Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27601
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Case File / Name: **S-45-07 / Cityspace Subdivision**

General Location: North side of Maywood Avenue between its intersections with Summit Avenue and Moring Street.

Planning District / CAC: Southwest / Southwest

Nature of Case: Subdivision of a .34 acre tract into two single-family lots zoned Residential-6

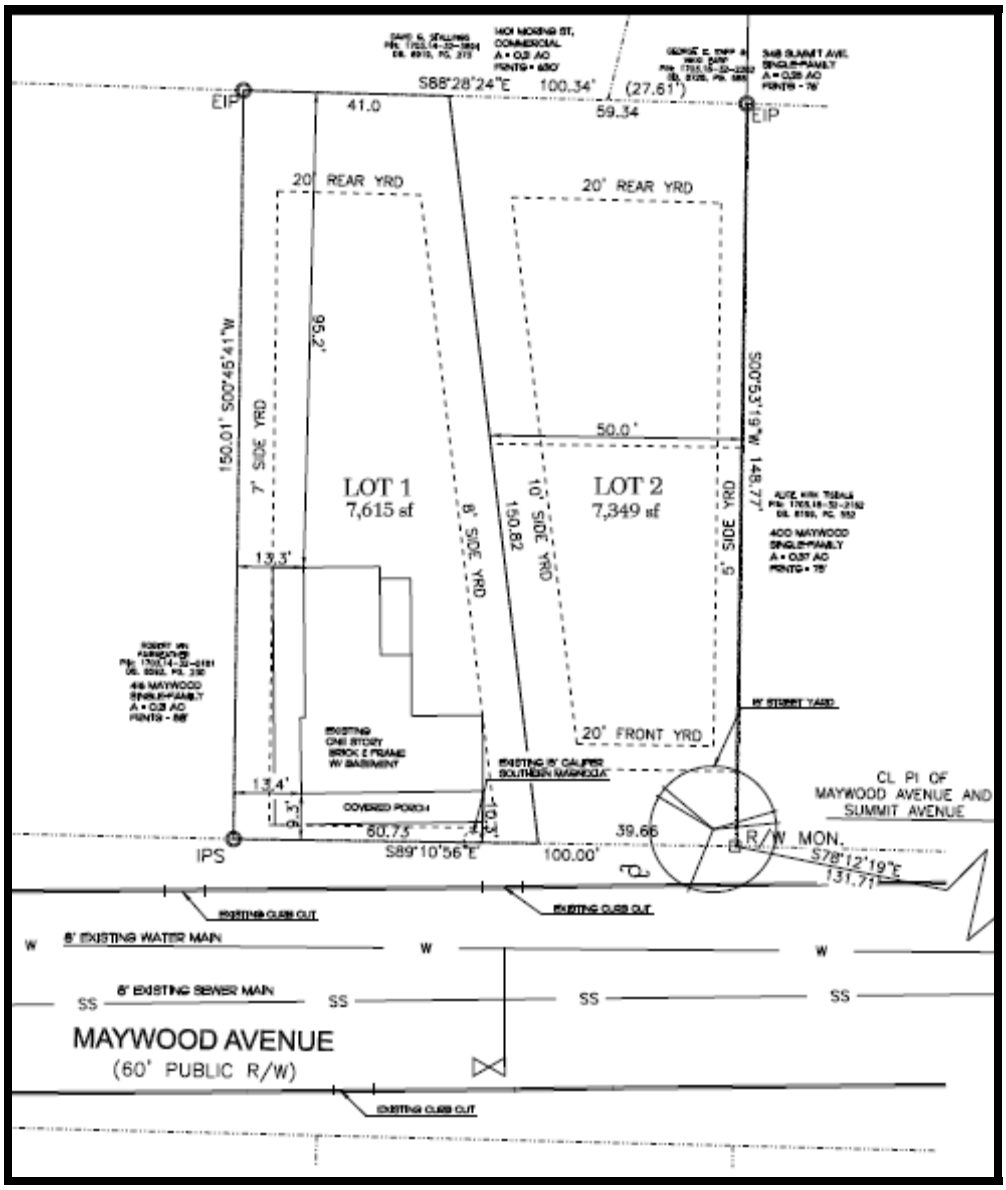
This development constitutes an "infill subdivision" as the parcel is less than five acres, is surrounded on at least 66% of its periphery by developed single-family detached dwellings, and contains lot frontages less than 80% of the median of the surrounding lots and lot sizes less than 80% of the median of the surrounding lots.

Key Issues: Applicants request a variance from required right-of-way dedication. Staff supports a partial and conditional variance. (See Thoroughfare/Collector Plan section on pages 5 and 6).

Contact: Jamie Loyack, HagerSmith Design PA



S-45-07 / Cityspace Subdivision – Location Map



S-45-07 / Cityspace Subdivision – Preliminary Subdivision Plan

SUBJECT: **S-45-07 / Cityspace Subdivision**

CROSS-REFERENCE: N/A

LOCATION: This site is located on the north side of Maywood Avenue, between its intersections with Summit Avenue and Moring Street, inside the City Limits.

