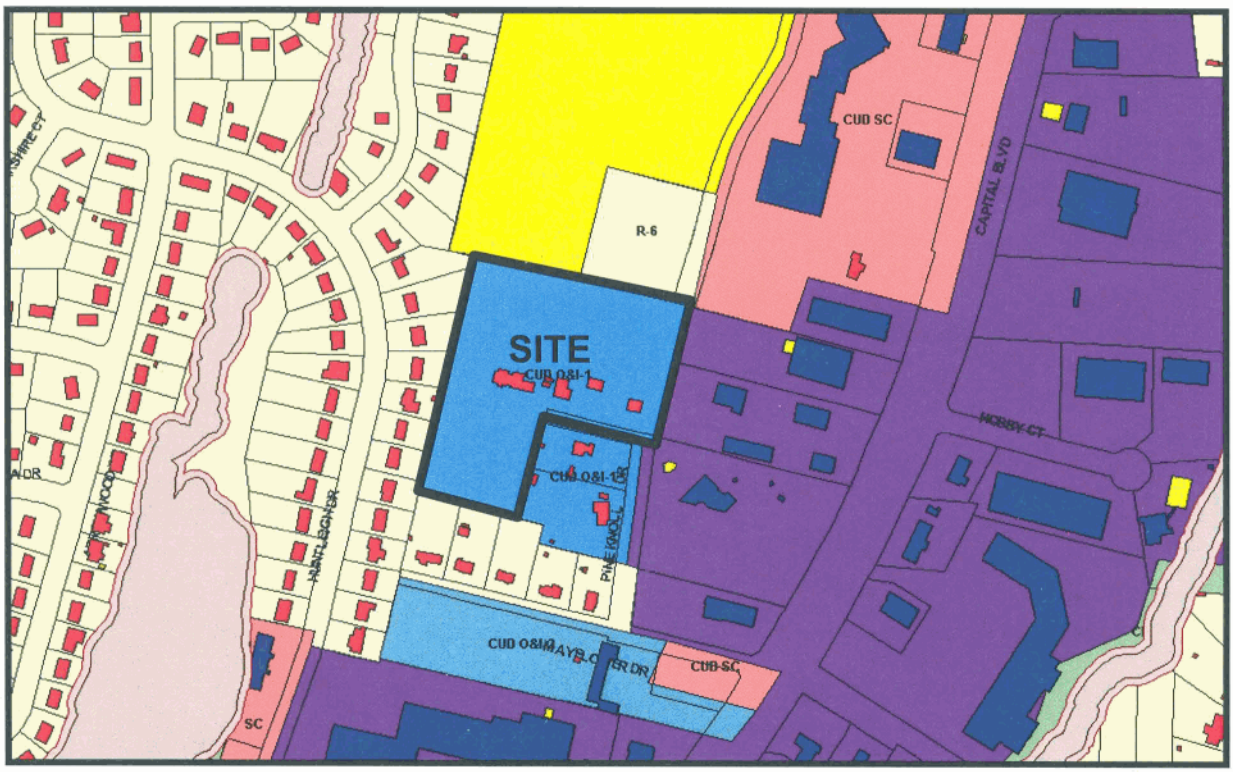
AA# 2069
Case File: S-58-07

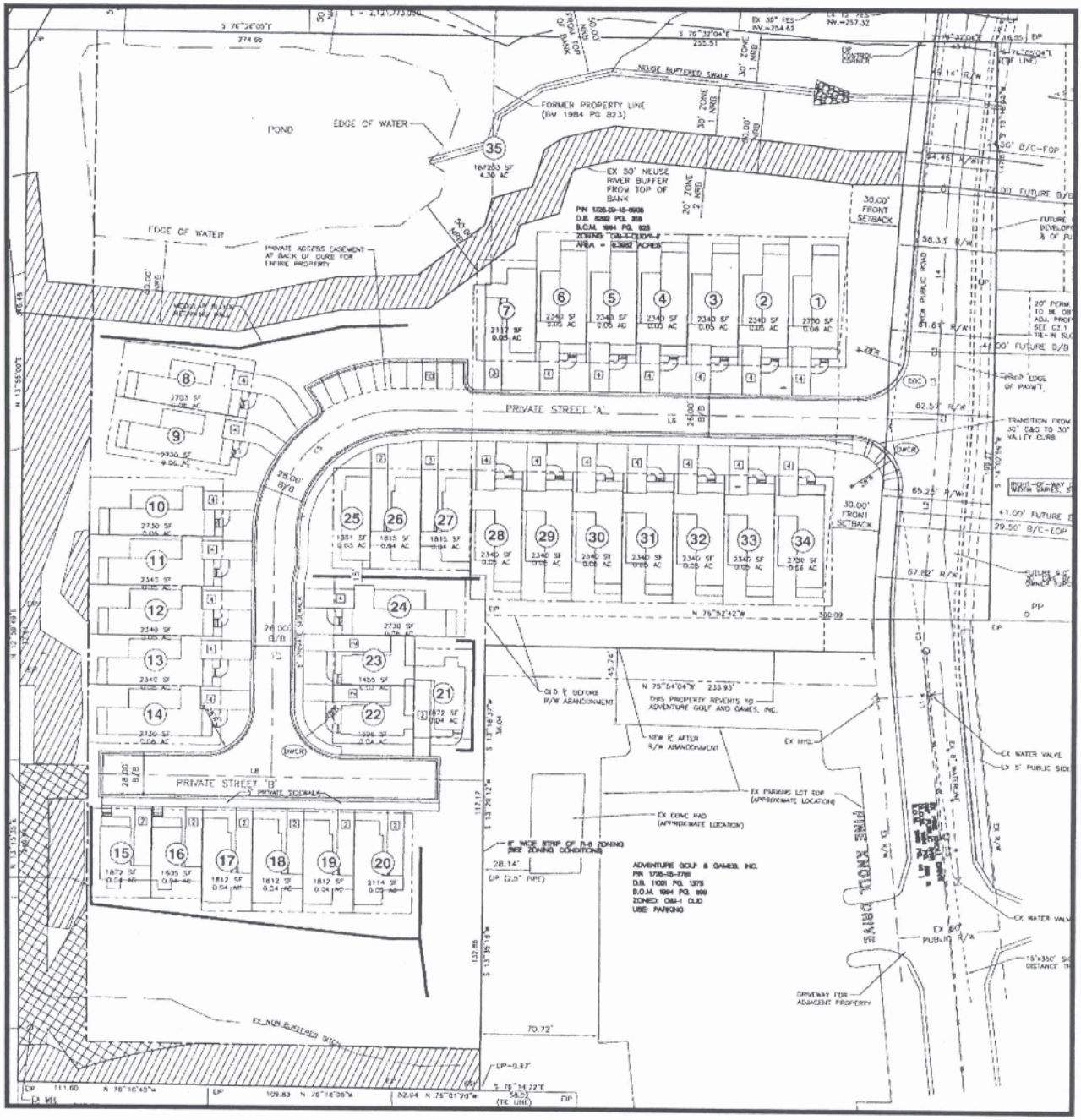
Administrative Action
Preliminary Subdivision

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

Case File / Name:	**S-58-07 / Capital Pines (revision)**
General Location:	West side of Pine Knoll Drive extension, north of Mayflower Drive intersection
Planning District / CAC:	Northeast / Northeast
Nature of Case:	Subdivision of a 6.39 acre tract zoned O&I-1 CUD to create a townhouse development consisting of 34 residential lots and one open space lot.
Contact:	Bass, Nixon, & Kennedy



S-58-07 / Capital Pines (revision) – Location Map



S-58-07 / Capital Pines (revision) – Site Plan

SUBJECT: S-58-07 / Capital Pines (revision)

CROSS-REFERENCE: Z-66-99, STC-12-07

LOCATION: This site is located on the west side of Pine Knoll Drive extension, north of its intersection with Mayflower Drive, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 6.39 acre tract zoned O&I-1 CUD to create a townhouse development consisting of 34 residential lots and one open space lot. This proposal includes the closing of an unnamed public street right-of-way along the south side of the site (STC-12-07) and recombination of half of the closed right-of-way into this development.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

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

(1) That a maintenance manual and budget for any detention or retention facilities or wet ponds be approved by the Conversation Engineer in the Inspections Department, that covenants for the maintenance of such facilities prepared in accordance with Raleigh City Code Section 10-5007(c) are included with any homeowner documents, and that recorded copies are provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of these documents are not provided to the Planning Department within this 14 day period, further plat recordings and building permits issuance may be withheld;

(2) That a final tree protection plan is approved by the Forestry Specialist in the Inspections Department for trees located in the 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 approval of construction drawings for public improvements:

(3) That as the developer proposes to disturb a designated riparian buffer for the proposed Pine Knoll Drive construction, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department;

(4) That the developer obtain off site slope easements on the adjacent parcels to the east for grading and culvert construction associated with building Pine Knoll Drive extension;

Prior to Planning Department authorization to record lots:

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

(6) That proposed street closing (STC-12-07) is approved as a separate action by the Raleigh City Council, and that the adopted street closing resolution number and effective date of closing is shown as a note on all recorded plats and that the recombination of the closed right-of-way be recorded prior to or in conjunction with lot recordation for this subdivision. All conditions to maintain the required easements in accordance with STC-12-07 must be maintained until such time the proposed utility lines to serve this development are constructed, accepted and inspected by the City for maintenance.

