

5-05-10



Wake County

JUN 22 2010

TEL (PLANNING) 919 856 6310  
TEL (INSPECTIONS) 919 856 6222

Planning, Development  
& Inspections

Planning, Development  
and Inspections

A Division of Community Services  
Box 550 • Raleigh, NC 27602  
www.wakegov.com

### PRELIMINARY SUBDIVISION PLAN APPROVAL APPLICATION

Name of Subdivision

GLEN CREEK SUBDIVISION

( ) cluster subdivision (x) lot-by-lot subdivision ( ) open space

Has a preliminary plan previously been approved for subdivision of this site? (x) Yes ( ) No  
If yes, when and under what name? BUFFALO PRESERVE, 5-23-07

Property

Parcel Identification Number: 1628-18-5682

Address: WRENN DRIVE (SR 2704)

Location: SOUTH side of NEW BETHEL CHURCH ROAD, at/between  
(north, east, south, west) (street)  
WRENN DRIVE and MAGNOLIA  
(street) (street)

Total site area in square feet and acres: 5,978,306 square feet 137.243 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: R-30, RCOD-2

Conditions of any Conditional Use Zoning Districts: N/A

Present land use(s): VACANT - WOODED

Property Owner (Contact information is needed for reviews to proceed- Please provide fax or email)

Name: BUFFALO PRESERVE, LLC ATTN: RICHARD STOKETT

Address: 901-F PAVERSTONE DRIVE

City: RALEIGH State: NC Zip Code: 27415

E-mail Address: \_\_\_\_\_ FAX: 919-845-5164

Telephone Number: 919-845-5162

Consultant (i.e. surveyor or engineer; person to whom all correspondence will be sent)

Name: ERIC L. THOMPSON & ASSOCIATES, P.C. - ERIC L. THOMPSON PE, PLS

Address: P.O. Box 354

City: MORRISVILLE State: NC Zip Code: 27560

E-mail Address: ETHOMPSON@ELTAPC.COM FAX: 919-869-2109

Telephone Number: 919-612-4141 Relationship to Owner: ENGINEER

Proposal

Max. allowable lot density standard\* (see Article 5, Unified Development Ordinance, and the Wake County Land Use Plan) : 1.45

Max. # of lots allowable\*: 199 Proposed # of lots\*: 85

Min. allowable lot area\*: 30,000 sf Proposed min. lot area\*: 30,047 sf

Average lot area\*: 48,406 sf

Min. allowable lot width\*: 95 ft Proposed min. lot width\* 95 ft

\* If applicable, show for each zoning district

Min. open space standard (see Sec. 3.4.3(E)(1)): ( ) 10 % ( ) 25 % ( ) 30% ( ) 40% of site area  
 Min. open space area: N/A acres  
 Proposed open space area [by parcel]: 33.273 acres  
 Proposed open space use(s) [by parcel]: CONSERVATION / OPEN SPACE  
 Proposed future development site area [by site]: N/A acres  
 Proposed impervious surfaces area: 785,308 sf  
 Proposed impervious surface coverage (impervious surfaces area/site area x 100): 13.04%  
 Site area w/in area of special flood hazard (see Article 14, Unified Development Ordinance): 6.1 acres  
 within floodway: 14.8 acres

**Recreation Ordinance**

Method of complying with Recreation Ordinance\*:

         dedication           reservation          fee \*\*

The amount of land to be dedicated/reserved is equal to 1/35<sup>th</sup> of an acre times the number of lots recorded. If fee is used, then the equivalent value is used. For example: 25 acres with a tax value of \$120,000 subdivided into 20 lots would dedicate 0.57 acres or pay a \$2473 fee.

Tax value of property (land only) 589,232 \*\* Total # of proposed lots 1 Total # of acres 126.98

Calculate both: Estimate of recreation area required: 109,560 SF = 2.52 AC  
 Estimate of recreation fee required: \$ 11,515.00 \*\*

\*Wake County Parks, Recreation and Open Space Staff and/or Subdivision Administration Staff will determine which option will be allowed.

