Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27601
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Case File / Name: **S-19-07 / Pleasant Pines**

General Location: On the southeast corner of Pleasant Pines Drive and Wellington Downs. The lots are outside the city limits; however, the right of way for Wellington Downs is inside the city limits.

Planning District / CAC: Northwest / Northwest

Nature of Case: Subdivision of 3.25-acres into 4 single family lots zoned Residential-4.

This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains one or more lot frontages less than 80% of the median of the surrounding lots, or contains one or more lot sizes less than 80% of the median of the surrounding lots or contains both lot frontage and lot size which is less than 80% of the median of the surrounding lots.

Lot 1 will be 1.147-acres (50,265 sq. ft) with a road frontage of 179 linear feet along Wellington Downs and road frontage of 276 linear feet along Pleasant Pines Drive. The existing house on lot 1 is proposed to remain and meets all required setback of R-4.

Lot 2 will be .664-acres (28,916 sq. ft) with a road frontage of 98.1 linear feet along Wellington Downs. This lot is vacant.

Lot 3 will be .684-acres (29,800 sq. ft) with a road frontage of 95.00 liner feet along Wellington Downs. This lot is vacant.

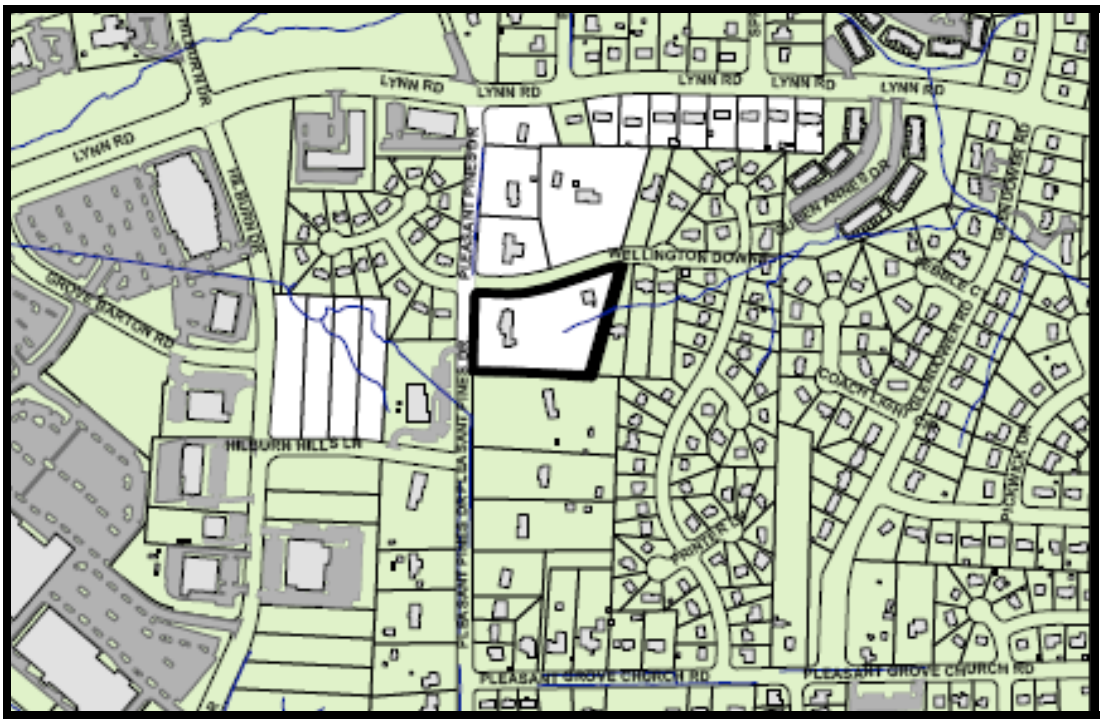
Lot 4 will be .755-acres (32,879 sq. ft) with a road frontage of 144.00-linear feet along Wellington Downs. This lot has a wooden barn that will be removed.

Lot 1 meets the median lot size and road frontage for Pleasant Pines Drive but fails to meet the median road frontage for Wellington Downs.

