



# Administrative Action Preliminary Subdivision

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

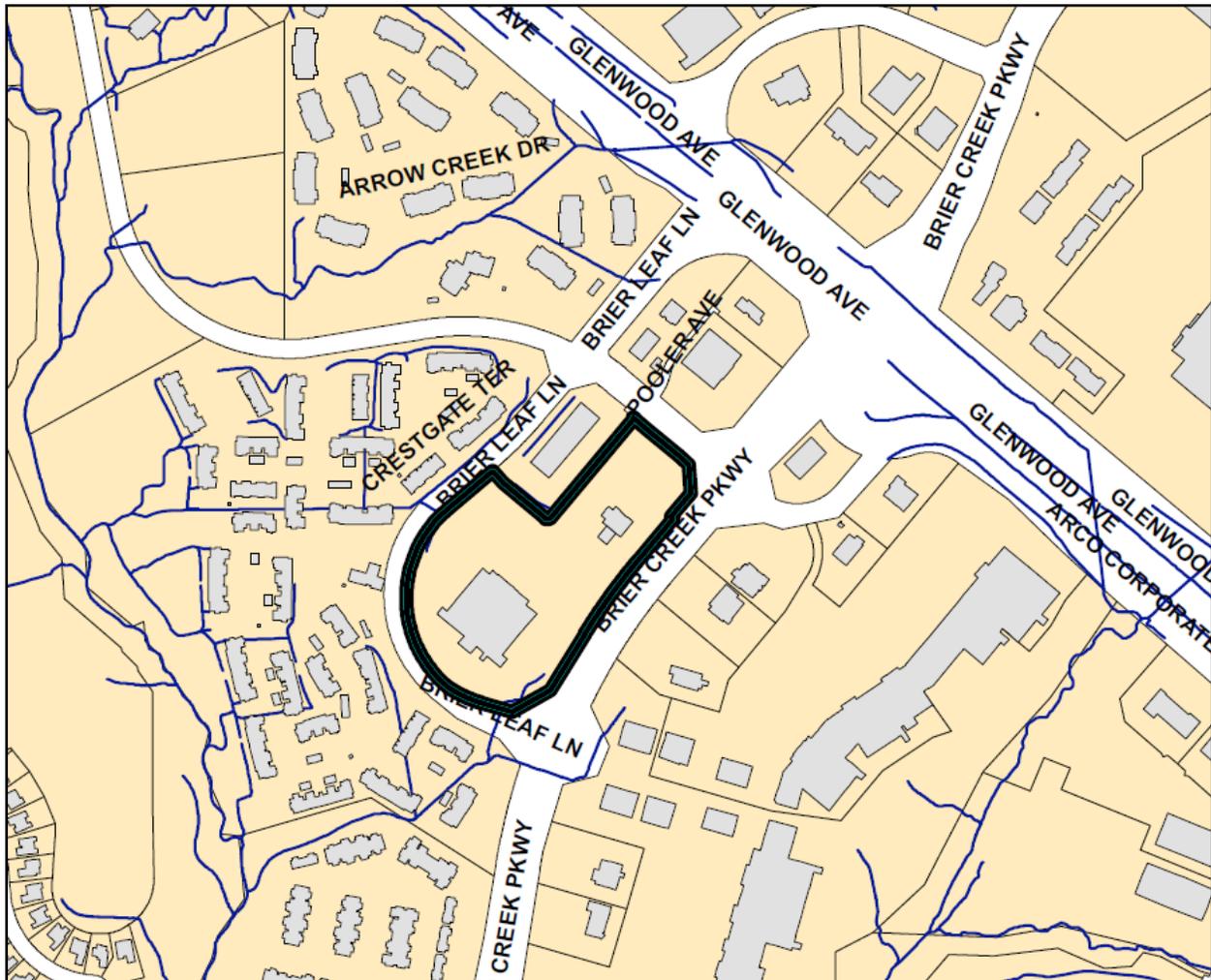
**Case File / Name:** S-23-13 Brier Creek Market Subdivision