\*\*Actual fee will be based on current tax value at the time of final plat recording

**Vehicular Access**

Names of access street(s) and number of access points along each: WRENN ROAD

| Name of access or adjacent street | Right-of-way width (ft) | Pavement width (ft) | No. of lanes | Paved? (Y or N) | Roadway design capacity | Traffic volume (ADT) <sup>2</sup> | Est. traffic generated (ADT) <sup>3</sup> |
|-----------------------------------|-------------------------|---------------------|--------------|-----------------|-------------------------|-----------------------------------|---|
| <u>WRENN ROAD</u>                 | <u>50'</u>              | <u>20</u>           | <u>2</u>     | <u>N</u>        | <u>UNKNOWN</u>          | <u>UNKNOWN</u>                    | <u>850</u>                                |
|                                   |                         |                     |              |                 |                         |                                   |   |
|                                   |                         |                     |              |                 |                         |                                   |   |

<sup>1</sup> See NCDOT Highway Capacity Manual or Wake County Thoroughfare Plan Appendix

<sup>2</sup> See CAMPO web site (www.raleigh-nc.org/campo) or contact NCDOT Traffic Survey Unit

<sup>3</sup> Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf) \_\_\_\_\_

Estimated traffic generated by heavy vehicles (vehicles other than automobiles and light trucks):

Type of vehicle: N/A ADT: \_\_\_\_\_

Type of vehicle: N/A ADT: \_\_\_\_\_

**Utilities and Services**

Water supply provided by: ( ) municipal system ( \_\_\_\_\_ )

( ) community system ( \_\_\_\_\_ ) (  ) individual well(s)

Estimated total water demand: 30,600 gpd

Wastewater collection/treatment provided by: ( ) municipal system ( \_\_\_\_\_ )

( ) community system - specify type( \_\_\_\_\_ ) (  ) individual on-site system

Estimated total wastewater discharge: 30,600 gpd

Electrical service provided by: PROGRESS ENERGY Underground (  ) yes ( ) no

Natural gas service provided by: PSNC

Telephone service provided by: AT&T Underground (  ) yes ( ) no

Cable television service provided by: TIME WARNER CABLE Underground (  ) yes ( ) no

Fire protection provided by: WAKE COUNTY

**Miscellaneous**

Generalized slope of site: ROLLING

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: SWIFT CREEK ALONG SOUTH PROPERTY LINE  
BEASLEY BRANCH ALONG EAST PROPERTY LINE

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: NONE KNOWN

**Land Use Plan Classifications**

General Classification (note associated municipality and/or watershed):

( ) Short-Range Urban Services Area/Water Supply Watershed \_\_\_\_\_

( ) Short-Range Urban Services Area \_\_\_\_\_

( ) Long-Range Urban Services Area/Water Supply Watershed \_\_\_\_\_

() Long-Range Urban Services Area GARNER

( ) Non-Urban Area/Water Supply Watershed \_\_\_\_\_

( ) Non-Urban Area \_\_\_\_\_

Land Use Classification(s) (Note Area Land Use Plan, if applicable):

FUQUAY - GARNER AREA LAND USE (OUTSIDE STUDY AREA)  
GARNER LAND USE PLAN - MEDIUM INTENSITY

**Other information** (additional relevant information about the site or proposal you wish to note or cite)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**All property owners must sign this application** unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: [Signature] Buffaloe Presence LLC Date: 6-21-10  
Member Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Signature] Buffaloe Presence LLC Date: 6-21-10  
Member Manager

Notes: All documents and maps submitted as required become the property of Wake County  
The Wake County Land Development Ordinance is on the web at: <http://www.wakecountync.gov/development/landuse/landuse.htm>  
B:\3-79060\48435F\0\AdoptedOrdinances\MASTER\21-10.rpt  
All application fees are non-refundable.

