# Administrative Action
## Preliminary Subdivision

**City of Raleigh**
**Development Plans Review Center**
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

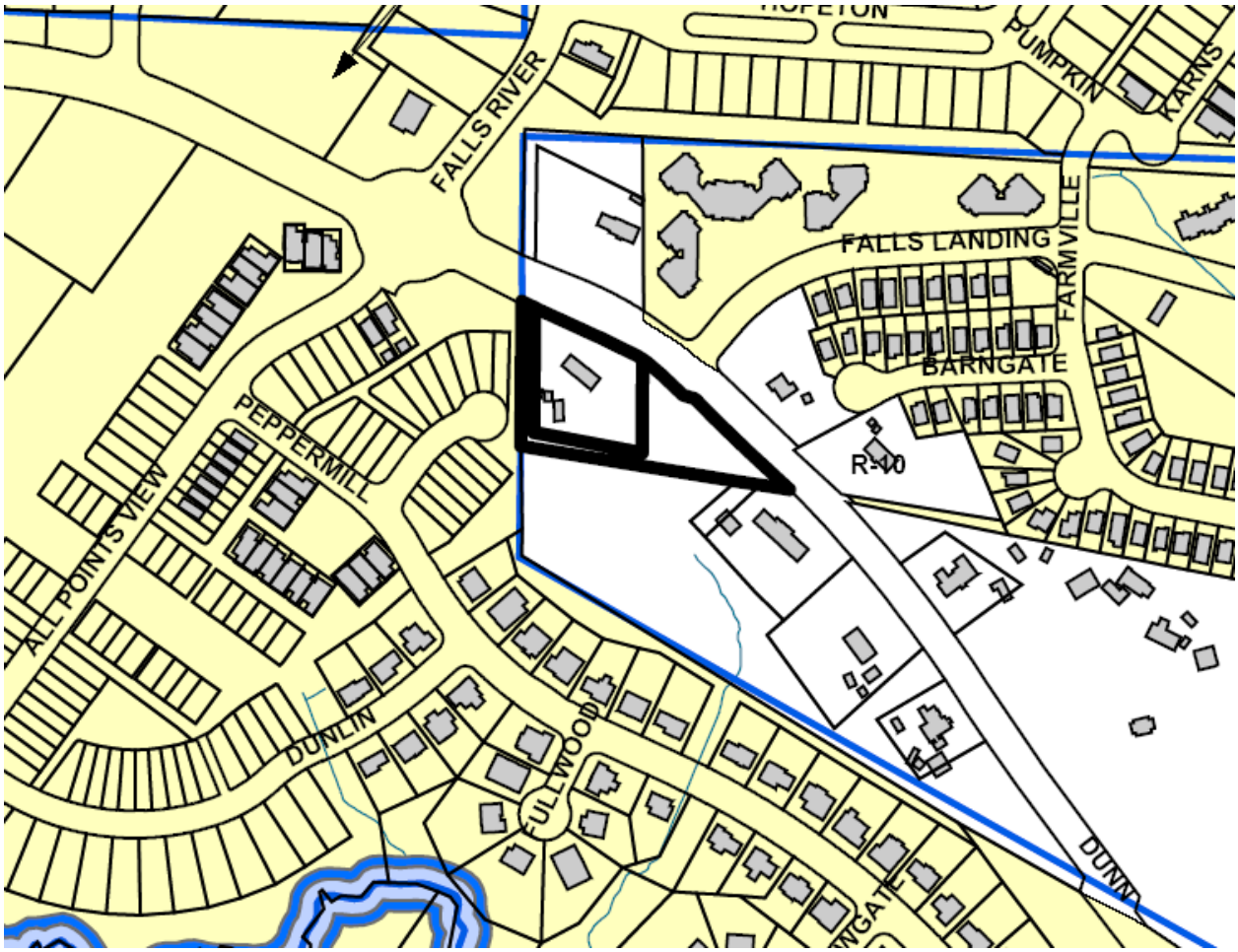
**Case File / Name:** **S-21-07 Fallsford Townhomes**

