Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: **S-59-07 / Proctor Subdivision**

General Location: On the northwest corner of Hines Drive and Plantation Road, inside the city limits.

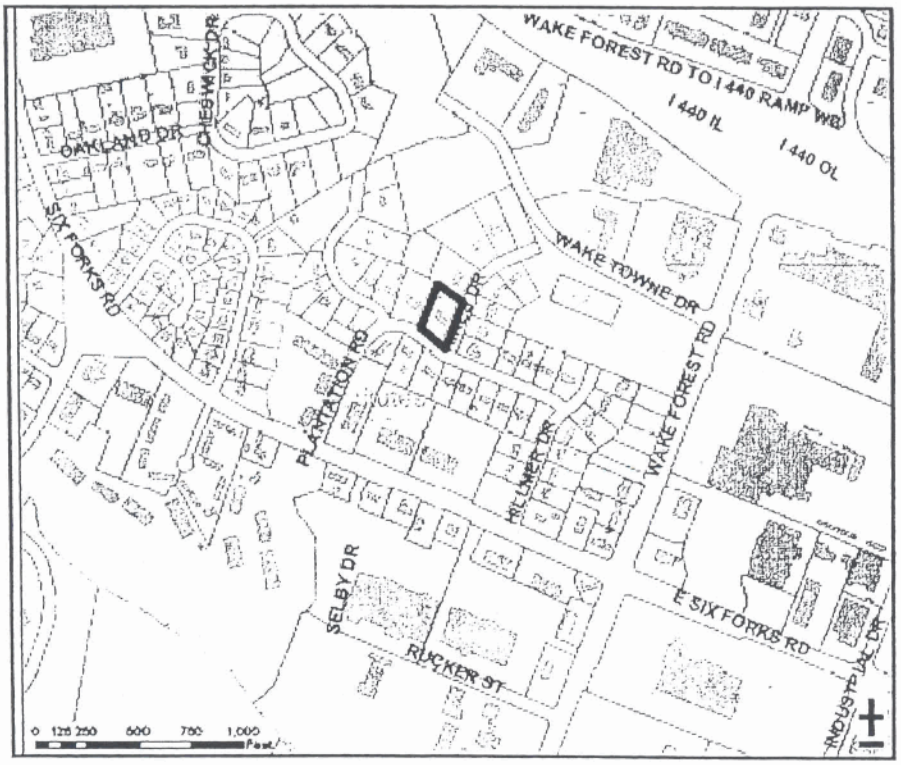
Planning District / CAC: North Hills / Six Forks

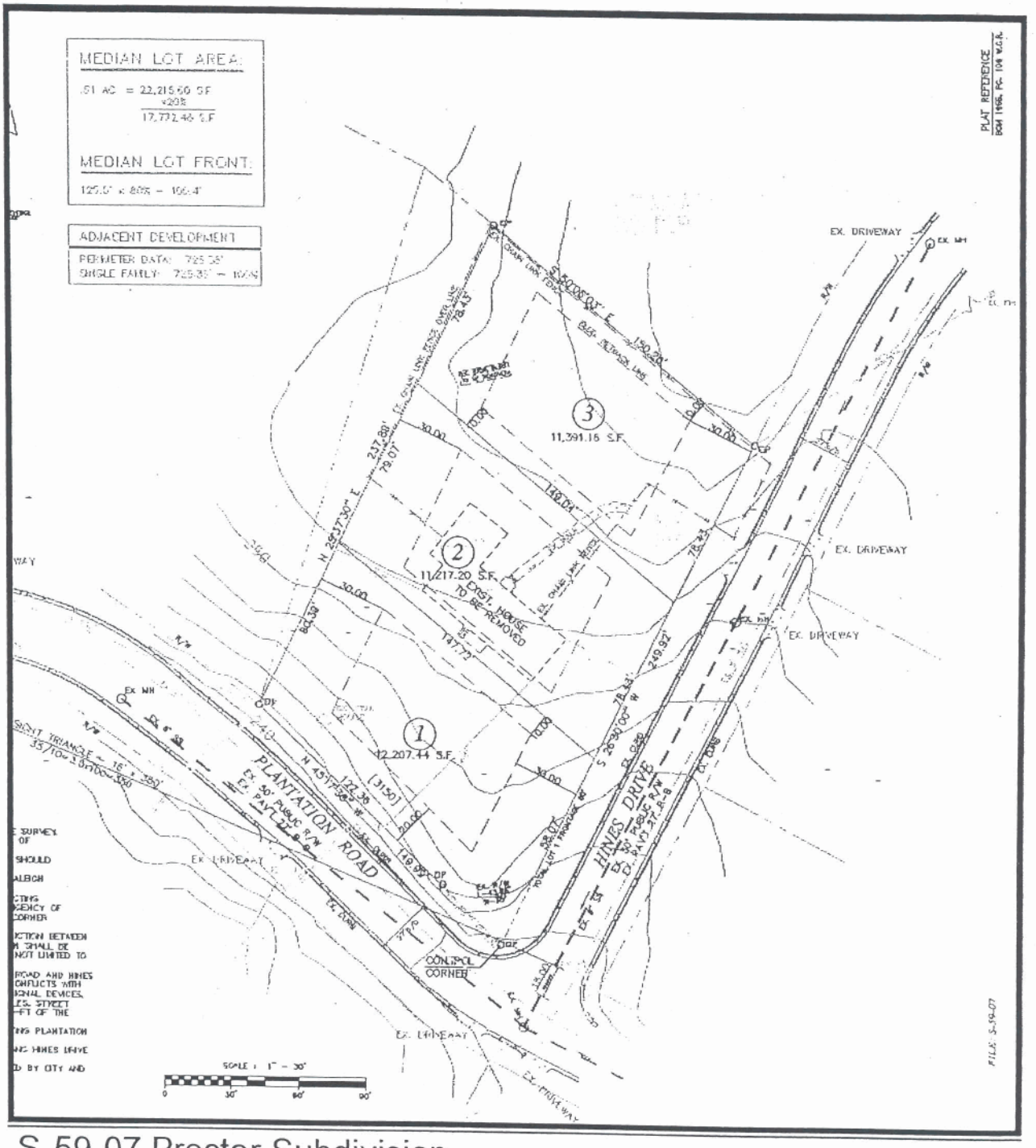
Nature of Case: This is a request to subdivide .806 acres into 3 single-family lots, zoned Residential-4.

