Administrative Action
Preliminary Subdivision
Cluster Unit Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
(919) 516-2626
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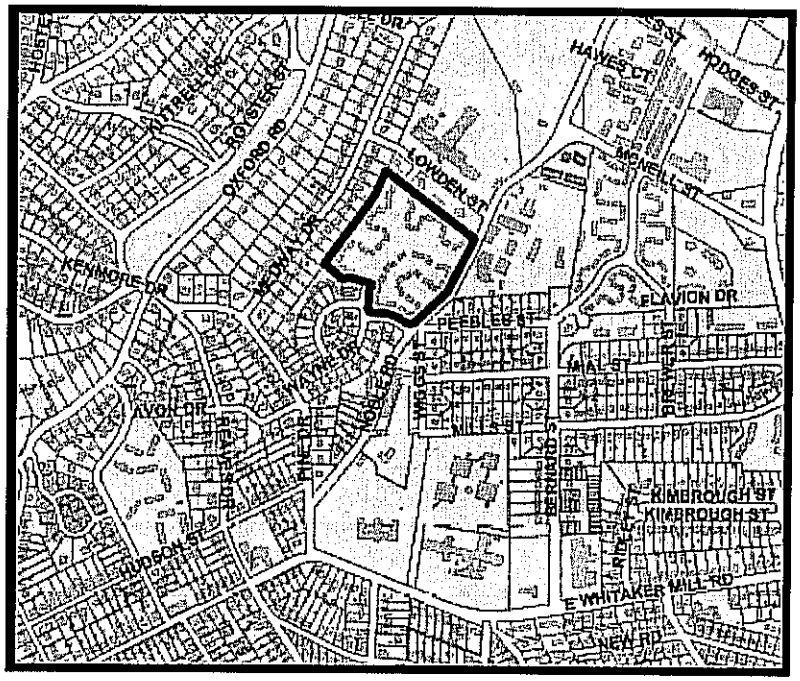
Case File / Name: **S-44-07 Whitaker Park Phase 2 lot 91**

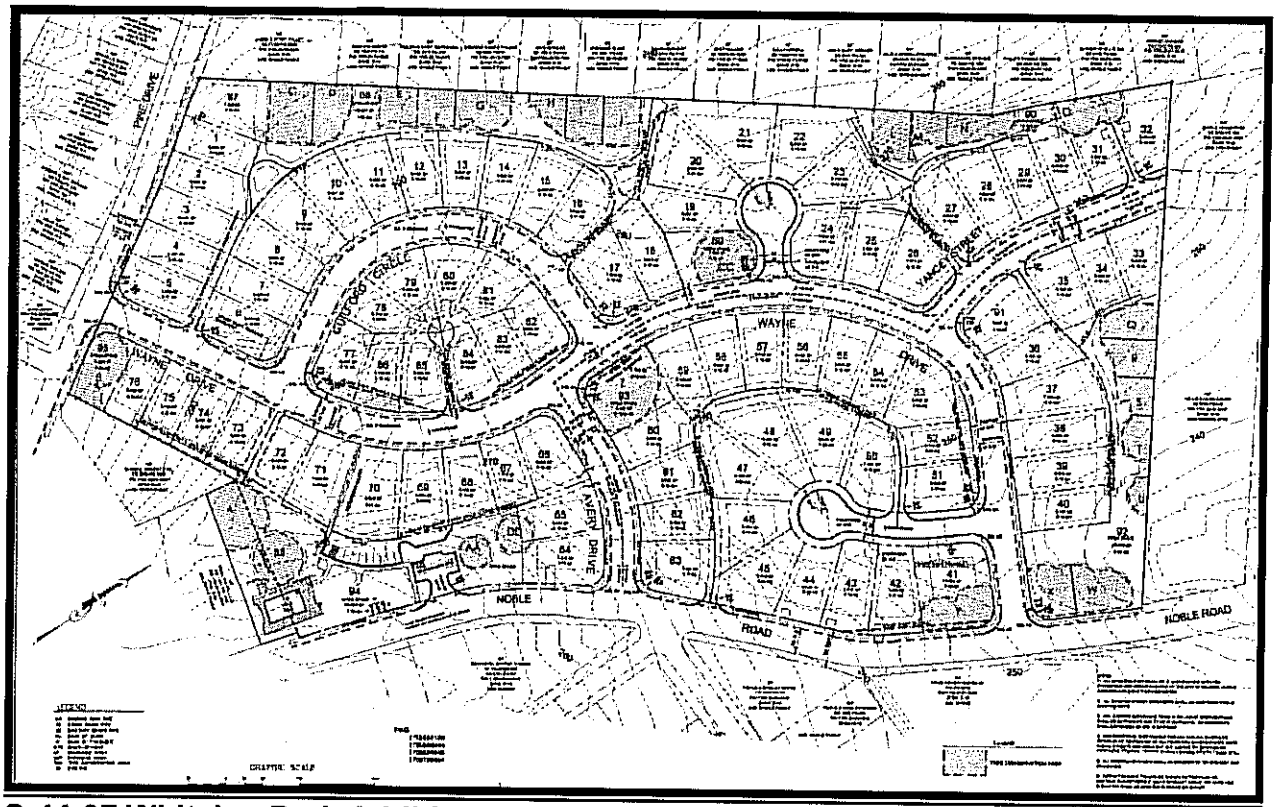
General Location: On the northwest corner of Yancey Street and Wayne Drive, north off Noble Road, inside city limits.

