



Administrative Action

Preliminary Subdivision

Cluster Unit Development

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

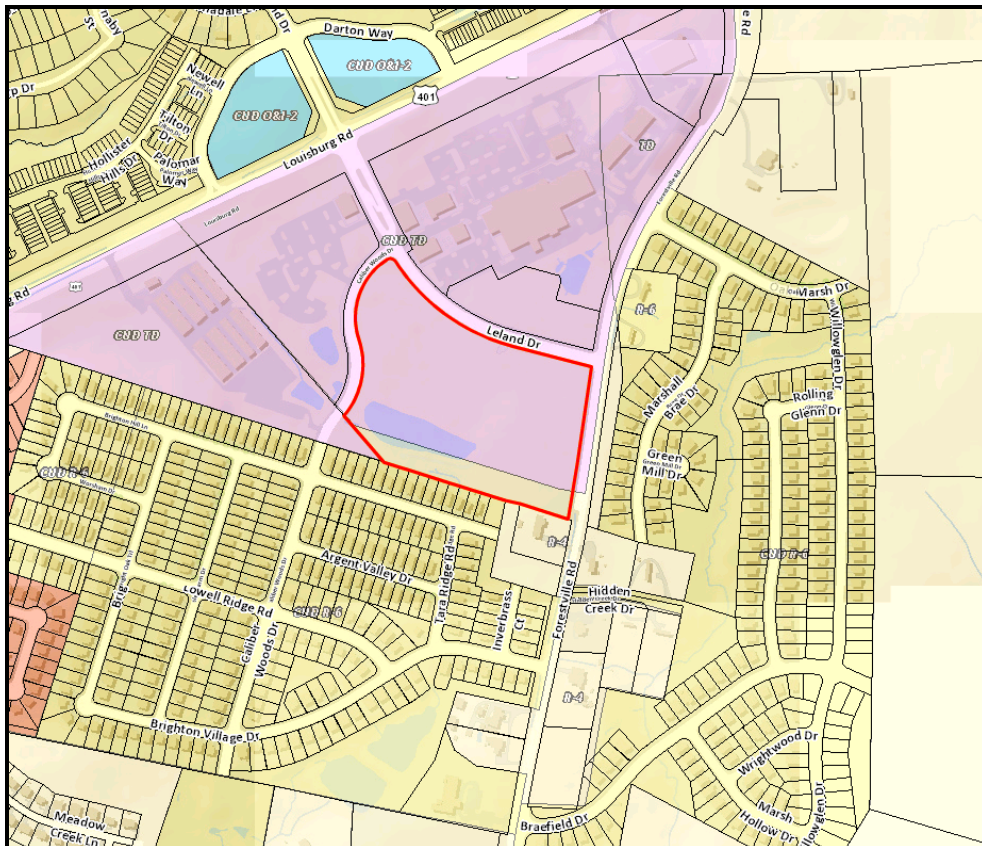
Case File / Name: S-29-12/ Brighton Pointe

General Location: South west the intersection of Leland Dr. and Louisburg Rd.

