



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-17-14 / Wyndcrest Compact Development Subdivision (Sunset Extension)

General Location: This site is located on the west side of Ray Road, north of Strickland Road, south of the existing Torry Ridge Subdivision.

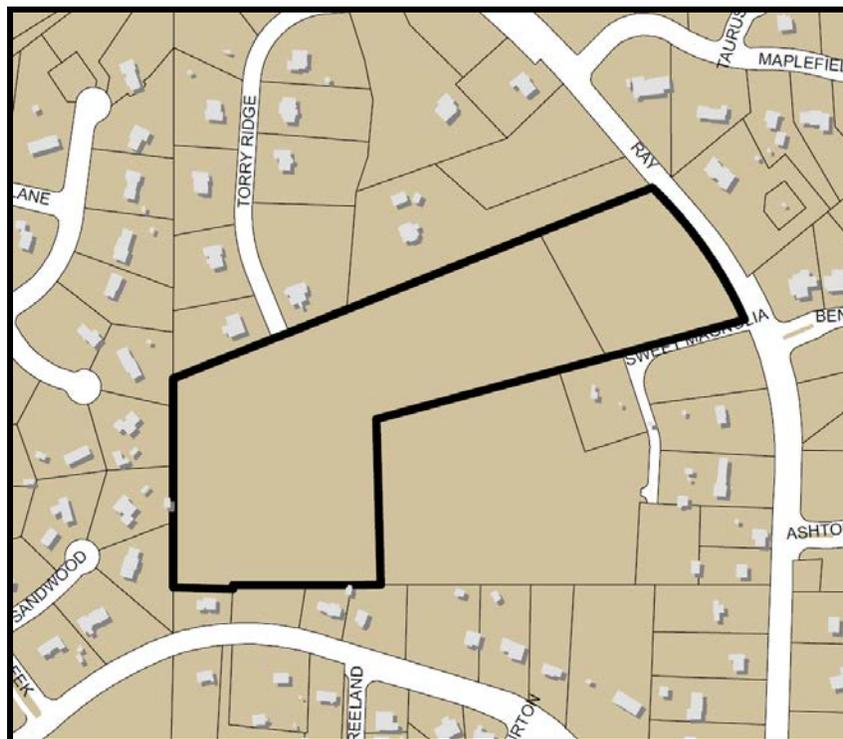
CAC: Northwest

Nature of Case: This is a **sunset extension** request for an approved preliminary subdivision of two existing parcels totaling 18.50 acres into a Compact Development consisting of 17 single family lots and four open space lots. This development plan was originally approved on 9/30/14 and subsequently a revision was approved on 4/22/16 which decreased the number of single family lots from 18 to 17 with a change in the proposed street network to provide a connection to Ray Road and revised locations of street connections to adjacent properties. The 2016 revision also modified the location of the required open space areas.

