



Certified City Council Decision

City of Raleigh
 Development Plans Review Center
 One Exchange Plaza
 Raleigh, NC 27601
 (919) 516-2626
 www.raleighnc.gov

Case File / Name: S-18-12 / Center 205

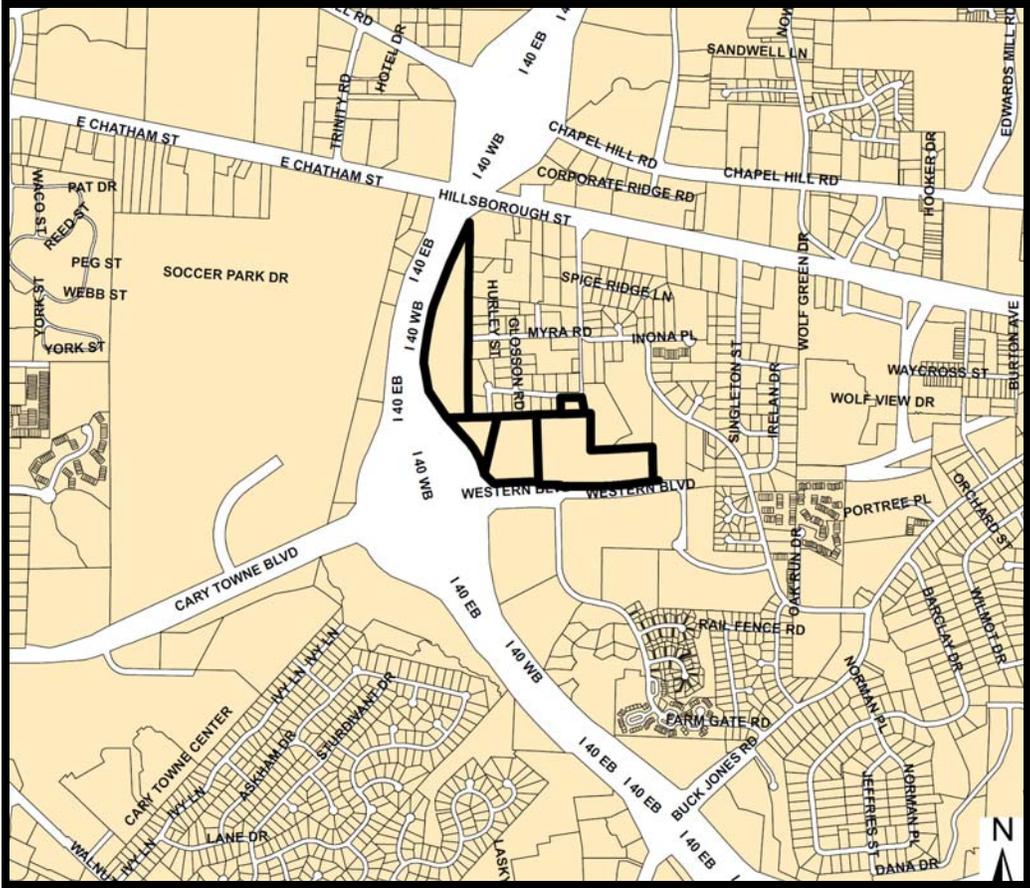
General Location: The northeast quadrant of the intersection of Western Boulevard and I-40

