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-25-07 Robert W. & Amy J. Attaway**

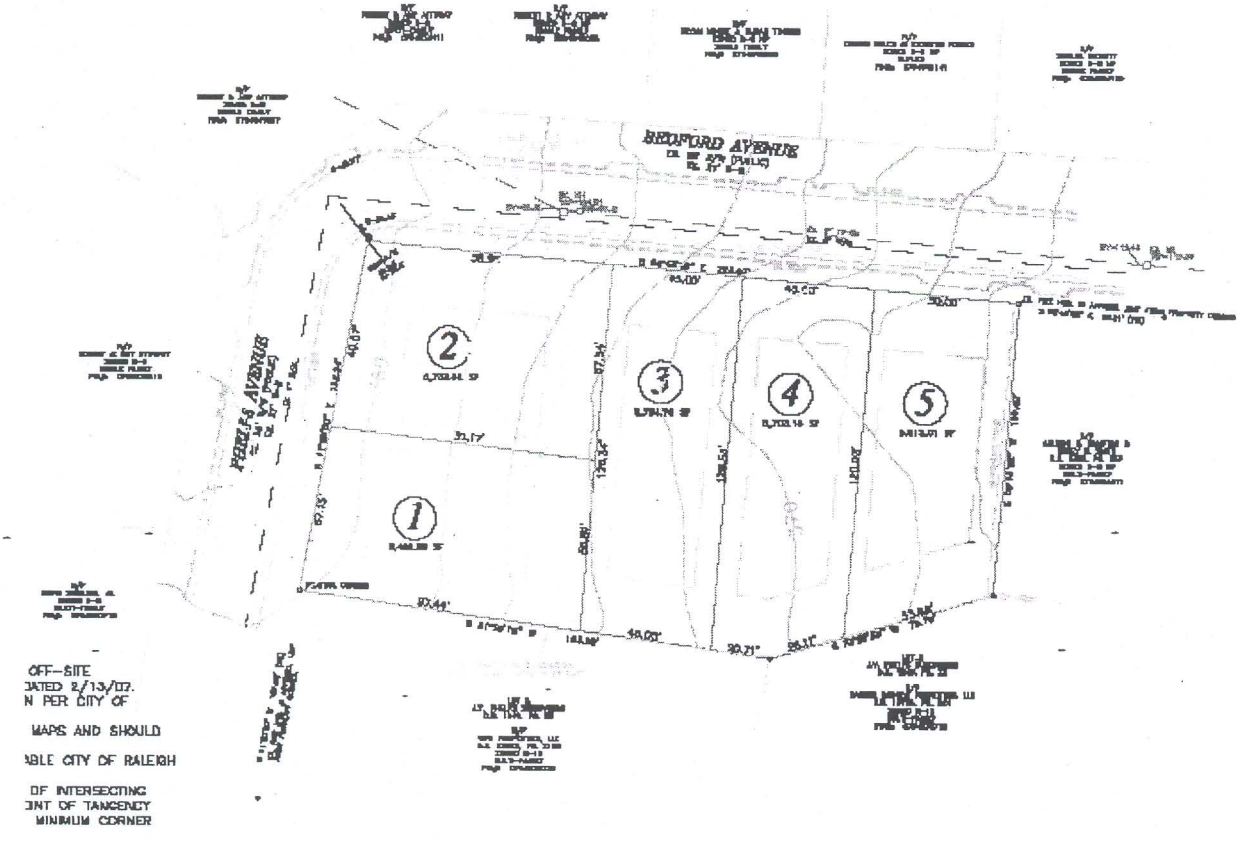
General Location: Intersection of Phelps Ave. and Bedford Ave.

Planning District / CAC: University / Wade

Nature of Case: This request is to approve the subdivision of a .648 acre tract into 5 lots, zoned R-10. This project is proposing 7.71 units per acre density. This plan is surrounded by less than 66% single family therefore not an infill subdivision.

Contact: Stoney Chance


VANDYKE
BEDFORD
BEDFORD
GARDNER
R-6
PHELPS
LATTA
KILGORE
R-10
EVERETT
EVERETT
POGUE
HORNE
R-20



Proposed Subdivision

SUBJECT: **S-25-07 Robert W. & Amy J. Attaway**

CROSS-REFERENCE: Not applicable

LOCATION: This site is located on the southeast intersection of Phelps Ave. and Bedford Ave. within the City Limits.

REQUEST: This request is to approve the subdivision of a .648 acre tract into 5 lots, zoned R-10. This project is proposing 7.71 units per acre density. This plan is surrounded by less than 66% single family therefore not an infill subdivision.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

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

(1) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development, including any existing impervious surfaces, is no more than fifteen (15%) and the remaining pervious portions of the lot are utilized to convey and control the stormwater runoff of the lot to the maximum extent practical, in accordance with the allocation of impervious surface limits among multiple lots shown on the preliminary plan;

(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 ½ of 50' right of way is required to be dedicated at the intersection of Phelps Ave. and Bedford Ave;

(4) That construction approval will be required for the sewer main extension;

(5) That a 20' sanitary sewer easement be shown on the recorded map;

(6) 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;

(7) 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;

Prior to Inspections Department issuance of Certificate's of Occupancy:

(8) That a prior to the development of lots 1 or 5, that either the existing curb cut is used for a driveway or that if is it not, then the curb and gutter be restored by the developer.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell L. Silver (C. Mayo) Date: 12-18-07

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 2021, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 10/11/07, owned by Robert W. & Amy J. Attaway, submitted by Chance and Associates.

ZONING:

ZONING DISTRICTS: R-10.

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

TREE CONSERVATION: Not applicable. Property is less than 2 acres with residential use.

UNITY OF DEVELOPMENT: Not applicable.

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:

This subdivision is required to dedicate ½ of 50'right of way at the intersection of Phelps Ave. and Bedford Ave. Also a fee-in-lieu is required for ½ of a 5' sidewalk along Phelps Ave. and Bedford Ave.

TRANSIT: Not required

URBAN FORM: Located in the University District and just outside the Oberlin Village Neighborhood Plan. Low density residential recommended.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot size in this zoning district is 5,458. The minimum lot width in this zoning district is 45' and depth is 70'. 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: No street improvements required.

PEDESTRIAN: A fee-in-lieu is required for ½ 5' sidewalk along Phelps and Bedford Ave

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

STORMWATER MANAGEMENT: Detention requirements will be met through underground pipe storage. Nitrogen loading requirements will be met through the use of a sand filter and a buydown payment to the NCEEP. All stormwater measures must be designed to current state standards at the time of construction drawing review and grading permit issuance.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: No new street names required.

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: 12/18/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 12/18/12
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.