



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-27-10 / Rex Property (2nd Revision)

General Location: The site is located on the west side of Edwards Mill Road, between Macon Pond Road and Duraleigh Road.

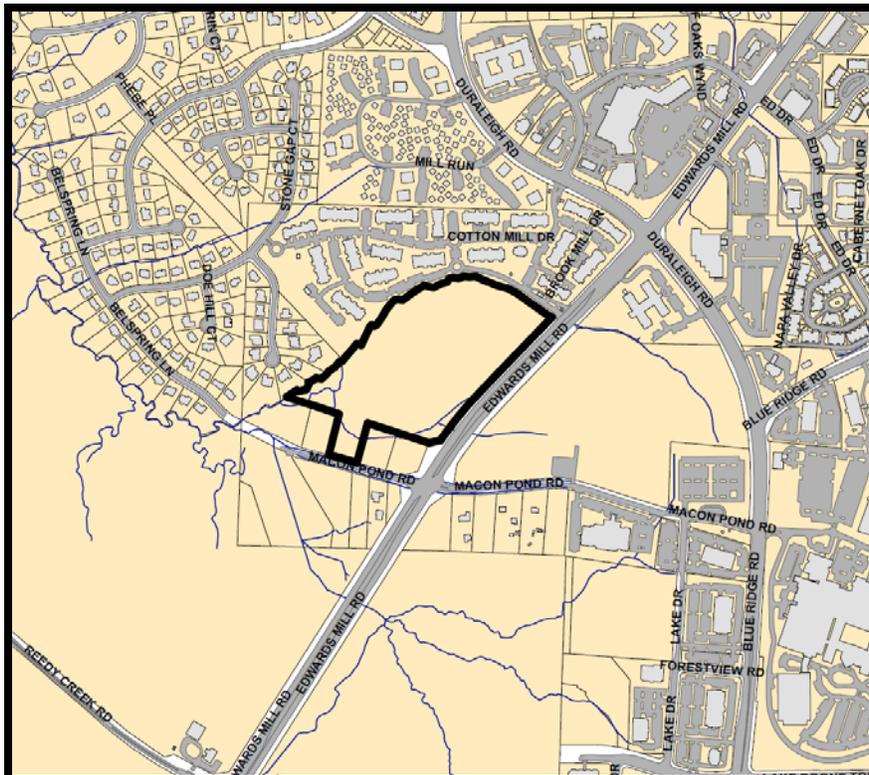
Owner: Rex Hospital, LLC
Designer: Piedmont Land Design, LLP

