Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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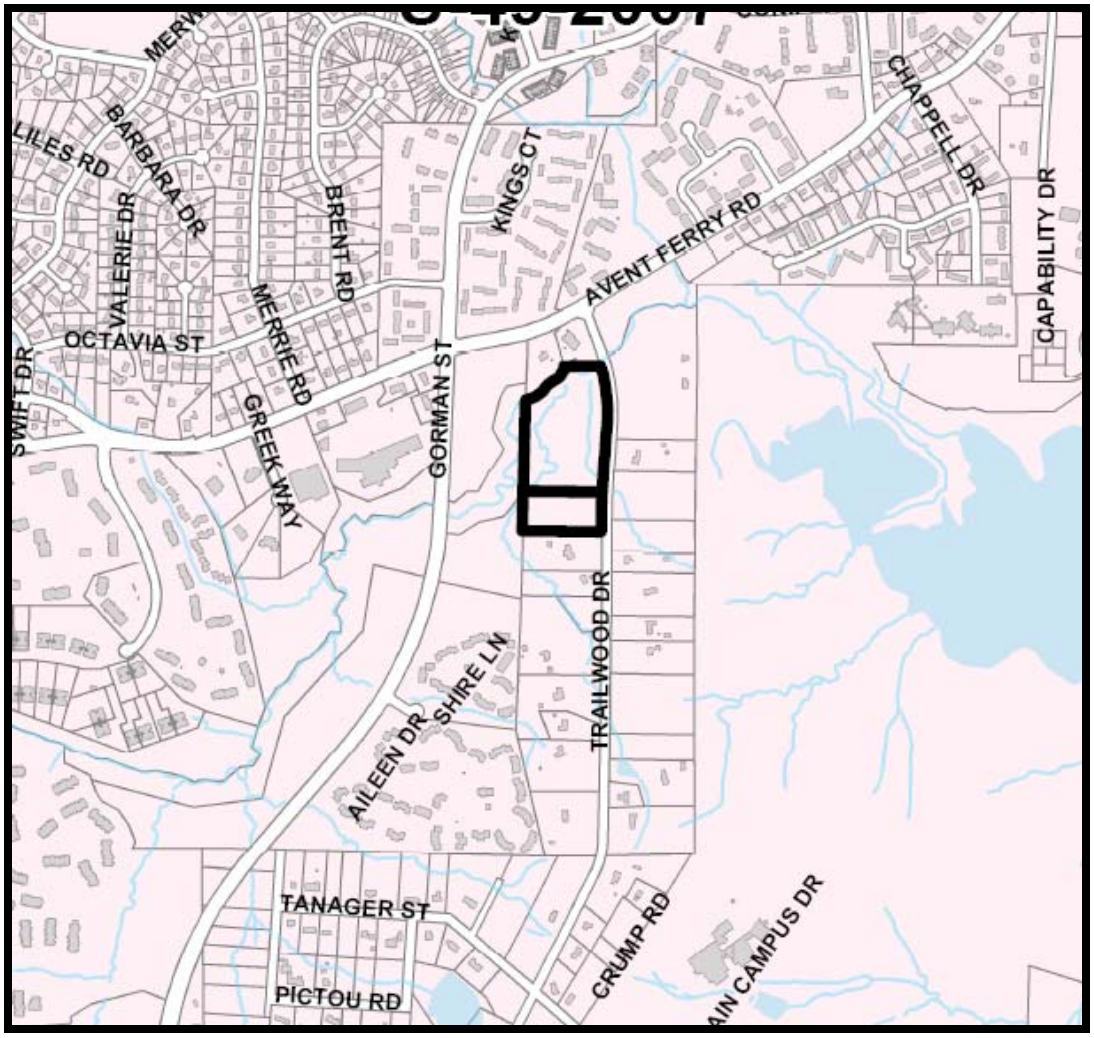
Case File / Name: **S-49-07 / The New American House**

General Location: This site is located on the west side of Trailwood Drive, south of its intersection with Avent Ferry Road.

Planning District / CAC: Southwest / Southwest

Nature of Case: This request is to subdivide 11 acres, currently comprised of 2 lots, into a total of 13 lots which includes one open space lot. The property is zoned Residential-4 with Planned Development Conditional Use Overlay District.

Contact: Amanda Boone, Duane K. Stewart & Associates



S-49-07 / The New American House – Location Map

SUBJECT: S-49-07 / The New American House

CROSS-REFERENCE: MP-3-05/Z-65-05

LOCATION: This site is located on the west side of Trailwood Drive, south of its intersection with Avent Ferry Road inside the City Limits.

