Administrative Action
Townhouse Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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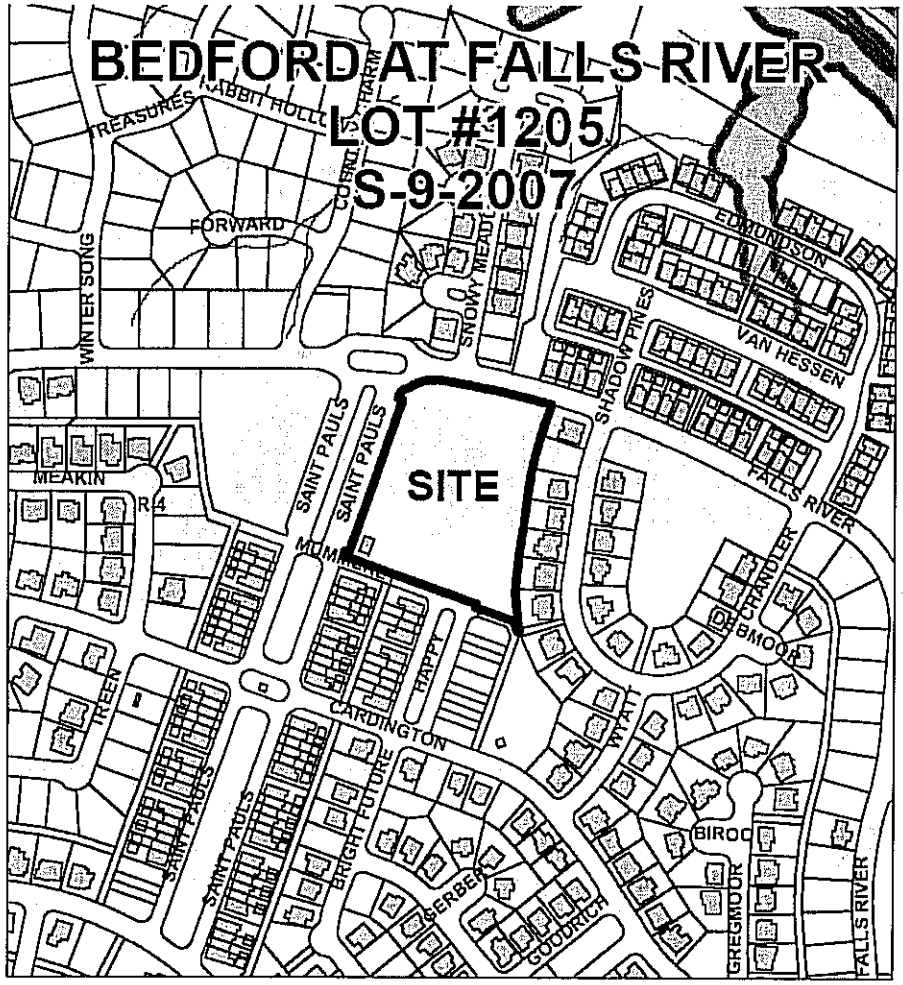
Case File / Name: S-9-07 Bedford at Falls River Lot 1205

General Location: South East of the intersection of Saint Paul's and Falls River Avenue

