



## 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-64-14 / Empowerment Place

**General Location:** The site is located on the northwest corner of the intersection of Lake Wheeler Road, and Kirk Avenue.

**Nature of Case:** Subdivision of a 2.5 acre tract into four residential lots, 11 townhome lots, and one common area lot, all zoned Residential 10 and Special Residential Parking Overlay District.

**Contact:** Russell Briggs, B&F Consulting Inc.

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

1. A Design Adjustment has been granted waiving the block perimeter requirement. A multi-family street type stub, with slope and construction easements, is being proposed to allow future development to connect to adjacent properties;

**Administrative  
Alternate:** NA



Location Map – 2610 Lake Wheeler Road





**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	Empowerment Place	Date Completed Application Received	4/13/2015
	Case Number	S-64-2015	Transaction Number	418520

Staff Response/Recommendation	<p>Staff supports the request for the design adjustment. Staff is stubbing a Multi-Family Street type to the property and providing slope easements and construction easements for a future connection to the Multi family Street if the adjacent property develops.</p> <p>Condition of Approval: That the Multi Family Street stub serve for future connections to adjacent properties.</p>
	<p>Staff Member: Rene Haagen</p> <p>Support Request <input checked="" type="checkbox"/> Does Not Support <input type="checkbox"/></p>

**Public Works Director's Action:**

Approve  Approval with Conditions  Deny

  
 Richard L. Kelly, Interim Public Works Director
 
 4/14/15  
 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	<p> </p>
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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 – Block perimeter**

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**SUBJECT:** S-64-14 / Empowerment Place Subdivision

**CROSS-REFERENCE:** Transaction # 418520

**LOCATION:** The site is located on the northwest corner of the intersection of Lake Wheeler Road, and Kirk Avenue and is outside of the city's corporate limits.

**PIN:** 0792562495

**REQUEST:** This request is to approve the subdivision of a 2.5 acre tract into four residential lots, 11 townhome lots, and one common area lot (total of 16 lots) all zoned Residential 10 and Special Residential Parking Overlay District.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

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

- (1) That a stabilization surety will be required to be paid and executed in the amount of \$1,000 per acre of disturbed area;
- (2) That a final tree conservation plan with permit be approved by the Forestry Specialist. 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 Forestry Specialist;

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

- (3) That in accordance with Part 10A Section 9.4.4, a surety equal to 125% of the cost of clearing, grubbing and reseeding a site and the stormwater device, shall be paid to the City;
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) 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;
- (6) That infrastructure construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;

- (7) That offsite City of Raleigh Sanitary Sewer Easements be obtained and recorded by deed in the Wake County Register of Deeds prior to infrastructure construction plan approval;

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

- (8) That a demolition permit be issued and this building permit number be shown on all maps for recording;
- (9) That infrastructure construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (10) 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;
- (11) 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;
- (12) 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 homeowner association.
- (13) 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;
- (14) That a street name for this development be approved by the Raleigh GIS Division and by Wake County;
- (15) 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

Kirk Avenue is to be paid to the Public Works Department in accordance with code section 8.1.3 of the UDO;

- (16) 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;
- (17) That  $\frac{1}{2}$  of the required right of way for Kirk Avenue and the full section for the proposed multi-family street be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (18) That a cross access agreement for Lot #2 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. A note shall be placed on all maps for recording that states "Lot 1 and Lot 2 shall be limited to driveway access from Kirk Avenue only";
- (19) 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;
- (20) 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;
- (21) That a fee-in-lieu for required curb and gutter and  $\frac{1}{2}$  of a 41' section of pavement along Lake Wheeler Road be paid to the Public Works Department prior to map recordation.

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I hereby certify this administrative decision.

Signed:(Planning Dir.) Kenneth Bowers (L. Bowers) Date: 5-6-15

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, Section 2.2.3, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 04/07/15 owned by Habitat for Humanity of Wake County, Inc., submitted by Russell Briggs, B&F Consulting, Inc.