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 lot frontage less than 80% of the median of the surrounding lots, or lot size less than 80% of the median of the surrounding lots or both.

Key Issues: This "infill subdivision" requires the Planning Commission to find it meets the five standards of approval of Code Section 10-3032(d) prior to approval.

Contact: Chance & Associates





S-59-07 Proctor Subdivision

SUBJECT: S-59-07 / Proctor Subdivision

CROSS-REFERENCE: N/A

LOCATION: On the northwest corner of Hines Drive and Plantation Road, inside the city limits.

REQUEST: This is a request to subdivide .806 acres into 3 single-family lots, zoned Residential-4.

Lot 1 will be .280-acres (12,207.44 sf) with a road frontage of 144.29 linear feet along Plantation Road and 80.00 linear feet along Hines Drive.

Lot 2 will be .257-acres (11,217.20 sf) with a road frontage of 78.43 linear feet along Hines Drive.

Lot 3 will be .261-acres (11391.16 sf) with a road frontage of 78.43 linear feet along Hines Drive.

The median lot size for the adjacent lots is .51-acres, 80% equates to .408-acres.

The median road frontage for the adjacent lots is 125.5 linear feet, 80% equates to 100.4 linear feet.

Median lot size of surrounding lots	**.51 acres (80% = .40)**
Proposed lot size lot #1	**.28 acres (54% of median)**
Proposed lot size lot #2	**.25 acres (49% of median)**
Proposed lot size lot #3	**.26 acres (50% of median)**
Median lot frontage of surrounding lots	**125.5' (80% = 100.4')**
Proposed lot frontage lot #1/ Plantation Rd	**144.29' (114% of median)**
Proposed lot frontage lot#1/ Hines Drive	**80.00' (79% of median)**
Proposed lot frontage lot # 2	**78.43' (62% of median)**
Proposed lot frontage lot #3	**78.43 (62% 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). The Planning Commission also finds that this plan conforms to Chapter 2, Part 10, Sections 10-2017, 10-2103, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/08/07, owned by John & Nancy Proctor, submitted by Chance & Associates.

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

To PC: November 27, 2007
Case History:

Staff Coordinator: Jacque Baker

Motion: Holt
Second: Bartholomew
In Favor: Anderson, Bartholomew, Butler, Chambliss, Gaylord, Haq, Harris Edmisten, Holt, 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: 11/29/07 date: 11/29/07

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 5 standards of Section 10-3032(d). Standards 1, 2 & 3 have been met with lot configuration. Standards number 4 & 5 relate to conformance with City Council adopted plans and standards and provision of adequate measures to protect other properties from adverse effects which is directly related to the Planning Commission;

The applicant has provided materials and information to meet standard of code section 10-3032(d)(5) for the following:

- Air, Light and privacy

The owner has proposed in writing the following:

- **Height:** Maximum building height not to exceed 38-feet from average natural ground elevation (pursuant to Raleigh City of Raleigh Code section 10-2076(b);

Administrative Actions:

Prior to issuance of a land disturbing permit for the site or authorization to record lots, whichever comes first:

(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 a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first;

Prior to Planning Department authorization to record lots:

(4) That a final landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a copy placed on file in the Planning Department;

(5) That a fee-in-lieu of construction for ½ of a 5' sidewalk along Plantation Road and Hines Drive in an amount determined by the City Engineer, is paid in the Public Works Department;

(6) That a demolition permit be issued by the Inspections Department and this building permit number be shown on all maps for recording;

(7) 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."

