Administrative Action
Preliminary Subdivision
Cluster Unit Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
(919) 516-2626
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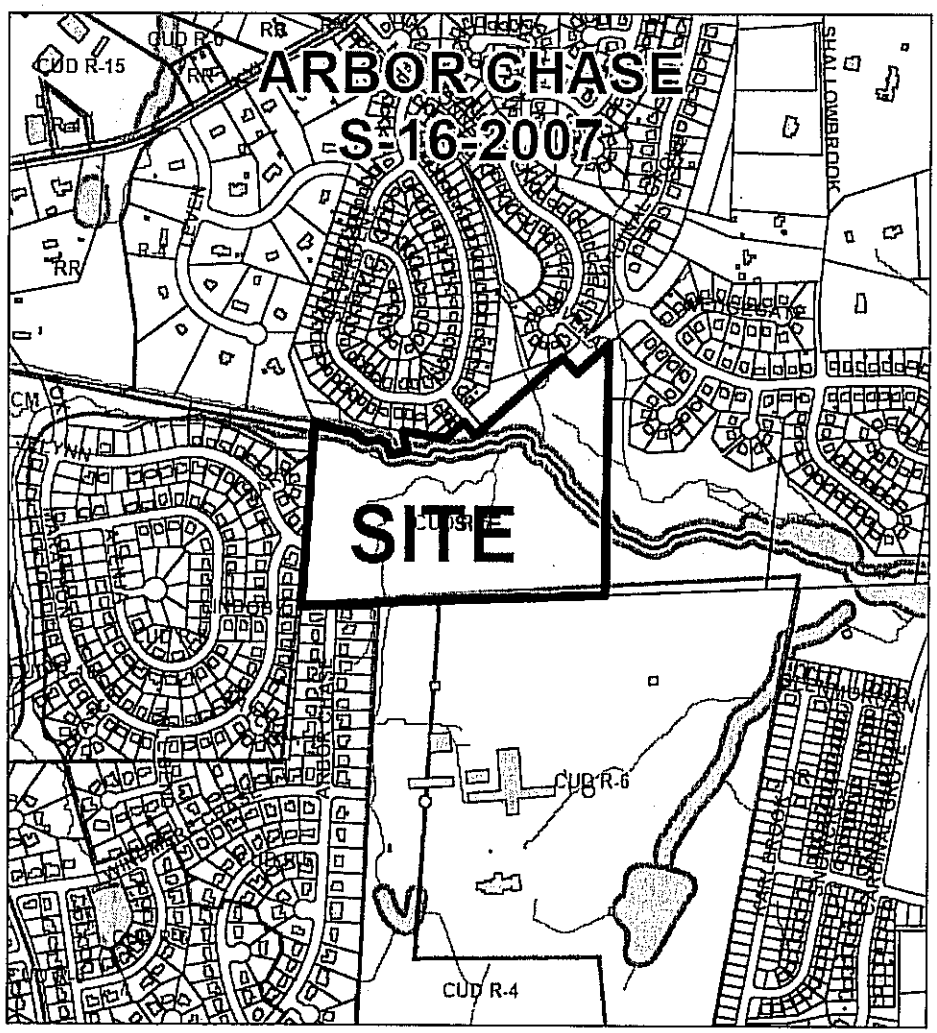
Case File / Name: S-16-07 / Arbor Chase

