



# Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 516-2626  
www.raleighnc.gov

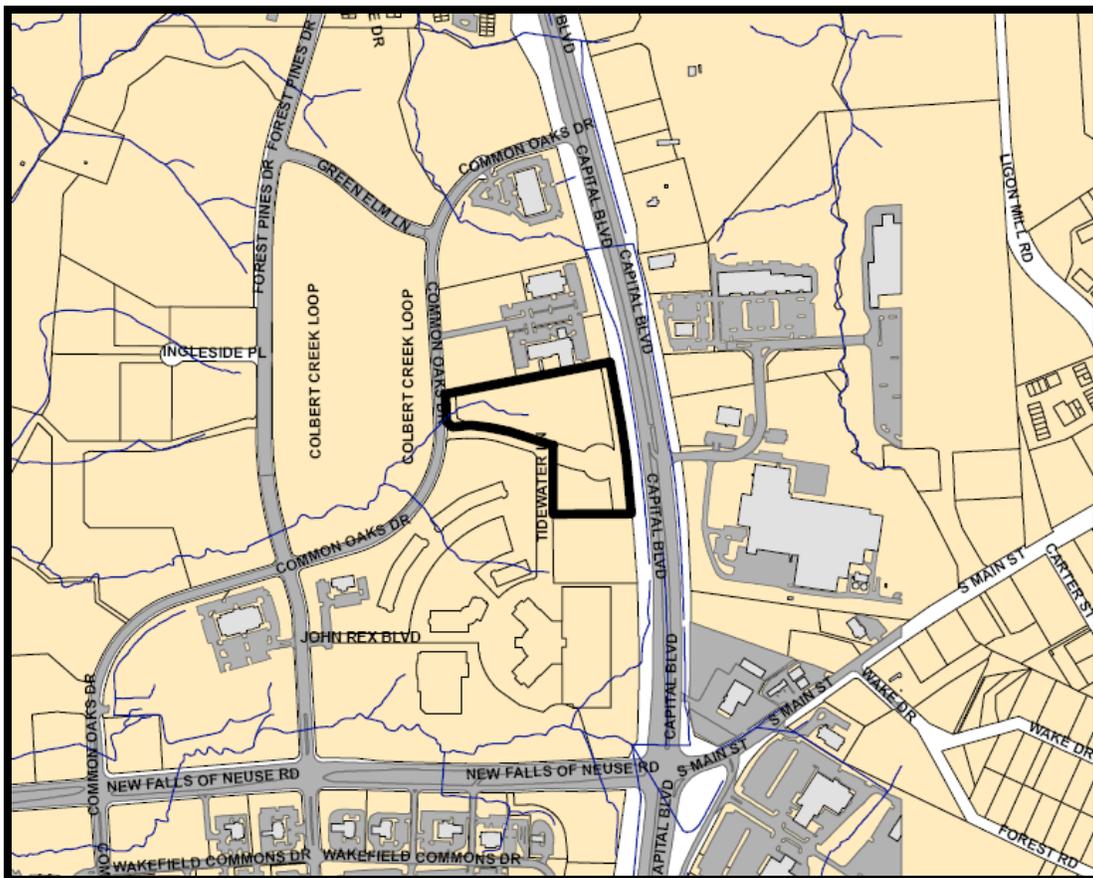
**Case File / Name:** S-26-09 / Wakefield Park Lot 4

**General Location:** Between Capital Boulevard and Common Oaks Drive, north of New Falls of Neuse Road, inside the city limits.

