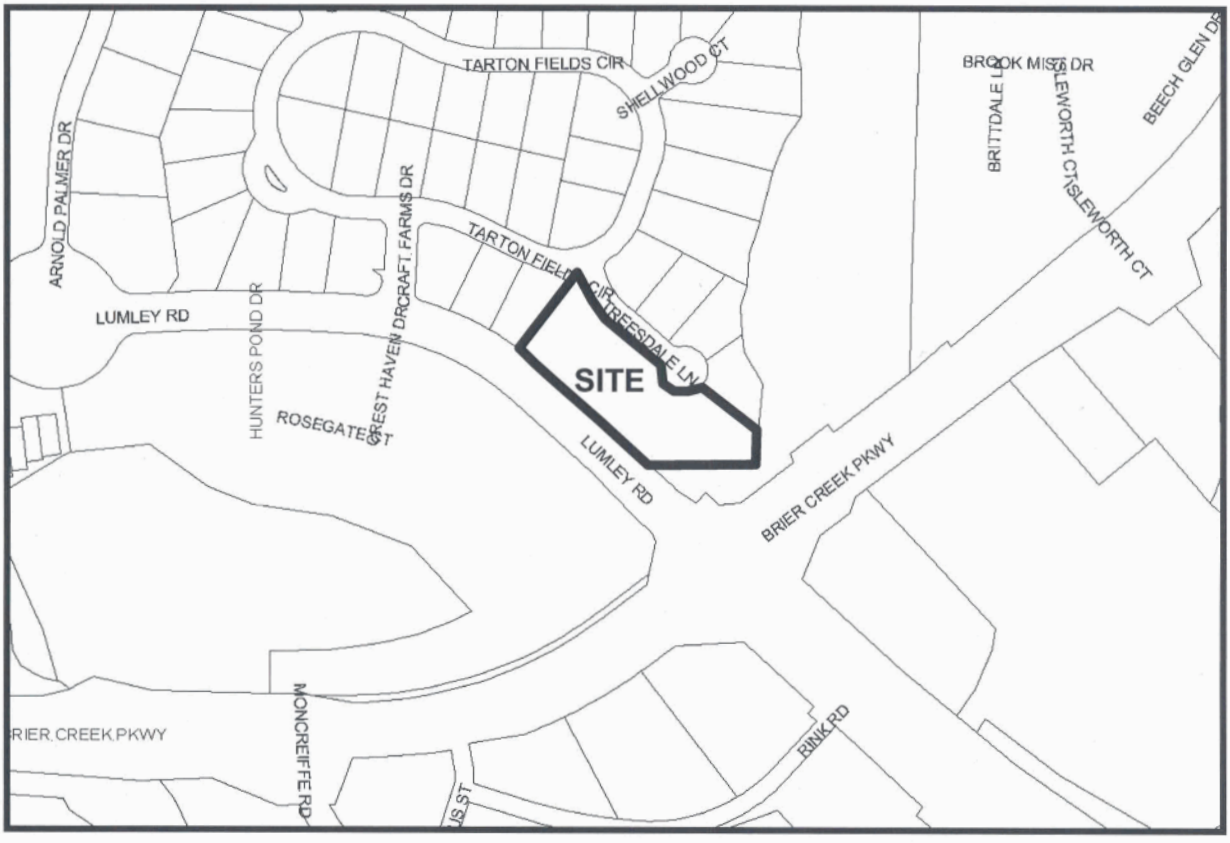
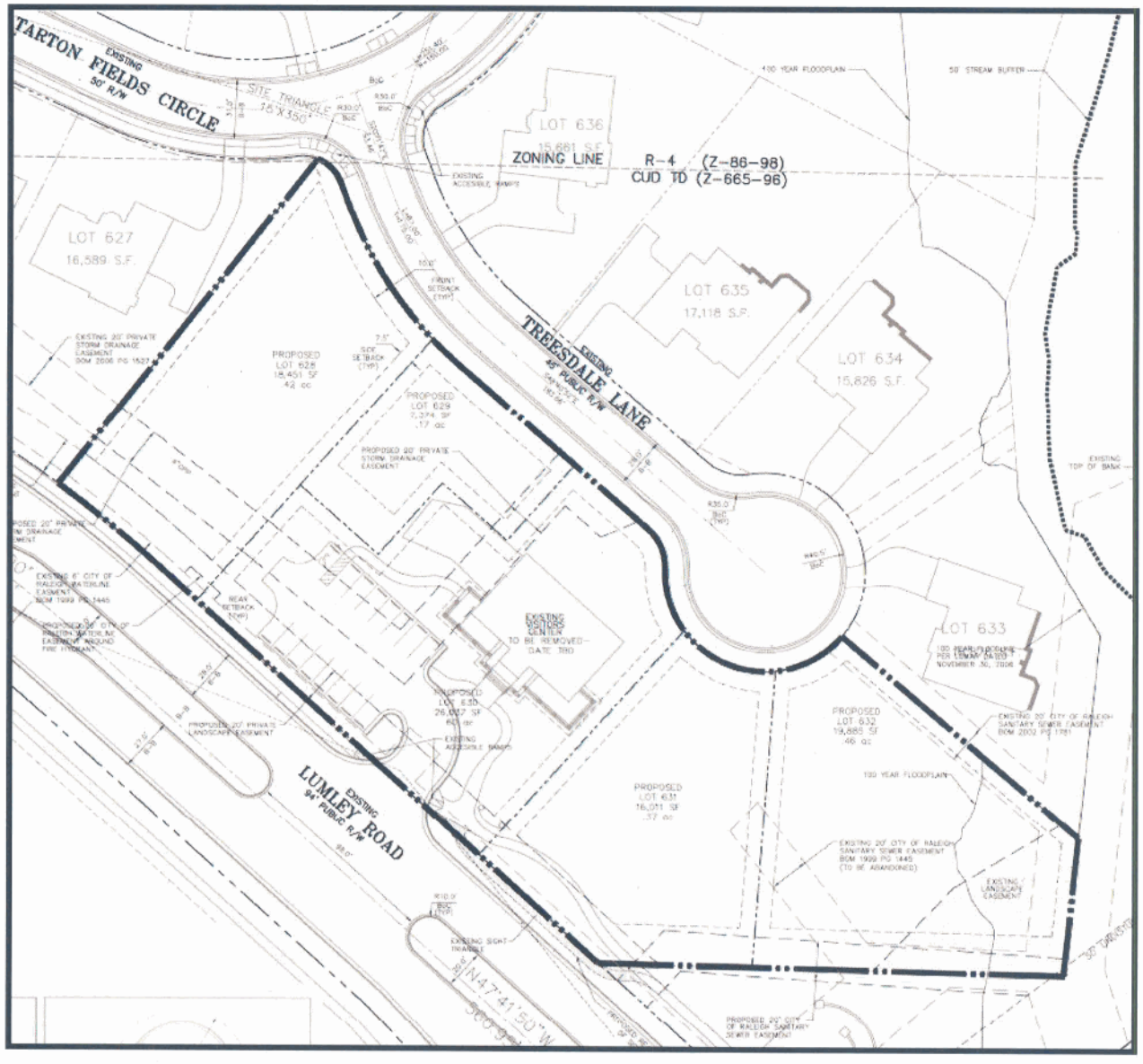
Administrative Action
Preliminary Subdivision
Cluster Unit Development

