of sidewalk along the site's Buffalo Road frontage;
- (13) That a fee-in-lieu of planting be paid for street trees along the property's Buffalo Road frontage;
- (14) That any required encroachment agreements or driveway permits are obtained from NCDOT and copies of approved permits are provided to the City;
- (15) That Infrastructure Construction Plans are approved by the City of Raleigh, including a tree impact permit and a street lighting plan;
- (16) That a demolition permit be issued for the existing structure on site and this building permit number be shown on all maps for recording;
- (17) That a 15'x20' transit easement located on Buffalo Road be approved and be shown on all maps for recording, and that a transit easement deed be approved by the City and recorded with the local County Register of Deeds. The recorded copy of this transit easement be provided to the Planning Department prior to recording the lots;
- (18) 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 property owners association";
- (19) 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).”

- (20) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (21) 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;
- (22) That all conditions of Z-23-15 are complied with;
- (23) 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;
- (24) 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;
- (25) 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 property owners association;
- (26) That an encroachment agreement for stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City’s Encroachment Coordinator in the Public Works 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 the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (27) 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;

(28) 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;

Prior to issuance of a certificate of occupancy:

(29) 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.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bowser (S. Carlson) Date: 11-23-16

Staff Coordinator: Justin Rametta

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. This approval is based on a preliminary plan dated 10/12/16 owned by Virginia Allen Trustee, submitted by SEPI Engineering.

ZONING:

**ZONING
DISTRICTS:**

Residential-10 Conditional Use (R-10-CU) Ordinance 496 ZC 715 Effective 10/7/15.

1. The maximum residential density permitted on the property shall be six (6) units per acre.

Proposed density is 4.4 units/acre.

2. A minimum of thirty percent (30%) of the net site area of the property shall be set aside as open space, and in no event shall be less than forty percent (40%) of the property to be outside any lot able to be developed with a dwelling unit. The open space required to be set aside by this zoning condition shall be subject to UDO Article 2.5.

7.49 acres, or 63%, of the property is set aside as open space meeting the requirements of Article 2.5.

3. The apartment building type shall be prohibited on the property.

No apartment building types proposed with this development.

4. Prior to recordation of a subdivision plat or issuance of a building permit, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Buffalo Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office.

Transit easement is shown on the plans.

**TREE
 CONSERVATION:**

This site is subject to tree conservation requirements of Article 9.1. The plan shows compliance by providing 1.39 acres, or 12.5% of the site, of qualifying tree conservation area.

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 and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)	Slope Easement
Buffaloe Road	Avenue, 4-Lane divided	Variable	½ 104'	76'	76'	Existing
Durwood Lane	Neighborhood Local	60'	½ 59'	Variable	Variable	N/A
Proposed Road 'A'	Neighborhood Yield	N/A	55'	N/A	27'	N/A

TRANSIT: This site is presently served by Go Raleigh route 15L. The zoning conditions of Z-23-15 require a 15'x20' transit easement along Buffalo Road, which is shown on the plans.

**COMPREHENSIVE
 PLAN:**

This site is located in the Northeast CAC in an area designated for low density residential development.

**SUBDIVISION
 STANDARDS:**

- LOT LAYOUT:** The minimum site area for a townhome development is 3,300 square feet. Minimum townhome lot width is 16'. Townhome lots in this development conform to these minimum standards. A primary street build-to with 70% of the property's frontage having buildings between 10'-30' is required and shown on the plans. A 10% or 1.19 acre outdoor amenity is required and provided.
- 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. See attached design adjustment for block perimeter requirements. 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 for a 1' of sidewalk along Buffaloe Road is required prior to recordation. Street tree requirements on Buffaloe Road, an NCDOT street, will be met with a combination of Tree Conservation area and a fee-in-lieu of planting. Construction of a 6' planting strip and 6' wide sidewalk is proposed along both sides of proposed road 'A' and the west side of Durwood Road.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of proposed road 'A' and the west side of Durwood Lane. A 5' sidewalk currently exists along Buffaloe Road. 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 subdivision will comply with Article 9.2 of UDO Stormwater controls through the use of an Engineered Wetland and 2 dry ponds on site. Neuse Buffers and Floodplain exists on the site. Impacts to buffers will require approval from NC DEQ.
- WETLANDS / RIPARIAN BUFFERS:** Neuse River riparian buffers are required on this site.
- 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: 11-23-2019

Record at least ½ of the land area approved.