Planning District / CAC: University / Five Points

Nature of Case: This request is to approve an addition of 1 lot (lot 91) to a previously approved cluster unit development S-48-06 Whitaker Park Cluster Development zoned R-10 CUD. After the approval of lot 91 phase 2 will consist of 46 single-family lots on 11.20 acres.

Contact: John A Edwards & Company





S-44-07 Whitaker Park Addition lot 91

SUBJECT: S-44-07 Whitaker Park Phase 2 Addition lot 91

CROSS-REFERENCE: Z-15-86, Z-9-89 & S-48-06

LOCATION: On the northwest corner of Yancey Street and Wayne Drive, north off Noble Road, inside city limits.

REQUEST: This request is to approve an addition of 1 lot (lot 91) to a previously approved cluster unit development S-48-06 Whitaker Park Cluster Development zoned R-10 CUD. After the approval of lot 91 phase 2 will consist of 46 single-family lots on 11.20 acres.
The overall residential density for the enter cluster is 4.14 units per acre. The minimum lot size for single-family lots is 4,908 square feet.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to Planning Department authorization to record lots:

(1) That all conditions of S-48-06 are met.

Prior to issuance of building permits in the Inspections Department:

(2) That all conditions of Z-11-07 are met.

I hereby certify this administrative decision.

Signed: (Planning Dir. Mitchell Silver (C. Mauge) Date: 8-5-07.

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 10-3001-3071-3074. This approval is based on a preliminary plan dated May 22, 2007, owned by Whitaker Park LLC, submitted by John A Edwards & Co.

CLUSTER STANDARDS:

ZONING DISTRICTS: R-10 CUD. Ordinance 196 ZC 601 Effective 4-3-07.

(a) Permitted uses of the subject property shall include only those general, conditional and accessory uses permitted in the R-10 district, and shall exclude all special uses set forth in City Code Section 10-2021(c).

(b) Residential density shall not exceed ninety (90) dwelling units.

