



Administrative Action Preliminary Subdivision / townhome

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

Case File / Name: S-48-14 / Townes at Cheswick

General Location: This site will be located on an extension of Wake Towne Drive, west of Wake Forest Road between East Six Forks Road and Interstate-440.

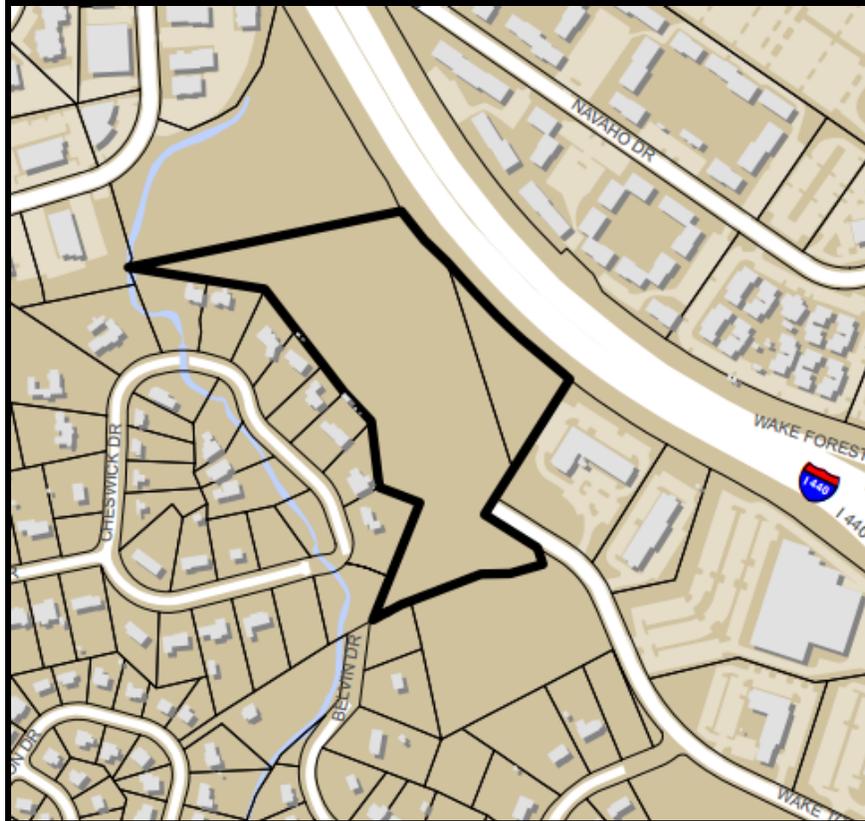
CAC: Midtown

Nature of Case: Subdivision of 12.53 acres into 89 townhome lots and three open space lots, zoned Conditional Use District O&I-2 (9.09 acres) and Residential-4 (3.44 acres) with Special Highway Overlay District-1 and Special Highway Overlay District-2. Density for the townhouse development is 9.79 units to the acre.

