Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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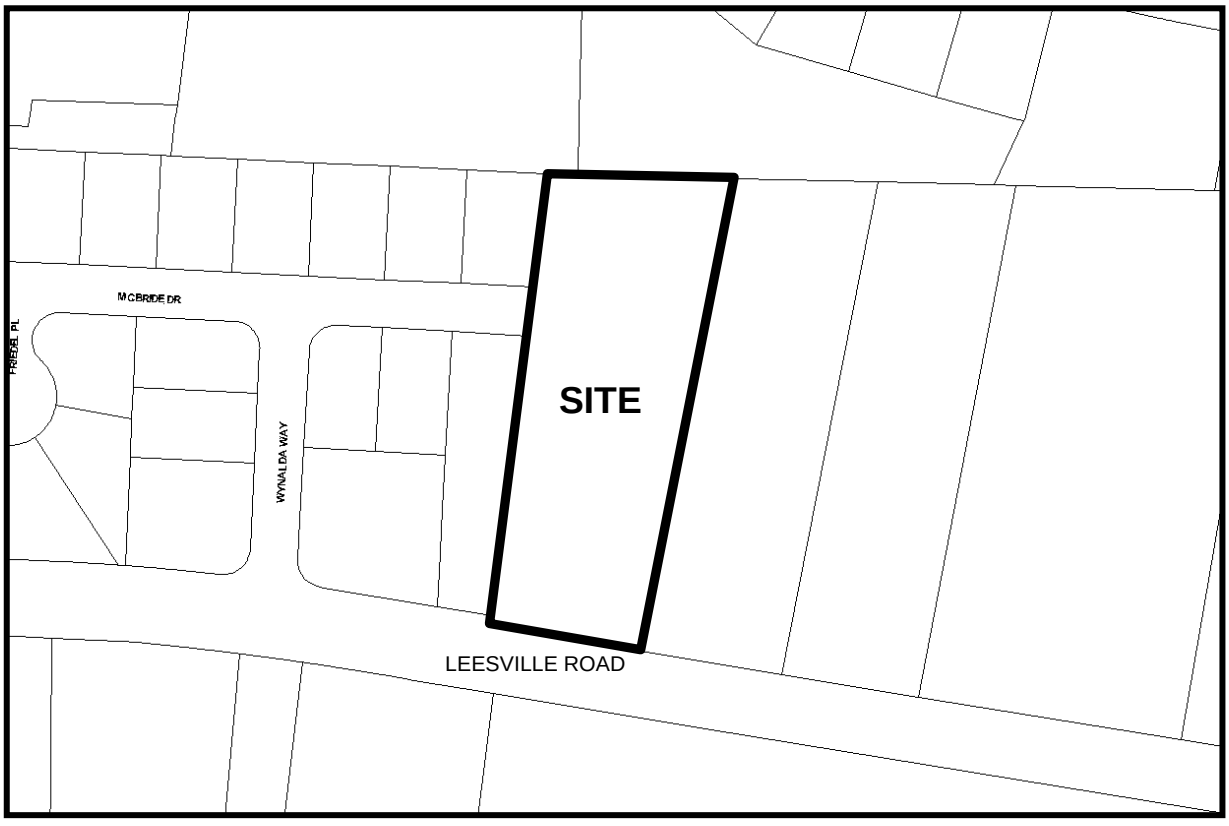
Case File / Name: **S-11-07 / Leesville Ridge II**