REQUEST: This request is to subdivide 11 acres into 13 lots, which includes one open space lot. The property is zoned Residential-4 with Planned Development Conditional Use Overlay District.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: ***Prior to issuance of a land disturbing permit for the site:***

(1) 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;

(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 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;

(4) 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;

(5) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;

(6) That the following note be shown on all maps for recording: A minimum finished floor elevation will be required for all lots along the floodplain boundary.

(7) That existing wetlands are on this site and shall be shown on all maps for recording;

(8) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;

(9) That all permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently preserved undisturbed open space areas used for stormwater treatment, 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.

(10) That a tree protection plan is approved by the Inspections Department and field verified in accordance with the master plan that provides for no disturbance to an areas adjacent to Trailwood Drive.

(11) That a tree conservation plan is approved by the Forestry Specialist in the Inspections Department showing the Tree Conservation Areas and that a Tree Conservation Permit is issued prior to grading.

Prior to Planning Department authorization to record lots:

(12) That a fee in lieu of construction for ½ of a minor thoroughfare, curb gutter and ½-5' sidewalk for the entire length of Trailwood Drive is paid in the Central Engineering Department;

(13) That a 15X20 foot transit easement located along Trailwood Drive be approved by the Transit Division Staff in the Public Works Department, be shown on all maps for recording. The transit easement and the access path approved by the City Attorney and recorded with the local County Register of Deeds office. That the recorded copy of this transit easement and public access easement for the greenway, be provided to the Planning Department within 14-days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14-day period, further plan recordings and building permits authorization may be withheld;

(14) That the City Attorney approved the homeowner's private agreements referenced in the master plan document related to owner occupancy and architectural review and homeowner documents. These document are to be recorded at the Wake County Register of Deeds within 14 days of lot

recording. The property agreements shall conform to 10-3073 and contain the above mentioned information.

(15) That 1/2'-80' from the centerline of Trailwood Drive right of way along Trailwood Drive be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;

(16) That the 3-party encroachment agreement for the landscaping located in the public right of way be approved by the City Council and the city attorney approve the execution of the encroachment agreement and a copy is placed in the file;

Prior to issuance of building permits in the Inspections Department:

(17) That any receptacles or storage places are screened in accordance with the approved master plan document.

(18) That all architectural features (listed as items 1-7) are provided for in accordance with the approved master plan document.

(19) That all applicable conditions of the approved Master Plan document are provided for regarding building size and architectural requirements.

(20) That unity of development guidelines and sign criteria fof this entire development are established and approved by the Planning Director;

(21) That all conditions of associated with Z-65-05 and MP-3-05 have been satisfied.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Haag) Date: 3-21-08

Staff Coordinator: Eric Hodge, AICP

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 10-2017, 10-2057, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated January 31, 2008, owned by New Southern Land Co. Inc., submitted by Duane K. Stewart & Associates, Inc.

ZONING:

ZONING

DISTRICTS: Residential-4 with Planned Development Conditional Use Overlay District. Ordinance (2006) 993ZC585 Effective 4/4/06.

Z-65-05 - (MP-3-05) – Trailwood Drive, on the west side of Trailwood Drive, south of its intersection with Avent Ferry Road, being Wake County PIN's 0793144260 and 0793134771. Approximately 11.45 acre rezoned with Planned Development Conditional Use Overlay District.

Conditions: 03/09/06

A. Sidewalks shall be provided along both sides of all public street(s).

B. A footpath or similar facility shall be provided from the public residential street(s) ROW to the Walnut Creek Greenway Trail. The footpath shall be accessible to the public.

C. All buildings shall be limited to no more than two floors and forty feet in height; roof area/decks, basements and crawl spaces shall not be counted toward this measurement.

D. No vinyl siding shall be allowed.

E. HVAC equipment, utility meters, transformers, generators and similar equipment shall be screened from view with plant material or architectural screen; materials shall be compatible to principal building. This type of equipment shall not be located between the front wall of any building and a public or private street.

F. No pressure-treated southern yellow pine railings or hand rails shall be permitted on any building.

G. No "wall pack" type light fixture shall be permitted on any building or structure.

H. The storage place for trash receptacles, roll-out carts or cans shall be screened from the public right-of-way or any off-site view.

I. Residential density shall be limited to no more than twelve (12) single family detached dwelling units with a definition that constitutes a family, to be no more than three unrelated individuals.

J. Lots shall be a minimum of 5,000 square feet in area.

K. Prior to construction Homeowner Association documents shall be recorded that require owner occupancy with a "sabbatical" provision that shall allow rental for no more than 12 consecutive months. A dwelling in this development may remain vacant indefinitely so long as it is not rented.

