



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-50-14 / Villages of Lake Boone Trail

General Location: The site is located on the north side of Lake Boone Trail, east of the intersection of Blue Ridge Road.

CAC: Northwest

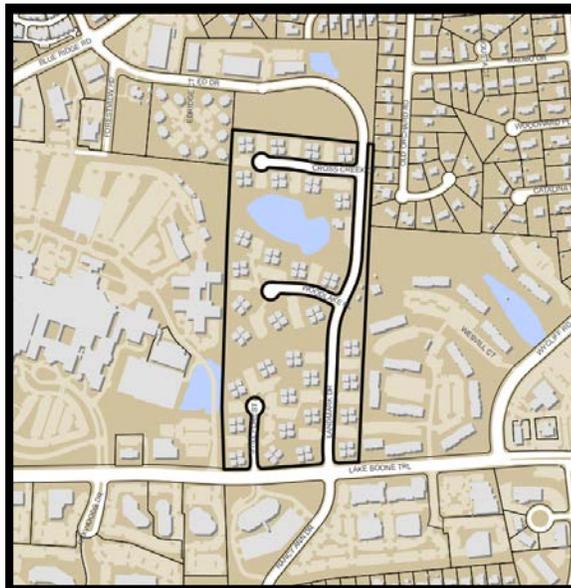
Nature of Case: Subdivision of 30.65 acre parcel into 12 lots zoned CX-5-PL, CX-4-PL, NX-4, OX-3, OX-4, located inside the city limits. The site is currently developed with multifamily units on-site. The units will be demolished prior to site plan approval on each lot.

Contact: Andy Padiak, McAdams Company

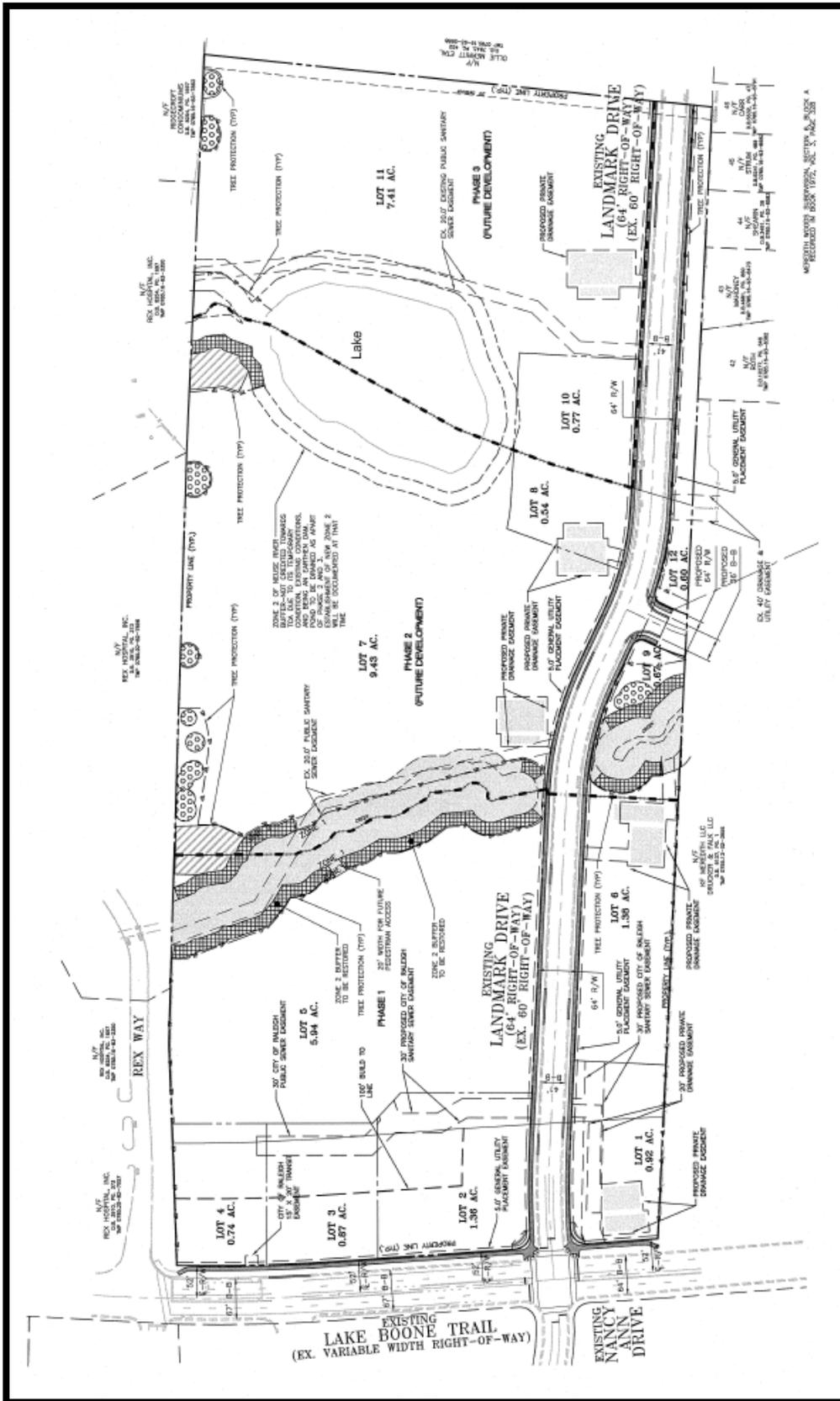
Design Adjustment: One Design Adjustment has been approved by the Public Works Director for this project, noted below.

