

Administrative Approval Action

Case File / Name: SUB-0029-2024 DSLC - TOXEY DR City of Raleigh
Development Services Department
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2492
currentplanning@raleighnc.gov
www.raleighnc.gov

LOCATION:

This 9.63-acre site is located north of Anderson Drive, south of Lassiter Mill Road, east of St Marys Street, and west of White Oak Road. The site consists of five parcels specifically identified as 2710, 2714, 2718, 2722, and 2730 Toxey Drive. The site is zoned R-2 (2730 Toxey Drive) and R-4 (four other parcels) and is located in a Frequent Transit Area.

REQUEST:

REVISION

This is a revision to a plan previously approved on 11/06/2024. The overall layout and number of lots being approved is unchanged. The revisions relate to variances the applicant received from the Board of Adjustment as described below. The plan proposes taking the five existing vacant parcels and subdividing them to create 11 detached house lots total. The new lots will access Toxey Drive from a new public street that terminates in a cul-de-sac. The site is located in a frequent transit area but will develop using the conventional development option. The sunset date for this plan is unchanged.

The plan received approval from the Board of Adjustment for variance relief from the following: i) Neighborhood Yield street tree requirements pursuant to UDO Section 8.5.4.A, requiring an average of 1 street tree per 40 feet of frontage; ii) the 6-foot sidewalk requirement for Neighborhood Yield street (UDO Section 8.5.4.A); iii) the required 55-feet right-of-way width requirement for the street type; iv) the slope easement requirements per UDO Section 8.1.7.A.8. Trees along Toxey Drive are to be preserved except those within the public sewer utility easement and the Lillian Forest Court right-of-way.

DESIGN

ADJUSTMENT(S)/

ALTERNATES, ETC: FIL-0580-2024: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator

SPR-0283-2024: DSLC - Site Permitting Review/Major [Signature Set]

FINDINGS:

City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated March 9, 2025 by Loyd Builders, LLC.

CONDITIONS OF APPROVAL and NEXT STEPS:

This document must be applied to the second sheet of all future submittals except for final plats. This is a preliminary plan and as such no permits have been issued with this approval. To obtain permits and/or completion of the project, the following steps are required:

☑ <u>SITE PERMITTING REVIEW</u> - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Site Permitting Review may be submitted upon receipt of this signed approval document.

The following items are required prior to approval of Site Permitting Review plans:

General



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1. Prior to SPR approval, plans shall show compliance with retaining walls standards and permits shall be issued for the 3 proposed retaining walls. Retaining walls less than 5 feet in height shall be issued zoning permits while walls greater than 5 feet in height shall be issued building permits.

Stormwater

- 2. The State of North Carolina shall approve any proposed disturbance within the riparian buffer prior to the issuance of any grading or site permit (UDO 9.2.3.E).
- A nitrogen offset payment must be made to a qualifying mitigation bank (UDO 9.2.2.B).
- 4. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).
- 5. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

Urban Forestry

- 6. Tree protection fence must be inspected by Urban Forestry staff prior to the issuance of a grading permit.
- 7. Submit a final tree conservation plan that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required (UDO 9.1.5).
- 8. Tree protection fence must be inspected by UF staff prior to the issuance of a grading permit.

☑ **LEGAL DOCUMENTS** - Email to legaldocumentreview@raleighnc.gov. Legal documents must be approved, executed, and recorded prior to or in conjunction with the recorded plat on which the associated easements are shown. Copies of recorded documents must be returned to the City within one business day of recording to avoid withholding of further permit issuance.

Ø	Right of Way Deed of Easement	Ø	Utility Placement Deed of Easement
	Required		Required

☑ <u>RECORDED MAP(S)</u> - Submit plat to record new property lines, easements, tree conservation areas, etc.). Plats may be submitted for review when the Site Permitting Review plans, if required, have been deemed ready for mylar signature.

