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

Final Approval by the City Council

As Recommended by the Public Works Committee

Case File / Name: **S-60-07 / Fairfax Woods**

General Location: This site is located on the West side of the intersection of Kingwood Dr. and Alpine Drive.

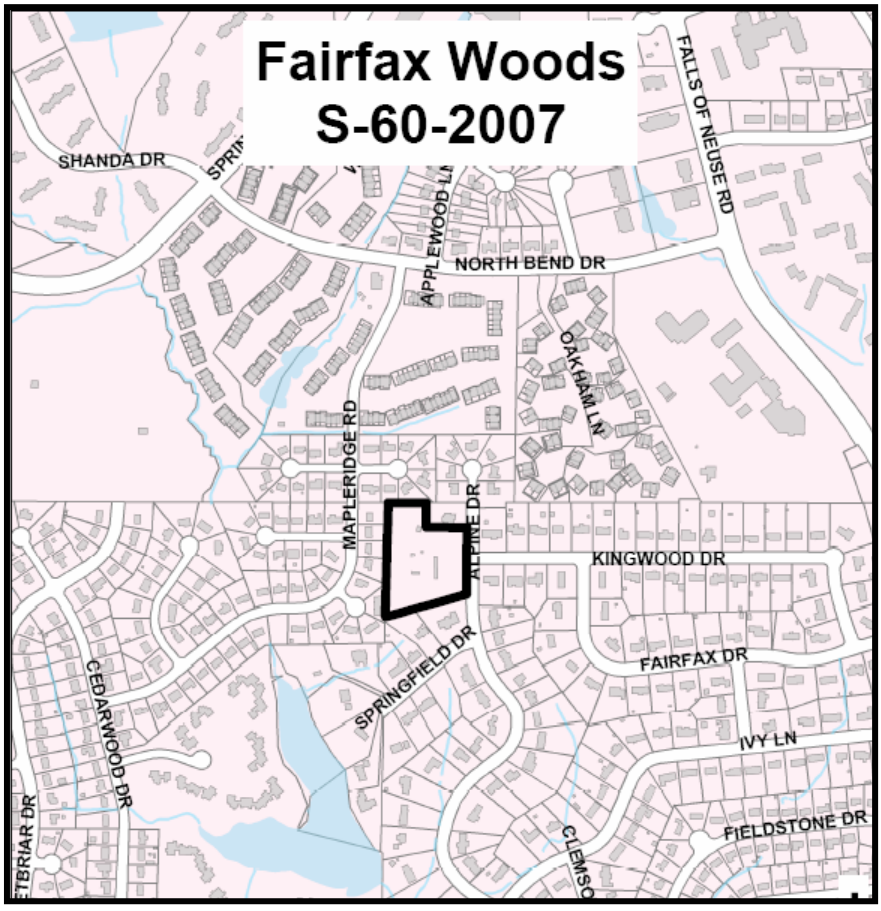
Planning District / CAC: North / North

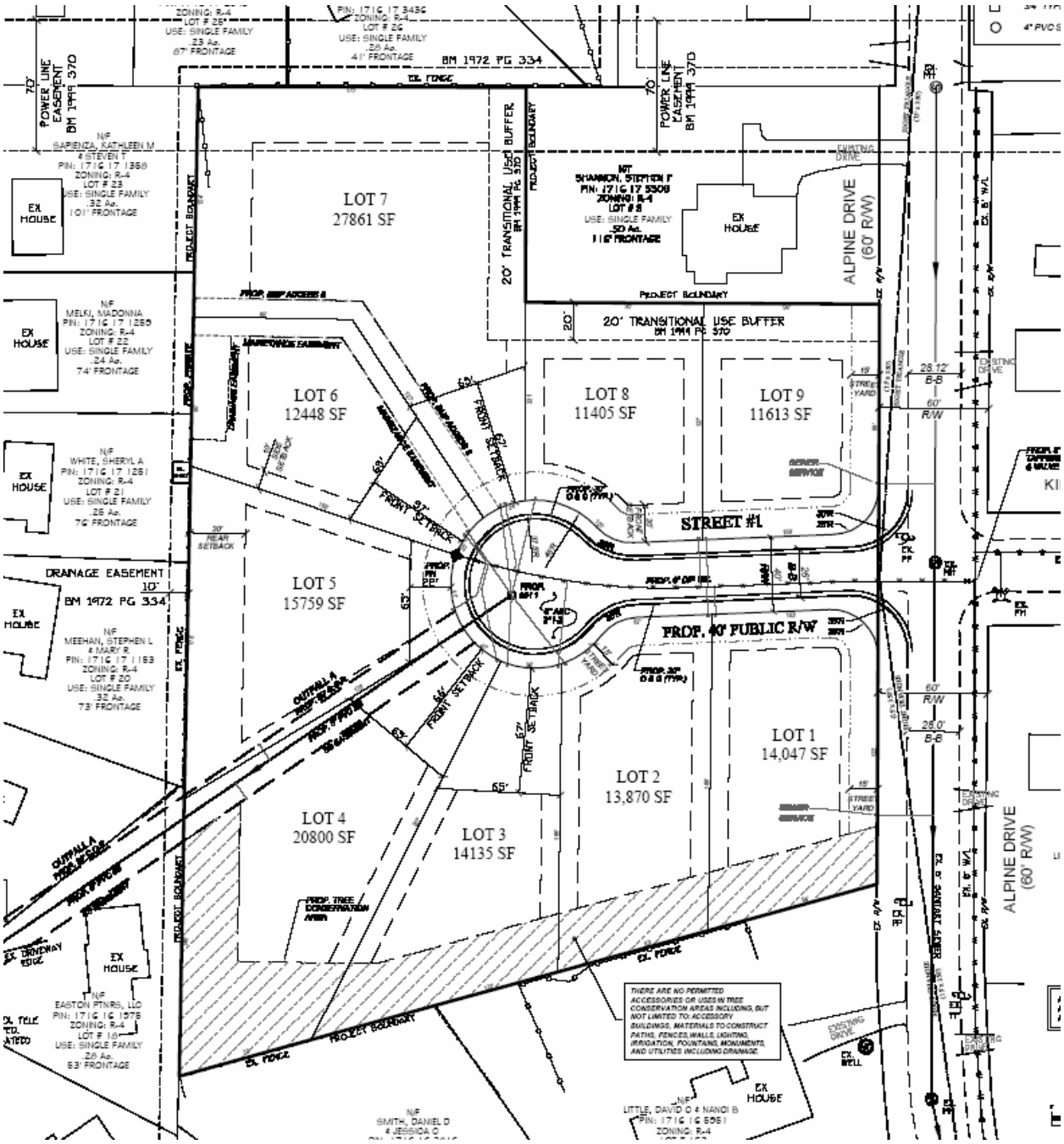
Nature of Case: This request is to approve an infill subdivision of a 3.54 acre tract into 9 single family lots, zoned R-4.

Contact: William Daniel

Key Issues: Plan does not comply with code section 10-3032(d)1, subsections a and b:

a. Not all lot lines are angled from the street in a similar manner as typical surrounding peripheral residential lots; two proposed lots have multiple angled lot lines.
b. Three proposed lots have more than 4 lot lines- The adjacent peripheral lots contain 4 lot lines.





Proposed Layout

SUBJECT: S-60-07 / Fairfax Woods

CROSS-REFERENCE: S-129-99

LOCATION: This site is located on the West side of the intersection of Kingwood Dr. and Alpine Drive, within the City Limits.

REQUEST: This request is to approve an infill subdivision of a 3.54 acre tract into 9 single family lots, zoned R-4. The current tract contains a pool and structures. The proposed subdivision's density is 2.545 units per acre.

This development constitutes an "infill subdivision and recombination" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains one or more lot frontages less than 80% of the median of the surrounding lots, or contains one or more lots whose size is less than 80% of the median of the all the surrounding lots or contains both one or more lots with frontages and acreage which are less than 80% of the median surrounding lots.

FAIRFAX WOODS
Infill Calculations

Median lot frontage of surrounding lots 88' (80% = 70.4')

PROPOSED LOT	PROPOSED LOT LINEAR FEET FRONTAGE
1	225' (320% of median)
2	87' (123% of median)
3	33' (47% of median)
4	27' (38% of median)
5	41' (58% of median)
6	25' (36% of median)
7	24' (34% of median)
8	101' (143% of median)
9	207' (294% of median)

Median lot size of surrounding lots 14,049 square feet (80% = 11,239.2 square feet)

