



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-22-11 / Abbotts Creek Park / Elementary School Subdivision

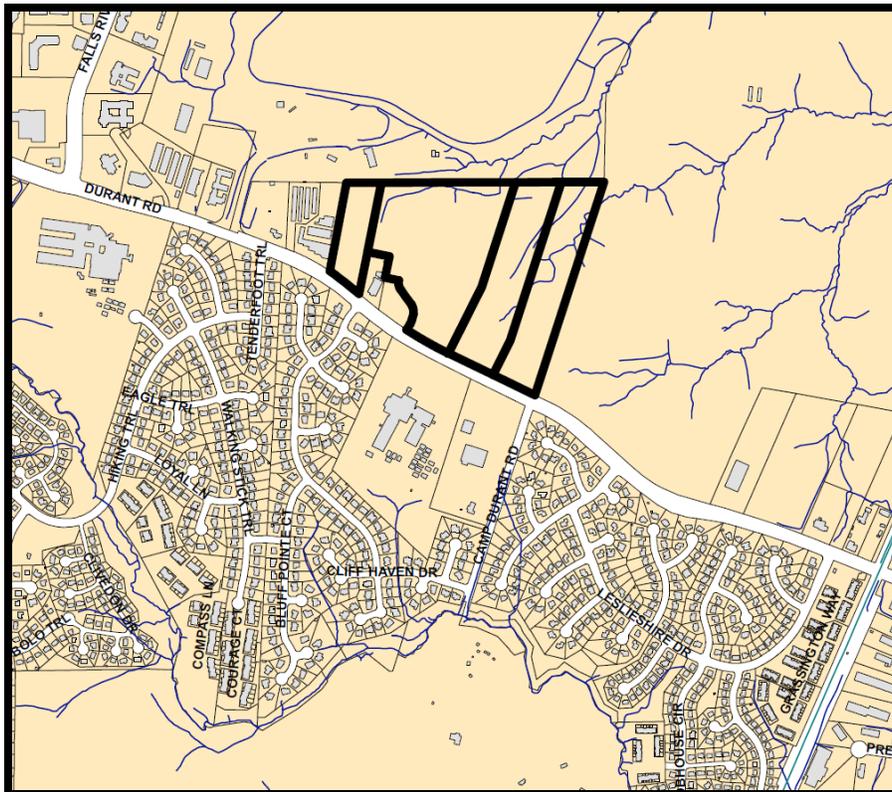
General Location: Located on Durant Road, between Falls River Avenue and Capital Boulevard.

CAC: North

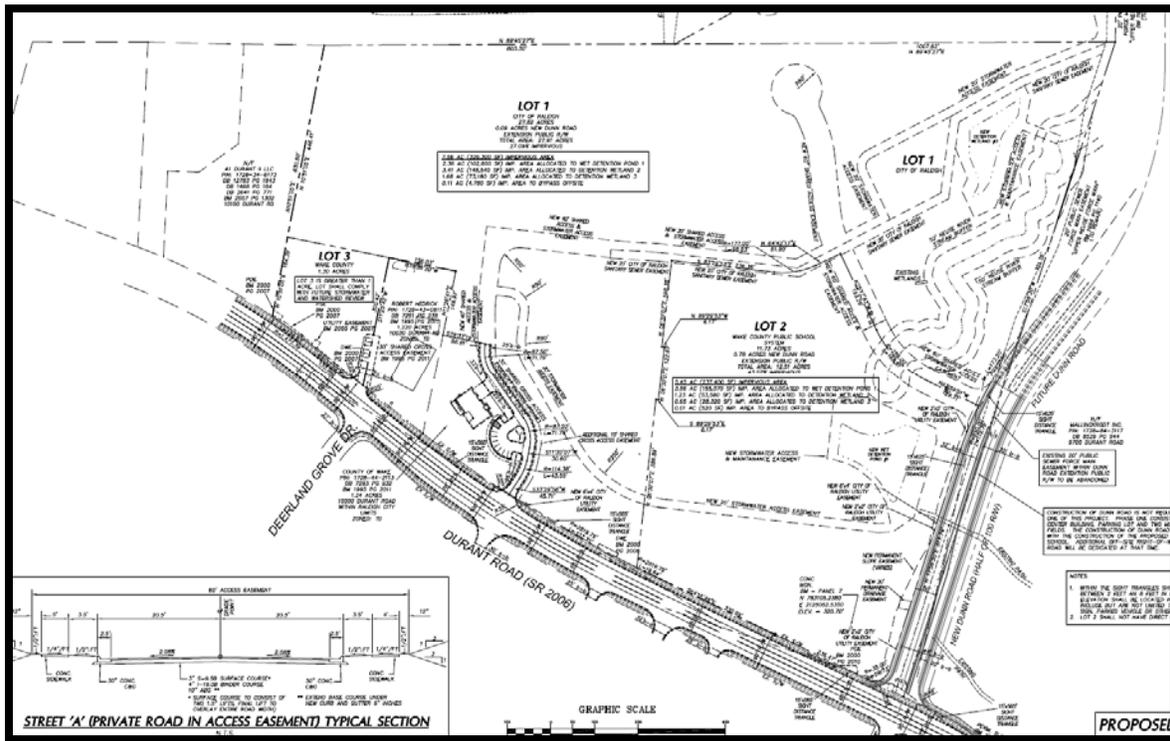
Nature of Case: The dedication of Dunn Road Right-of-Way, along with the recombination of four lots, totaling 49.26 acres into three lots. The parcels are zoned Thoroughfare District with Secondary Urban Water Supply Watershed, located inside the city limits.