(c) All buildings constructed shall have a height limit of 35 feet, measured in accordance with City Code Section 10-2076(b), except for those present and prospective building lots subdivided from the subject property which abut Pine Drive or Noble Road or which abut the following parcels:

PIN 1705709054, Deed 9056, page 2238, Wake Registry,
PIN 1705801035, Deed 1417, page 400, Wake Registry,
PIN 1705816370, Deed 6768, page 916, Wake Registry,
PIN 1705813590, Deed 8876, page 193, Wake Registry,
PIN 1705812512, Deed 11005, page 202, Wake Registry,
PIN 1705811484, Deed 6130, page 886, Wake Registry,
PIN 1705811346, Deed 3240, page 295, Wake Registry,
PIN 1705811209, Deed 8094, page 1257, Wake Registry,
PIN 1705810252, Deed 9570, page 2726, Wake Registry,
PIN 1705810106, Deed 2401, page 494, Wake Registry,
PIN 1705719150, Deed 10954, page 461, Wake Registry,
PIN 1705719003, Deed 10873, page 1982, Wake Registry,
PIN 1705708957, Deed 9704, page 1142, Wake Registry,
PIN 1705708910, Deed 3261, page 942, Wake Registry,
PIN 1705707864, Deed 11215, page 540, Wake Registry,
PIN 1705707728, Deed 8568, page 571, Wake Registry,

PIN 1705706771, Deed 1970, page 245, Wake Registry,
PIN 1705706624, Deed 7906, page 411, Wake Registry, and
PIN 1705705591, Deed 11105, page 2098, Wake Registry.

For those present and prospective building lots abutting Pine Drive or Noble Road and those present and prospective building lots abutting the property lines of the above referenced parcels, any buildings constructed thereon over 2 stories (25 feet) in height shall be set back from the said rights of way and property lines, as applicable, a minimum of 1 foot for each foot of total building height over 25 feet in height, measured in accordance with City Code Section 10-2076(b), provided however that no building shall exceed the height limit of 35 feet measured as provided in the aforementioned City Code Section.

(d) An evergreen screen, which shall have a minimum of 50 shrubs and be at least 3' in height at the time of planting shall be planted along the northeastern boundary of the tract, running between from Yancey Street and Noble Road, unless the tract having PIN 1705816370 (Deed Book 6768, Page 916) is acquired by the one of the owners of the subject property.

(e) There shall be no parking within 25 feet of the Noble Road right of way.

DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 90 based upon the rezoning case. The proposed plan contains 88 units.

PHASING: There are 2 phases in this development. Phase 2 is being approved now, and phase 1 has received preliminary approval and has been recorded.

LOTS / SETBACK: The minimum lot size allowed this cluster is 3,000 square feet. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development.

BLOCK LAYOUT: The existing 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 2.14 acres required, 50% or 4.23 acres provided for the entire cluster. Open space quotient required = 75, provided = 129.21. 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.

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

TREE CONSERVATION: The required tree conservation area is located in the Alternate Compliance Secondary Tree conservation area within 65' perimeter yard the total area provided is 2.15-acres.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: All right of way and required street improvements exist along Noble Road 55' right of way on 35'b/b with 5' sidewalk. Pine Drive 50' right of way on 27' b/b with a 5' sidewalk.

TRANSIT: A 15x20 transit easement is required on Noble Road. The site exists along CAT Route 2 (Falls of Neuse).

URBAN FORM: This site is located in the University Planning District, in an area designated a residential 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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.

SOLID WASTE: Refuse collection is to be provided based on the standards in the Solid Waste Manual.

CIRCULATION: Existing street improvements shall conform to 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. Stormwater nitrogen reduction and stormwater runoff control are required for this subdivision by City Code Part 10 Chapter 9. All storm drainage easements shall be maintained by the home owners association. A bio-retention pond is proposed. The developer proposes one time nitrogen buy down. No more than 25% of the required open space is devoted to stormwater retention/detention ponds.

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)].

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

Lots less 2 acres - This subdivision plan creates two lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-

9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Attorney that the maintenance covenant is in accordance with Raleigh City Code requirements.

Cluster - This development is a cluster unit development and contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

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: 8/5/2010
Record at least ½ of the land area approved.

5-Year Sunset Date: 8/5/2012
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.