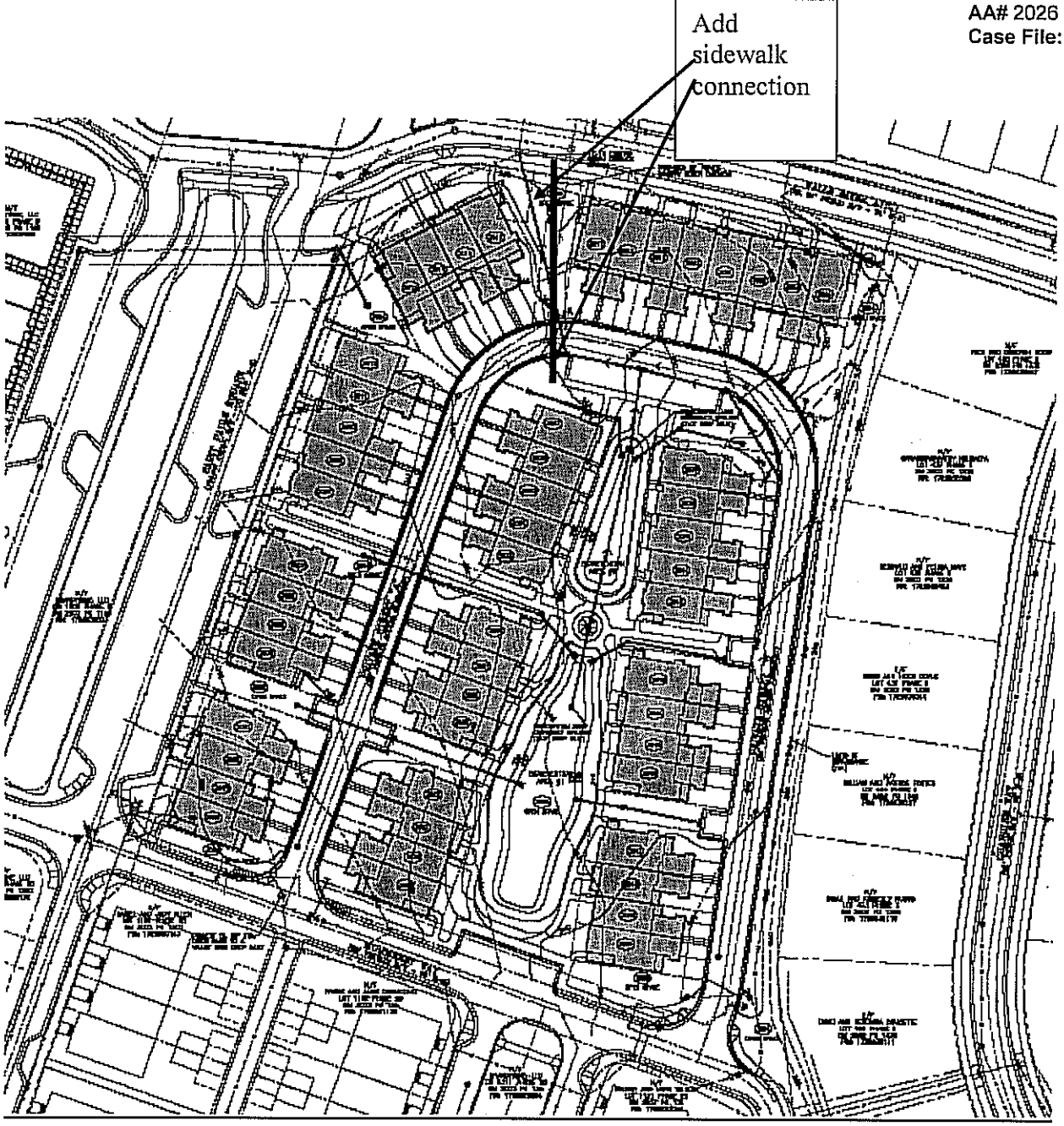
Planning District / CAC: North / North

Nature of Case: This request is to approve the subdivision of a 4.92 acre tract into 50 townhouse lots and 6 open space lots, zoned R-4 PDD. The total number of lots is 56.

Contact: Ryan Akers



S-9-07 BEDFORD AT FALLOS RIVER LOT #1205, 4.92 ACRES, 50 LOTS,
ZONED R-4 PDD, NORTH PLANNING DISTRICT,
NORTH CAC, PLANNER: J. MARAPOTI (919) 516-2642
APPLICANT CONTACT: THE JOHN R. MCADAMS COMPANY
(919) 361-5000, NEUSE RIVER DRAINAGE BASIN



Townhouse Plan

SUBJECT: S-9-07 Bedford at Falls River Lot 1205

CROSS-REFERENCE: MP-1-94, S-87-01, Z-62-02

LOCATION: South East of the intersection of Saint Paul's and Falls River Avenue inside the city limits.

REQUEST: This request is to approve the subdivision of a 4.92 acre tract into 50-3 bedroom townhouse lots and 6 open space lots; zoned R-4 PDD. The proposed density is 10.16 units per acre which is allowed within the master plan.
The previous subdivision S-87-01 created the 4.92 acre (Lot 1205) and the adjacent commercial lot (Lot 250) across Saint Paul Square which is located in Track 19 from the master plan as recorded in Book 2002 Page 1199. Both tracks require strict adherence to residential character as conditioned in Z-62-02.

OFFICIAL ACTION: **Approval with conditions**

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

(1) 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;

(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;

Prior to approval of construction drawings:

(3) That a private sidewalk connection from Falls River Avenue through units 3016 and 3017 to the internal private pedestrian system is provided for on the infrastructure construction plans. This connection was not shown on the preliminary approval, but required for sidewalk connectivity;

Prior to Planning Department authorization to record lots:

(4) That a note be placed on the recording maps stating, "That all development on Lots 250 and Lot 1205 will be subject to unity of development guidelines on file with the Raleigh Planning Department";

(5) That a revised layout from the zoning exhibit be approved that shows the proposed layout for all of track 19.

