



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-2-14 / Southlight Subdivision

General Location: The site is located on the east side of Garner Road, north of the intersection of Newcome Road and Garner Road.

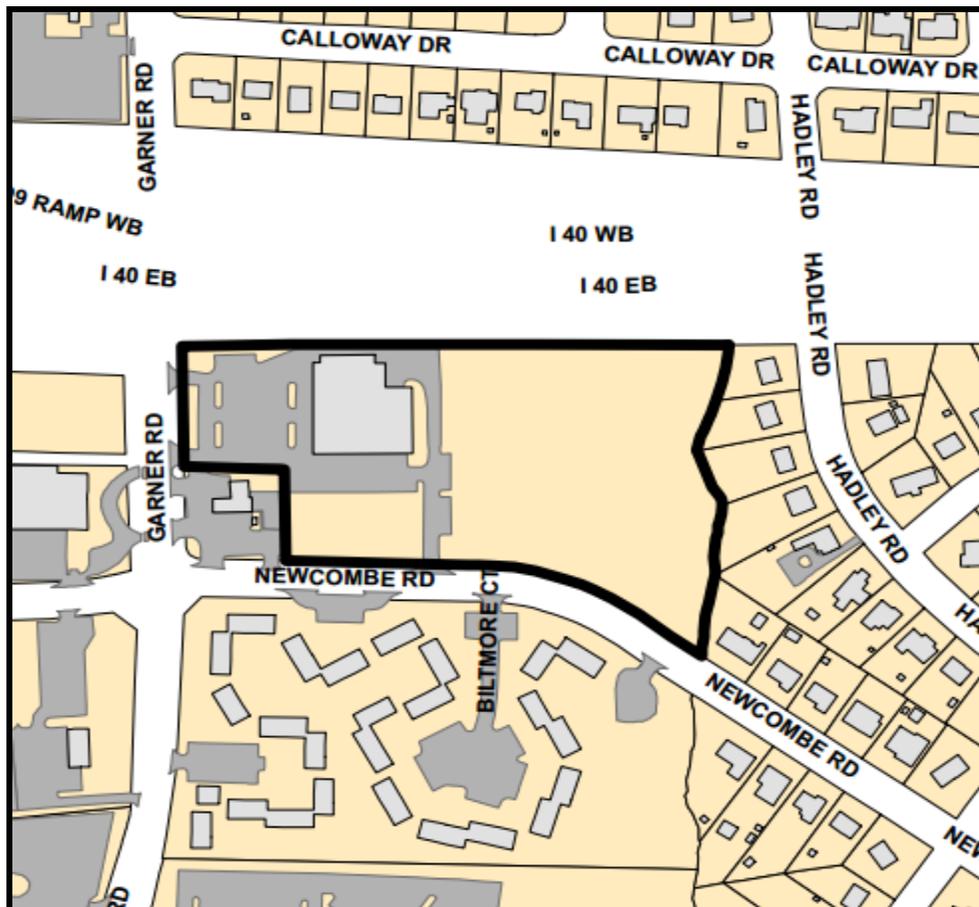
CAC: South

Nature of Case: Subdivision of 6.53 acres into 3 nonresidential lots, zoned Shopping Center and Special Highway Overlay District-2.

Contact: Sean Dolle – Grounded Engineering

Design Adjustment: A design adjustment has been approved by the Public Works Director to the block perimeter requirements of Article 8.3 to not require a new public street connection.

Administrative Alternate: NA



SUBJECT: S-2-14

CROSS-REFERENCE: NA

LOCATION: The site is located on the north side of Newcombe Road and east side of Garner Road, inside the city limits.

