



Administrative Action

Preliminary Subdivision

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

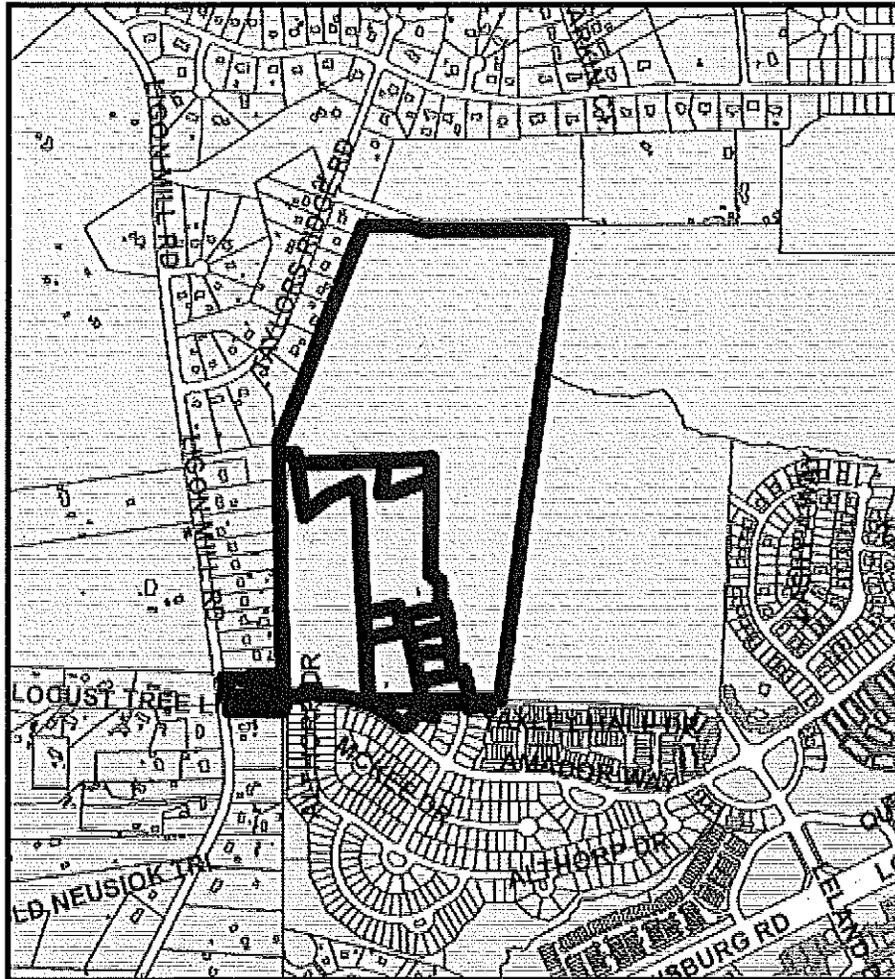
Case File / Name: S-50-13 Highland Creek Subdivision – Phase 10 Revision