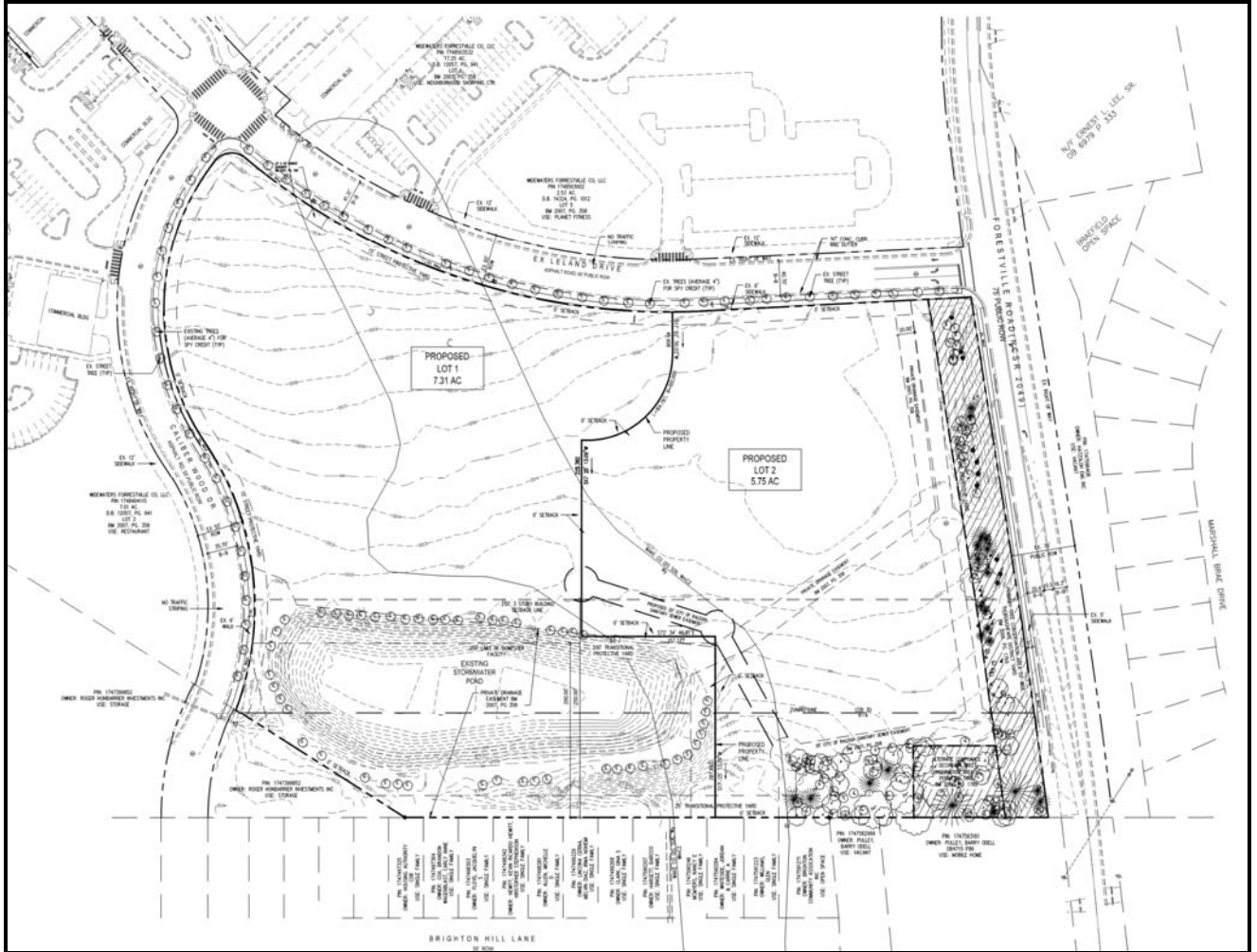
CAC: Forestville

Nature of Case: For the subdivision of a 13.06 acre site zoned Thoroughfare District CUD and Residential-4 into 2 lots. The TD section is 10.73 acres and the R4 section is 2.33 acres respectfully. Lot 1 is proposed for 7.31 acres with a maximum of 80 units (10.94 units/acre) and Lot 2 is proposed for 5.75 acres with a maximum of 96 units (16.70 units/acre), for a combination of 176 units. There is an existing storm water impoundment device located on Lot 1. The acreage to base the maximum density of R-14 is 11.66 acreage. In addition, the R-4 area of 3.23 acres allows 12.9 units.

Contact: Ken Thompson



Vicinity Map



Proposed Subdivision

SUBJECT: S-29-12/ Brighton Pointe

CROSS-REFERENCE: S-80-12; Z-36-03

LOCATION: This site is located at south west intersection of Leland Dr. and Louisburg Rd., within the City Limits.

REQUEST: For the subdivision of a 13.06 acre site zoned Thoroughfare District CUD and Residential-4 into 2 lots. The TD section is 10.73 acres and the R4 section is 2.33 acres respectfully. Lot 1 is proposed for 7.31 acres with a maximum of 80 units (10.94 units/acre) and Lot 2 is proposed for 5.75 acres with a maximum of 96 units (16.70 units/acre), for a combination of 176 units. There is an existing storm water impoundment device located on Lot 1. The acreage outside of the R-4 area to base the maximum density of R-14 is 11.66 acres. In addition, the R-4 area of 3.23 acres allows 12.9 units.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

Prior to issuance of a mass grading permit for the site:

- (1) That prior to the issuance of a grading permit, the approved tree conservation area shall be field verified by the Forestry Specialist in the Planning and Development Department.