5-Year Sunset Date: 11-23-2021

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.



Engineering Services Design Adjustment – Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Engineering Services Director may consult with the heads of other City departments regarding the review of the request. The Engineering Services Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

PROJECT	Project Name Waterview Townes at Buffaloe Rd.	Date Completed Application Received: 9/30/16
	Case Number: S-14-2016	Transaction Number: 462056

DEPARTMENT RESPONSE/RECOMMENDATION	DEPARTMENT	REPRESENTATIVE SIGNATURE	DEPARTMENT	REPRESENTATIVE SIGNATURE	
	<input type="checkbox"/>	Dev. Services Planner:		<input type="checkbox"/>	City Planning:
	<input type="checkbox"/>	Dev. Services Eng:	Daniel G. King, PE <i>DK</i>	<input type="checkbox"/>	Transportation:
	<input type="checkbox"/>	Engineering Services:		<input type="checkbox"/>	PRCR:
<p>Staff supports the attached request to vary from the maximum block perimeter and maximum dead end street length due to environmental and topographic challenges. Please see attached for additional details.</p>					

Development Services Director or Designee Action:

Approve Approval with Conditions Deny

[Signature]
Authorized Signature

10/4/16
Date

*The Engineering Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature.

CONDITIONS FOR APPROVAL	
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Planning & Development

Public Works
 Transportation Field Services
 One Exchange Plaza
 Suite 300
 Raleigh, NC 27602
 www.raleighnc.gov

Public Works Design Adjustment Application

The purpose of this request is to seek a design adjustment from the Public Works Director for a specific project only and if granted may be given with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 of the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sections 8.3.6 and 8.4.1.E of the UDO.

Project	Project Name Waterview Townes at Buffalo Road		Transaction Number 4620556	
	Case Number S-14-16			
Owner	Name Virginia A. Allen Trust, George Thomas Arnold Morris Trustee			
	Address 25 Brookside Pl.		City Durham	
	State NC		Zip Code 27705	
Applicant	Name Jeff Westmoreland		Firm SEPI Engineering & Construction	
	Address 1025 Wade Avenue		City Raleigh	
	State NC		Zip Code 27605	

*Applicant must be a Licensed Professional (Engineer, Architect, Surveyor, or Contractor)

Design Adjustment Request	Code Section Referenced: UDO Section 8.3.2 Blocks and Raleigh Street Design Manual (RSDM), page 42			
	Justification			
	For UDO 8.3.2: This request is to allow a proposed <u>dead end street that exceeds the maximum length of 300'</u> and for an exemption from the <u>2,500 foot maximum block perimeter</u> for the R-10 Zoning district. The proposed street length of ± 625' is necessary due to the configuration of the subject property. Specifically, the presence of an existing residential development to the west and existing stream and riparian buffer features that create a peninsula of land accessible only through connection to the existing Durwood Road public right-of-way. These existing features create a physical barrier that will not allow either the maximum street length or the block perimeter standards to be met.			
	For RSDM, page 42: This request is also meant to document the conversations between the Applicant and City of Raleigh Staff regarding the location of the parking lot access drive along proposed Road 'A', west of the intersection with Durwood Lane. The centerline of the proposed parking drive is closer than 100' to the centerline of Durwood Lane (approximately 90' per the attached plan). The 100' dimension is per the table/graphic on page 42 of the RSDM for a commercial driveway. Through the submittal and review process for the Preliminary Subdivision Plan, it has been discussed that the current layout meets the intent of the RSDM, particularly given the residential nature of the traffic that will be using this surface parking lot.			

