



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-27-14 / Gabriel's Bend Subdivision

General Location: The site is located at the southern end of Gabriel's Bend Drive, east of the intersection of Ebenezer Church Road and Albright Road.

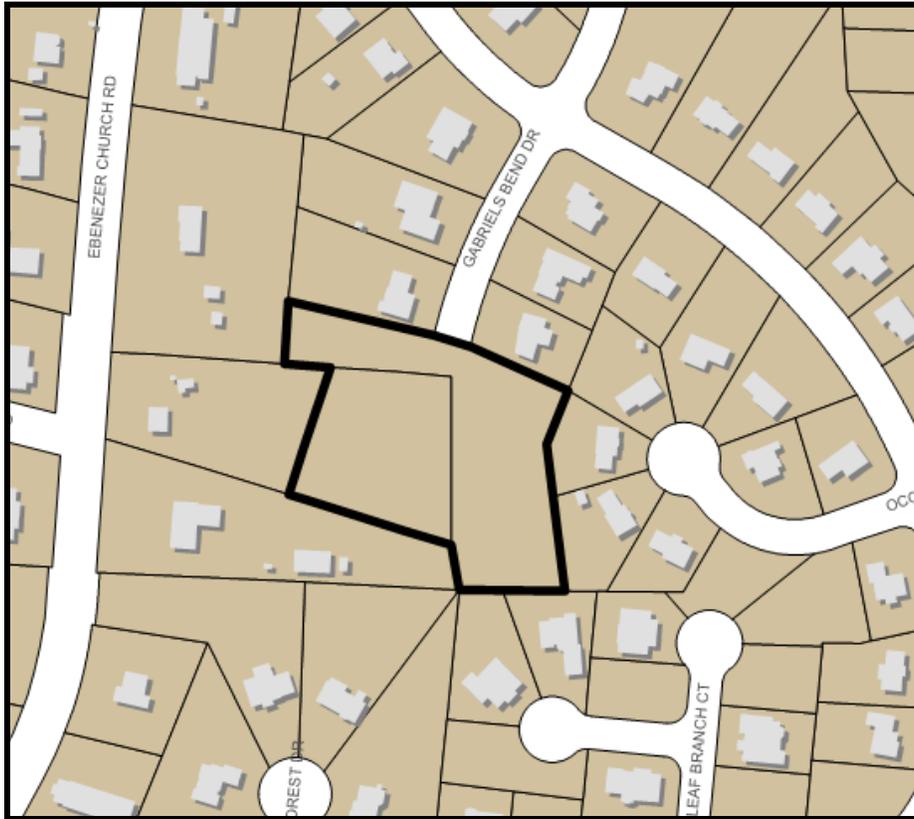
CAC: Northwest

Nature of Case: Subdivision of two tracts totaling 2.21 acres into four single family lots, zoned Residential-2 and Residential-4 with Metro Park Overlay District.

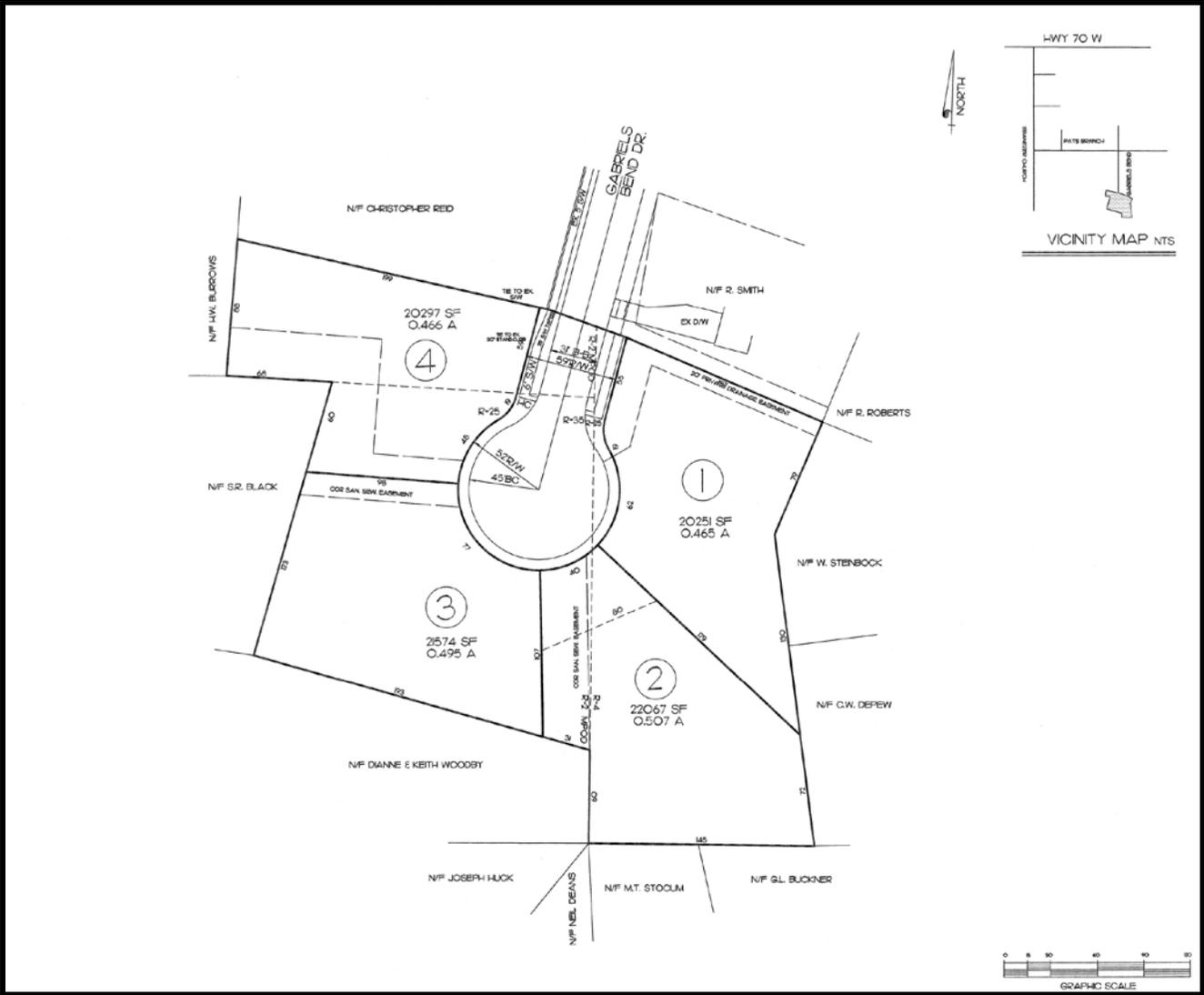
Contact: Mitchell Murphy, Penny Engineering

