



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-16-12 / The Gower Center @ Battlebridge

General Location: Located at the intersection of Whitfield Road and Battle Bridge Road.

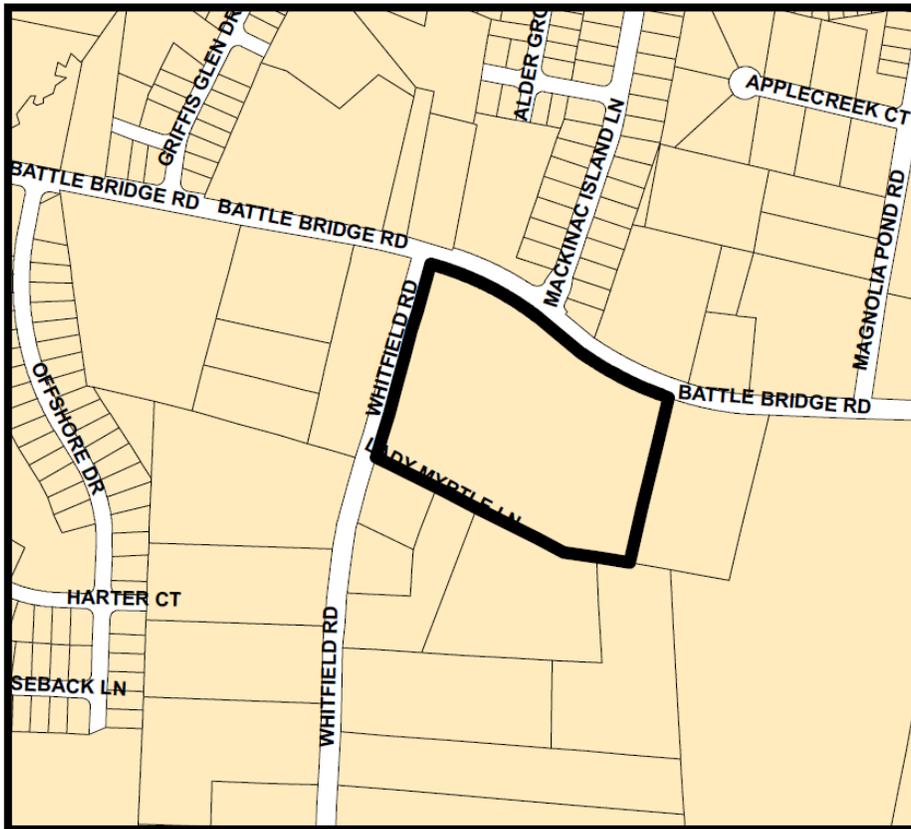
CAC: Southeast

Nature of Case: The subdivision of 10.93 acres into two lots zoned Residential-6, located outside the city limits.