- Lot 1 – 27.82 acres
- Lot 2 – 11.73 acres
- Lot 3 – 1.30 acres

Contact: Zak Pierce, CLH Design, P.A.



S-22-12 Abbotts Creek Park /Elementary School – Location Map



S-22-12 Abbotts Creek Park /Elementary School – Lot Layout

SUBJECT: S-22-12 / Abbotts Creek Park /Elementary School

**CROSS-
REFERENCE:** N/A

LOCATION: This site is located on the north side of Durant Road, west of its intersection with Capital, inside the City Limits.

REQUEST: The dedication of Dunn Road Right-of-Way, along with the recombination of four lots, totaling 49.26 acres, into three lots. The parcels are zoned Thoroughfare District with Secondary Urban Water Supply Watershed, located inside the city limits.

Lot 1 – 27.82 acres
Lot 2 – 11.73 acres
Lot 3 – 1.30 acres

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass land disturbing permit for the site:

- (1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Planning and Development Department. 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 City Forestry Specialist. A copy of the approved plan is placed on file in the Planning Department;
- (2) That tree protection fencing must be located in the field to protect all tree conservation areas and the fencing must be inspected by the City Forestry Specialist;
- (3) That as the developer purposes 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 (per code section 10-9044(a).”

Prior to approval of site review or construction drawings, whichever occurs first:

- (4) That tree protection fencing must be located in the field to protect all tree conservation areas and the fencing must be inspected by the City Forestry Specialist;

- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (6) That as the developer purposes to disturb a designated riparian buffer for the purpose of a 2 street crossings, 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 (per code section 10-9044(a);
- (7) 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 10 Chapter 9, 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;
- (8) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis; This will be documented in an Appendix in the Construction Drawings plan set and will show the impervious surface area allocation for right of way improvements and maximum impervious surface areas that can be treated by each stormwater BMP.

Prior to Planning Department authorization to record lots:

- (9) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (10) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (11) 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;
- (12) 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;
- (13) 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;

- (14) That ½ 100' right-of-way dedication for Dunn Road and a 0-25-foot variable width permanent slope easement on Dunn Road be dedicated prior to or in conjunction with the recording of any map;
- (15) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 0-2082.14;
- (16) That a 20' City or Raleigh Sanitary Sewer Easement be dedicated on a record plat as shown on the preliminary subdivision plan;
- (17) That a note referencing the impervious surface allocation indicated in the Appendix in the Construction Drawings plan set will be included in the recorded map;
- (18) 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);"
- (19) That existing wetlands be shown on all maps for recording;
- (20) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;
- (21) 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;"
- (22) That the existing 30' shared cross access easement (BM2009 PG 1083) be revised to allow the newly created lot one access rights to the easement and that this be recorded at the Wake County Register of Deeds within 14 days of lot recordation;
- (23) That a 60' shared access easement be recorded on lots one and two as shown on the preliminary subdivision plan and this be recorded at the Wake County Register of Deeds within 14 days of lot recordation;

Prior to issuance of an occupancy permit:

(24) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Sch (C. Kay) Date: 11-5-12

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 10-2103, 10-2045 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/27/12, owned by Wake County, submitted by CLH Design, P.A..