CAC: West

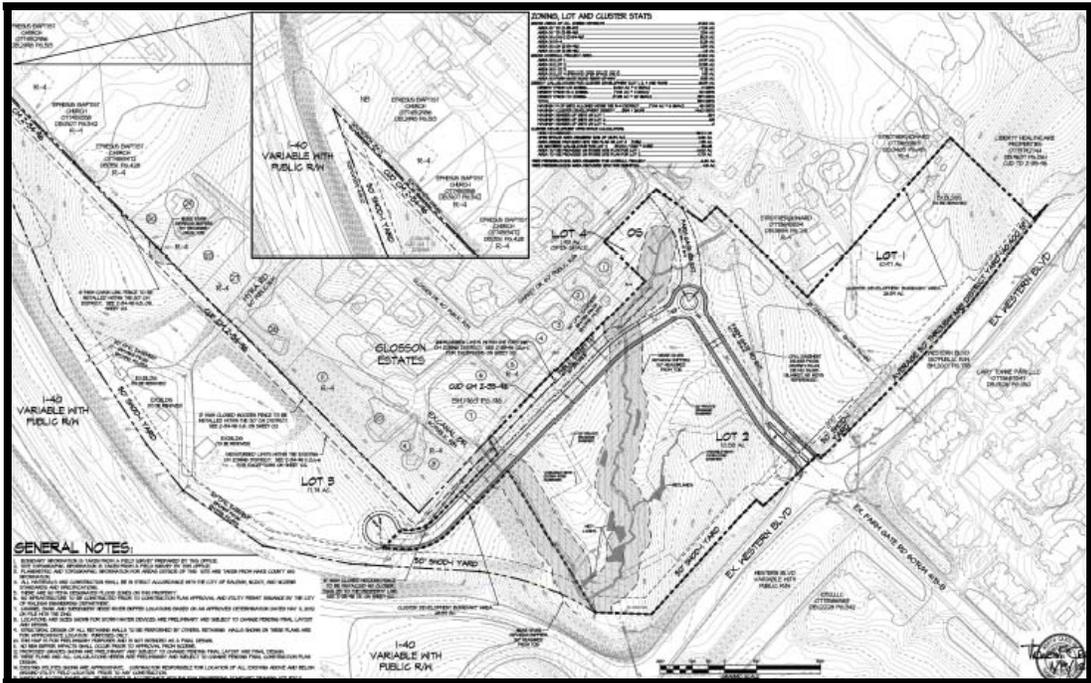
Request: The recombination of 5 existing parcels and their subsequent subdivision into 4 parcels, totaling 44.6 acres. Three of the four lots will be a cluster subdivision (Lots 1,2 & 4). This lot layout results in the request for a variance to create a cul-de-sac of 1880' in length, in excess of 800', the maximum allowed in the subdivision ordinance, and from the requirement to extend a neighboring public street or terminate them with according to code. The properties are comprised of Residential-4, Thoroughfare District Conditional Use District, Office and Institutional-2 Conditional Use District, Conservation Management Conditional Use District and Special Highway Overlay District 1 & 2 Conditional Use zoning districts.

The requested variances include one from Section 3.2 of the Streets, Sidewalks and Driveway Access Handbook; City Code Section 10-3004; and City Code Section 10-3013 to allow the approval of a subdivision containing an extra-long dead end street (1880') that exceeds the maximum length that can be approved administratively, 800'. The other variance involves Section 3.6 and 4.2 of the Streets, Sidewalks and Driveway Access Handbook which contains the requirement to extend neighboring public streets or terminate them according to code. There are two neighboring streets, Canal Drive and Myra Road that have platted street stubs connecting into the subject property. While these are not paved or improved, Section 3.6 of the Streets, Sidewalks and Driveway Handbook calls for existing adjoining public streets, public platted streets, and publicly planned streets to be continued, terminated or extended as public streets as part of the development. Streets that are not to be extended shall be terminated in a cul-de-sac in conformance with Section 4.2 of the Streets, Sidewalks and Driveway Handbook.

The subject property is encumbered with several zoning conditions that were intended to limit connections to neighboring properties and to establish undisturbed buffers to them as well. Zoning Condition "e." of Z-34-96 states that no access shall be available to the rezoned property via Myra Drive. Zoning Condition "e." sets aside a buffer between the subject property and the property to the north in the Glosson Estates Subdivision which includes Canal Drive. Zoning Condition "h." associated with Z-35-96 preclude any connection to Strother Road to the northeast. Zoning Condition "i.2." of Z-35-96 also sets aside a buffer between the subject property and the property to the north in the Glosson Estates Subdivision which includes Canal Drive. The zoning conditions are attached at the back of this report for reference.