The following items must be approved prior to recording the plat:

Engineering



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- 1. A public street right-of-way deed of easement, in addition to a plat showing the location of the easement, shall be submitted to the Planning and Development Services Department for review, and if acceptable, approved for recordation. Approved plats must be recorded at the Wake County Register of Deeds Office on or before the 14th day following approval by the City. The 14-day expiration date shall be clearly indicated on the plat. By the end of the next business day following recordation of the plat, all required legal instruments (including deeds of easement) shall be recorded, and recorded copies of the plat and all legal instruments required by the City in association with development approval shall be provided to the City. (Reference: UDO 8.1.7.A; 10.2.5.F.4.d)
- 2. A public infrastructure surety shall be provided to City of Raleigh Transportation Development Engineering Division (UDO 8.1.3) in the amount of 100% of the improvement cost for the NCDOT portion and 125% of the improvement cost for the City of Raleigh infrastructure.
- 3. A 5' utility placement easement deed of easement, in addition to a plat showing the location of the easement, shall be submitted to the Planning and Development Services Department for review, and if acceptable, approved for recordation. Approved plats must be recorded at the Wake County Register of Deeds Office on or before the 14th day following approval by the City. The 14-day expiration date shall be clearly indicated on the plat. By the end of the next business day following recordation of the plat, all required legal instruments (including deeds of easement) shall be recorded, and recorded copies of the plat and all legal instruments required by the City in association with development approval shall be provided to the City. (Reference: UDO 8.1.7.A; 10.2.5.F.4.d)

Public Utilities

4. Site Permit Review plans (SPR) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

Stormwater

- The riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with required buffer statement (Recorded Map Checklist).
- The City form document entitled Declaration of Maintenance Covenant and Grant of Protection
 Easement for Stormwater Control Facilities shall be approved by the City and recorded with the
 county register of deeds office (UDO 9.2.2.G).
- 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 (UDO 9.2).

Urban Forestry

A public infrastructure surety for (26) street trees shall be provided to City of Raleigh Transportation

 Development Engineering Division (UDO 8.1.3) in the amount of 125% of the improvement cost for the City of Raleigh infrastructure.



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Case File / Name: SUB-0029-2024 **DSLC - TOXEY DR**

City of Raleigh **Development Services Department** One Exchange Plaza Raleigh, NC 27602 (919) 996-2492 currentplanning@raleighnc.gov www.raleighnc.gov

9. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 0.45 acres of primary tree conservation area and 0.70 acres of secondary tree conservation area.

☑ BUILDING PERMITS - For buildings and structures shown on the approved plans. Commercial building permit plans must include the signed, approved Site Permitting Review plans attached, if applicable. Permit sets may be reviewed prior to the recordation of required plats, but cannot be approved.

The following items must be approved prior to the issuance of building permits:

Stormwater

1. Impervious restrictions for each lot must be recorded on a plat prior to building permit issuance.

Urban Forestry

2. A tree impact permit must be obtained for the approved streetscape tree installation in the right-of-way. This development proposes (26) street trees along Lillian Forest Ct.

The following are required prior to issuance of building occupancy permit:

General

1. Final inspection of all tree conservation areas and right of way street trees by Urban Forestry Staff

Stormwater

2. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).

EXPIRATION 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: November 6, 2027 Record at least ½ of the land area approved.

5-Year Sunset Date: November 6, 2029

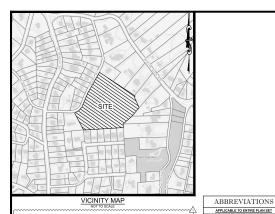
Record entire subdivision.

I hereby certify this administrative decision.

Keegan McDonald Signed: _ 04/03/2025 Date: Development Services Dir/Designee

Revised on

Staff Coordinator: Jessica Gladwin 4/21/25



Preliminary Subdivision Application 1705339022, 1705430017, 1705430286, 1705433342