ZONING:

ZONING DISTRICTS: Thoroughfare District with Secondary Watershed Protection Overlay District

LANDSCAPING: Landscaping will be approved at site plan permitting.

TREE CONSERVATION: This project provides 10.07% of the entire project site in tree conservation which is 4.202 acres for tree conservation. This meets the requirement of at least 10% tree conservation. The project tree conservation acreage is comprised as follows:

Primary TCA: 2.472 acres
Secondary TCA: 1.73 acres

UNITY OF DEVELOPMENT: Not required with this development

PHASING: There is one phase in this development.

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:

Street	ROW	Construct	Slope Esmt.
Dunn Road	½ 100'	N/A	0-25'

Additional right-of-way dedication on Dunn Road, outside of a ½-60' section is reimbursable. The right-of-way and slope easement on Dunn Road are dedicated along the northwest Wake County site at Durant Road.

TRANSIT: This site is presently served by the Capital Area Transit Route 25c Triangle Town Center Connector; however, a transit easement is not required.

URBAN FORM: This site is located in the North Citizen Advisory Council, in an area designated for public facilities.

- Policy T 5.1—Enhancing Bike/Pedestrian Circulation
- Policy EP 3.8—Low Impact Development
- Policy EP 5.2—Tree Canopy Standards
- Policy EP 5.4—Tree Selection
- Policy EP 6.4—Biodiversity and City Park Lands
- Policy EP 8.1—Light Pollution
- Policy EP 8.2—Light Screening
- Policy CS 1.6—Transit Accessibility of Community Facilities
- Policy UD 3.10—Planting Requirements
- Policy LU 2.1—Placemaking
- Policy LU 2.2—Compact Development
- Policy LU 4.5—Connectivity
- Policy LU 5.1—Reinforcing the Urban Pattern
- Policy T 2.4—Road Connectivity
- Policy T 2.9—Curb Cuts
- Policy T 5.2—Incorporating Bicycle and Pedestrian Improvements
- Policy EP 2.5—Protection of Water Features
- Policy EP 3.12—Mitigating Stormwater Impacts
- Policy UD 1.2—Architectural Features
- Policy UD 1.3—Creating Attractive Facades
- Policy UD 3.8—Screening of Unightly Uses

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. 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 driveway and parking lot.

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 off-site

Sanitary Sewer force main will be removed on the adjacent parcel to the north (DB 3385 PG 779), in favor of the installation of an 8" gravity sewer line within the existing easement. A City of Raleigh Sanitary Sewer Easement will be recorded on lots one and two. A 12" waterline will be installed within the dedicated right-of-way of Dunn Road.

SOLID WASTE: Individual lot service will be provided by a private contractor.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: Sidewalks exists along Durant Road.

FLOOD HAZARD: There are flood hazard areas on this site and are identified on the subdivision plan. These areas shall be on all maps for recording.

STORMWATER MANAGEMENT: Stormwater quantity is being met through two wetlands and a wet pond. Stormwater quality is being met through two wetlands, a wet pond and a buydown from the North Carolina Ecosystem Enhancement Program. A pond is proposed outside Raleigh's jurisdiction. An agreement will be recorded to incorporate this pond into the City Stormwater Covenant.

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

NATURAL RESOURCE BUFFER YARD DISTURBANCE

This development contains a natural resource buffer yard as defined under 10-9042 and disturbance to the buffer yard is anticipated, the following requirements as applicable shall be met: for utility mains, an approved "sediment loss control plan" in accordance with 10-9042(a) shall be required; for stormwater control facilities, the guidelines under 10-9042 (b) shall be followed; for all disturbances, a tree planting plan in accordance with 10-9042(b)(2) is required.

This plan is within a Secondary Watershed Protection Area Overlay District, the Natural Resource Buffer Yards specified under Section 10-9040 (a) and (b) shall be delineated on recorded plats (or at the time of the development of the property for lots already existing) with a note stating, "No grading or land-disturbance, or any development, expansion, any placement of impervious surfaces, new use, construction, or encroachment shall be initiated within the Neuse Riparian Buffer natural resource buffer yards as shown on this plat without first being issued a written watercourse buffer permit from the Inspections Department."

WETLANDS / RIPARIAN BUFFERS:

There are Neuse River Riparian Buffers on-site. The Division of Water Quality will need to be contacted and authorize approval for disturbance within these protected areas.

STREET NAMES: 1 new street name is required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

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: 11/5/2015
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/5/2017
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.