



Administrative Action Preliminary Subdivision

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

Case File / Name: **S-20-09 / Wadford Road Properties – resubmitted**
 Revised conditions dated: 7/29/09 & 8/14/09

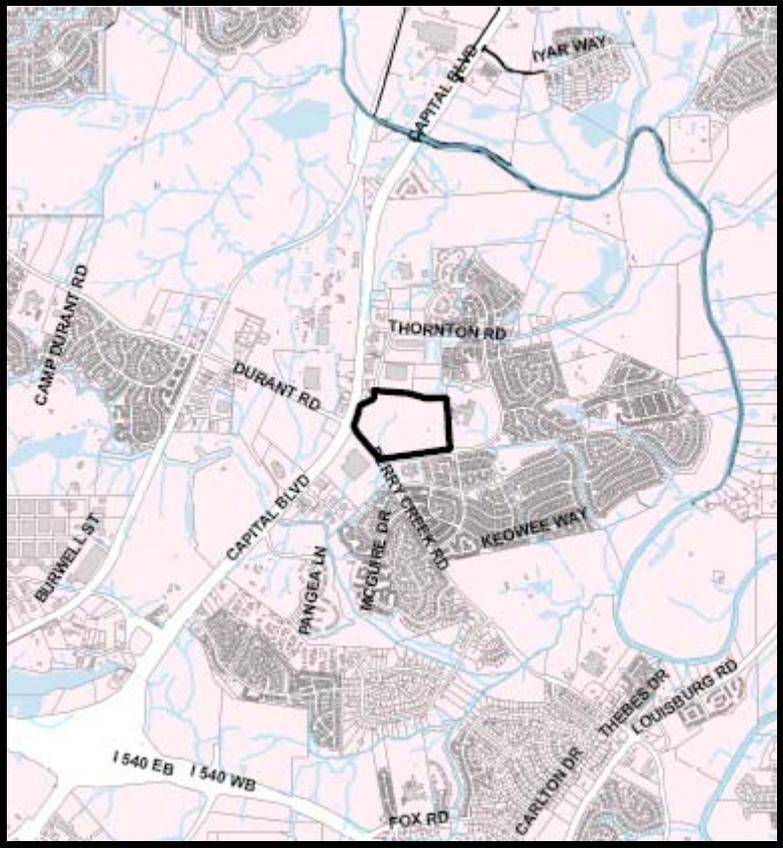
General Location: On the northeast quadrant of Wildwood Forest Drive, Perry Creek Road and US
 1 Capital Blvd, outside the city limits (annexation petition submitted)

Planning District
/ CAC: Northeast / Northeast

Nature of Case: This approval is to add 4 additional lots to a previously approved subdivision S-46-08 Wadford Road approved by staff January 27, 2009. The original subdivision was approved for 7-lots on 46.15-acres in 2-phases. After approval of the revision the subdivision will consist of 11 lots on 46.15 acres zoned Thoroughfare-CUD. The resubmitted incorporates a shared wetland pond. This wetland pond will be shared among lots 4, 5, 6 & 7. The shared wetland pond will be located on lot 7. All conditions prior to map recording have been met and all lots within the approved subdivision have been recorded. Lots 4-8 and lots 9-11 were recorded BM 2009 PG 849 & 850. Lots 1, 2 & 3 recorded BM 2009 PG 817. See AA #3022 and AA#3037 for all prior approvals.

The plan originally approved S-20-09 Wadford Road Subdivision – resubmitted approved by staff on July 9, 2009 was to add 4 additional lots to a previously approved subdivision S-46-08 Wadford Road Subdivision approved by staff January 27, 2009. The original subdivision was approved for 7-lots on 46.15-acres in 2-phases. With the approval of S-20-09 the subdivision will consist of 11 lots on 46.15 acres zoned Thoroughfare-CUD. This report incorporates shared stormwater measures, which was not part of the most recent S-20-09.

