



## Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 516-2626  
www.raleighnc.gov

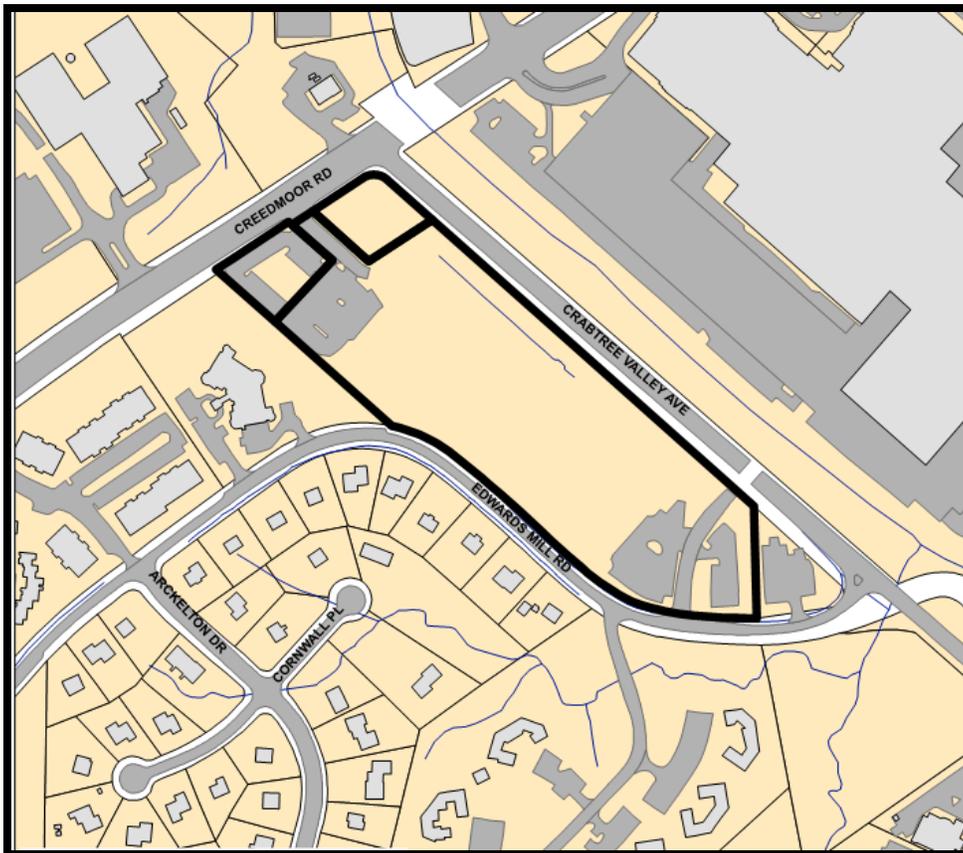
**Case File / Name:** S-16-2011 / Crabtree Commons

**General Location:** The site is located on east side of Creedmoor Road, South of it's intersection with Crabtree Valley Avenue.