L. Prior to any construction and/or lot recordation, whichever occurs first, all remaining land outside of single family lots and public right of way dedication shall be designated by deed as common open space for the use of the homeowners association and/or other entity (i.e. — conservation easement) as may be determined by the owner.

M. Nine of the 12 dwelling units shall be a minimum of 1,800 square feet in area (gross).

N. Prior to any development, required easements and dedications requested by the City of Raleigh shall be recorded at the Wake County Register of Deeds.

O. No more than one (1) vehicular access point shall be allowed from Trailwood Drive; the road shall be designed to minimize grading impact for the road and utilities.

P. No public street (except to allow for future improvements to Trailwood Drive) shall be-built within the floodplain of Walnut Creek.

Q. A 10' X 20' transit easement shall be provided to the City of Raleigh along Trailwood Drive prior to any lot recordation or permit issuance, whichever shall occur first.

R. A 50' average Natural Protective Yard, with a range of 25' minimum, to 100' maximum shall be provided along Trailwood Drive.

S. Building Setbacks: each home will be sited with regards to environmental criteria (trees and slopes) and how it would relate to its neighbors. In no event shall the setbacks be less than the following:

1. No single family home shall be located closer than 30' from the southern boundary of the property adjoining Wake County PIN: 0793134465
2. Front setbacks shall be 10' minimum.
3. Rear setbacks shall be 20' minimum; except as noted in item "1" above.
4. Side setbacks shall be 0' minimum, with a 10' aggregate yard.

T. Site lighting, except public right-of-way street lighting, shall not exceed 12' in height. All exterior lighting shall be cut -off type fixture, and shall be aimed and/ or oriented to minimize glare observed from off-site properties and public right-of-way.

U. Upon acceptance by and approval by the City of Raleigh and/or NCDOT, street yard requirements may be provided within the public right-of-way.

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

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. 10% or 1.1 acres of tree conservation area is required, 21% or 2.31 acres is provided. A final tree conservation plan with a metes and bounds description of all tree conservation areas shall be shown and labeled on any plat for recording.

UNITY OF DEVELOPMENT: Unity of development criteria is required in this development per the PDD. A unity of development plan must be approved by the Planning Director prior to the issuance of any permits on these lots.

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: This property is adjacent to Walnut Creek Corridor. The minimum greenway width required along Walnut Creek is 100' measured from the top of bank. The City has previously acquired a greenway easement. Where the existing easement is not a full 100' wide, the applicant is required to dedicate additional easement to provide the full 100'. The applicant also proposes to provide a footpath from the subdivision to the Walnut Creek Greenway Trail. This footpath

shall be open to the public and shall be maintained by the homeowner's association.

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.
Trailwood Drive	½ 80'	½ 53' and fee-in-lieu	20' (for portions)

Trailwood Drive is classified as a minor thoroughfare and exists as a two-lane shoulder and ditch section on 60 feet of right-of-way. City standards call for Trailwood Drive to provide a 53-foot back-to-back curb and gutter section on 80 feet of right-of-way with sidewalk on both sides. Neither NCDOT nor the City have any projects scheduled in the vicinity of this case. This proposal provides for an additional 10' of right-of-way, a turn lane and paying a fee in lieu for improvements to Trailwood Drive.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15'x20' transit easement on Trailwood Drive.

URBAN FORM: The site of the proposed rezoning is located in the Southwest Planning District and the Trailwood Neighborhood Plan (CP-1-99). This area in the Comp Plan recommends low density residential.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size allowed in this Planned Development District is 5000 square feet. The minimum lot depth proposed is in this zoning district is 6,771 square feet. The minimum lot width in this zoning district is 45'. Lots in this development conform to these minimum standards.

OPEN SPACE: The total amount of open space provided is 7.07 acres, or 64% of the site. Required is 15%, or 1.72 acres.

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 the property's frontage on Trailwood Drive and both sides of "Joe Cox Lane".

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

STORMWATER MANAGEMENT: The site is not responsible for runoff control due to direct discharge to a FEMA mapped floodplain. Nitrogen will be handled by limiting each lot to no more than 4000 sqft of impervious area. This keeps the loading levels low enough to comply with a buydown payment to the NCEEP.

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)].

WETLANDS / RIPARIAN BUFFERS: There are portions of the site that are located in a floodplain. The lots, that have floodplain within the lot, will be subject to the 50% fill in the floodplain rule 10-4008 (c).

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: xxxxxx
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/25/2005
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.