(6) That a petition to abandon the existing City of Raleigh Sanitary Sewer easement (BM 2002 pg 1199) is submitted to the Public Utilities Department and approved as a separate action by the Raleigh City Council;

(7) That the owner prepare a restrictive covenant stating that if the impervious surface on any lot in the subdivision increases from existing conditions, then the requirements of Part 10 Chapter 9 of the Raleigh City Code will apply;

(8) 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."

(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.

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

(10) That a note be placed on the recording maps stating, "that all development will be subject to unity of development guidelines on file with the Raleigh Planning Department";

(11) That a note is placed on the recorded map stating, that no garage unit shall be converted to livable space if providing the required number of spaces for the bedrooms.

Prior to issuance of building permits in the Inspections Department:

(12) That all conditions of Z-62-02 have been satisfied;

(13) That in accordance with 10-2103(a)2, the building with units 3017 thru 3024, shown to be longer than 150' in length, provide final elevations that provide for architectural features to lessen the perceived bulk, scale, length and width of the building;

(14) That the Planning Department determine conformance with the zoning conditions related to conditions of Z-62-05 as well as unity of development for tract 19;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Michael Stroud (C. Dauge) Date: 6.28.07

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, Sections 10-2103, 10-2021 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6.5.07, owned by Brandywine, LLC, submitted by John R. McAdams.

ZONING:

ZONING
DISTRICTS: Ordinance (2002) 321 ZC 526 Effective: November 6, 2002

Z-62-02 (MP-1-94) Falls River Avenue, south side, being Wake County PIN 1729.04-93-0476. Approximately 10.47 acres rezoned to amend the Planned Development Conditional Use Overlay District, Falls River Master Plan (MP-1-94).

Conditions dated: (10/23/02)

1. No single commercial store shall exceed 45,000 square feet of floor area gross.

2. Total non-residential square footages (office and commercial) shall not exceed 150,000 square feet of floor area gross.

3. Buildings within the subject area shall contain a mixture of residential (with a minimum of 30 residential dwelling units), commercial, and office uses. These uses shall be defined as set forth in the City Code Table of Permitted Uses.

4. Roads, drives, layouts and landscaping shall be provided as approved by S-87-01 and illustrated on Exhibits A, B, C.

5. No development shall take place unless in conformity with Master Plan MP-1-94, as amended, or in conformity with this approved rezoning, or in conformance with any future amendments or revisions to the Master Plan. Except as specifically provided in this rezoning, all provisions of Master Plan MP-1-94, as amended shall remain in effect.

6. New construction shall not exceed fifty (50') feet in height.

7. Proposed buildings shall be residential in character (as defined in City Code and MP-1-94) and shall be generally consistent with Zoning Exhibit A submitted with this case. New construction shall generally follow this exhibit as a guide in terms of desired building height, massing and materials pallet. At the time of building permit submittal, a statement and illustrations of the proposed residential character elements shall be provided. These elements shall be reviewed to ensure that they are consistent with the general

styles, architecture and materials used for residential development located within the Bedford at Falls River subject area (defined as the area approved with S-87-01).

SETBACKS / HEIGHT: Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 30'. Private outdoor living areas maintain a min. 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. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). Buildings greater than 28' in height meet min. 30' setback from perimeter property lines.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown.

TREE CONSERVATION: No tree conservation areas are present meeting the minimum standards of 10-2082.14, thus no tree conservation required.

OPEN SPACE: Open space conforms to minimum requirements. 10% or .49 acres required, 1.59 acres are provided, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 128 spaces required, based on 50 (3 bedroom units) x 2.5 spaces= 130 parking spaces are provided. Parking spaces meet minimum standards for size and aisle width, no garage units can ever be converted to heated square feet.

UNITY OF DEVELOPMENT: Unity of development criteria is required for the entirety of Track 19 which is the townhouses and commercial areas. A unity of development plan must be approved by the Planning Director prior to the recording of any lots. A note must be placed on any plat for recording noting that unity of development criteria will apply to the commercial and townhouse portions fronting on Saint Paul Square. A unity of development plan is on file in the Planning Department.

PHASING: This development will be constructed in one phase.

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: All rights of way are dedicated and constructed around this project.

TRANSIT: No transit-oriented features are required for this site.

URBAN FORM: This site is located in the North Planning District, in an area consistent with the Comprehensive Plan and land use in the approved PDD.

SUBDIVISION 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 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.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A series of sidewalks are proposed that bisects the townhouse development with an open space providing pedestrian connection.

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

STORMWATER MANAGEMENT: This site will utilize bio-retention areas for detention, and nitrogen mitigation, with a buy down.

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

STREET NAMES: A private street name is required for this development.

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: 6/14/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/14/12
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.