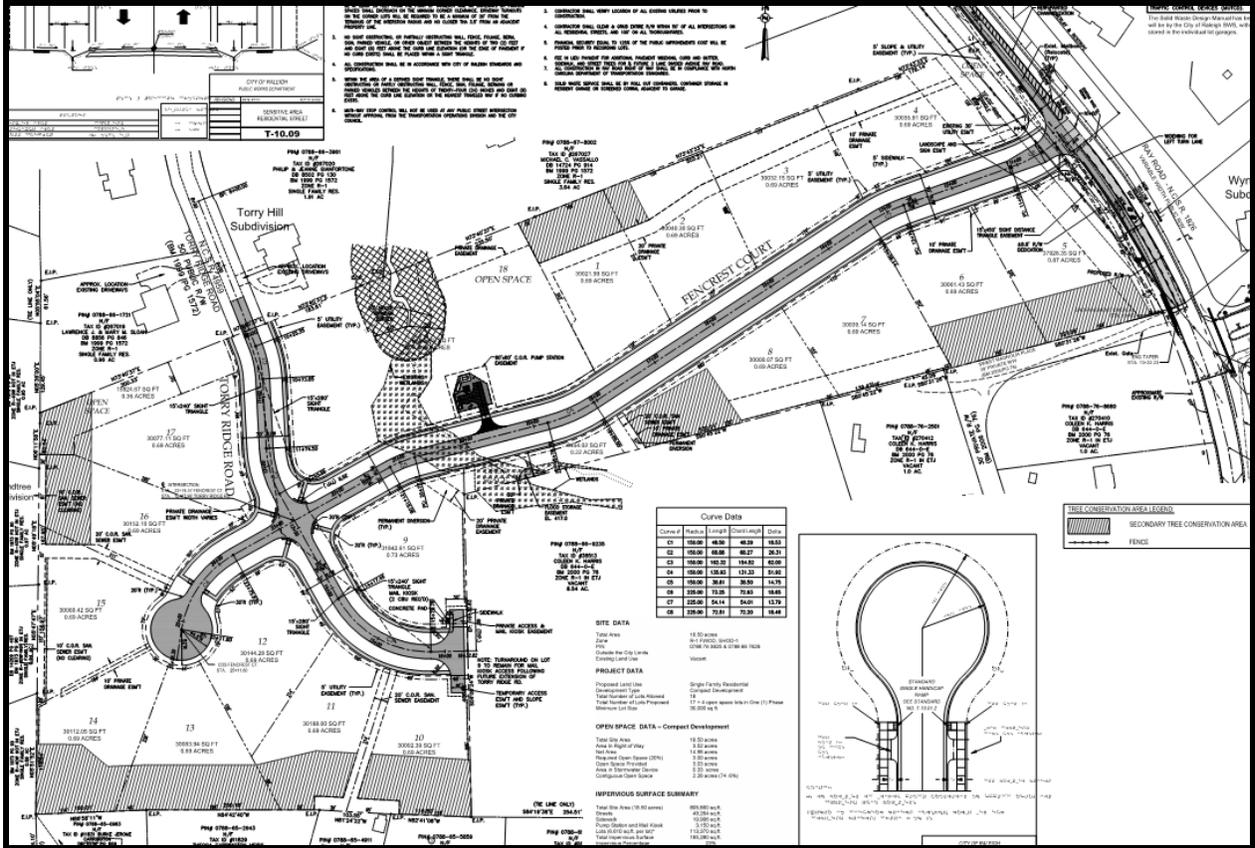
Contact: Alan Keith, Diehl and Phillips

Design Adjustment: NA

Administrative Alternate: NA



S-17-14 Location Map



S-17-14 Preliminary Subdivision Plan

SUBJECT: S-17-14

CROSS-REFERENCE: Transaction# 519613- 2017 Concurrent Review
Transaction# 468085- 2016 Previous Concurrent Review
Transaction# 399658- 2014 Preliminary Compact Subdivision Review
Previous Administrative Action# 3210

LOCATION: This site is located at 9213 Ray Road, outside the city limits.

PIN: 0788763825; 0788667626

REQUEST: This is a **sunset extension** request for an approved preliminary subdivision of two existing parcels totaling 18.50 acres into a Compact development consisting of 17 single family lots and four open space lots.

This development plan was originally approved on 9/30/14 and subsequently a revision was approved on 4/22/16 which decreased the number of single family lots from 18 to 17 with a change in the proposed street network to provide a connection to Ray Road and revised locations of street connections to adjacent properties. The 2016 revision also modified the location of the required open space areas.

Note the conditions of approval for this request are unchanged.

The property is zoned Residential-1 with Special Highway Overlay District-1 and Falls Watershed Protection Overlay District.

OFFICIAL ACTION: **Approval with conditions**

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;
- (2) That a tree conservation plan in compliance with UDO Article 9.1 must be approved by the Conservation Forester. The plan must include a map of the tree conservation areas with metes and bounds descriptions of all tree conservation area boundaries. Tree protection fence must be located in the field along the boundaries of all tree conservation areas and inspected by the Conservation Forester.

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

- (3) That all necessary permits are obtained from the North Carolina Department of Transportation and copies provided to the Transportation Engineer in the Public Works Department;

- (4) 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;
- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (6) That construction plans for the shared stormwater device and road construction be submitted and approved by the City;

Prior to Planning Department authorization to record lots:

- (7) That all tree conservation areas and FWPOD forestation areas are shown on the map for recording at the Wake County Register of Deeds office;
- (8) That the maximum impervious surface allowed for each lot as approved by the City Stormwater Engineer shall be shown on the recorded map;
- (9) 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;
- (10) 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;
- (11) That the flood storage easement, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (12) 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.
- (13) 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).”