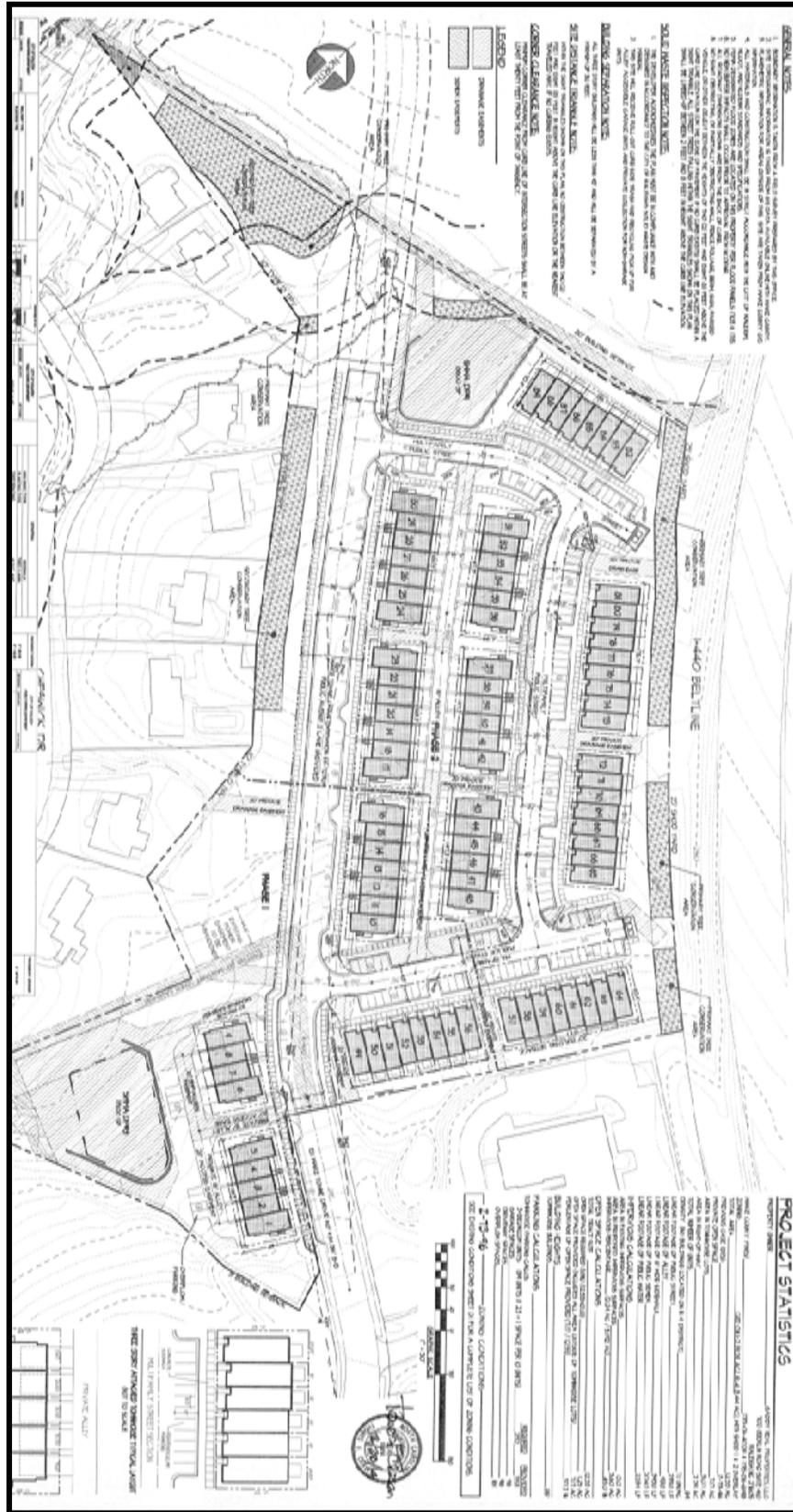
Contact: Ben Williams; Priest, Craven, & Associates

Design Adjustment: A Design Adjustment has been granted by the Public Works Director for relief to the Block Perimeter requirements of Article 8.3 of the Unified Development Ordinance.

**Administrative
Alternate:** NA



S-48-14 Location Map



S-48-14 Preliminary Subdivision Map

SUBJECT: S-48-14

**CROSS-
REFERENCE:** Z-73-96

LOCATION: This site is located on Wake Towne Drive west of Wake Forest Road, between East Six Forks Road and Interstate-440, inside the City Limits.

PIN: 1715064029, 1715066198

REQUEST: This request is to approve the subdivision of 12.53 acres into 89 townhome lots and three open space lots, zoned Conditional Use District O&I-2 (9.09 acres) and Residential-4 (3.44 acres) with Special Highway Overlay District-1 and Special Highway Overlay District-2. No buildings will be placed in the R-4 district. The overall density in the CUD-O&I-2 district will be 9.8 units per acre.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

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

- (1) If 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 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
- (3) 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;

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

- (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, 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;
- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;

- (6) 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;
- (7) That a fee estimate and design of the stream crossing must be provided;
- (8) That conditions 1-4 above be met;

Prior to Planning Department authorization to record lots:

- (9) 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;
- (10) That a fee for ½ of the stream crossing be paid to the Public Works department;
- (11) That if the development related improvements are not installed and inspected by the city, 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;
- (12) 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;
- (13) 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;
- (14) 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;
- (15) 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).";

- (16) 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;
- (17) That street names for this development be approved by the Raleigh GIS Division and by Wake County;
- (18) That all conditions of Z-73-96 are complied with;
- (19) That the zoning line is shown on all maps for recording and no buildings or lots for townhouses shall be placed in the R-4 zoning district;
- (20) 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 an occupancy permit:

- (21) 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;
- (22) That the road improvements are completed and accepted for maintenance and that a warranty in the amount of 15% of the estimated value of the development related improvements is provided to the Public works department;
- (23) That the inspection of the construction of internal accessways submitted for city approval will become the responsibility of the owner/developer. Copies of certified inspection reports (see attached requirements) involving subgrade/aggregate base proof rolls, aggregate base and asphalt densities and thickness, and other pertinent information must be submitted to the City of Raleigh Public Works Department.