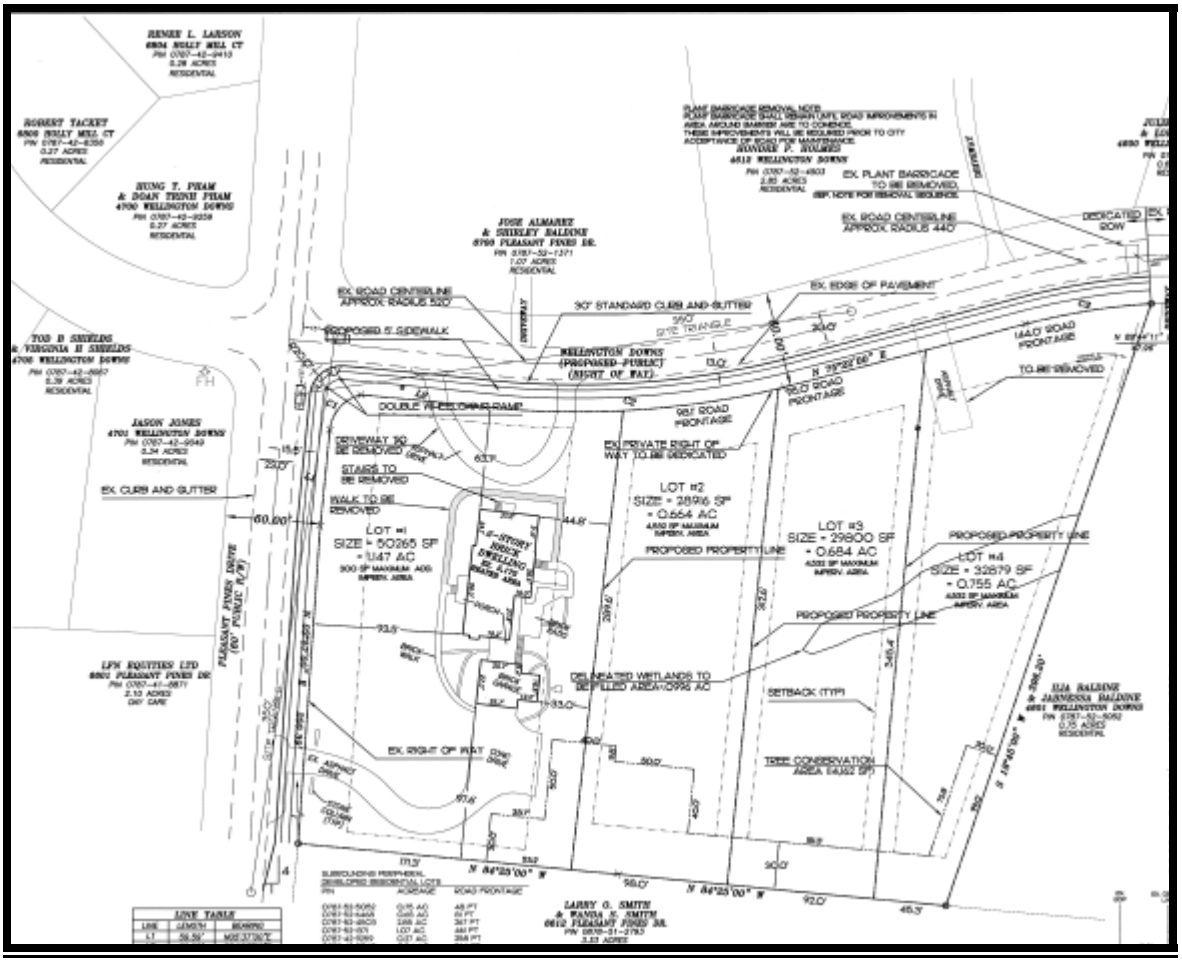
Lots 2, 3 & 4 fail to meet the median lot size and road frontage along Wellington Downs.

Key Issues: Planning Commission should evaluate this request utilizing the infill standards of Code section 10-3032(d) as found on pages 10 & 11 of this staff report.

Contact: George Finch/Boney & Associates



S-19-07 Pleasant Pines – Site Map



S-19-07 Pleasant Pines – Preliminary Plan

SUBJECT: S-19-07 Pleasant Pines

CROSS-REFERENCE: N/A

LOCATION: On the southeast corner of Pleasant Pines Drive and Wellington Downs. The lots are outside the city limits; however, the right of way for Wellington Downs is inside the city limits.

REQUEST: This request is to approve the subdivision of a 3.25 acre tract into 4 lots, zoned Residential-4.

This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, with lot sizes less than 80% of the median of the surrounding lots, and lot frontages containing lots with frontage less than 80% of the median of the surrounding lots.

Median lot size of surrounding lots	**.91 acres (80% = .728 acres)**
Proposed lot size lot #1	**1.147 acres (126% of median)**
Proposed lot size lot #2	**.664 acres (72% of median)**
Proposed lot size lot #3	**.684 acres (75% of median)**
Proposed lot size lot #4	**.755 acres (82 % of median)**

Median lot frontage of surrounding lots	**264' (80% = 211')**
Proposed lot frontage lot #1 (corner lot)	**276' (104% of median)**
Proposed lot frontage lot #1 (corner lot)	**179' (67% of median)**
Proposed lot frontage lot #2	**98.1' (37% of median)**
Proposed lot frontage lot #3	**95.0' (35% of median)**
Proposed lot frontage lot#4	**144' (54% of median)**

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, meets the infill lot layout standards of 10-3032(d). The Planning Commission also finds that this plan conforms to Chapter 2, Part 10, and section 10-2017 and to Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated January 7, 2009, owned by Raleigh Land Company, LLC, submitted by George Finch/Boney & Associates.