- (14) That if the proposed public improvements are not installed and inspected by the city to be accepted for maintenance, a surety in the amount of 125% of the cost of construction for the 5' sidewalk and streetscape trees installed on Torry Ridge Road, Public Road A and Public Road B is to be paid to the Public Works Department in accordance with code section 8.1.3 of the UDO;
- (15) 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 City within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the City; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (16) 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;
- (17) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the stormwater device is paid to the Public Works Department;
- (18) 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;
- (19) That a planting detail for the streetscape trees is approved in accordance with the standards set forth in the Raleigh Street Design Manual;
- (20) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (21) That a fee is paid to the Public Works department for new street signs in accordance with the Raleigh Street Design Manual
- (22) That ½ of the required right of way for Ray Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City;
- (23) That a fee-in-lieu of construction for pavement widening, curb, gutter, sidewalk, and street trees along Ray Road be paid to the Public Works Department;

Prior to issuance of building permits:

- (24) That an encroachment agreement for the stormwater drainage system 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;

Prior to issuance of a certificate of occupancy:

- (25) 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;
- (26) That in accordance with Part 10A Section 9.2.2, an impervious surface as-built survey for each lot shall be reviewed and accepted by the City prior to final stormwater inspection approval;
- (27) That the road improvements are completed and accepted for maintenance and that a warranty in the amount of 15% of the estimated value of the development related improvements is provided to the Public works department.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bannister Date: 8/24/2017
(AS)

Staff Coordinator: Daniel L. Stegall

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 in accordance with Part 10A, conforms to Chapter 2, Articles 2.3 and 2.5, and Chapter 7, Article 7.2, as well as Chapter 10, Article 10.2.5.E.8. This approval is based on a preliminary plan dated 3/17/16 with revisions dated 8/2/17, owned by Classic Neighborhood-FC Holdings, LLC, submitted by Diel and Phillips, PA.

ZONING:

ZONING DISTRICTS: Residential-1 with Special Highway Overlay District-1 and Falls Watershed Protection Overlay District.

TREE CONSERVATION: This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project is zoned R-1 with FWPOD overlay and provides 2.44 acres of tree conservation area which is 16.29% of the net site acreage. The project additionally provides 3.55 acres of preserved wooded

areas and new tree planting areas to meet the requirement that 40% of the site be in trees.

Tree conservation acreage is as follows:
 Primary: 0.13 acres
 Secondary: 2.31 acres

FWPOD Areas: 2.44 acres tree conservation area plus 3.55 acres in preserved and planted wooded areas

PHASING: This is a one phase development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET TYPOLOGY MAP:

Dedication of right-of-way and construction of the following streets are required by the Street Typology Map of the Comprehensive Plan. Proposed street(s) are classified as Sensitive Area Residential Streets. Dedication of right-of-way is required along Ray Road, an existing Avenue two-lane divided road, as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street	Proposed street
Torry Ridge Road (extension)	Sensitive Area Residential Street	NA	70'	NA	20' (edge to edge)
Public Road 'A'	Sensitive Area Residential Street	NA	70'	NA	20' (edge to edge)
Ray Road	Avenue 2-lane Divided	Variable	½ 79'	37.5'	52'

Additional right-of-way being dedicated along Ray Road over the applicable Neighborhood Yield Street section is reimbursable under the facility fees program. The construction and right-of-way dedication of the internal network is not reimbursable.

TRANSIT: This site is presently not served by the existing transit system.

COMPREHENSIVE PLAN:

This site is located in the Northwest Citizens Advisory Council in an area designated Rural Residential.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** The minimum lot size for a compact development in the Residential-1 zoning district is 30,000 square feet. The minimum lot width and depth in this zoning district is 100 feet. Lots in this development conform to these minimum standards.
- OPEN SPACE:** A minimum of 20% of the net site area is required to be open space as part of a compact development. Open spaces must be at least 50' wide; At least 60% of the open space must be contiguous and no more than 25% may be devoted to stormwater control measures. Net site area is 14.98 acres; required open space is three acres. This site plan complies with the open space standards of Articles 2.3 and 2.5 by providing four open space lots totaling 3.03 acres or 20.2% of the net area. 2.26 acres (75%) of the open space is contiguous and 10.1% of the open space contains stormwater control measures.
- 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. Maintain 30' sanitary sewer easements where possible for constructed sewer mains and maintain 15' when the property line abuts an adjacent parcel with no construction.
- 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. 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 6' sidewalk and street trees is required for the Ray Road frontage prior to lot recordation. Construction of a 5' wide sidewalk and installation of street trees is proposed along the Torry Ridge Road extension and Public Road A.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of the Torry Ridge Road extension and Public Road A. 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 Article 9.2 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. A wet pond is proposed to meet runoff control requirements. The site is also located within the FWPOD and will meet nitrogen and phosphorous loading requirements. Each lot will have a maximum allowable impervious surface.
- WETLANDS
/ RIPARIAN
BUFFERS:** Wetland areas and Neuse River riparian buffers are located 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: **A new sunset date granting one three year extension is approved.** 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: 8-24-2020
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.