



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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www.raleighnc.gov

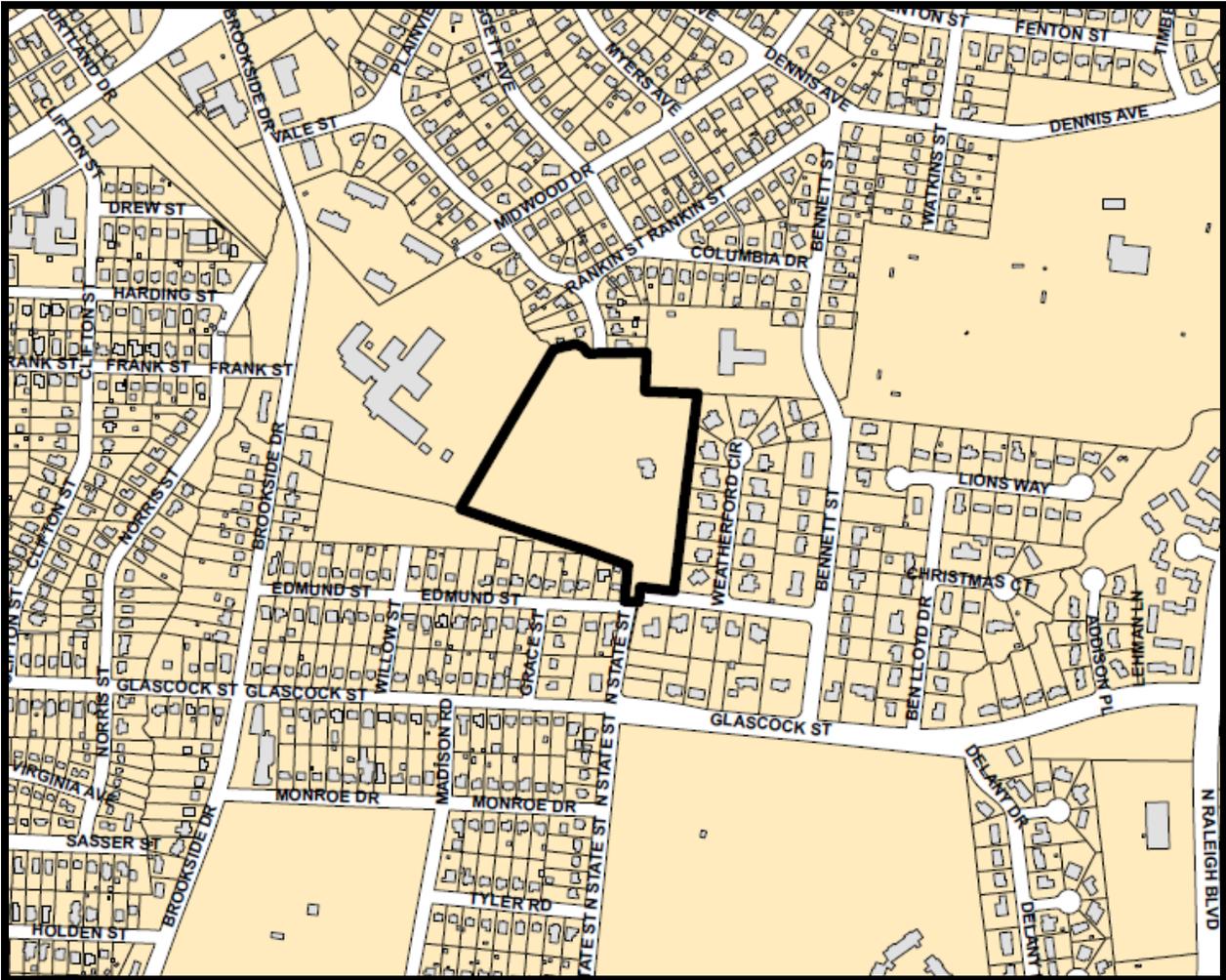
Case File / Name: S-28-12 / Oakwood North

General Location: Between N. State Street and Plainview Avenue, just west of Weatherford Circle

CAC: East

Nature of Case: The subdivision of a 10.77 acre tract into 39 residential lots and 2 open-space lots. The subject property is zoned Residential-10. The overall residential density in this development is 3.6 dwelling units per acre. This development does not constitute being considered an "infill subdivision" because the existing tract exceeds 5 acres in size.

Contact: David Gastel, LandDesign, Inc.



