Administrative Action
Preliminary Subdivision
Cluster Unit Development

City of Raleigh
Development Plans Review Center
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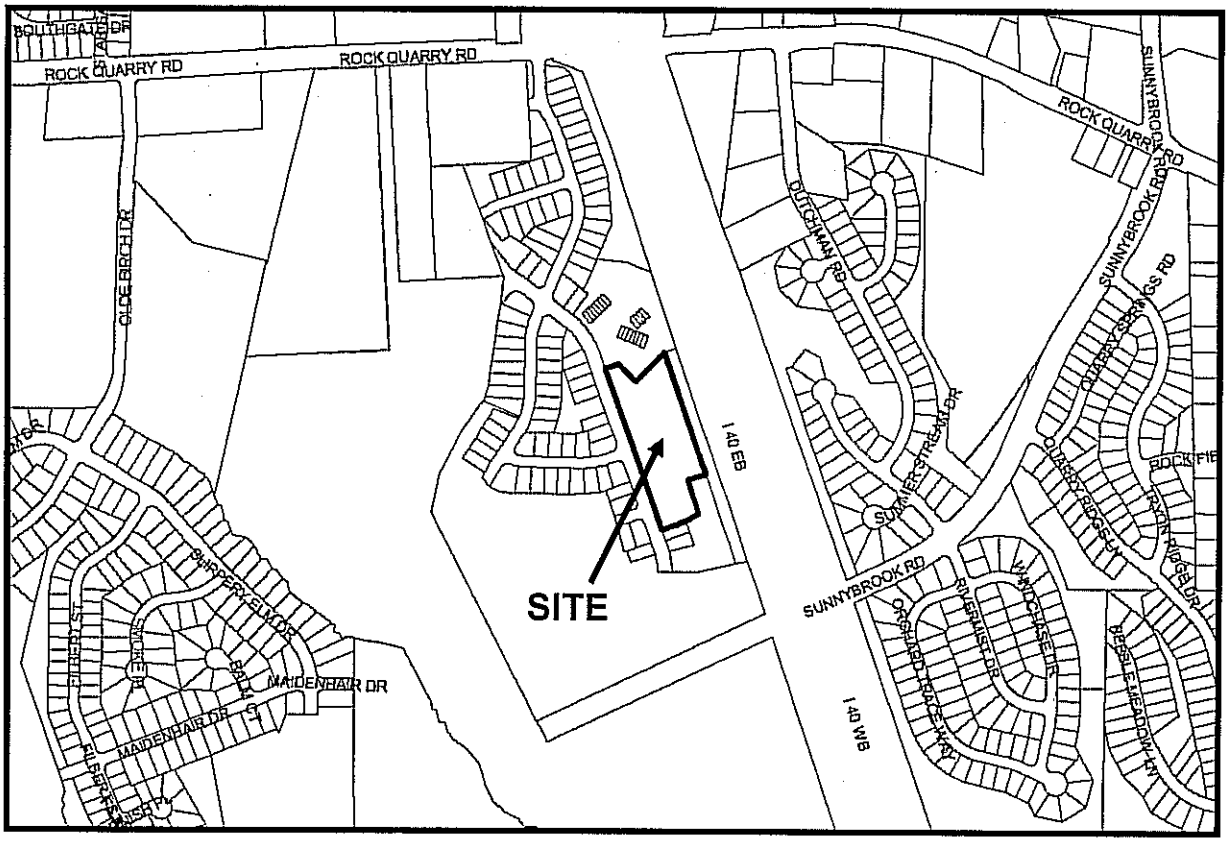
Case File / Name: **S-2-07 / Providence Phase 4**

General Location: Southwest corner of Rock Quarry Road and Interstate 40 intersection within the previously approved Providence Cluster Unit Development