**General Location:** Intersection of Falls Landing Drive and Dunn Rd.

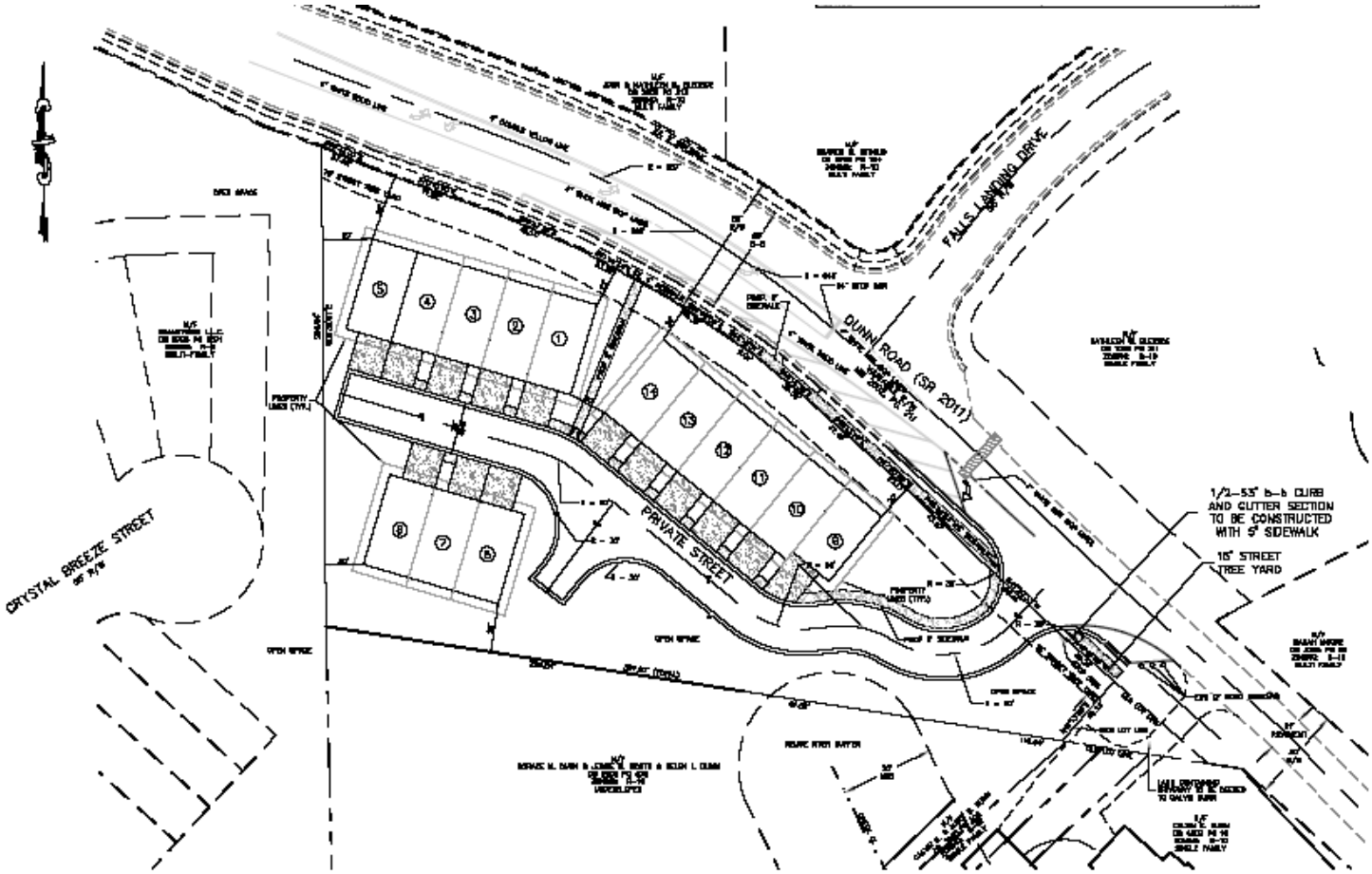
**Planning District / CAC:** Southeast / southeast

**Nature of Case:** This request is to approve the subdivision of 1.65 acre tract into 14 townhouse lots and 1 open space lot zoned R-10. Proposed density is 8.48 u/a.

**Contact:** Johnny Edwards




**Vicinity Map**




**Proposed Plan**

**SUBJECT:** S-21-07 Fallsford Townhomes

**CROSS-REFERENCE:** S-163-86 Riverfall Tract A

**LOCATION:** This site is located on the south of its intersection of Falls Landing Drive and Dunn Rd., outside the City Limits.

**REQUEST:** This request is to approve the subdivision of 1.65 acre tract into 14 townhouse lots and 1 open space lot zoned R-10. Proposed density is 8.48 u/a. This is not an infill subdivision as it is not surrounded by 66% single family development.

**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 Stormwater Engineer;

***Prior to approval of construction drawings for public improvements:***

(2) That an off-site sanitary sewer (50' west of site) be approved by the Public Utilities department;

(3) That the City Attorney approve the off-site sanitary sewer easement deed with the property to the west, now or formally Brandywine LLC DB 8795 PG 2671. A plat has been recorded BM 2007 pg 608; however a deed is required;

***Prior to Planning Department authorization to record lots:***

(4) 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;

(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 (4) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (4) 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 (4 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;

(6) That construction plans for public improvements along Dunn Rd. be approved by the Public Works Department;

(7) That a demolition permit be issued by the Inspections Department for the existing structures and this building permit number be shown on all maps for recording;

(8) That a note be placed on the plat for recordation that prohibits and dwelling unit driveway on Dunn Road;

(9) 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;

(10) 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;

(11) 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.”

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

(13) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing 2 lots into a single tract;

(14) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing tract to east (DB 4203 PG 10) 2 lots into a single tract;

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I hereby certify this administrative decision.

**Signed:** (Planning Dir.) (Chuck Ly) Mitchell Slin Date: 4-17-08.

**Staff Coordinator:** James Marapoti

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 2021, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 12.3.07, owned by Will It, LLC, submitted by John A. Edwards and Company.

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**ZONING:**

**ZONING DISTRICTS:** R-10

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. A 10' type D buffer is required to the east.

**TREE CONSERVATION:** Not applicable, since site is less than 2 acres.

**UNITY OF DEVELOPMENT:** Not applicable.

**PHASING:** This plan will be constructed in 1 phase.

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**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. |
|---|---|---|---|
| Dunn Rd. | 80' existing | 1/2/ 53' b/b & 5' sidewalk | n/a |

**TRANSIT:** Not required.

**URBAN FORM:** Located in a Residential (Suburban) area in the North District. Low density residential recommended; 6 or less units per acre.

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**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** No minimum lot sizes required within town house development.

**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 re-striping improvements shall conform to normal City construction standards.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. (~210') of sidewalk is required along a portion of Dunn Rd.

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

**STORMWATER MANAGEMENT:** This property will utilize a grassed bio-retention area and a NCEEP buydown to meet stormwater quality requirements. The bio-retention pond also allows this site to meet stormwater quantity requirements.

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

**STREET NAMES:** 1 new street name is 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:** 4/17/2011
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 4/17/2013

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.