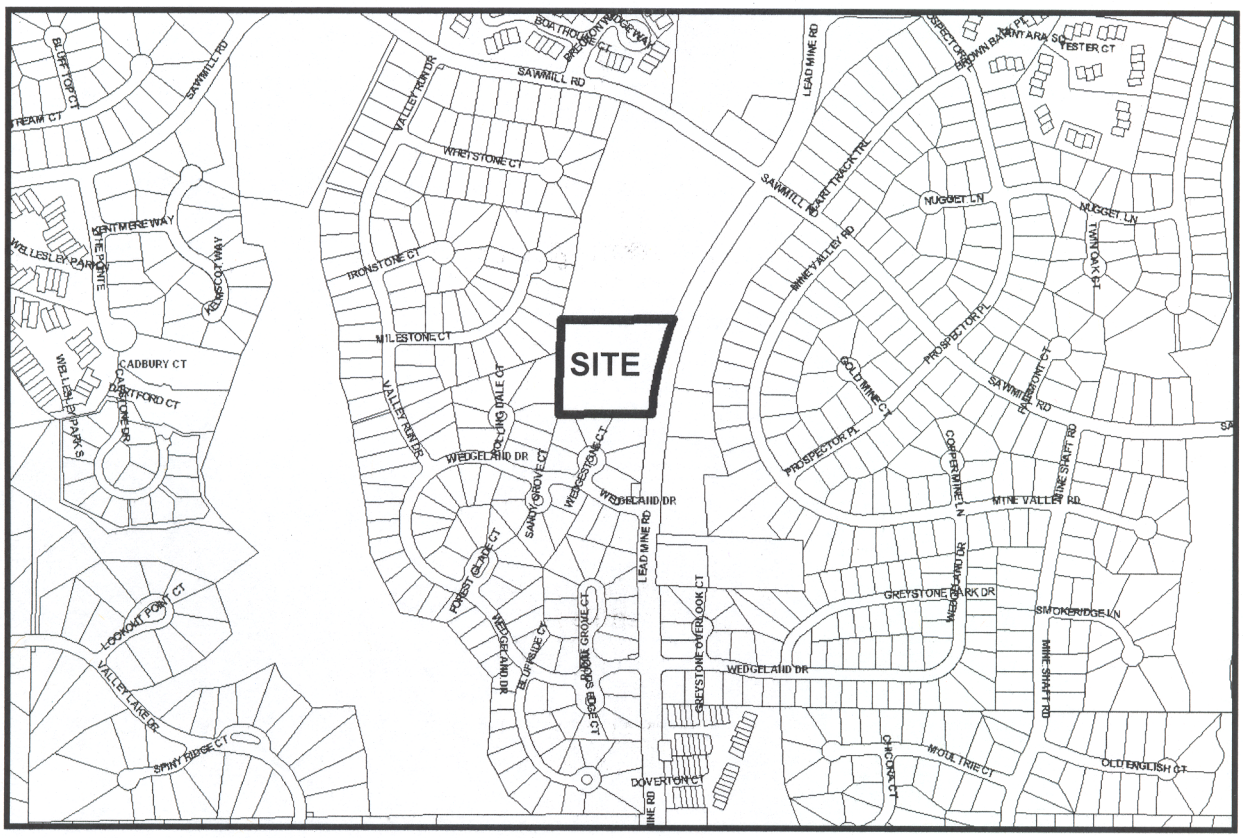
AA# 2052
Case File: S-28-07

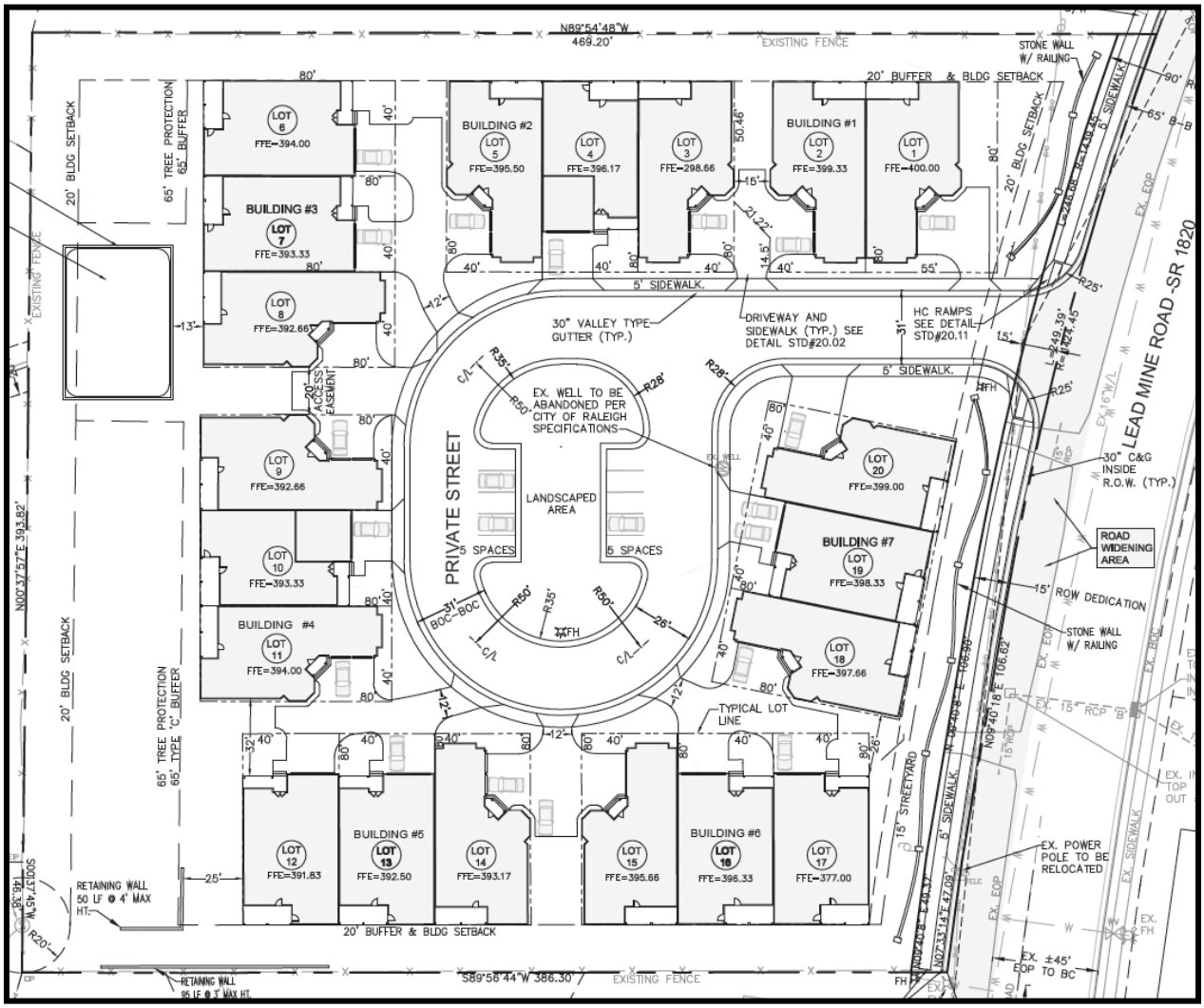
Administrative Action
Preliminary Subdivision

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

Case File / Name:	**S-28-07 / ~~Woody Leadmine Townhomes~~** Greymoor
General Location:	West side of Leadmine Road, south of Sawmill Road intersection
Planning District / CAC:	North / North
Nature of Case:	Subdivision of a 3.79 acre tract zoned R-6 CUD to create 20 townhome lots. The overall residential density is 5.5 units per acre.
Contact:	Development Engineering, Inc.



S-28-07 / Woody Leadmine Townhomes – Location Map



S-28-07 / Woody Leadmine Townhomes – Site Plan

SUBJECT: S-28-07 / Woody Leadmine Townhomes

CROSS-REFERENCE: Z-61-06

LOCATION: This site is located on the west side of Leadmine Road, south of its intersection with Sawmill Road, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 3.79 acre tract into 20 townhome lots, zoned Residential-6 CUD. The overall residential density is 5.5 units per acre.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

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

(1) 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;

(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;

(3) That a final tree conservation plan 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;

Prior to Planning Department authorization to record lots:

(4) That construction plans be approved by the Public Utilities Department and Public Works Department;

(5) That one half of 90' in width of right-of-way (15') along Leadmine Road as shown on the preliminary plan is dedicated prior to or in conjunction with lot recording;

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

(7) That homeowner legal documents are prepared in accordance with Raleigh City Code Sections 10-3072 - 3074, and that these documents are recorded with the local register of deeds. A recorded copy of these

documents must be provided to the Planning Department within 14 days from authorization of lot recording. If recorded copies of homeowner's documents are not provided to the Planning Department within this 14-day period, further recordings and building permit issuance may be withheld

(8) 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."