I hereby certify this administrative decision.

Signed: (Planning Dir.) _____ Date: _____

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 Chapter 2, Part 10, Sections 10-2103, Part 10A, Chapter 2, Article 2.2, Sections 2.2.1 This approval is based on a preliminary plan dated 12/22/14, owned by Gaddy Real Properties, submitted by Priest, Craven & Associates.

ZONING:

ZONING DISTRICTS: Conditional Use District O&I-2 (CUD O&I-2)(Z-73-96) and Residential-4 (R-4) with Special Highway Overlay District-1 (SHOD-1) and Special Highway Overlay District-2 (SHOD-2) Ordinance 43ZC403, effective 1/21/97.

Z-73-96 Wake Towne Drive, western terminus, south of I-440, being Map 1715.09 06 a portion of 4170. Approximately 8.2 acres rezoned to Office & Institution-2 with Special Highway Overlay District-2.

Conditions: (1/14/97)

1. Stormwater. Upon development, the rate of stormwater runoff from the property will comply with Certified Recommendation 7107 of the Raleigh Planning Commission.
2. Buffer A. The owners of the property (the "Owners") and their grantees, tenants, successors and assigns shall keep that portion of the property identified and depicted as "Buffer A" on the map attached to this petition as Exhibit E, and hereby incorporated herein by reference, in a natural state and, (except as provided in condition (8) will not build, construct, or erect a building or any other structure thereon. The Owners and their grantees, successors, and assigns reserve the right, however, to remove dead, diseased, dangerous or leaning trees from such buffer area and install sewer and drainage lines and utilities therein.
3. Buffer D. The Owners and their grantees, tenants, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the property identified as "Buffer D" on the map attached to this petition as Exhibit E which exceeds more than three (3) stories in height (45 feet) above the highest natural grade adjacent to such building.
4. Buffer E. The Owners and their grantees, tenants, successors, and assigns shall not build, construct, or erect a building or other structure upon that portion of the property identified and depicted as "Buffer E" on the map attached to this petition as Exhibit E which exceeds more than five (5) stories in height (75 feet) above the highest natural grade adjacent to such building.
5. Swimming Pools: Facilities Serving Alcohol; Rooftop HVAC Equipment. The Owners and their grantees, tenants, successors and assigns shall not build or construct a swimming pool or allow the serving of alcohol within two hundred (200) feet of tax parcels 1705.12-96-8326, 1705.12-96-9152, 1715.09-06-0170, 1715.09-06-1031, 1715.09-05-2900, 1715.09-05-2765, and 1715.09-05-3403, which are the residential parcels on Cheswick Drive and Belvin Road, south of the property. In addition, any swimming pool or facility serving alcohol constructed in the area of the property more than two hundred (200) feet but less than three hundred (300) feet from such residential parcels shall be screened therefrom by a building. Any rooftop heating, ventilating or air conditioning equipment located upon the Property shall be screened from view from the aforementioned tax parcels.
6. Light: There shall be no direct beaming of light from the property into any of the tax parcels listed in Condition (5).
7. Closing of Road Right-of-Way. Within forty-five (45) days following the rezoning of the property as requested in this case, the owner of the property shall petition the City Council to close the rights-of-way of Oakland Drive and Belvin Road south of the property which have never been paved or otherwise improved, with retention of utility easements.
8. Masonry Wall. Upon development of the property, there shall be constructed substantially parallel to the currently existing boundary of tax parcel 1715.09-06-4170 (the parcel which includes the property)

with tax parcels 1705.12-96-8326, 1705.12-96-9152, 1715.09-06-0170, 1715.09-06-1031, 1715.09-05-2900 and 1715.09-05-2765, and no closer than twenty-five (25) feet from such boundary (as shown on the map submitted herewith as Exhibit E and in the case of the eastern boundary of parcel 1715.09-05-2765, no closer than twenty-five (25) feet east of the center line of the adjoining unimproved right-of-way of Belvin Road), a masonry wall six (6) feet in height having a closed face on both sides. Along the portion of such wall facing such tax parcels there shall be planted on six (6) foot centers evergreen vegetation of a variety normally found to have a good buffering effect and which will achieve a height of at least six (6) feet and a spread of at least four (4) feet at maturity. It is provided that construction of the wall as aforementioned in certain locations is subject to the approval of the holders of existing easements and is subject to compliance with provisions of the Raleigh City Code.