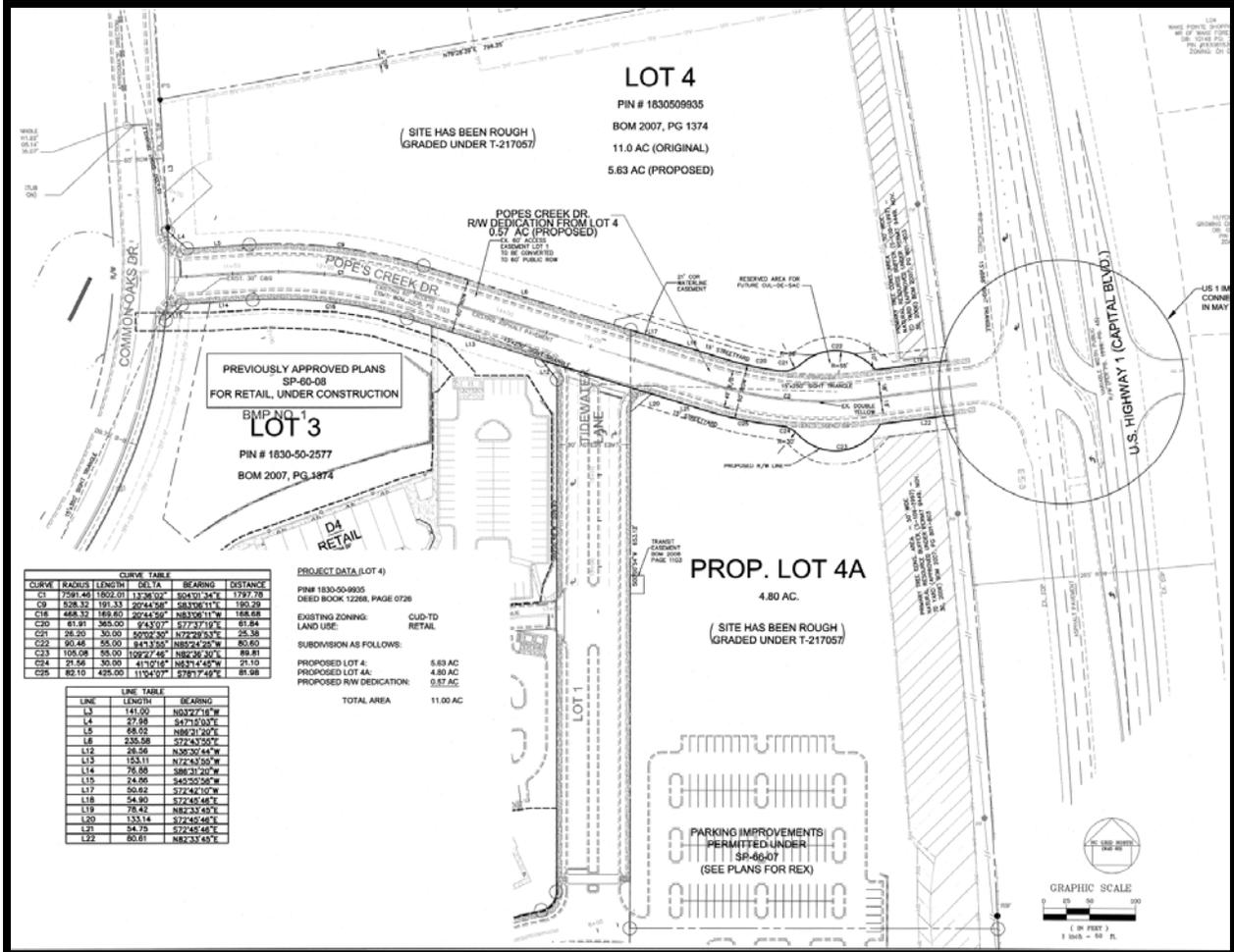
**Planning District / CAC:** Northeast / Northeast

**Nature of Case:** This request is to approve the subdivision of an 11 acre parcel containing an existing parking lot into two (2) lots, zoned Thoroughfare District CUD. The creation of the subdivision is due to the dedication of public right-of-way, 0.57 acres, of Popes Creek Drive. This 11 acres was part of an approved 52.75 acre shopping center, SP-60-08, that was approved by City Council in January of 2009.

**Contact:** Ed Tang, WSP Sells



**S-26-09 Wakefield Park Lot 4 – Site Location Map**



S-26-09 Wakefield Park Lot 4 – Subdivision Layout

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**SUBJECT:** S-26-09 / Wakefield Park Lot 4

**CROSS-REFERENCE:** Z-69-95, EX-5-07, SP-66-07, SP-60-08

**LOCATION:** This site is located between Capital Boulevard and Common Oaks Drive, north of New Falls of Neuse Road, inside the City Limits.

**REQUEST:** This request is to approve the subdivision of an 11 acre tract into two lots. Lot 4 will be 5.63 acres and Lot 5 will be 4.8 acres, zoned Thoroughfare District CUD.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

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

- (1) That as stormwater control facilities are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Attorney for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;
- (2) That the Property Owner Association documents are amended to include lot 5 and shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording;
- (3) That construction plans for public improvements along Popes Creek Drive be approved by the Public Works Department;
- (4) That the following statement be shown on all plats, site plans or driveway applications pertaining to Capital Boulevard at the direction of the North Carolina Department of Transportation Engineer, 8/28/2008: Direct access to Capital Boulevard shall be conditioned as "Temporary" by the NCDOT. It shall be subject to closure without compensation as deemed necessary by NCDOT contingent upon alternate access being available. This shall be noted on all recorded plats associated with any site plans, subdivisions or recombination. This shall be made part of any buy, sell or lease agreement;

