



## Certified Action Of the City of Raleigh Planning Commission

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

**Case File / Name:** IR-1-10 / Edwards Property

**General Location:** On the northwest corner of Heather Drive and Western Blvd, inside the city limits.

**Property owner:** Kent Edwards  
**Designer:** Taylor Blakely

**CAC:** West

**Nature of Case:** This is an "infill" recombination to reconfigure 9 existing lots; lots 68-71 and lots 92-96 recoded BM 1925 PG22 & BM 1935 PG 56, into 4 lots zoned Residential-10. The total site consists of 1.70 acres.

Lot 1 will be .80 acres (34,856 square feet) with a road frontage of 175 liner feet along Western Blvd; there is an existing building with 8 apartments located on the lot. The existing building will remain and meet all required setback and density requirements.

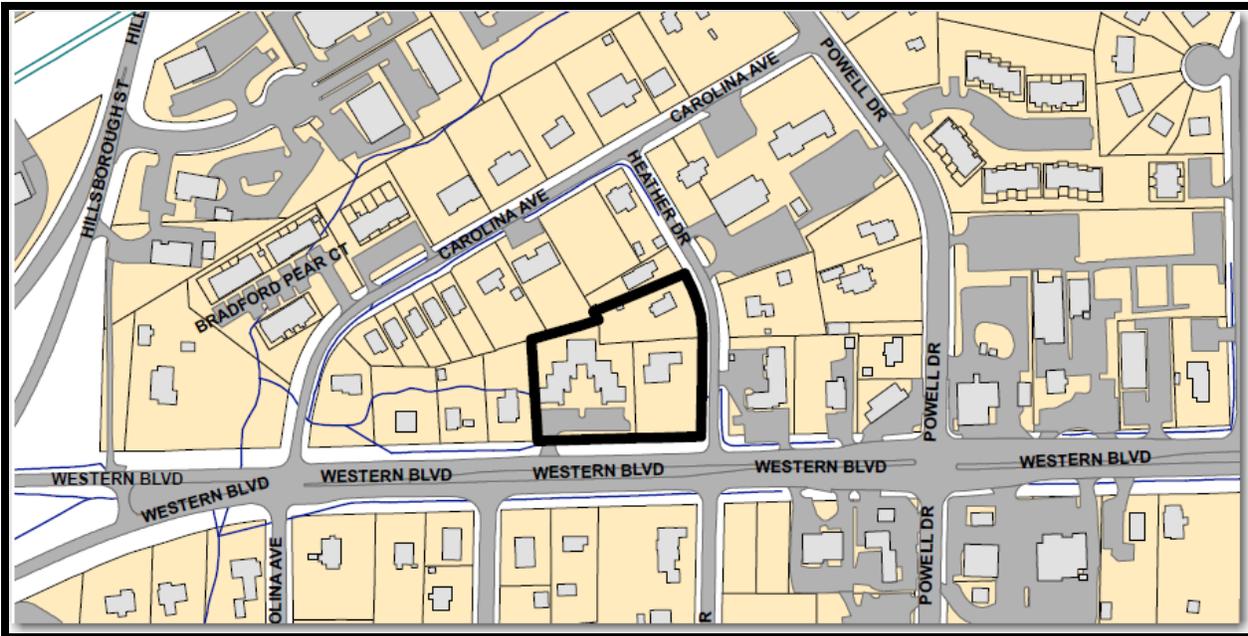
Lot 2 will be .30 acres (13,068 square feet) with a road frontage of 98 liner feet. There is an existing single family house located on this lot that will remain and meet all required setbacks.

Lot 3 will be .30 acres (13,068 square feet) with a road frontage of 90 linear feet. There is an existing single family house located on this lot that will remain and meets all required setbacks.

