Administrative Action
Preliminary Subdivision
Cluster Unit Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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Case File / Name: **S-3-07 / Brier Creek Land Bay U – Lot 1153**

General Location: North side of Collingdale Way between TW Alexander Drive and Brier Creek Parkway, within the previously approved Brier Creek Cluster Unit Development (S-96-98)

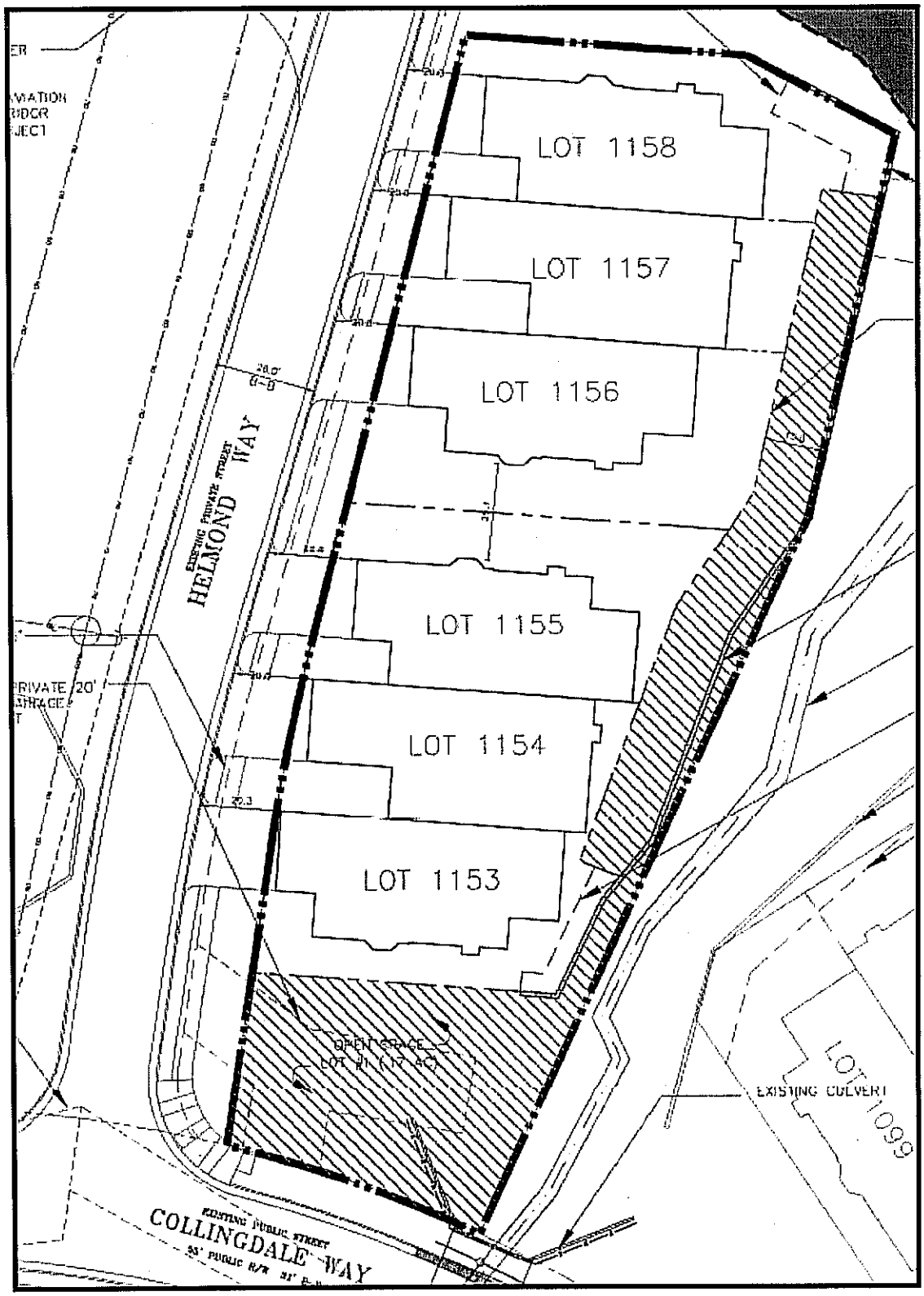
Planning District / CAC: Umstead / Northwest

Nature of Case: Subdivision of a 0.69 acre tract [Lot 1153 BM 2006, page 2503] within the previously approved Brier Creek Cluster Unit Development. This proposal includes creation of six townhouse lots and one open space lot to be recorded in one phase.