S-18-12 Center 205 – Site Location Map



S-18-12 Center 205 – Preliminary Subdivision Plan

SUBJECT: S-18-12 / Center 205
CROSS-REFERENCE: Z-35-87, Z-34-96, Z-35-96

LOCATION: The northeast quadrant of the intersection of Western Boulevard and I-40 across from Farm Gate Road

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: Attached

FINDINGS: The City Council finds, with the conditions below being met, that this request conforms to Chapter 2, Part 10, Sections, 10-2017, 10-2030, 10-2035, 10-2045, 10-2058, 10-3001, 10-3004, 10-3013, 10-3071, 10-3074 and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated November 10, 2012, owned by Center 205, LLC, submitted by Priest Craven & Associates, Inc.

To CC: 11/6/12 **City Council Status:** Approved Findings of Fact on 11/27/12
Staff Coordinator: Eric Hodge, AICP



Final conditions of approval

CONDITIONS OF APPROVAL:

City Council Actions:

- (1) That as allowed by City Code Section 10-3004 Variances and Alternative Designs, because the existing physical conditions are such that compliance with the foregoing requirements would cause an unusual and unnecessary hardship on the developer above and beyond what other developers would meet, or deprive the developer of reasonable use of his/her property the City Council varies the maximum dead-end street length requirements set forth in the City Code and Section 3.2 of the Street, Sidewalk, and Driveway Access Handbook to allow for an 1880 linear-foot dead-end street, provides relief from the requirements of Section 3.6 and 4.2 of the Streets, Sidewalks and Driveway Access Handbook to extend neighboring public streets or terminate them according to code and hereby approves this preliminary subdivision plan in keeping with the requirements of City Code Section 10-3013, Procedure For Preliminary Subdivision Review except as noted in conditions 2 and 3 below;
- (2) That the plan be revised to include the dedication of a 60' right-of-way connecting the proposed Farm Gate Road Extension to the boundary of the Subject Property where it abuts the right-of-way of Strother Road;
- (3) Upon the development of the property, no permanent impediments may be placed adjacent to or within 60' west of the common line of the right-of-way of Myra Road and the Subject Property unless and until a differing subdivision or site plan is approved by the City of Raleigh;

Administrative Actions:

Prior to issuance of a grading permit:

- (4) That the final tree conservation plan must be approved by the Forestry Specialist in the Planning Department. The plan must show a tree survey of trees 5-inch caliper and larger for the undisturbed portion of the Conservation Management buffers associated with Z-34-96 and Z-35-96. The plan must also show a tree survey of trees 3-inch caliper and larger for the portion of Conservation Management buffer associated with Z-34-96 extending south from Myra Drive. The plan must also show a tree survey of trees 3-inch caliper and larger for the portion of the Conservation Management buffer associated with the "Strother Triangle" as called for in Z-35-96;
- (5) That the tree protection fence is shown on the tree conservation, grading and erosion control plans for tree conservation areas and undisturbed

conservation management areas and must be located in the field and inspected by the Forestry Specialist in the Planning Department;

Prior to issuance of a grading permit for the site or approval of construction drawings for public improvements whichever occurs first:

- (6) That a variance from DWQ for all Buffer impacts (ROW, Sanitary Sewer, & Private Drainage Easements/BMP discharge) prior to land disturbance permit or Infrastructure Construction Plans (whichever occurs first). Impacts to wetlands may require permission from ACOE;
- (7) That approval from NCDOT for driveway and encroachment permits is provided to the Raleigh Public Works Department;
- (8) That the tree protection fence is shown on the tree conservation, grading and erosion control plans for tree conservation areas and undisturbed conservation management areas and must be located in the field and inspected by the Forestry Specialist in the Planning Department;

Prior to approval of construction drawings for public improvements:

- (9) That the developer obtain all necessary off-site sanitary sewer easements;