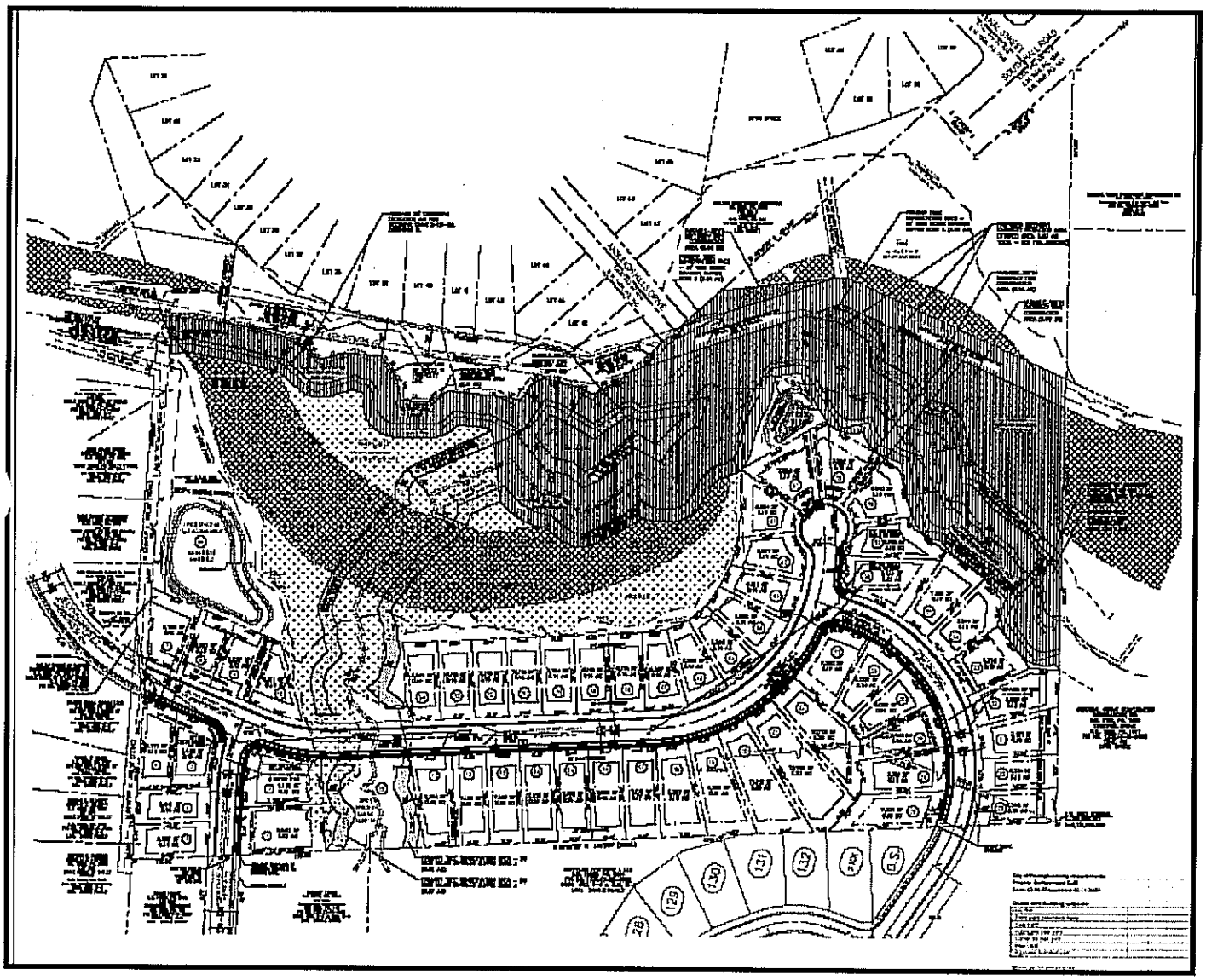
General Location: North of Arbor Chase Dr. East of Jelynn Street.

Planning District / CAC: NE / NE

Nature of Case: This request is to approve a cluster unit development consisting of 54 single-family lots and two open space lots on a 26.63 acre tract zoned R-6 and R-4 CUD. The overall residential density is 2.03 units per acre.

Contact: Ken Thompson





Proposed Subdivision

SUBJECT: S-16-07 / Arbor Chase

CROSS-REFERENCE: Z-59-98

LOCATION: North of Arbor Chase Dr. and east of Jelynn Street, outside the City Limits.

REQUEST: This request is to approve a cluster unit development consisting of 54 single-family lots and two open space lots on a 26.63 acre tract zoned R-6 and R-4 CUD. The overall residential density is 2.03 units per acre. The average lot size for single-family lots is 7,077 square feet.