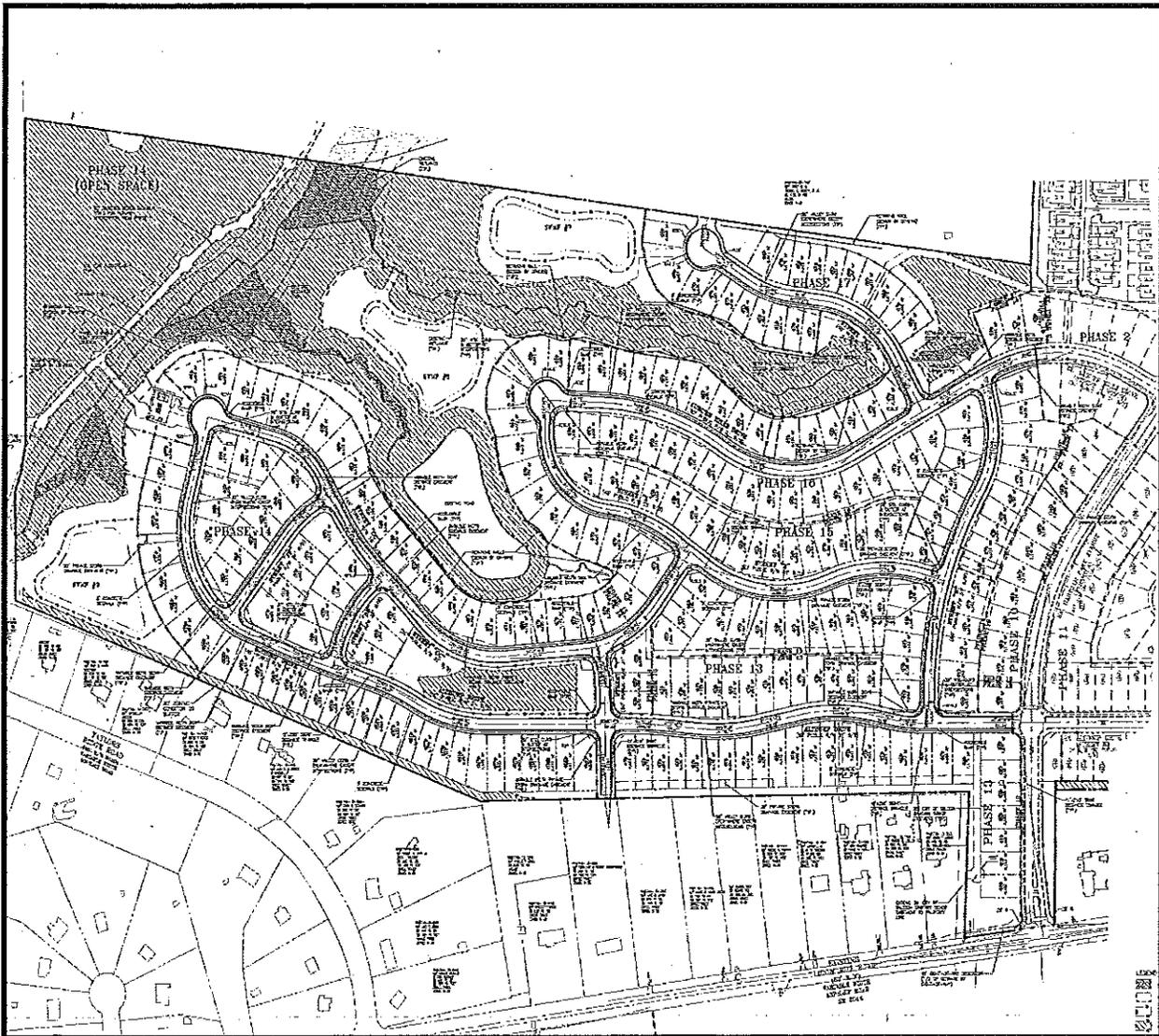
General Location: This site is located north of Louisburg Road, east of Ligon Mill Road.

CAC: Northeast

Nature of Case: Subdivision of an 89.11 acre tract zoned Residential-6 Conditional Use into 269 single family lots and 3 open space lots. Previously approved as Phase 10 of Highland Creek (S-27-2005), the subject area is proposed to be split into six new phases.

Contact: Brian Purdy





Subdivision Layout

SUBJECT: S-50-13 / Highland Creek Subdivision Phase 10 Revision

**CROSS-
REFERENCE:** S-27-2005

LOCATION: This site is located north of Louisburg Road, east of Ligon Mill Road.

REQUEST: Subdivision of an 89.11 acre tract zoned Residential-6 Conditional Use into 269 single family lots and 3 open space lots. Previously approved as Phase 10 of Highland Creek (S-27-2005), the subject area is proposed to be split into six new phases. Previously approved phase 10 included 258 lots. Proposed tract configuration would add 11 lots to the overall area.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a grading permit, final site review permit, infrastructure drawings or concurrent review for the site:

- (1) That a design exception is approved by the Public Works Director and City Council which reduces all internal streets within the Highland Creek Subdivision to 25 mph; phases 10, 13, 14, 15, 16 and 17;
- (2) That a final tree conservation plan with permit 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;
- (3) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (4) 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:

- (5) That floodprone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (6) That construction plans for public improvements and shared stormwater devices be approved by the Public Works Department;

- (7) That a revised phasing plan is submitted to address pump station approval, open space and stormwater; the pump station must be permitted by Public Utilities before recordation of Phase 13;
- (8) That street names for this development be approved by the City of Raleigh and by Wake County;
- (9) That ½-80' right-of-way and 20' slope easement be dedicated on Ligon Mill Road;
- (10) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;
- (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 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;
- (13) 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 perpetuity 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).". This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it;
- (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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (15) That all sight triangles and sight easements on the preliminary plan shall be placed on all plats for recording stating: "Within the sight triangles shown on this plan, no obstruction between 2 feet and 8 feet in height above curb line elevation shall be located in whole or part. Obstructions include but are not limited to any berm, foliage, fence, wall, sign, parked vehicle or other object";

Prior to issuance of building permits:

- (16) 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;
- (17) 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 times 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 building occupancy permit:

- (18) 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;
- (19) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell Silver (C. Hayes) Date: 1-31-14

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 10-2019 and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 12/5/13, owned by Centex Homes, submitted by Brian Purdy, The John R. McAdams Co.

ZONING:

ZONING
DISTRICTS: Residential-6 Conditional Use (Z-77-2004)

Z-77-04 – Louisburg Road, north side, being various Wake County PIN's. Approximately 271.43 acres rezoned to Residential-6 Conditional Use.

