Administrative Action
Preliminary Subdivision

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

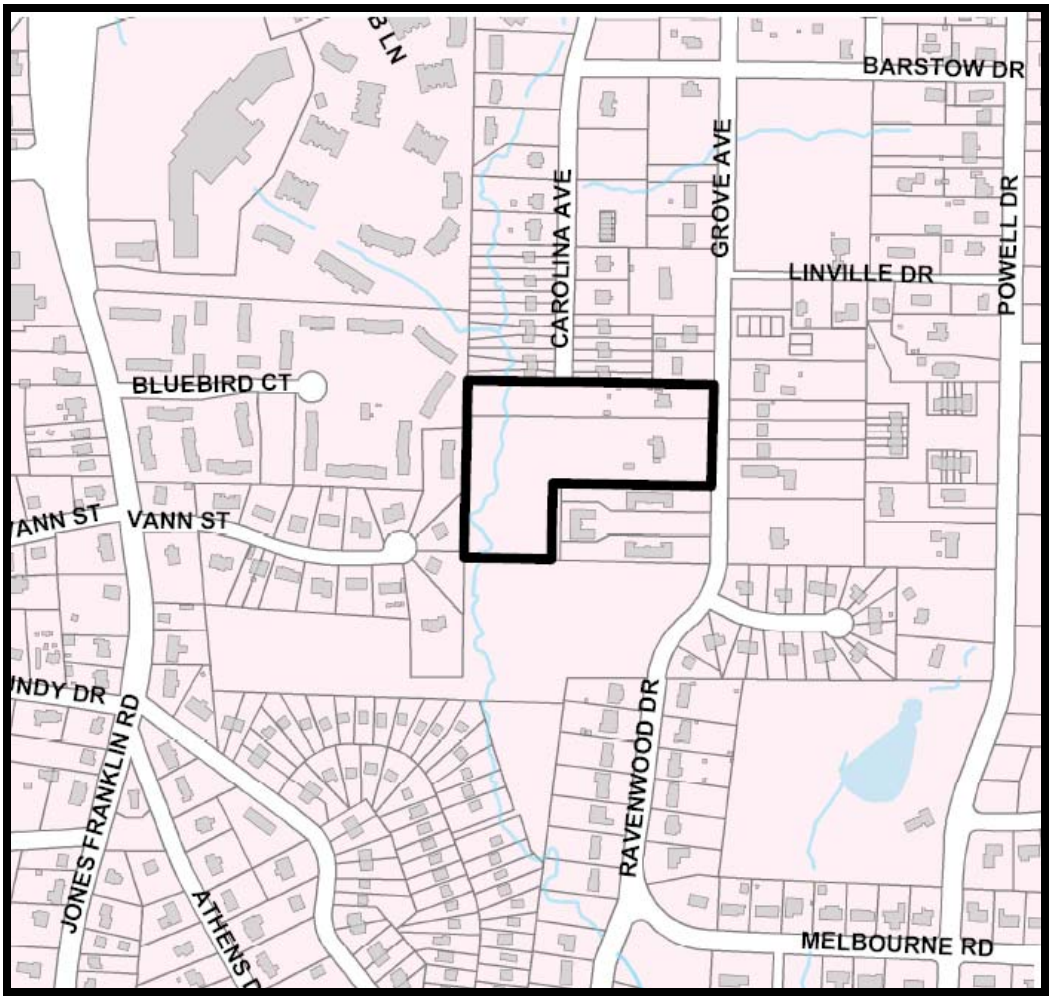
Case File / Name: **S-84-07 / Grove Park Townhomes**