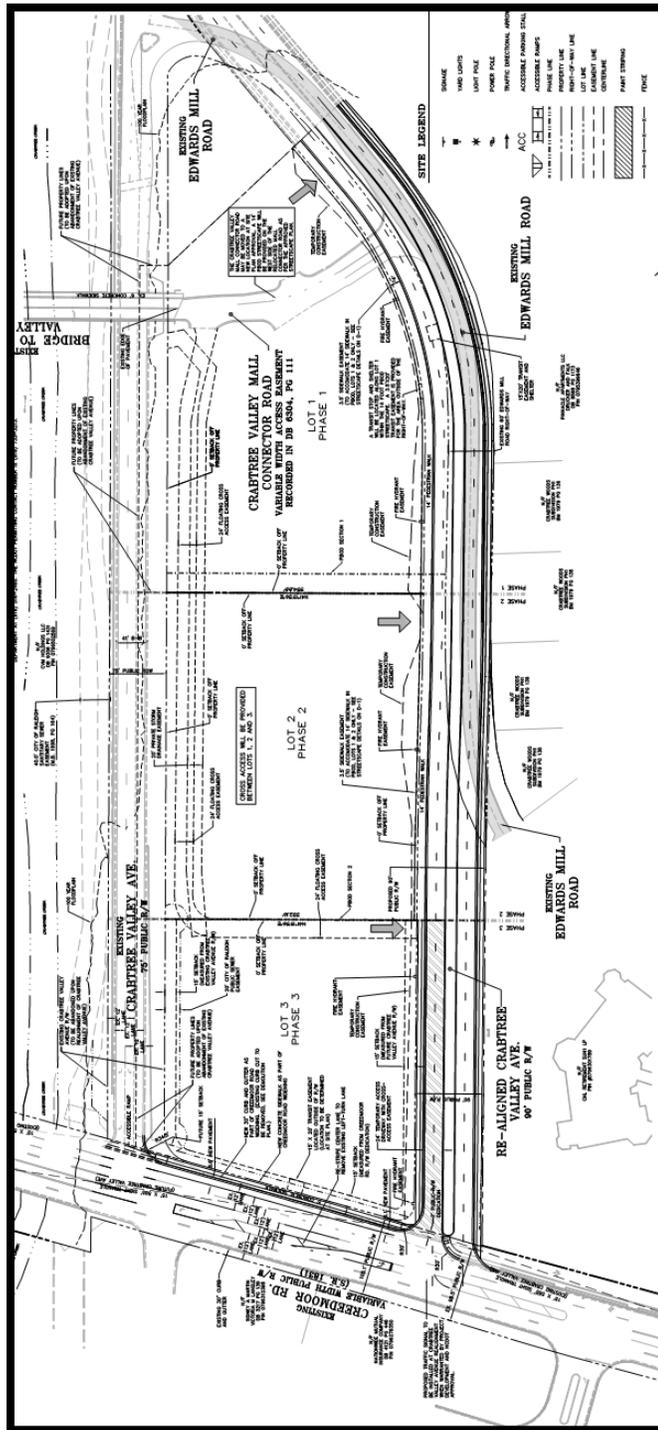
**CAC:** Northwest

**Nature of Case:** The subdivision and recombination of an 11.74 acres site consisting of 5 parcels to create 3 new lots and additional right-of-way dedication for the realignment of Crabtree Valley Avenue.

**Contact:** Andy Padiak, The John R. McAdams Company



**S-16-11 Crabtree Commons – Location Map**



S-16-11 Crabtree Commons – Subdivision Layout

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**SUBJECT:** S-16-11 / Crabtree Commons

**CROSS-REFERENCE:** Z-9-11

**LOCATION:** This site is located on the east side of Creedmoor Road south of the existing Crabtree Valley Avenue, north of its intersection with Parklake Avenue, inside the City Limits.

**REQUEST:** The subdivision of an 11.74 acre site consisting of 5 existing parcels. The result will be 3 newly configured lots and the required right-of-way dedication for the realignment of Crabtree Valley Avenue.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

***Prior to approval of site review or construction drawings for public or private improvements, whichever occurs first:***

- (1) That approval from NCDOT for driveway permits encroachment agreements, public improvements, and a pavement marking plan for Creedmoor Road is provided to the Raleigh Public Works Department;
- (2) That construction drawings with a phasing plan are approved by the City of Raleigh Public Works Department;
- (3) That a nitrogen offset payment must be made to a qualifying mitigation bank;

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

- (4) That a recombination map is approved prior to or simultaneously with the recordation of the 3 proposed lots and right of way dedication for Crabtree Valley Avenue;
- (5) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the recorded map;
- (6) That construction drawings are approved by the City of Raleigh Public Works Department, and include a phasing plan;
- (7) That the proposed sight triangles from the existing Mall Connector Road along existing Edwards Mill Road are shown;
- (8) That an outstanding \$3,416 waterline assessment for Creedmoor Road is paid to the Public Utilities department;
- (9) That acceptance by the city for maintenance of the sewer main along Creedmoor Road is verified. This includes As-Built field survey, Engineering Certification, inspections, testing & Record Plat to include

Sanitary Sewer Easement exchange conditions per City Council Resolution # & private easement abandonment;