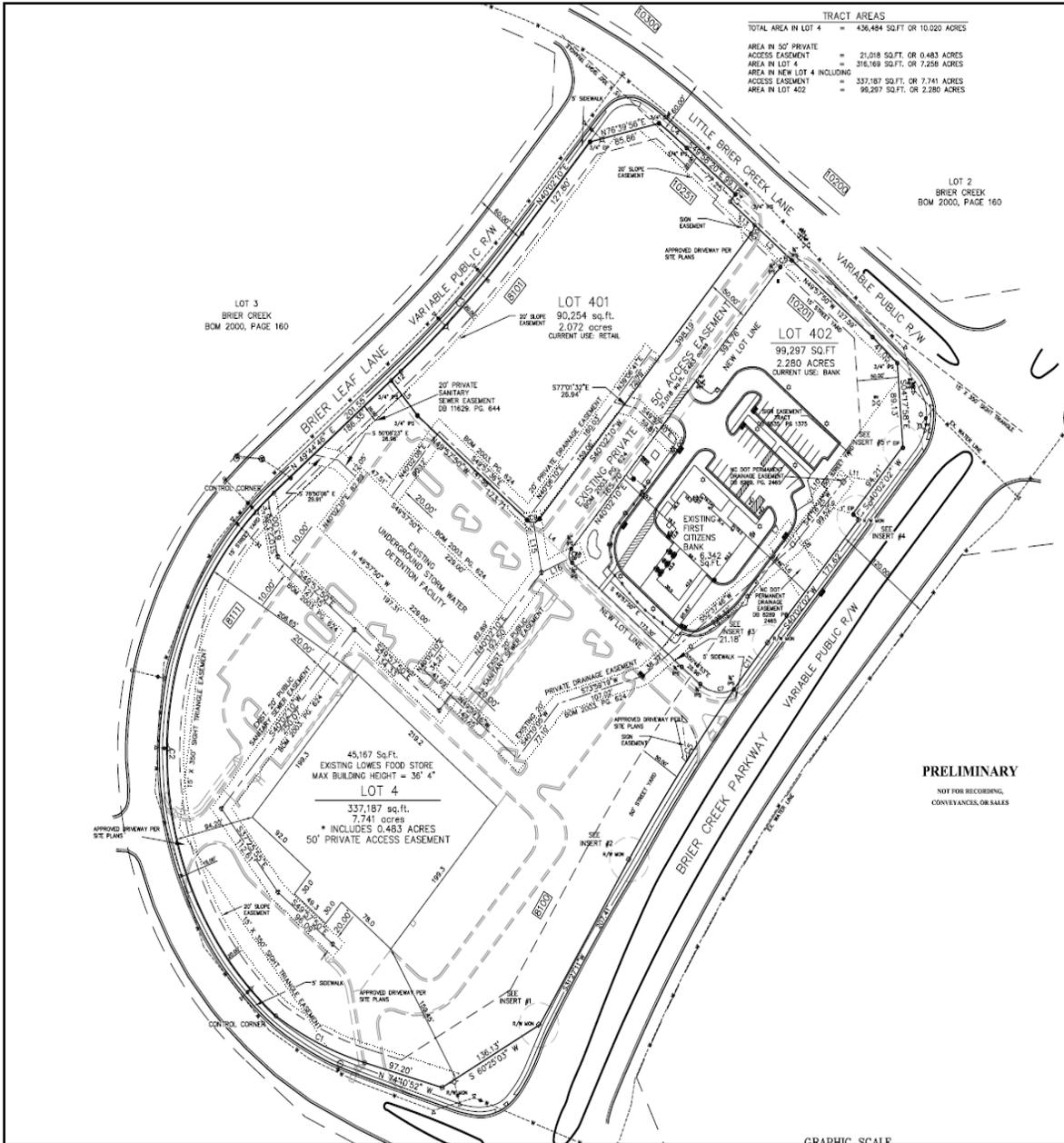
**General Location:** This site is located on the west side of Brier Creek Parkway; located southwest of its intersection with Glenwood Avenue.

**CAC:** Northwest

**Nature of Case:** Subdivision of one commercial lot into two commercial lots currently zoned Thoroughfare District Conditional Use.

**Contact:** Tim Bowes (919)833-7336





---

**SUBJECT:** S-23-13 / Brier Creek Market Subdivision

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located on the west side of Brier Creek Parkway; located southwest of its intersection with Glenwood Avenue.

**REQUEST:** This request is to approve the subdivision of a 10.02 acre tract into two lots, zoned Thoroughfare District Conditional Use. Proposed Lot 402 will be 2.28 acres in size, with Lot 4 being 7.741 acres in size. This request does not qualify as an infill subdivision.

---

**OFFICIAL ACTION:** Approval with conditions

---

**CONDITIONS OF APPROVAL:**

***Prior to issuance of grading permit, site review permit, and construction drawings:***

- (1) That a final tree conservation plan 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;

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

- (2) That the existing stormwater agreement is amended and approved by the city attorney's office to include lot 402.
- (3) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas approved and permitted in accordance with condition number 1 above in compliance with Code section 10-2082.14;

***Prior to issuance of a building permit:***

- (4) That the plat for the recorded tree conservation area is provided to the City Forestry Specialist;
-

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (S. Barber) Date: 7-11-13

Staff Coordinator: Stan Wingo

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, Section 10-2045 and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/17/13, owned by Barnett Properties LLC, submitted by Tim Bowes.

---

**ZONING:**

**ZONING DISTRICTS:** Thoroughfare District Conditional Use (Z-65-96),

**LANDSCAPING:** Landscaping in conformity with Section 10-2082 is shown.

**TREE CONSERVATION:** This project is larger than two acres and compliance with Code Section 10-2082.14 Tree Conservation is required. The project provides 1.0022 acres of tree conservation area which is 10% of gross site acreage.  
**Tree conservation acreage is as follows:**  
Primary: 0.761 acres  
Secondary: 0.2412 acres

**UNITY OF DEVELOPMENT:** N/A

**PHASING:** This is a one phase development.

---

**COMPREHENSIVE PLAN:**

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

**THOROUGHFARE / COLLECTOR PLAN:** Dedication of right-of-way is not required in this location.

**TRANSIT:** This site is presently served by the existing transit system.

**URBAN FORM:** This site is located in the Northwest Citizen Advisory Council, in an area designated as a Regional Mixed Use area.

---

**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** There are no minimum lot sizes or dimensional requirements in this zoning district as currently developed with commercial uses. Any new residential land uses in this zoning district would require a minimum ten (10) acre lot size.

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

**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 provided.

**CIRCULATION:** Lots will gain access from Brier Creek Parkway and Little Brier Creek Lane.

**PEDESTRIAN:** Existing sidewalk locations conform to City regulations.

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

**STORMWATER  
MANAGEMENT:** The subdivision will utilize the existing shared stormwater BMP device located on Lot 4. All lots will be over 1 acre in size and any further development on lots will be subject to stormwater regulations.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

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

**STREET NAMES:** No new street names are being proposed with 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 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:** 7/11/16  
Record the 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.