Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
(919) 516-2626
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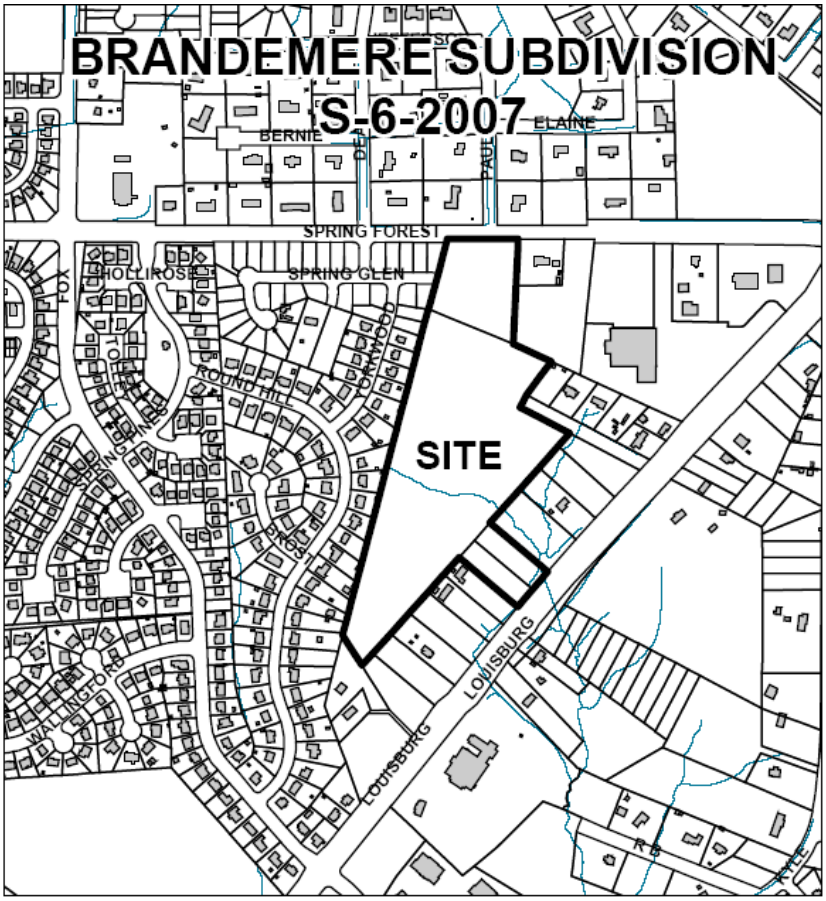
Case File / Name: **S-6-07 Brandemere**

General Location: Paul Rd. and Spring Forest Rd.