Lot 1 - 5.69 acres

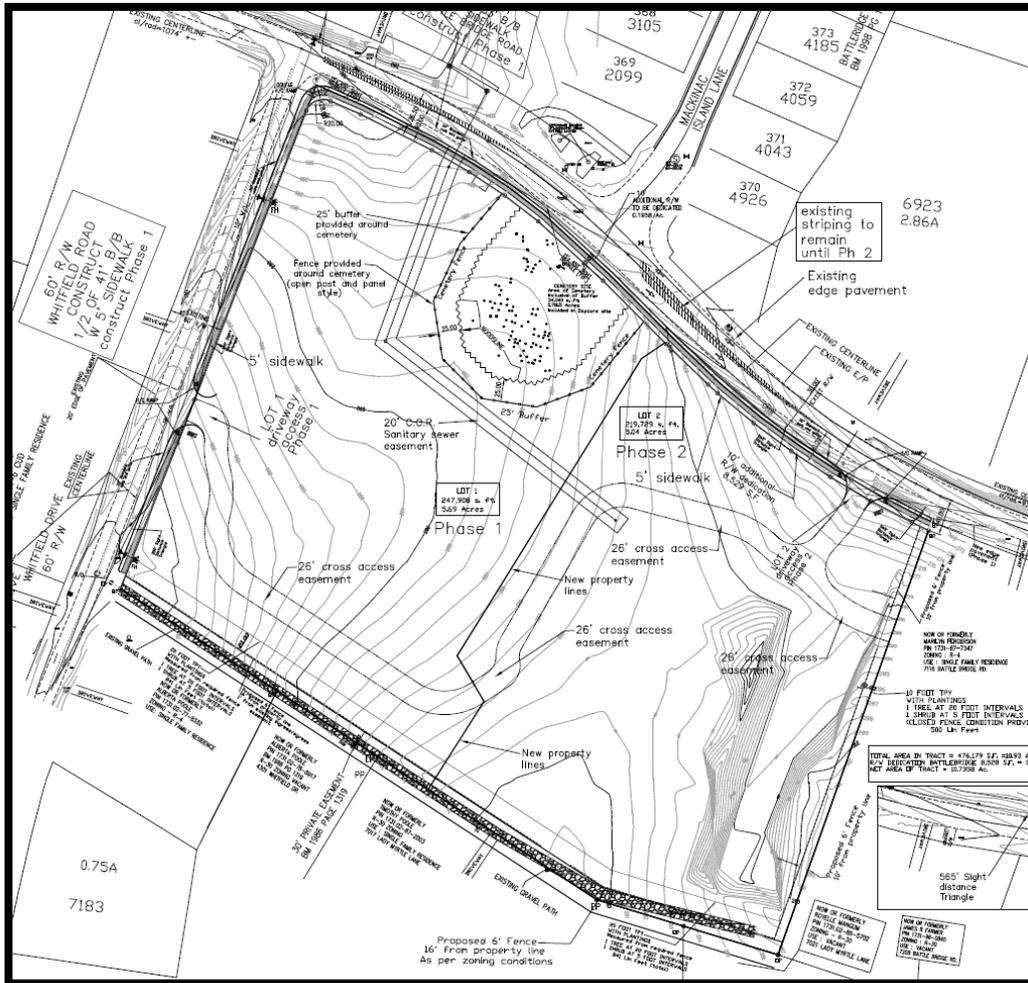
Lot 2 - 5.04 acres

Contact: David Dolezar, McIntyre & Associates



S-16-12 / The Gower Center – Location Map

S-16-12 / The Gower Center – Subdivision Layout



SUBJECT: S-16-12 / The Gower Center

CROSS-REFERENCE: Z-20-10

LOCATION: This site is located on the south side of Battle Bridge Road, east of its intersection with Whitfield Road, outside the City Limits.

PIN: 173187262100

REQUEST: The subdivision of 10.93 into two lots zoned Residential-6, located outside the city limits.

Lot 1 - 5.69 acres

Lot 2 - 5.04 acres

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

Prior to issuance of a site review permit or infrastructure construction drawings whichever comes first:

- (1) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (2) 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:

- (3) 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;
- (4) 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;
- (5) 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;

- (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 a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (8) That infrastructure construction plans are approved for public improvements by the Public Works Department and Public Utilities Department;
- (9) That an NCDOT encroachment will be required prior to Infrastructure Construction Plan approval;
- (10) That 10' of right-of-way and a 10' slope easement along Battle Bridge Road be 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 a 10' slope easement along Whitfield Road be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building in permit issuance;
- (12) That a 15' x 20' transit easement located on Battle Bridge 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 deed 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 prior to building permit approval;
- (13) That an offer of cross access with the lots 1 and 2 recorded in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department prior to map recordation;
- (14) That the City Attorney approve an off-site sanitary sewer easement deed and map for the City of Raleigh sewer extension from Deed Book 12906 PG 2296 PIN # 1731881266 property located across Battle Bridge Road 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;
- (15) That when 75% of the permits have been issued for residential subdivisions, that the proposed private or public improvements are

required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions;

Prior to issuance of an occupancy permit:

- (16) For non-residential developments with one building, a financial security of 1.5 time the cost of public improvements shall be paid;

Prior to issuance of an occupancy permit:

- (17) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;
- (18) For non-residential developments with multiple buildings, if financial security has been provided at the time of 75% permit issuance, then the final building certificate of occupancy shall be withheld until the public and private improvements have been accepted for maintenance by the City of Raleigh;
- (19) For residential subdivisions, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;
- (20) That all public improvements are inspected and accepted for maintenance by the Public Works department;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Witchell R. Lee (C. Lee)

Date:

2-14-14

Staff Coordinator:

Meade Bradshaw

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 10-2019, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/28/12, owned by Jerry Gower, submitted by McIntyre & Associates.

ZONING:

ZONING DISTRICTS:

Z-3-10. Ordinance 764 ZC 648 Effective 7/20/10.

Z-3-10 Conditional Use – Battle Bridge Road - located on the south side, at its intersection with Whitfield Road, being Wake County PIN 1731-87-2621. Approximately 10.93 acres rezoned to Residential - 6 Conditional Use District.

