



# 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-29-15 / Alliance Medical

**General Location:** The site is located on the southeast corner of the intersection of New Bern Avenue and Donald Ross Drive.

**CAC:** East

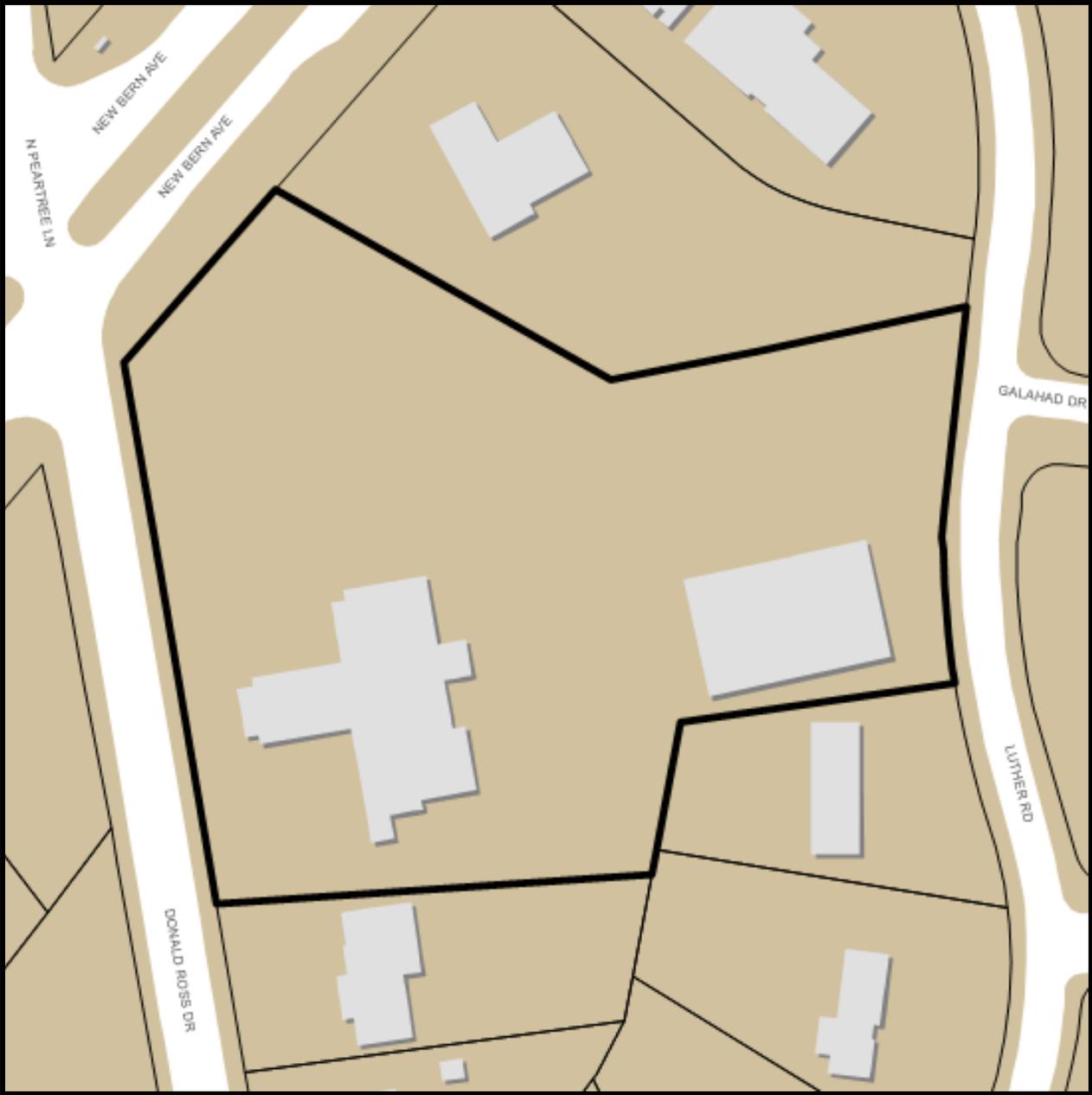
**Nature of Case:** Subdivision of one 4.166 acre site, into two parcels, one being 3.011 acres, the other 1.155 acres, both of which are zoned OX-3 CUD (Office Mixed Use – 3 CUD). Existing uses on site include a two story building (sanctuary and associated offices ) on proposed lot 1, and an existing two story building (Gymnasium and associated offices) on proposed lot 2. No changes of existing uses are being proposed at this time.