(9) 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;

(10) 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;

(11) 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 (10) 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 (10) 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;

(12) That tree conservation areas as required by Code Section 10-2082.14 and in accordance with the approved tree conservation plan be shown with a metes and bounds description and labeled on any plat for recording;

Prior to issuance of building permits in the Inspections Department:

(13) That final site plans show conformance with all conditions of rezoning case Z-61-06.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Haag) Date: 10-2-07

Staff Coordinator: Stacy Barbour

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 10-2019, 10-2103, 10-2109, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/28/07, owned by Woody Built Homes, submitted by Development Engineering, Inc.

ZONING:

ZONING DISTRICTS: Residential-6 CUD Ordinance 156ZC598, Effective 1/9/07.

A. Reimbursement of additional dedicated right of way for leadmine road shall remain at the residential -4 rate.

B. Maximum density shall be 20 dwelling units.

C. All dwelling units shall have two car garages, be constructed as crawl space units, have a minimum of 2700 square feet (excluding garages), and shall not have any vinyl siding on units.

D. There shall be only one (1) driveway or street access to the property and that access shall be only from leadmine road. There shall be no driveway or street access from this property onto rolling dale court.

E. All units shall not exceed thirty-nine (39) feet in height and shall have a parking ratio of four cars per unit.

F. Storm water discharge from this property shall not exceed the pre development runoff rate as calculated for the 2 year, 10 year and 25 year storms.

G. There shall be no dumpsters allowed on this property except f0r during the construction of the units.

H. Only single family and townhouse units shall be allowed and no residential institutions shall be allowed on the rezoned property.

I. This development shall cause no rise in the 100 year flood elevation of greystone lake.

SETBACKS / HEIGHT: Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 20'. Private outdoor living areas maintain a minimum 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. The proposed buildings are 28' in height.

OPEN SPACE: Open space conforms to minimum requirements. 10% or 0.379 acres required, 58% or 2.13 acres provided, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 70 spaces required by standards, based on 3.5 parking spaces per 4-bedroom unit (20 units). However, condition E of rezoning case Z-61-06 requires 4 a spaces be provided for each unit (80 spaces total). 90 spaces are provided.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping conforms to Section 10-2082.6. Transitional protective yards are not required as this is a low density residential use.

DEVELOPMENT INTENSITY: This plan conforms to zoning conditions of Z-61-06 limiting development to a maximum of 20 lots on this site (20 lots proposed). The overall residential density is 5.5 units per acre.

TREE CONSERVATION: Secondary tree conservation areas of 0.378 acres (10%) are shown on the plan in conformance with code section 10-2082.14.

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

PHASING: There is one phase 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 strees are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Leadmine Road	15’	half of 65’ b-b	n/a

Additional right-of-way to be dedicated is reimbursable under the facility fees program at the R-4 rate per zoning conditions of Z-61-06. The difference between the required 41’ street with curb, gutter and sidewalk and the proposed construction is reimbursable.

TRANSIT: No transit facilities or easements have been requested at this site.

URBAN FORM: This site is located in the North Planning District, on Lead Mine Road. The Comprehensive Plan designates this area as “suburban residential” which indicates that the density should be seven units per acre or less.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: No new public streets are included in this proposal. 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 locations conform to City regulations. A sidewalk is required and shown along frontage of Leadmine Road. Sidewalk is provided from each unit to the public street in conformance with code standards.

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

STORMWATER MANAGEMENT: This site is subject to stormwater nitrogen reduction and runoff control requirements of Part 10 Chapter 9. In addition this site is subject to zoning conditions limiting runoff for the 2, 10, and 25 year storm event. This site utilizes a bioretention pond and a NCEEP buydown to meet total nitrogen regulations. Underground detention pipes are used to meet the stormwater quantity regulations.

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

STREET NAMES: One 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: 10/02/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 10/02/12
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.