



# Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
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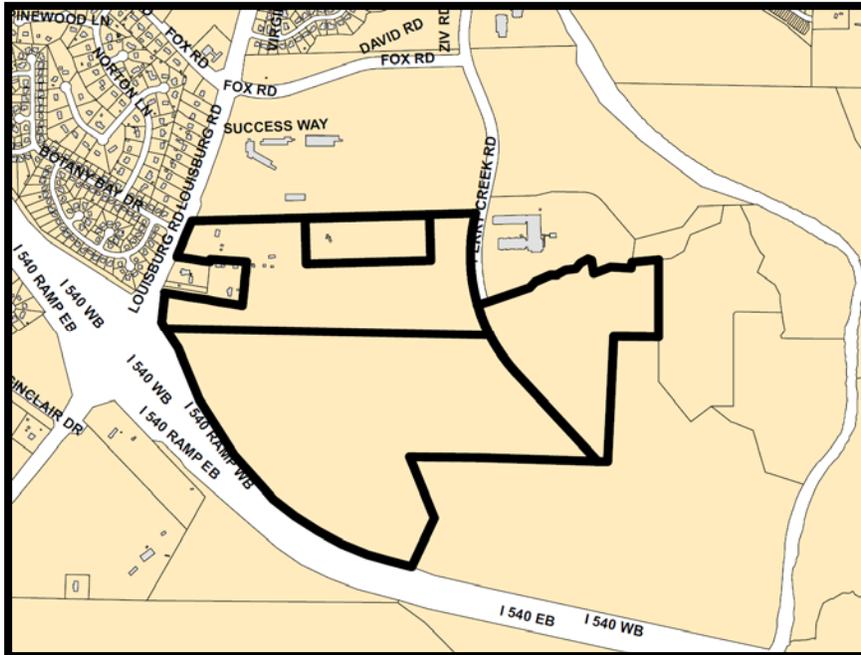
**Case File / Name:** S-24-12 / 5401 North Phases 2- 9

