



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-27-15 / Westlake at Country Trails III

General Location: The site is located on the west side of Leesville Road, north of the intersection of Leesville road and Country Trails, and is outside of the city limits.

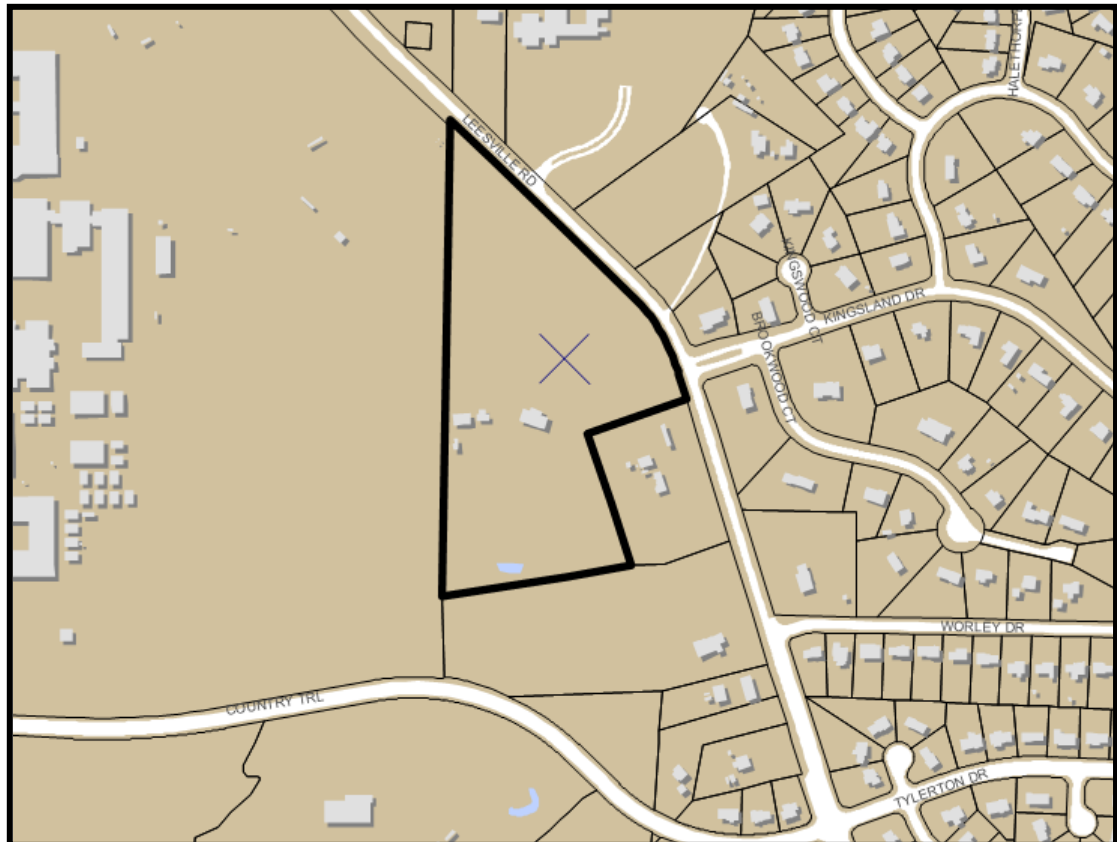
CAC: Northwest

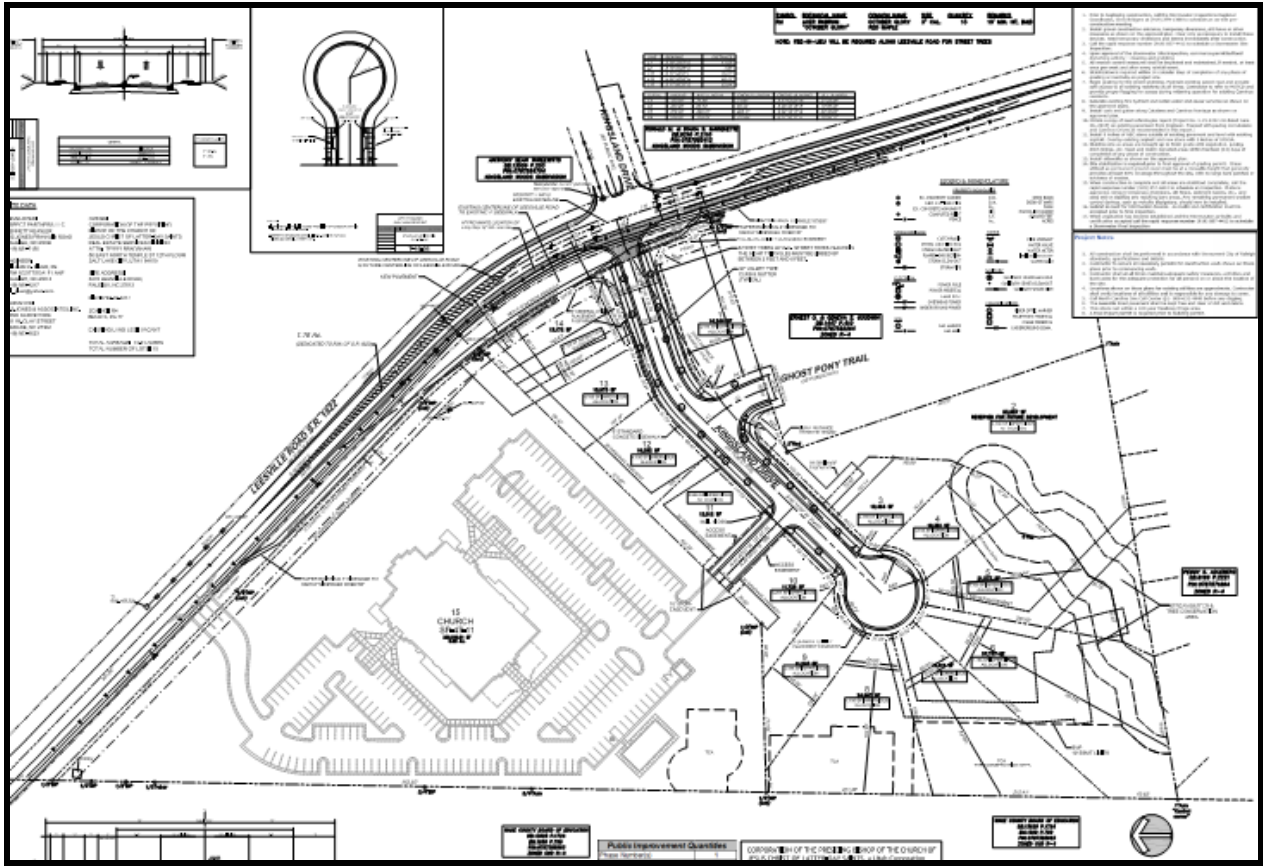
Nature of Case: Subdivision of a 13.51 acre parcel into 1 lot for a proposed civic use, 13 residential building lots, and 1 Open lot (2.3.7) being reserved for future development. This proposed subdivision is zoned Residential-4. The proposed civic use lot is associated with a preliminarily approved site plan for a 268,569 sq. ft. church (SP-47-11).

Contact:

Design Adjustment: One Design Adjustment has been approved by the Public Works Director for this project waiving the block perimeter requirements. UDO Section 8.3.

Administrative Alternate: NA





Preliminary Site Plan

Public Works Design Adjustment – Staff Response



Per Section 10.2.18.C of the Unified Development Ordinance, the Public Works Director may consult with the heads of other City departments regarding the review of the request. The Public Works Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

Project	Project Name	Country Trail at Westlake Phase III	Date Completed Application Received	5/6/2016
	Case Number	S-27-2015	Transaction Number	430775

Staff Response/Recommendation

This subdivision is being constructed between a church property on Leesville Road and Westlake at Country Trail (several phases). Ghost Pony Trail will be connected between these two subdivisions to provide a connection between Country Trail and Leesville Road. Leesville Road School is developed to the west of this subdivision and therefore not extension from the this subdivision is to be extended to the adjacent school property.

