Administrative Action

Preliminary Subdivision
Cluster Unit Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27601
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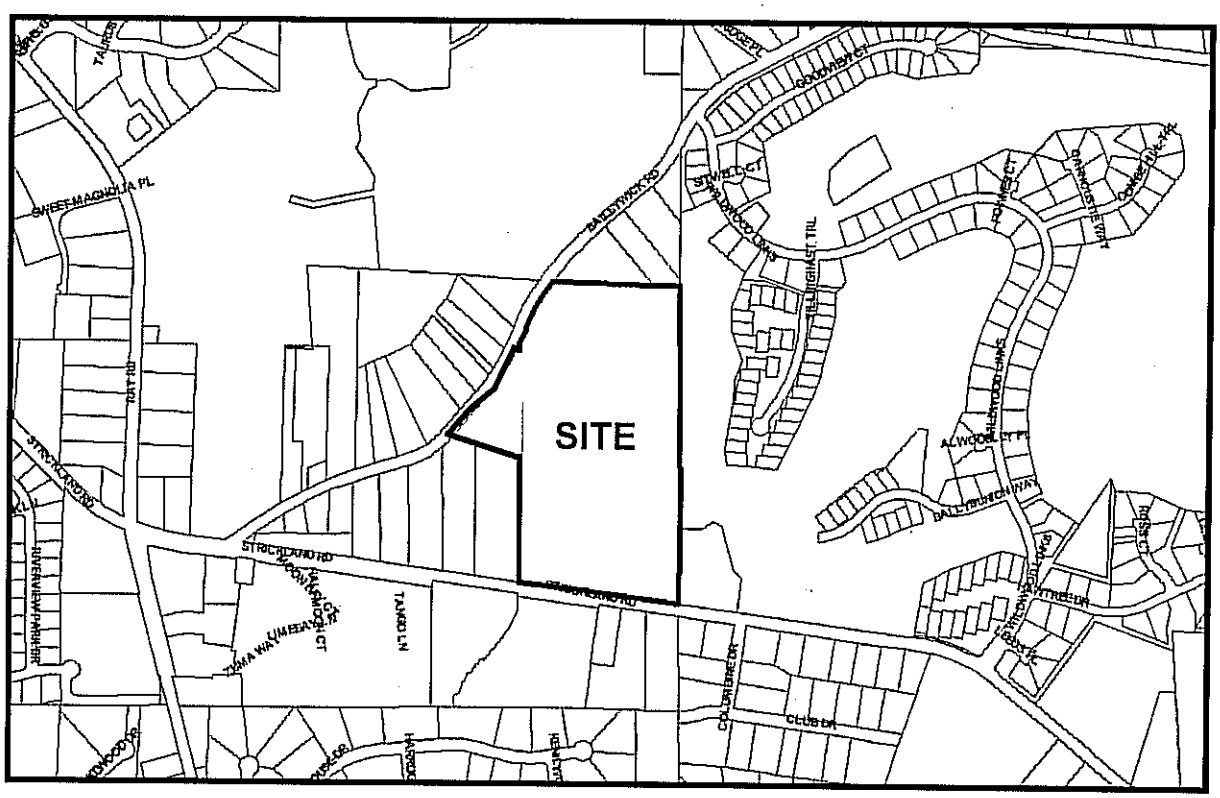
Case File / Name: S-31-07 / Dunhill (addition)

General Location: Between Strickland Road and Baileywick Road, east of Ray Road intersection

