



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-19-14 / Greenway Village Subdivision

General Location: This site is located on the east side of Horton Street, south of Lake Boone Trail.

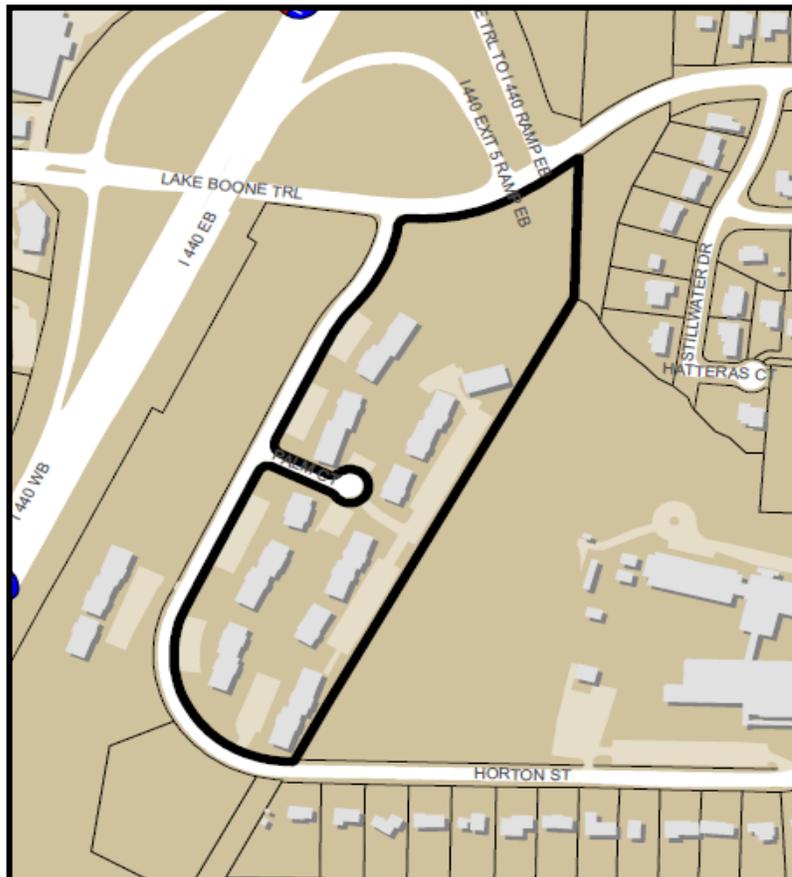
CAC: Glenwood

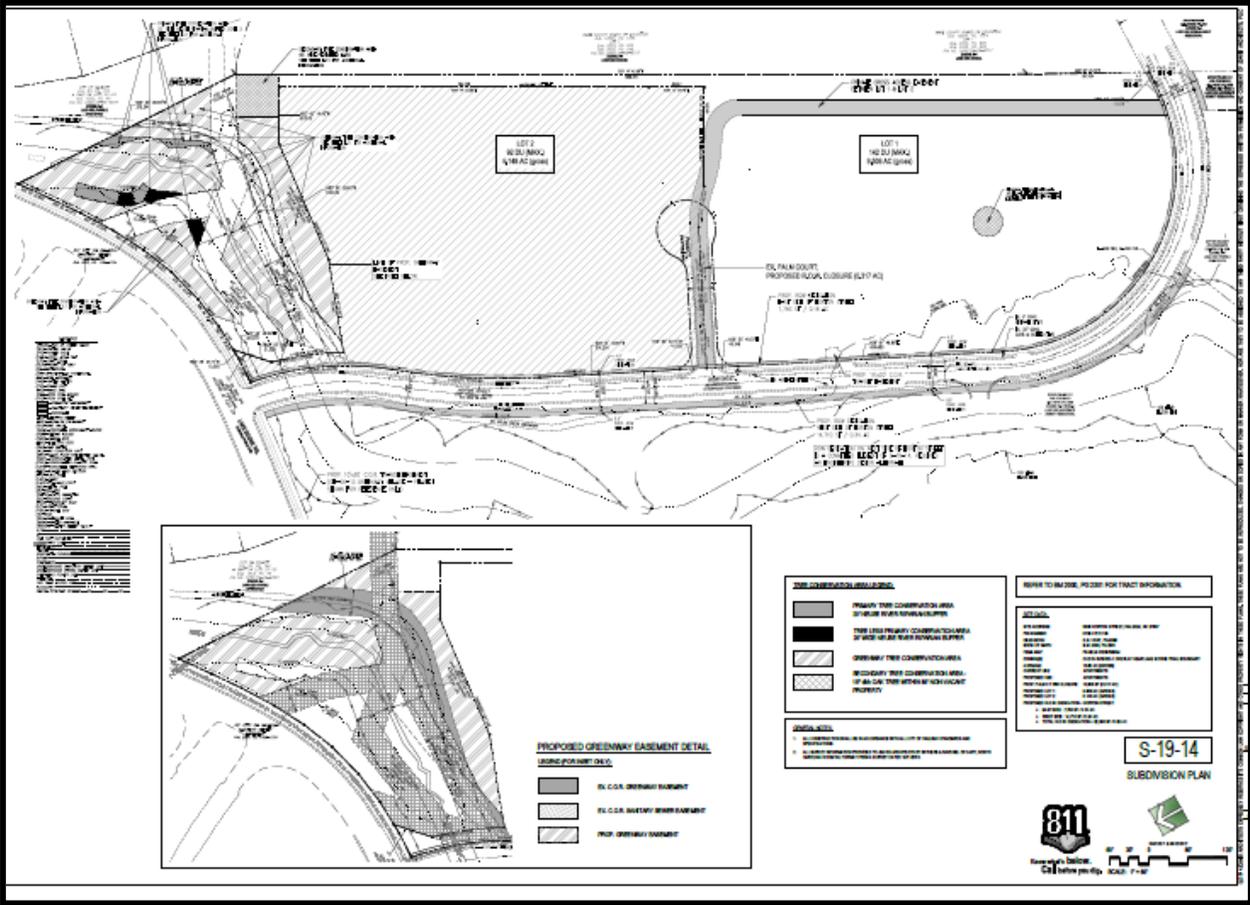
Nature of Case: This request is to approve the subdivision of a 15.65 acre tract into two lots, zoned Residential-15 Conditional Use with Special Highway Overlay District-1.

