



## Administrative Action Preliminary Subdivision

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

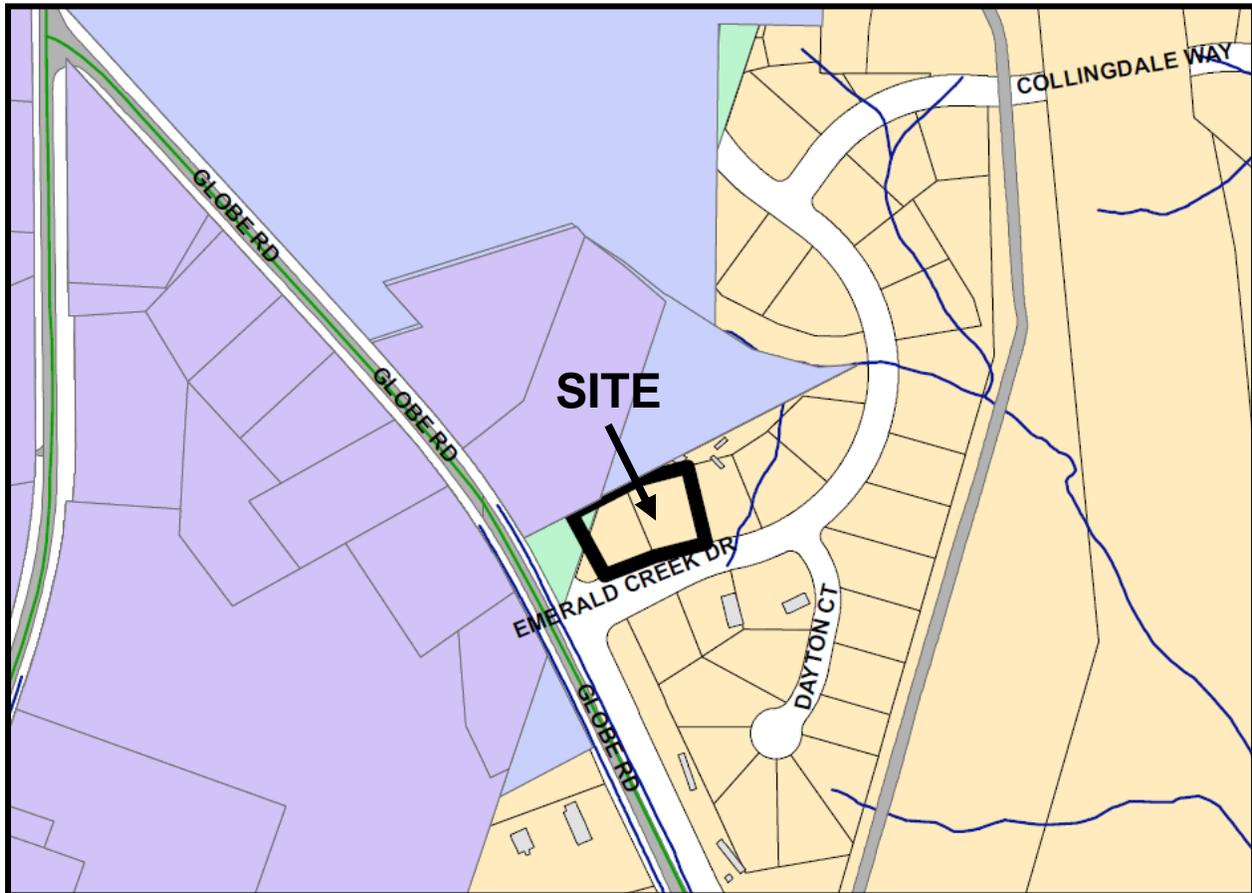
**Case File / Name:** S-14-2010 / Regency at Brier Creek Lots 1, 2 & 200

**General Location:** Northeast corner of Globe Road and Emerald Creek Drive within the previously approved Regency at Brier Creek Cluster Unit Development

**/ CAC:** Northwest

**Nature of Case:** Recombination and subdivision of two existing single family lots to create a total of three lots. This site is zoned Special R-6. This project does not meet the definition of an "infill project" as less than 66% of the peripheral lots contain single family dwellings. There is an existing dwelling on the site as well as a parking lot that was permitted for model home use.

**Contact:** ESE of North Carolina



**S-14-10 / Regency at Brier Creek Country Club Lots 1, 2 & 200 – Location Map**

---

**SUBJECT:**  
**CROSS-REFERENCE:** S-22-07, S-6-10 (Withdrawn)

**LOCATION:** This site is located on the north side of Emerald Creek Drive, east of its intersection with Globe Road, inside the City Limits.

**REQUEST:** This is a request to recombine and subdivide two existing single family lots to create a total of three lots. Existing lots 1 and 2 within the Regency at Brier Creek Cluster Unit Development are affected and after recombination and subdivision new lot 200 will be created. This site is zoned Special R-6. This will increase the total number of building lots within the cluster unit development to 154 thus conforming to limits within the development (354 lots allowed). There is an existing dwelling on the site as well as a parking lot that was permitted for model home use.

---

**OFFICIAL ACTION:** **Approval with conditions**

---

**CONDITIONS OF APPROVAL:** ***Prior to Planning Department authorization to record lots:***

- (1) That the attorney who prepared the original homeowner legal documents for the cluster unit development (S-22-07) verify that the proposed lot is included in the original covenants or that the existing homeowner legal documents be amended to include new lot 200 in the cluster unit development, in accordance with Raleigh City Code section 10-3071(a)(10) if determined necessary, and that the revised documents be recorded with the County Register of Deeds. A recorded copy of this legal document must be provided the Planning Department within 14 days of authorization to record lots. If this recorded legal document is not provided to the Planning Department within this 14 day period, further lot recordation and building permit issuance may be withheld.

