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-24-07 Lowden Street Subdivision**

General Location: On the north side of Lowden Street, east of Noble Road, west of Yancey Street, inside the city limits.

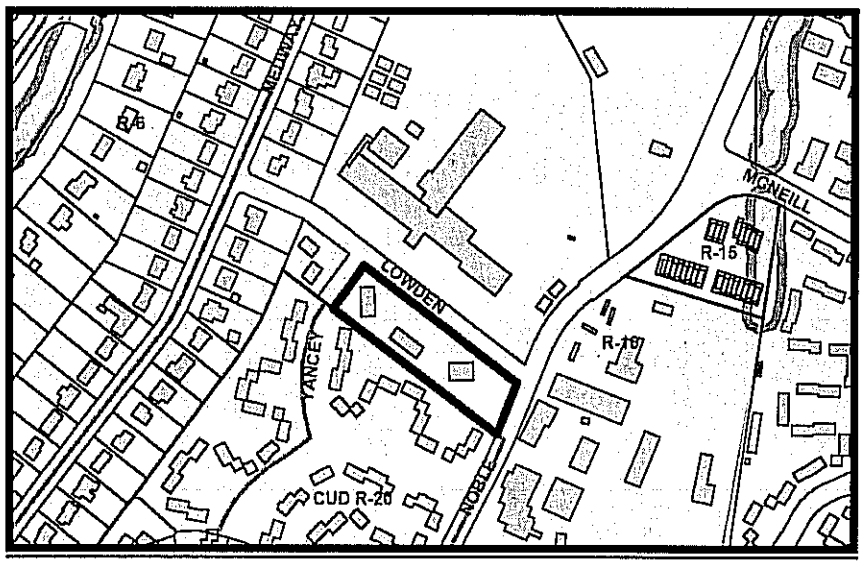
Planning District / CAC: University / Five Points

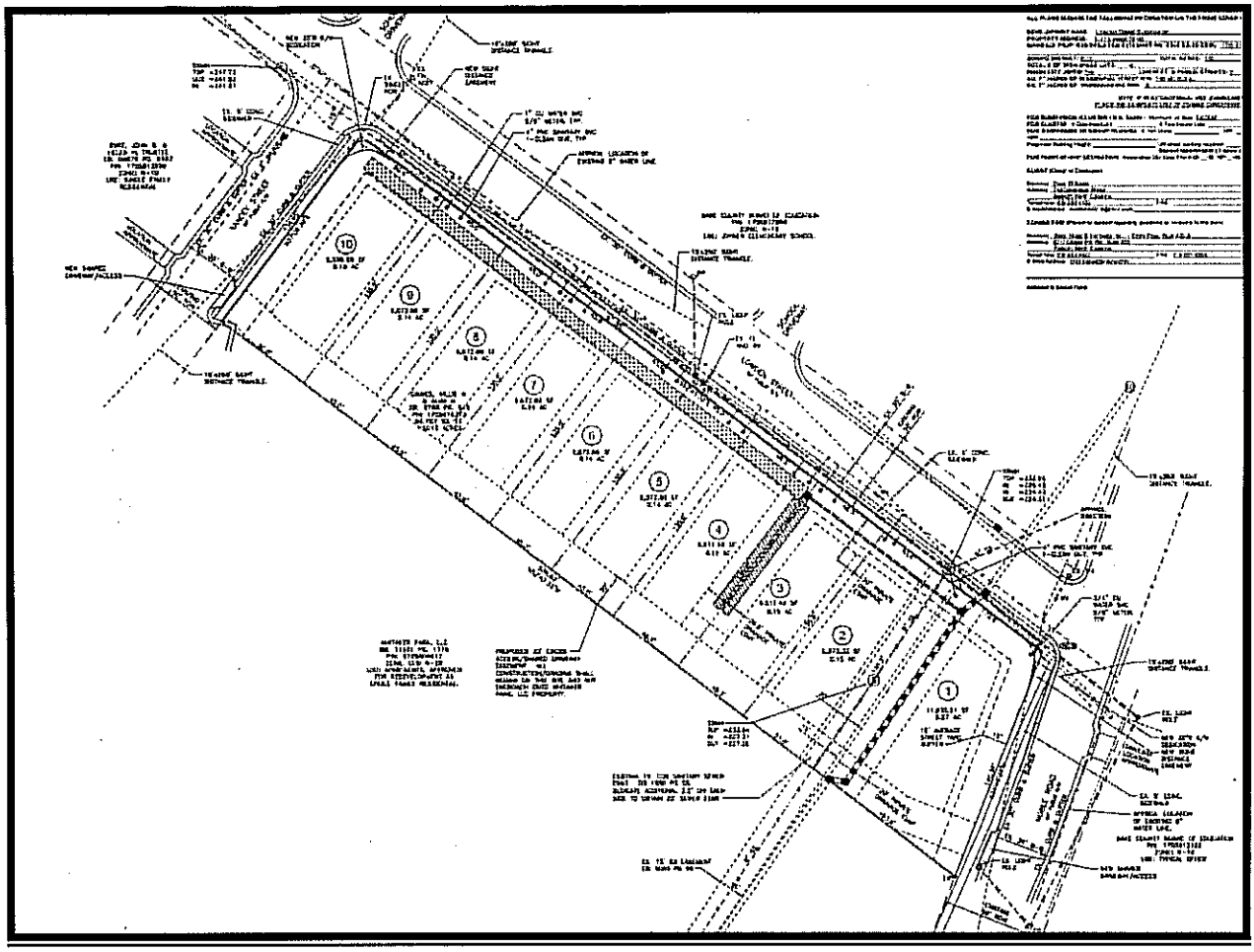
Nature of Case: Subdivision of 1.60-acres into 10 single-family lots zoned Residendital-10.