General Location: North side of Leesville Road, east of Wynalda Way

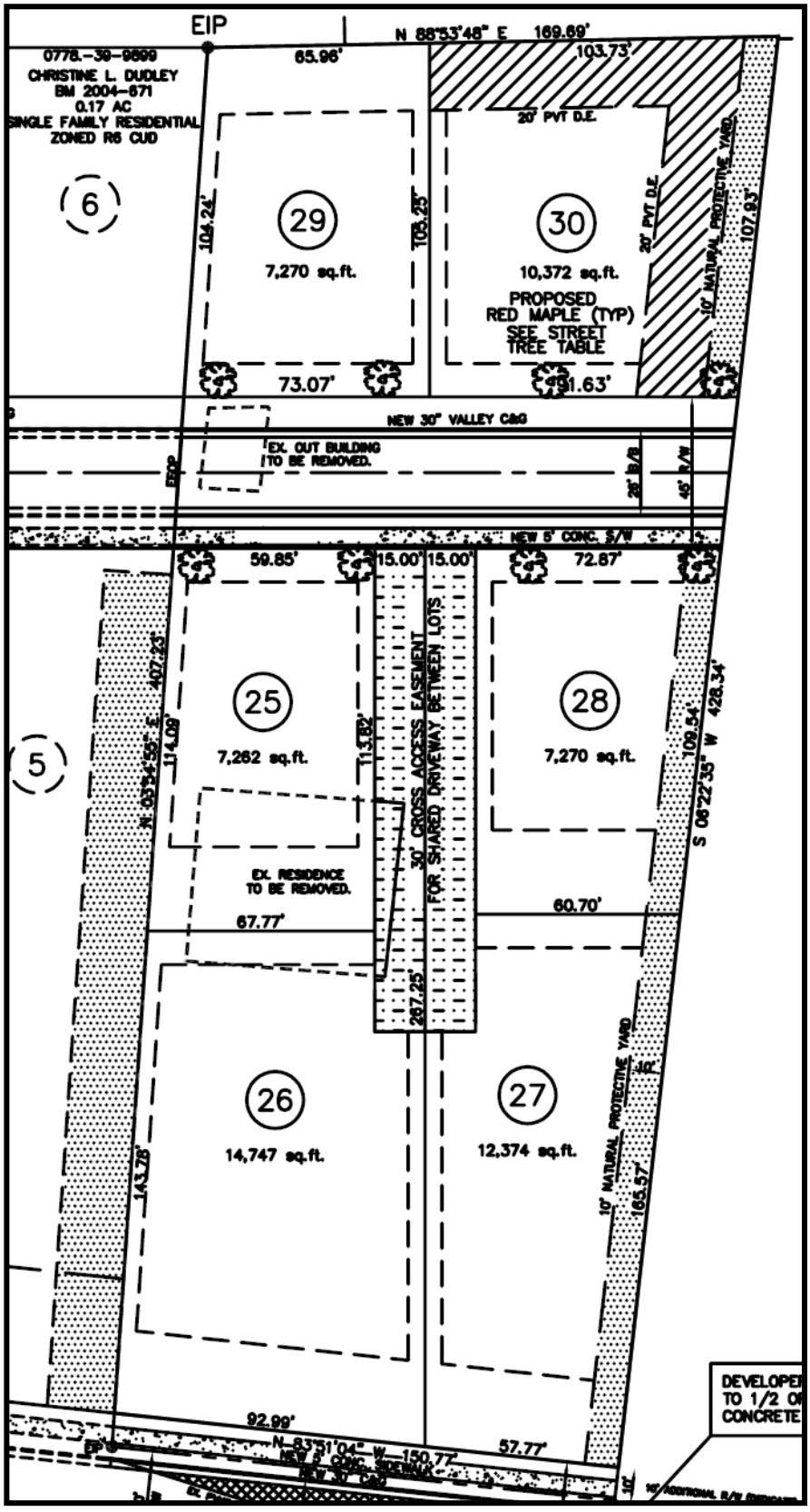
Planning District / CAC: Northwest / Northwest

Nature of Case: Subdivision of a 1.57 acre parcel zoned Residential-6 CUD to create 6 single family lots. This does not meet the definition of an infill project.

Contact: Thompson & Associates



S-11-07 / Leesville Ridge II – Location Map



S-11-07 / Leesville Ridge II – Lot Layout

SUBJECT: S-11-07 / Leesville Ridge II

CROSS-REFERENCE: Z-73-05

LOCATION: This site is located on the north side of Leesville Road, east of its intersection with Wynalda Way, outside the City Limits.

REQUEST: This request is to approve the subdivision of a 1.57 acre tract into 6 lots, zoned Residential-6 CUD. Currently the tract contains a house to be demolished. This does not meet the definition of an infill project as less than 66% (56%) of the periphery is adjacent lots containing single family homes.

