Certified Action
of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
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www.raleighnc.gov

Case File / Name: **S-90-07 / West Glendower Place**

General Location: On the northwest corner of Glendower Road and Pleasant Grove Church Road, inside the city limits.

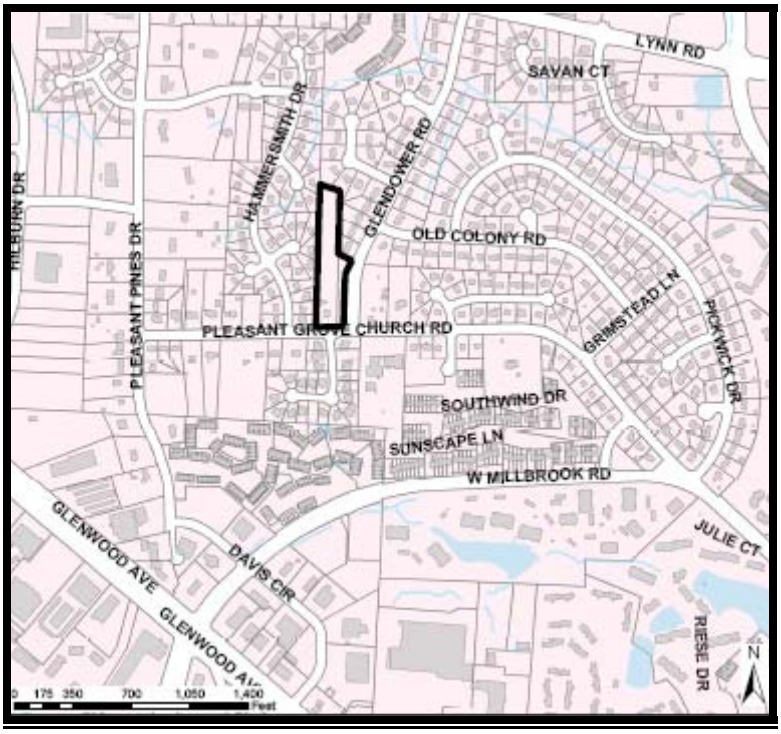
Planning District / CAC: Northwest / Northwest

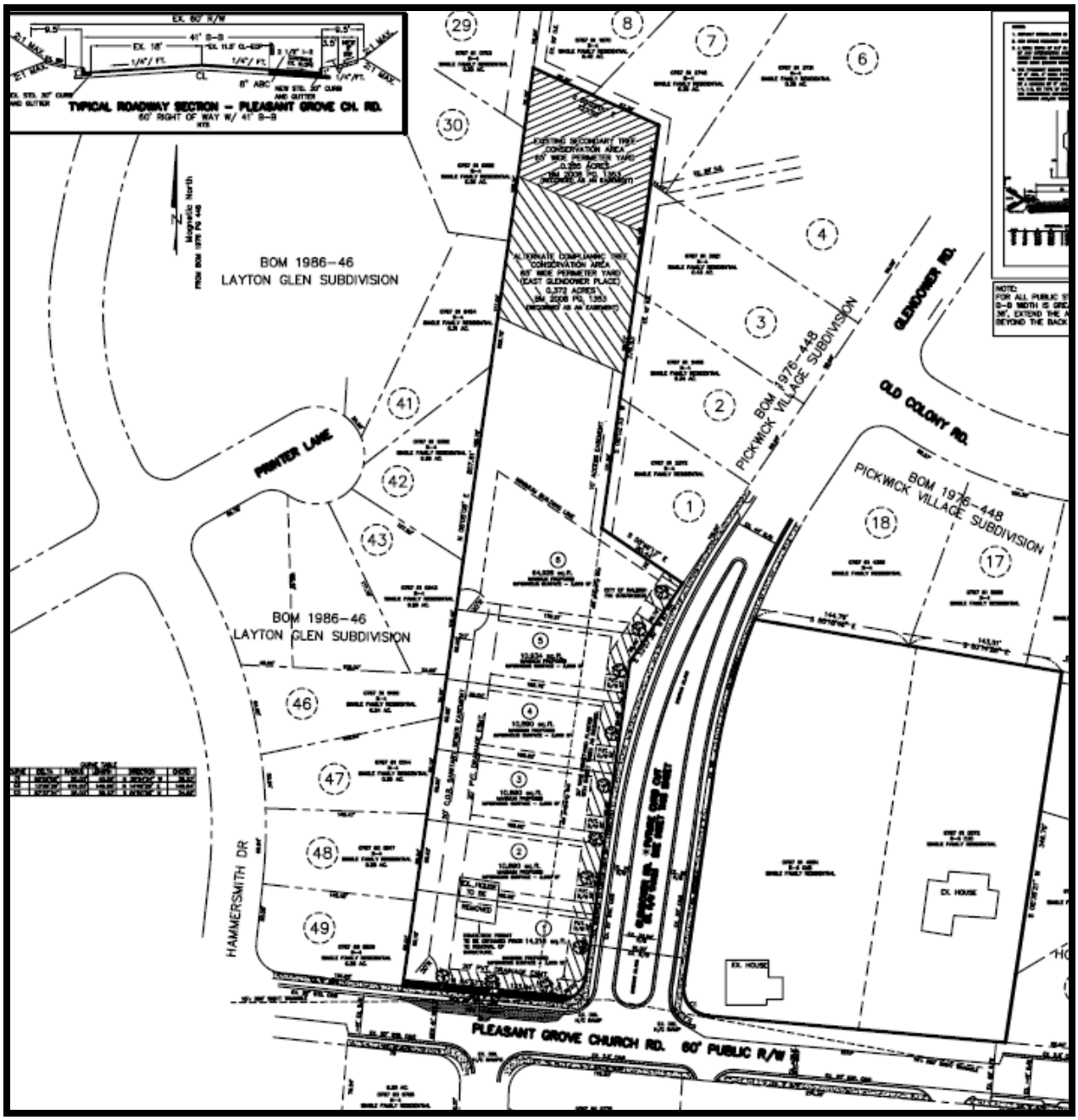
Nature of Case: Subdivision of 2.82-acres into 6-single family lots zoned Residential-4.