Contact: David Brown, JDavis Architects

Design Adjustment: A design adjustment was approved on July 23, 2014 by the Public Works Director. This approval increases the allowable block perimeter from the required 2500' to approximately 7300'. The primary reason this connection was not feasible was due to the property on the east being a Wake County Public School campus. It was determined that connectivity to this site would serve no public benefit.

Administrative Alternate: NA





Preliminary Subdivision Plan

SUBJECT: S-19-14

**CROSS-
REFERENCE:** Z-23-2009

LOCATION: This site is located on the east side of Horton Street, south of Lake Boone Trail.

PIN: 0795211105

REQUEST: This request is to approve the subdivision of a 15.65 acre tract into two lots, zoned Residential-15 Conditional Use with Special Highway Overlay District-1. Lot 1 is proposed to be 9.51 acres in size with Lot 2 totaling 6.15 acres.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass 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 a demolition permit be issued;

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

- (3) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (4) That a Right-Of-Way abandonment is approved for The Palms Court, by City Council, and that the Resolution Number is shown on the plans for review;

Prior to Planning Department authorization to record lots:

- (5) 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;
- (6) 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;
- (7) 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).”

- (8) That a fee-in-lieu for additional 1' of sidewalk along Horton Street be paid to the Public Works Department;
- (9) That a demolition permit be issued and this building permit number be shown on all maps for recording;
- (10) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map;
- (11) That a fee-in-lieu for street trees along Horton Street be paid to the Public Works Department;
- (12) That a Right-Of-Way abandonment is approved for The Palms Court, by City Council, and that a map be submitted for review that records the closure of the right of way;
- (13) That a 15x20 transit easement located on Horton Street 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;
- (14) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas;
- (15) That ½ of the required right of way for Horton 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;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bann (C. Hays) Date: 10/10/14

Staff Coordinator: Stan Wingo

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 Chapter 10 of the Unified Development Ordinance and Part 10 Chapter 2 Section 10-2022 of the legacy Zoning Code. This approval is based on a preliminary plan dated 9/29/14, owned by Grubb Ventures, submitted by JDavis Architects.

ZONING:

ZONING

DISTRICTS: Residential-15 CUD (Z-23-09) with Special Highway Overlay District-1

Z-23-09 – Lake Boone Trail – (Conditional Use) – located on the south side, east of Horton Street, being Wake County PIN 0795-21-1105. Approximately 15.34 acres rezoned to Residential – 15 Conditional Use w/ Special Highway Overlay District-1.