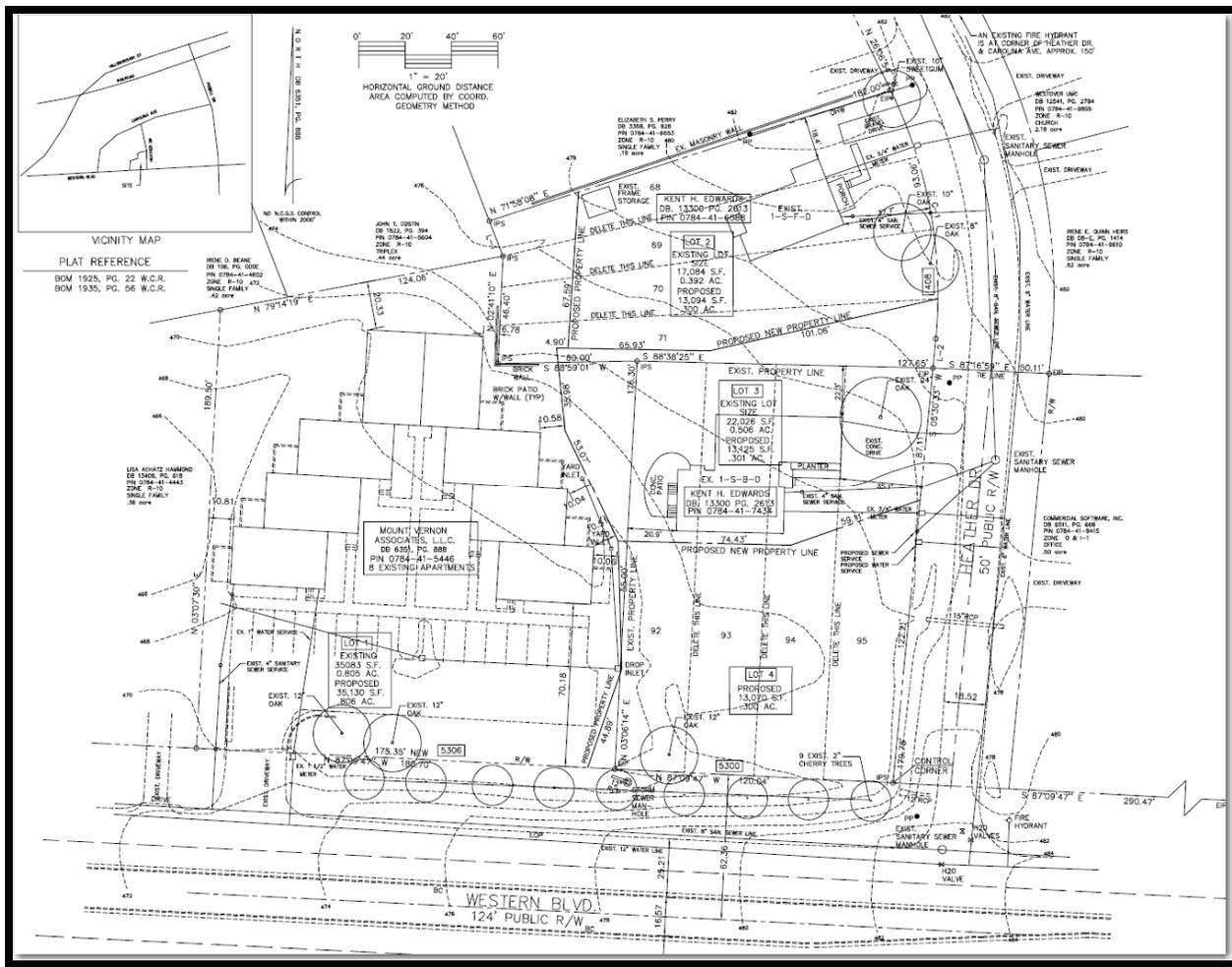
Lot 4 will be .302 acres (13,168 square feet) with a road frontage of 120 liner feet along Heather Drive and 130 liner feet along Western Blvd. The lot is currently vacant.

**Contact:** Taylor Blakely

**Key Issues:** Planning Commission should evaluate the request using the five standards of code section 10-3032.2(d)(1) related to infill projects.



IR-1-10 Edwards Property - Site Map



IR-1-10 Edwards Property – recombination plan



**SUBJECT:** IR-1-10 / Edwards Property

**CROSS-REFERENCE:** N/A

**LOCATION:** On the northwest corner of Heather Drive and Western Blvd, inside the city limits.

**REQUEST:** This is an "infill" recombination to reconfigure 9 existing lots; lots 68-71 and lots 92-96 recoded BM 1925 PG22 & BM 1935 PG 56, into 4 lots zoned Residential-10. The total site consists of 1.70 acres.

Lot 1 will be .80 acres (34,856 square feet) with a road frontage of 175 liner feet along Western Blvd; there is an existing 1 building with 8 apartments located on the lot. The existing building will remain and meets all required setback and density requirements.

Lot 2 will be .30 acres (13,068 square feet) with a road frontage of 98 liner feet. There is an existing single family house located on this lot that will remain and meets all required setbacks.

Lot 3 will be .30 acres (13,068 square feet) with a road frontage of 90 linear feet. There is an existing single family house located on this lot that will remain and meets all required setbacks.

Lot 4 will be .302 acres (13,168 square feet) with a road frontage of 120 liner feet along Heather Drive and 130 liner feet along Western Blvd and is currently vacant.