**SCHEDULE II**

**Managers of the Company**

Drew E. Schenck

Richard Stockett

Jim Thompson

Ward Russell

Brad Phelps

Robert Abce

Steve Dickson

**MEMBERSHIP AGREEMENT AND  
ADDENDUM TO  
OPERATING AGREEMENT**

**OF**

**Buffaloe Preserve, LLC  
a Limited Liability Company**

This Membership Agreement and Addendum to Operating Agreement ("Addendum") of **Buffaloe Preserve, LLC**, a North Carolina limited liability company (the "Company"), dated December \_\_, 2007, by and among the Company and the persons executing this Agreement as the sole Members (as defined in the Operating Agreement).

Whereas, the Company was organized pursuant to the North Carolina Limited Liability Company Act, effective as of the \_\_\_\_ day of January, 2008, upon the filing with the North Carolina Secretary of State that certain Articles of Organization of Company; and

Deleted: \_\_\_\_\_

Deleted: 7

Whereas, the undersigned, being all of the members of Buffaloe Preserve, L.L.C., hereby agree to be bound by the provisions of this Addendum.

NOW THEREFORE, in consideration of the foregoing, of mutual promises of the parties hereto, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby agree as follows:

**ARTICLE I – OBLIGATIONS OF MEMBERS**

**1.00 SPECIFIC COMPANY BUSINESS.** The Company and its Members specifically agree to purchase and develop for sale a three tracts of real property consisting of 185 +/- acres located in Garner, North Carolina (hereinafter the "Property"). A portion of Property shall be developed as a residential subdivision and remainder held for investment purposes or sale.

Deleted: 128.5 acre tract

**1.01 INDIVIDUAL MEMBER RESPONSIBILITIES.** The Members of the Company have allocated various development responsibilities among the Members of the Company. The Members agree the individual development responsibilities are fair given their percentage of ownership, loans to Company and various expertise of each Member. Each Member shall be responsible for fulfilling their obligations to the Company or may be considered in default of the Operating Agreement and Addendum should any Member fail to complete his/it's obligations.

**1.02 ASSIGNED RESPONSIBILITIES.** The Members agree the responsibilities shall be divided as follows:

A. **Richard Stockett** shall oversee development of the residential subdivision, including, but not limited to site plan submission and approval, all federal, state and local permits, hiring of contractors, supervision of site work, grading work, installation of all utilities, storm water erosion prevention, street paving, supervision of recording plats and all other matters typical of a

Deleted: payment of contractors,

Deleted: posting of any and all bonds,

residential development of this Property. The Members agree Richard Stockett, in overseeing the physical development of the subdivision, shall be entitled to authorize unbudgeted expenditures up to a maximum amount of seven thousand five hundred and 00/100 dollars (\$7,500.00) without the prior approval of the other Members.

B. **Drew E. Schenck** shall oversee land assemblage, oversee Due Diligence process, supervise design of neighborhood, co-ordinate land purchase and closing as liaison between Company and land owners and oversee residential lot valuations and sales,

**Deleted:** residential lot sales, including, but not limited to marketing materials, on-site sales, property listing on MLS, management of builder team, contract negotiations for lot sales, lot takeovers, contract signing and all other matters typical of a sales manager of a residential development.

C. **Jim Thompson, Ward Russell and RB Investment Group, LLC** shall oversee acquisition and development financing, including, but not limited to negotiate loan terms and payment schedules, provide funds for down payment, provide additional funds for project as may be necessary and all other matters typical and required for residential subdivision development financing.

**1.03 Member Loan Terms.** The Members anticipate Jim Thompson, Ward Russell and RB Investment Group, LLC will loan funds to the Company in accordance with Article VII 1(d) of the Operating Agreement. The Members agree that commercially reasonable terms for the repayment of the anticipated loans shall be paid back as a portion of the interest costs at a rate of Prime Rate as reported in the Wall Street Journal plus one percent (1%) per annum on all amounts loaned. Principal may be prepaid without penalty and shall be paid in accordance with the agreement of the Members.

## ARTICLE II – MEMBER DEFAULT

**2.00 Effect of Bankruptcy, Withdrawal or Dissolution of a Member-Manager.**  
Upon the occurrence of an Event of Bankruptcy as to a Member-Manager or the withdrawal, removal, as set forth in 2.01 below, or dissolution of a Member-Manager, any remaining Member-Manager or Member-Managers, if any, shall immediately send Notice of such occurrence to each Member. In such event, the Company (i) shall be dissolved if there is no remaining Member-Manager and terminated, or (ii) shall be continued by the remaining Member-Managers if the remaining Member-Managers, in their sole discretion, so elect.