Prior to issuance of a site review permit:

- (2) 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; The allowable impervious surface area of 7.31 acres will be assigned to Lot 1 (maximum impervious surface area = 3.0 acres) and Lot 2 (maximum impervious surface area = 4.53 acres);

Prior to approval of construction drawings for public or private improvements:

- (3) That construction plans are approved by the Public Works Department for one or more of the following: Utilities, Storm water, Public and private streets;

Prior to Planning Department authorization to record lots:

- (4) That a cross access agreement among Lots 1 and 2 be recorded in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department prior to building permit issuance;
- (5) That as stormwater control facilities are to be owned and maintained by a property owners' association, that a determination be made if the current

recorded documents are required to be amended or additional documents are prepared and submitted to the city for approval and then recorded within (14) days of plat recording.

- (6) That the City Attorney approve a public sidewalk easement for any portion of the public sidewalk at the intersection of Forestville Rd. and Leyland Dr. located within private property.
- (7) That all the conditions of Z-36-03 are met;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell L. Lyle (C. Wayne)

Date:

1-27-13

Staff Coordinator:

James Marapoti

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 10-2045, 2017 Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 12/20/12, owned by Carolina Project Equities, LLC, submitted by J Davis Architects.

CLUSTER STANDARDS:

ZONING DISTRICTS:

Thoroughfare District CUD and Residential 4.

Z-36-03– Louisburg Road and Forestville Road intersection being Wake County PINs 1748.03-21-8062 and 1748.03-42-5047. Approximately 42.5 acres rezoned to Thoroughfare District Conditional Use with Special Highway Overlay District-3. Ordinance (2004) 648ZC550 Effective: June 1, 2004

A. All Thoroughfare District uses shall be permitted except as follows:

1. bar, nightclub, tavern, lounge
2. riding stable
3. mini-warehouse storage facility
4. emergency shelter type A and B
5. landfill (debris from on-site)
6. adult establishment
7. airfield, landing strip, and heliport
8. correction/penal facility (governmental)
9. manufacturing – custom, general, restricted and sp
10. hotel/motel

B. All free-standing exterior lighting located outside transitional protective yards shall not be

more than thirty (30) feet in height, provided however, that all free-standing exterior lighting within the portion of the property described in Condition C shall be not more than twenty (20) feet in height.

- C. The southernmost portion of the property which is adjacent to the 120-foot width R-4 strip and as shown upon the attached Concept Plan prepared by Chance & Associates, dated the 29th day of March, 2004 (hereinafter the "Concept Plan"), which is bounded by the east right of way line of Connector Street B, i.e. Caliber Woods Drive (a public street) and the south right of way line of that proposed public street referred to as Connector Street A and the west right of way line of Forestville Road, an area of not less than 9.33 acres, shall be restricted to office uses and/or residential uses to a density not to exceed R-14 (with the majority of this area to be developed for residential uses), together with streets, sidewalks, stormwater facilities and utilities and infrastructure necessary for the development of the Property.

Within the above-described area the maximum building height of buildings constructed within two hundred fifty (250') feet of common property lines of the Brighton Village Subdivision residential lots identified in Condition N shall not exceed two (2) occupied stories, i.e. a maximum of twenty-eight (28') feet in height. Within the remainder of the above-described property no building shall exceed three (3) occupied stories, i.e. thirty-eight (38') feet in height.

- (i.) As indicated upon the Concept Plan Connector Street A shall be located within a right of way with a minimum width of sixty (60) feet with sidewalks (minimum width of six [6] feet), located on both sides of Connector Street A, with its location to be determined by the subdivision and/or site plan process subsequent to the rezoning of the Property.

The Secondary Pedestrian Way standards of Figure 14b. of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to both sides of Connector Street A; however, if the 9.33± acre area south of Connector Street A between Connector Street B and Forestville Road is developed entirely for residential uses, the Transition Pedestrian Way Standards of Figure 14a shall apply along its frontage on Connector Street A.