(7) 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;

(8) That variable width right-of-way for Pine Knoll Drive be dedicated as shown on the preliminary plan;

(9) That a fee in fee-in-lieu of construction for one-half of 5' sidewalk along Pine Knoll Drive is paid in the Public Works Department;

(10) 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;

(11) 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";

(12) 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;

(13) That homeowner legal documents are prepared in accordance with Raleigh City Code Sections 10-3072 - 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;

(14) 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

(15) 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 (1) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (14) 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 (14) 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;

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

(17) 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";

Prior to issuance of building permits in the Inspections Department:

(18) That all conditions of rezoning case Z-66-99 be fulfilled.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Kaye) Date: 1/7/08

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 10-2035, 10-2103, 10-2109, Chapter 3, Part 10, Sections 10-3001-3059. This approval is

based on a preliminary plan dated May 2007, owned by Habitat for Humanity of Wake County, submitted by Bass Nixon & Kennedy, Inc.

ZONING:

ZONING DISTRICTS: Office & Institution-1 CUD, Z-66-99, Ordinance 757, ZC 476, Effective 3/21/00.

Z-66-99 Pine Knoll Drive, western terminus (formerly Sherrill Drive), being Wake County Tax Map Parcel 1725.09 15 6909 and 1725.09 15 8927 and 1725.09 15 9843. Approximately 6.4 acres rezoned to Office and Institution-1 Conditional Use, save and except a strip of land six (6") in width adjacent to the west property lines of the properties which were the subject of Z-6-93 now identified by PIN Nos. 1725.09 15 7559 and 1725.09 15 7781 which strip of land remains zoned R-6.

Conditions (12/1/99):

1. Development of the subject property shall comply with the provisions of CR-7101 to an R-4 standard or to the standard applicable to the property in its condition as of the date of this amended Exhibit C as confirmed by the City of Raleigh, whichever runoff coefficient standard is the more restrictive.

2. For reimbursement purposes, additional street right-of-way for the portion of Pine Knoll Drive to be located along the east side of Tax Parcels PIN Nos. 1725.09 15 9843 and 1725.09 15 8927 shall remain at R-6 values.

3. No parking lots and/or parking structures providing parking for off-site uses shall be permitted upon the subject property as only surface parking serving uses upon the subject property shall be permitted.

4. A protective buffer yard shall be imposed upon the west property line adjacent to properties zoned R-6 or used for single family residential dwelling purposes, which properties have Tax Parcel PIN Nos. 1725.09 15 2672, 2790, 3718, 3835, 3954, 3073, 3171 and 3230. This protective buffer area shall be forty (40') feet in width if the use upon the adjacent portion of the subject property is residential or non-residential. A protective buffer yard shall be imposed upon the south property line adjacent to properties zoned R-6 or used for single family residential dwelling purposes with Tax Parcel PIN Nos. 1725.09 15 3590, 4497 and 6404, which shall be twenty-five (25') feet in width if the use upon the adjacent portion of the subject property is residential and forty (40') feet if the uses upon the adjacent portion of the subject property is non-residential.

These protective buffer yards shall be comprised of new and existing natural vegetation (trees 8' high spaced at 10' on center, evergreen trees such as Nellie R. Stevens Holly, American Holly, Wax Myrtle, Red Cedar, Chinese Holly, Loblolly Pine, Southern Magnolia, and/or Cryptomeria, and deciduous trees such as Allee Elm, Trident Maple, Pistache, Sourwood, also shrubs 18" high spaced 5' on center, with 75% of the vegetation being of evergreen varieties in order to enhance year-round visual separation), and/or changes in grade constructed and maintained of sufficient height and width once vegetation is mature to restrict the direct view of vehicle headlights from a pedestrian standing fifty (50') feet from said boundaries. Trees existing within the protective yards as of the date of approval of this case by the Raleigh City Council which are eight (8") inches in caliper and greater measured four (4') feet from ground level (i.e. 25" (inches) in circumference similarly measured shall be protected, (except as provided in the next paragraph), and a tree inventory, dated as of the date of the Council approval, of the trees which meet these criteria shall be certified to the Arborist of the City of Raleigh by a landscape architect licensed to practice in North Carolina.

Notwithstanding the preceding paragraph, this Condition permits the removal from the protective area of unsafe, dying or dead trees and vegetation and permits in installation of underground utilities and stormwater management facilities within the protective areas and the filling or improvement of the pond located in the northwest corner of the property if the owner of the subject property deems either action

advisable; provided however, that not more than 35% of the protective areas may be disturbed for the purposes if installing grade changes, underground utilities and stormwater management facilities and the filling or improvement of the subject pond. The requirements for the protective buffer yard adjacent to the south property line will be applicable only as long as the use(s) of any of the properties adjacent to this portion of the south line are dwellings and thereafter this requirement shall automatically terminate.