Contact: The John R. McAdams Company



S-3-07 / Brier Creek Land Bay U Lot 1153– Location Map



S-4-07 / Brier Creek Land Bay U Lot 1153– Site Plan

SUBJECT: S-3-07 / Brier Creek Land Bay U Lot 1153

CROSS-REFERENCE: S-96-98, S-83-04, Z-65-96

LOCATION: This site is located on the north side of Collingdale Way between TW Alexander Drive and Brier Creek Parkway, within the previously approved Brier Creek Cluster Unit Development (S-96-98). It is inside the City Limits.

REQUEST: This request is to approve a site specific development plan for the subdivision of a 0.69 acre tract [Lot 1153, BM 2006, page 2503] zoned Thoroughfare Conditional Use District (Z-65-96) within the previously approved Brier Creek Cluster Unit Development. This plan is in Area B noted in the zoning conditions for this district. This proposal includes creation of six townhouse lots and one open space lot to be recorded in one phase. The overall residential density for this development is 8.7 units per acre. The total number of units allowed in the entire cluster is 1,655. This plan increases the cumulative total of approved residential units to 1,205 on approximately 462 acres.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to issuance of a land disturbing permit for the site:

(1) 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;

Prior to Planning Department authorization to record lots:

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

(3) That the legal documents annexing this 0.69 acre tract into the cluster unit development, in accordance with Raleigh City Code section 10-3071(b)(10) be recorded with the County Register of Deeds. A recorded copy of this legal document must be provided the Planning Department within 14 days of authorization to record lots. If this recorded legal document is not provided to the Planning Department within this 14 day period, further lot recordation and building permit issuance may be withheld;

(4) That the applicant submit a cumulative map for the cluster unit development, showing all acreage, lots, open space, and public rights-of-way that have been recorded to date, and a table showing the total units and lots approved in each phase, total and net acreage in each phase, zoning and open space allocated for each phase, and totals of all units, lots, acres and open space for the entire Cluster Unit Development and the recorded book and page of required legal documents, including successive annexations.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Blanger) Date: 5-14-07

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 10-2045, 10-2101, 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 Toll Brothers Inc., submitted by The John R. McAdams Company.

CLUSTER STANDARDS:

ZONING DISTRICTS: Thoroughfare CUD. Ordinance No. (1996) 929 ZC 392, Z-65-96, effective July 2, 1996. This plan is in Area B noted in the zoning conditions for this district.

DEVELOPMENT DENSITY: The overall residential density for this tract is 8.7 units per acre. The total number of units allowed for the entire cluster is 1655. This plan increases the cumulative number of lots approved to date to 1205. Legal documents annexing this site into the overall cluster unit development have not been recorded.

PHASING: This proposal is within the previously approved Brier Creek Cluster Unit Development Plan (S-96-98). 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: Setbacks from public streets and property lines conform to Section 10-2103(b) and 10-2045. The minimum setback from public streets is shown to be 60 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: With this development, approximately 0.17 acres of additional common open space is being dedicated at this time. The total cluster is approximately 462 acres in size and 10% or 46.2 acres of total open space is required. Previously 78.58 acres of open space has been set aside in the cluster. The additional 0.17 acres open space will increase the amount of cumulative open space to 78.75 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: Tree conservation requirements of code section 10-2082.14 do not apply to this 0.69 acre subdivision.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Sufficient public street right-of-way and public street improvements exist adjacent this site.

TRANSIT: No transit facilities are requested in this location.

URBAN FORM: This site is located in the Umstead Planning District and is located within a Regional Intensity Area.

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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.

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. These lots will have access from a private street, Helmond Way.

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 stormwater management zoning conditions that require that runoff be held to no more than that expected for R-4 development for the 2 and 10-year storms (Z-65-96). However, no stormwater detention is required as this site is exempt per code section 10-9023(b)4 as determined by the previously submitted flood study with subdivision S-83-04 for the parent tract [Brier Creek Land Bay U]. Retention / detention facilities are not shown on the preliminary plat.

This project has chosen to offset a portion of nitrogen load limitations by paying monies 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: No new street names are required for this development. A street name has already been approved.

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 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: 5/14/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 5/14/12
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.