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-96-07 Breezewood Lots 4-7**

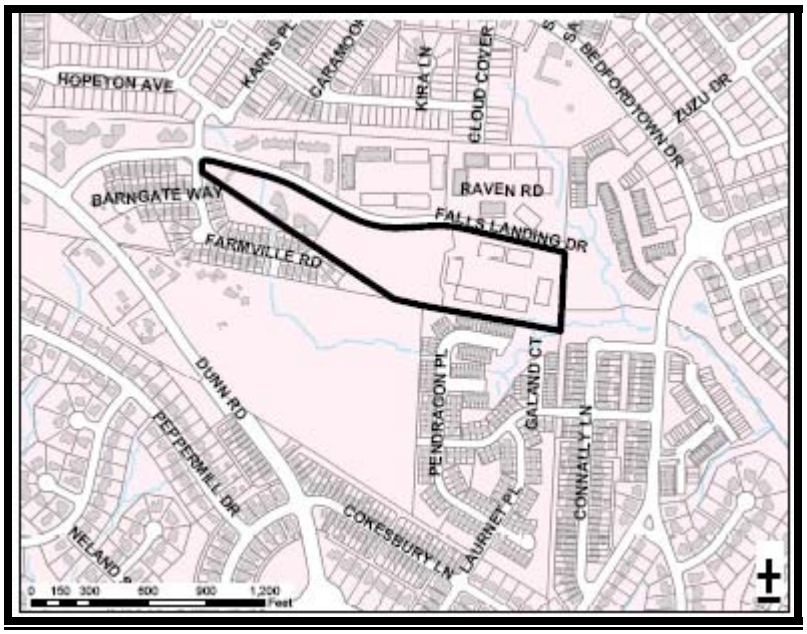
General Location: On the south side of Falls Landing Drive east of its intersection with Farmville Road, inside the city limits.

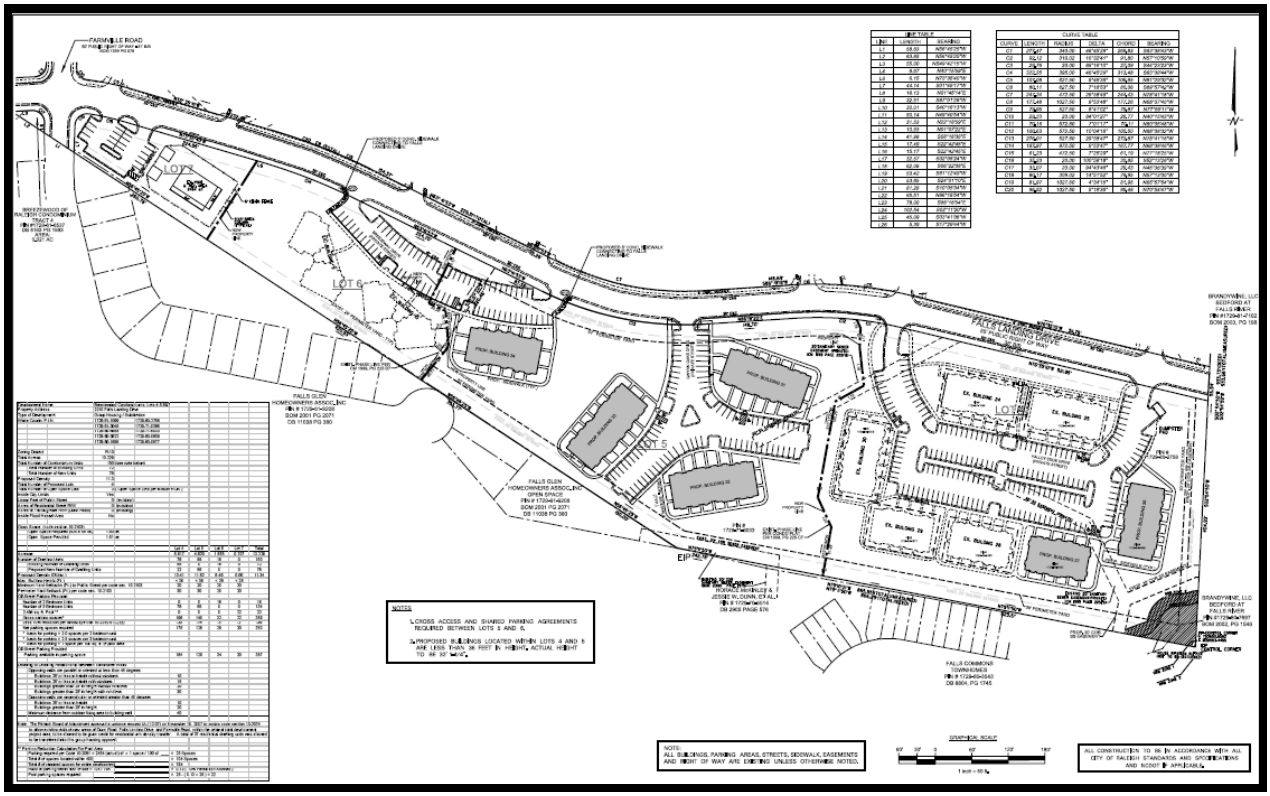
Planning District / CAC: North / North

Nature of Case: Subdivision of 13.229-acres into 4 lots zoned Residential-15CUD. This subdivision will subdivide an existing Condominium project consisting of 72 units on 13.229-acres; GH-2-98 Breezewood Condominium approved by staff on August 17, 1998.