ADDITIONAL NOTES:

The date of the annexation action by City Council, annexing the right-of way of the west end of Wellington Downs Drive, was August 5, 2008, effective 12/31/08.

The applicant conducted a meeting with the neighbors on Thursday January 22, 2009. A public notice letter was mailed to the neighbors indicting the date, time and place of meeting; copy of letter on file in the Planning Department.

The applicant represented on March 10, 2009 that between Planning Commission approval and acceptance for maintenance of Wellington Downs by the City of Raleigh the owners would maintain Wellington Downs for the benefit of the adjacent neighbors. Planning Commission took this in consideration by the applicant and accepted the offer as a condition.

To PC: 2/24/09

Case History: The case was deferred to the March 10, 2009 Planning Commission meeting. The Planning Commission had questions concerning the right of way dedication for Wellington Downs.

Staff Coordinator: Jacque Baker

Motion: Haq
Second: Smith
In Favor: Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Smith, Vance
Opposed:
Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures:

(Planning Dir.)	(PC Chair)
_____	_____
date: 3/11/09	date: 3/11/09

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That the Planning Commission finds that this infill subdivision meets the lot layout standards of Section 10-3032(d);

The applicant has provided materials and information to meet standard 5 of code section 10-3032(d) (5) for the following:

- Air, Light and privacy
- Building Heights

The owner has proposed in writing the following:

- **Height:** Maximum building height not to exceed 40-feet from average natural ground elevation (as measured pursuant to Raleigh City of Raleigh Code section 10-2076(b);

- **Size.** Minimum floor area gross of not less than 2,500 square feet and a maximum floor area gross of not more than 5,200 square feet exclusive of garage, porch, basement and attic spaces; (The definition of floor area gross shall be pursuant to City of Raleigh Code section 10-2002);

Administrative Actions:

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

(2) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;

(3) 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;

(4) 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;

(5) That the Army Corp of Engineer approval is required for any disturbance in the wetland area shall be required prior to the issuance of any permit;

Prior to approval of construction drawings for public improvements:

(6) That a copy of the recorded deed dedicating the right-of-way for Wellington Downs be submitted to the Planning Department;

(7) That the following note be placed on the construction drawings: The existing barricade on Wellington Downs will remain until Wellington Downs construction improvements are completed at which time the subdivider will remove the barricade prior to the acceptance for public maintenance by the City of Raleigh;

Prior to Planning Department authorization to record lots:

(8) That the recorded plat contain the following note: "A restrictive covenant for lots 1, 2, 3 & 4 has been recorded for lot impervious surface area, house size and building height;

(9) That a petition for annexation of the lots 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;

(10) That a final detailed landscape plan showing street protective yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;

(11) That the owner cause the preparation of a restrictive covenant for lots 1, 2, 3 & 4 establishing a minimum floor area gross of not less than 2,500 square feet and a maximum floor area gross of not more than 5,200 square feet [Floor are gross being defined as set forth in Raleigh City Code Section 10-2002] exclusive of garage, porch, basement and attic spaces, and a maximum building height not to exceed 40-feet [as measured from the average natural ground elevation as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation, and no amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. That the approved restrictive covenant shall be recorded with the local county register of deeds office. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(12) That construction plans for public improvements along Wellington Downs and Pleasant Pines Drive be approved by the Public Works Department;

(13) That construction plans for public improvements for the public water and sewer extension be submitted and approved by the Public Utilities Department;

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

(15) That existing wetlands are on site and shall be shown on all maps for recording and the following note be shown; That the Army Corp of Engineer approval is required for any disturbance in the wetland area shall be required prior to the issuance of any permit;

(16) That all permanently protected undisturbed open space areas 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 protected 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;

(17) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows the increase in peak stormwater runoff between pre-development and post-development conditions for the two-year storm is ten percent 10% or less at each point of discharge,

(18) That an assessment fee for the water main is paid to the Assessment Specialist in the Public Works Department;

(19) 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;

(20) That the following note be placed on all maps for recording; That the maximum impervious surface coverage for lot 1 shall not exceed 10,005 square feet, and the maximum impervious surface coverage for lots 2- 4 shall not exceed 4,532 square feet,

(21) That the City Attorney shall approve a restrictive covenant limiting the maximum impervious surface coverage of lot 1 not to exceed 10,005 square feet, and limiting the maximum impervious surface coverage of lots 2 -4 not to exceed 4,532 square feet. Impervious surface shall be defined as ser forth in Part 10 Chapter 9 of the Raleigh City Code. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. This covenant shall be recoded with Wake County Register of Deeds Office. This restrictive covenant may be combined with the covenant required by condition of approval number 11 above. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be;