**Deleted:**

### 2.01 Removal of a Member-Manager.

(A) Upon the occurrence of an Event of Bankruptcy as to, or the dissolution, death, incapacity, adjudication of incompetency of or removal of, a Member-Manager, such Member-Manager shall be deemed to be removed automatically and his interest shall be converted to Member status automatically.

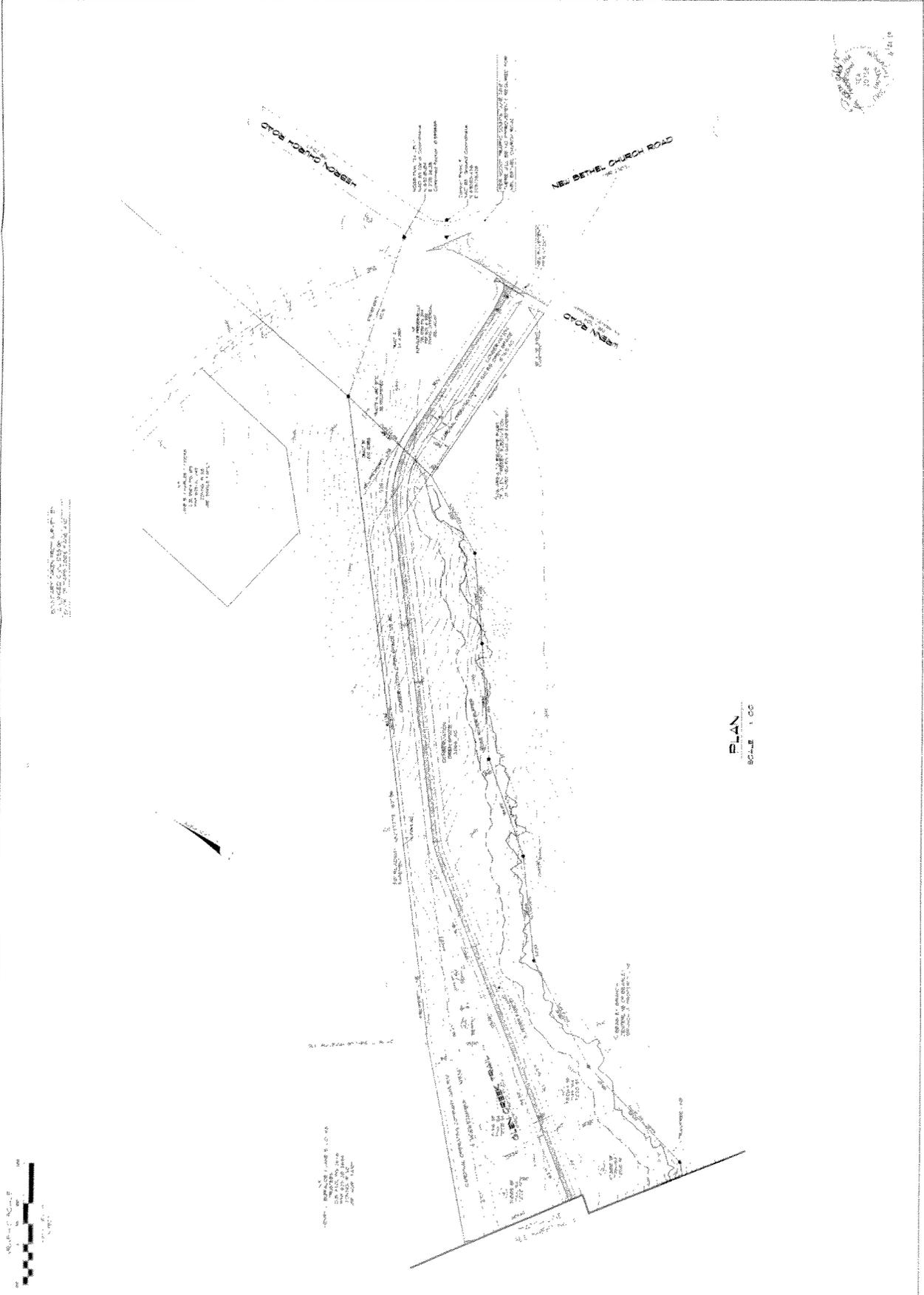
(B) Fifty-one percent (51%) in Interest of the Members shall have the right to Consent to remove a Member-Manager, or any successor, if it shall have been determined by fifty-one percent of the Members that such Member-Manager has failed in any material respect to meet his obligations under this Addendum or the Operating Agreement or shall have violated in any material respect any other provision of this Addendum or Operating Agreement or of applicable laws relating