CAC: Northwest

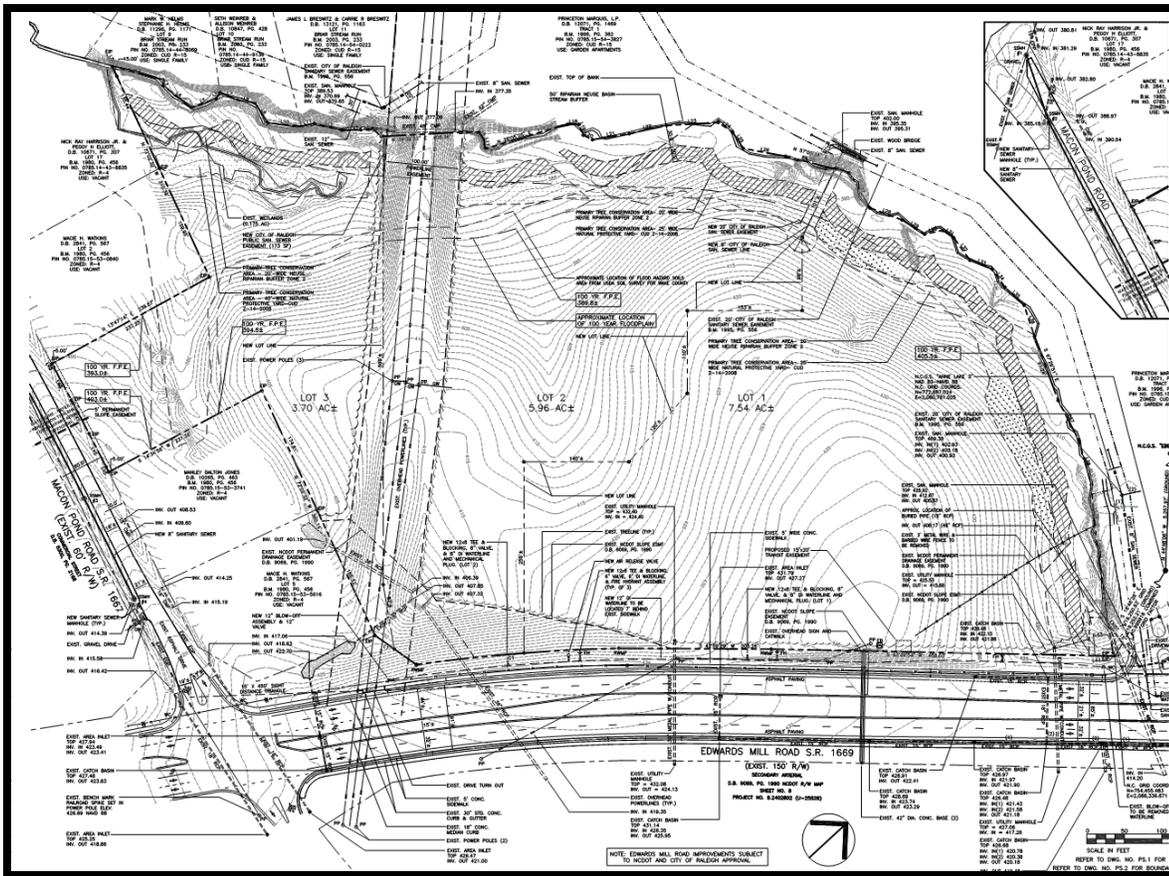
Nature of Case: This is the subdivision of a 17.2 acre into three lots zoned Office & Institutional-1 CUD, outside the city limits. The purpose of this revision is to approve a change in the stormwater management plan for the subdivision. Lots 1 & 2 will utilize shared stormwater devices and Lot 3 will address stormwater requirements independently. A prior revision to this subdivision was approved showing a reconfiguration of lot lines. New conditions of approval (#18 & #20) now apply.

Lot 1 – 7.54 acres
Lot 2 – 5.96 acres
Lot 3 – 3.70 acres

Contact: Piedmont Land Design



S-27-10 – Site Location Map



S-27-10 – Subdivision Layout

SUBJECT: S-27-10 / Rex Property 2nd Revision

**CROSS-
REFERENCE:** Z-14-08

LOCATION: This site is located on the west side of Edwards Mill Road, southwest of its intersection with Duraleigh Road, outside the City Limits.

REQUEST: The subdivision of a 17.2 acre parcel into three lots zoned Office and Institutional-1 CUD, outside the city limits. The purpose of this revision is to approve a change in the stormwater management plan for the subdivision. Lots 1 & 2 will utilize shared stormwater devices and Lot 3 will address stormwater requirements independently. A prior revision to this subdivision was approved showing a reconfiguration of lot lines. New conditions of approval (#18 & #20) are included in this document.

Lot 1 – 7.54 acres
Lot 2 – 5.96 acres
Lot 3 – 3.70 acres

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

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

- (1) That prior to the issuance of a grading permit, the final tree conservation plan in accordance with 10-2082.14 and Z-14-08 Condition (k) must be approved by the Forestry Specialist in the planning 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 Inspections 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;
- (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 Planning Department authorization to record lots:

- (4) 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;
- (5) That a fee-in-lieu will be required to be paid for improvements for Macon Pond Road along the 164' of frontage for ½-41' roadway with curb and gutter and ½-5' sidewalk;
- (6) That a 5' permanent slope easement will be required to be dedicated behind the Macon Pond Road right-of-way prior to map recordation;
- (7) That vehicular access for lot 3 be limited to Macon Pond Road;
- (8) That all NCDOT driveway and / or encroachment permits must be obtained and a copy submitted to the City of Raleigh prior to construction drawing approval;
- (9) That a cross-access agreement between Lots #1, #2 and #3 are recorded in accordance with Raleigh City Code and are returned to the Planning Department within 14- days of recording. If a copy of the recorded documents are not returned within 14-days, further plat recording will be withheld and no building permits will be issued on any lot;
- (10) That a 15x20 foot transit easement located on Edwards Mill Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement 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 within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (11) That a fee-in-lieu of construction for an 8" DIP waterline extension payment is to be made to the Public Utilities Department at the time of Subdivision Plat recordation. This fee will be assessed at the specified rate of \$40.67 per linear foot of site frontage along Macon Pond Road;
- (12) 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 and Z-14-08 condition (k);
- (13) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (14) 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 perpetuity 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).” This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it;

- (15) 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;
- (16) That the restrictive covenant in Zoning Condition (k) be rerecorded allocation the 160,000 square feet of office uses throughout three parcels, not one parcel;
- (17) That impervious surface limitations of 60%, consistent with zoning condition (l), are allocated per each lot and shown on the recorded plat;
- (18) That as stormwater control facilities for Lot 1 and Lot 2 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;
- (19) 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;
- (20) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures located on Lots 1 and 2 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 property owners' association."
- (21) That construction plans be approved by the Public Works Department and Public Utilities Department; and
- (22) That all conditions to Z-14-08 apply.

Prior to Planning Department issuance of building permits:

- (23) That a security (letter of credit) in the amount of 1.5 times the cost of improvements will be provided to the City for all public improvements is paid before the issuance of the first lot requesting the permit;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (WZ) Date: 1/25/12

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 10-2035 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/5/11, owned by Rex Hospital Inc., submitted by Piedmont Land Design, LLP.

ZONING:

ZONING DISTRICTS: Office & Institutional-1 Ordinance 374 ZC 618 Effective 4/1/08.

Z-14-08 – Edwards Mill Road, located on the west side of Edwards Mill Road, Southwest of its intersection with Duraleigh Road, being Wake County PIN 0785546220. Approximately 17.22 acres rezoned to Office and Institution-1 Conditional Use District.

Conditions: 03/27/08

As used herein the "Property" means and refers to all of that certain tract or parcel of land containing +/- 17.22 acres, located on the west side of Edwards Mill Road north of the Macon Pond Road Intersection in the City of Raleigh, Wake County, North Carolina, having Wake County Parcel identification Number 0785-54-6220.

- (a) **Transit Easement.** Prior to the first recording of a subdivision plat or the issuance of the first building permit for the Property (or any portion thereof), whichever shall first occur, there shall be dedicated to the City a transit easement along Edwards Mill Road measuring twenty (20) feet in length and fifteen (15) feet in width. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney or his Associate shall approve the transit easement deed prior to recordation. In the event that the Transit Division elects to place the transit easement in use for municipal transit services, it shall notify the owner of the Property thereof in writing, and within thirty (30) days after receipt of such notice the owner shall pay the cost to be incurred by the City for its purchase of a bench to be installed within such transit easement.
- (b) **Height Limits.** The maximum height for buildings constructed upon the Property shall be the lesser of sixty five (65) feet or four (4) stories in height as determined pursuant to Section 10-2076 of the City Code.
- (c) **Limitation on Square Footage of Office Uses.** Cumulatively office buildings (other than parking structures) constructed upon the Property shall not exceed 160,000 square

feet floor area gross. Within 45 days following the last to occur of (i) the date upon which the adoption of the ordinance approving this zoning case becomes final and unappealable or (ii) the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable building square footage upon the Property to all existing lots of record comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this zoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his or her deputy, which consent shall not be unreasonably withheld.