PROPOSED LOT	PROPOSED LOT SIZE
1	14,047sq.ft. (125% of median)
2	13,870 sq.ft. (123% of median)
3	14,135 sq.ft. (126% of median)
4	20,800 sq.ft. (185% of median)
5	15,759 sq.ft. (140% of median)
6	12,448 sq.ft. (111% of median)
7	27,861 sq.ft. (248% of median)
8	11,405 sq.ft. (101% of median)
9	11,613 sq.ft. (103% of median)

OFFICIAL ACTION: **Approval with conditions**

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

FINDINGS: The City Council finds that this request as forwarded by certified recommendation from the Planning Commission (CR# 11151), with the added conditions of approval below being met, meets the infill lot layout standards of 10-3032(d). The City Council also finds that this plan conforms to Chapter 2, Part 10, Section 10-2017. This approval is based on a preliminary plan dated November 8, 2007 owned by Easton Partners LLC, submitted by William G. Daniel and Associates.

According to section 10-3032(d), any infill lot formed either by recombination or by subdivision shall comply with all of the following:

(1) All lot line boundaries shall meet all of the *following:*

a. Lot lines are angled from the street in a similar manner as typical surrounding peripheral residential lots;

Not all lots are angled similar to surrounding peripheral residential lots. Lots 6 and 7 have multiple angled lot lines from proposed front to rear of lots where adjacent peripheral lots have single lot lines that run from front to rear of lots.

b. Lots shall consist of no more than 4 lot lines where such a configuration is typical of the surrounding peripheral residential lots; all peripheral residential lots are 4 sided.

Proposed Lot	**Proposed Lot Lines:**
Lot 1	4 Lot lines
Lot 2	4 Lot lines
Lot 3	4 Lot lines
Lot 4	**5 Lot lines**
Lot 5	4 Lot lines
Lot 6	**5 Lot lines**
Lot 7	**6 Lot lines**
Lot 8	4 Lot lines
Lot 9	4 lot lines

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;

Plan conforms to this standard.

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

Case History: **-**Case was recommended for denial from staff at the October 23, 2007 Planning Commission.

-Case was deferred to Nov. 13, 2007 Planning Commission. In the meantime the applicant has modified the preliminary subdivision plan.

-Plan approved at November 13, 2007 Planning Commission.

-Plan appealed by adjacent neighbor on November 16, 2007, plan going to City Council on December 4, 2007.

-Plan presented to PWC on December 18, 2007, recommended by committee that applicant and adjacent owner meet to discuss options.

-Plan went to January 16, 2008 PWC and was deferred to finalize storm water solutions.

-Plan went to February 26, 2008 PWC- Recommended for approval with added conditions

-Plan approved at March 4, 2008 City Council meeting with additional conditions

Staff Coordinator: James Marapoti

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

<u>City Council Actions as Recommended by the Public Works Committee:</u>

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

(1) That the developer installs French Drains for the homes built on lots 5 and 6. These drains will have a minimum capacity of 400 gallons for each home and roof drains will connect to each device;

(2) That this development control stormwater runoff for the 25 year storm event;

(3) That the Site Review Specialist in the Inspections Department verify that the applicant provides tree protection 10' from the back property lines of Lots 5 and 6. Tree protection measures must be maintained throughout the construction process;

Prior to issuance of building permits in the Inspections Department:

(4) That Lot 5 will have a minimum rear yard setback of 35 feet;

(5) That the applicant submit a landscape plan to the Site Review Specialist in the Inspection Department showing tree protection 10' from the rear property line of Lots 5 and 6 and landscaping to augment groundcover and screening plants where no landscaping exists in the 10' preserved area on said lots;

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

(6) That the landscaping is installed according to condition 5 above;

<u>Planning Commission Actions:</u>

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

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

- Elevations
- Building Heights
- Air, light and privacy

The owner has proposed in writing the following:

- **Exterior Building Materials:** The exterior materials, except for windows doors and roof, shall consist of wood/hardy-siding, stone, brick, cedar siding (no aluminum or vinyl siding or trim is allowed, aluminum clad windows area is acceptable). Roof materials shall be asphalt architectural shingles.
- **Size.** Houses on all lots will each have a minimum floor area gross of 2,000 square feet. This floor area gross shall have the same meaning as used in the City of Raleigh Zoning Code, excluding porches, garages, attics, patios, decks and basements.
- **Architectural Style:** The fronts of all homes shall employ brick or stone treatment on the front elevation of the house so as to constitute the visually dominant material of the front elevation. The layout has been designed for all of the front doors to face and are visible from Kingwood Drive. House designs shall employ 12" roof overhangs (except at dormers). All driveways shall be concrete. Roof slopes (excluding dormers) shall be a minimum of 10V:12H on the front and sides of houses
- **Height:** The maximum height of the buildings will be 35-feet as measured from natural average grade per City of Raleigh Code section 10-2076(b). All of the homes will be two stores and due to existing grades lot 3 may have a partial basement.