This is not an "infill" subdivision as defined in code section 10-2032(d)(3). Less than 66% of the "periphery" of the proposed developed area abuts existing residential building lots that contain a single-family dwelling.

- Non single family =89.7%
- Single family = 10.3%

Contact: Bass, Nixon & Kennedy





S-24-07 Lowden Street Subdivision

SUBJECT: S-24-07 Lowden Street Subdivision

CROSS-REFERENCE: N/A

LOCATION: On the north side of Lowden Street, east of Noble Road, west of Yancey Street, inside the city limits.

REQUEST: Subdivision of 1.60-acres into 10 single-family lots zoned Residendital-10.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to approval of construction drawings for public improvements:

(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;

Prior to Planning Department authorization to record lots:

(2) That a final detailed landscape plan showing street 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;

(3) That infrastructure construction plans for shared stormwater facility be approved by the Public Works Department;

(4) That as the subdivider has chosen to offset all or a portion of nitrogen export load limitations by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP), in accordance with nitrogen reduction requirements of section 10-9002(c), this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Conservation Engineer.

(5) 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."

(6) 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 (1) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (1) 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 (1) 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. 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;

(7) That cross access agreements between lots 1-10 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld

(8) That the following note be placed on all maps for recording; That the maximum impervious surface coverage for lots 1-10 shall not exceed 3,702 square feet impervious area per lot as defined in the Raleigh Zoning Code;

(9) That the City Attorney shall approve a restrictive covenant stating that lot 1-10 each shall have a maximum impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City code of 3,702 square feet. No installation of impervious surface which causes the impervious surfaces on the lot to exceed 3,702 square feet shall be made without first obtaining a permit from the Stormwater Division of the Public Works Department of the City. 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.

Prior to issuance of building permits in the Inspections Department:

(10) That the maximum impervious surface coverage for lots 1-10 shall not exceed 3,702 square feet impervious area per lot as defined in the Raleigh Zoning Code;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Harger) Date: 6-20-07

Staff Coordinator: Jacque Baker

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 10-2021 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated June 18, 2007, owned by Thom Williams, submitted by Bass, Nixon & Kennedy.

ZONING:

ZONING DISTRICTS: Residential-10

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

TREE CONSERVATION: Site is less than 2.0 acres and is exempt from Tree Conservation.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: N/A

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: All required right of way and road construction exist along Lowden Street, Yancey Street and Noble Road.

TRANSIT: No transit easement required.

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

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. 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: Existing street improvements shall conform to normal City construction standards.

PEDESTRIAN: Existing sidewalk locations conform to City regulations.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code.

PAYMENT TO NCDENR

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)].

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

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: 6/20/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/20/2012
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.