



# Certified Action Of the City of Raleigh Planning Commission

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

**Case File / Name:** S-53-14 / 5401 North Lot 20

**General Location:** Located on Perry Creek Road, between Fox Road and Interstate-540

**Property owner:** ELD-5401 North, LLC  
**Designer:** McAdams Company

**CAC:** Forestville

**Nature of Case:** The further subdivision of Lot 10 from S-24-12 within MP-1-10, 5401 North totaling 106.06 acres. Lot 20 will be recorded prior to individual lots through exempt subdivision. The exempt plat shall record two lots, lot 20 and lot 10 (remainder of original lot 10)

Lot 20 – 51.61 acres – 121 single-family detached, 152 townhouse, 12 open space lots, one of which is an amenity

**Contact:** Jon Moore, McAdams Company

**Key Issues:** As presented, staff finds that this plan conforms to Code standards and adopted land use policies.



**Location Map**



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**SUBJECT:** S-53-14 / 5401 North Lot 20

**CROSS-  
REFERENCE:** Z-20-10, S-24-12

**LOCATION:** Located on Perry Creek Road, between Fox Road and Interstate-540, outside the City Limits.

**PIN:** 1736880952

**REQUEST:** The further subdivision of Lot 10 from S-24-12 within MP-1-10, 5401 North totaling 106.06 acres. Lot 20 will be recorded prior to individual lots through exempt subdivision. The exempt plat shall record two lots, lot 20 and lot 10 (remainder of original lot 10)

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**OFFICIAL ACTION:** **Approval with conditions**

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**CONDITIONS OF  
APPROVAL:**

**Administrative Actions:**

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

- (1) 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;
- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (3) That a phasing plan for infrastructure improvements be approved;
- (4) That an off-site sanitary sewer easement deed for the City of Raleigh sewer extension from Lot 10 (DB 15858 PG 1831 PIN # 1736879438) property located southeast of the subdivision and that the deed is recorded with the County Register of Deeds office. A recorded copy of these documents must be provided to the Development Services Department. If a recorded copy of the documents are not provided within this 14 day period, further recordings and building permit issuance may be withheld;
- (5) That the streetscape on both sides of Perry Creek Road is shown as an 11' sidewalk from curb to back of sidewalk with 4 x 6 tree grates;
- (6) That revised construction plans for S-18-14 are approved to reflect the correct streetscape plan. On the west side of Perry Creek Road, an 11' sidewalk is to be shown, including tree grates due to the proposed uses along the West side of Perry Creek being residential. The east side of Perry

Creek shall remain in accordance with MP-1-10, a 15' sidewalk with tree grates.

- (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 prior to grading or the approval of construction drawings whichever event comes first;

***Prior to Planning Department authorization to record lots:***

- (8) That infrastructure construction plans for the shared stormwater devices, public improvements and streetscape be approved and stub permits and tree impact permits obtained through the Development Services Customer Service Center are obtained;
- (9) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (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 homeowner association;
- (11) 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;
- (12) 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);"
- (13) That an exempt subdivision be recorded, showing the creation of Lot 20 prior to the creating of individual lots;
- (14) That as this subdivision includes common open space with elements to be maintained by a homeowners' association 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 in accordance with UDO Section 1.1.9. Required legal documents shall be recorded within 1 day of the approval of a recorded map and a copy of the recorded documents be provided to the Planning Department within 14 days of lot recordation; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department.

- (15) 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;
- (16) 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;
- (17) That 114' Perry Creek Road of the required right-of-way for the proposed or existing street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (18) That 54' Kayton Street of the required right-of-way for the proposed or existing street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (19) That 59' Beckom Drive of the required right-of-way for the proposed or existing street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (20) That a petition for annexation into the City limits be submitted to the Planning Department 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;
- (21) That street names for this development be approved by the Raleigh GIS Division and by Wake County;
- (22) 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; and

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

I hereby certify this administrative decision.

Signed:(Planning Dir.)

Ken Bann (C. Alge)

Date:

7-24-15

Staff Coordinator: Meade Bradshaw

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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, Section 2.2.1. This approval is based on a preliminary plan dated 3/27/15 owned by ELD-5401 North, LLC submitted by McAdams Company.

**ZONING:**

**ZONING DISTRICTS:** Residential-4, Residential-6 w/ Planned Development Overlay District

**TREE CONSERVATION:** An overall tree conservation plan was approved as part of S-24-12.

**PHASING:** MP-1-10 has several phases within the Planned Development. A phasing plan shall be approved with the approval of a concurrent plan submittal.

**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this portion of MP-1-10 North.

**STREET PLAN:** Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Perry Creek Road	N/A	N/A	114'	N/A	84' b-b
Kayton Street	N/A	N/A	54'	N/A	29' b-b
Beckom Drive	N/A	N/A	59'	N/A	35' b-b
Beardall Street		60'			
Street L		125'			

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

The proposed streets shall be accepted for maintenance from the city of Raleigh in accordance with the city's adopted policy.

**TRANSIT:** Not Applicable

**COMPREHENSIVE PLAN:** This site is located in the Forestville Citizen Advisory Council.

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**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:** This subdivision lies within the T4-R & T-5 tracts of the MP-1-10 Planned Development. There is no minimum lot area or dimensions in T5 for single-family detached lots. The minimum lot size for townhouses lots in T5 1,000 square feet. The minimum lot width for townhouses in T-5 is 16'. The minimum lot size for single-family detached lots in T4-R is 1,500 square feet. The minimum lot width for single-family detached lots in T4-R is 25'. The minimum lot size for townhouses lots in T4-R is 1,200 square feet. The minimum lot width for townhouses in T4-R is 16'. 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 by the City is to be provided.

**BLOCKS / LOTS /  
ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

**STREETSCAPE  
TYPE:** Streetscapes were approved prior to the adoption of the Unified Development Ordinance with MP-1-10. This information can be found in the Master Plan file, MP-1-10. Perry Creek Road on both sides, will have 11' sidewalk with 4' x 6' tree grates. The east side of Street O will have 8' sidewalk with trees installed in 4' x 6' tree grates. All other streets will have 5' sidewalk with 7.5' planting strip.

**PEDESTRIAN:** Proposed sidewalk locations conform to cross sections approved with MP-1-10.

**FLOOD HAZARD:** There are flood hazard areas on this site and will be shown on all maps for recording.

**STORMWATER  
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Part 10A Chapter 9 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Stormwater quantity and quality will be met by utilizing two shared stormwater management facilities. One device is located outside the subdivision limits on Lot 7 (Pin Number 1736899311; DB 15176 PG 2356) which will be utilized with the proposed school on Lot 7. The other device is located within phase 23 within the subdivision limits.

At the point that 70% of the SFD permits or issued or the Wake County School Building requires a Certificate of Occupancy, as-built drawings for the shared stormwater device will have to be turned in and accepted by City of Raleigh Stormwater staff.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

Neuse River riparian buffers are located on this site are shown.

**STREET NAMES:** New streets are being proposed with this development. Names for the newly constructed streets and alleys are to be approved by the City and Wake County. A fee for street signs is required in accordance with the Raleigh Street Design Manual.

**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 lot recording 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:** 7/24/2018  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 7/24/2020  
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.