**Contact:** Patti Hildreth, CMS Engineering

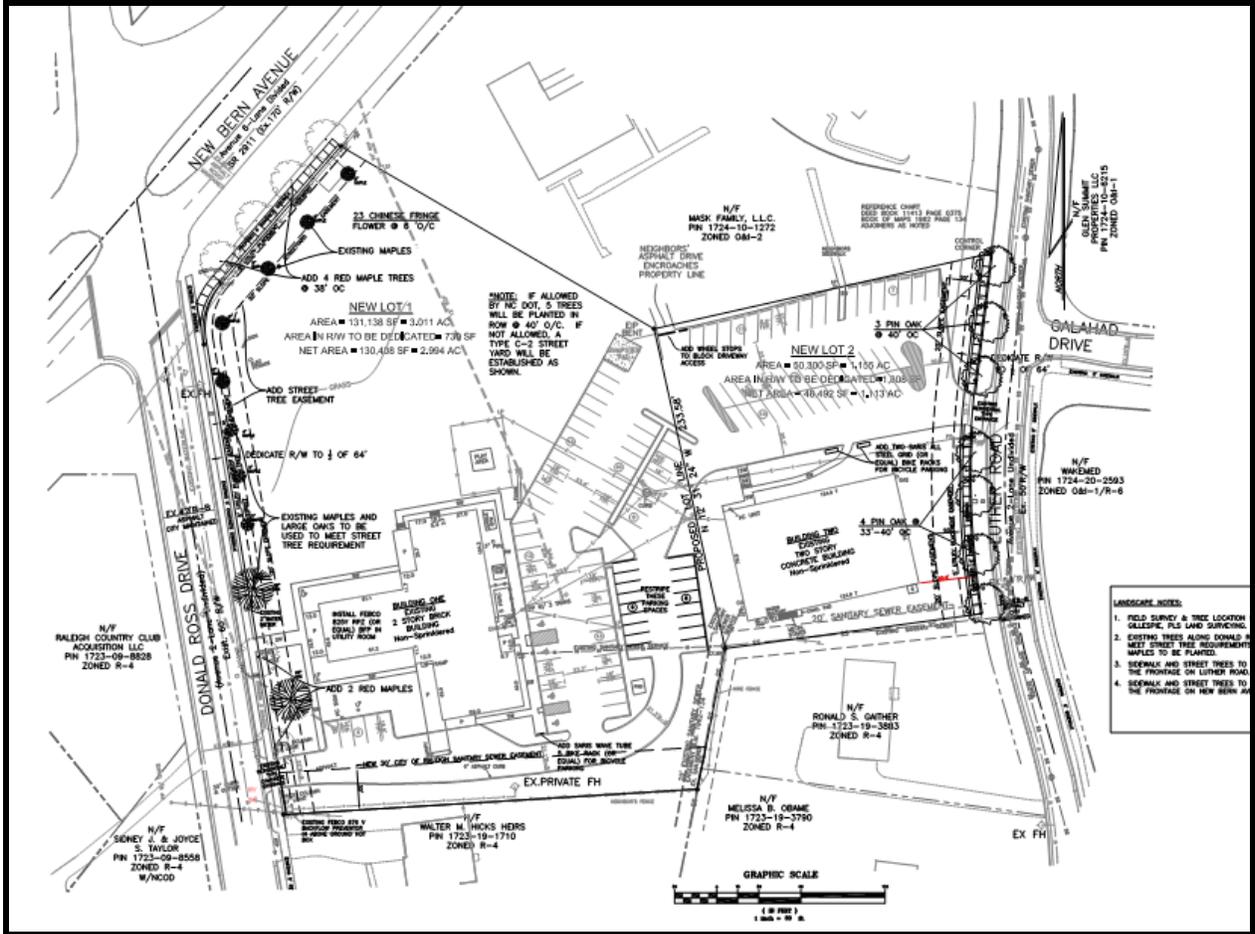
**Design Adjustment:** One Design Adjustment has been approved by the Public Works Director for this project, noted below.

1. A Design Adjustment allowing an alternative streetscape cross section along Donald Ross Road. This alternative cross section consists of all street trees to be planted behind the existing 5' sidewalk, in conjunction with existing trees. A fee in lieu will be assessed for the additional 1' of sidewalk width.

