



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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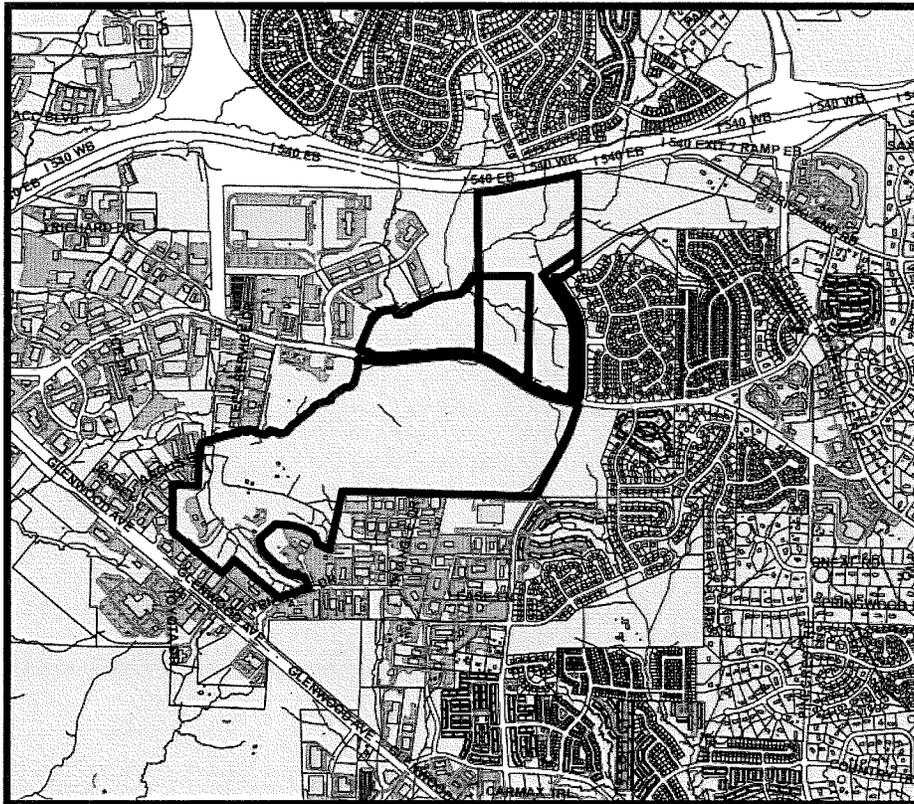
Case File / Name: S-45-13 / Westgate Road Subdivision

General Location: The site is located on Westgate Road, adjacent to the west side of Ebenezer Church Road, and adjacent to the south side of interstate-540.

CAC: Northwest

Nature of Case: The recombination and subsequent subdivision of 296.40 acres consisting of four parcels and right-of-way dedication for the realignment of Westgate Road. Parcel 0778536990 and 0778429107 are zoned Thoroughfare District, Industrial-1 CUD w/ Airport Overlay District. Parcel 0778740512 is zoned Industrial-1 w/ SHOD-2. Parcel 0778744381 is zoned Office & Institutional-1 and Thoroughfare District. All properties are inside the City limits.

Contact: Chris Bostic, Kimley-Horn and Associates, Inc.



Westgate Road Subdivision – Location Map

SUBJECT: S-45-13

CROSS-REFERENCE: Z-10-2012

LOCATION: The site is located on Westgate Road, adjacent to the west side of Ebenezer Church Road, and adjacent to the south side of interstate-540.