Design Adjustment: NA

Administrative Alternate: NA



S-27-14 Location Map



S-27-14 Preliminary Subdivision Plan

SUBJECT: S-27-14

**CROSS-
REFERENCE:** NA

LOCATION: The site is located at the southern end of Gabriel's Bend Drive, east of the intersection of Ebenezer Church Road and Albright Road, outside the city limits.

PIN: 0777633784, 0777632722

REQUEST: This request is to approve the subdivision of two tracts totaling 2.21 acres into four single family lots, zoned Residential-2 and Residential-4 with Metro Park Overlay District.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass grading permit for the site:

- (1) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (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;

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

- (3) That conditions 1 and 2, above, be met;
- (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 prior to grading or the approval of construction drawings whichever event comes first;
- (5) That as there are existing buildings downstream of this property that have experienced previous structural flooding, the subdivision shall comply with Section 9.2.2.E.3 of the UDO. Stormwater controls shall be provided for the 25, 50, and 100 year storms in addition to the 2 and 10 year storms and offsite stormwater pipes as shown on the approved preliminary plan are proposed to alleviate the surface drainage issues on the downstream properties;
- (6) That a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to Planning Department authorization to record lots:

- (7) 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;
- (8) That the offsite "Private Drainage Easement" shown on Property identified as PIN 0777634828, DB 15379 PG 1197 is shown on all plats for recording;
- (9) 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 owners association.";
- (10) That in accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device is paid to the Public Works Department;
- (11) 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;
- (12) That Infrastructure Construction Plans are approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan;
- (13) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (14) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Gabriel's Bend Drive is paid to the Public Works Department;
- (15) That an encroachment agreement for stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (16) 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;

- (17) 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;

Prior to issuance of a certificate of occupancy for any lot:

- (18) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate.

I hereby certify this administrative decision.

Signed:(Planning Dir.) Kenneth Bowen (S. Bowen) Date: 11-9-15

Staff Coordinator: Justin Rametta

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 the Unified Development Ordinance including Chapter 2, Article 2.2, Sections 2.2.1. This approval is based on a preliminary plan dated 9/9/15 owned by Reeves Properties, submitted by Penny Engineering Design.

ZONING:

ZONING DISTRICTS: Residential-2 (1.28 acres), Residential-4 (.93 acres), Metro Park Overlay District (MPOD).

TREE CONSERVATION:

This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. Part of the site is zoned R2 and requires 15% tree conservation area. The remainder of the site is zoned R4 and requires 10% tree conservation area. The project provides 0.25 acres of tree conservation area which is 13.025% of the net site acreage.

Tree conservation acreage is as follows:

Primary: 0.00 acres
Secondary: 0.25 acres

PHASING: There is one phase in this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**STREET
PLAN MAP:**

This project includes the extension of Gabriel’s Bend Drive and construction of a cul-de-sac. Gabriel’s Bend Drive is classified as a Neighborhood Local Street by the street plan map of the Comprehensive Plan, requiring a 31’ back-to-back street section in a 59’ right-of-way with associated streetscape improvements. A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Gabriel’s Bend Dr. Extension	Neighborhood Local	NA	59’	NA	31’

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

**COMPREHENSIVE
PLAN:**

This site is located in the Northwest CAC in an area designated for low density residential development.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The following are the minimum dimensional requirements for lots in the R-2 and R-4 zoning districts. Lots in this development conform to these minimum standards.

	R-2	R-4
Min. lot width	80’	65’
Min. lot depth	100’	100’
Min. lot size	20,000 sq. ft.	10,000 sq. ft.

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.
- STREETSCAPE TYPE:** The applicable streetscape is residential. Construction of a 6' wide sidewalk with a 6' tree lawn is proposed.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Gabriel's Bend Drive. 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 site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. Proposed stormwater control measures for detention of the 2 and 10 year storm are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Additionally, because there is documented downstream structural flooding the subdivision will comply with 9.2.2.E.3 of the UDO and is proposing additional stormwater runoff control for the 25, 50, and 100 year storms. Offsite pipes will also be installed to alleviate the surface drainage issues on downstream properties. A buy down only for nitrogen will meet stormwater quality requirements.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- 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: 11/9/2018
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/9/2020
Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE 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 Public Works Department for street construction; by the first working day in November and May each year.