General Location: Carolina Avenue and Grove Avenue

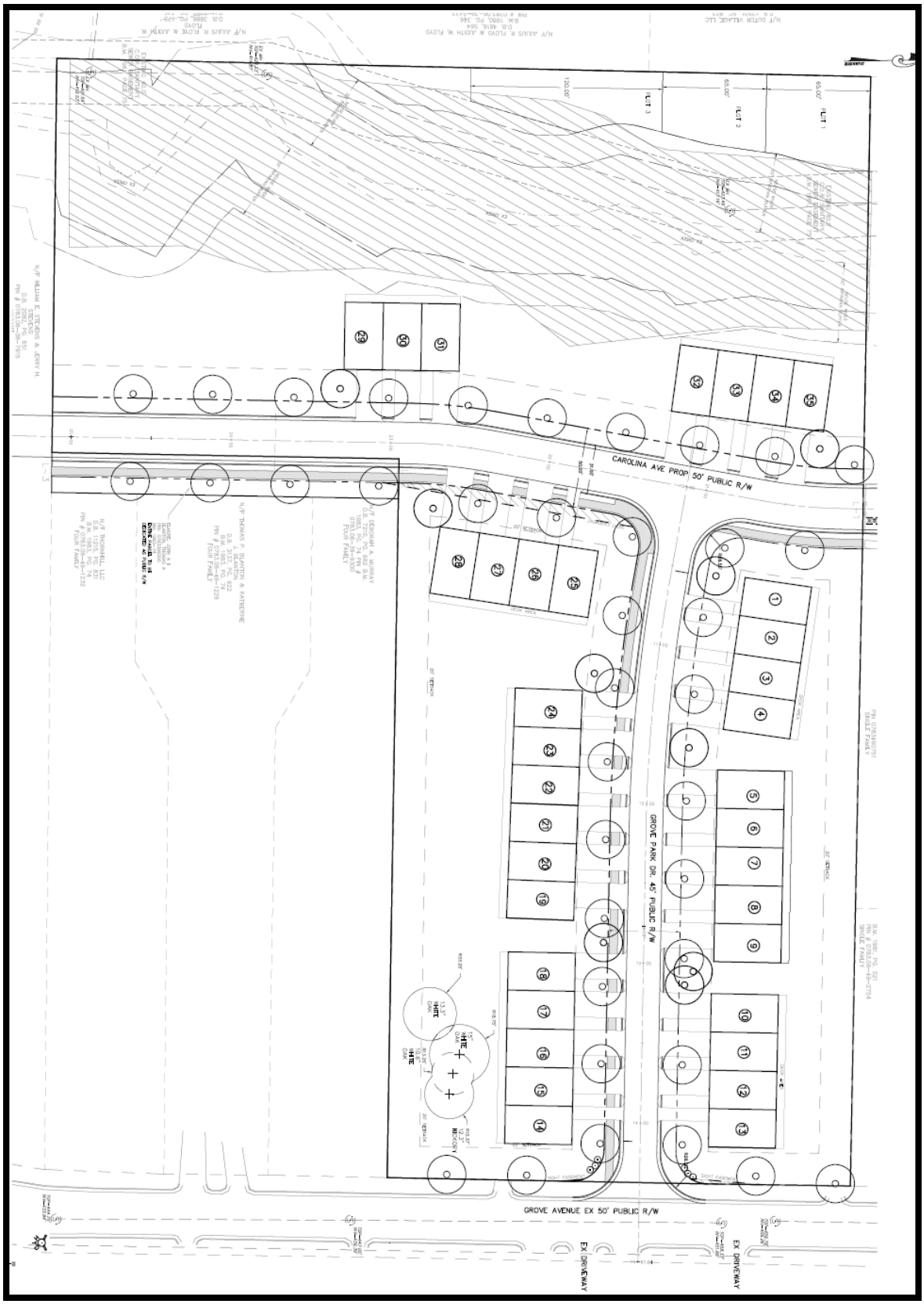
Planning District / CAC: Southwest / West

Nature of Case: The subdivision of 5.86 acres into 35 townhouse lots and 3 open space lots. The property is zoned Residential-6. The proposed density is 5.97 units per acre. This development includes the southward extension of Carolina Avenue and the installation of a public street connecting it to Grove Avenue.

Contact: John Sorrell, Crowley-Crisp and Associates, Inc.



S-84-07 / Grove Park Townhomes – Location Map



S-84-07 / Grove Park Townhomes – Preliminary Subdivision Plan

SUBJECT: S-84-07 / Grove Park Townhomes

CROSS-REFERENCE: N/A

LOCATION: This site is located on the west side of Grove Avenue, south of its intersection with Linville Drive, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 5.86 acre tract into 35 townhouse lots and 3 open space lots, zoned Residential-6.