BACK-TO-BACK

CENTERLINE

CITY OF RALEIG

DEED BOOK

EDGE OF PAVEMEN

FORCE MAIN

LINEAR FEET

POLYVINYL CHLORID

RIGHT-OF-WAY

TO BE RELOCATED

ROW R/W

STD

TBRL

WV

DEVELOP	MENT TYPE + SITE DA	TE TABLE	ZON	ING INFORMATION		
Gross site acreage; 9.63						
Zoning districts (if more than on	e, provide acreage of ea	sch):				
03 (R-2) + 4.61 (R-4)						
overlay district(s): N/A Inside City Limits? √ Yes No Historic District Landmark: N/A						
Conditional Use District (CUD) Case # Z-	Board of Adjustmen BOA-0062-2024	t Case #		Design Alternate Case # DA-		
	STORMWATE	R INFORMA	TION			
Imperious Ansa on Parcella?		Impervious	s Ama	for Compliance (includes right-of-way):		
Existing (sf) 15400 Propose	ed total (st) TTUES	Existing (sf) 10,600 Proposed total (sf) 101,605				
	NUMBER OF L		ENSIT	TY .		
ft of Detached House Lots: 11	# of Attached Ho	ruse Lots:		# of Townhouse Lots:		
if of Tiny House Lots:	# of Open Lats:	Mixec	If of Other Lots (Apartment, General, Mixed Lise, Civic):			
Total # of Lots: 11	Total # Dwelling Units:					
# of bedroom units (if known): 1		3br		4br		
Proposed density for each zoning	gwant (uuu tater)	C 00 [14-2]	1.0	3 (10.4)		
	ABBI ICANT BI	CHATURE	81.00	v		
Pursuant to state law (N.C. G	APPLICANT SI ien, Stat. § 1600-403(a	I), applicatio	ns for	development approvals may be made		
by the landowner, a lessee or	en. Stat. § 160D-403(a person holding an opti asement holder may als), application or contra	ns for			
by the landowner, a lease or agent of the landowner. An e- as is authorized by the eases Acting as an authorized agen	en. Stat. § 1820-403(a r person holding an opti assement holder may als sent. I requires written permi offer permit application.), application or contra- or or contra- or apply for consistent the ssion from the Written peri	ns for at to p tevelo ne pro nissio	development approvals may be made unchase or lease land, or an authorized gment approval for such development. porty owner for the purposes of making in from the property owner to act as an		
by the landower, a leasure or agent of the landower. An easi is authorized by the easer Acting an an authorized agent this development approval an authorized agent must be ma By submitting this application or one of the persons authori the application. The undersigh application are correct and the	en. Stat. § 183D-403(a r person holding an opti- sement holder may al- nett. I requires written permi- difor permit application. It was a polication, to be City I, the undersigned appli- ced by state law (N.C.G need also acknowledges of a undersigned contents e undersigned contents	(), application or confirm or confirm or confirm or Whiten per of Raleigh upon that tacknown is, fi600-40 and that the infered and that do not that the infered and that do not that the infered and that the infered and that do not that the infered and that do not that the infered and	ns for at to pro- tevelo me pro- nissio pon to ledger 3(a)) I emate seloon	development approvals may be made unchase or lease land, or an authorized gment approval for such development. porty owner for the purposes of making in from the property owner to act as an		
by the landowner, all knisses or agent of the landowner. An ear is authorized by the season Arting as an authorized agen this development approval are authorized agent must be ma By submitting this application or one of the persons suthor the application. The undersign for false statements or misses State § 1600-403(f). The undersigned indicates the described in this application.	em. Stat. § 183D-003(a person holding an opti- sement holding an opti- sement holding an opti- nett, in equires written permi- difor permit application, to available to the Color of the Color permit application, to available to the Color person the Color person person the Color person person that the color person person that the color person person that the person	(), application on or contract of apply for contract of apply for consistent of Ralleigh upon a sknow (S. 1600-40 into that the inference of the contract of t	ns for of to p develo nissio pon re ledger 3(a)) t mase ekspn develo	Swellopment approvals may be made- unthines or lease land, or an authorized paner, approval for such development peetly cowner for the purposes of making in from the property owner to act as an expest. If that they are either the property owner provides the property owner to act as an expest.		

