



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-48-13 / Thornton Commons

General Location: Located on Thornton Road, east of its intersection with Capital Boulevard

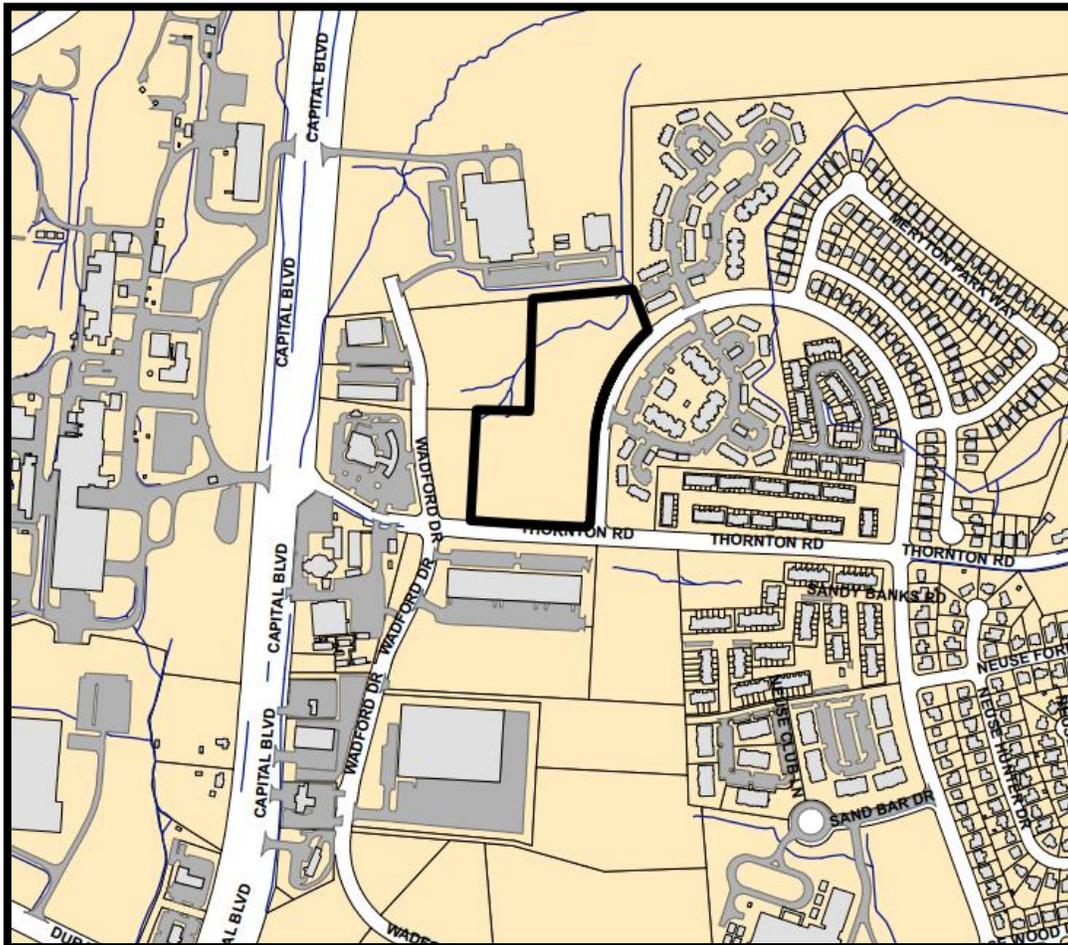
CAC: Forestville

Nature of Case: The subdivision of 8.53 acres into 98 townhome lots and 2 open space lots, zoned Shopping Center CUD located inside the City limits. The total area for residential in the zoning exceeds 10 acres.