PIN: 1702987890

REQUEST: This request is to approve the subdivision of a 6.53 acre tract into three nonresidential lots, zoned Shopping Center and Special Highway Overlay District-2.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever is applicable:

- (1) 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 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) The fee-in-lieu shall be paid for the 1' concrete sidewalk along Garner Road, the Street Trees on Garner Road, and the remaining section of public improvement of eastern frontage on Newcombe Road;
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (6) That in accordance with Part 10A Section 9.4.4, a surety equal to 125% of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (7) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, is paid to the Public Works Department;

Prior to authorization to record lots:

- (8) 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;
- (9) 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; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (10) 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 property owner."
- (11) 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)."
- (12) 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.
- (13) That the 75' greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of the plat;
- (14) That cross access agreements among all lots shown on the preliminary plan are approved by the Planning Department for recording in the Wake County Registry, and that a copy of the recorded offer of cross access easement be returned to the Planning Department within 1 day of lot recording;
- (15) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of construction of a stormwater device shall be paid to the City;
- (16) That ½ of the required right of way for Necombe Road is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (17) That a sidewalk connection be constructed from the existing building on Lot 1 to Garner Road.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kenneth Bowen (C. Bowen) Date: 9-18-14

Staff Coordinator: Justin Rametta

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

FINDINGS: City Administration finds that, with the following conditions of approval being met, this request conforms to Part 10, Chapter 2, Sections 10-2041 and 10-2059, Part 10A (Unified Development Ordinance) Articles 8, and 9. This approval is based on a preliminary plan dated 7/21/14 owned by Southlight, Inc., submitted by Grounded Engineering.

ZONING:

ZONING DISTRICTS: Shopping Center, Special Highway Overlay District-2.

TREE CONSERVATION: As this project is larger than two acres, compliance with UDO Article 9.1, *Tree Conservation*, is required. The project provides 0.642 acres of tree conservation area which is 10.11% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.225 acres
Secondary: 0.11 acres
Greenway: 0.307 acres

PHASING: This is a one phase development.

COMPREHENSIVE PLAN:

GREENWAY: The Walnut Creek Biltmore Hills future greenway corridor runs along the eastern property line of the subject parcel. Greenway dedication is required due to the usage of a portion of the greenway area for tree conservation purposes. A 75' greenway easement dedication is shown on the plans.

STREET TYPOLOGY MAP: Dedication of right-of-way and construction of the following streets are required by the Street Typology Map of the Comprehensive Plan. No new street construction is proposed. Dedication of right-of-way is not required for Garner Road, but is on Newcombe Road as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Garner Road	Avenue, 2-lane divided	80'	1/2- 75'	41'	41' (No construction required)
Newcombe Road	Additional right-of-way to be dedicated is reimbursable under the facility fees program. The difference is to be paid by the applicant.	80'	1/2- 84'	36'	36' (No construction required)
TRANSIT:	This site is presently not served by the existing transit system.				

**COMPREHENSIVE
PLAN:**

This site is located in the South Citizens Advisory Council in an area designated Office and Residential Mixed Use on the Future Land Use Map.

**SUBDIVISION
STANDARDS:**

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.

BLOCKS / LOTS / ACCESS: Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. A design adjustment to the block perimeter requirements has been approved by the Public Works Director.

STREETSCAPE TYPE: The applicable streetscape is a sidewalk and tree lawn. A fee in lieu for 1' of sidewalk and street trees along Garner Road is required prior to lot recordation. Construction of 6' wide sidewalk and planting of street trees is proposed along Newcombe Road, with the exception of approximately the last 25' feet to the eastern property line. A fee in lieu will be required for any sidewalk and/or street trees not extended to the property line.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 5' sidewalk exists on Garner Road. A fee in lieu for 1' of additional sidewalk will be required. A 6' sidewalk is to be constructed along Newcombe. Access to the public right of way in addition to internal connection requirements is provided in accordance with 8.3.4 of the UDO.

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

STORMWATER MANAGEMENT: This proposed 3 lot subdivision is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. A shared bioretention pond on lot 1 will be used to meet Raleigh Stormwater Control (quality and quantity).

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are located on this site along the eastern property line.

STREET NAMES: No new streets are being proposed with this development.

**OTHER
REGULATIONS:**

Developer shall meet all City requirements, including underground utility service, flood protection measures, and the soil erosion ordinance, 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 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: 8/13/2017

Record at least ½ of the land area approved.

5-Year Sunset Date: 8/13/2019

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.