1. A Design Adjustment from UDO Section 8.3.6 - Block Perimeter

Administrative Alternate: NA



Location Map



Subdivision Layout

SUBJECT: S-50-14

**CROSS-
REFERENCE:** Z-20-13

LOCATION: The site is located on the north side of Lake Boone Trail, inside the city limits.

PIN: 0785932086

REQUEST: Subdivision of 30.65 acre parcel into 12 lots zoned CX-5-PL, CX-4-PL, NX-4, OX-3 and OX-4, located 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 as 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;
- (2) 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;
- (3) 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:

- (4) 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;
- (5) That as 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;

- (6) 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;
- (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;
- (8) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (9) That a phasing plan is approved showing what public improvements will be associated with each lot;

Prior to Planning Department authorization to record lots:

- (10) That 64' of the required right-of-way and 5' utility easement along Landmark Drive is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to lot recordation;
- (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 ½-104' of the required right-of-way and 5' utility easement along Lake Boone Trail is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to lot recordation;
- (13) That a demolition permit be issued and the building permit number be shown on all maps for recording;
- (14) That a 15' x 20' transit easement located on Lake Boone Trail 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;
- (15) That a right of way permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (16) That the rights-of-way for Still Forest Place, Woodlake Place, and Cross Creek Court are abandoned by City Council. The resolution number shall be placed on the recorded map;
- (17) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete;
- (18) That all conditions of Z-20-13 are complied with;
- (19) That infrastructure construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;

- (20) 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;
- (21) 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;
- (22) 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;
- (23) 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;
- (24) 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;"
- (25) 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);"
- (26) That a cross access agreement among the subject parcel and the parcel to the adjacent east (DB 13182 PG 2639) owned by Meredith PTNR LLC is 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: and

(27) 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.)

Date: 5/18/15

Ken Bower (C.D.P.)

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 City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Article 2.2, Sections 2.2.1, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 1/23/15 owned by Tribridge Residential LLC, submitted by McAdams.

ZONING:

**ZONING
DISTRICTS:**

Z-20-13 - CX-5-PL, CX-4-PL, NX-4, OX-3, OX-4
Ordinance 238 ZC 693 Effective November 5, 2013.

Z-20-13 - Landmark Drive, Conditional Use - located on Lake Boone Trail being Wake County PIN(s), Approximately 34.29 acre(s) to be rezoned from O&I-1 CUD, to CX-5PL CU, CX-4-PL CU, NX-4 CU, OX -3 CU, OX-4-CU.

Conditions Dated: 09/19/13

Narrative of conditions being requested:

1. The following principal uses, as listed in UDO Section 6.1.4, "Allowed Principal Use Table", shall be prohibited on all portions of the property:

- a. Boardinghouse
- b. Dormitory, fraternity, sorority
- c. Monastery, convent
- d. Orphanage
- e. Emergency shelter type A
- f. Emergency shelter type B
- g. Special care facility
- h. Cemetery
- i. College, community college, university
- j. Civic club
- k. Museum, library

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- k. Museum, library
- l. School, public or private (K-12)
- m. Aeration facility, artesian well
- n. Telecommunication tower— all types
- o. Water or sanitary sewer treatment plant
- p. Adult establishment
- q. Billiard hall, pool hall
- r. Bingo parlor
- s. Bowling alley
- t. Convention center, arena
- u. Shooting range
- v. Miniature golf facility
- w. Motor track
- x. Movie theater or other indoor theater
- y. Skating rink
- z. Radio, TV or recording studio, utility office
- aa. Outdoor recreation — all types
- bb. Bed and breakfast
- cc. Youth hostel
- dd. Passenger Terminal—all types
- ee. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium
- ff. Locksmith
- gg. Palmist, psychic, medium, fortune telling
- hh. Post office
 - ii. Tattoo parlor, body piercing
- jj. Wedding chapel
- kk. Pawnshop
 - ll. Vehicle sales/rental
- mm. Light manufacturing
- nn. Car wash
- oo. Vehicle repair — all types

2. Upon redevelopment of the property, excluding maintenance and repairs of existing buildings or structures, or reconstruction with like size buildings and uses, that area on the property (the "Buffer Area") between the eastern edge of the right-of-way of Landmark Drive and the property line adjacent to those properties described in the deeds recorded in the Wake County Registry as follows: Book 14378, Page 1296; Book 4681, Page 860; Book 3491, Page 38; Book 6241, Page 489; and Book 15160, Page 1925 (collectively, the "Single Family Residential Parcels") shall, at a minimum, be planted with five shade trees per 100 lineal feet and four understory trees per 100 lineal feet.

