



## 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-59-14 / Raleigh Beach Road Subdivision

**General Location:** The site is located on the north side of Raleigh Beach Road, east of the intersection of New Bern Avenue and Hedingham Boulevard.

**CAC:** Northeast

**Nature of Case:** Subdivision and recombination of two parcels totaling 58.27 acres into three tracts of 28.48 acres, 17.82 acres, and 7.45 acres, zoned RX-3-CU.

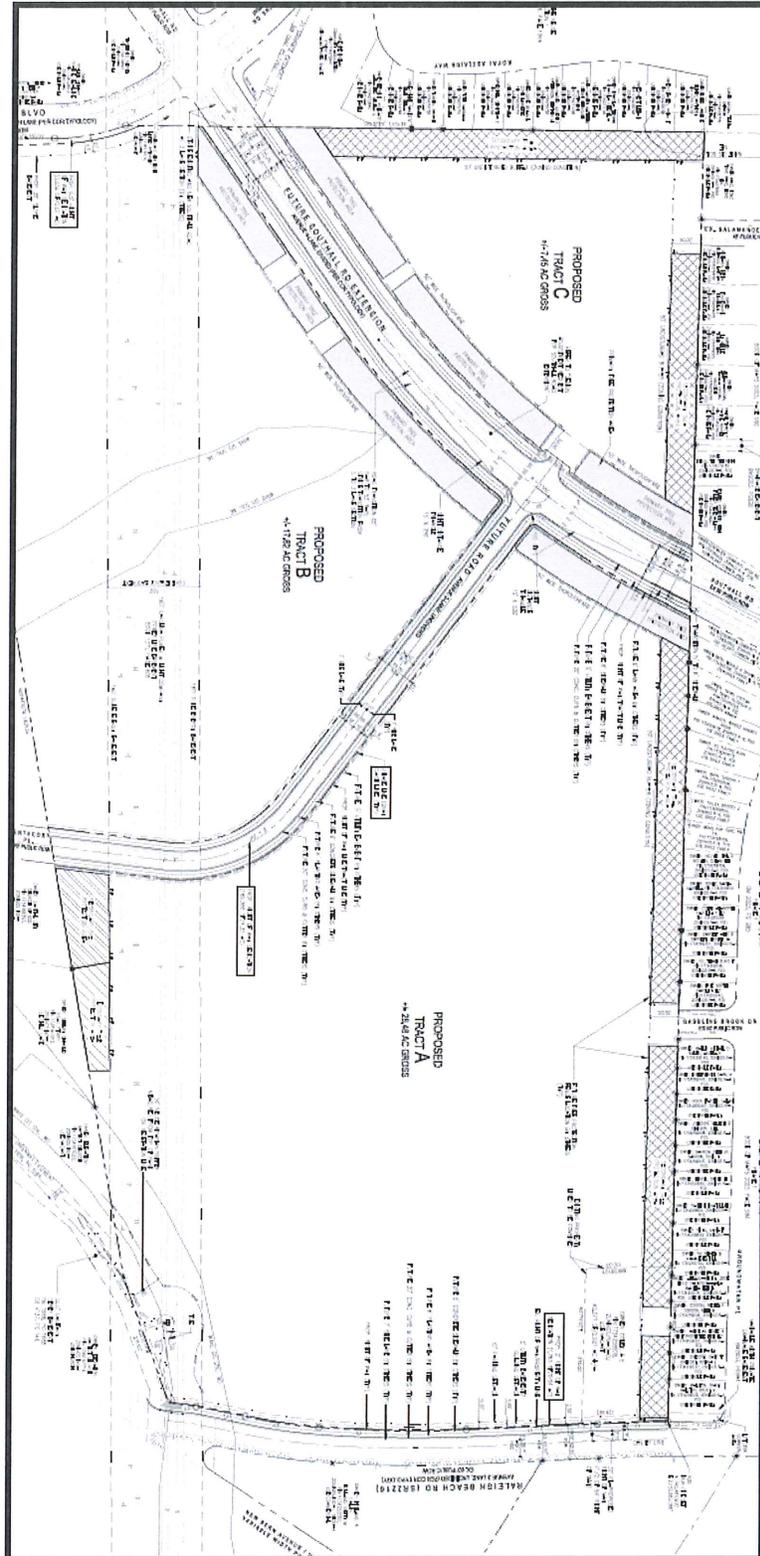
**Contact:** Ken Thompson, J Davis Architects

**Design Adjustment:** A Design Adjustment has been approved by the Public Works Director for this project to allow a reduced roadway width for a portion of the proposed Southall Road extension to match existing conditions offsite.