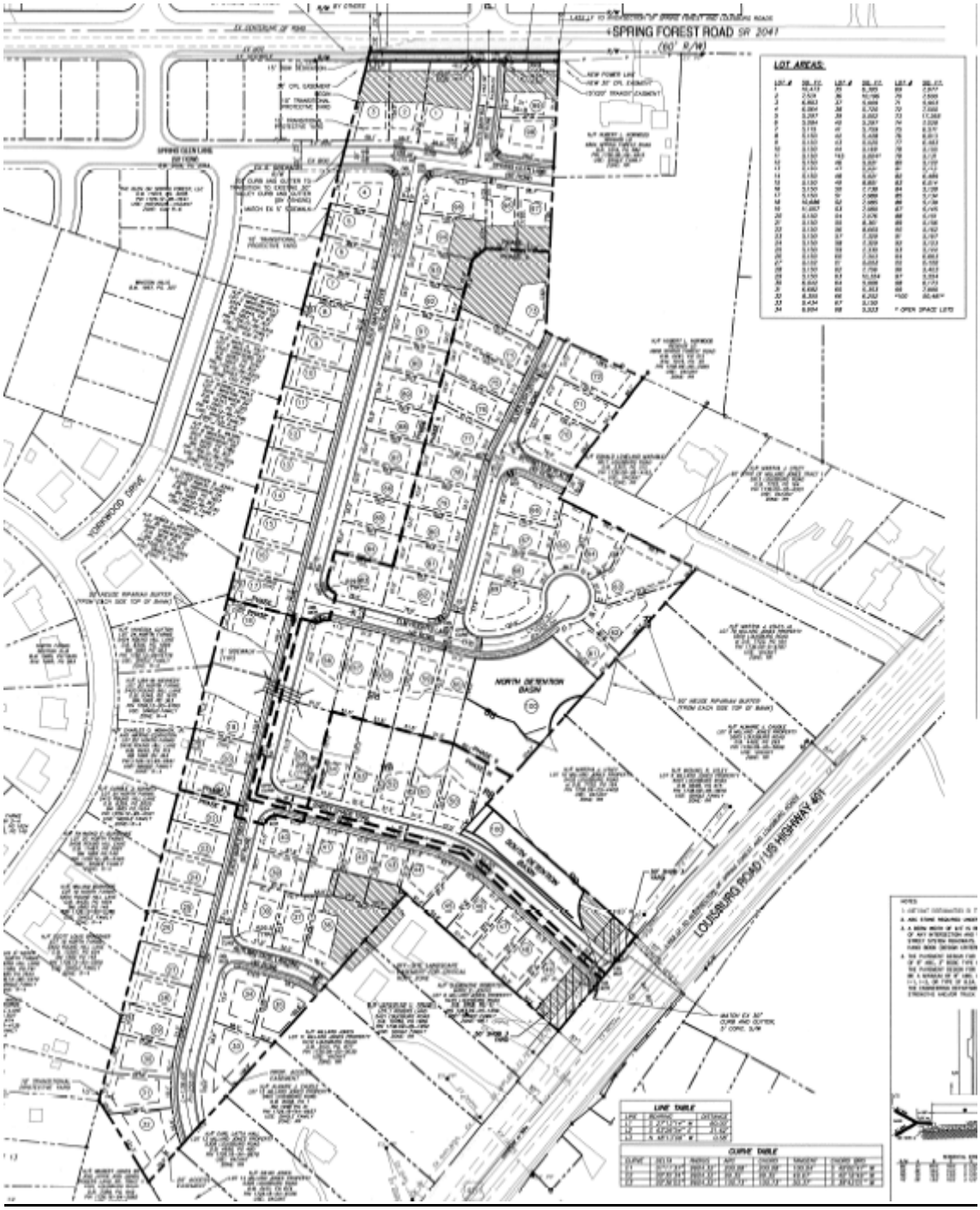
Planning District / CAC: Northeast / Northeast

Nature of Case: This request is to approve the subdivision of a 20.18-acre tract into 98 single-family lots and 2 open space lots, zoned R-10 CUD, RR and SHOD-3. The density is 4.8 units/acre. This subdivision is not a cluster unit development.

Contact: Terry Gleason



Vicinity Map



Proposed Subdivision

SUBJECT: **S-6-07 Brandemere**

CROSS-REFERENCE: Z-35-06

LOCATION: This site is located on the southwest intersection of Spring Forest Rd. and Louisburg Rd. within the City Limits.

REQUEST: This request is to approve the subdivision of a 20.18-acre tract into 98 single-family lots and 2 open space lots, zoned R-10 CUD, RR and SHOD-3. The R-10 portion is 19.78 acres; the RR portion is 0.40 acres. The density is 4.8 units/acre. This subdivision is not a cluster unit development.

OFFICIAL ACTION: **Approval with conditions**

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

(1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. 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 Inspections Department. A copy of the approved plan is placed on file in the Planning Department;

(2) 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 . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;

(3) 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;

(4) That as the developer purposes to disturb a designated riparian buffer for the purpose of a street crossing, 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 (per code section 10-9044(a);

Prior to Planning Department authorization to record lots:

(5) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

(6) 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.”;

(7) That a note be shown on the recorded map stating That one vehicular access is allowed onto Spring Forest Rd. pursuant to rezoning condition L;

(8) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;

(9) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lots into a single tract;

(10) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section10-2082.14;

(11) That a payment in lieu for the alternate means of compliance (due to the secondary tree conservation being eliminated by the construction of two roads) as approved by the Forestry Specialist, be paid to the Forestry Specialist in the Inspections Department;

(12) That a deed be signed by the adjacent land owners DB 10780 PG 1906 and DB 2258 PG 11 granting an off-site critical root zone area to meet tree conservation. A recorded copy of theses documents must be provided to the Planning Department within 14 days from authorization of lot recording. If a recorded copy of the documents are not provided to the Planning Department within this 14 day period, further recordings and building permit issuance may be withheld;

(13) 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.