- (d) **Open Space.** A minimum of twenty percent (20%) of the Property shall be maintained in open space. Open space, as used in this Condition (d), shall be defined as any area of the Property not covered by buildings, parking decks, vehicular service and/or parking areas, trash collection areas, and streets.
- (e) **Prohibited Uses.** The following uses shall be prohibited upon the Property:
- Cemetery
 - Church, synagogue or religious education building
 - Utility services and substation
 - Dance recording, music studio
 - Emergency shelter type A, emergency shelter type B, religious shelter units
 - Private or parochial school (elementary, middle and high)
 - Airfield landing strip and heliport
 - Fraternity house
 - Sorority house
 - Rooming house, boarding house, lodging house, guest house, tourist home
 - Funeral home
 - Crematory
- (f) **Site Lighting.** All outdoor area and parking lot fixtures shall be of full cutoff (shielded) design. Outside of required transitional protective yards where the maximum height shall be twelve (12) feet, freestanding on-site lighting fixtures shall not be more than twenty (20) feet in height.
- (g) **Height of Retaining Wall.** No retaining wall greater than six (6) feet in height shall be constructed within two hundred (200) feet of any point on the boundary of the Property with parcels having the following Wake County Registry references: Book 11296, Page 1171 (Helms), Book 10847, Page 428 (Weinreb), and Book 11105, Page 796 (Huntley) (the "Adjacent Parcels"). Upon development, any retaining wall or walls upon the Property within two hundred (200) feet of the boundary of the Property with the Adjacent Parcels shall be planted with Trumpet Honeysuckle (or a similar species) at intervals of three (3) feet along the side of the wall facing the Adjacent Parcels. This condition shall not prohibit multiple retaining walls within the area dealt with in this condition, provided no single retaining wall in such area is greater than six (6) feet in height and the retaining walls therein are at least three (3) feet apart.
- (h) **Office Building, Parking Deck and Dumpster Setback.** No office building, parking deck or dumpster shall be constructed or placed within three hundred (300) feet of any point on the boundary or the Property with the Adjacent Parcels.
- (i) **Plantings within Easement.** Upon development, there shall be planted along the boundary of the Property with Wake County Registry reference Book 12071, Page 1469

(Princeton Marquis LP) within the easement now owned by Progress Energy, Inc. two (2) staggered rows eight (8) feet on center of Wax Myrtle trees (or a similar species). An area within the easement shall be left unplanted to allow the passage of a motor vehicle or other equipment through the easement. In the event that the plants planted pursuant to this condition are removed or destroyed by the owner of the easement pursuant to the document recorded at Book 252, Page 506 of the Wake County Registry or any other document giving it the right to do so, the owner of the Property shall have no obligation to replace the plants so removed or destroyed.

- (j) **Parking Lot Perimeter.** Along the perimeter of any parking lot upon the Property within two hundred (200) feet of any point on the boundary of the Property with parcels having the following Wake County Registry references: Book 12510, Page 1502 (Treadway), Book 11296, Page 1171 (Helms), Book 10847, Page 428 (Weinreb), and Book 11105, Page 796 (Huntley), other than within the easement owned by Progress Energy, Inc., or its successor in title, there shall be planted upon development a row of Leyland Cypress Trees (or a similar species) on centers of twelve (12) feet.
- (k) **Neuse Riparian Buffer: Natural Protective Yard.** Upon development, there shall be maintained upon the Property a natural protective yard and Primary Tree Conservation Area pursuant to Section 10-2082.14 of the Code an average of twenty-five (25) feet in width (no less than ten (10) feet in width nor more than forty (40) feet in width) adjacent to and outside the riparian buffer fifty (50) feet in width (“the “Riparian Buffer”) existing upon the Property pursuant to 15A North Carolina Administrative Code 2B.0233 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS. Provided, however, (i) the aforementioned natural protective yard and Primary Tree Conservation Area shall not exist within that portion of the Property subject to an easement owned by Progress Energy, Inc., its successors or assigns and (ii) such natural protective yard and Primary Tree Conservation Area shall be an average of forty (40) feet in width (no less than ten (10) feet in width nor more than seventy (70) feet in width) adjacent to and outside that portion of the Riparian Buffer adjoining the Adjacent Parcels. The Riparian Buffer and the natural protective yards and Primary Tree Conservation Areas established pursuant to this condition shall remain undisturbed except for the installation of utilities to the extent allowed by the City Code and State statutes and regulations.
- (l) **Limitation on impervious Surface.** Upon development, no more than sixty percent (60%) of the surface area of the Property shall be impervious.
- (m) **Site Plan Approval.** No development shall occur upon the Property until a site plan with respect thereto has been approved by the Raleigh Planning Commission. Prior to the submittal of any such site plan to the Raleigh Planning Department, it shall be presented to the Northwest Umstead Citizens Advisory Council or Its successor, if any.
- (n) **Control of Stormwater During Construction.** Upon construction activity upon the Property, the peak stormwater runoff leaving the Property for the two (2) year and the ten (10)-year storms shall be no greater than that for pre-development