Staff supports this request to not require a public street to be extended to meet the block perimeter for this development.

Staff Member	Kathryn Beard	Support Request	<input checked="" type="checkbox"/>	Does Not Support	<input type="checkbox"/>
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Public Works Director's Action:

Approve Approval with Conditions Deny

J. Swann for Rich Kelly 6/8/16
 Richard L. Kelly, Interim Public Works Director Date

*The Public Works Director may also authorize a designee to sign in his stead. Please print name and title next to signature.

Conditions for Approval

Appeal of the decision from the Public Works Director shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).

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Public Works Design Adjustment

SUBJECT: S-27-15 / Westlake at Country Trails III

CROSS-REFERENCE: SP-47-11, Transaction # 430775

LOCATION: The site is located on the west side of Leesville Road, north of the intersection of Leesville Road and Country Trails, and is outside of the city limits.

PIN: 0787488414

REQUEST: This request is to approve the Subdivision of a 13.51 acre parcel into 15 lots. This proposed subdivision is zoned Residential-4.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

Prior to issuance of a grading permit for the site:

- (1) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (2) That as the developer proposes 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;

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

- (3) 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 10A Chapter 9 of the Unified Development Ordinance, 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;
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (6) That all offsite rights of way and easements required to provide this development access to public sewer are shown and recorded in the Wake County Register of Deeds;
- (7) That a map of the tree conservation areas with metes and bounds descriptions must be submitted to the City Forestry Specialist for approval. Except for construction drawings, that tree protection fencing is set up along

the boundaries of all tree conservation areas and an appointment made with the City Forestry Specialist to re-inspect the fence.

- (8) That a Tree impact permit be obtained from the City Forestry Specialist;

Prior to Planning Department authorization to record lots:

- (9) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
- (10) 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;
- (11) That $\frac{1}{2}$ of $\frac{1}{2}$ -104' right-of-way for Leesville Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City;
- (12) That 55' of the required right of way for the proposed Kingsland Drive, and 50' of the required right of way proposed Ghost Pony trail (stub) is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City;
- (13) That a fee in lieu is paid to the City of Raleigh for all curb and gutter, and street trees along Leesville Road;
- (14) That if the proposed public improvements are not installed and inspected by the city to be accepted for maintenance, a surety in the amount of 125% of the cost of construction for the 6' sidewalk and streetscape trees installed on Kingsland Drive and the Ghost Pony Trail stub is to be paid to the Public Works Department in accordance with code section 8.1.3 of the UDO;; infrastructure construction plans required;
- (15) 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;
- (16) 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;
- (17) 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;

- (18) 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 property owners association;
- (19) That the maximum allowable impervious surface area for each lot per the approved subdivision plan shall be shown on all maps for recording;
- (20) 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)."
- (21) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (22) That Infrastructure Construction Plans are approved by the City of Raleigh;
- (23) That in accordance with Part 10A Section 9.2.2, an impervious surface as-built survey shall be reviewed and accepted by the City prior to final stormwater inspection approval;
- (24) That a plat showing all City of Raleigh Sanitary Sewer Easements required to serve this development and upstream developments is recorded in the Wake county Register of Deeds;
- (25) That a cross access easement as shown on the preliminary plan between the proposed lots and the one to be owned by the Church of Jesus Christ of Latter Day Saints be shown on the final subdivision map to be recorded in the Wake County Registry, and a corresponding deed of cross access easement among the lots also be recorded in the Wake County Registry and a copy of the deed returned to the City within one day of recording;

Prior to issuance of a certificate of occupancy for either lot:

- (26) That all water and sewer extensions in Westlake at Country Trail Subdivision, and Westlake at Country Trail II Subdivision have been accepted by the City of Raleigh Public Works Department;
- (27) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate.

I hereby certify this administrative decision.