Prior to Planning Department authorization to record lots:

- (10) That a tree conservation permit be approved by the Forestry Specialist;
- (11) That a map for recording include the Tree Conservation permit number and metes and bounds showing the designated Tree Conservation Areas in compliance with Code section 10-2082.14; The plan must show metes and bounds descriptions of all tree conservation areas when submitted for permitting as required by 10-2082.14 and show conservation management areas and clearly label undisturbed and disturbed areas of the buffers as required by Z-34-96 and Z-35-96;
- (12) That private drainage easements must be shown on all plats for recording;
- (13) That Neuse River Buffers are located on the site and must be shown on all plats for recording;
- (14) That the developer will pay a fee-in-lieu of construction for curb, gutter and sidewalk installation along Western Boulevard;
- (15) That infrastructure construction drawings be approved by the Public Works Department prior to issuance of any permits or recording of any plat for this development;

Prior to issuance of building permits in the Inspections Department:

- (16) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;

- (17) That prior to issuance of building permits the developer will make a contribution of twenty-four percent (24%) of the initial construction cost of all stormwater control device(s) to the City in accordance with City Code 10-9027;
- (18) That for residential developments with a single structure, financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions across the creek upon issuance of permits for 75% of the residential units; If one building is proposed this amount shall be collected;
- (19) That for non-residential developments with a single structure financial security equal to 1.5 times the cost of public or private improvements shall be posted for the uncompleted portions upon issuance of 75% of the gross building floor areas; If one building is proposed this amount shall be collected;
- (20) A fee-in-lieu of construction is required for pavement, curb & gutter and ½-5' sidewalk along the property frontage of Farm Gate Road (extension);

Prior to Issuance of a certificate of occupancy;

- (21) That for residential developments with multiple buildings, financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions across the creek upon issuance of permits for 75% of the residential units; If one building is proposed this amount shall be collected;
- (22) That for non-residential developments with multiple buildings financial security equal to 1.5 times the cost of public or private improvements shall be posted for the uncompleted portions upon issuance of 75% of the gross building floor areas; If one building is proposed this amount shall be collected;
- (23) That all improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

ZONING:

ZONING DISTRICTS:

The properties are comprised of Residential-4, Thoroughfare District Conditional Use District, Office and Institutional-2 Conditional Use District, Conservation Management Conditional Use District and Special Highway Overlay District 1 & 2 Conditional Use District zoning. Ordinance No. 7 ZC 399 Effective 11/9/96 (Z-34-96 & Z-35-96) and Ordinance No. 980 ZC 212 (Z-35-87). Zoning conditions attached at end of this document.

TREE CONSERVATION:

The preliminary plan shows 4.8 acres or 10.8% of Tree Conservation Areas on the site.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

No dedication of right-of-way or construction of streets is required by the Thoroughfare and Collector Street Plan. The developer will pay a fee-in-lieu of construction for curb, gutter and sidewalk installation along Western Boulevard.

TRANSIT: No transit-oriented features of this site were incorporated into the proposed plan.

URBAN FORM: This site is located in an area designated a Office/Residential Mixed Use area. Plan as shown is consistent with the Comprehensive Plan. More analysis would be necessary at time of Site Plan submittal. The following policies apply:

- LU 7.6 Pedestrian Friendly Development
- T 5.5 Sidewalk Requirements
- T5.9 Pedestrian Networks

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size proposed in this development is 1.93 acres. Lots in this development conform to the minimum standards of the property's zoning.

DEVELOPMENT DENSITY:

Lot #3 is not part of the Cluster Unit Subdivision and stands alone based on its acreage and zoning at the time it develops. The Density associated with the Cluster Unit Subdivision (Lots 1, 2 & 4) is 389 dwelling units based on .80 acres that is zoned Conservation Management, 7.94 acres that is zoned Residential-4, and 17.85 acres that is zoned Thoroughfare District. Within the Cluster Unit Subdivision, Lot 1 is being allocated a total of 264 dwelling units. Within the Cluster Unit Subdivision, Lot 2 is being allocated 125 dwelling units. Lot 4 is an open space lot serving the Cluster Unit Subdivision and is not being allocated any dwelling units.