5. All buildings shall be limited to no more than two occupied stories not to exceed thirty (30') feet in height (exclusive of parapet and HVAC systems) measured as provided in the City Code.

6. The residential density upon the entire subject property containing approximately 6.39 acres shall have an absolute cap of ten (10) dwelling units per acre, provided however that the western portion of the property containing approximately 3.96 acres and identified as Tax Parcel PIN No. 1725.09 15 6906 shall be limited to a residential density of six (6) dwelling units per acre if developed for residential purposes.

7. All exterior lighting and exterior light standards upon the subject property shall be designed, located, aimed and/or shielded so that light is not projected directly into adjacent residential properties in accordance with the provisions of the City Code. Light poles situated outside the protective buffer yards, shall not exceed twenty-five (25') feet in height and no metal halide fixtures shall be allowed. No light pole/fixtures are to be placed in the protective buffer yards.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 0.639 acres required, 67% or 4.3 acres provided.

PARKING: Off-street parking conforms to minimum requirements: 90 spaces required, based on the standards of code section 10-2081 [2.0 parking spaces per two bedroom unit (5 units); 2.5 parking spaces per three bedroom unit (21 units); 3.0 spaces per 4 bedroom unit (5 units); 3.5 spaces per 5 bedroom unit (3 units)]. 115 spaces are provided. Parking spaces meet minimum standards for size and aisle width.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. Landscape areas for tree planting are a minimum of 350 square feet per tree in area, and have a minimum dimension of 7 feet. This is a low density residential use under Section 10-2082.9. Transitional protective yards are not required. Landscaping is shown adjacent properties in conformance with zoning conditions of Z-66-99.

OTHER GROUP HOUSING STANDARDS: Private dead-end streets exceeding 200 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g).

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 0.975 acres (15.2%) total on this parcel has been reviewed by the Forestry Specialist in the Inspections Department.

UNITY OF DEVELOPMENT: Unity of development criteria is 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 streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Pine Knoll Drive	variable: 49'-67'	variable width	n/a

This plan shows dedication of right-of-way and construction of a connection for Pine Knoll Drive along this site's frontage to the north property line where the street has already been constructed. This street construction includes a stream crossing. Note the property owner to the north previously paid a fee-in-lieu of construction for their portion of the crossing (see S-104-2000, SP-144-2000, S-53-2003). An interim cross section of this collector street is proposed with this plan rather than the full 41' b-b since a portion of the ultimate alignment is on the adjacent property to the east. This plan does show proposed slope easements on the adjacent tract to the east to allow for grading and construction of a culvert under the street. Right-of-way to be dedicated and standard street construction is not reimbursable. This proposal includes payment of a fee in lieu for one half of public sidewalk along Pine Knoll Drive.

TRANSIT: No transit facilities are proposed with this plan.

URBAN FORM: This site is located in the Northeast Planning District, with specific recommendations made in the Capital Boulevard Corridor Plan. Medium density residential uses are recommended.

SUBDIVISION STANDARDS:

LOTS - SETBACK: There is no minimum lot size for a townhouse development. Perimeter protective yards are not required because adjacent properties are zoned R-6 and O&I-1.

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 30'. 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 height of the buildings is 25'.

DEVELOPMENT DENSITY: The overall residential density is 5.65 units per acre and conforms to zoning condition number 6 of Z-66-99 limiting total density to 10 units per acre. The residential density of the 3.96 acre western portion of the site containing 10

building lots is 5.05 units per acre and conforms to a limitation of 6 units per acre in that location.

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. This proposal includes the closing of a portion of public street right of way adjacent the south side of the site. An application for street closing (STC-12-07) has already been received at the time of this approval and a public hearing has been scheduled for January 8, 2008.

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. This layout indicates a stream crossing for Pine Knoll Drive extension on the north side of the site.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. This proposal includes payment of a fee in lieu for one half of public sidewalk along Pine Knoll Drive.

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

STORMWATER MANAGEMENT: This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. This site is also subject to stormwater management zoning conditions of Z-66-99 that require that runoff be held to no more than that expected for R-4 development for the 2 and 10-year storms. Retention / detention facilities are shown on the preliminary plat. This project will utilize a dry detention pond for both stormwater quantity and quality issues. This plan indicates nitrogen reduction requirements will be fulfilled through a combination of providing managed open space, payment to the North Carolina Ecosystem Enhancement Program (NCEEP), and use of BMP's.

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.

STREET NAMES: Two new street names are 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: 1/7/20/10
Record at least ½ of the land area approved.

5-Year Sunset Date: 1/7/20/12
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.