**Administrative Alternate:** NA



Location Map – 101 Donald Ross Drive



Proposed Preliminary Subdivision Plan



### Public Works Design Adjustment – Staff Response

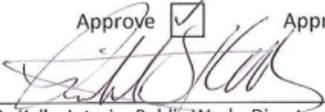
Per Section 10.2.18.C of the Unified Development Ordinance, the Public Works Director may consult with the heads of other City departments regarding the review of the request. The Public Works Director may approve, approve with conditions or deny the request, but must do so within 60 days of the receipt 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	Alliance Medical Ministry SD	Date Completed Application Received	9/21/2015
	Case Number	S-29-2015	Transaction Number	431550

Staff Response/Recommendation	<p>Staff recommends approval. The sidewalk is existing on Donald Ross Drive. Street trees will be installed behind the sidewalk. A fee-in-lieu for 1' of sidewalk will be provided.</p> <p>The new sidewalk on New Bern Avenue will connect to a transit stop.</p> <p>The new sidewalk on Luther Road will be in the ultimate location, but no road widening is proposed, only a fee-in-lieu.</p>		
	Staff Member	Rene Haagen	Support Request <input checked="" type="checkbox"/>

**Public Works Director's Action:**

Approve 
 Approval with Conditions 
 Deny

  
 Richard L. Kelly, Interim Public Works Director

9/21/15  
 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	
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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

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**SUBJECT:** S- 29-15, Alliance Medical Subdivision

**CROSS-REFERENCE:** Transaction # 431550, Z-18-15

**LOCATION:** The site is located on inside the city limits and is zoned OX-3 CUD.

**PIN:** 1723192900

**REQUEST:** This request is to approve the subdivision of a 4.166 acre tract into 2 lots, zoned OX-3-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 a fee-in-lieu for 1' of sidewalk will be applied along Donald Ross Drive. The amount will be determined at plat submittal;
- (2) 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 Luther Road and New Bern Avenue, and streetscape trees installed along Donald Ross Drive, is to be paid to the Public Works Department in accordance with code section 8.1.3 of the UDO;
- (3) That a cross access agreement between proposed lot 1 and proposed lot 2, owned by Alliance Medical Ministry Inc. is approved by the Planning Department for recording in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department within 1 day of lot recording;
- (4) That the plat for recordation in the Wake county Register of Deeds must show a sewer easement to provide adjacent parcels with access to public sewer;
- (5) That a tree conservation permit is approved by the Urban forester, followed by a tree conservation plat that is to 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;
- (6) A fee in lieu for ½ of the required 36' back of curb to back of curb street section is to be paid for 258' of required road widening along the frontage of Luther Road;

- (7) That the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable floor area and residential dwelling units permitted upon the Property to all lots of record comprising the Property. Such restrictive covenants shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee (Z-18-15).
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I hereby certify this administrative decision.

Signed:(Planning Dir.) Keith Bowen (S. Bowen) Date: 11-6-15

Staff Coordinator: Michael Walters

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 the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 10/5/15 owned by Alliance Medical Ministry Inc., submitted by Patti Hildreth, CMS Engineering.

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**ZONING:**

**ZONING  
DISTRICTS:**

Office Mixed Use-3 CUD, (OX-3 CUD). Z-18-15

**Ordinance (2015) 470 ZC 713  
Effective: 8/4/15**

Z-18-15 – Donald Ross Drive: in the southeast quadrant of its intersection with New Bern Avenue, being Wake County PIN 1723192900. Approximately 4.17 acres rezoned to Office Mixed Use-3 stories-Conditional Use (OX-3-CU).

Conditions dated: June 25, 2015

1. The following uses shall be prohibited upon the Property: multi-unit living; group living; boardinghouse; dormitory; fraternity; sorority; life care community; rest home; Emergency Shelter A; Emergency Shelter B; cemetery; college, community college, university; telecommunication tower (< 250 feet); telecommunication tower (≥ 250 feet); overnight lodging; bed and breakfast; hospitality house; heliport, serving hospitals; heliport, all others; beauty/hair salon; copy center; optometrist; eating establishment; detention center, jail, prison; animal care; catering establishment; drycleaner; funeral home; locksmith; palmist; post office; appliance repair; tailor; tattoo parlor; taxidermist.

*Uses are to remain the same*

2. Light fixtures within parking and vehicular areas can be no higher than 20 feet and will be full cutoff in design. Light fixtures within protective yards can be no higher than 12 feet and will be full cutoff in design.

*Evaluated with permitting*

3. Outside dumpsters, compactors and other waste equipment shall only be emptied between the hours of 7 a.m. and 7 p.m. Monday through Friday or 10 a.m. through 7 p.m. on Saturday.