- (ii.) As indicated upon the Concept Plan, public sidewalks (minimum width of six [6] feet) shall be located on both sides of Connector Street B, i.e. Caliber Woods Drive stubbed to the south line of the Property extending from said south line, to its intersection with Connector Street A as will be determined by the subdivision and/or site plan process subsequent to the rezoning.

The Transition Pedestrian Way Standards of Figure 14a of the City's "Streets, Sidewalks and Driveway Access Handbook" as revised May, 2002, shall be applied to at least eight (80%) percent of both sides of Connector Street B; however, if any portion of the area adjacent to Connector Street B is developed for non-residential uses, the Secondary Pedestrian Way Standards of Figure 14b shall apply along its frontage on Connector Street B.

- D. The site plan(s) for the property shall provide sidewalks to connect any adjacent public sidewalks where stubbed from adjacent public streets; furthermore, these sidewalks will be connected to sidewalks within the development in order to link residential, office, retail and other permitted uses within the development.

Site Plan(s) for the property shall further provide building orientations as follows:

At the intersection of Connector Street A with Forestville Road buildings which frame this entry shall be located not more than seventy-five (75') feet from the curbs forming the corners of this intersection [NOTE: Seventy-five feet (75') includes the fifty foot (50') buffer provided adjacent to Forestville Road as shown

upon the Concept Plan]. Buildings located at the four corners forming the intersection of Connector Street A and Connector Street B shall be located not more than twenty-five (25') from the curbs forming the corners of this intersection. Additionally as regards the placement of other buildings adjacent to Connector Streets A and B the guidelines of Subsection 3.1 "Building Placement" of Section 3.0 "Site Design" of the Urban Design Guidelines shall apply.

The Key Elements of the Urban Design Guidelines and those elements specified upon Exhibit A are incorporated by reference into this Condition D and shall be incorporated into Site Plan(s) for the Property. Additionally, Site Plan(s) shall include other Urban Design Guideline elements when practicable.

E. Any required transitional protective yards shall remain undisturbed until site plan(s) are approved, subject to any utility and infrastructure installation(s) approved by the City of Raleigh.

F. A landscaped yard a minimum of fifty (50) feet in width shall be provided along the portion of the property adjacent to Forestville Road (S.R. 2049), subject to the installation of streets/drives, sidewalks and utilities serving the property from Forestville Road and subject to public facilities, if any, such as a bus-stop and shelter and access thereto.

G. Prior to development provision for one (1) transit easement twenty (20) feet in width and fifteen (15) feet in depth for a bus-stop and shelter shall be provided adjoining either the right of way of Louisburg Road (U.S. Highway No. 401) or the right of way of Forestville Road or the Connector Street A. The City's Transit Division shall timely review and approve the location of the transit easement as part of the site plan or subdivision approval process and prior to building permit issuance the transit instrument approved by the City Attorney or his designee shall be recorded in the Wake Registry.

H. Reimbursement values for additional right-of-way for Louisburg Road (U.S. Highway No. 401) and Forestville Road shall remain at R-4.

I. Open-Air Stormwater Facilities will be designed as site amenities and landscaped with appropriate vegetation to SHOD-4 standards, with or without fences.

Stormwater facilities shall be designed to meet predevelopment stormwater runoff rates for the 2 year and 10 year storm events; therefore the peak stormwater runoff leaving the site for the 2-year and 10-year storm events shall be no greater for the post-development conditions than for the pre-development conditions. The same methodologies used to calculate stormwater runoff must be used for both pre-development and post-development conditions.

J. Non-Residential Square Footage Limitations (Floor Area Gross):

- (i.) Retail - retail square footage shall not exceed a floor area gross of one hundred fifty thousand (150,000) square feet with no single retail use being greater than sixty thousand (60,000) square feet.
- (ii.) Office - office square footage shall not exceed a floor area gross of thirty-eight thousand two hundred (38,200) square feet.

Prior to subdividing or any other division of land of the rezoned Property, there shall be recorded in the Wake Registry a Declaration for Retail and Office Uses, in form approved by the Office of the City Attorney, which Declaration shall initially establish and through future modifications (also approved by the Office of the City Attorney) thereafter track the allocation of retail and office square footage upon the Property.