PIN: 0778536990, 0778429107, 0778740512, & 0778744381

REQUEST: The recombination and subsequent subdivision of 296.40 acres consisting of four parcels and additional right-of-way dedication for the realignment of Westgate Road. Parcel 0778536990 and 0778429107 are zoned Thoroughfare District, Industrial-1 CUD w/ Airport Overlay District. Parcel 0778740512 is zoned Industrial-1 w/ SHOD-2. Parcel 0778744381 is zoned Office & Institutional-1 and Thoroughfare District. All properties are inside the City limits.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: *Prior to issuance of a mass 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) If 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;
- (3) That a 100 year floodplain analysis be submitted and if required based on the area of disturbance, be approved by the Public Works Department;
- (4) That a land disturbing permit is obtained for any disturbance greater than 12,000 square feet;

Prior to the approval of Infrastructure Construction Plans or Site Review permit, whichever is applicable:

- (5) That a 100 year floodplain analysis be submitted and if required, required based on the area of disturbance, be approved by the Public Works Department;
- (6) If the developer proposes 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;
- (7) 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 10A Chapter 9 of the Unified Development Ordinance, 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;

Prior to Planning Department authorization to record lots:

- (8) That a surety of 124% shall be posted to the City of Raleigh covering all public improvements;
- (9) That 90' right-of-way for the newly aligned right-of-way be dedicated, a 43' back-to-back section constructed, and 2-20' slope easements for Westgate Road is dedicated to the City of Raleigh;
- (10) That a recombination map reconfiguring existing lot lines be recorded;
- (11) That two 15' x 20' transit easements located on Westgate Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department prior to building permit approval;
- (12) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (13) That a plat of all tree conservation areas must be recorded at the Wake County Register of Deeds Office and the book and map reference must be provided to the City Forestry Specialist;
- (14) That Infrastructure Construction Plans are approved by the Public Works Department and Public Utilities Department;
- (15) That NCDOT approve any driveway permits on the existing and proposed Westgate Road;
- (16) 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);”

- (17) That the newly aligned Westgate Road is accepted by the City of Raleigh;
- (18) That a letter from NCDOT is submitted to the City of Raleigh approving the closure of Westgate Road;
- (19) That a 50' greenway reservation is shown on all plats for recording in the location determined by the Parks and Recreation Department;
- (20) That all conditions of Z-10-12 are complied with; and

Prior to issuance of a zoning permit for locating overburden per the rezoning conditions:

- (9) That a full functional alignment design for the future roadway extensions be submitted to the City of Raleigh for approval so that the location of the overburden can be approved;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bower (C. Bower) Date: 9-30-14

Staff Coordinator: Meade Bradshaw

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, 10-2035, 10-2045, 10-2046, 10-2050, 10-2059, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8/29/13, owned by Martin Marietta Materials, Inc, submitted by Kimley-Horn & Associates, Inc.

ZONING:

ZONING DISTRICTS: Z-10-12 . Ordinance 085ZC674 Effective 7/30/12.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 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 21.77 acres of tree conservation area which is 10.14% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.53 acres
Secondary: 21.24 acres

UNITY OF DEVELOPMENT: N/A

PHASING: There are two phases in this project. The first phase results in the recombining of lots 4, 1, and 2. The northern boundary of lot 4 will become the northern right-of-way of Westgate Road which will be dedicated.

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:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Westgate Road	90'	Per construction approval	20'

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 2- 15' x 20' transit easements on the future Westgate Road right-of-way.

URBAN FORM: This site is located in the Northwest Citizen Advisory Council, in an area designated as a special study area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. 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: Private service will be provided by a private contractor.

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

PEDESTRIAN: Sidewalks are provided in accordance with the street construction drawings for Westgate Road.

FLOOD HAZARD: There are no flood hazard areas on this site. Impacts to floodway areas may require a flood study and-or FEMA map revision.

**STORMWATER
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Each lot is over 1 acre and will be responsible for addressing stormwater requirements independently at time of Site Plan or further subdivision. Lots will be responsible for addressing stormwater compliance for ROW improvements.

**WETLANDS
/ RIPARIAN
BUFFERS:** There are wetland areas and Neuse River riparian buffers on this site. Any impacts to wetlands or buffers will require approval from NC DENR and US ACOE.

STREET NAMES: No new street names are required.

**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: 9/30/2017
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/30/19
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.