3. Other than the installation and maintenance of the planting material referenced in above Condition 2, the Buffer Area shall not be disturbed, with the following exceptions: (a) utility services and related easements; (b) storm drainage facilities and related easements; (c) planting material and any fences or walls permitted by the UDO to complete any transition requirements; and (d) removal of dead, pest infested, diseased or damaged plant materials that pose safety hazards, provided none of these activities are allowed in designated tree conservation areas, if any.

4. Upon redevelopment of that portion of the property designated Area 1 on the attached Exhibit 1, excluding maintenance and repairs of existing buildings or structures or reconstruction with like size buildings and uses, no new buildings or additions to existing buildings shall be constructed within one hundred and twenty (120) feet of

the common property line with the Single Family Residential Parcels. The maximum building height shall be forty-five (45) feet for new buildings or additions to existing buildings located within that portion of Area 1 that is within two hundred and twenty (220) feet from the Single Family Residential Parcels.

5. Except for direct broadcast satellite dishes measuring thirty-nine (39) inches or less, all HVAC or mechanical equipment, including dish antennae, located on the roof of any building constructed after the adoption of this rezoning ordinance shall be screened in accordance with UDO section 7.2.5.D.2.

6. Within thirty (30) days of the date of the adoption of this rezoning ordinance, the property owner shall request the City of Raleigh to install a traffic signal at the intersection of Lake Boone Trail and Landmark Drive. If no traffic light is approved by the City, then the owner of the rezoned property, or if there are more than one lot owner, the owner of the largest portion of the property, shall also make this request at least every two (2) years thereafter. Further, and in addition to other notices required hereunder, the applicant for a subdivision plan or site plan review shall also make this request at the time of application, except for such plans associated with maintenance and repair of existing buildings or structures or reconstruction with like size buildings and uses. Notice of the requests made pursuant to this Condition 6. shall be provided to the Meredith Woods neighborhood and the owners of the Summit Office Building (Book 11297, Page 1077) in accordance with the methods permitted by either subsection a. or subsection b, of UDO section 10.2.1.C.1. The obligations imposed by this Condition 6. shall expire ten (10) years from the date of the adoption of this rezoning ordinance.

7. Within ten (10) years of the date of the adoption of this rezoning ordinance and after written notice from the City of Raleigh or the City's decision to permit the installation of the traffic signal at the intersection of Lake Boone Trail and Landmark Drive, the owner of the rezoned property, or if there are more than one lot owner, the owner of the largest portion of the property, shall contribute \$85,000 to the City of Raleigh for use in connection with the traffic signal's installation. Such payment shall be provided to the City of Raleigh within six (6) months of the date of the City's decision to permit a traffic signal.

8. A lighting plan and photometric analysis of the proposed site lighting for the property shall be submitted in accordance with UDO Article 7.4. For those portions of the property designated Area 1, Area 2 or Area 4 on the attached Exhibit 1, lighting features shall create downward lighting and, if necessary, will utilize shielding, hoods, or other appropriate measures to achieve full cut-off design.

9. The applicant for any site plan concerning any portion of the property, excluding maintenance and repairs of existing buildings or structures or reconstruction with like size buildings and uses, shall provide, at least thirty (30) days in advance of submitting a site plan review application, written notice to all owners of the Single Family Residential Parcels of the applicant's submittal of any site plan to the City. Such notice shall include a proposed meeting date, where the applicant will present the site plan, lighting plan, and photometric analysis prepared in conjunction with such site plan. The applicant shall furnish such notice of this meeting to the owners of the Single Family Residential Parcels at least fourteen (14) days in advance of the applicant's proposed meeting date. The notice required by this condition shall be provided in

accordance with the methods permitted by either subsection a. or subsection b. of UDO section 10.2.1.C.1.

10. Prior to recordation of a subdivision plat or issuance of a building permit for new development on the property, whichever shall first occur, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width, and may be reduced by the City based on location) and location of (the easement along Lake Boone Trail shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. Prior to issuance of a certificate of occupancy for new development on the property, an ADA accessible transit shelter (free-standing or incorporated into a building), with construction plans approved by the Public Works Department, shall be constructed by the lot owner.