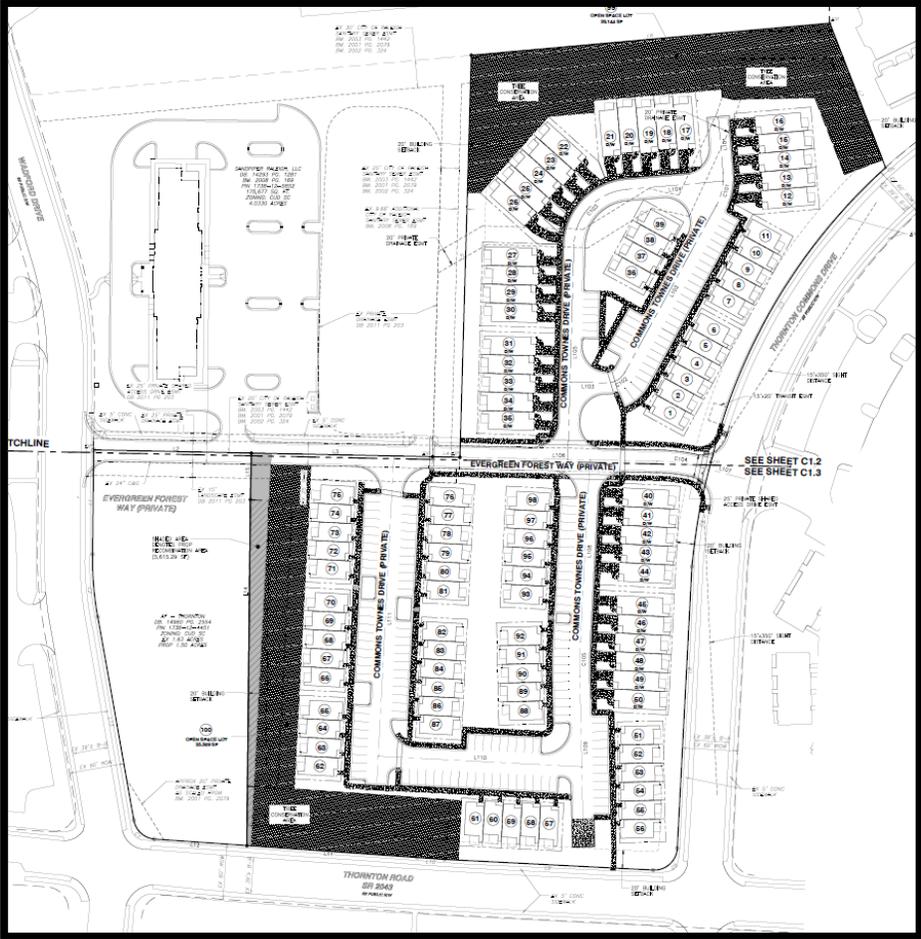
Z-30-99(13) requires the entire rezoned property to have a density between 8 and 20 units per acre. The developments have a density of 9.1 units per acre.

This project was submitted prior to September 1, 2013.

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



S-48-13 / Thornton Commons



S-48-13 / Thornton Commons

SUBJECT: S-48-13

**CROSS-
REFERENCE:** Z-30-99

LOCATION: This site is located on the north side of Thornton Road, east of its intersection with Capital Boulevard, inside the City Limits.

PIN: 1738128559

REQUEST: The subdivision of 8.53 acres into 98 townhome lots and 2 open space lots, zoned Shopping Center CUD, located inside the City Limits.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass grading permit, final site review permit or infrastructure construction plans, whichever is applicable first;

- (1) That a map of the tree conservation areas with metes and bounds descriptions must be submitted to the City Forestry Specialist. Except for construction drawings, tree protection fence must be set up along the boundaries of all tree conservation areas and an appointment must be made with the City Forestry Specialist to inspect the fence.
- (2) That a stormwater control plan with a stormwater operations and maintenance manual (permeable pavers and grass swale) 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;
- (3) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (4) That the existing landscape easement (DB 2011 PG 203) is shown on all maps for recording;

Prior to Planning Department authorization to record lots:

- (5) 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;
- (6) That a 15' x 20' transit easement located on Thornton Commons Drive 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;
- (7) That street names for this development be approved by the Raleigh GIS Division and by Wake County;

- (8) That Infrastructure Construction Plans are approved by the Public Works Department;
- (9) That a recombination map is approved adjusting an existing lot like to be consistent with the layout shown on the preliminary plan;
- (10) 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 construction of all stormwater control facilities (permeable pavers and grass swale) shown on the development plans;
- (11) That a cross access agreement is recorded at the Wake County Register of Deeds, between the site and the property to the north;
- (12) That a revised 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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (13) That a City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities (permeable pavers and grass swale) 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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (14) 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.

