# Administrative Action
**Preliminary Subdivision**

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

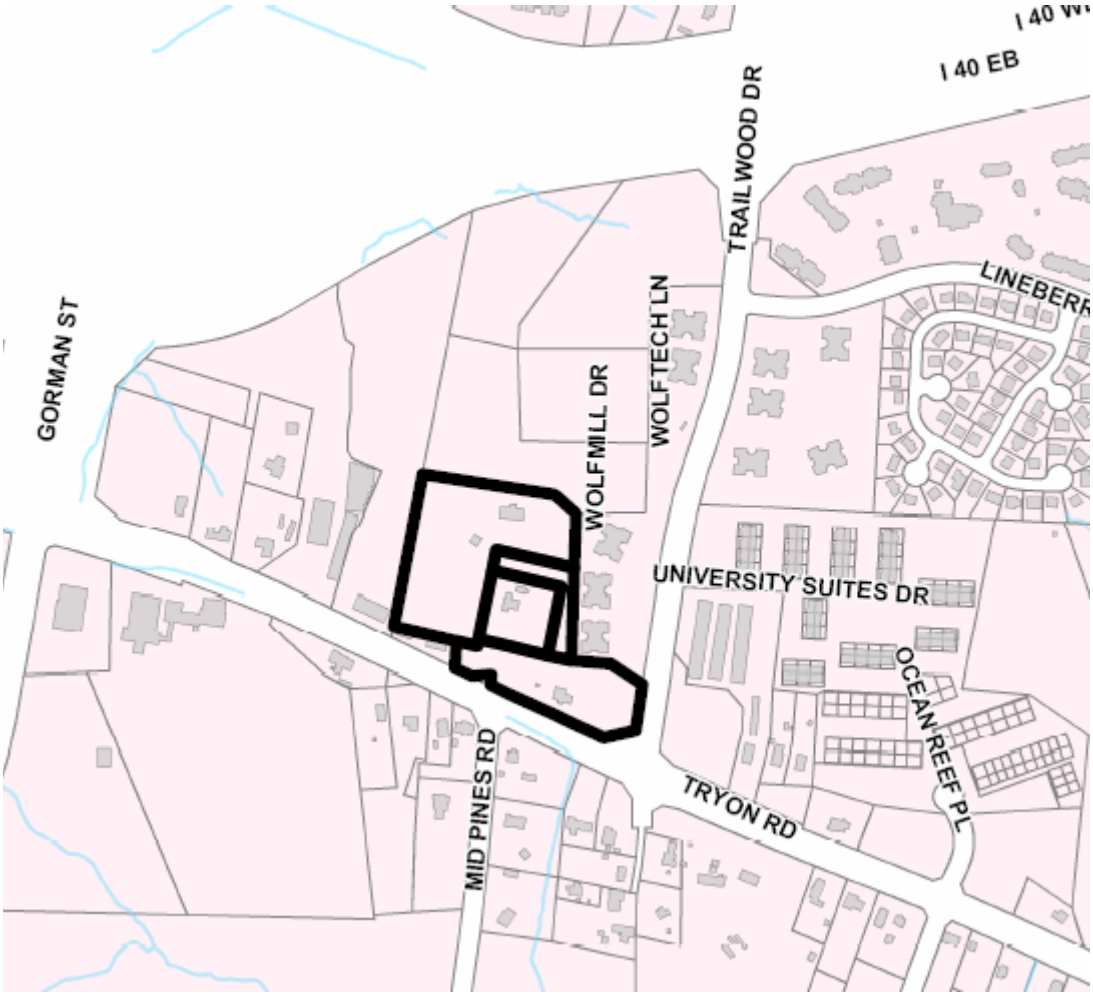
**Case File / Name:** **S-71-07 Tryon Place Town homes**