Conditions Dated: 07/14/10

Narrative of conditions being requested:

- a.) Development will be limited to:

Single family detached dwellings.
or
Daycare Facilities - child - with a maximum of 250 students and Congregate Care Structures, Life Care Community, Rest Home with a maximum of 60 beds.
- b.) Access will be limited to no more than (1) one driveway connection on Battle Bridge Road and no more than (1) one driveway connection on Whitfield Road.
- c.) Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry
- d.) No single family detached dwellings created after the adoption date of this rezoning ordinance will have direct vehicular access to Battle Bridge Road.
- e.) Future development shall preserve and protect the existing cemetery on site. To that end, prior to the filing of any request for site plan or subdivision approval for the subject property or any part thereof, the applicant shall engage the services of a professional archaeologist to inventory and map the cemetery, and thereby confirm its boundaries. Prior to any site development, the resulting archaeological report shall also be filed with the State Archaeology Office. Concurrent with any building permit issuance on the rezoned land, an open (non-opaque) post-and-panel fence (other than chain link) shall be installed a minimum of five (5) feet outward from the confirmed cemetery boundaries. A gate will be provided to allow access to the cemetery for maintenance purposes (periodic removal of fallen limbs, brush, etc.), and visitation.
- f.) Prior to lot recordation or the issuance of any building permit, whichever shall first occur, an offer of cross-access recorded with the Wake County Registry of Deeds office shall be provide to the property to the east (DB E/PG 368) of this site.
- g.) If any use of the property other than single-family residences is contiguous with properties adjoining to the south (DB 3794/PG 725) (DB 3794/PG 733) (DB 3794/PG 734) (DB 3794/PG 741) a six (6) foot tall, solid privacy fence will be installed sixteen (16) feet north of the shared property line for the length of that shared property line; if any use other than single-family residences is contiguous with the property adjoining to the east (DB 11119/PG 250) a six (6) foot tall, solid privacy fence will be installed five (5) feet west of the shared property line for the length of that shared property line, provided that a break is included in the eastern fence to permit the construction and operation of the cross-access drive required by Condition f. above. This fence will be required to be in place prior to the Certificate of Occupancy being issued for any facility associated with the said use.

- h.) Compatibility of character between single-family detached houses and future development of any residential institutional use permitted by Condition a. above shall be achieved as follows:
 1. Building height shall be limited to a maximum of two (2) stories and thirty-five (35) feet, as measured per Raleigh City Code §10-2076.
 2. All buildings' primary entrances shall be oriented to and visible from the street providing primary access to the building lot.
 3. All roofs shall exhibit a minimum 4:12 pitch.
 4. Any parking lots (exclusive of driveways and porte-cochere's) and any playground facilities shall be located behind the front facade of the primary building.
 5. Site outdoor lighting shall be limited to fixtures of full-cutoff design, and site light poles (exclusive of street lighting) shall be limited to no more than twenty (20) feet in height.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown.

TREE CONSERVATION: There are no existing trees on the site that meet the requirements of tree conservation areas. The only area on the site with exiting trees is an existing cemetery; however, cemeteries are exempt from tree conservation per Code Section 10-2082.14.

UNITY OF DEVELOPMENT: N/A

PHASING: There is one phase in this development. All lots will be recorded at the same time.

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:

| <u>Street</u> | <u>ROW</u> | <u>Construct</u> | <u>Slope Esmt.</u> |
|--------------------|------------|-----------------------------------------|--------------------|
| Battle Bridge Road | 10' | ½ 53' B-B Curb, Gutter & 5' Sidewalk | 10' |
| Whitfield Drive | N/A | ½ 41' B-B Curb, Gutter & 5' Sidewalk | 10' |

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' transit easement on Lot 2.

URBAN FORM: This site is located in the Southeast Citizen Advisory Council, in an area designated as low density residential (1-6 units per acre).

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in this zoning district is 7,260 square feet. The minimum lot depth in this zoning district is 80'. The minimum lot width in this zoning district is 50'. 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.
- PUBLIC UTILITIES:** Lot 1 will get water from Whitfield Drive. Lot 2 will get water from Battle Bridge Road. Sewer Service is located on Deed Book 12906 PG 2296 PIN # 1731881266 property located across Battle Bridge Road.
- SOLID WASTE:** Individual lot service is to be provided by a private contractor.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** A 5' sidewalk is required along Battle Bridge Road and Whitfield Drive.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This site is subject to stormwater management controls in accordance with the Raleigh City Code. These 2 parcels will share 3 stormwater BMP's (all dry detention only ponds) for detention purposes only. A TN offset payment only will satisfy stormwater quality regulations.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new street names are required for this development.
- 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: 2/14/2017
Record at least ½ of the land area approved.

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.