REQUEST: This request is to approve the subdivision of a .34 acre tract into two lots, zoned Residential-6. The overall residential density is 5.8 units per acre. This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains both lot frontages less than 80% of the median of the surrounding lots and lot sizes less than 80% of the median of the surrounding lots.

Lot 1 is proposed to be 7,615 square feet (7,013 if right-of-way is dedicated). Lot 2 is proposed to be 7,349 square feet (6,949 if right-of-way is dedicated). The overall residential density is 5.8 units per acre. This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, with lot sizes less than 80% of the median of the surrounding lots, and lot frontages containing lots with frontage less than 80% of the median of the surrounding lots.

Median lot size of surrounding lots	**.25 acres (80% = .20 acres)**
Proposed lot size lot #1	**.17 acres (69% of median)**
Proposed lot size lot # 1 w/ ROW dedication	**.16 acres (64% of median)**
Proposed lot size lot #2	**.16 acres (67% of median)**
Proposed lot size lot #2 w/ ROW dedication	**.15 acres (63% of median)**
Median lot frontage of surrounding lots	**88' (80% = 70.4')**
Proposed lot frontage lot #1	**39.27' (44.5% of median)**
Proposed lot frontage lot #2	**69.73' (79.2% of median)**

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: **As noted on the Staff Report, attached**

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, meets the infill lot layout standards of 10-3032(d) and dedication requirements. The Planning Commission also finds that this plan conforms to Chapter 2, Part 10, Sections 10-2019, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated September 17th, 2007, owned by Cityspace Investment Group, submitted by HagerSmith Design PA.

ADDITIONAL NOTES: There are no additional notes for this plan.

To PC: 11/13/07
Case History:

Staff Coordinator: Eric Hodge

Motion: Smith
Second: Chambliss
In Favor: Anderson, Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, Harris Edmisten, Mullins, Smith
Opposed:
Excused:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.) (PC Chair)

date: 12/13/07 date: 12/13/07

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL: **Planning Commission Actions:**

(1) That the Planning Commission finds that this infill subdivision meets the lot layout standards of Section 10-3032(d);

(2) That the Planning Commission approves a variance request not to dedicate 10 feet in width of additional right-of-way and 10 feet in width of slope easement along lot 1's frontage adjoining Maywood Avenue as specified in Code Sections 10-2132.2(d)(7) and 10-3020, and the Streets, Sidewalks, and Driveway Access Handbook. In lieu of the dedication, the property owner shall grant to the City of Raleigh an option agreement for the area of future road right-of-way and slope easement, and the property owner shall relinquish all rights to reimbursement. The option shall only be exercised in the event the existing house is moved or demolished. The option shall be approved by the City Attorney;

Prior to Planning Department authorization to record lots:

(3) That a fee in fee-in-lieu of construction for ½ of a 5' sidewalk along 100' of Maywood Avenue in an amount determined by the City Engineer, is paid in the Public Works Department;

(4) That 10' of right-of-way and an additional 10' slope easement be dedicated along Lot 2, and that a density transfer pursuant to Section 10-2074(a) be approved. The subdivision plat shall contain a note stating that Lot 2 has received a density transfer from the right way dedication of Maywood Avenue in accordance with Raleigh City Code Section 10-2074(a);

(5) That the owner prepares a restrictive covenant to be approved by the City Attorney prior to its recordation with the local county register of deeds office. No amendments or termination may be made to the restrictive covenant or conditions without the prior approval of the Planning Commission and City Attorney. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld. The restrictive covenants should reflect the following development and architectural requirements:

Architectural Character:
The house will be of similar character and scale as the historic mill houses in the Caraleigh neighborhood, and more specifically to the house at 412 Maywood.

Height:
The height will be limited to 1 ½ stories, being more particularly defined as a foundation not exceeding 4'-0" in height, first story not exceeding 12'-0" in height with vertical walls and a second

story in attic space of the house with roof dormers. Total height of the house measured to the ridge of the roof is not to exceed 28'-0".

Width:
The width of the house will be no less than 22' at its street façade.

Front Façade:
The house will have a front porch with a minimum depth of 6' and a roof similar in pitch to that at 412 Maywood. Porch columns shall be minimum 5-1/2" square in section and spaced no further than 8'-0" on center.

Front setback:
The minimum front yard building setback will be 20' from the right of way line and a maximum of 25' from the right of way.

Side Setbacks:
The house will be setback 5' from the east side property line and 10' on the west side property line.

Roof:
The roof will be a gable roof or hip roof between 6/12 and 10/12 in pitch, similar in slope to those in the neighborhood. Between 4/12 and 10/12 in slope with secondary gables. Dormers shall have gable or shed roofs. All cornices to be boxed similar to those in the neighborhood. Roof to be metal or asphalt shingle.

Materials:
The house will have a red brick foundation and fiber cement lapped siding with a maximum 7" exposure. Vertical corner boards will have a maximum 6" exposure.