S-28-12 Oakwood North – Site Location Map



S-28-12 Oakwood North – Preliminary Subdivision Plan

SUBJECT: S-28-12 Oakwood North

CROSS-REFERENCE: N/A

LOCATION: This site is located at the north end of N. State Street near its intersection with Edmund Street and Tonsler Drive, and south of Rankin Street, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 10.77 acre tract into 39 residential lots and 2 open space lots, all of which are zoned Residential-10.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: *Prior to issuance of a mass grading permit:*

- (1) That the final tree conservation plan must 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;
- (2) That as the developer purposes to disturb a designated riparian buffer, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a)."

Prior to issuance of a site review permit or construction drawings for public or private improvements, whichever comes first:

- (3) That street names for this development be approved by the Raleigh City Planning Department, and Wake County and recorded by Wake County;
- (4) That 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 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;
- (6) That as the developer purposes to disturb a designated riparian buffer, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a)."
- (7) That all access and driveway reconstruction issues with neighboring properties be resolved prior to construction drawing approval or permitting which ever first occurs;

Prior to Planning Department authorization to record lots:

- (8) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (9) That a demolition permit be issued and the permit number noted on the plat for recordation;
- (10) 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;
- (11) 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;

- (12) 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;
- (13) That construction plans are approved by the Public Works Department for one or more of the following: Utilities, Stormwater, Public and private streets;
- (14) 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;
- (15) 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;
- (16) That "Flood Storage Easement" shall be shown on all plats for recording;
- (17) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating "The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in their natural or mitigated condition, No person or entity shall fill, grad, excavate, or perform any other land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259)."

Prior to issuance of building permits:

- (18) That an encroachment agreement for stormwater drainage systems that carry private drainage (specifically: stormwater conveyance pipes entering CI-38 through to the pipe exiting CI-33; Discharge pipe from Dry Pond B as it enters ROW through to CI-42; and for 42" pipe for stream crossing) to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment

Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;

- (19) That when 75% of the permits have been issued for residential developments, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a 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;

Prior to Issuance of a certificate of occupancy;

- (20) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;
- (21) For residential subdivisions, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;
- (22) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Christopher P. Lile (P. Dir.)

Date:

2.22.13

Staff Coordinator:

Eric Hodge, AICP

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 10-2103, 10-2021, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated January 17, 2013, owned by KB Homes, submitted by LandDesign, Inc.

ZONING:

**ZONING
DISTRICTS:**

Residential-10

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Screening requirements for permanent stormwater retention ponds and detention basins are shown in conformity with Section 10-2082.13.

TREE CONSERVATION: The preliminary plan shows 1.078 acres or 10% of the site being reserved for Tree Conservation Areas, all of which are located on the two open space lots.

UNITY OF DEVELOPMENT: Unity of Development does not apply in this subdivision.

PHASING: There is no phasing plan shown with this development. If the project is to be phased, a final phasing plan for infrastructure shall be approved with the submittal of Infrastructure Construction Drawings associated with this preliminary subdivision.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan.

TRANSIT: No transit-oriented features of this site are incorporated into the proposed plan. This site isn't presently served directly by the existing transit system nor are there any plans to do so. Transit is available along nearby Glascock Street.

URBAN FORM: This site is designated for Moderate Density Residential on the Future Land Use Map, that is, from 6 to 14 dwellings per acre. The proposal sites 39 lots on 10.77 acres for a density of 3.62 dwellings per acre.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in the Residential-10 zoning district is 5000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. The minimum corner lot width in this zoning district is 60'. Lots in this development conform to these minimum standards.

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:** Individual lot service by the City is to be provided.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. This layout is consistent with the City of Raleigh *Streets, Sidewalks and Driveway Access Handbook* and *The 2030 Comprehensive Plan for the City of Raleigh* regarding interconnectivity.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along the north side of Tonsler Drive, east side of N. State Street and along the north side of the new proposed cul-de-sac street.
- 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. Site will meet stormwater runoff control requirements utilizing 2 dry ponds to detain post-development runoff to pre-development rates for the 2 and 10 yr storm events. Water Quality (nitrogen loading) will be addressed with the proposed dry ponds and a buydown.
- WETLANDS
/ RIPARIAN
BUFFERS:** Neuse River riparian buffers are required on this site and proposed impacts for the road crossing will require approval from NC DWQ.
- STREET NAMES:** One new street name is required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.
- 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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 2/22/2016
Record at least ½ of the land area approved.

5-Year Sunset Date: 2/22/2018
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.