



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-18-14 / 5401 Lots 15-17

General Location: The site is located within the 5401 development on the east and west sides of Perry Creek Road, southeast of Louisburg Road.

CAC: Northeast

Nature of Case: The further subdivision of Lots 15, 16, & 17 from S-24-12 within MP-1-10, 5401 North totaling 21.41 acres.

Lot 15 – 20 single-family detached lots on 4.32 acres

Lot 16 – 48 single-family detached lots, 68 town house lots, and 5 open space lots on 11.89 acres

Lot 17 – 2 nonresidential lots, 3 open space lots, and 15 single-family detached lots on 6.92 acres

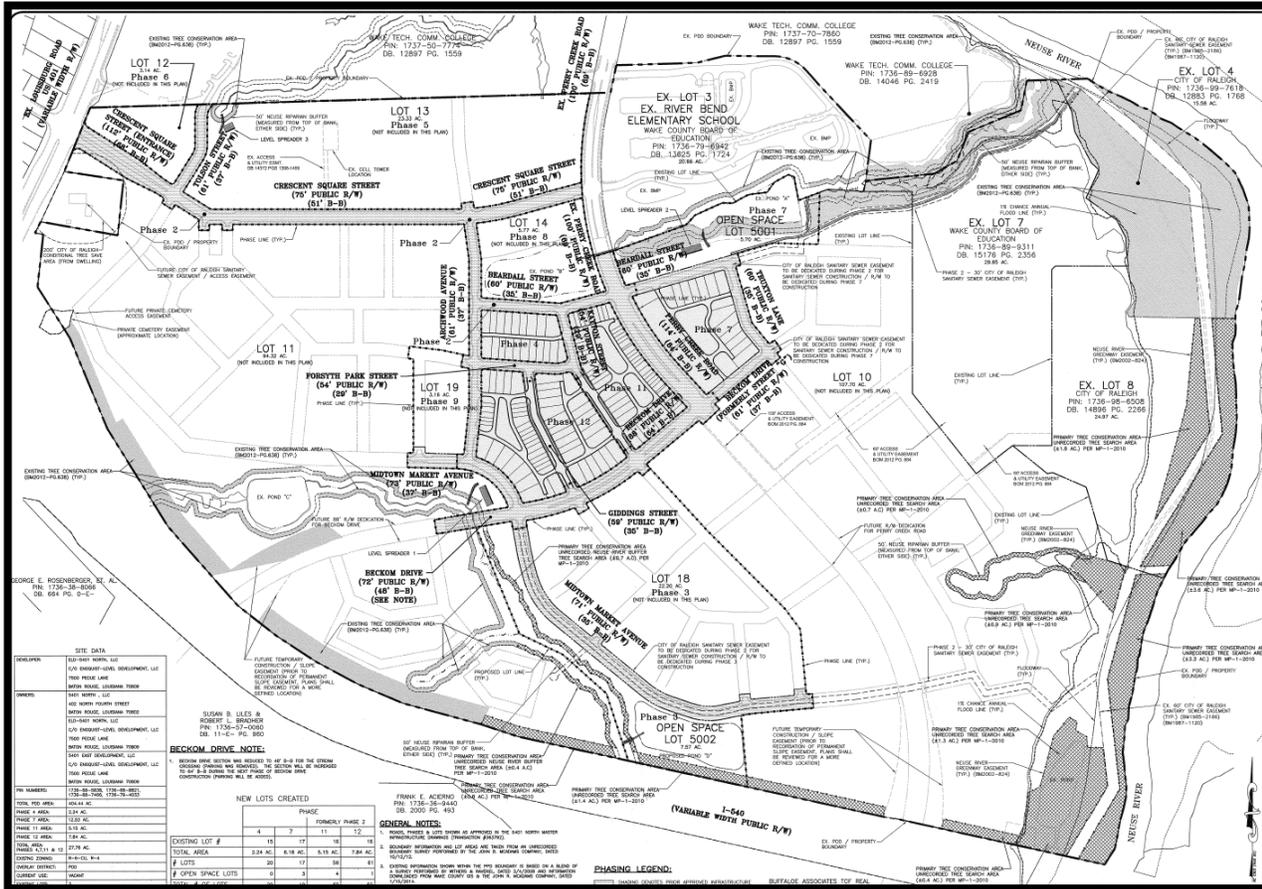
Contact: Jon Moore

Design Adjustment: N/A

**Administrative
Alternate:** NA



Location Map



Subdivision Layout

SUBJECT: S-18-14

**CROSS-
REFERENCE:** MP-1-10 & S-24-12

LOCATION: The site is located on Perry Creek Road, inside the city limits.