Prior to issuance of a certificate of occupancy:

- (15) That when 75% of the permits have been issued for residential subdivisions, 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; and
- (16) That the inspection of the construction of internal streets submitted for city approval will become the responsibility of the owner/developer. Copies of certified inspection reports (see attached requirements) involving subgrade/aggregate base proofrolls, aggregate base and asphalt densities

and thickness, and other pertinent information must be submitted to the City of Raleigh Public Works Department.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bowes (P. Day) Date: 7-2-14

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, 10-2041, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 4/11/13, owned by A.F. Thornton, LLC, submitted by Bass, Nixon, & Kennedy, Inc.

ZONING:

**ZONING
DISTRICTS:**

Shopping Center CUD. Ordinance (1999) 682 ZC 468 Effective 11/16/99.

Z-30-99 Thornton Road, north side, east of Capital Boulevard, being Wake County Tax Map Parcels 1738.14 22 7801, 1738.13 12 3767, 3527; 1738.17 12 2339, 3323. Approximately 77 acres to be rezoned to Shopping Center Conditional Use (20 acres) and Office and Institution-2 Conditional Use (56 acres).

Conditions: (11/9/99)

1. All development shall comply with CR-7107.
2. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, R-4. Subject to the provisions of Code Sec. 10-3024, as a part of any subdivision of the subject property, and prior to issuance of building permits from any approved site plan, the right-of-way for a collector street parallel to Capital Boulevard (US Highway 1) as generally shown on attached plat dated October 22, 1999, entitled "Proposed Rezoning Plan for Thornton Road", and prepared for Tillett Development Company, shall be dedicated from the subject property. In any event, subject to the provisions of Code Sec. 10-3024, owner shall dedicate right-of-way from the subject property for the parallel collector along Capital Boulevard on before said boulevard converts to an expressway.
3. The following uses, otherwise permitted, shall be prohibited in the O&I-2 CUD district:
 - a. Emergency Shelter Type A and Emergency Shelter Type B;
 - b. Cemetery;
 - c. Airfield, landing strip, heliport; and,
 - d. Manufacturing - Specialized.

4. The following uses, otherwise permitted, shall be prohibited in the SC District:

- a. Emergency Shelter Type A and Emergency Shelter Type B;
- b. Cemetery;
- c. Landfill (debris from on-site);
- d. Adult establishment;
- e. Airfield, landing strip, heliport; and,
- f. Kennel/Cattery.

5. A Natural Protective Yard area shall be maintained around trees of significant aesthetic value near the Thornton Road right-of-way shown on plat entitled "Wadford Boundary Survey" prepared by John A. Edwards & Company, dated August 19, 1999.

6. The quantity of street yard landscaping plantings along all public rights-of-way shall be increased by 50% of the requirements described in Code Sec. 10-2082.5.

7. All refuse containers, mechanical/maintenance facilities, and HVAC units shall be screened such that they are not visible from any public streets rights-of-way or residential zoning district.

8. No land disturbing activity shall be permitted within any 100-year floodplain located on the property.

9. Any office development of the O&I-2 CUD portion shall be limited to floor area ratios of .33, and shall conform with unity of landscaping and unity of signage.

10. Any retail development of the SC CUD portion of the property shall not include single uses in excess of 65,000 square feet, and shall conform with unity of landscaping and unity of signage. Freestanding signs shall be low-profile only.

11. No dwelling unit or equivalent dwelling unit shall be established unless it is part of or adjoining a residential project located on a minimum tract or a residential subdivision consisting of at least ten (10) acres.

12. Prior to the issuance of Certificates of Occupancy for more than 70,000 square feet of retail uses, no less than 15 acres shall be developed for residential use.

13. Cumulative residential development shall be a minimum of 8 units per acre and a maximum of 20 units per acre.

14. A residential development shall be centrally located such that it is adjacent to the Shopping Center CUD and office development sites, substantially as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.

15. In order to encourage pedestrian use of the SC CUD site, a pedestrian access shall connect the proposed residential development to the SC CUD. Portions of the pedestrian access located within SC CUD shall be at least 8 feet wide and covered.