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 (2) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (2) 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 (xx) 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

(14) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;

(15) That a 15'x20' foot transit easement located on Spring Forest Rd. be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(16) That the recorded map show the 10' foot transitional protective yard located along the western property line, as shown on the preliminary plan as indicated in the zoning conditions;

(17) That 1/2'-90' in width of right of way along Spring Forest Rd. be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review and reimbursement rate is at RR values;

(18) 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 perpetuity 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).". This covenant is to run with the land, and shall be binding on the Owner, and all parties claming under it;

Prior to issuance of building permits in the Inspections Department:

(19) That all the applicable conditions of Z-35-05 are executed;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C.Wray) Date: 9.4.08

Staff Coordinator: James Marapoti

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, and Sections 10-2021, 2015 2060 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated May 15, 2008, owned by Omega Property Group, submitted by Integrated Design.

ZONING:

ZONING DISTRICTS: R-10, RR with SHOD 3
Ordinance No, (2005) 30 ZC 589 Adopted and Effective: 6/6//06

Z-35-06 – Spring Forest Road, on the south side of Spring Forest Road and southwest of the Spring Forest Road and Louisburg Road intersection, being Wake County PIN's 1736061630, 1736051941, and 1736052239, Approximately 19.36 acres rezoned to Residential-10 Conditional Use w/SHOD-3.

Conditions 05/25/06

a) Reimbursement for any future right-of-way dedication shall be based on RR values.

b) Uses will be limited to single family detached residential homes, townhouse developments, residential unit ownership developments and cluster unit developments, (containing only single family detached dwellings, townhouses and condominiums) and any accessory uses allowed in R-l0 districts, under Section 10-2071 of the City Code.

c) A ten (10 foot Transitional Protective Yard ("TPY") will be provided along the west property line adjacent to the property with the following PINs

Glen on Spring Forest, LLC (PIN 1726965641 DB 11873 Page 2205)
Shane Murphy (PIN 1726968310 DB 10944 Page 3)
Marc Tout (PIN 1726968203 DB 8240 Page 325)
Donnell Rawls (PIN 1726967186DB 10347 Page 1789)
Neal Wilson (PIN 1726967059 DB 1789)
Christopher Jones (PIN 1726967032 DB 10335 Page 1627)
Debra Moscato (PIN 1726956994 DB 3818 Page 45)
Vanessa Clifton (PIN 1726956778 DB 8398 Page 1899)
Lisa Kennedy (PIN 1726956760 DB 9348 Page 1670)
Charles Womack (PIN 1726956641 DB 8222 Page 712)
Carole Schmitz (PIN 1726956521 DB 8329 Page 2025)
Raymond Burgoyne (PIN 1726955493 DB 11467 Page 1087)
WilliamBurnside(PIN 1726955346 DB 102590 Page 2025
Scott Bradsher (P114 1726955209 DB 10387 Page 654)
Luis Neder (PIN 1726954272 DB 11380 Page 191)
Norman Waggy (PIN 1726954135 DB 3676 Page 507)
Peter Leonard (PIN 1726954028 DB 6709 Page 317)
Stephen Woodruff (PIN 1726954012 DB 4981 Page 578)

d) Landscaping for the TPY described in condition (c) above shall be increased approximately fifty percent (50%) as follows: The TPY shall include, nine (9) trees and sixty (60) shrubs per one hundred lineal feet. Such trees shall be a minimum of twelve (12) feet in height and nine and one half (9.50) inches in circumference (three (3) inches in diameter) measured one-half foot above ground level.

e) Street Protective Yard landscaping for all internal public and/or private streets shall be provided at a rate of approximately fifty percent (50%) greater than required for a detached single-family dwelling by Raleigh City Code Section l0-2082.5(c)(3) as follows: the total caliper inches of shade trees shall be three (3) inches in caliper (nine and one half (9.50) inches in circumference measured one-half foot above ground level) per each fifty (50) linear feet of street frontage. Further, trees shall be a minimum of twelve (12) feet in height and nine and one half (9.50) inches in circumference (three (3") inches in diameter) measured one-half foot above ground level.

f) A private or public street shall be extended to the property to the West (PIN # 1726-96.5641) of the subject property.

g) Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, offers of cross access shall he extended to properties along the South and East property lines with the following PINs 1726-94-5882 DB 07389 Page 942, 1726-94-8726 DB 3431 Page 879, 1726-94-8878 DB 4956 Page 480 and 1736-94-9937 DB 8038 Page 001.

h) All outdoor area and parking lot lighting fixtures, other than those serving single family detached dwelling units, shall be of full cutoff (shielded) design and shall be a maximum of sixteen feet (16') in height, provided that lighting in transitional protective yards shall be a maximum of twelve feet (12') in height.

i) In the event the parcels within the Property are under common ownership, prior to obtaining building permits for any of the parcels, cross access will be provided among contiguous parcels within the Property in the event they are not recombined into a single parcel.

j) In the event that any parcel within the Property is further subdivided, no dwelling units on any such subdivided parcel will have direct driveway access to either Spring Forest Road or Louisburg Road

k) Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of Property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to Spring Forest Road by fifteen (15) feet wide to support a bus stop for future transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

l) Direct vehicular access to the Property from Spring Forest Road will be limited to no more than one (1) access point generally opposite from Paul Road.

m) Uses on lots located along the western boundary of the Property abutting the parcels with the PINS stated in condition (c) above shall be limited to single family detached dwellings and accessory uses only; any such dwelling constructed on a lot abutting one or more parcels having any of the aforementioned PINs along the western boundary shall be constructed upon either a crawl space or a full or partial basement

n) No vinyl siding shall be permitted on the exterior of any dwelling constructed within the Property.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 and 10-2060 for Special Highway Overlay-3 is shown. Subdivision is complying with the above Conditions C, D, and E as specified.
A 10' Transitional protective yard provided per condition c along the western property line.

TREE CONSERVATION: 2.05 acres required, 1.84 acres is provided and 0.21 acres through a buyout. The areas provided are the following: 0.71 acres (Primary) and 1.13 acres (Secondary), with the remainder 0.21 acres through a buyout. An offsite easement by deed is required for Clementine Robertson DB 2258 PG 11 and Jacqueline Conwell DB 10780 PG 1906.
An alternate means of compliance for dedicating secondary tree conservation area is for an area located at the intersection of the proposed Spring Glen Lane extension with a proposed north south road within the subdivision. With the construction of these roads this tree conservation area will be wiped out due to grade differentials. In lieu of being able to dedicate this area the applicant is proposing a buy-out that has been approved by Forestry Staff.

UNITY OF DEVELOPMENT: Reference Condition N above as to restriction to use of vinyl siding.

PHASING: There are 3 phases in this development. A final phasing plan will be approved during construction document review.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Spring Forest Rd.	½ 90’	22’ w/ 5’ sidewalk	N/A

Additional right-of-way to be dedicated is reimbursable under RR rates.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 1-15’x20’ transit easement along Spring Forest Rd.

URBAN FORM: The proposed development is located in the Northeast Raleigh Planning District, and is a part of the US 401 North Corridor Plan (CP). According to the US 401 North Corridor Plan perpendicular access should be limited where possible to 800 foot intervals; therefore, interconnectivity is strongly encouraged.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in the R-10 zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70’. The minimum lot width in this zoning district is 45’. The minimum lot size in the RR zoning district is 40,000. The minimum lot depth in the zoning district is 100’ and the minimum lot width in this zoning district is 80’. There is one lot in the RR zoned potion lot 100 which serves as an open space BMP. This lot conforms to these minimum standards.

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.

PUBLIC UTILITIES: City water and sewer services are not immediately 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.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing, which will be constructed in phase 2. The developer of this property will construct the entire stream crossing. That an offer of cross access to PINs 1726-94-5882 DB 07389 Page 942, 1726-94-8726 DB 3431 Page 879, 1726-94-8878 DB 4956 Page 480 and 1736-94-9937 DB 8038 Page 001 has been recorded in BK 2008 PG 1651-1652 pursuant to condition (g).

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 5' sidewalk is required along Spring Forest Rd. A sidewalk exists along Louisburg Rd. Internal streets provide for sidewalks.

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

STORMWATER MANAGEMENT: This project will utilize 2 extended dry detention ponds to meet stormwater quantity control. The two extended dry detention ponds and a bio-retention pond are utilized along with a NCEEP buydown payment in order to meet stormwater quality control regulations.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are present.

STREET NAMES: 8 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 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: 9/4/2011
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/4/2013
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.