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 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;

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

(5) 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;

(6) That a flood study shall be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the purposed stream crossing;

(7) That the following note be placed on all plats for recording: if impervious surface coverage is greater than 30% on any lot, then in accordance with Raleigh City Code section 10-2053(e)(4) a tree inventory, tree report and tree replacement, if required, must be submitted to the Site Review Specialist in the Inspection Department for approval;

(8) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development, including any existing impervious surfaces, is no more than fifteen (15%) and the remaining pervious portions of the lot are utilized to convey and control the stormwater runoff of the lot to the maximum extent practical, in accordance with the allocation of impervious surface limits among multiple lots shown on the preliminary plan;

(9) 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 Planning Department authorization to record lots:

(10) That a Fee-in-Lieu payment for ½-5' sidewalk along Grove Av (length = 291-Ft) is made prior to plat recording.

(11) That tree conservation areas as required by Code Section 10-2082.14 and in accordance with the approved tree conservation plan be shown with a metes and bounds description and labeled on any plat for recording;

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

(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 local 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

Prior to Inpsections Department authorization to issue building permits:

(14) That in accordance with the Streets, Sidewalk and Driveway Manual, that all residential driveways be a minimum of 10' in width.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C.Hargrove) Date: 4-30-09

Staff Coordinator: Eric Hodge

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 10-2103, 10-2019 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated February 12, 2008, owned by Pittman-Korbin, Inc., submitted by Crowley Crisp & Associates.

ZONING:

ZONING DISTRICTS: Residential - 6

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Given the proposed density (5.97 units per acre), no transitional protective yards were required.

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. 10% or .586 acres of tree conservation area is required, 10.2% or .6 acres is provided. A final tree conservation plan with a metes and bounds description of all tree conservation areas shall be shown and labeled on any plat for recording.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: There is one phase shown on this preliminary development plan. If there is to be a phasing plan, a final phasing plan for infrastructure must be approved with the submittal of a preliminary subdivision.

OPEN SPACE: Open space conforms to minimum requirements. 10% or .586 acres required, 59% or 3.51 acres provided, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 87.5 spaces required, based on 2.5 parking spaces per 3-bedroom unit; however this number must be rounded up to a minimum of 3 spaces per unit due to the fact that there is no common parking areas and all required parking is being met on individual lots. Based on 35 3 bedroom units, 105 spaces are required. With the use of a landscape reduction of 10%, 101 spaces are provided. Units, 1,13, 14 and 25 are providing a minimum of 2 parking spaces. Parking spaces meet minimum standards for size and aisle width.

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.
Carolina Avenue	50’	31’ b/b	N/A
Grove Park Drive (proposed name)	45’	26’ b/b	N/A

TRANSIT: No transit-oriented features are incorporated into the proposed plan. This site is presently not served by the existing transit system.

URBAN FORM: This site is located in the Southwest Planning District, in an area designated a residential area and bordering a Community Focus area.

SUBDIVISION STANDARDS:

LOT LAYOUT: There is no minimum lot size in townhouse developments.

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: Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing that is to be shared with an adjacent property owner. The developer of this property will construct the entire stream crossing, and will be reimbursed by the City for 1/2 the cost of construction.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along the property's frontage on Grove Avenue and on one side of Grove Park Drive and Carolina Avenue. The developer is installing sidewalks along Grove Park Drive and Carolina avenue and proposing to pay a fee-in-lieu payment for ½-5' sidewalk along Grove Av (length = 291-Ft). That fee is required to be paid prior to plat recording. .

FLOOD HAZARD: There are no flood hazard areas proposed to be disturbed on this site.

STORMWATER MANAGEMENT: Water quantity requirements are being met through the use of a detention pond. Water quality requirements will be met through the use of permanently preserved undisturbed open space and a one time buydown payment to the NCEEP.

PAYMENT TO NCDENR

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)].

SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS

Townhouse- This development is a townhouse development and contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version form, as required by Section 10-9027(c), shall be completed between the developer, the property owners' association and the City, recorded, and returned to the Conservation Engineer within 14 days of recording.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are required on this site and are shown on the preliminary subdivision plans.

STREET NAMES: One new street name is required for this development. 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: 4/20/2011
Record at least ½ of the land area approved.

5-Year Sunset Date: 4/20/2013
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.