**Administrative Alternate:** NA



S-59-14 Location Map



S-59-14 Preliminary Subdivision Layout

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**SUBJECT:** S-59-14

**CROSS-REFERENCE:** SR-10-15

**LOCATION:** The site is located on the north side of Raleigh Beach Road, east of the intersection of New Bern Avenue and Hedingham Boulevard, outside the city limits.

**PIN:** 1734261556, 1734258509

**REQUEST:** This request is to approve the subdivision and recombination of two parcels totaling 58.27 acres into three tracts of 28.48 acres, 17.82 acres, and 7.45 acres, zoned RX-3-CU.

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

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**CONDITIONS OF APPROVAL:**

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

- (1) The grading plan for the road alignments on this site must be finalized and a final tree conservation plan submitted that includes any and all changes needed to accommodate the road alignments and meet the requirements of UDO Article 9.1 Tree Conservation. A final tree conservation map of the tree conservation areas with metes and bounds descriptions must be submitted to the City Forestry Specialist. Tree protection fence must be shown on the plans and set up in the field 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 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;

***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;

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

- (4) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway;
- (5) 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;
- (6) 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;

- (7) 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, grade, 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).";
- (8) 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;
- (9) 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;
- (10) That recombination plat be recorded prior to, or in conjunction with, the recording of these lots;
- (11) That ½ of the required right of way for Hedingham Boulevard and Raleigh Beach Road is dedicated and the full right of way for the proposed streets is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance.

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I hereby certify this administrative decision.

Signed: (Planning Dir.) *Ken Baum (C. Wayer)* Date: *5-4-15*

Staff Coordinator: Justin Rametta

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

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**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. This approval is based on a preliminary plan dated 3/9/15 owned by E. Spence Jr., K Lassiter, and AB Coley, submitted by J Davis Architects.

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**ZONING:**

**ZONING DISTRICTS:** Residential Mixed Use-3 Conditional Use (RX-3-CU). Ordinance 348ZC702 Effective 10/7/14.

**Z-6-14 – Raleigh Beach Road** located on the north side, east of its intersection with New Bern Avenue, being Wake County PIN 1734261556. Approximately 57.27 acres are to be rezoned from Residential-4 (R-4) and Industrial-1 (I-1) to Residential Mixed Use, 3 stories maximum, conditional use (RX-3-CU)

1. The following uses shall be prohibited:

- Dormitory, fraternity, sorority;
- Rest Home;
- Outdoor sports or entertainment facility of less than 250 seats; and
- Hospitality House.

2. Except for Multi-Unit Supportive Housing Residences and Supportive Housing Residences, all other Limited Uses and Special Uses shall be prohibited on all portions of the property, except:

- Health Club shall be allowed as an accessory use;
- Community Garden shall be allowed as an accessory use; and
- Produce Stand shall be allowed as an accessory use.

3. A principal building, parking, and accessory setback of at least fifty (50) feet shall be provided on all portions of the subject property that abut a residentially zoned parcel, but not to include any adjacent non-residentially zoned properties that are later rezoned to a residential zoning designation after the date of approval for this application. Within the setback area created under this Condition, an area at least thirty-two (32) feet in width measured from the subject property's boundary with adjacent residentially zoned parcels, shall be designated as secondary tree conservation area subject to the provisions of UDO Art. 9.1, including the observation of any applicable excluded areas set out in UDO § 9.1.4.C.