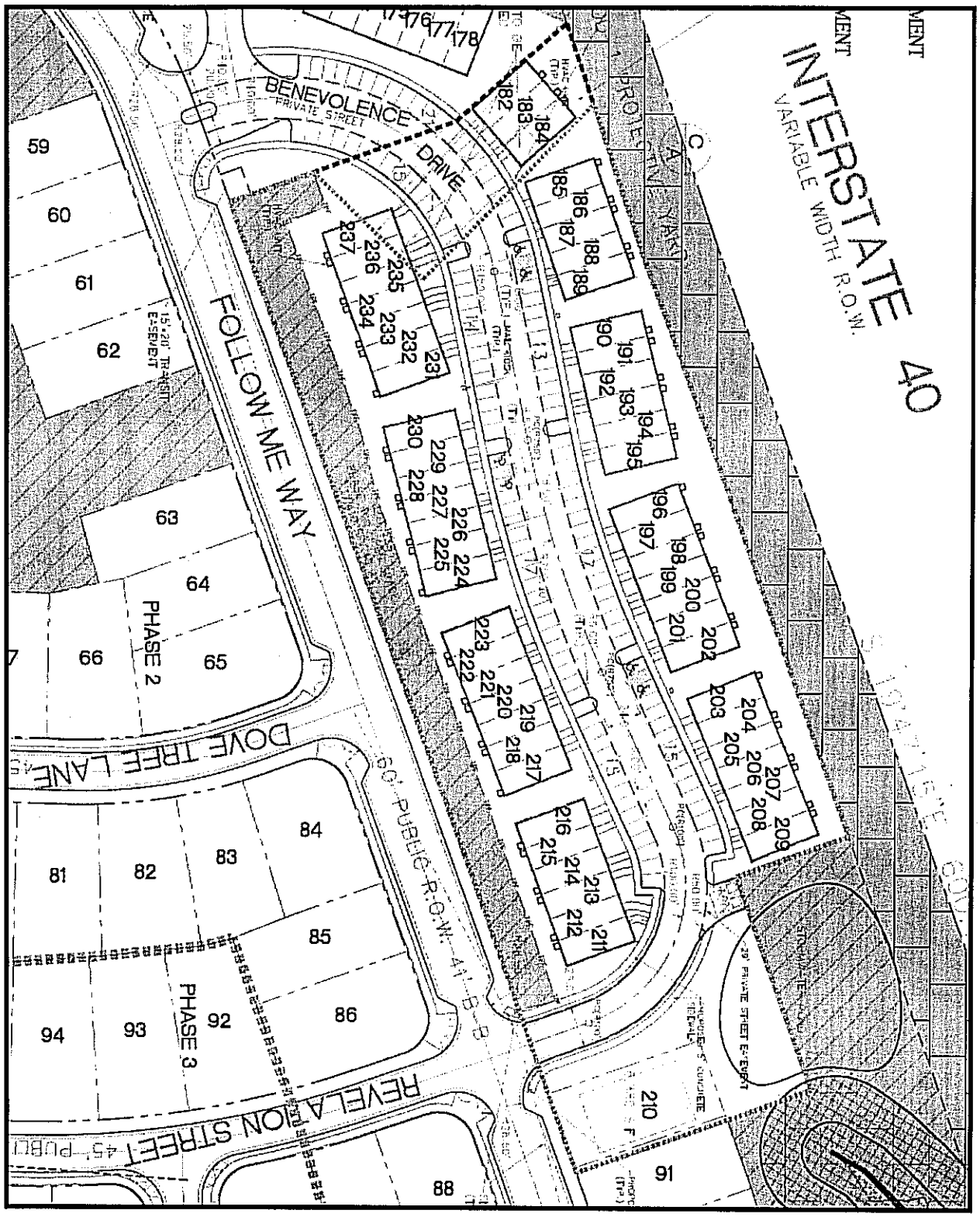
Planning District / CAC: Southeast / South

Nature of Case: Subdivision of a 3.93 acre tract within the previously approved Providence Cluster Unit Development. This proposal includes creation of 55 townhouse lots, 1 single family lot, and one open space lot to be recorded in one phase. This tract is zoned R-6 and SHOD-1.

Contact: Tony Tate



S-2-07 / Providence Phase 4 – Location Map



S-2-07 / Providence Phase 4 – Site Layout

SUBJECT: S-2-07 / Providence Phase 4

CROSS-REFERENCE: S-25-05

LOCATION: This site is located on the Southwest corner of Rock Quarry Road and Interstate 40 intersection within the previously approved Providence Cluster Unit Development, inside the City Limits.

