



# Administrative Action Preliminary Subdivision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2626  
www.raleighnc.gov

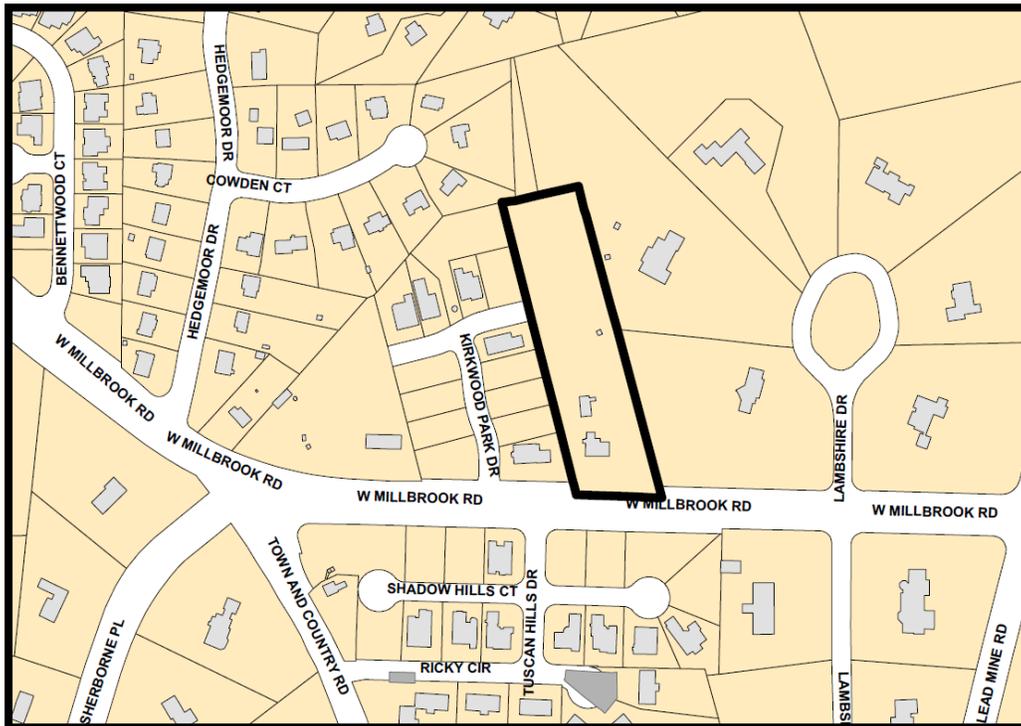
**Case File / Name:** S-35-12 / West Millbrook Road Subdivision