- K. The maximum number of dwelling units within the Property shall not exceed 176 dwelling units, provided, however, that a maximum of fifteen (15) additional dwelling units may be constructed if the maximum office square footage cap of 38,200 square feet is reduced to 27,700 square feet (floor area gross).
- L. High and medium profile ground signs are prohibited; free-standing signs shall be low profile ground signs, limited as to size and quantity as provided in the City Code.
- M. In conjunction with initial subdivision approval for non residential structures upon the Property unity of development criteria shall be established and approved by the Planning Department of the City.
- N. No dumpster facilities shall be located within Two Hundred (200') feet of the common property lines with the Brighton Village Subdivision residential lots identified by Wake County Tax PIN Nos. as follows: 1747394425, 1747495422, 1747495470, 1747496309, 1747496348, 1747496387, 1747497325, 1747497364, 1747498303, 1747498342, 1747498381, 1747499229, 1747499268, 1747590207, 1747590246, 1747590284, 1747591223, 1747591271, 1747593161, 1747582999. The service openings/doors of all dumpster facilities shall be oriented away from the Brighton Village Subdivision.
- O. There shall be a maximum of two (2) Access Points on U.S. Highway 401 North, subject to approval by NCDOT and the City of Raleigh Transportation Division.
- P. Copies of all subdivision and site plans for the development of the 9.33-acre, more or less, tract described in Condition C or of any portion thereof shall be provided by Certified U.S. Mail to Williams (PIN No. 1747495470) and West (PIN No. 1747591223) or their successors in title simultaneously with their filing for approval with the City of Raleigh.

DEVELOPMENT

DENSITY: The number of units allowed permitted based on Z-36-03 conditions allows for 176 units. This development is allocating 80 dwelling units for Lot 1 and 96 dwelling units for Lot 2. Currently there exists no dwelling units on the entire rezoning tract so this development will obligate all densities with exception to condition K above.

PHASING: **Being a 2 lot subdivision, the recording of lots shall be in one phase.**

LOTS: The minimum lot size allowed this cluster is 5,000 square feet the proposed lots conform to these minimums.

BLOCK LAYOUT: Not applicable.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 1.31 acres this subdivision is providing 19.91% or 2.6 acres. Open space quotient required = 75, provided = 141.75. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

LANDSCAPING: Existing street yard landscaping is in conformity with Section 10-2082.5 as shown. Street tree plantings are required upon further subdivision if single family lots are proposed.

TREE CONSERVATION: Tree conservation areas previously recorded: BM2006, Page 1769.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Adequate rights of way and constructed infrastructure exist.

TRANSIT: An existing 15 x 20 transit easement exists along Leland Dr.

URBAN FORM: This site is located in an area designated a mixed use area, more specific land use policies will be generated at site plan approval.

SUBDIVISION 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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.

SOLID WASTE: Refuse collection is to be determined upon submittal of a site plan or subdivision in accordance with the standards in the Solid Waste Manual.

CIRCULATION: Not applicable.

PEDESTRIAN: 5' sidewalks flank the entire site. The sidewalk installed on Forestville Road and Leland Drive as required per S-80-06, is located adjacent to tree conservation area and the sidewalk encroaches into the private property.

FLOOD HAZARD: There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:**

This 2 lot subdivision will utilize the previously approved pond "A" from the existing pond for S-80-06, Forestville Crossing project. The allowable impervious surface area of 7.31 acres will be assigned to Lot 1 (maximum impervious surface area = 3.0 acres) and Lot 2 (maximum impervious surface area = 4.53 acres). No additional stormwater BMP's will be required and no additional total nitrogen mitigation payment will be required. Because this subdivision creates additional lots, the previously approved form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" will require modification. Prior to lot recordation, the amount that has been paid into the escrow fund will need to be determined along with the current agreement be amended to allow for the sub association for the cluster unit development.

**WETLANDS
/ RIPARIAN
BUFFERS:**

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

STREET NAMES: No new street names are required for this subdivision.

**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: 11/27/2016
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/27/2018
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.