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;

Prior to Planning Department authorization to record lots:

(3) That a petition for annexation into the Raleigh City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;

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

(5) That a note be placed on all plats for recording stating that no lot shall have driveway access to Leesville Road;

(6) That a note be placed on all plats for recording stating that the property lies within the Raleigh Durham International Airport composite 65 DNL noise contour projected in the RDU Airport's long-range facility plans;

(7) That dedication of 10’ in width of right-of-way along Leesville Road be shown on all plats for recording;

(8) That a note is placed on the map referencing the demolition permit number for the existing house;

(9) That all shared stormwater control measures, swales, storm pipes, and facilities conveying, treating and storing stormwater to and from such stormwater control measures, shall be shown on the recording plats as drainage easements;

(10) 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;

(11) 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.

(12) 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 (10) 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 (10) 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;

(13) That all permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently preserved undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment;

(14) That the 10' width natural protective yard required by rezoning case Z-73-05 be shown on all plats for recording;

(15) That a cross access and shared driveway agreement between lots 26 and 27 be recorded and a copy provided to the Planning Department within 14 days of recordation. If recorded copies of the agreement are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld;

Prior to issuance of building permits in the Inspections Department:

(16) That all plans for construction show conformance with zoning requirements of case Z-73-05.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Moye) Date: 9-4-07

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, Section 10-2019 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/18/07, owned by Leesville Ridge LLC, submitted by Thompson & Associates.

ZONING:

ZONING DISTRICTS: Residential-6 CUD, Z-73-05, Ordinance (2005) 938 ZC 579, Effective: 12/6/05

A. Reimbursement for any public right-of-way dedication shall be based on RR (Rural Residential) zoning.

B. All new dwelling units shall have as their primary (over 60% of surface area excluding glazing and doors) exterior wall siding, brick, hardy plank, wood, stone, stucco, or similar material. Vinyl siding is not acceptable as the primary exterior wall siding.

C. Dwelling units shall be single family detached units and accessory structures.

D. A ten (10) foot wide natural protective yard shall be maintained along the eastern boundary of the property with PIN 0778010791 commencing from Leesville Road and extending north along the eastern boundary. In the event that the City of Raleigh requires an interior road connection from the subject property to the property to the east, then this requirement will be null and void.

E. The recorded subdivision or recombination map or the subject property shall include a notation that the property lies within the Raleigh Durham International Airport composite 65 DNL noise contour projected in the RDU Airport's long-range facility plans.

F. All new dwellings on the subject property shall be constructed with materials and in a manner sufficient to assure a 25 dB reduction of A-weighted aircraft sound levels reaching the interior of the home or homes and resulting in interior sound levels not exceeding 42 dB. A written certification to the Director of the Inspections Department of the City of Raleigh by an architectural acoustician accredited by the Acoustical Society of America, or State Licensed Engineer or Architect shall be deemed to satisfy this condition.

G. There shall be no driveway access from Leesville Road to any lots developed on the subject property.

H. The elevations of all new structures facing Leesville Road shall be comprised of the same primary materials as required and described in Condition B herein.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. A ten (10) foot wide natural protective yard is shown along the eastern boundary of the property as required by zoning condition D of Z-73-05.

TREE CONSERVATION: Tree conservation requirements of code section 10-2082.14 are not applicable to this plan on a site less than 2 acres size.

UNITY OF DEVELOPMENT: not applicable to this plan.

PHASING: There is one phase in this development.

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.
Leesville Road	10’	half of 53’	n/a

Additional right-of-way to be dedicated is reimbursable under the facility fees program at the value of RR (Rural Residential) zoned property in accordance with rezoning conditions applicable to the site. The difference between the required half of 41’ street with curb, gutter and sidewalk and the proposed construction of is reimbursable.

TRANSIT: No Transit Easement needed.

URBAN FORM: This site is located in the Northwest District Plan, in an area designated a residential area, and the proposal is consistent with the Comprehensive Plan.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 7,260 square feet. The minimum lot depth in this zoning district is 80’. The minimum lot width in this zoning district is 50’. Lots in this development conform 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 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.

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

STORMWATER MANAGEMENT: This site is subject to regulations of Part 10 chapter 9. This site is not subject to additional stormwater management zoning conditions. Nitrogen loading regulations will be met with a buydown payment to the NCEEP. There is permanently preserved undisturbed open space to be recorded, as such. Runoff regulations will be met through the use of underground pipe detention. The property is adjacent to a buffered stream. Diffused flow will be required.

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.

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: 9/4/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/4/12
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.