



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-4-15 / The Oasis Subdivision

General Location: The site is located on the southeast side of Louisburg Road, across from the intersection of Sweet Shade Trail and Louisburg Road.

CAC: Northeast

Nature of Case: Subdivision of 11.56 acres into 35 residential lots, and 1 open space (stormwater) lot all zoned Residential-10 Conditional Use.

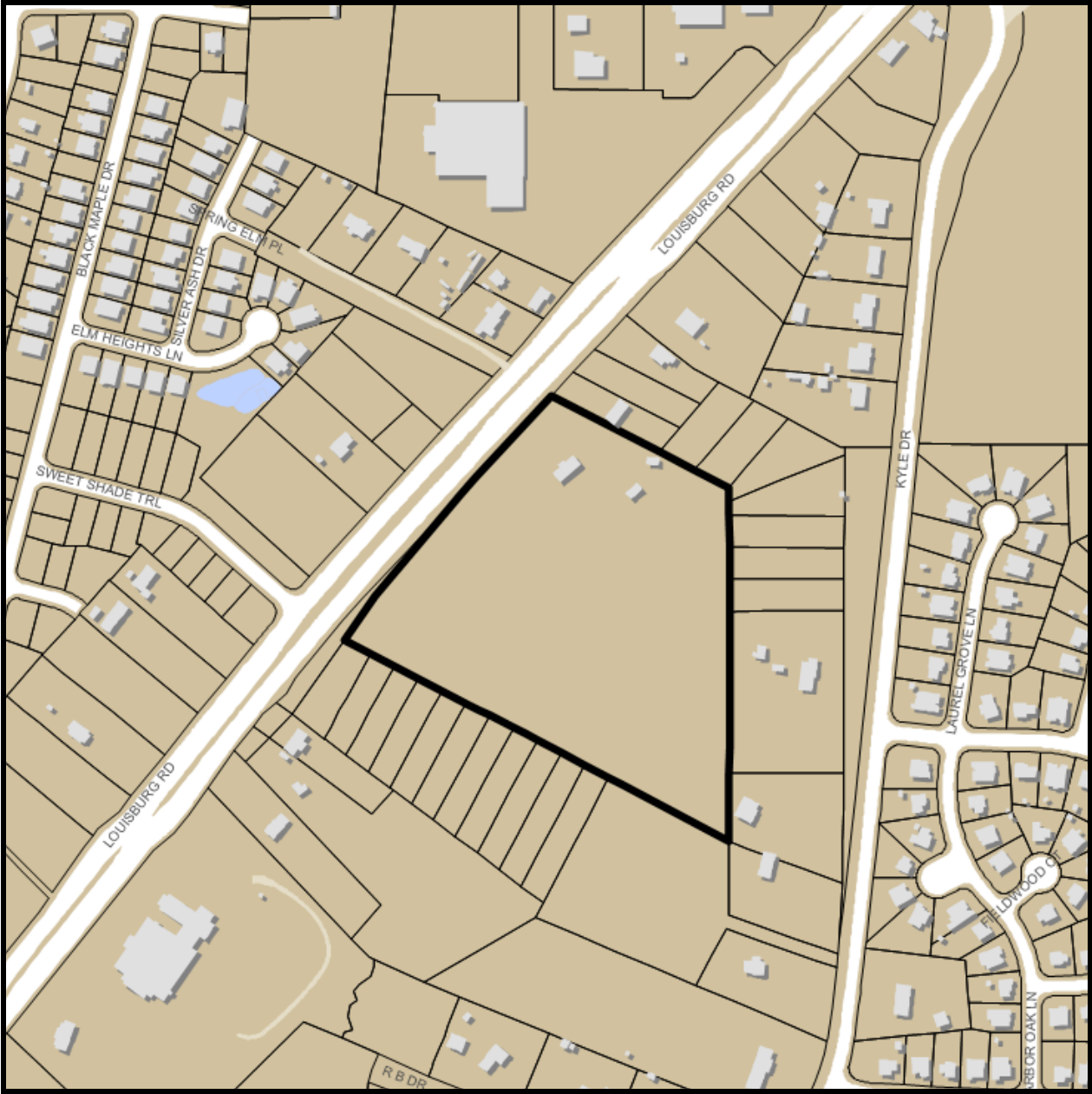
Contact: Mitch Craig, SEPI Engineering & Construction, Inc.