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 one or more lot frontages less than 80% of the median of the surrounding lots, or contains one or more lot sizes less than 80% of the median of the surrounding lots or both.

Key Issues: Planning Commission should evaluate this request utilizing the infill standards of code section 10-3032(d) as found on pages 9 & 10 of this staff report.

Contact: Thompson & Associates





S-90-07 West Glendower Place

SUBJECT: S-90-07 / West Glendower Place

CROSS-REFERENCE: S-89-07

LOCATION: On the northwest corner of Glendower Road and Pleasant Grove Church Road, inside the city limits.

REQUEST: This request is to approve the subdivision of a 2.82- tract into 6- 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.

Median lot size of surrounding lots	**.275 acres (80% = .22)**
Proposed lot size lot #1	**.32 acres (116% of median)**
Proposed lot size lot #2	**.25 acres (90% of median)**
Proposed lot size lot #3	**.25 acres (90% of median)**
Proposed lot size lot #4	**.25 acres (90% of median)**
Proposed lot size lot #5	**.25 acres (90% of median)**
Proposed lot size lot #6	**1.49 acres (184% of median)**
Median lot frontage of surrounding lots	**87.5' (80% = 70')**
Proposed lot frontage lot #1(corner lot)	**142.15' (162% of median)**
Proposed lot frontage lot #1	**77.89' (89% of median)**
Proposed lot frontage lot #2	**65.63' (75% of median)**
Proposed lot frontage lot #3	**65.66' (75% of median)**
Proposed lot frontage lot #4	**65.68' (75% of median)**
Proposed lot frontage lot #5	**67.87' (77% of median)**
Proposed lot frontage lot #6	**58.79' (67% 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, Section 10-2017, and to Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/25/08, owned by Lawrence Homes, submitted by Thompson & Associates.

ADDITIONAL NOTES: PIN 0787-61-2036 (.45-acres) is currently owned by the City of Raleigh. This area is required to be recombined, see condition # 7below, into one large tract. On June 19, 2007 the City Council accepted an offer from Lawrence Homes, Inc

for surplus property located at this address to purchase as surplus property. The surplus property was sold to Lawrence Homes, Inc and the resolution was adopted. Resolution (2007) -294 adopted July 10, 2007.

To PC: 10/14/08
Case History:

Staff Coordinator: Jacque Baker

Motion: Smith
Second: Anderson
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: 10/16/08 date: 10/16/08

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 lot layout standards of Section 10-3032(d);

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

- Air, Light and privacy
- Building Heights

The owner has proposed in writing the following:

- **Height:** Maximum building height not to exceed 36-feet from average natural ground elevation (pursuant to Raleigh City of Raleigh Code section 10-2076(b);

- **Size.** The minimum floor area gross shall be no less than 2,000 square feet and maximum floor area gross shall not be more than 3,500 square feet excluding basement, decks and porches;

Administrative Actions:

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

(2) That prior to the issuance of a grading permit or building permit a tree protection plan is approved by the Site Review Specialist in the Inspections Department for permanently protected undisturbed open space areas and trees located within the existing Tree Conservation Area (BM 2008 PG 1353);

(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 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;

(5) That documentation be submitted to the Conservation Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;

Prior to Planning Department authorization to record lots:

(6) That a recombination map be recorded recombining the two (2) existing tracts, and Resolution (2007) - 294 be shown on the map for recording into one (1) tract prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;

(7) That the 15' wide access easement into the tree conservation area, as shown on the preliminary plan, be shown on all maps for recording;

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

(9) 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;

(10) That as this subdivision plan creates lots less than one acre in size, underground detention stormwater control measures will 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 (4) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (4)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 (4) 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;

(11) 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.";

(12) That a final detailed 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 stamped approved copy is placed on file in the Planning Department;

(13) That the owner prepare restrictive covenants requiring for lots 1-6 and establishing a minimum floor area gross of no less than 2,000 square feet and no more than 3,500 square feet, excluding porches, decks and

basement area, building height not to exceed 36-feet from the average natural ground elevation [as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation. That the recorded copy of this restrictive covenant 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;

(14) That the City Attorney shall approve a restrictive covenant stating that lot 1-6 each shall have an impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City Code of no more than 3,000 square feet. No installation of impervious surface which causes the impervious surfaces on the lot to exceed 3,000 square feet shall be made without first obtaining a permit from the Stormwater Division of the Public Works Department of the City. 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;

(15) That the recorded plat contain the following note: “A restrictive covenant for lots 1-6 has been recorded for house size, building height and impervious surface limitation on a per lot basis.”;

(16) That construction plans for public improvements including the median crossing be approved by the Public Utilities Department and the Public Works Department;

(17) That the existing tree conservation map recorded BM 2008 PG 1353 shall be recorded showing the following: That all permanently protected 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 protected undisturbed open space areas, there must not be any land disturbing activity, any placement of impervious surfaces, any tree disturbing activity as defined in Part 10 Chapter 2 of the Raleigh City Code, any new development or expansion thereof, or new use, construction, or encroachment.”;

(18) That a note be placed on all maps for recording reading: “That the maximum impervious surface coverage for lots 1-6 shall not exceed 3,000 square feet on a per lot basis. Impervious surface shall have the same meaning as contained in Raleigh City Code Part 10 Chapter 9”;

(19) That documentation be submitted to the Conservation Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;

(20) That the tree conservation map recorded (BM 2008 PG 1353) be recorded and the tree conservation area shall be labeled to include “permanently protected undisturbed open space”;

(21) There are two permanently protected undisturbed open space areas on lot 6; the southernmost permanently protected undisturbed open space area will serve Glendower East S-89-07. A tree save easement in accordance with Code section 10-2082.12((e)(4) shall be recorded for the benefit of the Glendower East lots. 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; and

(22) A revised preliminary plan be submitted showing a 15' wide tree save area access easement and the 20' private drainage easement be extended up into lot 6; and

(23) That the median crossing be shown on all maps for recording;

Prior to issuance of building permits in the Inspections Department:

(24) That as part of building permit applications a copy of the recorded restrictive covenants be submitted to the Inspections Department;

(25) That the maximum impervious surface coverage for lots 1-6 shall not exceed 3,000 square feet on a per lot basis.

ZONING:

ZONING DISTRICTS: Residential-4.

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

TREE CONSERVATION: Tree Conservation areas associated with this site BS-111-08 has already been recorded (BM 2008 page 1353). This tree save areas will also serve S-89-07 East Glendower Place that has not yet received approval. This area will also be permanently protected open space and will be preserved with an easement per City Code section 10-2082.14(e)(4).

PHASING: There is one (1) phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: All required 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.
Pleasant Grove Church Rd	60' existing	½ 41' b/b with 5' sidewalk	
Glendower Rd	91' existing		

TRANSIT: No transit easement required.

URBAN FORM: This site is located in the Northwest 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 depth in this zoning district is 100'. Lots in this development conform to these minimum standards. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of 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. The proposed lot may not be further subdivided.

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 shall conform to normal City construction standards.

PEDESTRIAN: Existing sidewalk locations 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 is an underground detention pipe serving all six lots to be built i in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Impervious surfaces are being limited to conform to nitrogen limitations. There are two permanently protected undisturbed open space areas on lot 6; the southernmost permanently protected undisturbed open space area will serve Glendower East S-89-07. A tree conservation easement in accordance with Code section 10-2082.12((e)(4) is being required.

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)].

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: 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.