Signed: (Planning Dir.) *Kim Th Bower (S. Bower)* Date: 8-12-16

Staff Coordinator: Michael Walters

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 the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1. This approval is based on a preliminary plan dated May 16, 2016 owned by Aspect Partners, LLC., submitted by William Hood, Jerry Turner and Associates.

ZONING:

ZONING DISTRICTS: Residential-4, (R-4)

TREE CONSERVATION: This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project provides 1.34 acres of tree conservation area which is 10.25% of the net site acreage. Tree conservation acreage is as follows:
Primary: 0.33 acres
Secondary: 1.01 acres

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

STREET PLAN MAP: Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan. Proposed Kingsland Drive is classified as Neighborhood Yield Street, and the Ghost Pony Trail stub is classified as Residential Street (Pre UDO). 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)	Slope Easement
Leesville Road	Avenue, 4-lane divided street section (4.4.2, RSDM)	60'	104' of right-of-way	20'	76' b-b section (req'd)	20'
Kingsland Drive (proposed)	Neighborhood Yield		55'		27' b-b section	
Ghost Pony Trail stub	Residential Street (Pre UDO)		50'		31' b to b	

A portion of additional right-of-way to be dedicated along Leesville Road is reimbursable under the facility fees program.

Leesville Road is classified as an Avenue, 4-lane divided street (4.4.2, RSDM)

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

½-104' right-of-way; 20' slope easement and 5' general utility placement easement is required and is to be recorded for Leesville Road. A NCDOT driveway permit and encroachment agreement is required.

A fee-in-lieu for curb and gutter, stormwater devices, possibly street trees along Leesville Road is required.

The proposed Ghost Pony Trail stub is to serve as a connection to a proposed Residential Street (Pre UDO) of Phase 4 of the Westlake at Country Trails Subdivision.

A public access vehicular and pedestrian easement, tying together Kingsland Drive and the adjacent proposed church site, is to be maintained by the HOA of the subdivision.

Sureties for public improvements at 100% on Leesville Road and 125% for all internal subdivision public improvements are required. Infrastructure construction plans required.

TRANSIT: This site is presently not served by the existing transit system.

COMPREHENSIVE PLAN: This site is located in the Northwest Citizen's Advisory Council and is designated as moderate density residential.

SUBDIVISION STANDARDS:

- LOT LAYOUT:** The minimum lot size in Residential-4 zoning district is 10,000 square feet. The minimum lot depth for a detached house lot in this zoning district is 100 feet. The minimum lot width of an interior lot depth for a detached house lot in this zoning district is 65 feet. Lots in this development conform to these 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. This site design is dependent on dedication and construction of sewer lines off-site thru adjacent properties. Those off-site dedications must be made prior to approval to record these lots.
- SOLID WASTE:** Individual lot service by the City is to be provided.
- BLOCKS / LOTS / ACCESS:** Block perimeter standards are met via a design adjustment approved by the Public Works Director. Lot arrangement and access conform to Chapter 8 of the UDO.
- STREETSCAPE TYPE:** The applicable streetscape is a Residential Streetscape. A 6' sidewalk is proposed along Leesville Road. A fee in lieu for street trees and curb and gutter is required along Leesville Road prior to lot recordation. A 27' back to back street (Kingsland Drive) is proposed within the development, as is a 31' back to back stub street (Ghost Pony Trail). A 6' sidewalk and street trees are proposed along both. A 25' back to back access easement connecting Kingsland Drive to lot 15 is also proposed.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of all proposed streets. Access to the public right of way in addition to internal connection requirements is provided in accordance with 8.3.4 of the UDO.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.
- WETLANDS / RIPARIAN BUFFERS:** Neuse River riparian buffers are required on this site.
- STREET NAMES:** Two new streets and one Access Easement are being proposed with this development. A fee for street signs is required in accordance with the Raleigh Street Design Manual.
- 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: 8-12-2019
Record at least ½ of the land area approved.

5-Year Sunset Date: 8-12-2021
Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE 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 Public Works Department for street construction; by the first working day in November and May each year.