REQUEST: This request is to approve a site specific development plan for the subdivision of a 3.93 acre site within the previously approved Providence Cluster Unit Development in an area zoned Residential-6 and SHOD-1. This site is currently composed of portions of two lots to be recombined. This proposal includes creation of 55 townhouse lots, one single family lot, and one open space lot (57 lots total) to be recorded in one phase. The residential density for this tract is 14.7 units per acre. Overall residential density for the entire 48.6 acre cluster is 4.9 units per acre.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: ***Prior to issuance of a land disturbing permit for the site:***

(1) 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 10 Chapter 9, 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;

(2) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP) in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;

(3) That a tree protection plan is approved by the Forestry Specialist in the Inspections Department, and that tree protection measures are in place on site, for trees located in the adjacent SHOD-1 yard along I-40;

Prior to Planning Department authorization to record lots:

(4) That construction plans be approved by the Public Works and Public Utilities Departments;

(5) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing tracts as shown on the preliminary plan;

(6) That if not already paid with previous lot recordation with subdivision S-25-05, then a fee-in-lieu of construction for a water main in Tryon Road shall be paid;

(7) That homeowner legal documents are prepared in accordance with Raleigh City Code Sections 10-3071 and 10-3073 - 3074, and that these documents are recorded with the County Register of Deeds. A recorded copy of these documents must be provided to the Planning Department within 14 days from authorization of lot recording. If recorded copies of homeowner's documents are not provided to the Planning Department within this 14-day period, further recordings and building permit issuance may be withheld;

(8) That as stormwater control facilities are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the developer, the property owners' association and given to the City of Raleigh Attorney for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county Register of Deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording;

(9) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared among all lots, and said stormwater control measures shall be owned and maintained by a homeowners association for which all lot owners shall be a member. The homeowners' legal documents shall be prepared in accordance with Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b), and the City Attorney shall either actually approve the homeowners' legal documents or a certificate be submitted to the City Attorney from the attorney who prepared the homeowner legal documents state that the declaration of covenants contains all of the provisions of the Raleigh City Code Requirements set forth in City form Article;

(10) The homeowners' declaration shall conform to G.S. 47-F, if applicable, and shall contain the following provisions: (a) a definition of stormwater control measures serving more than one lot and situated outside of the public street rights of way; (b) a statement in the definition of common areas that stormwater control measures are common area; (c) that stormwater control measures shall be maintained by the homeowners' association in strict compliance with the stormwater operations and maintenance manual and budget (approved by the Stormwater Engineer in the Public Works Department as part of condition (1) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (8) above; (d) that common expenses include: maintenance of stormwater control measures and replacement contribution payments required to be paid by the Association to the City by Stormwater Replacement Protection Easement and Access Maintenance Agreement required by condition (8) above; (e) that within permanently protected undisturbed open space area shown on any plat of the development, no tree-disturbing activity (as defined in Part 10 Chapter 2 of the Raleigh City Code), land-disturbing activity, placement of impervious surface, encroachment, new use or construction of any structure or expansion there of shall occur except in accordance with a watercourse buffer first being issued by the City of Raleigh; (f) that the City of Raleigh is assigned the right to collect stormwater assessments of the Association, file liens against the lots and to foreclose delinquent liens for monies owned to the City. Foreclosure of stormwater assessments liens shall be in accordance with N.C.G.S 47F-3-116 and to foreclose the claim