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**ZONING:**

**ZONING DISTRICTS:** Residential 10 (R-10) and Special Residential Parking Overlay District - Unified Development Ordinance, Effective Sept. 1, 2013.

**TREE CONSERVATION:** This project is required 10% or .20 acres for tree conservation. This project has dedicated .20 acres which is broken into:

Secondary tree conservation area: .20 acres

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

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**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

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

Lake Wheeler Road has sufficient right-of-way.  
Kirk Avenue is an unimproved right-of-way.  
Empowerment Way will be a new street.

Street Name	Designation	Exist. R/W	Prop. R/W	Slope Ease.	Util. Ease.
Lake Wheeler Road	2-Ln. Avenue Divided	80'	None	20'	5'
Kirk Avenue	Neighborhood Local	Variable	59'	No	5'
Empowerment Way	Multi-Family	None	22'	No	5'

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

Kirk Avenue is a dirt road and will be constructed to meet the 20' minimum paving requirement per Section 5.3.3 B of the Raleigh Street Design Manual with curb and gutter and the Neighborhood Local Streetscape. Empowerment Way will be a new street constructed with all the required easements per the Multifamily Street Cross Section. A fee-in-lieu for required curb and gutter and 1/2 of a 41' section of pavement along Lake Wheeler Road will be required prior to map recordation also.

Street Name	Designation	Ex. sidewalk	Prop. sidewalk	Ex. street (boc -boc)	Prop. street (boc to boc)
Lake Wheeler Road	2-Ln. Avenue Divided	Yes	no	25'	Fee in lieu
Kirk Avenue	Neighborhood Local	No	6'	Gravel	22.5' section
Empowerment Way	Multifamily Street	No	6'	0	22' RW

**CIRCULATION:** A design adjustment has been approved for the Block Perimeter. It cannot be met as the adjacent property is not owned by the developer. A condition of approval will require any adjacent development to tie into the street.

**STREETSCAPE:** Sidewalk is existing on Lake Wheeler Road. It was improved with a City Project (PW-2012-2009). As it is an NCDOT maintained Road (SR 1371) the street trees are to be planted on private property per UDO section 7.2.4.

Kirk Avenue will be constructed per the Neighborhood Local street type with all improvements and easements and a 20' pavement width section. Empowerment Way is a new Street that will be constructed per the Multi-Family street type with all improvements and easements.

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

**COMPREHENSIVE PLAN:** NA

**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** The minimum lot size for residential developments in Residential-10/SRPOD zoning district is 4,000 sq. feet. The minimum lot depth in this zoning district is 60 feet. The minimum lot width of an interior lot in this zoning district is 45 feet. Residential Lots in this development conform to these minimum standards.

The minimum net site area for townhomes in Residential-10/SRPOD zoning district is 3,300 sq. feet. The minimum site width in this zoning district is 44 feet, and the required amount of outdoor amenity area of 10% of the total site. The minimum lot width of an interior lot in this zoning district is 16 feet. Townhome lots in this development conform to these minimum standards.

**PUBLIC UTILITIES:** City water and sewer services are available; however, an off-site sanitary sewer easement is required for this development. The subdivider is responsible for installation of all lines necessary to provide service to this site.

**SOLID WASTE:** Individual lot service by the City is to be provided.

**BLOCKS / LOTS /  
ACCESS:** A Design Adjustment has been granted waiving the block perimeter requirement. A multi-family street type stub, with slope and construction easements, is being proposed to allow future development to connect to adjacent properties. 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:** Sidewalk is existing on Lake Wheeler Road. It was improved with a City Project (PW-2012-2009). As it is an NCDOT maintained Road (SR 1371) the street trees were placed on private property. Kirk Avenue will be constructed per the Neighborhood Local street type with all improvements and easements and a 20' pavement width section. Empowerment Way is a new Street that will be constructed per the Multi-Family street type with all improvements and easements

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along one side of Kirk Avenue, and both sides of Empowerment Way. 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 Section 2 of the UDO.

**WETLANDS  
/ RIPARIAN  
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

**STREET NAMES:** One new street is 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:** 5/6/2018

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 5/6/2020

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.