16. The development of the Shopping Center CUD shall not exceed 135,000 square feet of retail space; excluding temporary outdoor events.

17. A minimum of 5' of the total square footage of development in the SC CUD zoning west of the loop road, shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall consist of O&I uses.

18. Development of the Shopping Center CUD shall consist of a neighborhood scale shopping/service center facility and no more than three (3) retail out parcels.

19. If the shopping/service center facility includes multiple levels, office, institutional and residential uses shall occupy the upper levels.

20. Any retail uses located in the SC CUD on the east side of the loop road, as shown on map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company, shall be located in a building of at least two stories and shall include office and/or residential uses on the upper floor(s).

21. All retail out parcels which are immediately adjacent to a residential development or office development shall provide safe pedestrian cross access with same.

22. Cross Access - Upon complete build-out of the subject property, a level of cross access shall be achieved such that a pedestrian or vehicle or both can access every developed parcel from another developed parcel. This level of cross access may be achieved through one or more of the following:

A. Vehicular Cross Access

1. Existing or newly dedicated public streets and rights-of-way;
2. Private driveways;
3. Parking lots;
4. Other vehicular surface areas

B. Pedestrian Cross Access

1. Sidewalk (inside and outside of public rights-of-way)
2. Cross-walks
3. Walking paths
4. Jogging paths
5. Brick yards
6. Other pedestrian access ways

23. Property owner shall make available to the City a site for a municipal bus stop, the specific location of which will be determined at site plan approval.

24. Hotels, motels and extended stay facilities, as defined by the City of Raleigh code, shall be prohibited within the area designated for residential development as generally shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development Company.

25. Subject to condition 24 above, no more than two hotel, motel or extended stay facilities, as defined by the City of Raleigh code, or any combination thereof shall be allowed on the subject property.

26. Prior to the issuance of Certificates of Occupancy for any uses on the SC CUD east of the loop road as shown on a map dated October 22, 1999, entitled "Proposed Rezoning Plan - Thornton Road" and prepared for Tillett Development

Company, a minimum of 10,000 square feet within the SC CUD area will have a primary building entrance facing residential development to the east and/or south.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular Surface Area landscaping is consistent with Code Section 10-2082.6. The development is bounded by public rights-of-way, a non-residential use, and apartments; therefore, no transitional protective yards are required in accordance with 10-2082.9.

TREE CONSERVATION: This project is larger than two acres and compliance with Code Section 10-2082.14—Tree Conservation is required. The project provides 0.89 acres of tree conservation area which is 10.25% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.00 acres
Secondary: 0.89 acres

UNITY OF DEVELOPMENT: Not applicable

SETBACK / HEIGHT: Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be less than 10'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Buildings are less than 28' in height.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or .98 acres required, 1.87 acres provided.

PARKING: Off-street parking conforms to minimum requirements: 245 spaces required, based on 2.5 parking spaces per dwelling unit. 228 spaces are provided. A reduction of 19 off-street parking spaces for landscape planting area is being utilized. Parking spaces meet minimum standards for size and aisle width.

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Sufficient right-of-way exists on Thornton Road.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement Thornton Commons Drive.

URBAN FORM: The site is located within the Forestville CAC, in an area designated neighborhood mixed-use on the future land use map.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: All lots are consistent with code section 10-2103. 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. A private street will be constructed, bisecting the northern tract (lots 1-39 & 99) and the southern tract (lots 40-100). This private street is currently constructed to the west which intersects with Wadford Drive.

PEDESTRIAN: Sidewalks exist along Thornton Road and Thornton Commons Drive. Sidewalks provide access from each lot to both public rights-of-way. Sidewalks are proposed on both sides of the proposed private 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. This site will utilize the shared dry detention pond located on Value Hotel site (see Thornton Commons, S-19-00) for stormwater quantity regulations. Additionally, a grassed swale and permeable pavement will be utilized along with a nitrogen offset payment to meet stormwater quality regulations. The existing legal documents must be revised because of a parcel recombination.

**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: 7/2/2017

Record at least ½ of the land area approved.

5-Year Sunset Date: 7/2/2019

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.