This development constitutes an "infill project" 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.

<b><u>Median lot size of surrounding lots</u></b>	<b>.43 acres (80% = .34)</b>
Proposed lot size lot #1	.80 acres (186% of median)
Proposed lot size lot #2	.30 acres (69% of median)
Proposed lot size lot #3	.30 acres (69% of median)
Proposed lot size lot #4	.302 acres (70% of median)
<b><u>Median lot frontage of surrounding lots</u></b>	<b>194.74' (80% = 155.79')</b>
Proposed lot frontage lot #1 - Western Blvd	175' (89% of median)
Proposed lot frontage lot #2 – Heather Dr	98' (50% of median)
Proposed lot frontage lot #3 - Heather Dr	90' (46% of median)
Proposed lot frontage lot 4 – Heather Dr	122.21 (62% of median)
Proposed lot frontage lot 4 – Western Blvd	125' (64% 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, with conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2021, and 10-2132.2, and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/8/10, owned by Kent Edwards, submitted by Blakely Design Group.

---

**ADDITIONAL NOTES:** Two of the adjacent lots (Perry property and Costin property) have 5 lot lines. Lot 2 of the recombination originally contains 6 lot lines.

**VARIANCES / ALTERNATES:** N/A

---

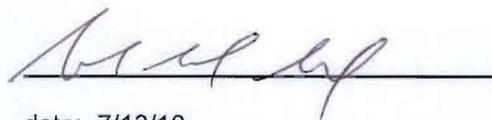
**To PC:** July 13, 2010  
**Case History:**

**Staff Coordinator:** Jacque Baker

**Motion:** Mullins  
**Second:** Mattox  
**In Favor:** Anderson, Bartholomew, Batchelor, Butler, Fleming, Harris Edmisten, Mattox, Mullins, Sterling  
**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: 7/13/10

  
date: 7/13/10



## Staff Report

---

**RECOMMENDED  
ACTION:**     **Approval with Conditions**

---

**CONDITIONS OF  
APPROVAL:**     **Planning Commission Actions:**

- (1) That the Planning Commission finds that this infill recombination meets the lot layout standards of Section 10-3032(d);

**The owner has proposed in writing the following covenants. A copy of the covenants is provided at the end of this staff report;**

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

**Size:** The minimum floor area gross shall be no less than 1,000 square feet, and the maximum floor area gross shall not exceed 3,000 square feet per individual dwelling unit.

**Roof:** All main roofs shall be pitched with a minimum pitch of 5/12.

**Administrative Actions:**

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

- (2) That the recorded plat contain the following note: "A restrictive covenant for lots 2, 3 & minimum pitched roof",
- (3) That the owner prepare a restrictive covenant for recombined lots 2, 3 & 4 establishing a minimum floor area gross, as defined by Zoning Chapter of the Raleigh City Code, of no less than 1,000 square feet and not more than 3,000 square feet per individual dwelling unit, this areas shall include basements, attics, porches [as per City Code Section 10-2021 definition of floor area gross], and a maximum building height not to exceed 36 feet from the average natural ground elevation [ as per City Code Section 10-2076(b)] and main roof pitches with a minimum pitched roof of 5/12. That the City Attorney approved the restrictive covenant prior to its recordation, and that the approved restrictive covenant shall be recorded with the local county register of deeds office. 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 permit authorization may be withheld. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney;
- (4) 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;

- (5) That the following note be shown on all maps for recording; Lot 4 will have no direct access onto Western Blvd;

***Prior to issuance of building permits in the Inspections Department:***

- (6) That as part of building permit applications, a copy of the recorded restrictive covenants be submitted to the Inspections Department.

---

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

---

**ZONING:**

**ZONING DISTRICTS:** Residential-10.

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

**TREE CONSERVATION:** Recombination's are not subject to tree conservation requirements of code section 10-2082.14.

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

**PHASING:** There are no phases in this development.

---

**COMPREHENSIVE PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE / COLLECTOR PLAN:** Dedication of right-of-way and construction not required with a recombinant but may be required at building permit issuance and or site plan review.

**TRANSIT:** Transit easement dedication not required with a recombination.

**URBAN FORM:** This site is located in the West CAC. No specific Comprehensive Plan policies apply to this infill recombination. While land use policy LU 8.7 related to neighborhood conservation and development discourages use of "flag lots" when subdividing residential property, this recombination proposal does not create a "flag lot".