Contact: Bass, Nixon & Kennedy



Site map

SUBJECT: S-20-09 / Wadford Road – resubmitted

**CROSS-
REFERENCE:** SP-13-01, Z-62-95, S-46-08

LOCATION: On the northeast quadrant of Wildwood Forest Drive, Perry Creek Road and US 1 Capital Blvd, outside the city limits (annexation petition submitted)

REQUEST: This resubmitted plan is to approve a shared wetland pond. This wetland pond will be shared among lots 4, 5, 6 & 7. The shared wetland pond will be located on lot 7. All lots within the approved subdivision have been recorded. Lots 4-8 and lots 9-11 were recorded BM 2009 PG 849 & 850. Lots 1, 2 & 3 recorded BM 2009 PG 817. See AA #3022 and AA#3037 for all prior approvals.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of building permits in the Inspections Department:

- (1) That as stormwater control facilities for lots 4, 5, 6 & 7 are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Attorney for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;
- (2) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (3) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures for lots 4, 5, 6 & 7 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 owner's association."
- (4) That the City Attorney approves a public vehicular access easement and sidewalk easement from the termination of the public right of way to Perry Commons Drive for the use of the private street and the sidewalk located along Perry Commons Drive for the public to have use of the private street;

- (5) That a new map be recorded showing the private drainage easement(s) and the constructed shared wetland pond on lot 7;
- (6) 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 10 Chapter 9, 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;
- (7) That prior to the issuance of any building permits exceeding a total of 55,000 square feet of retail development within this subdivision, the developer shall complete all offsite roadway improvements associated with this subdivision, which include: 1) extending the full storage of the existing southbound left-turn lane on Capital Blvd (US 1) by 75 feet; 2) constructing an exclusive southbound right-turn lane with a minimum of 250-feet of storage on Wildwood Forest Drive; 3) providing an additional northbound through-lane on Wildwood Forest Drive from Perry Creek to Wadford Drive; 4) restriping Perry Creek Road to provide two (2) eastbound left-turn lanes onto Wildwood Forest Drive;
- (8) That an approved driveway permit or letter of agreement from NCDOT regarding the Perry Creek Road driveway location in Phase 2 be submitted and approved by the Public Works Department - Transportation Services Division and a copy provided to the Planning Department;
- (9) That additional City of Raleigh sanitary sewer easement be dedicated on lot 8 adjacent to Perry Creek Road to accommodate the revised sewer alignment as shown on the preliminary plan and approved construction drawings;
- (10) All conditions under the originally approved S-20-09 must be met,

Prior to issuance of Certificate of Occupancy in the Inspections Department:

- (11) That as-built certification of all stormwater control devices as required under Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and the functioning, and an original inspection report per Section 10-9028 shall be provided for the shared wetland pond on lot 7,
- (12) That curb, gutter and sidewalk be constructed in Phase 1 along the northeast section of Wild Wood Forest Drive;

Prior to Planning Department authorization to record lots:

- (13) That the following note be shown on all maps submitted for recordation:
"Prior to the issuance of any building permits exceeding a total of 55,000 square feet of retail development within this subdivision, the developer shall complete all offsite roadway improvements associated with this subdivision, which include: 1) extending the full storage of the existing southbound left-turn lane on Capital Blvd (US 1) by 75 feet; 2) constructing an exclusive southbound right-turn lane with a minimum of 250-feet of storage on Wildwood Forest Drive; 3) providing an additional northbound through-lane on Wildwood Forest Drive from Perry Creek to Wadford Drive;