**General Location:** Located on the east side of Louisburg Road, north of Interstate-540.

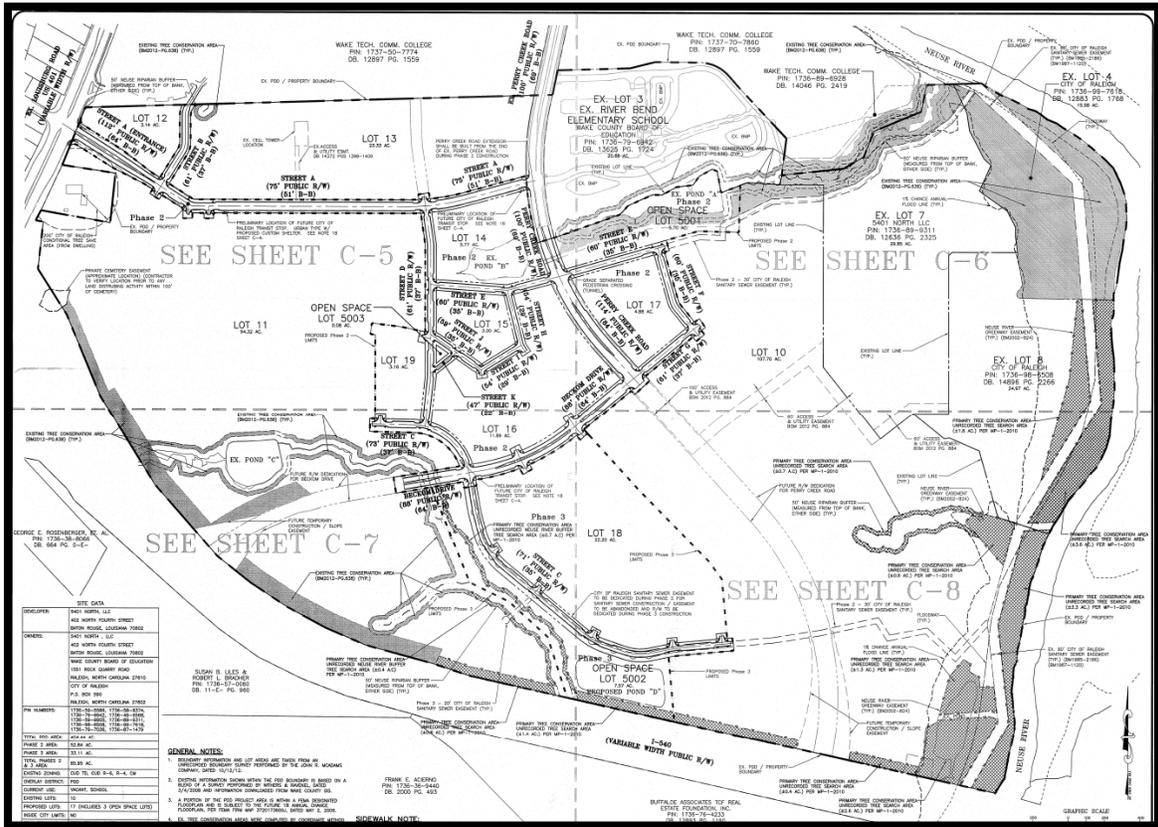
**CAC:** Northeast

**Nature of Case:** The subdivision of 404.44 acres, comprised of 7 existing lots into 17 tracts, including 3 open space lots, zoned Thoroughfare CUD, Residential-6 CUD, Residential-4, and Conservation Management with Planned Development District; located outside the city limits. This subdivision is approved as a large tract subdivision in phases 2-9. Subsequent subdivisions shall be submitted to further divided the proposed lots to be in accordance with the approved Master Plan and zoning conditions.

**Contact:** Jon Moore, John R. McAdams Company



**S-24-12 / 5401 North – Location Map**



**S-24-12 / 5401 North Phases 2 - 9 Subdivision Layout**

**SUBJECT:** S-24-12 / 5401 North Phases 2-9

**CROSS-REFERENCE:** Z-20-10, MP-1-2010

**LOCATION:** This site is located on the east side of Louisburg Road, north of its intersection with Interstate-540, outside the City Limits.

**REQUEST:** The subdivision of 404.44 acres, comprised of 7 existing lots into 17 tracts, including 3 open space lots, zoned Thoroughfare CUD, Residential-6 CUD, Residential-4, and Conservation Management with Planned Development District; located outside the city limits

**OFFICIAL ACTION:** Approval with conditions

**CONDITIONS OF APPROVAL:** *Prior to issuance of any land disturbance 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 Development

Services 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 Development Services Department. A copy of the approved plan is placed on file in the Planning Department;

- (2) 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;

***Prior to approval of final site review or infrastructure construction plans for public or private improvements:***

- (3) That a sewer allocation/tributary map & capacity calculations/ analysis at time of 1<sup>st</sup> construction drawing submittal as necessary to demonstrate that project interceptors are designed to carry peak flow @ half full (@ min% grade & n = 0.013);
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;

***Prior to Planning Department authorization to record lots:***

- (5) 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 10-2082.14;
- (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 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
- (8) That Sign Criteria and Unity of Development for the entirety of the 5401 Master Plan is approved and a note placed on the plat for each area recorded;
- (9) 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;

- (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 all required drainage easments are shown as each phase is recorded;
- (12) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (13) That pursuant to Part 6 of the Master Plan across access easement from the PDD development to the southern and eastern portions of the adjacent Anderson Property (DB 2979 Page 37 be recorded with the local county register deeds office prior to any lot recordation of issuance of any building permit on the PDD land; however, the southern access easement is conditioned on he Anderson Property not being used for residential purposes. A recorded copy of the access easement must be provided to the Planning Department within 14-days from authorization of lot recordation or permit issuance, whichever event first occurs;
- (14) That infrastructure construction plans are approved by the City of Raleigh Public Works Department;
- (15) That an additional 10' City of Raleigh Sanitary Sewer Easement is dedicated with Phase 2 on Lots 10, 7, & 4;
- (16) That a 30' City of Raleigh Sanitary Sewer Easement is recorded on the southern portion of Lot 10;
- (17) That 13 street names be approved by the GIS Department as each phase is recorded;
- (18) 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;

***Prior to issuance of building permits:***

- (19) 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;
- (20) That all buildings comply with the approved unity of development for the PDD area;

***Prior to Issuance of a certificate of occupancy;***

- (21) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;
- (22) 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;
- (23) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) *Mitchell Silb (C. Way)* Date: 10-22-13

**Staff Coordinator:** Meade Bradshaw

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2057 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/18/13, owned by 5401, LLC, submitted by John R. McAdams Company.