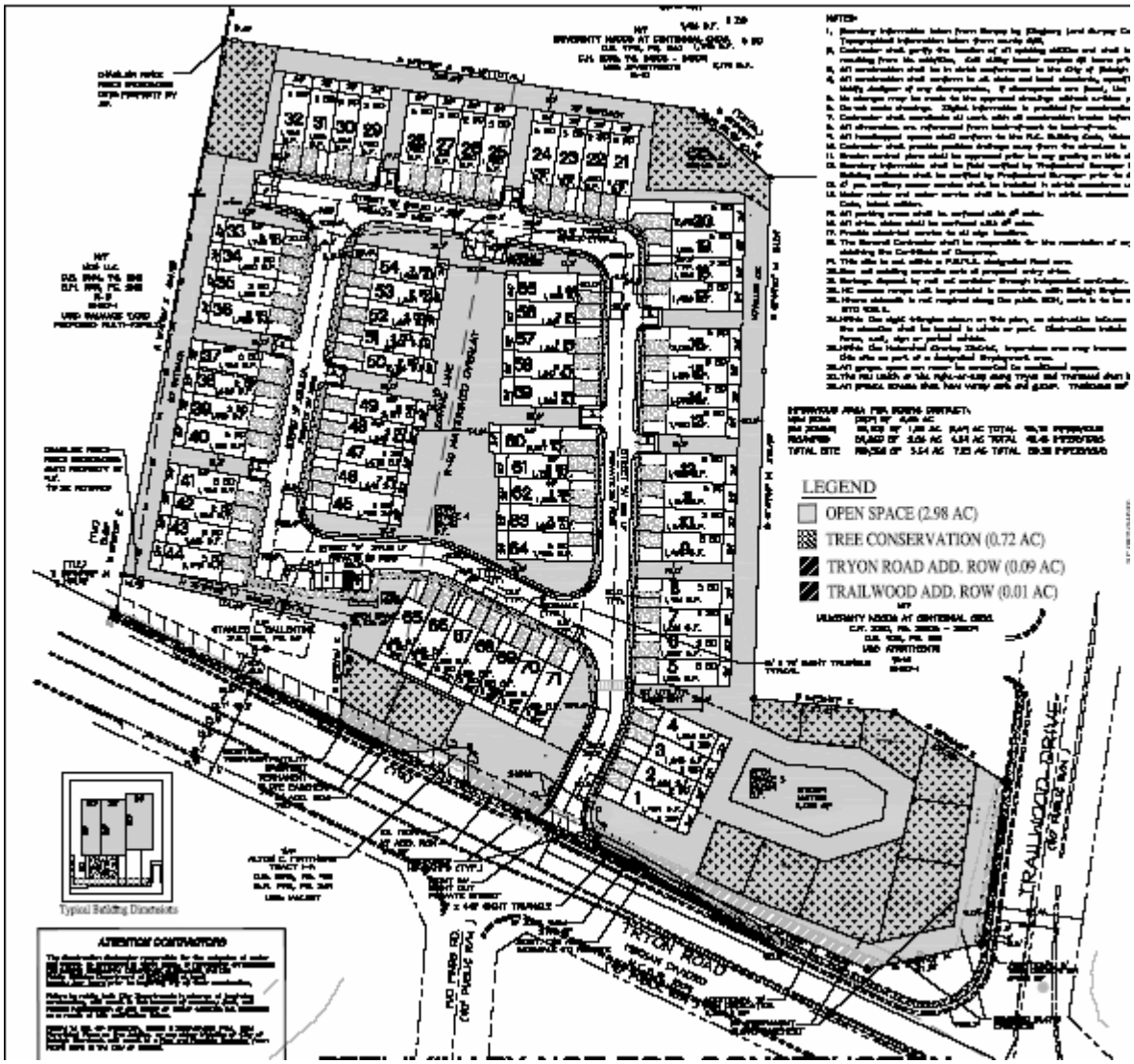
**General Location:** Intersection of Tryon Rd. and Trail wood Drive

**Planning District / CAC:** West/ South west

**Nature of Case:** This request is to approve the subdivision of a 7.23 acre tract into 71 lots and 4 open space lots, zoned R-10 with SHOD 1 and WPOD.