**General Location:** Located on West Millbrook Road, between Creedmoor Road and Lead Mine Road.

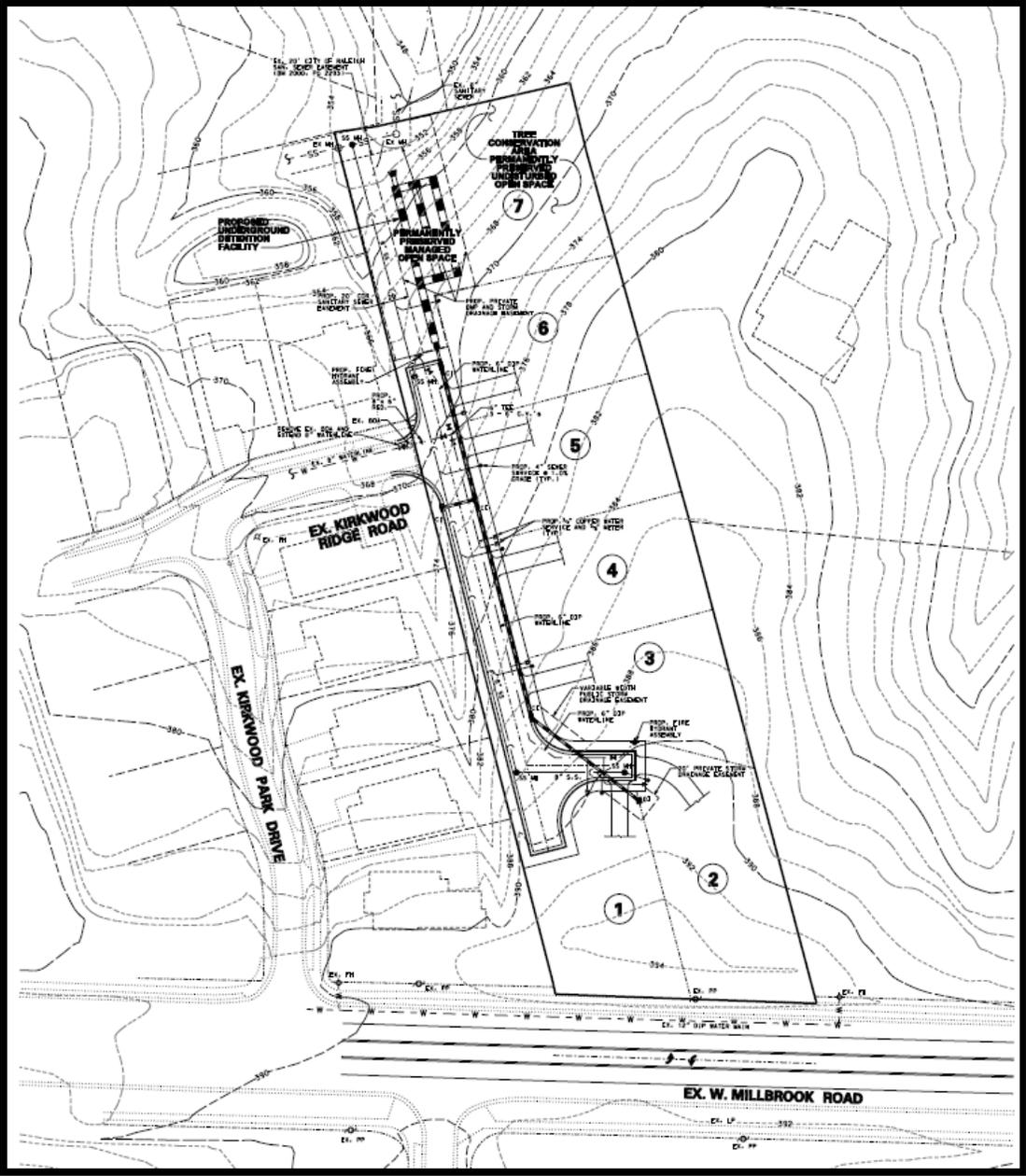
**CAC:** North

**Nature of Case:** The subdivision of a 2.71 acre parcel into six single-family lots and one open space lot.

**Contact:** Marty Bizzell; Bass, Nixon, & Kennedy Inc.



**S-35-12 / West Millbrook Road Subdivision**



S-25-12 / West Millbrook Road Subdivision

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**SUBJECT:** S-35-12 / West Millbrook Road

**CROSS-  
REFERENCE:** N/A

**LOCATION:** This site is located on the north side of West Millbrook Road, west of its intersection with Lead mine Road, inside the City Limits.

**REQUEST:** This request is to approve the subdivision of a 2.71 acre tract into six single-family lots and one open space lot zoned Residential-4.

All lot sizes and street frontages are both greater than 80% the median of the lots in the periphery of the development; therefore, this does not constitute an infill subdivision per Code Section 10-3032(d).

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF  
APPROVAL:**

***Prior to issuance of a grading permit for the site:***

- (1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. 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 Inspections Department. A copy of the approved plan is placed on file in the Planning Department;
- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;

***Prior to Planning Department authorization to record lots:***

- (3) That a demolition permit be issued by the Inspections Department and this permit number be shown on all maps for recording;
- (4) 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;
- (5) That a revised street tree plan be submitted indicating conformance with 10-2082.5 on Millbrook Road;
- (6) That construction plans are approved by the Public Works and Public Utilities Departments;

- (7) 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;
- (8) 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;
- (9) That all stormwater control measures and means of transporting stormwater runoff to and from 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;
- (10) That a ½ 90-foot right-of-way be dedicated prior to or in conjunction with the recording of any map;
- (11) That a street name application be submitted to the City of Raleigh GIS Department and 2 street name approved by the City of Raleigh GIS Department and by Wake County;
- (12) 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;

***Prior to issuance of building permits:***

- (13) That an encroachment agreement for any stormwater drainage systems that carry private drainage to be located within the public right-of-way (More specifically, the proposed stormwater pipes from the proposed drop inlet on Lot 2 through to the Stormwater detention system on Lot 7) is approved by the City Council by separate action. An application for encroachment into the public right of way for the stormwater pipes 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;
- (14) That when 75% of the permits have been issued for residential developments, that the proposed private or public improvements are required

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:**

- (15) 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;
- (16) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.
- (17) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silver (A. Bradshaw) Date: 4/29/13

**Staff Coordinator:** Meade Bradshaw

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

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2017, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 2/25/13, owned by James E. Allen, LLC, submitted by Bass, Nixon & Kennedy.

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**ZONING:**

**ZONING DISTRICTS:** Residential-4.

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

**TREE CONSERVATION:** The project provides 0.286 acres of tree conservation area which is 10.54% of gross site acreage of 2.71 acres.

Tree conservation acreage is as follows:  
Primary: 0.00 acres  
Secondary: 0.286 acres

**UNITY OF DEVELOPMENT:** N/A

**PHASING:** There is one phase in this development. A final phasing plan for infrastructure shall be approved with the submittal of a preliminary subdivision.

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**COMPREHENSIVE  
PLAN:**

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

**THOROUGHFARE  
/ COLLECTOR  
PLAN:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
West Millbrook Road	½ 90'	N/A	N/A

**TRANSIT:** This site is presently not served by the existing transit system.

**URBAN FORM:** The site is located within the North CAC area, and is designated Low Density Residential on the future land use map. That category envisions residential development of a density not to exceed 6 dwellings per acre.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

- Policy LU 8.9 Open Space in New Development
- Policy LU 8.11 Development of Vacant Sites
- Policy EP 2.3 Open Space Preservation

**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** The minimum lot size in this zoning district is 10,890 square feet. The minimum lot depth in this zoning district is 100'. The minimum lot width in this zoning district is 65'. 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.

**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 subdivision will be accessed off an existing stub street, Kirkwood Ridge Road.

**PEDESTRIAN:** A sidewalk is not required within this subdivision.

**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. The subdivision will address stormwater runoff by detaining post-development runoff to pre-development rates for the 2 and 10 year storm utilizing underground pipes. Proposed nitrogen loading rates are less than 3.6 lbs/ac/yr therefore no treatment device or buydown is required and site will meet water quality regulations. No buffers or floodplains exist on the site.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

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

**STREET NAMES:**

2 new street names are 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:** 4/29/2016

Record at least ½ of the land area approved.

**5-Year Sunset Date:** 4/29/2018

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.