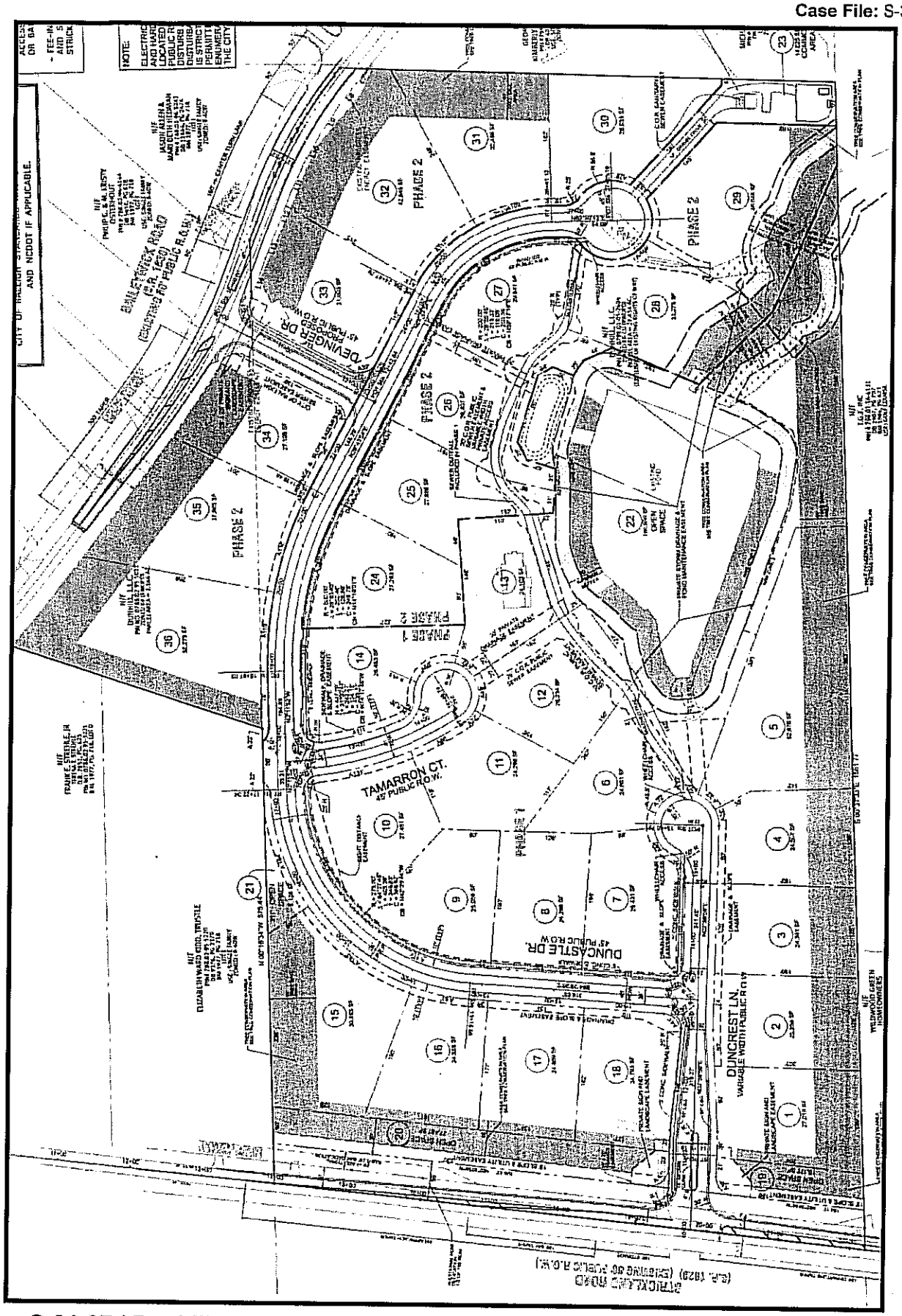
Planning District / CAC: Northwest/Northwest

Nature of Case: Cluster unit development subdivision consisting of 31 single family building lots and 5 open space lots on a 30.834 acre site zoned Rural Residential and Watershed Protection Overlay District. This subdivision is to be developed in two phases.

Contact: Withers & Ravenel



S-31-07 / Dunhill (addition) – Location Map



S-31-07 / Dunhill (addition) – Subdivision Layout

SUBJECT: S-31-07 / Dunhill (addition)

CROSS-REFERENCE: n/a

LOCATION: This site is located on the north side of Strickland Road, east of its intersection with Baileywick Road, outside the City Limits.

REQUEST: This request is to approve a cluster unit development subdivision for a 30.834 acre tract [BM 2007 pg 1375] zoned Rural Residential and Reservoir Watershed Protection Area Overlay District to create 31 single family building lots and 5 open space lots. This proposal is divided into two phases. The overall residential density is 1.005 units per acre. Note an annexation petition has already been submitted to the City.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to issuance of a grading permit for the site:

(1) That a final stormwater management plan, including a stormwater operations and maintenance manual and budget, and a map showing BMP locations and open space for compliance with nitrogen reduction requirements prepared in accordance with requirements of Part 10 Chapter 9, be approved by the Stormwater Engineer in the Public Works Department;

(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 Fund (NCEEF); in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEF and verification of the amount of payment shall be provided to the City of Raleigh Conservation Engineer;

(3) 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;

Prior to issuance of a grading permit for the site or recordation of lots, whichever event shall come first:

(4) That a tree protection plan is approved by the Forestry Specialist in the Inspections Department for trees located in the designated forestation areas required by Code Section 5006(a)(11)f and designated tree conservation areas required by Code Section 10-2082.14 and that tree protection measures shall be in place on site prior to any grading on site;

Prior to Planning Department authorization to record lots:

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

(6) That a fee in lieu of construction for improvements including curb, gutter, and sidewalk along Strickland Road, in an amount determined by the City Engineer, is paid in the Pubic Works Department;

(7) That a 15' in width slope easement and a 25' in width right-of-way dedication along Strickland Road is shown on all plats for recording;

(8) That the location of the proposed transit easement along Strickland Road (15' x 20' size) be approved by the City's Transit Technician, and that the City Attorney approve the transit easement deed prior to its recordation. The proposed easement shall be shown with a metes and bounds description on all plats for recording;

(9) That if the approved stormwater management plan referenced in condition number 1 above includes the establishment of any permanently preserved undisturbed open space to meet the nitrogen reduction requirements of Part 10 Chapter 9, then all permanently preserved undisturbed open space shall be shown and labeled on all plats for recording. These plats shall include a note stating: "That within permanently preserved undisturbed open space areas 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 without first obtaining the prior approval from the City of Raleigh. A copy of the recorded plat shall be provided to the City of Raleigh Conservation Engineer