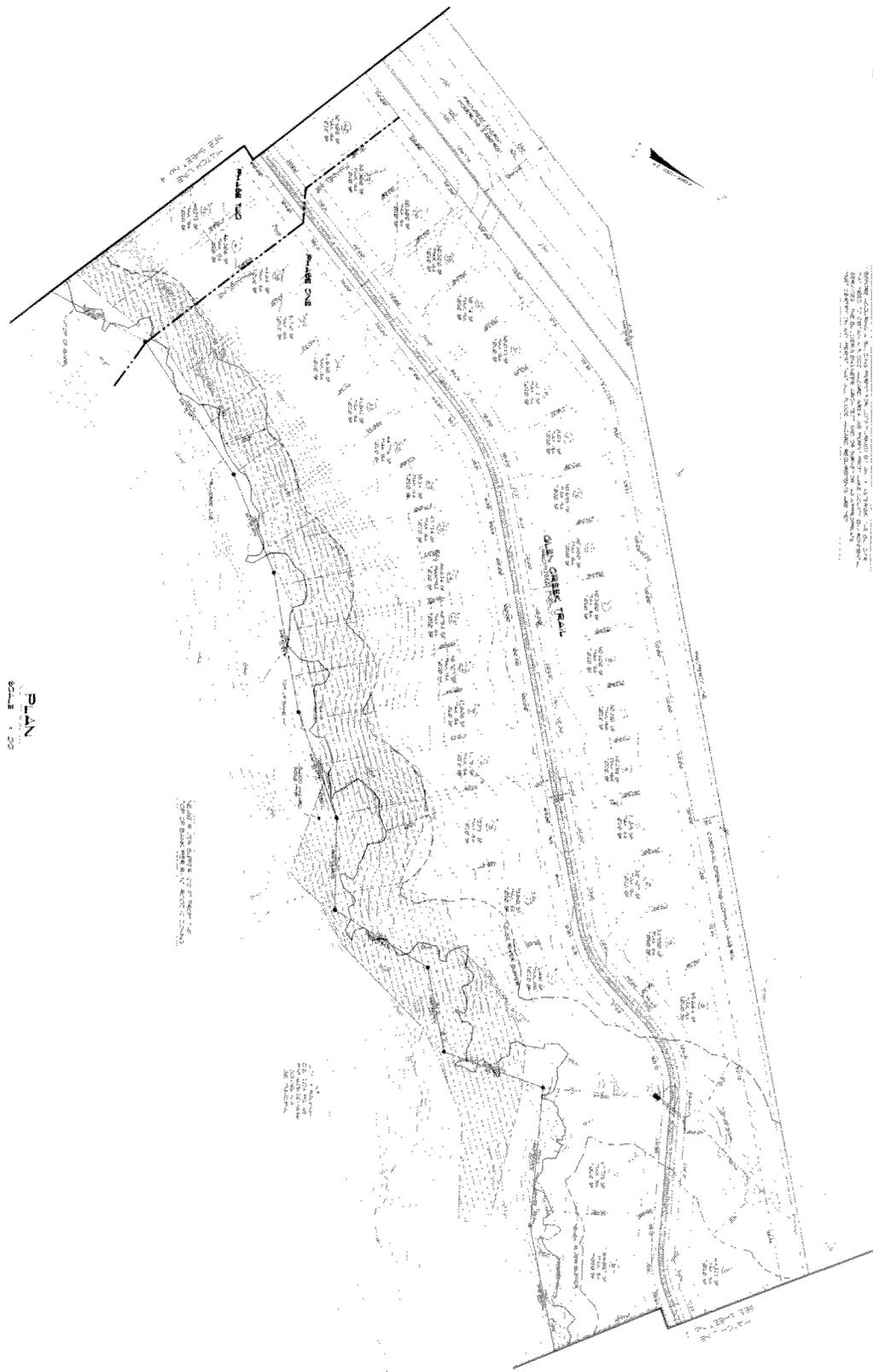
ERIC L. THOMPSON & ASSOCIATES, P.C.  
 CIVIL ENGINEERING & LAND SURVEYING  
 1111 W. 10TH ST.  
 SUITE 200  
 FAYETTEVILLE, NORTH CAROLINA 28404  
 PHONE: 704.333.1111  
 FAX: 704.333.1112