of lien in like manner as a mortgage on real estate under a power of sale under Article 2A of Chapter 45 of the General Statures; (g) a statement that no amendment to the legal documents affecting stormwater control measures or the replacement fund shall be made without the prior written consent of the Raleigh City Attorney as evidenced by signature of the City Attorney or his/her deputy on the recorded original or copy of the amendment; (h) a statement that the stormwater control measures are the joint and several liability of each owner served by the stormwater control measure required to comply with the Raleigh City Code, and the failure to maintain stormwater control measures is a violation potentially subjection each lot owner to significant daily civil penalties and other enforcement action; (i) the homeowners' association shall be empowered to plant, maintain and protect within tree conservation areas shown on recorded plats of the development, and the future owners of lots and their agents shall have the right to enter any of the tree conservation area shown on the recorded plats of the development with the consent of the Association and the City of Raleigh Inspections Department to perform active tree protection as defined in Chapter 2 Part 10 of the Raleigh City Code to remove trees, plat trees and to replant replacement tree; (j) a statement that any tree disturbing activity as defined in Chapter 2 Part 10 of the Raleigh City Code undertaken in any tree conservation area shown on the recorded plats of the development without the prior issuance of a permit from the City of Raleigh Inspections Department is a violation of the Raleigh City and will result in significant financial consequences. A recorded copy of these deeds must be provided to the Planning Department within 14-day from authorization of lot recording. If recorded copies of the of the deed are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld

(10) That street names for this development be approved by the Raleigh Planning Department and by Wake County.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (Stz Barbour) Date: 7/30/07

Staff Coordinator: Stacy Barbour

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 10-2019, 10-2058, 10-2103, 10-2109, Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 4/11/07, owned by Marlowe & Moye, LLC, submitted by Tony Tate.

CLUSTER STANDARDS:

ZONING DISTRICTS: This portion of the site is zoned Residential-6 and SHOD-1.

DEVELOPMENT DENSITY: The number of units allowed in the cluster is 298. The proposed plan contains 56 units. With approval of this phase there will be a total of 238 units within the cluster with an overall residential density of 4.9 units per acre.

PHASING: This proposal is within the previously approved Providence Cluster Unit Development Plan (S-25-05). There is one phase in this development plan. The overall density and open space for existing phases approved to date in the cluster unit development collectively conform to the zoning districts. Site specific subdivision plans cumulatively exceeding 10 acres in size already have been recorded. Restrictive covenants are not required to be placed on the remainder of the cluster in accordance with 10-3071(b)(9)b.

LOTS / SETBACK: The minimum single family lot size allowed in this portion of the cluster is 4,356 square feet. The proposed single family lot is 6,380 square feet in size.

For the townhome portion of the development, setbacks from public streets and property lines conform to Section 10-2103(b) and 10-2019. The minimum setback from public streets is shown to be 40 feet. Within the townhouse development private outdoor living areas maintain a minimum 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. Maximum building height is proposed to be no greater than 28'. Perimeter protective yards are not required.

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 0.39 acres required, 10.2% or 0.40 acres provided. The total cluster is approximately 48.6 acres in size and 10% or 4.86 acres of total open space is required. The additional 0.40 acres open space will increase the amount of cumulative open space to 9.99 acres, exceeding minimum Code standards.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. Transitional protective yards are not required.

TREE CONSERVATION: This plan shows no tree conservation priority areas of code section 10-2082.14 existing on this site and compliance with 10-2082.14 is thereby not required.

OTHER GROUP HOUSING STANDARDS: Private dead-end streets exceeding 150 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g). The main circulation route through this site meets private street standards. Sidewalks are shown to be

provided from the main entrance of each dwelling unit and from all recreation facilities to the public sidewalk system.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No additional dedication of right-of-way or construction of thoroughfare streets is required with this phase.

TRANSIT: There are no provisions for transit proposed with this plan.

URBAN FORM: This site is located in the Southeast Planning District with specific recommendations in the Rock Quarry Road Corridor Plan. The proposed subdivision site is designated for low (7 or less units per acre) to medium (8 to 14 units per acre) density housing.

SUBDIVISION 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. If not previously paid then a fee-in-lieu of construction is required for the portion of water main that will not be installed in Tryon Road per the approval of S-25-05.

SOLID WASTE: Refuse collection is to be provided based on the standards in the Solid Waste Manual.

CIRCULATION: Proposed street improvements shall conform to City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations.

FLOOD HAZARD: There are no flood hazard areas on this site.

STORMWATER MANAGEMENT: This site is subject to requirements of Part 10 chapter 9. Retention / detention facilities are shown on the preliminary plat. Nitrogen reduction requirements are being fulfilled through payment to the North Carolina Ecosystem Enhancement Program.

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

STREET NAMES: One new street name is 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 lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 7/30/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 7/30/12
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.