Design Adjustment: NA

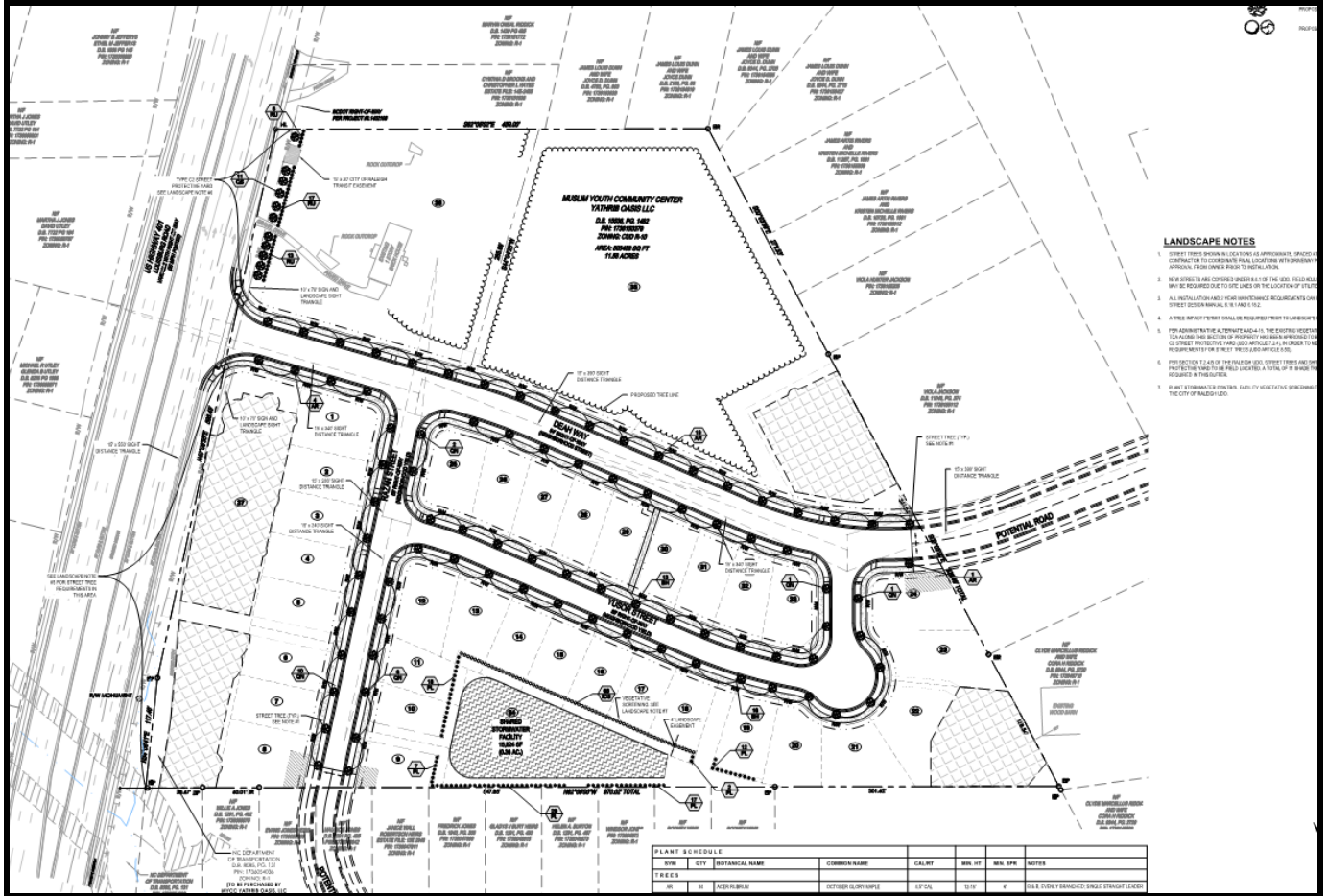
Administrative

Alternate: One Design Alternate (AAD-4-15) has been approved by the Planning Director for this project, noted below.

1. A Tree Conservation Area is being proposed which includes the area of the required 15' C2 Street Protective Yard. Since no planting is allowed within a Tree Conservation Area, and being that the proposed Tree Conservation Area's existing vegetation does not meet the shrub planting requirement, a Design Alternate has been granted allowing the existing stand of trees and associated vegetation in the Tree Conservation Area to meet the requirement for the 15' C2 Street Protective Yard.