Lot 4 will be 5.817-acres with 5- existing buildings and 56- existing condominium units; GH-7-07 has been submitted for staff approval to add 22- condominiums for a total of 7-buildings with 78 condominium units.
Lot 5 will be 4.82-acres and is currently vacant; GH-7-07 has been submitted for staff approval on this lot with 56 units.
Lot 6 will be 1.885-acres with 2-buildings and 16-condominum units.
Lot 7 will be .707-acres with a recreation area with pool site.

Contact: Withers & Ravenel





S-96-07 Breezewood lots 4-7

SUBJECT: S-96-07 Breezewood Lots 4-7

CROSS-REFERENCE: Z-4-08, GH-2-98, GH-7-07 & S-95-07

LOCATION: On the south side of Falls Landing Drive east of its intersection with Farmville Road, inside the city limits.

REQUEST: This request is to approve the subdivision of a 13.229 acre tract into 4 lots, zoned Residential-15CUD.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

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

(1) 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;

(2) 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;

(3) 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:

(4) That cross access and parking agreements between lots 5 and 6 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department

within the 14 day period, further plat recordings and building permits authorization may be withheld;

(5) That all current property owners must sign the plat(s) for approval for recordation.

(6) 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;

(7) That condominium documents are prepared in accordance with G.S.-47C and that certification is made to the Chief Zoning Inspector that the legal documents contain the language required by 10-2108(g);

(8) 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;

(9) 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;

(10) 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.”

(11) That construction plans for the shared stormwater facility and for the City of Raleigh sanitary sewer on lot 4 shall be submitted and approved by the Public Works Department;

(12) 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;

(13) That a revised preliminary plan be submitted showing the correct zoning and zoning conditions of Z-4-08;

(14) That construction plans for private sidewalk extensions from Buildings #9 & #34, to existing public sidewalk along Falls Landing Drive be approved by the Public Works Department.

(15) That improvements to Dunn Road as shown in construction drawings for GH-2-1998 and dated 10/18/01 are completed and accepted by the City for maintenance;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Waugh) Date: 3-25-08

Staff Coordinator: Jacque Baker

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 10-2022 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated February 12, 2008, owned by Breezewood Holdings LLC, submitted by Withers & Ravenel.

ADDITIONAL NOTES: The Board of Adjustment granted a variance A-112-27 (11/19/07). The variance was to code section 10-2074 with a condition that land owner proceed with rezoning application to R-15CUD. The zoning case Z-4-08 was approved by City Council.

ZONING:

ZONING DISTRICTS: Residential-15CUD. Ordinance (2008) 355 ZC 615 Effective 2/19/08.

The site boundary shall be limited to no more than 344 dwelling units.

a. Parcel located on the northwest quadrant of Falls Landing Drive and Farmville Road (approximately 3.36 acres) shall be limited to no more than forty (40) dwelling units.
b. Parcels located on the southwest quadrant of Falls Landing Drive and Farmville Road (approximately 0.02 acres) shall be limited to zero (0) dwelling units.
c. Parcel located on the northeast quadrant of Falls Landing Drive and Farmville Road (approximately 14.11 acres) shall be limited to a combined number of one hundred fifty-four (154) dwelling units.
d. Parcels located on the southeast quadrant of Falls Landing Drive and Farmville Road (approximately 13.23 acres) shall be limited to a combined number of one hundred fifty (150) dwelling units,

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

TREE CONSERVATION: The Neuse Riparian buffer zone 2 is the primary tree conservation area, .07-acres is provided and is located on lot 4.

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

PHASING: There is one phase in this development

SETBACKS / HEIGHT: For existing buildings on lot 6, setbacks from public streets and property lines conform to Section 10-2103(b).
The minimum setback from public streets is shown to be 20'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). Buildings greater than 28' in height meet min. 30' setback from perimeter property lines.

OPEN SPACE: Open space conforms to minimum requirements. 10 % or 1.50 acres required, 10% or 1.51 acres provided, based on the open space standards of 10-2103(d).This open space is located on lots 4-7 and is currently under the existing HOA documents.

PARKING: Off-street parking conforms to minimum requirements: 367 spaces are provided on lot 7, 6 & 4. A total of 22 spaces have been provided on lot 7-recreation site The site requires 25 parking spaces and a reduction of 13% or 3 spaces has been utilized and was approved under GH-2-98. A reduction of 39 off-street parking spaces for landscape planting areas for lots 7, 6 & 4 is being utilized and was approved under GH-2-98. All parking and private streets currently exist on all lots. Cross access and parking is between lots 5 & 6.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: All required dedication of right-of-way and construction has been done; however, portions of Dunn Road have not been installed and accepted for maintenance by the City of Raleigh.

TRANSIT: No transit-oriented features are incorporated into the proposed plan. The City's Transit Technician determined there was not a need for any improvements at this location.

URBAN FORM: This site is located in the North Planning District, in an area designated a residential area.

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SUBDIVISION STANDARDS:

LOT LAYOUT: There is no minimum lot size in a condominium 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: The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: Existing street improvements conform to normal City construction standards; however, portions of Dunn Road have not been installed and accepted for maintenance by the City of Raleigh.

PEDESTRIAN: Existing public sidewalk locations conform to City regulations. A private sidewalk is required to be extended out of the development of all lots to the public sidewalk as shown on the preliminary plan sheet #1.

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

STORMWATER MANAGEMENT: This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. Retention / detention facilities and shown on the preliminary plan and is a shared facility/dry detention pond with lots 4 & 5.

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

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 shall be shown on all maps for recording.

STREET NAMES: No new street names are required for this development. A street name application has been approved under GH-2-98. All internal streets are private.

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: 3/25/2011
Record at least ½ of the land area approved.

5-Year Sunset Date: 3/25/2013
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.