**ADDITIONAL NOTES:** n/a

**VARIANCES / ALTERNATES:**

Design Exception approved by the Public Works Director - Streets, Sidewalks & Driveway Access Handbook Section 4.13 Guidelines for Mixed-Use Centers, Street Design Operating Speed. The request is from 35 mph to 25 mph.

Design Exception - Streets, Sidewalks & Driveway Access Handbook Section 4.3 Horizontal Street Design/Intersection Design. Three types of skewed alignments as follows:

1. Skew angle is less than or equal to 15 degrees
2. Skew angle is greater than 15 degrees
3. Skew angles greater than 15 degrees at intersections

Design Exception - Streets, Sidewalks & Driveway Access Handbook Section 4.3 Horizontal Street Design. The request is asking to allow a reduced minimum horizontal centerline radius for Street B - Urban Street to 100 feet.

Design Exception - Streets, Sidewalks & Driveway Access Handbook Section 4.7 Intersection Sight Distance. The request is for two types of sight triangles at intersections with bulb-outs and on-street parking and described as follows:

1. Proposed intersections with on-street parking other than Perry Creek Road and Beckom Drive
2. Proposed intersections with Petty Creek Road and Beckom Drive that contain on-street parking

Design Exception - Streets, Sidewalks & Driveway Access Handbook Section 4.3 Horizontal Street Design. This request is for three types of skewed alignments as follows:

1. Skew angle is less than or equal to 15 degrees
2. Skew angle is greater than 15 degrees
3. Skew angles greater than 15 degrees at intersections

**ZONING:**

**ZONING DISTRICTS:** Thoroughfare CUD, Residential-6 CUD, Residential-4, and Conservation Management w/ Planned Development District. All conditions of the MP-1-10 and Z-20-10 shall apply.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. Proposed alternate spacing and size requirements for street protective yard trees (trees of 4" caliper spaced 40' on center) in transect zones T6, T5, and T4-0 for streets other than Louisburg Road (Highway 401) and I-540. Street protective yard plantings may be located within varying width planting areas within the public street right-of-way as depicted in the alternate street cross section drawings included in the plan document. Within other transect zones street tree plantings of minimum 2.5" caliper size are proposed within the street right-of-way.

**TREE CONSERVATION:** 10% or 40.44 acres is required for tree conservation. At the time of infrastructure construction plan approval, any conflicts with proposed easements, road improvements, retaining walls, with the existing and proposed Tree Conservation Areas will need to be identified clearly. Field verification will be required prior to any land disturbance permits. Tree conservation shall be recorded so that the amount is equal to 10% of the recorded area of the Master Plan.

This project has dedicated and recorded 27.13 acres; and set aside 17.9 acres unrecorded search area which is broken into:  
 Primary: unknown  
 Secondary: unknown

TCA Recorded:	27.13 AC	
Search Area TCA (not recorded)	17.90 AC	
Total	45.00 AC	
Existing Acres Lots 3, 4, 7 & 8	91.09 AC	9.11 AC TCA required
Phase 2: Lots 14, 15, 16, 27, 19		
Open Space Lot 5001 + roads	52.84 AC	5.28 AC TCA required
Phase 3: Lot 18, Open Space		
Lot 5002 + roads	33.12 AC	3.31 AC TCA required

Total Phases 2 & 3	85.96	8.60
Surplus of recorded TCA	9.42 AC	
New utility easements for Phase 2 & 3 (recorded TCA to be removed)	.06 AC	
Total surplus TCA	9.36 AC	

**OPEN SPACE:** This Planned Development Conditional Use Overlay District requires that a minimum of 15% of the land area, 60.3 acres, be devoted to open space. This open space may utilize the preservation and maintenance of natural features, spaces suitable for active and passive recreation, and should provide an interconnected system within reasonable proximity to all properties which allows the opportunity for alternative pedestrian access and recreation to all parts of the development.