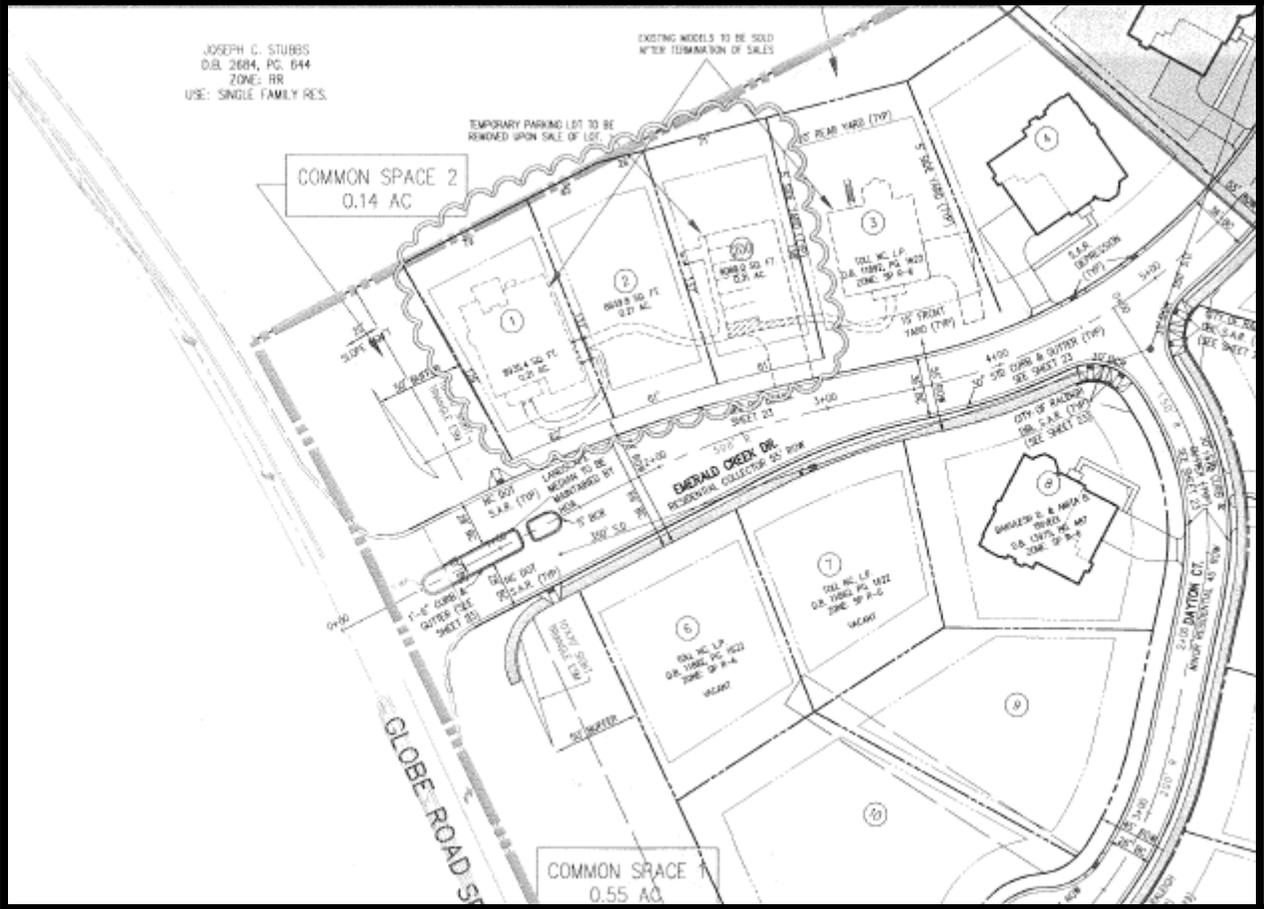
---

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) *Mitchell Silu (P. Hodge)* Date: 8/5/10

**Staff Coordinator:** Eric Hodge, AICP

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.



**S-14-10 / Regency at Brier Creek Country Club Lots 1, 2 & 200 – Location Map**

**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2018, 10-2101, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/29/10, owned by Toll NC LP, submitted by ESE of North Carolina, PC.

**ZONING:**

**ZONING DISTRICTS:** Special R-6

**DEVELOPMENT DENSITY:** The number of units allowed in this zoning district is 354. The proposed plan adds one single family lot for a total of 154 in the cluster unit development.

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

**TREE CONSERVATION:** Tree conservation areas have already been recorded.

**UNITY OF DEVELOPMENT:** Not applicable.

**PHASING:** This is within phase 1 of this development.

**COMPREHENSIVE PLAN:**

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

**THOROUGHFARE / COLLECTOR PLAN:** Sufficient right-of-way and street improvements exist along this site's frontage on Emerald Creek Drive.

**TRANSIT:** not applicable.

**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** The minimum lot size allowed this cluster is 4,356 square feet. Proposed lots conform to this standard. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development. A perimeter protective yard of is not required.

**BLOCK LAYOUT:** No new streets are required or proposed.

**OPEN SPACE:** Open space requirements have already been met for this portion of the cluster unit development.

**PUBLIC UTILITIES:** City water and sewer services exist in this location. 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.

**CIRCULATION:** No street improvements are required.

**PEDESTRIAN:** Existing sidewalk conforms to City regulations.

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

**STORMWATER MANAGEMENT:** Stormwater control requirements have already been met for this site in conjunction with S-22-07.

**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 development.

**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:** 8/5/2013  
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.