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 Storm water Engineer;

(2) 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;

(3) That as the developer proposes to disturb a designated riparian buffer for the purpose of a creek 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);

(4) 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;

Prior to Planning Department authorization to record lots:

(5) 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 Storm water Replacement Protection Easement and Access Maintenance Agreement required by condition (2) 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; 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;

(6) 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;

(7) That existing wetlands are on this site and shall be shown on all maps for recording;

(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 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."

(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 the 30' perimeter yard on Lots 29-32, as shown on the preliminary plan, be shown on all maps for recording;

(12) That the 75' greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of the map;

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

(14) That a petition for annexation into the 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;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (K. Haag) Date: 6-25-07

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 10-2101, 3071, 2017, 2018,Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 5.31.07, owned by Eastman Development Company, submitted by J Davis Architects.

CLUSTER STANDARDS:

ZONING DISTRICTS:

This site is partly zoned Residential-4 (5.1 acres) with the remainder zoned Residential-6 Conditional Use.

Residential-6 C.U.D.; Ordinance (1998) 339 ZC 434, Effective: 6-2-98

Z-59-98 Arbor Chase Drive, northern terminus, between Buffaloe and Louisburg Roads being a portion of Wake County Tax Map Parcel 1736.17 12 8346. Approximately 26.8 acres Residential-6 Conditional use.

A. The Property will be developed in accordance with Planning Commission Certified Requirement 7107.

B. A greenway averaging 75 feet in width as measured from the center of Buffalo Creek, which makes up the northern boundary line of this property, shall be provided to the City of Raleigh, by deed or easement, following the recordation of the subdivision map of the final phase of development but prior to issuance of the first certificate of occupancy for the final phase.

DEVELOPMENT DENSITY: The number of units allowed in this zoning district in R-6 CUD is 21.53 acres x 6 DU (dwelling units) = 129 units. R-4 is 5.1 acres x 4 DU= 20 units for a total of 149 units. The proposed plan contains 54 units or 54 DU/26.63 acres or 2.03 DU/Acre.

PHASING: This project will be constructed in one phase.

LOTS / SETBACK: The minimum lot size allowed in this cluster is 4,356 square feet [all lots are within the R-6 CUD zoned portion of the site]. The minimum lot size proposed is 5,637 square feet. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development. A perimeter protective yard of 30' is required for Lots 29-32.

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 2.66 acres required, 58% or 15.45 acres provided. Open space quotient provided = 516. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Both detention ponds are screened per code. A 30' perimeter protective yard is required for Lots 29-32 and is required to be shown on recorded maps.

TREE CONSERVATION: Based on the site size of 26.63 acres 10% or 2.66 acres is required. The following Tree conservation areas are provided:
Primary
Zone 2=2.01 acres
Greenway easement portion= 2.83 acres
Total provided= 4.84 acres

COMPREHENSIVE PLAN:

GREENWAY: This property is located adjacent to a corridor of the Capital Area Greenway Master Plan, Buffalo Creek. The minimum width for the greenway in this corridor is 75' measured from the top of bank. Furthermore, pursuant to Z-59-98 this project is required to dedicate 75' from the center of Buffalo Creek.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction pursuant to the approved preliminary plan are required by the Collector Street Plan. Southall Road is not required to be extended due to a previous Comprehensive Plan amendment, CP-19-05.

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

URBAN FORM: This site is in the Northeast Planning District within an area designated for suburban residential land uses; low density residential.

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 by the City.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Sidewalks are proposed on each street.

FLOOD HAZARD: There are flood hazard areas on this site.

STORMWATER MANAGEMENT: This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. This site is also subject to additional stormwater management zoning conditions. Shared retention / detention facilities are shown on the preliminary plat with use of two dry ponds for detention. Nitrogen reduction requirements are being met through a payment to the NCEEP.

WETLANDS / RIPARIAN BUFFERS: Wetland areas and Neuse River riparian buffers are present on this site and shall be shown on all plats for recording.

STREET NAMES: One new street name is required and has been approved 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: 6/25/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/25/12
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.