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

Case File / Name:	**S-82-07 / Brier Creek Country Club Land Bay W-1- Tract 14**
General Location:	North side of Lumley Road, west of Brier Creek Parkway intersection
Planning District / CAC:	Umstead / Northwest
Nature of Case:	Five lot subdivision of a 2.01 acre tract within the previously approved Brier Creek Cluster Unit Development (S-96-98). This site is zoned Thoroughfare District CUD.
Contact:	The John R. McAdams Company



S-82-07 / Brier Creek Land Bay W-1 – Tract 14 – Location Map



S-82-07 / Brier Creek Land Bay W-1 – Tract 14 – Subdivision Plan

SUBJECT: S-82-07 / Brier Creek Country Club Land Bay W-1- Tract 14

CROSS-REFERENCE: S-96-98, Z-65-96

LOCATION: This site is located on the north side of Lumley Road, west of its intersection with Brier Creek Parkway, inside the City Limits.

REQUEST: This request is to approve a five lot subdivision of a 2.01 acre tract within the previously approved Brier Creek Cluster Unit Development (S-96-98). This site is zoned Thoroughfare District CUD. This plan is in Area B noted in the zoning conditions for this district (Z-65-06). All lots are to be recorded in one phase. The overall residential density for this development is 2.4 units per acre. The total number of units allowed in the entire cluster is 1,655. This plan increases the cumulative total of approved residential units to 1,210 on approximately 462 acres. A residential development sales office exists on this tract in accordance with code section 10-2072(b) and after the proposed subdivision is recorded it will be on the new 0.60 acre lot number 630. The sales office will conform to applicable building yard setbacks after the creation of the new lot lines.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to issuance of a land disturbing permit for the site or recordation of lots, whichever event shall come first:

(1) 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;

(2) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows the increase in peak stormwater runoff between pre-development and post-development conditions for the two-year storm is ten percent 10% or less at each point of discharge;

Prior to Planning Department authorization to record lots:

(3) That construction drawings be approved by the Public Works Department for closure of the driveway and median and construction of curb, gutter, and sidewalk adjacent lot number 630 on Lumley Road;

(4) 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;

(5) That a petition to exchange the existing City of Raleigh Sanitary Sewer easement (BM 2002 pg 1781) for the proposed easement as shown on the preliminary plan is submitted to the Public Utilities Department and approved as a separate action by the Raleigh City Council;

(6) That a note be placed on the plat that no new driveways or access is permitted on Lumley Road and that all lots when developed or redeveloped, will gain access from Treesdale Lane;

Prior to issuance of building permits in the Inspections Department:

(7) Prior to issuance of a building permit for a single family house on lot number 630 the existing sales office shall be demolished and the existing driveway opening closed; curb, gutter, and sidewalk constructed; and the opposing median opening closed with construction of a median connection on Lumley Road.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Varga) Date: 1-22-08

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 10-2045, 10-2101, Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 12/12/07, owned by Toll Brothers Inc., submitted by The John R. McAdams Company.

CLUSTER STANDARDS:

ZONING DISTRICTS: Thoroughfare CUD. Ordinance No. (1996) 929 ZC 392, Z-65-96, effective July 2, 1996. This plan is in Area B noted in the zoning conditions for this district.

DEVELOPMENT DENSITY: The overall residential density is 2.4 units per acre. The total number of units allowed for the entire cluster is 1655. This plan increases the cumulative number of lots approved to date to 1210.

PHASING: There is one phase in this development.

LOTS / SETBACK: The minimum lot size proposed in this portion of the cluster is 0.17 acres. There shall be no less than 5 feet of side yard setback on any lot in this development. Perimeter protective yards are not required.

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.

OPEN SPACE: No additional open space is proposed with this development plan. Previously 78.75 acres open space has been dedicated in conformance with code standards. [The total cluster is approximately 462 acres in size and 10% or 46.2 acres of total open space is required.]

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

TREE CONSERVATION: No tree conservation measures are required as there are no trees on site meeting the definition of primary or secondary tree conservation areas. Previously trees on the site were removed under transaction number 143791.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Sufficient right-of-way and street improvements exist adjacent this site. However, there is currently a median opening in Lumley Road adjacent proposed lot 630. The Public Works Department has determined that when the existing residential development sales office on that lot is closed the median opening must be closed. As a condition of approval upon demolition of the sales office, the driveway to Lumley Road will be closed and lots 629 and 630 shall not be permitted direct driveway access to Lumley Road. The contractor will be required to construct curb and gutter and sidewalk across the closed driveway opening as per City Standards. Simultaneously, the closure of the opposing median opening on Lumley Road will be the responsibility of the contractor and will require construction of a median connection within the existing median opening.

TRANSIT: No transit features are proposed with this plan.

URBAN FORM: This site is located in the Umstead Planning District and is located within a Regional Intensity Area.

SUBDIVISION STANDARDS:

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. This plan includes the exchange of sanitary sewer easements on site. An existing easement will be exchanged for a proposed easement on a separate existing sewer line (where no previous easement was recorded).

SOLID WASTE: Individual lot service by the City is to be provided based on the standards in the Solid Waste Manual.

CIRCULATION: Proposed street improvements shall conform to City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A portion of public sidewalk along this site's frontage on Lumley Road is be relocated to an area within the public right-of-way [it is currently located outside the ROW].

FLOOD HAZARD: A portion of this site lies within the 100 year flood plain.

STORMWATER MANAGEMENT: This site is subject to stormwater management zoning conditions 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 not shown on the preliminary plan. The developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b). Detailed engineering studies shall be submitted to the Conservation Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first).

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.

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: 1/22/2011
Record at least ½ of the land area approved.

5-Year Sunset Date: 1/22/2013
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.