REVERE SUBDIVISION

PRELIMINARY SUBDIVISION SUB-0029-2024

2710, 2714, 2718, 2722, & 2730 TOXEY DRIVE RALEIGH, NC 27609

> MAY 17, 2024 JULY 25, 2024 **SEPTEMBER 10, 2024 FEBRUARY 17. 2025**

LAST REVISED: MARCH 09, 2025

MYLAR REVISION TABLE					
VERSION (TRANSACTION NUMBER)	REVISED SHEET(S)	APPROVAL DATE			
ORIGINAL APPROVAL (SUB-0029-2024)	-	10/18/2024			
REVISION #1	C-0.00, LA-1, LA-2, C-2.00, C-4.00, C-5.00				

OWNER:

REVERE DEVELOPMENT. LLC

2501 Reliance Avenue Apex. NC 27539

DEVELOPER:

LOYD BUILDERS 2501 Reliance Avenue

Apex, NC 27539 Phone: (919) 387-1455 E-mail: Tripployd@loydbuilders.com

CIVIL ENGINEER:

JAECO

Consulting Engineers NC License F-0289 333 Wade Ave., Raleigh, N.C. 27605 Phone: (919) 828-4428 Fax: (919) 828-4711

E-mail: info@jaeco.com

SWS APPROVAL EMAIL

BOA ACTION SUMMARY

SHEET INDEX



JAECO Consulting Engineers and Land Surveyor 333 Wade Ave., Raleigh, N.C. 27605 Phone: (919) 828-4428

2722, & 2730 Toxey Dr Raleigh, NC 27609

> Loyd Builders 2501 Reliance Avenue Apex, NC 27539



C-5.00 STREET TREE PLAN

FIRE COVERAGE PLAN

ATTENTION CONTRACTORS

SITE I	DATA		
SITE ADDRESS:	2710, 2714, 2718, 2722, & 2730 TOXEY DR RALEIGH, NC 27609 1705339022, 1705430017, 1705431075, 1705430286, 1705433342		
WAKE COUNTY PIN#:			
ZONING	R-2 & R-4		
	R-2	219,039 SF (5.03 AC)	
EXISTING AREA:	R-4	200,672 SF (4.61 AC)	
	TOTAL	419,711 SF (9.63 AC)	
	TOXEY DRIVE	4,631 SF (0.11 AC)	
AREA TO BE DEDICATED:	LILLIAN FOREST CT	39,509 SF (0.91 AC)	
	TOTAL	44,140 SF (1.01 AC)	
	R-2	203,939 SF (4.68 AC)	
NET AREA:	R-4	171,631 SF (3.94 AC)	
	TOTAL	375,570 SF (8.62 AC)	
TREE CONSERVATION (UDO 9.1)	REQUIRED	PROVIDED	
R-2	0.7023 AC (15%)	0.7540 (16.1%)	
R-4	0.3940 AC (10%)	0.3949 (10.0%)	
PRIMARY STREET PER TC-5A-18 & SEC.1.5.4.C:	TOXEY DRIVE		
DETACHED HOUSE (UDO SEC. 2.2.1):	REQUIRED	PROVIDED	
	20,000 SF (R-2)	23,620 SF	
MINIMUM LOT SIZE:	10,000 SF (R-4)	17,443 SF	
MINIMUM LOT WIDTH	80' (R-2) 65' (R-4)	SEE SHEET C-2.00	
MINIMUM LOT DEPTH	100' (R-2 & R-4)	SEE SHEET C-2.00	
MAXIMUM BUILDING HEIGHT	3 STORIES	3 STORIES	
EXISTING USE:	VACANT	•	
PROPOSED USE:	SINGLE FAMILY - DETACHED HOUSE		
	REQUIRED	PROVIDED	
VEHICLE PARKING:	N/A	N/A	
BICYCLE PARKING:	N/A	N/A	
BUILT-UPON AREA:	EXISTING [SF]	PROPOSED [SF]	
ON-SITE	10,492	171,325	
OFF-SITE	108	120	
TOTAL	10,600	171,445	
PRINCIPAL BUILDING SETBACKS (UDO SEC. 2.2.1.B):	REQUIRED (R2 & R4)	PROVIDED (R2 & R4)	
PRIMARY STREET	20'	20'	
SIDE STREET	20"	20"	
SIDE LOT LINE	10'	10'	



Revisions					
Number	Description	Date			
1	PER CITY COMMENTS	07/25/24			
2	PER CITY COMMENTS	09/10/24			
Δ	BOA-0062-2024 RECONCILIATION	02/17/29			
Δ	PER CITY COMMENTS	03/09/25			

C-0.00