Site – 5520 Louisburg Road



Preliminary Subdivision Plan, S-4-15, The Oasis Subdivision



Planning and Development Director Action

Administrative Alternate Findings:

UDO Sec. 7.2.3.

The Planning and Development Officer in accordance with Sec. 10.2.17 may approve an administrative alternate subject to all of the following findings:

A. The approved administrative alternate meets the intent of the landscaping and screening regulations;

A. The intent of the landscaping regulations is to provide meaningful and well designed screening and buffering.

B. Tree and shrub plantings should not interfere with the safe vehicular and pedestrian circulation on the site.

Staff Response: The proposed alternate provides a more substantial buffer than the Type C2 street protective yard required in accordance with Sec. 7.2.4. The proposed alternate is both deeper in dimension and features more mature trees. The proposed alternate is located on private property away behind the sidewalk and road, and does not interfere with safe circulation.

B. The approved administrative alternate conforms with the Comprehensive Plan and adopted City plans; and

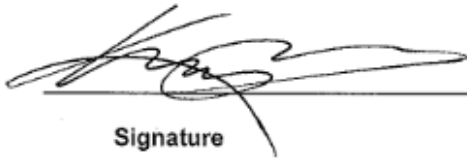
Staff Response: The proposed alternate is consistent with Comprehensive Plan Policy LU 8.9 and EP 5.4 as it preserves the existing stand of trees, which are suitable to the site and have already grown to a mature size.

C. The approved administrative alternate is considered equal to or better than the standard.

Staff Response: The proposed alternate is better than the standard as it provides a more substantial screening both in dimension and tree size.

Decision

The Planning and Development Director finds that the requested alternate meets the findings enumerated in the Unified Development Ordinance and therefore recommends approval.


Signature

9-8-15
Date

The Design Alternate for the required C2 Protective Streetyard

SUBJECT: S-4-15 / The Oasis Subdivision

CROSS-REFERENCE: Transaction # 422364, Z-19-14

LOCATION: The site is located outside of the city limits.

PIN: 1736150379

REQUEST: This request is to approve the subdivision of an 11.56 acre lot into 35 residential lots, and 1 open space (stormwater) lot, all zoned Residential-10 Conditional Use. (R-10-CU)

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 all required NC Department of Transportation DOT permits be obtained prior to ICP approval;
- (4) That property listed as D.B. 8085, Pg. 131 currently owned by the North Carolina Department of Transportation is to be purchased by MYCC Yathrib Oasis, LLC. and the area in the northern corner of the main parcel noted as "property to be dedicated/sold to NCDOT" is to be either dedicated or sold, and recombined with the main parcel and that a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (5) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (6) 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 and the stormwater device, shall be paid to the City;

Prior to Planning Department authorization to record lots:

- (7) That a demolition permit be issued and this building permit number be shown on all maps for recording;
- (8) That infrastructure construction plans for the shared stormwater devices, and for public water and sewer extensions, be submitted and approved by the Public Works Department
- (9) That all conditions of Z-19-14 are complied with;
- (10) That a copy of the restrictive covenant required by zoning case Z-19-14, condition number 4, which is to be approved by the City Attorney's Office and recorded in the Wake County Register of Deeds Office, allocating the permitted dwelling units between the proposed lots or parcels of land, be provided to the Planning Director, or his designee, prior to map recordation;
- (11) That a 15' x 20' transit deed of easement is approved by the city staff and that the location of the easement as shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the recorded plat;
- (12) That street names for this development be approved by the Raleigh GIS Division and by Wake County;
- (13) 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 Deah Way, Yusor Street, and Razan Street is paid to the Public Works Department;
- (14) 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;
- (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 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;

- (17) 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;
- (18) That fees-in-lieu for a 6' sidewalk along Louisburg Road, the additional 36' back to back construction of Deah Way between the end of the stub street and the eastern property line, and the 27' back to back of roadway construction of Razan Street between the end of the stub street and the southern property line, and the 6' of sidewalk width for both sides of both Diah Way and Razan Street, be paid prior to map recordation;
- (19) 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;
- (20) 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;
- (21) That as-built certification for all stormwater control devices as required under UDO Sec. 9.2.2.d.3 shall be provided to the Public Works Department, Stormwater Management Division;
- (22) That an active assessment for a water main must be paid.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Kimeth Bowen (S. Bowen) Date: 11-17-15

Staff Coordinator: Michael Walters

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, Chapter 7, Article 7.2. This approval is based on a preliminary plan dated 9/10/2015 owned by MYCC; Art Builders, LLC; Yathrib Oasis, LLC., submitted by SEPI Engineering & Construction, Inc., Mitch Craig, P.E.