11. Residential development on the property shall not exceed 800 dwelling units. Nonresidential development on the property shall not exceed 100,000 square feet of gross floor area. Prior to recordation of a subdivision plat for the property, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates allowable residential density and nonresidential floor area upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of a subdivision plat for the property and prior to recordation of the restrictive covenant, and such restrictive covenant shall be promptly recorded following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee, which consent shall not be unreasonably withheld.

12. Within (that portion of the property designated Area 1 on the attached Exhibit 1, any unenclosed loading area located on that side of a building facing Landmark Drive, and where no other building is located between the loading area and Landmark Drive, shall be screened with a wall totaling at least eight feet in height and such wall shall comply with UDO sections 7.2.5.B.3 and 7.2.5.B.4.

13. Within that portion of the property designated Area 1 on the attached Exhibit 1, any unenclosed service area located on that side of a building facing Landmark Drive, and where no other building is located between the service area and Landmark Drive, shall be screened on three sides by a wall at least six feet in height and on a fourth side by a solid gate at least six feet in height. For an enclosure subject to this condition, the side of the enclosure with a gate may not face Landmark Drive. For an enclosure subject to this condition, the wall and gate screening the service area must be of a height at least 12 inches above the highest point of any dumpster located in the service area, but in no event less than six feet in height. The walls and gate subject to this condition shall comply with UDO section 7.2.5.C.3.

14. Within that portion of the property designated Area 1 on the attached Exhibit 1, new construction (excluding remodeling, renovation and maintenance of existing structures) shall occur only between the hours of 7:00 AM and 7:00 PM Monday through Friday, 8:00 AM and 6:00 PM Saturday and shall be prohibited on Sunday.

15. No construction materials, debris or equipment shall be stored, handled or parked within the Buffer Area. This condition shall not prohibit the use of equipment in the Suffer Area for the purposes in above Condition 3 of this rezoning ordinance.

**TREE
 CONSERVATION:**

This project is required 10% or 3.4 acres for tree conservation. This project potentially has 1.17 acres available for tree conservation. The project will submit a fee-in-lieu for .08 acres in accordance with UDO Section 9.1.5.e.1.b. 1.09 acres has been dedicated, broken into the following priorities:

Primary: .60 acres
 Secondary: .49 acres

PHASING: There are three phases in this development.

Phase 1 – Lots 1-6
 Phase 2 – lots 7-9, 12
 Phase 3 – 10 & 11

**COMPREHENSIVE
 PLAN:**

GREENWAY: There is no greenway on this site.

**STREET
 PLAN MAP:**

Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan.

| Street Name | Designation | Exist R/W | Required R/W | Existing street (b to b) | Proposed street (b to b) |
|------------------|--------------------------|-----------|--------------|--------------------------|--------------------------|
| Lake Boone Trail | Avenue, 4-lane divided | 60' | ½-104' | Lake Boone Trail | Avenue, 4-lane divided |
| Landmark Drive | Avenue, 2-lane undivided | 60' | 64' | Landmark Drive | Avenue, 2-lane undivided |

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

Sidewalk improvements are eligible for reimbursement as 5' sidewalks exist along both sides of landmark Drive.

TRANSIT: This site is served by Route 4 Rex Hospital on the existing transit system. The following transit-oriented features of this site are incorporated into the proposed plan: A 15' x 20' transit easement located on the proposed Lot 4 along Lake Boone Trail.

COMPREHENSIVE

PLAN: This site is located in the Northwest CAC in an area designated for Office & Residential mixed use.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The minimum lot size in OX, CX, & RX zoning district is 4,000 square feet. The minimum lot width of an interior lot in this zoning district is 45 feet. Lots in this development conform to these minimum 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 will be provided by a private contractor.

**BLOCKS / LOTS /
ACCESS:**

A Design Adjustment from UDO Section 8.3.6 - Block Perimeter was approved by the Public Works Director.

A street stub is proposed between Lots 9 and 12 to the parcel to the adjacent west.

Still Forest Place, Woodlake place, and Cross Creek Court are public rights-of-way that will be abandoned.

A fee for street signs is required in accordance with the Raleigh Street Design Manual.

**STREETSCAPE
TYPE:**

The applicable streetscape is a commercial. Construction of a 6' tree lawn with a 6' wide sidewalk is proposed along both sides of Landmark Drive and along the site's frontage of Lake Boone Trail.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Landmark Drive.

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. Proposed shared stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Full detailed Stormwater Plan including engineering calculations and BMP device design will be required prior to Site Plan or further Subdivision approval.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are located on this site and will be shown on all maps for recording.

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: 5/18/18

Record at least ½ of the land area approved.

5-Year Sunset Date: 5/18/20

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.