- (10) That a 15x20 foot transit easement located on Edwards Mill Road and Creedmoor Road 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;
- (11) That a 3.5x20 foot transit easement be recorded once the re-aligned Crabtree Valley Avenue 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;
- (12) That ½-90 to ½-110' of right-of-way is dedicated to the City of Raleigh for the future relocated Crabtree Valley Avenue. The portion of ½-110' feet is applicable within 400' of the intersection of Creedmoor Road.
- (13) That a 20' slope easement be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Development Services Department;
- (14) That in accordance with the approved Streetscape plan, a 3.5' sidewalk easement is approved by the City Attorney's office adjacent to lots 1 and 2 of the re-aligned Crabtree Valley Avenue. This shall be shown on the plat for recordation and a copy of be shown on the plat for recordation;
- (15) That a 24' cross access floating easement as shown on the approved preliminary plan and construction drawings, be shown on the plat for recording and legal document recorded within 14 days of the plat recordation at the Wake County register of deeds;
- (16) That a fee in lieu for ½ 41' bb for relocated Crabtree Valley Avenue be paid to the Public Works Department;

***Prior to issuance of building permits:***

- (17) For lots developed with a single structure, a letter of credit equal to 1.5 times the cost of construction shall be paid to the Public works Department;
- (18) 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;

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Lih (C. Wray) Date: 8-7-12

**Staff Coordinator:** Meade Bradshaw

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 10-2041, 10-2055 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/22/12, owned by Weingarten/Investments Incorporated, submitted by The John R. McAdams Company, Incorporated.

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**ZONING:**

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**DISTRICTS:** Z-9-11 Ordinance (2011) 940ZC662. Effective September 6, 2011

**Z-9-11 Conditional Use – Creedmoor Road** - located on the east side, southeast of its intersection with Crabtree Valley, being Wake County PINs 0796302996, 0796308642, and 0796314150. Approximately 11.74 acres to be rezoned from Shopping Center (0.81 acre) and SC with (PDD) Planned Development District and (PBOD) Pedestrian Business Overlay District (10.93 acres) to SC CUD with PBOD (8.126 acres), and SC CUD (3.613 acres).

**Conditions Dated: 8/15/11**

**Narrative or conditions being requested:**

For the purposes of the following conditions, Property” shall refer to tax parcels (PINs) 0796-30-2996, 0796-30-8642, and 0796-31-4150.

(a) The following uses shall be prohibited upon the Property: automotive service and repair facility; utility service and substation; emergency shelter Type A or Type B; landfill; manufacturing-custom; manufacturing-specialized; adult establishment; kennel/cattery; riding stable; correctional/penal facility; and outdoor stadium, outdoor theater or outdoor racetrack.

(b) With the exception of Hotel/Motel, an allowed use upon the Property, all uses developed upon the Property that are categorized as “Commercial” in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 200,000 square feet floor area gross.

(c) All uses developed upon the Property that are characterized as Institution/Civic/Services or Office in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 100,000 square feet floor area gross.

(d) Uses developed upon the Property that are characterized as Residential in the Schedule of Permitted Land Uses attached hereto as Exhibit C-1 shall not exceed 575 dwelling units.

(e) Within fifteen (15) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable development upon the Property as provided in the foregoing conditions (b), (c), and (d) among all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it shall become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the owner(s) of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC. 27602.

(f) The land use or uses developed upon the Property shall be limited to a use or uses which when analyzed using the Trip Generation Manual published by the Institute of Transportation Engineers will generate no more than 12,947 daily vehicle trips with no more than 705 vehicle trips in the AM peak hour and no more than 934 vehicle trips in the PM peak hour.

(g) Upon development of Section 1 of the Property as shown on Exhibit B-1 of the Petition in this case, a means shall be provided for pedestrian connectivity from the then existing grade of Section 1 to the grade of Crabtree Valley Avenue as it is now located between the Property and Crabtree Valley Mall (PIN 0796-50-2569).

(h) The actual location of the "Crabtree Valley Mall Connector Road" shown on pages 4 and 16 of the Streetscape and Parking Plan in this case will be established at the time of site plan approval.

(i) Along the Creedmoor Road frontage of the Property, parking between the street right-of-way and the building(s) shall not exceed two rows of parking.

(j) Upon approval of a site plan or plans for the development of all or a portion of the Property, if requested by the City's Transit Division, the owner shall dedicate a transit easement approved by the Raleigh City Attorney upon the respective site or sites of a size, nature and location acceptable to such Division and provide any improvements, such as a bench and/or shelter, specified by such Division that shall be in accordance with its standard policies. The owner shall dedicate up to three (3) transit easements upon the Property.