|             |                                      |
|-------------|--------------------------------------|
| DATE        | 05/09/08                             |
| SCALE       | AS SHOWN                             |
| PROJECT     | PRELIMINARY LOT 101 SUBDIVISION PLAN |
| CLIENT      | GLAZIER COUNTY NORTH CAROLINA        |
| PROJECT NO. | 1111                                 |
| DRAWN BY    | ET                                   |
| CHECKED BY  | ET                                   |

GLAZIER COUNTY NORTH CAROLINA  
 PRELIMINARY LOT 101 SUBDIVISION PLAN  
 SHEET NO. 2



PLAN  
 SCALE 1" = 100'



THIS PLAN IS THE PROPERTY OF ERIC T. THOMPSON & ASSOCIATES, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ERIC T. THOMPSON & ASSOCIATES, P.C. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED.

**PLAN**  
 SCALE: 1"=200'

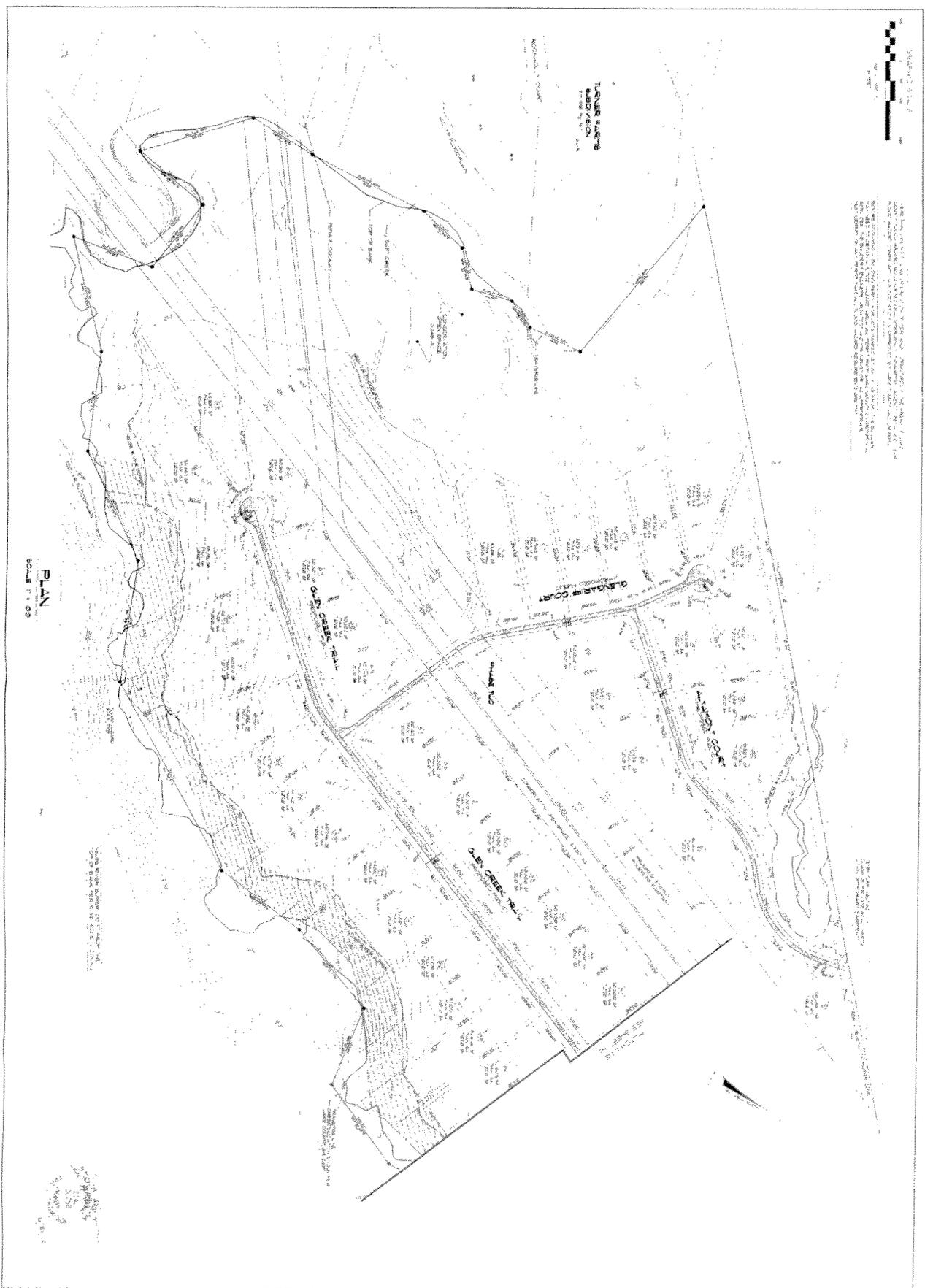




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FOOTING  
 12" MIN. W/ 4" CONC. SLAB

PLAN  
 SCALE 1" = 50'



**GLEN CREEK SUBDIVISION**  
 WAKE COUNTY NORTH CAROLINA  
 Preliminary "Lot by Lot" Subdivision Plan

|         |             |
|---------|-------------|
| DATE    | 26 JUL 2011 |
| SCALE   | 1" = 50'    |
| PROJECT | GLEN CREEK  |
| OWNER   | WAKE COUNTY |

ERIC L. THOMPSON & ASSOCIATES, P.C.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 100 S. HARRIS STREET  
 WAKE COUNTY, NORTH CAROLINA 27579  
 TEL: 919.853.2200 FAX: 919.853.2201

Project Tracking Form  
Subdivisions  
Subdivision Plan and Hardship Variance Review Schedule