*Mandated on site*

4. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring 20 feet long adjacent to New Bern Avenue by 15 feet wide to support a bus stop for transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

*Condition has already been met as an easement has already been dedicated*

5. Any business establishment upon the Property shall be closed to the public between the hours of 11:00 p.m. and 8:00a.m. The term "business establishment" shall not include churches and places of worship and their related uses.

*Mandated on site*

6. Buildings upon the Property shall not exceed a total size of 40,932 square feet floor area gross. Any new building constructed upon the Property shall have a

pitched roof with a minimum pitch ratio of 3:12. With the exception of windows, doors, soffits, and trim, exterior building façades will be clad only with brick, stone masonry, or lap siding.

*Evaluated with permitting*

7. Prior to recordation of a subdivision plat or recombination plat or the issuance of a building permit; whichever shall first occur, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable floor area and residential dwelling units permitted upon the Property to all lots of record comprising the Property. Such restrictive covenants shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.

*Condition of Approval prior to recordation*

**TREE  
 CONSERVATION:**

This project has proposed 5.77% or 0.237 acres for tree conservation, which is broken into:

Primary: 0 acres  
 Secondary: 0.237 acres

**PHASING:** There is one phase in this development.

**COMPREHENSIVE  
 PLAN:**

**GREENWAY:** NA.

**STREET  
 PLAN MAP:** Dedication of right-of-way of the following street is required by the Street Plan Map of the Comprehensive Plan.

Street Name	Designation	Exist. R/W	Prop. R/W	Slope Ease.	Util. Ease.
Donald Ross Drive	Avenue 2-Lane, Undivided	60'	½ - 64' (2')	20'	5'
Luther Road	Avenue 2-Lane, Undivided	60'	½ - 64' (7')	20'	5'
New Bern Avenue	Avenue 6 Lane Divided	170'	NA	NA	5'

**CONSTRUCTION:** Proposed street improvements shall conform to normal City construction standards.

Street Name	Designation	Ex. sidewalk	Prop. sidewalk	Ex. street (boc -boc)	Prop. street (boc to boc)
Donald Ross Drive	Avenue 2-Lane, Undivided	5'	1' fee in lieu	42'/36' req'd	None
Luther Road	Avenue 2-Lane, Undivided	None	6'	27'/36' req'd	none
New Bern Avenue	Avenue 6 Lane Divided	None	6'	NA	NA

**CIRCULATION:** The Block perimeter is met.

Additional right-of-way to be dedicated is reimbursable under the facility fees program.

Existing streets (Donald Ross Drive and Luther Road) on the site are classified as Avenue 2-Lane Undivided. New Bern Avenue is Avenue 6 Lane Divided.

A fee in lieu for 1/2 of the required 36' back of curb to back of curb street section is to be paid for 258' of required road widening along the frontage of Luther Road.

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

**TRANSIT:** This site is presently served by the existing transit easement along New Bern Avenue. (BM 2007 pg 625)

**COMPREHENSIVE PLAN:** This site is located in the East Citizens Advisory Council, and is in an Institutional Area.

**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** The minimum lot size in Office Mixed Use-3 zoning district is not applicable. The minimum lot depth in this zoning district is not applicable. The minimum lot width of an interior lot in this zoning district is not applicable. 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.

**SOLID WASTE:** Service by private contractor is to be provided.

**BLOCKS / LOTS /**

**ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

**STREETSCAPE**

**TYPE:** The applicable streetscape is a commercial Streetscape.

The 5' wide sidewalk is existing on Donald Ross Drive. Street trees will be installed behind the sidewalk. A fee-in-lieu for 1' of sidewalk will be provided.

The new 6' wide sidewalk on New Bern Avenue will connect to a transit stop. Street trees will be in a C-2 protective yard.

The new 6' wide sidewalk on Luther Road will be in the ultimate location, but no road widening is proposed, only a fee-in-lieu. Street trees will be planted.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of New Bern Avenue, Donald Ross Road, and Luther Road. 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 or Article 9 chapter 2 of the Unified Development Ordinance. This project is a subdivision with no change of use, or change of impervious surface proposed. The project is claiming exemption to active stormwater controls as there is no increase in runoff at any point of discharge and no increase in nitrogen loading rate on site. No Stormwater conditions of approval apply.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

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

**STREET NAMES:** No new streets 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:** 11/6/2018  
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.