Conditions: 09/10/09

Narrative of conditions being requested:

a) Residential density developed upon the subject property after the effective date of the adoption of this rezoning ordinance shall not exceed a maximum of fifteen (15) dwelling units per acre [thirty (30) rooming units and/or dwelling units per acre for a congregate care or congregate living structure per City Code Section 10-2102(g) with a cap of two hundred fifty (250) congregate care rooming units and/or congregate care dwelling units], including within this maximum of fifteen (15) dwelling units per acre, the one hundred eighty-eight (188) dwelling units from Cluster Unit Development S-118-2000 now permitted upon the subject property, but in no event shall the total number of dwelling units constructed on the property exceed a maximum of 230 dwelling units.

b) Prior to recordation of a subdivision plat or the issuance of any building permit, whichever shall first occur, the owner of the subject property shall convey to the City of Raleigh a transit easement measuring twenty (20) feet by fifteen (15) feet along either Horton Street or within the SHOD yard along Lake Boone Trail, subject to applicable Neuse River Buffer rules and regulations. The location of the easement shall be approved by the Public Works Department, Transit Division of the City, and the City Attorney shall approve the transit easement deed prior to recordation.

c) Upon development, reimbursement for any required right-of-way dedication shall be calculated at the applicable R-6 rate.

d) No building constructed on the property after adoption of this zoning ordinance shall exceed a height of forty-nine (49) feet, measured in accordance with City Code Section 10-2076 and no such building shall exceed four (4) occupied stories.

e) A traffic study of the scope determined by the City of Raleigh Public Works Department (Transportation Division) will be submitted for review and approval by the City no later than the approval of this Case by the Planning Commission.

f) After the effective date of the adoption of this rezoning ordinance, there shall be no further transfer of density from or to the subject property (designated as Parcel 3 on that plat recorded in Book of Maps 2000, at Page 2301 of the Wake Registry) and Petitioner's property west of the right of way of Horton Street (designated as Parcel 1 upon the above identified recorded plat), containing approximately 23.98 acres, more or less.

g) Prior to the filing with the City of Raleigh of any request for site plan or subdivision approval for the subject property or any part thereof, written notice of said request shall be given to Joyce A. Kekas and Dennis H. Kekas at 3425 Norton Street, Raleigh, NC 27607-3414 (PIN # 0795 20 0106) or to their successor in ownership of the property at 3425 Norton Street. Such notice shall be given at least two (2) weeks prior to filing and a copy of said request shall be sent at the same time to the

Chairperson of the Raleigh Planning Commission in care of the Raleigh Planning Department.

TREE CONSERVATION: This project is required 10% or 1.53 acres for tree conservation. This project has dedicated 1.54 acres which is broken into:
 Primary: .11 acres
 Secondary: .14 acres
 Greenway: 1.29 acres

PHASING: This is a one phase development.

COMPREHENSIVE PLAN:

GREENWAY: A greenway easement is proposed along the southern portion of the property on Lot 2. Easement will be dedicated prior to or in conjunction with lot recordation.

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. Horton Street is classified as a Neighborhood Street. Dedication of right-of-way is required.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Horton Street	Neighborhood	50'	½- 64'	32'	32'

TRANSIT: Both lots will be served by transit; a 15x20 transit easement is shown on plans.

COMPREHENSIVE PLAN: This site is located in the Glenwood Citizens Advisory Council in an area designated Moderate Density Residential.

SUBDIVISION STANDARDS:

LOT LAYOUT: Residential-15 zoning requires minimum 5,000 square foot lots with a minimum lot width of 45 feet. Both lots exceed all 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 is to be provided by private contractor.

**BLOCKS / LOTS /
ACCESS:**

A design adjustment has been approved for not meeting the block perimeter requirements due to environmental features and existing development including a Wake County Public School that do not allow for a new street connection to be made.

**STREETSCAPE
TYPE:**

The applicable streetscape is residential. A fee in lieu for an additional 1' of sidewalk and street trees is required prior to lot recordation.

PEDESTRIAN:

Existing sidewalk locations conform to City regulations. A 5' sidewalk exists along Horton Street. A fee-in-lieu will be paid for the additional 1' of sidewalk required along Horton Street.

FLOOD HAZARD:

FEMA floodplain exists on this site. Subdivision will meet Bulk Lot Coverage regulations for development within the floodplain. Floodplain limits based on CLOMR 08-04-6597R.

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management controls in accordance with Article 9 of the Raleigh UDO. Each lot will be over 1 acre in size and will address stormwater control regulations independently at time of site plan or further subdivision.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are located on this site. Any impacts to the wetlands and buffer will require approval from US Army Corps of Engineers and NC DENR.

STREET NAMES:

No new streets are being proposed with this development.

**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: 10/10/2017

Record 100% of the land area approved.

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.