A minimum of 16% (65.6 acres) of the site is committed as open space. Note that portions of the required open space have already been set aside with 2007 rezoning of the majority of the site to Planned Development Conditional Use Overlay District. This included the transfer of one tract of over 51 acres along the Neuse River to the City of Raleigh.

**UNITY OF DEVELOPMENT:** Unity of development plans shall be submitted for the primarily mixed use and non-residential tracts in transect zones T4-R, T4-O, T5, and T6, and the unity of development plan shall be approved by the Planning Department. No building permit will be issued that is inconsistent with the approved unity of development plan. A note shall be added to all plats for recording stating that unity of development is required and that a copy of the unity of development plan is on file with the City of Raleigh Planning Department.

Proposed unified sign criteria to be approved by either City Administration or the City Council. The applicant proposes to create a master sign plan for the entire development. If the sign plan is designed to utilize allowances of Code Section 10-2083.1(b)(6) available to Planned Development Overlay Districts then separate City Council approval of the sign criteria will be required prior to building permit issuance or subdivision plat recordation, whichever event first occurs.

**PHASING:** There are 8 phases in this development, 2-9.

**COMPREHENSIVE PLAN:**

**GREENWAY:** This site is located on the Neuse River Trail. A 50' Greenway Easement has been recorded in BM2002 PG824.

**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>
Beckom Drive	88'	64'bb	n/a
Perry Creek	114'	84'bb	as noted

on preliminary subdivision

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: Two locations in the public right of way on street A as shown on the preliminary subdivision plan and 1 on Beckom Drive and Street C intersection as shown on the preliminary subdivision plan. At certain locations, shelters shall be constructed as shown on the preliminary plan.

**URBAN FORM:** This site is located in the Northeast Citizen Advisory Council, in an area designated as Community Mixed-Use. The following Comprehensive Plan Policies apply to the subject property:

- a. Policy LU 2.4 Large Site Development
- b. Policy LU 2.5 Healthy Communities
- c. Policy LU 4.5 Connectivity
- d. Policy LU 8.9 Open Space in New Development
- e. Policy LU 12.3 Reservations for Community Facilities
- f. Policy T 2.4 Road Connectivity
- g. Policy T 2.5 Multi-Modal Grids
- h. Policy T 2.6 Preserving the Grid
- i. Policy T 5.2 Incorporating Bicycle and Pedestrian Improvements
- j. Policy T 5.5 Sidewalk Requirements
- k. Policy T 5.9 Pedestrian Networks

**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.

All subdivisions submitted after September 1 shall be subject to the construction surety regulations of the Unified Development Ordinance.

**BLOCK LAYOUT:** The proposed street layout conforms to that permitted per Z-20-10 and MP-1-10, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

**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:** Solid Waste services are to be as in accordance with the approved City Solid Waste Manual.

**CIRCULATION:** Proposed street improvements shall conform as approved in accordance with the subdivision and the approved Master Plan.

- PEDESTRIAN:** Sidewalks shall be provided on both sides of most public streets as indicated in the master plan document. The street design for drive 47-20 was revised following the Planning Commission meeting of 22 February 2011 to increase the sidewalk width from 5 feet to 6 feet and to reduce the tree lawn from 8 feet to 7 feet. Similarly, the street design for urban streets 60-37 and 60-39 were revised to establish a minimum sidewalk of 14 which can be reduced to 12 feet if the standards in the Streets, Sidewalks and Driveway Access handbook, figure 14b are met. The alternate pedestrian access has been approved in accordance with 10-2057(f)(4); 3
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER  
MANAGEMENT:** This site is subject to stormwater management zoning conditions that require that runoff be held to no more than that expected for R-4 development for the 2 and 10-year storms. Retention / detention facilities are shown on the preliminary plat. All proposed lots are greater than one acre in size except for open space lots.
- WETLANDS  
/ RIPARIAN  
BUFFERS:** Neuse River riparian buffers are required on this site and are protected.
- STREET NAMES:** New street names are 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 for each phase.
- 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:** 10/22/2016  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 10/22/2013  
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.