PIN: 1736794033, 1736685838, 1736688821, & 1736687466

REQUEST: This request is to approve the subdivision of Lots 15, 16, & 17 from S-24-12 within MP-1-10 5401 North, zoned planned Development Overlay District.

Lot 15 – 20 single-family detached lots on 4.32 acres

Lot 16 – 48 single-family detached lots, 68 town house lots, and 5 open space lots on 11.89 acres

Lot 17 – 2 nonresidential lots, 3 open space lots, and 15 single-family detached lots on 6.92 acres

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:**

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

- (1) 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;
- (2) That in accordance with Part 10A Section 9.4.4, a surety equal to 125% of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (3) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (4) That infrastructure construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (5) 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:

- (6) That Infrastructure Construction Plans be approved by the Public Works and Public Utilities Departments;
- (7) That a declaration of covenants and restrictions in accordance with 10-2057(f)(4)c is recorded that governs open space of the association;
- (8) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete;
- (9) 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;
- (10) That street names are approved by the City of Raleigh and Wake County;
- (11) That 59' of right-of-way and 5' utility easement for Giddings Street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (12) That 54' of right-of-way and 5' utility easement for Kayton Street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (13) That a right-of-way permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (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;
- (15) 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;
- (16) 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);"

- (17) 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;
- (18) 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;
- (19) 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;

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

- (20) That the proposed streets are accepted for maintenance from the city of Raleigh in accordance with the city's adopted policy;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bowen (C. Wayne) Date: 2/19/15

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 the Unified Development Ordinance, including Chapter 2, Article 2.2, Sections 2.2.1, Chapter 7, Article 7.2, Code Section 10-2057. This approval is based on a preliminary plan dated 10/23/14 owned by ELD 5401 North, LLC., submitted by The John R. McAdams Company, LLC.

ZONING:

ZONING DISTRICTS: Residential-4 w/ Planned Development Overlay District

TREE CONSERVATION: An overall tree conservation plan was approved as part of S-24-12.

PHASING: MP-1-10 has several phases within the Planned Development. There are 4 phases in this subdivision. Lot 15 is Phase 4. Lot 16 has two phases, Phase 11 and Phase 12. Lot 17 is Phase 7.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this portion of MP-1-10 5401 North.

STREET TYPOLOGY MAP: Dedication of right-of-way and construction of the following streets in accordance with MP-1-10.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Giddings Street	N/A	N/A	59'	N/A	35' b-b
Kayton Street	N/A	N/A	54'	N/A	29' b-b
18 – Alleys	N/A	N/A	20'	N/A	16' EOP

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

TRANSIT: Not Applicable

COMPREHENSIVE PLAN: This site is located in the Forestville Citizen Advisory Council.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** This subdivision lies within the T4-R & T-5 tracts of the MP-1-10 Planned Development. There is no minimum lot area or dimensions in T5 for single-family detached lots. The minimum lot size for townhouses lots in T5 1,000 square feet. The minimum lot width for townhouses in T-5 is 16'. The minimum lot size for single-family detached lots in T4-R is 1,500 square feet. The minimum lot width for single-family detached lots in T4-R is 25'. The minimum lot size for townhouses lots in T4-R is 1,200 square feet. The minimum lot width for townhouses in T4-R is 16'. Lots in this development conform to these minimum standards.
- 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. A fee for street signs is required in accordance with the Raleigh Street Design Manual.
- STREETSCAPE
TYPE:** Streetscapes were approved prior to the adoption of the Unified Development Ordinance with MP-1-10. This information can be found in the Master Plan file, MP-1-10. A reduction from a 15' sidewalk to 11' including tree grates due to the proposed uses along the West side of Perry Creek being residential. The east side of Perry Creek shall remain in accordance with MP-1-10.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Giddings Street and Kayton Street. All other public improvements were approved with S-24-12. 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 flood hazard areas on this site and will be shown on all maps for recording.
- STORMWATER
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Part 10A Chapter 9 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.

The phased stormwater management solution will not initially require all the stormwater management facilities (SWMF) shown in the preliminary subdivision plans. Code compliance will be checked at infrastructure construction plans or site review submittal and the SWMF will be required at the appropriate time. That submittal may trigger the corresponding related costs (24% BMP construction cost), legal documents (shared SWMF legal agreements, Operation and Maintenance Manuals), shared facility infrastructure drawings/permits for the SWMF as well as as-built verification requirements for compliance. An individual or specific submittal will trigger this need but the cost and burden associated with the SWMFs (which are identified as required for the overall development to be in code compliance) is intended to be shared amongst the overall development.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are located on this site.

STREET NAMES:

New streets are being proposed with this development. Names for the newly constructed streets and alleys are to be approved by the City and Wake County. 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: 2/19/18

Record at least ½ of the land area approved.

5-Year Sunset Date: 2/19/20

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.