|                                     |          |
|-------------------------------------|----------|
| Initial Submittal Deadline:         | 06/22/10 |
| DRS Meeting Date:                   | 08/12/10 |
| Revised Application Submittal Date: | 08/24/10 |
| Planning Director Decision          | 09/28/10 |
| Planning Board Meeting              | 10/06/10 |

**S-04-10 Northwood: Submitted 6/22/10 [PIN(s): 0647.02-86-0880]** A preliminary plan to subdivide 10.55 acres into a Lot-by-lot development consisting of 12 total proposed lots. The site is located on the northern side of Spence Farm Road and just east of Piney-Grove Wilbon Rd. The proposed subdivision is zoned R-30 and is in the Town of Fuquay-Varina's Short Range Urban Service Area. The applicant has proposed that the Neighborhood Recreation Area Fee be met with the payment of a fee. (This site and an additional area were previously approved as Northwood under the subdivision number S-26-07.)

**S-05-10 Glen Creek: Submitted 6/22/10 [PIN(s): 1628.01-18-5682]** A preliminary plan to subdivide 138.25 acres into a Lot-by-lot development consisting of 85 total proposed lots. The site is located on the western side of Wrenn Road and just south of New Bethel Church Rd. The proposed subdivision is zoned R-30 with a RCOD-2 overlay and is in the Town of Garner's Long Range Urban Service Area. The applicant has proposed that the Neighborhood Recreation Area Fee be met with a reservation of land. (This site was previously approved as Buffaloe Grove under the subdivision number S-23-07.)