- 4) restriping Perry Creek Road to provide two (2) eastbound left-turn lanes onto Wildwood Forest Drive. These improvements will be required to be inspected and accepted for maintenance by the Public Works Department;
- (14) That a map of the tree conservation areas be approved by the Forestry Specialist in the Inspections Department prior to building permit or map recording which ever occurs first and the map shall be recorded at Register of Deeds;
- (15) That cross access agreements between lots 2 and 3 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (16) That cross access agreements between lots 4, 5, 6 & 7 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (17) That the 20' City of Raleigh sanitary sewer easement shown on the preliminary , be dedicated to the City of Raleigh and labeled as City of Raleigh Sanitary Sewer easements;
- (18) 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;
- (19) That no specific driveway locations are shown on the plat for recording: Driveway access points are to be determined at site plan review;
- (20) That a letter of credit be submitted to the Public Works Department for phase 2 prior to the recording of any lot or right-of-way dedication within the project; this letter of credit will be for 1 ½ times the amount securing the construction of curb, gutter, sidewalk, clearing/grubbing, erosion control, excavation, paint striping, seeding/mulching and associated storm drainage along Wildwood Forest Drive in an amount determined by the Public Works Department - Transportation Services Division;
- (21) That a revised phasing plan be submitted to include road improvements required along Wild Wood Forest Drive. Phase 1 will include but not limited to road improvement from the intersection of Wadford Drive along the northeast section of Wild Wood Forest Road for the entire road frontage of lot 1. Phase 2 road improvements will be from the intersection of Wadford Road west along Wild Wood Forest Road for the entire road frontage of lot 7;
- (22) That construction plans for curb & gutter and sidewalk in Phase 1 along the northeast section of Wild Wood Forest Drive be submitted and approved by the Public Works Department; and these improvements be constructed in Phase 1;

- (23) That construction plans for the internal private street be submitted and approved by Public Works Department prior to the submittal for phase 2 recordation;
- (24) That the following note be placed on all maps for recording: "Lots 3, 4 & 5 shall have no direct driveway access onto Capital Blvd (US 1)";
- (25) That the proposed cross access easement shown on the plans from lot 2 & 3 to the existing lot to the north, Tarheel Electric Membership DB 0124 PG 301 & Perry Creek Development Inc DB 9742 PG 1248 be shown on all maps for recording, and the access agreement be recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization will be withheld;
- (26) That a street name for this development be approved by the Raleigh City Planning Department and by Wake County;
- (27) That construction plans for Wadford Drive and Wildwood Forest be submitted and approved by the Public Works Department;
- (28) That the following note be shown on all maps submitted for recordation: "Prior to the issuance of any building permits exceeding a total of 55,000 square feet of retail development within this subdivision, the developer shall complete all offsite roadway improvements associated with this subdivision, which include: 1) extending the full storage of the existing southbound left-turn lane on Capital Blvd (US 1) by 75 feet; 2) constructing an exclusive southbound right-turn lane with a minimum of 250-feet of storage on Wildwood Forest Drive; 3) providing an additional northbound through-lane on Wildwood Forest Drive from Perry Creek to Wadford Drive; 4) restriping Perry Creek Road to provide two (2) eastbound left-turn lanes onto Wildwood Forest Drive. These improvements will be required to be inspected and accepted for maintenance by the Public Works Department;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silm (C. Wayn) Date: 9.14.09

Staff Coordinator: Jacque Baker

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 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/21/08, owned by Perry Creek Road, LLC, submitted by Bass, Nixon & Kennedy.

ADDITIONAL NOTES:

The Planning Commission approved the second request to amend the Master Plan on October 28, 2008, originally approved by the City Council on April 14, 1998 in accordance with condition #6 of Z-62-95, and in conjunction with conditions of SP-13-01 and SP-3-97 (which was a shopping center site plan on 47 acres that has sunset). The first request to amend the master plan was proposed on the property to the north which was approved to change 36 acres from residential uses to commercial uses, of which only 3 acres permitted retail, hotel or motel. With approval of this request, the conditions of SP-13-01 will remain.

Wadford Drive (S-46-08) extension bisects the property, leaving 24 - acres to the east of the road extension. The property is zoned Thoroughfare District CUD; see, Z-62-95. These 24 - acres are currently approved for commercial uses. The applicant has received approval to change the uses to the following:

- 19-acres high density residential
- 5-acres high density greater than 10 units to the acre / retail

ZONING:

ZONING DISTRICTS: Thoroughfare-CUD. Ordinance (1995) 712 ZC 370 Effective 9/5/95.

1. Any development of the property will comply with the provisions of Certified Recommendation 7101 of the City of Raleigh Planning Commission regarding stormwater runoff.