Windows:
The windows will be 1/1 or 6/6 double hung (except for bathroom and dormer windows). Windows visible from the street shall be a minimum 30" wide x 60" high (except for dormer windows) and shall have 4" to 6" wide exterior casings.

Size of house:
The house will be between 1000 and 1500 square feet.

ZONING:

ZONING DISTRICTS: Residential-6

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

TREE CONSERVATION: As this is a residential subdivision of less than 2 acres in size, no tree conservation areas were required by code.

PHASING: This is a one phase development.

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.
Maywood	½ 80' (10' dedication)	N/A	Additional 10'

Additional right-of-way to be dedicated is not reimbursable under the facility fees program in cases such as this where the residential density associated with the ROW dedication is needed to be transferred to the contiguous lot(s).

The applicants have requested a variance from the right-of-way dedication requirements (see attached letter from the applicants). Staff does not completely support the variance from the requirement to dedicate additional right-of-way. Properties on the south side of Maywood in this vicinity have complied with dedication requirements. Lot 2 would easily comply with the additional right-of-way dedication. Although the resultant lot would not meet the Residential-6 lot size, it would be compliant through a density transfer out of the right-of-way dedication. As the existing dwelling to remain on Lot 1 is within the proposed right-of-way, staff would support conditionally approving the subdivision so long as a condition of approval required an option be granted to the City for future acquirement of 10' of right-of-way along Maywood Avenue along Lot 1's frontage upon the demolition or removal of the existing dwelling.

TRANSIT: No transit-oriented features are incorporated into the proposed plan.

URBAN FORM: This site is located in the Central Planning District, in an area designated a Regional Center. The largest scale of high intensity mixed use development is the regional center.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 7,260 square feet. The minimum lot width in this zoning district is 50'. The minimum lot depth in this zoning district is 80'. Anywhere the minimum lot width is not met at the street frontage, the minimum lot depth shall be measured from the nearest point to the public ROW where the lot width equals the minimum lot width and from that point in the Residential-6 zoning district must meet a depth from that point of at least 60'. Lots in this development conform to these minimum standards prior to ROW dedication. Section 10-2074 allows a dwelling unit density transfer when ROW is dedicated along a Thoroughfare (which Maywood qualifies as) so long as certain conditions are met. These conditions have been satisfied and include compliance with the requirement that the minimum net lot area of the residential zoning district which allows the next higher residential density shall apply to the property which receives the density. No density transfer shall be allowed if the developer has executed a reimbursement contract for additional ROW dedication. The next higher residential zoning district in this case is Residential-10 which requires only 5,000 square foot lots. The proposed lots, with ROW dedication, meet this standard.

This is an infill subdivision as defined in Sec. 10-3003. The total acreage is less than 5 acres. The median lot size of the peripheral developed lots is 10,890 square feet. The median lot frontage of the peripheral developed lots is 88 linear feet. The minimum lot size proposed in this subdivision is 7,349 square feet (6,949 after ROW dedication). The minimum lot frontage in this subdivision is 39.27' linear feet. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lots are placed in such a way that they are not one behind the other when viewed from the public street. Lots proposed may be adequately served by City services.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following:

(1) All *lot* line boundaries *shall* meet all of the *following*:
a. Lot lines *shall* be angled from the *street* in a similar manner to the angle that is typical of the surrounding peripheral residential *lots*;
b. Lots *shall* consist of no more than four (4) lines (front, rear, side, side) where such a configuration is typical of the surrounding peripheral residential *lots*;
c. Lots *shall* not be configured in such a way that building envelopes for houses are placed one behind the other when viewed from the public street, where such a configuration is not typical of the surrounding peripheral residential *lots*.

Lot line boundaries *may* be approved that do not meet subparagraphs a. b. or c. above if the Planning Commission finds the *lot* line configuration is harmonious with the *lot* configuration pattern of the surrounding peripheral *lots*.

(2) Lots *shall* be configured to be adequately served by *City* services, allow for access of emergency vehicles, and meet *City* standards for proximity to fire hydrants and fire lines where public water is available.

(3) If a *lot* is to be formed of a size that would allow further *subdivision*, a forty-foot minimum width *shall* be maintained on all parts of the *lot* to allow a public *street* to be extended to serve any additional *lots* that *may* be proposed in the future.

(4) The Planning Commission first finds that the infill project is in accordance with the general plans for the physical development of the *City* as embodied in the *Comprehensive Plan* (including the design standards contained therein), redevelopment plans, Streetscape Plans, Neighborhood Plans or other *City Council* -adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent *shall* apply.

(5) The Planning Commission first finds that the infill project contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and interference with air, light and privacy of surrounding residential properties.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Maywood Avenue. A Fee-in-Lieu payment of $1,344.63 for ½-5' sidewalk along Maywood Avenue (length = 100') is required prior to map recordation.

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

STORMWATER MANAGEMENT: This site is exempt from stormwater regulations per Section 10-9021(3) as this subdivision of 2 lots for single-family dwellings does not exceed one acre in size.

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.