(k) Upon development of Section 3 of the Property as shown on Exhibit B-1 of the Petition in this case, pedestrian connectivity shall be provided between such Section and the adjoining Section 2. With regard to sidewalks along public rights of way, the design of sidewalk sections and curb and sidewalk details for Section 3 shall be coordinated with such design for Sections 1 and 2, although to the extent allowed by the City's Ordinances, sidewalk widths may be reduced for Section 3. Plants planted along public rights of way in Section 3 shall be consistent with those utilized for such purpose in Sections 1 and 2.

**LANDSCAPING:** Street yard landscaping will conform to Section 10-2082.5 and 10-2055 when a site plan is submitted on the lot.

**TREE CONSERVATION:** Tree conservation is exempt per 10-2082.15(g).  
  
An alternate compliance payment of \$172,007.68 was paid to the City of Raleigh on 10/16/07 for .081 acres of secondary tree conservation area relieved from compliance.

**UNITY OF DEVELOPMENT:** Unity of development criteria is not required in this subdivision.

**PHASING:** A phasing plan for infrastructure shall be approved at the time of construction drawing submittal.

**COMPREHENSIVE PLAN:**

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

**THOROUGHFARE / COLLECTOR PLAN:** Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

| <b>Street</b>                       | <b>ROW</b>        | <b>Construct</b>                | <b>Slope Esmt.</b> |
|-------------------------------------|-------------------|---------------------------------|--------------------|
| Crabtree Valley Avenue (re-aligned) | 90'-1/2-110'      | portions                        | 20'                |
| Creedmoor Road                      | 1/2-110', 1/2-89' | b-b<br>Curb, gutter, & sidewalk |                    |

\*Lots 1 & 2 are zoned Pedestrian Business Overlay District. A 14' sidewalk is required along the lot's frontage on the re-aligned Crabtree Valley Avenue. The phasing for improvement is subject to final approval of construction drawings.

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: A 15' x 20' easement located along the existing Edwards Mill Road. A 3.5' x 20' easement located when the Crabtree Valley Avenue right-of-way is dedicated. The remaining 11.5' will be within the 14' sidewalk along Crabtree Valley Avenue. A 15' x 20' easement located along Creedmoor Road.

**URBAN FORM:** This site is located in the Northwest Citizen Advisory Council, in an area designated a residential area.

**SUBDIVISION STANDARDS:**

- LOT LAYOUT:** Lots in this development conform to these minimum standards.
- 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. The location of the proposed sewer for Lot 3 is will be subject to final approval with the review of construction drawings. The existing man hole in (re-aligned) Crabtree Valley Avenue conflicts with proposed C&G near Creedmoor Road intersection. Conflict will be resolved prior to construction approval for full street section of (re-aligned) Crabtree Valley Avenue;
- SOLID WASTE:** Individual lot service to be provided by a private contractor, upon development of each lot.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. That a 24' temporary access driveway with cross access easement from Creedmoor Road to the 24' floating cross access easement is to be constructed pending site plan submittal of Lots 1, 2, and 3. Access points along the re-aligned Crabtree Valley Avenue will be determined upon site plan approval. Cross Access between lots 1, 2, and 3 will be recorded by map and deed.
- PEDESTRIAN:** A sidewalk is required along the properties frontage on Crabtree Valley Avenue and Creedmoor Road. Lots 1 & 2 front on the re-aligned Crabtree Valley Avenue and are zoned Pedestrian Business Overlay District. The sidewalks will conform to the Crabtree Place Streetscape and Parking Plan.
- FLOOD HAZARD:** Flood hazard areas are on-site and will be shown on all maps for recording.
- STORMWATER MANAGEMENT:** This site is subject to stormwater and nitrogen reduction requirements of Part 10 Chapter 9. Each lot will be over 1 acre in size and will address stormwater runoff and water quality (nitrogen) independently. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision. Each lot will be responsible for increases in impervious associated with ROW improvements for future re-aligned Crabtree Valley Avenue. FEMA floodplains are present on the site.
- WETLANDS / RIPARIAN BUFFERS:** There are no Neuse River riparian buffers on-site.
- STREET NAMES:** No new street names are required at this time. Depending on the development of each lot, street names may be required.
- 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 lot recording 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:** 8/7/2015  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 8/7/2017  
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.