**TREE
CONSERVATION: Site Acreage 17.22**

Primary Tree Conservation (acres)

- 20' Neuse Riparian Buffer – .712
- 25' Natural Protective Yard (Z-14-08) - 1.021

Totals = 1.733 acres / 10.06% Tree Conservation Area

UNITY OF DEVELOPMENT: Not Applicable

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN

GREENWAY: Not Applicable

THOROUGHFARE / COLLECTOR PLAN:

A fee-in-lieu will be required for improvements for Macon Pond Road along the 164' of frontage for ½-41 roadway with curb and gutter and ½-5' sidewalk.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15'x20' on Edwards Mill Road.

URBAN FORM: This site is located in the Northwest Citizen Advisory Council, in an area designated as Institutional.

Policy LU 4.5—Connectivity- *New development and redevelopment should provide pedestrian and vehicular connectivity between individual development site to provide alternative means of access along corridors.*

Cross access is required between lots 1, 2 and 3.

Policy T 5.5—Sidewalk Requirements – *New subdivisions and developments should provide sidewalks on both sides of the street.*

Sidewalks currently exist along Edwards Mill Road. A fee-in-lieu for ½-5' sidewalk is required along Macon Pond Road.

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 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:** Individual lot service with a private contractor is to be provided.
- CIRCULATION:** Macon Pond Road and Edwards Mill Road currently conform to normal City construction standards. This subdivision will provide a cross access agreement between lots 1, 2, and 3.
- PEDESTRIAN:** Sidewalks exist along Edwards Mill Road. A fee-in-lieu is required for the site's frontage along Macon Pond Road.
- FLOOD HAZARD:** Flood hazard areas are located on site and are labeled on the plans.
- STORMWATER MANAGEMENT:** This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. All proposed lots exceed one acre in size. Lots 1 & 2 will utilize shared stormwater devices and Lot 3 will address stormwater requirements independently. Stormwater management measures will be required for each lot at the time of site plan submittal or at the time of further subdivision. Per Z-14-08, each lot of the subdivision will be limited to 60% impervious surface. There is Neuse River Buffer and floodplain associated with alluvial soils located on this site.

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)].

RIPARIAN BUFFER DISTURBANCE

The developer proposes to disturb a designated riparian buffer for the purpose of extending a sanitary sewer line, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer and evidence of such approval shall be provided to the Conservation Engineer in the Public Works Department.

REZONING CONDITION

Maximum impervious surface allowed on each lot per Z-14-08 is shown on the preliminary plan and shall be shown on the recorded plat.

WETLANDS / RIPARIAN BUFFERS:

Neuse River riparian buffers are located and protected on this site.

STREET NAMES:

No new street names are required for this development.

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: **The sunset dates for this subdivision have not changed.** 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: 1/13/14
Record at least ½ of the land area approved.

5-Year Sunset Date: 1/13/16
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.