2. No more than 50 acres of subject property, which shall be contiguous to the point of intersection of the northern right-of-way line of Perry Creek Road and the eastern right-of-way line of U.S. Highway #1 North shall be devoted to any combination of retail uses, hotel, or motel uses.

Such combination of uses shall be sited in such manner as not to be closer than 4000' from the west bank of the Neuse River, nor closer than 1000' from Neuse Baptist Church Road (also known as ThorntoRoad), nor farther that 1000' southeastwardly on Perry Creek Road from the aforesaid point of intersection.

3. Reimbursement value of any required right-of-way shall remain at values in existence for the respective parcels prior to rezoning (R-4 and Thoroughfare, respectively).
4. Dedication without reimbursement of a greenway easement extending 150 feet westwardly from the west bank of the Neuse River.
5. No portion of property can be used for the display of billboards.
6. A master plan, pursuant to City Code 10-2121, will be submitted for tracts of land designated for non-residential use which exceed fifty acres, and for any residential tracts designated for use at R-10 density or above.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Construction of the following streets is required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Wildwood Forest Dr	90' existing	fee in lieu posted	n/a
Perry Creek Road	variable width	restriping / City road project	n/a
Capital Blvd (US#1)	variable width	extend existing southbound turn lane	75'

TRANSIT: The Transit Planner has determined that the transit easement located on along Wild Wood Forest Drive is not needed. The location of the easement falls completely within the public right of way of Wild Wood Forest Drive.

URBAN FORM: This site is located in the Northeast Planning District within the Capital Blvd Corridor Plan. The Corridor Plan designates this area as appropriate for retail uses.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown.

**TREE
CONSERVATION:** Tree Conservation area is a total of 4.619-acres or 10%. Tree conservation area has been recorded BM 2009 Pg 849

**UNITY OF
DEVELOPMENT:** Requirement for unity of development cannot be determined with this subdivision. Subsequent development of properties depending on the development type may require unity of development and sign criteria.

PHASING: There are 2 phases in this development. A final phasing plan is included with this subdivision and subject to final approval upon construction drawing review.

**SUBDIVISION
STANDARDS:**

- LOT LAYOUT:** There is no minimum lot size in this zoning district for retail uses. Residential development on lots less than 10 acres is permitted in accordance with the overall master plan referenced in the zoning conditions.
- BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.
- 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:** Refuse collection will be by means of a private contractor. The location and design of refuse collection facilities is shown in accordance with the Solid Waste Design Manual.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. The subdivider is responsible for the right of way dedication and road construction for Wadford Drive. The right of way for Wadford Drive has been dedicated BM 2009 PG 849. Construction drawings for Wadford Drive have been approved but Wadford Drive has not been constructed.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Wildwood Forest Drive. Sidewalk exists along the south side and the developer will install sidewalk on the north side. Private sidewalk connections from the public sidewalk to the buildings on each lot will be required upon site plan approval.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. The plan has been revised to show a shared constructed wetland pond to be located on lot 7. Lots 4 -7 will share the constructed wetland pond. The remaining lots exceed one acre in size and water quality and quantity is being handled on a lot by lot bases prior to issuance of a building permits for lots 1, 2, 3,8, 9, 10 and 11 while lots 4 – 7 are addressed with the constructed wetland pond. Specifics on the constructed wetland pond shall be determined with the construction drawings. Stormwater management shall comply with C.R. 7107 per Z-62-95 condition #1 for all lots.
- The proposed roadway improvements/private street must be accounted for. The maximum allocation of the impervious surface from these improvements has been identified with this subdivision. The impervious surface area assigned to these lots as well as the maximum impervious surface areas for the lots being treated by the shared constructed wetland pond are included on sheet C3.1 of the preliminary plans.

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

**WETLANDS
/ RIPARIAN
BUFFERS:**

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

STREET NAMES:

A street name application has been approved and recorded on BM 2009 PG 849 the internal private street.

**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:

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: 7/9/2012

Record at least ½ of the land area approved.

5-Year Sunset Date: 7/9/2014

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.