PHASING: No phasing plan was submitted with the preliminary subdivision. If it is to be phased, a phasing plan must be submitted and approved with Infrastructure Construction Drawings. The dedication of the primary open space lot, Lot 4, must occur with the first phase of the development.

PERIMETER PROTECTIVE YARD:

A perimeter protective yard of 30' is required adjacent to Residential-4 zoned lots in keeping with the requirements of 10-2101(b)(6)d.

BLOCK LAYOUT:

The proposed street layout conforms to City Code, with the exception of maximum dead-end street lengths and the requirement to extend neighboring public streets or terminate them according to code. (See "City Council Actions" in the conditions of approval section of this report for approval details).

There is an 1880' long dead-end street in this development that exceeds the maximum 800' feet in length that can be approved by City Administration. Code Section 10-3041 states that the design and construction of streets shall be in accordance with the standards and requirements in the Street, Sidewalk, and Driveway Access Handbook. Section 3.2 of the Street, Sidewalk, and Driveway Access Handbook sets a maximum dead-end street length of 800 linear feet for streets serving residential dwelling units and 400 linear feet for streets serving non-residential uses. The Public Works Director may approve an extra-long dead-end street up to 10% above these standards if a finding is made that there is no practical through-street extension possible due to severe topography or other physical features, or due to existing surrounding development.

There are two neighboring streets, Canal Drive and Myra Road that have platted street stubs connecting into the subject property. While these are not paved or improved, Section 3.6 of the Streets, Sidewalks and Driveway Handbook calls for existing adjoining public streets, public platted streets, and publicly planned streets to be continued and extended as public streets as part of the development. Streets that are not to be extended shall be terminated in a cul-de-sac in conformance with Section 4.2 of the Streets, Sidewalks and Driveway Handbook.

The subject property is encumbered with several zoning conditions that were intended to limit connections to neighboring properties and to establish undisturbed buffers to them as well. Zoning Condition "e." of Z-34-96 states that no access shall be available to the rezoned property via Myra Drive. Zoning Condition "e." sets aside a buffer between the subject property and the property to the north in the Glosson Estates Subdivision which includes Canal Drive. Zoning Condition "h." associated with Z-35-96 preclude any connection to Strother Road to the northeast. Zoning Condition "i.2." of Z-35-96 also sets aside a buffer between the subject property and the property to the north in the Glosson Estates Subdivision which includes Canal Drive. The zoning conditions are attached at the back of this report for reference.

Section 10-3004 of the City Code, Variances and Alternative Designs, states that where topography or other existing physical conditions are such that compliance with the foregoing requirements would cause an unusual and unnecessary hardship on the developer above and beyond what other developers would meet, or deprive the developer of reasonable use of his/her property, after conducting a quasi-judicial hearing in accordance with the procedures of subsection 10-3013(b)(3)b., the City Council may vary the minimum requirements set forth herein.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 2.59 acres required and 2.66 acres provided. Open space quotient required = 150'; provided = 152'. The remaining open space obligation, of .73 acres will be provided on Lot 2 at the time of development and must meet the open space quotient of 150'. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

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: Individual lot service to be provided by a private contractor, upon development of each lot.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Western Boulevard and the developer will pay a fee-in-lieu of construction for curb, gutter and sidewalk installation to fulfill this obligation. The preliminary plan shows a sidewalk along at least one side of Farm Gate Road extension and along both sides of the street where future development is possible.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Lots 1 & 2 will share stormwater devices to address runoff and nitrogen regulations under Part 10, Chapter 9. Lot 3 will address stormwater regulations under Part 10, Chapter 9, independently.

WETLANDS / RIPARIAN BUFFERS: Wetland areas and 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: 11/27/15
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/27/2017
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.