Conditions dated: (12/2/04)

For purposes of the following conditions, the parcels with the following PIN numbers are referred to as the "Property": 1748.03-21-8062 (portion north of Hwy 401); 1748.03-23-1111; 1748.03-42-5047 (portion north of Hwy 401); 1748.03-12-9255; 1748.03-12-6402; 1748.03-22-2143; 1748.03-22-0640; 1748.03-22-2225; 1748.03-21-2969; 1748.03-21-3825; 1748.03-11-1996; 1748.03-11-1816; 1748.03-11-2886; 1748.03-23-1683.

- (a) Residential development of the Property shall not exceed 4.5 units per acre.
- (b) Dwelling units upon the Property shall consist only of single family detached dwellings, townhouse development, or unit ownership (condominium) development (or a combination thereof) and related amenities and accessory uses.
- (c) Along the boundary of the Property with Tax Parcels PIN 1748.10-4373 (Heater Utilities, Inc.), 1748.03-10-6229 (Lail), 1748.03-10-7350 (Spencer), and 1748.03-10-9245 (Thielemann), there shall be maintained an undisturbed protective yard thirty (30) feet in width. It is provided, however, that the owner may disturb such protective yard for the installation of a paved trail five (5) feet in width and for the installation of utilities and stormwater control and/or treatment facilities and devices, and for the removal of underbrush and dead, dying, diseased and noxious vegetation.
- (d) With respect to the remaining boundary of the Property along those portions of the boundary that are within two hundred (200) feet of a residence in existence at the time of the approval of this case, there shall be maintained an undisturbed protective yard twenty (20) feet in width. It is provided, however, that the owner may disturb such protective yard for the installation of a paved trail five (5) feet in width and for the installation of utilities and stormwater control and/or treatment facilities and devices, and for the removal of underbrush and dead, dying, diseased and noxious vegetation.
- (e) Submitted with these conditions is an aerial photograph of the Property dated 2002. Areas of the Property containing trees are identified on the aerial photograph. Upon development, trees within twenty percent (20%) of the areas so identified shall be actively preserved and protected.
- (f) Vehicular access to the Property shall be limited to a maximum of three (3) points on Louisburg Road.
- (g) Upon development of the Property, an offer of vehicular cross-access shall be made to Tax Parcel PIN 1748.0-33-5307.
- (h) A SHOD-3 yard fifty (50) feet in width shall be maintained along the boundary of the Property with the right-of-way of Louisburg Road. Points of vehicular ingress and egress to the Property may pass through such yard and utilities and stormwater control pipes, facilities, and devices may be installed therein.

(l) Prior to development of the Property, the owner shall submit a subdivision plan with respect to the Property which shall have a street plan approved by the Raleigh Department of Transportation. Development of the Property shall be in accordance with this subdivision plan.

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

TREE CONSERVATION: This project is required 10% or 17.99 acres for tree conservation. This project has dedicated 25.43 acres which is:
Primary: 15.43 acres
Secondary: 10.00 acres

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 26.53 acres are required, 62.69 acres are provided as open space with the overall subdivision.

UNITY OF DEVELOPMENT: N/A

PHASING: This subdivision will be developed in six phases:
Phase 10 - 9 lots (1.46 acres)
Phase 13 - 41 lots (8.86 acres)
Phase 14 - 86 lots (50.86 acres)
Phase 15 - 58 lots (11.62 acres)
Phase 16 - 55 lots (10.48 acres)
Phase 17 - 20 lots (5.89 acres)

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>
Ligon Mill Road	½-80 feet	N/A	20 feet

Right-of-way on Ligon Mill Road, exceeding ½-55' width is reimbursable under the facility fees program. Slope easement on Ligon Mill Road is also reimbursable under the facility fees program.

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

URBAN FORM: This site is located in the Northeast Citizen Advisory Council, in an area designated a residential area.

**SUBDIVISION
STANDARDS:**

- LOTS / SETBACK:** The minimum lot size in this zoning district (for a cluster unit development) is 4,556 square feet. Lots in this development conform to this minimum standard. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development. A perimeter protective yard of 20' width is required and shown along the perimeter of this of the development where minimum rear setbacks are not otherwise being met.
- 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 streets in this development exceed 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.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This revision to Highland Creek phase 10 is subject to stormwater management controls in accordance with Raleigh City Code. Proposed phases 13 and 14 will require SWMF #9 to be built. Phases 15 & 16 will require SWMF #8 to be built.
- WETLANDS
/ RIPARIAN
BUFFERS:** There are Neuse River riparian buffers on this site.
- STREET NAMES:** 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 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: 1/31/17**
Record at least ½ of the land area approved.
- 5-Year Sunset Date: 1/31/19**

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.