**Contact:** Kathryn McPhereson




LEGEND
OPEN SPACE (2.98 AC)
TREE CONSERVATION (0.72 AC)
TRYON ROAD ADD. ROW (0.09 AC)
TRAILWOOD ADD. ROW (0.01 AC)
TRYON ROAD
TRAILWOOD DRIVE

**SUBJECT:** **S-71-07 Tryon Place Town homes**

**CROSS-REFERENCE:** Not applicable

**LOCATION:** This site is located on the northwest corner of Tryon Rd. and Trail wood Drive, outside the City Limits.

**REQUEST:** This request is to approve the subdivision of a 7.23 acre tract into 71 lots and 4 open space lots, zoned R-10 with SHOD 1 and WPOD. The WPOD bisects the property in half. This site is also subject to recommendations of the Swift Creek Watershed Plan where up to 70% impervious surfaces area allowed since it is within an Employment Area. This subdivision proposes 9.8 units per acre density. There are existing structures that will be removed with this subdivision.

**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 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;

(3) 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;

(4) That the BMP's must be designed to meet minimum state design requirements at either grading or construction drawing review whichever occurs first;

***Prior to Planning Department authorization to record lots:***

(5) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;

(6) That an additional ½ 110' of right of way and 15' slope easement along Tryon Rd. and ½ 90' of right of way and 20' slope easement 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;

(7) That construction plans for public improvements along Tryon Rd. be approved by the Public Works Department;

(8) That the homeowner' declaration contains a provision stating the town home garages may not be enclosed for living space but will remain as required parking;

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

(10) 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;

(11) 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;

(12) 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 (11) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (11) 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 (11) 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;

(13) That the maximum impervious area per lot is to be shown on the recorded plan;

(14) 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.

(15) 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."

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

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

---

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silver (C Kaye) Date: 1-31-08

**Staff Coordinator:** James Marapoti

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 10-2021,10-2058, 10-2056, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 8.13.07, owned by Marlow and Moye LLC, submitted by Tony Tate Landscape Architecture PA.

---

**ZONING:**

**ZONING DISTRICTS:** R-10, SHOD1, WPOD.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. Landscaping conforming to Section 10-2082.13 is shown.

**TREE CONSERVATION:** Tree conservation required = .72 acres, this subdivision is dedicating:
Primary = 0.28 acres
Alternate = 0.52 acres
Total = 0.80 acres

**UNITY OF DEVELOPMENT:** Not required

**PHASING:** This development will be constructed in one phase.

---

**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. |
|---|---|---|---|
| Trailwood Drive | ½ 80' Ex. | N/A | 20' |
| Tryon Rd. | ½ 110' | 12' turn lane | 15' |

The right of way is eligible for reimbursement in accordance with our facility fee program. The requirement for a turn lane is not eligible for reimbursement as it is required based on the development intensity.

**TRANSIT:** No transit requirements.

**URBAN FORM:** The site is located in the Southwest Planning District and within the Trailwoods/Lineberry Small Area Plan. The site is located within an Employment Area within which nonresidential, job-creating land uses such as office or low impact industrial uses are recommended. This site is also subject to recommendations of the Swift Creek Watershed Plan where up to 70% impervious surface area is allowed since it is within an Employment Area. Maximum allowable impervious equals 7.32 gross acres x .70 = 5.12 acres this project is proposing 3.51 acres of impervious or 47% of the site.

---

**SUBDIVISION STANDARDS:**

**LOT LAYOUT:** No minimum lot sizes required within town house development.

**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:** All proposed streets are private.

**PEDESTRIAN:** Sidewalk exists along the north side of Tryon Rd. This project is required to construct approximately 170' of sidewalk along Tryon Rd. and the project will link up with this sidewalk.

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

**STORMWATER MANAGEMENT:** Nitrogen reduction requirements are being met through the use of 2 bio-retention areas and a one time buydown payment to the NCEEP. Runoff requirements for Q2 and Q10 are also being achieved through the use of the 2 bio-retention areas. The site is in the Swift Creek Watershed Overlay District and each lot is being held to a maximum impervious area of 1489 sf. This area does include

sidewalks and driveways. Additional note, this site is also subject to recommendations of the Swift Creek Watershed Plan where up to 70% impervious surface area is allowed.

**WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

**STREET NAMES:** Street name(s) 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:** 1/31/2011
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 1/31/13
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.