Administrative Actions:

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

(8) 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;

(9) 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, and 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;

(10) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;

Prior to approval of construction drawings for public improvements:

(11) That an off-site sanitary sewer (165' South West of site) be approved by the Public Utilities department;

(12) That the City Attorney approve the off-site sanitary sewer easement deed with the property to the west, now or formally Joseph & Gayle Glendenning

(Lot #19) of BM 1972 PG 334 and Easton Partners, LLC (Lot #18) of BM 1972 PG 334.

Prior to Planning Department authorization to record lots:

(13) That a note be added to all plats for recording stating that Lots 1 & 9 shall not have direct driveway access to Alpine Drive;

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

(15) That the owner prepare restrictive covenants approved by the City Attorney (a) requiring (except for window doors and roofs) brick, stone, wood/hardy-plank siding, stucco walls, metal roof, hardy shingles and dimensional roof shingles; (b) establishing for each lot a minimum floor area gross 2,000 s.f as defined in Raleigh Zoning Code, excluding porches, garages, attics, patios , decks and basements; (c) requiring a maximum building height not to exceed 35 feet from the average natural ground elevation as per City Code Section 10-2076(b); (d) no amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney That the approved restrictive covenant shall be recorded with the local county register of deeds office, and a copy of that recorded restrictive covenant shall 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;

(16) That the City Attorney shall approve restrictive covenants for lots 1-9 as referenced in condition 10 above and include maximum impervious surface allocations per lot basis. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. This covenant shall be recoded with Wake County Register of Deeds Office, and a copy of that recorded restrictive covenant shall 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;

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

(18) That a Fee-in-Lieu payment be paid to the Public Works Department for ½ of a 5-Ft sidewalk along Alpine Drive;

(19) 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;

(20) 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 (9) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (9) 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 (9) 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;

(21) 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."

(22) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section10-2082.14;

ZONING:

ZONING DISTRICTS: R-4

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. There exists on the northern portion of the property an existing private 20' buffer that was recorded BM1999 PG370. It is not code required and will not be enforced by the City.

TREE CONSERVATION: This subdivision is required to set aside 10% of 3.54 acres or .354 acres for tree conservation. This subdivision plan contains .354 acres as Alternate compliance secondary tree conservation along the Southern and Western property lines. No primary tree conservation areas exist on site.

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.
Kingwood Drive	40’	26’ b/b	N/A

Fee-in-lieu for ½ of a 5’ sidewalk along Alpine Drive is required to be paid.

TRANSIT: No transit easement required.

URBAN FORM: This property is located in the North District with no specific Small Area Plans designated for the area. The District Plan designates this property for low density, six or fewer units per acre, which this plan conforms to.

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 10,890 square feet. The maximum lot size proposed in this subdivision is 31,717 square feet. The minimum lot depth in this zoning district is 100’. Lots in this development conform to these minimum standards.

This is an infill subdivision as defined in Section. 10-3003. The total acreage is less than 5 acres; it is surrounded on at least 66% of its periphery by developed single-family detached dwellings, and the subdivision contains lot frontages that are less than 80 percent of the median of the peripheral lots.

Lots consist of more than 4 lines as is not typical of peripheral residential lots. Lot lines are not angled from the street in a similar manner as typical peripheral residential lots. The building envelopes for the proposed new 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. The proposed lot may not be further subdivided.

INFILL STANDARDS:

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

10-3032(d)
(1) All lot line boundaries shall meet all of the *following:*

a. Lot lines are angled from the street in a similar manner as typical surrounding peripheral residential lots;
b. Lots shall consist of no more than 4 lot lines 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 wit 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 line 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 conflict 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: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: No sidewalks are proposed for this project. A fee-in-lieu of ½ of 5' along Alpine Drive is required to be paid to the Public Works Department.

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

STORMWATER MANAGEMENT: This subdivision will meet Part 10, Chapter 9 storm water requirements by utilizing a NCEEP buydown only for TN reduction regulations and using an underground pipe detention system for runoff control.

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.