



Certified Action Of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

Case File / Name: IR-1-13 / Dairy Land Lots 20 & 21 Recombination

General Location: On the northwest corner of Thomas Road and Lake Boone Trail

Property owner: Jessie A. Edwards
Designer: John Y. Phelps Jr.

CAC: North

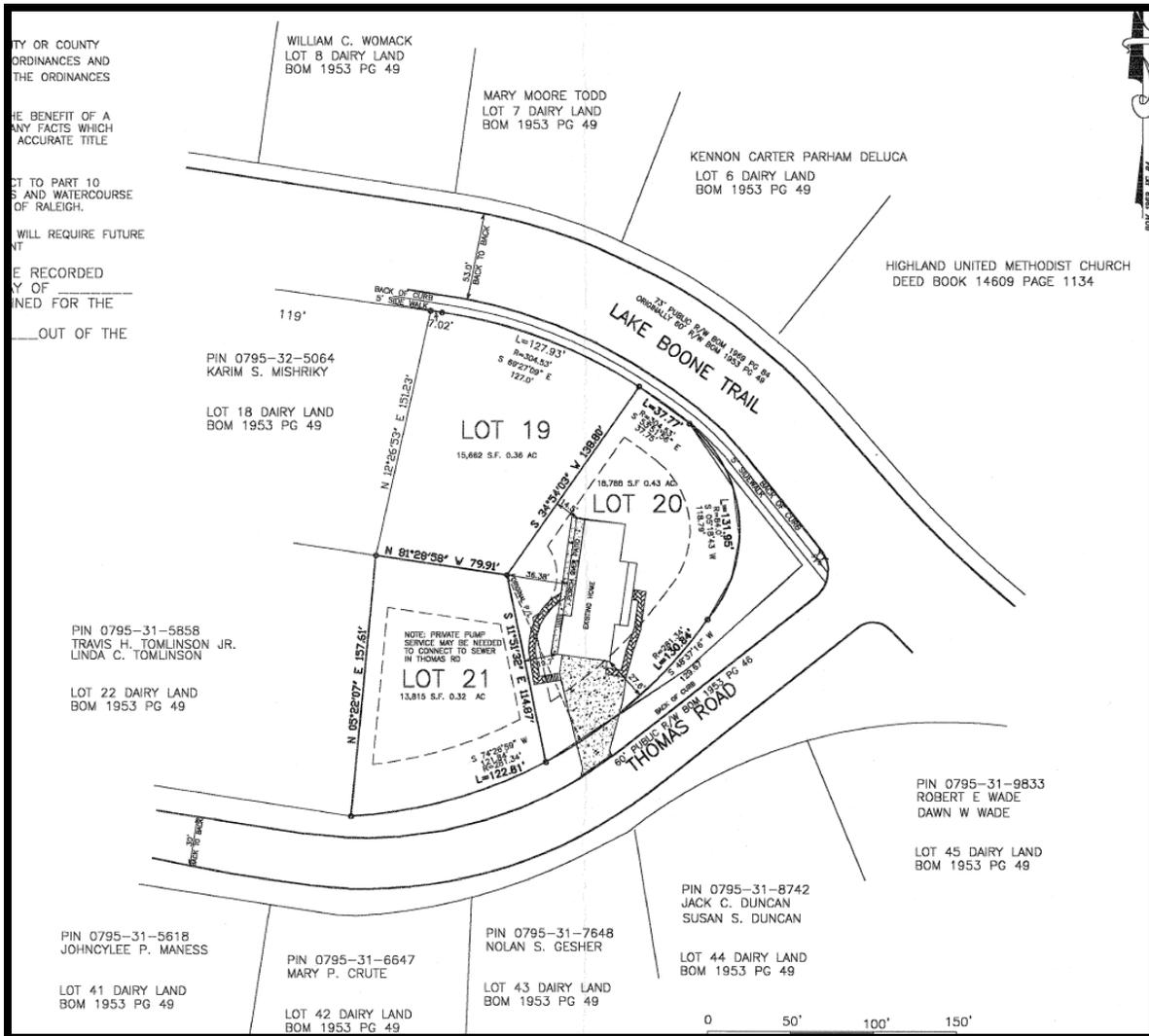
Nature of Case: This is an "infill" recombination to reconfigure 2 existing lots; lots 20 and 21 recorded BM 1953 PG49, into 2 lots zoned Residential-4. The total site consists of .74 acre. Lot 20 will be .43 acre (18,788 square feet) with a road frontage of 196.81 linear feet along Thomas Road and 103.74 linear feet along Lake Boone Trail. The existing building will remain and meet all required setback and density requirements. Lot 21 will be .32 acre (13,815 square feet) with a road frontage of 122.81 linear feet along Thomas Road; this lot is vacant.

Contact: John Y. Phelps Jr.

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



IR-1-13 Dairy Land Lots 20 & 21 Recombination – Site Location Map



IR-1-13 Dairy Land Lots 20 & 21 Recombination – Preliminary Recombination Plan

SUBJECT: IR-1-13 / Dairy Land Lots 20 & 21 Recombination

CROSS-REFERENCE: N/A

LOCATION: On the northwest corner of Thomas Road and Lake Boone Trail, inside the city limits.

REQUEST: This is an "infill" recombination to reconfigure 2 existing lots; lots 20 and 21 recorded BM 1953 PG49, into 2 lots zoned Residential-4. The total site consists of .74 acre.

Lot 20 will be .43 acre (18,788 square feet) with a road frontage of 196.81 linear feet along Thomas Road and 103.74 linear feet along Lake Boone Trail. The existing building will remain and meet all required setback and density requirements.