ZONING:

ZONING DISTRICTS: Residential 10, Conditional Use (R-10 CU), (Z-19-14)

Ordinance (2014) 366ZC703
Effective: 11-5-14

Z-19-14 – Louisburg Road, located on the south side, between its intersection with Fox Road to the south and Spring Forest Road to the north, being Wake County PIN 1736150379. Approximately 11.56 acres are to be rezoned from Residential-1 (R-1) with Special Highway Overlay District -3 (SHOD-3) to Residential - 10 -Conditional Use (R-10-CU).

Conditions Dated: 09/23/14

Narrative of conditions being requested:

1. No more than 75 dwelling units shall be permitted on the property.
2. The property owners shall dedicate to the City a twenty foot (20') by fifteen foot (15') transit easement to support a bus stop along Louisburg Road in the southernmost portion of the property prior to subdivision or the issuance of building permit, whichever shall first occur.
3. The subject property shall be limited to no more than one (1) accessway onto Louisburg Road.
4. Prior to approval of a subdivision or the subject property the property owner shall submit to the City Attorney's office a restrictive covenant allocating the permitted dwelling units between the proposed lots or parcels of land. Once approved by the City Attorney's office as to form and substance, the property owner shall cause the restrictive covenant to be recorded in the Wake County Registry prior to the recording of the first subdivision plat. The restrictive covenant and the allocation of dwelling units between the various lots or parcels of land may be amended with the approval of the City Attorney's office and the owners of all of the property subject to this zoning case, however reconfigured. A copy of the restrictive covenant shall be provided to the Planning Director, or his designee, with reference to zoning case Z19-14 and the relevant subdivision number within thirty (30) days of recording in the Wake County Registry.

TREE CONSERVATION:

This project is required 10% or 1.16 acres for tree conservation. This project has proposed 1.18 acres which is broken into:
Primary: .659 acres
Secondary: .518 acres

PHASING: There is one phase in this development.

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, Deah Way, Razan Street, and Yusor Street. Deah Way is classified as Neighborhood Street. Razan and Yusor Street(s) are classified as Neighborhood Yield. Dedication of right-of-way is required.

Street Name	Designation	Exist R/W	Require d R/W	Existing street (b to b)	Proposed street (b to b)
US Hwy 401/Louisburg Rd.	US Hwy	Var. Width	NA	30' b to b, each lane divided	NA
Deah Way (new)	Neighborhood Street		64' R/W		36' b to b
Razan St. (new)	Neighborhood Yield		55' R/W		27' b to b
Yusor St. (new)	Neighborhood Yield		55' R/W		27' b to b

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

Existing NC Department of Transportation Right of Way along Louisburg Road is to be increased along the northern portion Louisburg Road, and decreased along the southern portion of Louisburg Road as per an agreement between the developer and the North Carolina Department of Transportation.

TRANSIT: This site is presently not served by the existing transit system. A 15 x 20' City of Raleigh on site Transit Easement is to be dedicated in accordance with the zoning condition for the property.

**COMPREHENSIVE
 PLAN:**

This site is located in the Northeast Advisory Council in an area designated as moderate density residential.

**SUBDIVISION
 STANDARDS:**

LOT LAYOUT: The minimum lot size in R-10 CU zoning district is 4,000 square feet. The minimum lot depth in this zoning district is 60 feet. The minimum lot width of an interior lot in this zoning district is 45 feet. The minimum lot width of a corner lot in this zoning district is 60 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 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: The applicable streetscape is Residential. A fee in lieu for a 6' sidewalk along Louisburg Road is required prior to lot recordation. Construction of a Neighborhood Street, and two Neighborhood Yield Street(s) with 6' wide sidewalks for all are proposed.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Deah Way, Razan and Yusor Streets. 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 Chapter 9 of Part 10 of the Raleigh City Code (or 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 subdivision will utilize a shared constructed wetland to meet stormwater quality and quantity regulations. Impervious surface restrictions are set for each lot.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: Three new streets are being proposed with this development, Deah Way, Razan Street, and Yusor Street. 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: 11/17/2018
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/17/2020
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.