(10) That homeowner legal documents are prepared in accordance with Raleigh City Code Sections 10-3071 and 10-3073 - 3074, and that these documents are recorded with the County 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;

(11) 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;

(12) 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 number 1 above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition number 12 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 (11) 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;

(13) 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's association";

(14) That the owner prepare a restrictive covenant stating that if the impervious surface on any lot in the subdivision increases from existing conditions, then the requirements of Part 10 Chapter 9 of the Raleigh City Code will apply;

(15) That as a pump station is proposed on lot 23 (open space lot) to allow sewer service to this site and this pump station will be built by the developer, that the City Attorney approves a utility and access easement for use, operation and maintenance of the pump station until such time as the site is able to be served by gravity sewer. In addition a note shall be placed on all plats for recording stating that lot 23 shall remain an open space lot owned in perpetuity by the development's homeowner's association;

(16) That what is shown on the preliminary plan as a variable width private access easement along the proposed mulched trail and overlaying the minimum 20' width public sanitary sewer easement and providing access to the common open space property on lot 22 to be owned by the development's homeowner's association be shown and labeled on all plats for recording as a "pedestrian access easement";

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

(18) That a note be placed on any map for recording which states "Removal of trees and vegetation without a permit from the City of Raleigh in designated tree conservation areas is a violation of the Raleigh City Code and will result in significant financial consequences";

(19) 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;

(20) That existing wetlands on this site be shown on all maps for recording;

(21) That the following note be placed on all maps for recording; "The maximum impervious surface coverage for lots in this subdivision shall not exceed 24%".

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (Stacy Barbour) Date: 7/17/07

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 10-2015, 10-2056, 10-2101, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/13/07, owned by Dunhill, LLC, submitted by Withers & Ravenel.

CLUSTER STANDARDS:

ZONING DISTRICTS: Rural Residential and Reservoir Watershed Protection Area Overlay District

DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 31. The proposed plan contains 31 single family building lots.

PHASING: There are two phases in this development. Both phases are being approved now. The sunset date will apply to both phases. The overall density and open space for the two phases conform to the zoning district. This proposal does not require restrictive covenants to be placed on the cluster in accordance with 10-3071(b)(9)b,

LOTS - SETBACK: The minimum lot size allowed this cluster is 24,000 square feet. The minimum proposed lot size for single-family lot is 24,032 square feet.

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.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 3.083 acres required, 17.01% or 5.167 acres provided. Open space meets the standards of code section 10-3071(b)(5). Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare. Open space quotient required = 75, provided = 193.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Transitional protective yards are not required.

TREE CONSERVATION: This site is subject to the tree conservation ordinance, code section 10-2082.14. A preliminary tree conservation plan showing primary and secondary tree conservation areas of approximately 4.75 acres (15.41%) total on this parcel has been reviewed by the Forestry Specialist in the Inspections Department. In addition this site is subject to forestation requirements of Code Section 10-5006(a)(11)f for sites within the Reservoir Watershed Protection Area Overlay District where a minimum of 40% of the site is to either remain forested or be replanted. This proposal conforms to code by showing areas of existing trees to be preserved as well as areas of replanting.

UNITY OF DEVELOPMENT: not applicable to this plan.

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.
Strickland Road	25'	portion for turn lane	15'

Additional right-of-way to be dedicated and a portion of roadway improvement (for the turn lane) along Strickland Road is reimbursable under the facility fees program. A fee-in-lieu payment will be required for a portion of improvements including curb, gutter, and sidewalk along Strickland Road and payment will be required prior to plat recording.

TRANSIT: A 15'x20' transit easement is shown along Strickland Road.

URBAN FORM: This site is located in the Northwest Planning District with specific recommendations found in the Falls Lake Watershed Plan. In that plan, the site is designated part of the secondary watershed protection area.

SUBDIVISION STANDARDS:

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. Note this proposal includes construction of a sewage pump station to be maintained by the City. The pump station is to be located within a public sanitary sewer easement on an open space lot to be owned by the future homeowner's association for this development.

SOLID WASTE: Individual lot service by the City is to be provided upon annexation.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. This plan shows payment of a fee in lieu of sidewalk construction along Strickland Road.

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

STORMWATER MANAGEMENT: This site is subject to nitrogen reduction, runoff control, and stormwater management requirements of Part 10 Chapter 9. This site is not subject to additional stormwater management zoning conditions. This site will meet stormwater quantity regulations by adding a new outlet structure to the existing pond on site. Stormwater quality will not utilize this existing pond. The site is in a watershed protection overlay district and will not exceed the 24% impervious area limitation. Nitrogen reduction requirements are being met through a combination of use permanently preserved undisturbed open space, managed

open space and payment to the North Carolina Ecosystem Enhancement Fund. This payment shall be required prior to issuance of grading permits.

WETLANDS / RIPARIAN BUFFERS: 50' riparian buffers are required on this site in accordance with State of NC regulations, are shown on the preliminary plan, and shall be shown on any plat for recording. Wetlands are on site and shall be shown on all plats also.

STREET NAMES: 4 new street names have already been approved 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 lot recordation has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before lots may be recorded or 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: 7/17/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 7/17/2012
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.