9. Limitations on Development-Traffic Generation. Until the first to occur of (i) the completion and opening to the public of the extension of Wake Towne Drive from Wake Forest Road to Barrett Drive or (ii) January 1, 2000, there shall be completed and occupied upon the property no more than (i) 126,300 square feet gross of office development or (ii) other development which, as determined using the Trip Generation Guide published by the Institute of Transportation Engineers (Fifth Edition, 1991), will generate 837 vehicle trips into and 837 vehicle trips out of the property each day.

10. Limitations on Development-Land Use. There shall not be allowed upon the property an dance hall, music hall, adult entertainment establishment, or free-standing (i) eating establishment, (ii) bar, (iii) tavern, (iv) lounge, or (v) nightclub.

11. Improvement of Drainageway. Provided that the owners of tax parcels 1715.09-06-1031 and 1715.09-05-2900 grant the necessary easements and properly petition the City of Raleigh, prior to any development of the property, the owner of the property shall bear such parcel owners' share of the costs associated with improvement of the drainageway between such parcels pursuant to the policy of the City of Raleigh whereby drainageways upon private property may be improved with the costs of such improvements shared equally by the City and the respective property owner(s) (with, in this case, the respective property owner(s) share to be borne by the owner of the property). The owner of the property shall also join the owners of such parcels in requesting that the City replace and enlarge the pipe under Cheswick Drive into which the aforementioned drainageway empties.

**TREE
CONSERVATION:**

This project is larger than two acres and compliance with UDO Article 9.1. Tree Conservation is required. The project provides 1.029 acres of tree conservation area which is 10.05% of net site acreage.

Tree conservation acreage: Primary: 0.464 acres, Secondary: 0.565 acres

**SETBACK /
HEIGHT:**

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 25'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Buildings greater than 28' in height that abut residential uses and/or zoning districts meet minimum 30' setback from perimeter property lines.

OPEN SPACE:

Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 1.25 acres required, 57.2% or 7.17 acres provided.

PARKING:

Off-street parking conforms to minimum requirements: 223 spaces required, based on 2.5 parking spaces per three-bedroom unit. 353 spaces are provided. Parking spaces meet minimum standards for size and aisle width.

PHASING:

There are two phases proposed in this development. Phase one consists of lots 1-16 and 49-56. The remainder of the lots will be recorded in phase 2.

**COMPREHENSIVE
PLAN:**

GREENWAY: The future Crabtree Creek Tributary 'A' (Big Branch) Greenway is located on the northwestern corner of this site. A 50' greenway easement is required and shown on the plans.

**STREET
TYPOLOGY MAP:**

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan. The Wake Towne Drive Extension is classified as an Avenue 2-Lane, Undivided street. The remaining internal streets will be classified as Multifamily and Residential Alley.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Wake Towne Dr.	Avenue 2-Lane, Undivided	none	64'	none	36' b-b
Multifamily Public Streets 1-3	Multifamily	none	22'	none	varies
Residential Alley	Alley, Residential	none	20' access easement	none	16' travel way

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

**COMPREHENSIVE
PLAN:**

This site is located in Midtown Citizens Advisory Council, in an area designated as office and residential mixed use.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: There is no minimum lot size in townhouse developments.

**BLOCKS/LOTS/
ACCESS:**

A design adjustment has been submitted and approved for block perimeter. 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.

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: Lot service shall be in accordance with the Solid Waste manual.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Wake Towne Drive and the internal Multifamily streets.

FLOOD HAZARD There are FEMA flood hazard areas on this site. Limitation is 50%.

**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 are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The site will utilize 2 wetlands and 1 discharge point showing a decreased drainage area, in order to meet stormwater quantity regulations. The stormwater quality will also require a TN offset buydown.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are located on this site.

STREET NAMES:

2 new street names are required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

**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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 1/28/2018
Record at least ½ of the land area approved.

5-Year Sunset Date: 1/28/2020
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.