(8) 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;

(9) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to be shared among the 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 homeowner legal documents shall be prepared in accordance with Raleigh City Code Sections 10-3071 through 10-3074 and 10-9027(b), and the City Attorney shall approve the homeowners' legal documents.. The homeowners' declaration shall contain the following provisions: (a) that the open space lots and the stormwater control measures serving more than one lot, which are situated outside of the public street rights of way are common properties, (b) 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 Conservation Engineer in the Public Works Department as part of condition (3) above, and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance Agreement required by condition (7) above, (c) that common expenses include: maintenance of stormwater control measures, 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 (7) above; (d) that within permanently protected undisturbed open space areas and tree save areas, no land-disturbing activity, placement of impervious surface, removal of vegetation, encroachment, construction, or erection of any structure shall occur except in accordance with a permit first being issued by the City of Raleigh, (e) that the City of Raleigh is granted rights to levy assessments as an assigns of the Association for monies owed to the City pursuant to the Stormwater Replacement Agreement to file a lien for such unpaid assessments 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, (f) 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, (g) a warning statement stating that the stormwater control measures are 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 actions. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording. If recorded copies of the homeowners' documents are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld;

Prior to issuance of an occupancy permit in the Inspections Department:

(10) That the approved landscaping be installed for lots 1, 2 and 3 and inspected by the zoning inspector prior to issuance of Certificate of Occupancy.

ZONING:

ZONING DISTRICTS: Residential-4.

PHASING: N/A

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

TREE CONSERVATION: Site is residential and less than two (2) acres in size. Complies with code section 10-2082.14 (Tree Conservation) is not required.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: All required right-of-way and construction exit along Plantation Road and Hines Drive.

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

URBAN FORM: This site is located in the North Hills Planning District, in an area designated a residential area.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 10,890 square feet. The minimum lot width in this zoning district is 65'. The minimum lot depth in this zoning district is 100'. The minimum lot size proposed in this subdivision is 11,217.20 square feet. The minimum lot frontage in this subdivision is 78.43 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 is 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,

Sidewalks and Driveway Access Handbook. 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: Existing street improvements conform to normal City construction standards.

PEDESTRIAN: Fee in lieu for sidewalk required for Plantation Road and Hines Drive conform to City regulations.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. The site proposes the use of underground detention and sand filters.

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: 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.

TO MEMBERS THE RALEIGH CITY COUNCIL AND PLANNING COM. ON

RE: SUBDIVISION OF LOT 6 (3150 PLANTATION RD.) INTO (3) LOTS
KIMBROUGH JONES LAND, BOOK OF MAPS _____ PG. _____
WAKE COUNTY REGISTRY

This is to acknowledge that I/we understand that three new homes could be built. I/We feel that this subdivision and the homes planned will be in harmony with other properties within the area.

(1) Linda Metz (OWNER) — Bob Metz (OWNER)

3103 Plantation Rd.
ADDRESS

5.25.07
DATE

(2) Eugenia Hill (OWNER)

3104 Plantation Rd.
ADDRESS

5/13/07
DATE

(3) George Jeter (OWNER) — Vanessa Jeter (OWNER)

We understand 3 houses will be built.

3110 Plantation Rd.
ADDRESS

5/21/07
DATE

(4) Miko Schmitt (OWNER) — Ralph Leggett (OWNER)

3204 Plantation Rd.
ADDRESS

DATE

(5) Michael McLean (OWNER) — Laura McLean (OWNER)

3109 Hines Dr.
ADDRESS

6-2-07
DATE

(6) Caroline Valand (OWNER)

3112 Hines Dr.
ADDRESS

5/20/07
DATE

(7) Dwanie Johnson (OWNER) — Jennie Johnson (OWNER)

3114 Hines Dr.
ADDRESS

6/13/07
DATE

(8) Richard Barnes (OWNER) — Tyrtlle Barnes (OWNER)

3100 Hines Dr.
ADDRESS

5/13/07
DATE

JOHN S., JR. & NANCY J. PROCTOR SUBD. – S-59-07

BUILDING RESTRICTIONS:

Building Materials: **Siding – Hardy Plank with Brick or Stone accents**

Height – Not to exceed 38 feet

Size – 3,000 sq. ft. to 4,500 sq. ft.