*Please include any additional supportive documents (Plan sheets, aeriels, etc.) along with this application. It is the applicant's responsibility to provide all pertinent information required for consideration.

By signing this document I hereby acknowledge the information on this application is accurate to the best of my knowledge.

Timothy A. Nordgren
 Owner/Owner's Representative Signature Date 6/16/16
 Timothy A. Nordgren, Seller/owner's Counsel

In witness whereof, the parties signed have executed this document on this date.
Laurie A. Roth
 Notary Signature Date 06/16/2016

Laurie A Roth
 NOTARY PUBLIC
 DURHAM COUNTY, NC
 My Commission Expires 11-7-2019



Engineering Services Design Adjustment – Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Engineering Services Director may consult with the heads of other City departments regarding the review of the request. The Engineering Services Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

PROJECT	Project Name Waterview Townes at Buffaloe Rd.	Date Completed Application Received: 9/30/16
	Case Number: S-14-2016	Transaction Number: 462056

DEPARTMENT RESPONSE/RECOMMENDATION	DEPARTMENT	REPRESENTATIVE SIGNATURE	DEPARTMENT	REPRESENTATIVE SIGNATURE	
	<input type="checkbox"/>	Dev. Services Planner:		<input type="checkbox"/>	City Planning:
	<input type="checkbox"/>	Dev. Services Eng:	Daniel G. King, PE <i>DGK</i>	<input type="checkbox"/>	Transportation:
	<input type="checkbox"/>	Engineering Services:		<input type="checkbox"/>	PRCR:
Staff supports the attached request to slope the sidewalk away from the street over a 165' section of this road to help with some concerns brought up in the flood study. Please see attached for additional details.					

Development Services Director or Designee Action:

Approve Approval with Conditions Deny

[Signature] _____ *10/4/16*
Authorized Signature Date

*The Engineering Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature.

CONDITIONS FOR APPROVAL	
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Appeal of the decision from the Engineering Services Director shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).



Planning & Development

**Public Works
Transportation Field Services**
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Public Works Design Adjustment Application

The purpose of this request is to seek a design adjustment from the Public Works Director for a specific project only and if granted may be given with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 of the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sections 8.3.6 and 8.4.1.E of the UDO.

Project	Project Name: Waterview Townes at Buffalo Road	
	Case Number: S-14-16	Transaction Number: 4620556

Owner	Name: Virginia A. Allen, Trustee	
	Address: 25 Brookside Place	City: Durham
	State: NC	Zip Code: 27705
		Phone:

Applicant	Name: Joseph M. Craig, PE		Firm: SEPI Engineering & Construction, Inc.
	Address: 1025 Wade Avenue		City: Raleigh
	State: NC	Zip Code: 27605	Phone: 919-573-9937

***Applicant must be a Licensed Professional (Engineer, Architect, Surveyor, or Contractor)**

Design Adjustment Request	Code Section Referenced: N/A, Stormwater Required a Flood Study for extending an existing culvert under Durwood Road
	Justification This request is to allow a warped sidewalk and shoulder section along Durwood Road, instead of the "Typical" Neighborhood Local that slopes away from the crown, for a distance of approximately 165' (see attached exhibit). The Flood Study of conditions both upstream and downstream from the structure being extended resulted in a "no-rise" in the Base Flood Elevations (0.04' increase). By warping the sidewalk, it also allows the sidewalk to drain across a natural buffer before discharging into the adjacent stream.

*Please include any additional supportive documents (Plan sheets, aerials, etc.) along with this application. It is the applicant's responsibility to provide all pertinent information required for consideration.

By signing this document I hereby acknowledge the information on this application is accurate to the best of my knowledge.

Joseph M. Craig
Owner/Owner's Representative Signature Sept 15 2016
Date

In witness whereof, the parties signed have executed this document on this date.

Rachel K. Willis
Notary Signature 9.15.16
Date

RACHEL K. WILLIS
Notary Public, North Carolina
Wake County
My Commission Expires
October 31, 2019