4. Residential development on the subject parcel shall not exceed six hundred fifty (650) total dwelling units, and no portion of the property shall exceed a density of sixteen (16) dwelling units per acre. If the parcel is subdivided, then the aggregate total number of dwelling units in the resulting parcels or portions thereof, which were originally part of the subject 57.27 acre parcel at the time this condition was adopted, shall not exceed 650 total dwelling units. All such resulting parcels or portions thereof shall also not exceed sixteen (16) dwelling units per acre.

5. Prior to the approval of any subdivision of the subject property or its subdivided progeny, the owner of the subject property shall cause to be recorded in Wake County Registry a restrictive covenant that allocates allowable development upon the property as provided. In the foregoing Condition No. 4 among all resulting parcels. Said recordation shall be made within fifteen (15) days following approval of the City Attorney or his or her deputy as to the form and substance of the restrictive covenant. Such restrictive covenant shall provide that it become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) Ordinance: 348ZC702 Effective: 10/7/14

declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require (a) the approval of the City Attorney or his or her deputy as to the form and substance of the amendment and (b) the written concurrence of the owner(s) of all portions of the subject property affected by the amendment. Following recordation, a copy of each amendment shall be mailed to the City of Raleigh Planning Director, P.O. Box 590, Raleigh, North Carolina 27602 with reference to Zoning Case Z-6-14.

6. During construction, no construction materials, debris or equipment shall be stored, handled or parked within the setback areas described in Condition No. 3

**TREE  
CONSERVATION:**

This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project provides 5.54 acres of tree conservation area which is 10.31% of the net site acreage. Tree conservation acreage is as follows:

Primary: 2.25 acres  
Secondary: 3.29 acres

**PHASING:** There is one phase in this development.

**COMPREHENSIVE  
PLAN:**

**GREENWAY:** There is future greenway on this site. The Crabtree Creek Tributary B corridor is shown on the southwest portion of this property on the Greenway Corridor Master Plan. The plans show the required 75' greenway easement being dedicated along the watercourse.

**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. Existing and proposed street(s) are classified as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Southall Road Extension	Avenue 4-Lane, Divided	NA	104'	NA	53'-65'
Pentecost Place Extension	Avenue 2-lane, undivided	NA	64'	NA	36'
Hedingham Boulevard	Avenue, 2-Lane, divided (w/ center turn lane)	60'	½-75'	41'	41'
Raleigh Beach Road	Avenue 2-lane, undivided	60'	½-64'	29.1' eop-boc	36'

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

**COMPREHENSIVE PLAN:** This site is located in the Northeast Citizens Advisory Council in an area designated Community Mixed Use.

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**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** The minimum lot size and dimensional standards in the RX-3 zoning district are determined by building type. These standards will be determined when the three lots in this development are developed or further subdivided.

**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 private contractor 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. Note this subdivision plan has been reviewed concurrently with an administrative site review for proposed tract 1 (SR-10-15) which will establish additional street connectivity within this development.

**STREETSCAPE TYPE:** The applicable streetscape is residential. A fee in lieu or construction of a 6' sidewalk and street trees is required for Hedingham Blvd. prior to lot recordation. If the developer can acquire the necessary easements to construct sidewalk on the .12 acre property at the intersection of Hedingham and Southall, the sidewalk and trees shall be installed. Otherwise, a fee in lieu will be required. Construction of a six foot sidewalk and installation of street trees is required along Raleigh Beach Road, both sides of Southall Road, and both sides of Pentecost Place.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Pentecost Place and Southall Road and the north side of Raleigh Beach Road. Either construction or a fee in lieu for sidewalk is required on the south side of Hedingham Boulevard. 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:** Flood hazard areas exist on this site.

**STORMWATER MANAGEMENT:** This site is subject to stormwater and nitrogen reduction requirements of Chapter 9.2 of the Unified Development Ordinance. All proposed lots exceed one acre in size. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision.

The impervious surface from the proposed roadway, which creates the subdivision, will be allocated at the time of construction drawings or plat recordation, whichever comes first.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

Neuse River riparian buffers are required on this site.

**STREET NAMES:**

Two new streets are being proposed with this development. 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, 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:** 5/2/2018  
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.