- (5) That all sight triangles and sight easements on the preliminary plan be placed on all plats for recording stating: "Within the sight triangles shown on this plan, no obstruction between 2 feet and 8 feet in height above the curb line elevation shall be located in whole or part. Obstructions include but are not limited to any berm, foliage, fence, wall, sign, parked vehicle or other object;
- (6) That together with submission of construction drawings, an application for an encroachment agreement for a private drainage easement located within the new public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections Department for review;
- (7) That the 60 feet of right-of-way and 55' cul-de-sac right-of-way along Pope's Creek Drive be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review; and

***Prior to the issuance of building permits in the Inspections Department:***

- (8) A security (letter of credit) in the amount of 1.5 times the cost of all public street improvements will be provided to the City prior to building permit issuance. This is not required for the future cul-de-sac construction.

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silver (with Bradshaw) Date: 10-19-09

**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 10-2045 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/8/09, owned by Rex CDP Ventures LLC, submitted by WSP Sells.

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**ZONING:**

**ZONING DISTRICTS:** Thoroughfare District CUD. Z-69-95, Ordinance (1995) 702 ZC 369 Effective 8-1-95.

**LANDSCAPING:** Lot 4 will be in compliance with Code Section 10-2082.5 when a site plan is submitted on the lot. The remaining portion of the street yard was approved meeting the vehicular surface area requirements of SP-60-08 because the street was classified as a private street.

**TREE CONSERVATION:** Tree Conservation areas were recorded with the exempt subdivision EX-05-07 (BM 2007 PG 1374) before the 52.75 acres was subdivided. 6.496 acres have been recorded as tree conservation areas. Tree conservation areas exist along the eastern portion of the site fronting on Capital Boulevard.

**UNITY OF DEVELOPMENT:** Unity of development and sign criteria has been approved for this development. Additional signage can be approved by the Planning Commission in accordance with Code Section 10-2124.

**PHASING:** There is one phase in this development. Pope's Creek Drive is already constructed, but right-of-way will be dedicated in one phase.

**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:

<u>Street Esmt.</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope</u>
Pope's Creek Drive	60'	N/A - existing 41' b-b	N/A
Pope's Creek Drive	55' cul-de-sac radius	future requirement per NCDOT – 46.5' b-b radius with curb & gutter; & sidewalks both sides	NA*

This site has provided 5-foot sidewalks along both sides; the applicant is eligible for ½ of a 5' sidewalk.

\*No slope easement is required due to grades established during the construction of Pope's Creek Drive.

**TRANSIT:** A transit easement has already been dedicated on the proposed Lot 5 on Tidewater Lane.

**URBAN FORM:** This site is located in the North Planning District within the limits of a City Focus Area (Wakefield), where a mix of uses is encouraged. The Wakefield Small Area Plan designates mixed uses for the site.

**SUBDIVISION  
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in this zoning district is 5,000 square feet. The minimum lot size proposed is 209,088 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 60'. 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 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:** Location and design of collection facilities shall meet the Solid Waste Services Division Standards. Refuse collection shall be provided by means of a private contractor at the time of site plan approval.
- CIRCULATION:** Pope's Creek Drive has already been constructed and meets city construction standards. Proposed street improvements shall conform to normal City construction standards. Pope's Creek Drive will have direct access to / from Capital Boulevard as permitted by NCDOT at this time, however, the responsibility of the construction of the cul-de-sac will be determined at the time of the street closure.
- PEDESTRIAN:** Existing sidewalks along Popes Creek Drive conform to city regulations. Sidewalks are on both side of Popes Creek Drive and connect to Common Oaks Drive and Capital Boulevard.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER  
MANAGEMENT:** This subdivision is utilizing underground piped detention to the existing wet pond (BMP #1) to address water quantity. No additional payment to the North Carolina Ecosystem Enhancement Program is required. No additional impervious areas are proposed. When site plans are issued on lots 4 or 5, shared stormwater calculations will be established that the impervious surface areas are within the limitations set by the maximums documented or provide additional means of stormwater management.

**SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS**

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installation or Lump Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

**WETLANDS**

**/ RIPARIAN  
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**STREET NAMES:**

The street name application for Popes Creek Drive has already been approved by the city.

**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 lot recording 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:** 10/19/2012

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 10/19/2014

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.