(22) That the following note be placed on all maps for recording: The existing barricade on Wellington Downs will remain until Wellington Downs construction improvements are completed at which time the subdivider will remove the barricade prior to the acceptance for public maintenance by the City of Raleigh;

(23) That the approved landscaping be installed for lot 1 along Wellington Downs and Pleasant Pines Drive;

(24) That the existing driveway located on lots 3 & 4 be removed and relocated;

Prior to issuance of building permits in the Inspections Department:

(25) That as part of building permit applications a copy of the recorded restrictive covenants be submitted to the Inspections Department;

(26) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum amount of impervious surface coverage of the development on a per lot basis;

(27) That the Army Corp of Engineer approval for any disturbance in the wetland area shall be required prior to the issuance of any permit;

Prior to issuance of an occupancy permit in the Inspections Department:

(28) That the approved landscaping be installed for lots 2, 3 & 4 and inspected by the zoning inspector prior to issuance of Certificate of Occupancy;

(29) That the maximum impervious surface coverage for lots 2, 3 & 4 shall not exceed 4,532 square feet; and

(30) That the maximum impervious surface coverage for lot 1 shall not exceed 10,005 square feet;

ZONING:

ZONING DISTRICTS: Residential-4.

LANDSCAPING: Preliminary street yard landscaping is in conformity with section 10-2082.5 is shown.

TREE CONSERVATION: The total amount of tree conservation area is 14,162 square feet.

PHASING: There are no phases 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.

Wellington Downs	60'	½ -26'b/b w/5'sidewalk	n/a
Pleasant Pines Drive	n/a	½-31' b/b w/5'sidewalk	n/a

The right of way for Wellington Downs was originally established as a 60' private street and has been dedicated by deed to the City as public right-of-way as approved by the City Attorney's Office. This right of way will be shown on all maps for recording. Additional right-of-way to be dedicated and ½-5'sidewalk is reimbursable under the facility fees program.

Pleasant Pines Drive construction of ½-5' sidewalk is reimbursable under the facility fees program.

TRANSIT: No transit-oriented features are incorporated into the proposed plan

URBAN FORM: This site is located in the Northwest Planning District, in an area designated a residential area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 10,890 square feet. The minimum lot depth in this zoning district is 100'. Lots in this development conform to these minimum standards. This is an infill subdivision as defined in Section 10-3003. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lots is placed in such a way that they are not one behind the other when viewed from the public street. Lots proposed may be adequately served by City services. The proposed lot may not be further subdivided.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following:

(1) All *lot* line boundaries *shall* meet all of the *following*:
a. Lot lines *shall* be angled from the *street* in a similar manner to the angle that is typical of the surrounding peripheral residential *lots*;
b. Lots *shall* consist of no more than four (4) lines (front, rear, side, side) where such a configuration is typical of the surrounding peripheral residential *lots*;
c. Lots *shall* not be configured in such a way that building envelopes for houses are placed one behind the other when viewed from the public street, where such a configuration is not typical of the surrounding peripheral residential *lots*.

Lot line boundaries *may* be approved that do not meet subparagraphs a. b. or c. above if the Planning Commission finds the *lot* line configuration is harmonious with the *lot* configuration pattern of the surrounding peripheral *lots*.

(2) Lots *shall* be configured to be adequately served by *City* services, allow for access of emergency vehicles, and meet *City* standards for proximity to fire hydrants and fire lines where public water is available.

(3) If a *lot* is to be formed of a size that would allow further *subdivision*, a forty-foot minimum width *shall* be maintained on all parts of the *lot* to allow a public

street to be extended to serve any additional *lots* that *may* be proposed in the future.

(4) The Planning Commission first finds that the infill project is in accordance with the general plans for the physical development of the *City* as embodied in the *Comprehensive Plan* (including the design standards contained therein), redevelopment plans, Streetscape Plans, Neighborhood Plans or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent *shall* apply.

(5) The Planning Commission finds that the infill project contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and interference with air, light and privacy of surrounding residential properties.

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, Sidewalks and Driveway Access Handbook. 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 location on Pleasant Pines Drive and Wellington Downs is 3.5' from proposed back of curb and remaining right-of-way is 11.5' on Wellington Downs and 6' on Pleasant Pines Drive. The sidewalk is required along one side of Pleasant Pines Drive and Wellington Downs.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. Lots 1, 2, 3 & 4 will have a maximum impervious surface. Lot impervious surface coverage will be limited to not exceed the 10% runoff threshold for stormwater control and nitrogen reduction BMPS as set forth in Raleigh City Code section 10-9023(b)(1)

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

WETLANDS / RIPARIAN BUFFERS: Wetland areas are on this site and are required to be shown on all maps.

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.