**HISTORIC /  
DISTRICTS:**

The existing buildings are not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District

---

**SUBDIVISION  
STANDARDS:**

**LOT LAYOUT:**

The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70 feet. The minimum lot width in this zoning district is 45' corner lot width 60'. Lots in this development conform to these minimum standards.

Staff finds that the proposed subdivision meets infill standards 1-3 found below.

1. The lot lines are angled from the street in a similar manner as typical surrounding lots.
2. Lots consist of more than 4 lines as is typical of several of the surrounding lots. The existing lots prior to the recombination consisted of more than 4 lot lines.
3. The building envelopes for the proposed new lot(s) are 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.

**INFILL STANDARDS:**

**Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following standards of section 10-3032 (d):**

(1) All *lot* line boundaries *shall* meet all of the *following*:

a. Lot lines *shall* be angled from the *street* in a similar manner to the angle that is typical of the surrounding peripheral residential *lots*;

**Applicant response:** Lot lines for all lots are either perpendicular to the street or at a very narrow angle.

b. Lots *shall* consist of no more than four (4) lines (front, rear, side, and side) where such a configuration is typical of the surrounding peripheral residential *lots*;

**Applicant response:** Some lots have more than 4 lines, but the original lot lines were greater than 4 lines.

c. Lots *shall* not be configured in such a way that building envelopes for houses are placed one behind the other when viewed from the public street, where such a configuration is not typical of the surrounding peripheral residential *lots*.

**Applicant response:** All lots are configured to be side by side and facing the street

Lot line boundaries *may* be approved that do not meet subparagraphs a. b. or c. above if the Planning Commission finds the *lot* line configuration is harmonious with the *lot* configuration pattern of the surrounding peripheral *lots*.

- (2) Lots *shall* be configured to be adequately served by *City* services, allow for access of emergency vehicles, and meet *City* standards for proximity to fire hydrants and fire lines where public water is available.  
**Applicant response:** All lots are configured to be served by City water, sewer and allow for access of emergency vehicles. There are fire hydrants in close proximity.
- (3) If a *lot* is to be formed of a size that would allow further *subdivision*, a forty-foot minimum width *shall* be maintained on all parts of the *lot* to allow a public *street* to be extended to serve any additional *lots* that *may* be proposed in the future.  
**Applicant response:** There are no lots that would allow for future subdivision or extension of public streets.
- (4) The Planning Commission first finds that the *infill project* does not create sharp changes from the physical development pattern of residential lots located on the “periphery” of the infill development with respect to dwelling height, setback, placement and size. Periphery *shall* have the same meaning as set forth in subparagraph (3) of the definition of *infill lots* or *infill project*.  
**Applicant response:** There are no conflicts between our plan and the City Plans.
- (5) The Planning Commission finds that the *infill project* contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development or recombination, including stormwater, traffic, and incompatible characteristics such as the amount and placement of impervious surface, placement of structures and vehicular surface areas, and the orientation of uses and entranceways.  
**Applicant response:** The owner has provided restrictive covenants to protect the development for the benefit of surrounding residential properties.

**BLOCK LAYOUT:** The existing 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 owner of each lot is responsible for installation of all lines necessary to provide service to this site.

**SOLID WASTE:** Refuse collection is to be provided based on the standards in the Solid Waste Manual.

**CIRCULATION:** Street improvements are not required in a recombination.

**PEDESTRIAN:** Sidewalk improvements are not required in a recombination.

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

**STORMWATER MANAGEMENT:** Plan meets the intent of Part 10, Chapter 9. No change in acreage for lot 1, that contains the 8 existing apartments, remaining lots are all less than ½ acre both prior to and after recombination. Therefore, plan is exempt from Part 10, Chapter 9 Stormwater Regulations.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

**STREET NAMES:  
OTHER**

No new street names are required for this development.

**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.

**WHAT NEXT?**

- MEET ALL CONDITIONS OF 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.

809 Mount Vernon Rd  
Ste 101  
Raleigh, NC 27607  
June 29, 2010

City of Raleigh Planning Dept  
Attn: Jacque Baker  
One Exchange Plaza  
Raleigh, NC 27602

RE: Restrictive Covenants

Dear Jacque:

Regarding the project on Heather Street, the following restrictive covenants will apply to lots 2, 3 and 4 as well these are per individual dwelling unit.

**HEIGHT:** Maximum building height not to exceed 36' from average natural ground elevation (pursuant to City of Raleigh section 10-20769(b)).

**SIZE:** The minimum floor area gross shall be no less than 1,000 square feet, and the maximum floor area gross shall not exceed 3000 square feet.

Should you require additional information, please contact me at (919)422-8054.

Sincerely,



Kent Edwards