Lot 21 will be .32 acre (13,815 square feet) with a road frontage of 122.81 linear feet along Thomas Road; this lot is vacant.

This development constitutes an "infill lot" 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. Lot 21 in this case drops below the administratively approvable threshold of 80% to only 71% of the median lot size and thus renders it an "infill lot".

<u>Median lot size of surrounding lots</u>	.445 acres (80% = .35)
Proposed lot size lot #20	.43 acres (122% of median)
Proposed lot size lot #21	.32 acres (71% of median)
<u>Median lot frontage of surrounding lots</u>	119.5' (80% = 95.6')
Proposed lot frontage lot #20 – Lake Boone	103' (108% of median)
Proposed lot frontage lot #20 – Thomas Rd.	196' (205% of median)
Proposed lot frontage lot #21 – Thomas Rd.	122' (128% 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 10-2017, and 10-2132.2, and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/19/12, owned by Jessie A. Edwards, submitted by John Y. Phelps, Jr.

**ADDITIONAL
NOTES:** N/A

**VARIANCES /
ALTERNATES:** N/A

To PC: March 26, 2013
Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Terando
Second: Haq
In Favor: Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling
Lewis and Terando

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: 4/4/13



date: 3/26/13



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);

Administrative Actions:

Prior to issuance of building permits in the Inspections Department:

- (2) That the lots are recorded with the Wake County Register of Deeds in accordance with this preliminary recombination plan. These must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds;
-

ZONING:

**ZONING
DISTRICTS:**

Residential-4.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is required.

**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:

This is a single phase development.

**COMPREHENSIVE
PLAN:**

GREENWAY:

There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Dedication of right-of-way and construction of streets is not required with a recombination but may be required at building permit issuance and or site plan review.

TRANSIT:

Transit easement dedications are not required with a recombination.

URBAN FORM: This site is located within the Glenwood CAC, and is designated as Low Density Residential on the future land use map. The Low Density Residential category envisions residential development of 6 units per acre or less. Staff has reviewed the following Comprehensive Plan policies:

- LU 2.2 Compact Development
- LUU 8.10 Infill Development
- UD 5.1 Contextual Design
- UD 5.4 Neighborhood Character and Identity

HISTORIC / DISTRICTS: The existing building is 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 10,890 square feet. The minimum lot width in this zoning district is 65'. The minimum lot depth in this zoning district is 100'. Lots in this development conform to these minimum standards. This is an infill subdivision as defined in Sec. 10-3003. The total acreage is less than 5 acres. The median lot size of the peripheral developed lots is .44 acre. The median lot frontage of the peripheral developed lots is 119.5 linear feet. The minimum lot size proposed in this subdivision is .32 acre (13,815 SF). The minimum lot frontage in this subdivision is 103.74 linear feet. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the lots 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. The proposed lots may not be further subdivided.

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 and is exempt from Part 10, Chapter 9 Stormwater Regulations per Code section 10-9021(3) because the recombination involves a tract of one acre or less in aggregate size and does not exceed two dwelling units.

**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.

Sec. 10-3032(d) Infill lots and infill projects.

Any *infill lot* formed either by recombination or by *subdivision* after the application of this regulation* shall comply with all of the following:

(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*;

b.

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

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*.

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.

(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.

(4)

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*.

(5)

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, the placement of structures and vehicular surface areas, and the orientation of uses and entranceways.

The notice, approval procedures, hearings and appeal provisions of [§10-3013](#) *shall* apply to all *infill projects*.

For purposes of this subsection, *infill lots or infill project* means a recombination of tracts of land or the *subdivision* of land where all of the *following* conditions exist:

(1)

The total area subject to the recombination or *subdivision* is five (5) acres or less, and will result in the formation of at least one (1) *lot* that at the time of the recombination or *subdivision* does not contain a dwelling, as defined in Part 10 chapter 2.

(2)

The *property* is in a residential zoning district as defined in [§10-2002](#)

(3)

At least sixty-six (66) per cent of the "periphery," including public *right-of-way*, of the proposed area subject to the recombination or *subdivision* abuts existing residential building *lots* containing a single-family detached dwelling or a structure which was originally constructed as a *single family* detached dwelling. "Periphery" for the purposes of this subsection includes *properties* both immediately abutting and across a public *minor residential street*, *residential street*, *residential collector street*, or *collector street* from the proposed recombination or *subdivision*.

(4)

The proposed recombination or *subdivision* contains any *lot* which is eighty (80) per cent or less than the median *lot* size of the surrounding peripheral developed residential *lots* determined by subparagraph (3) above, or the proposed recombination or *subdivision* contains one (1) or more *lots* whose public *street frontage* is eighty (80) per cent or less of the median public

street frontage of the surrounding peripheral developed residential *lots* as determined in subparagraph (3) above.

***Editor's note:** *Infill lot* and *infill project* regulations first became applicable on September 1, 1997. (Ord. No. 1997-137-TC-153, TC-18-96, 6-17-97)

Cross reference: Appeals, §10-3013(b)(3)c. and g. (Ord. No. 2000-914-TC-200, §4, TC-12-00, 12-5-00)

(Ord. No. 1987-61-TC-299, §1, TC-22-87, 10-6-87; Ord. No. 1991-823-TC-371, §§1,2, TC-11-91, 7-16-91, Ord. No. 1993-121-TC-43, TC-17-92, 1-24-93; Ord. No. 1997-137-TC-153, §126, TC-18-96, 6-17-97; Ord. No. 1997-138-TC-154, §1, TC-8-96, 6-17-97; Ord. No. 1999-616-TC-181, §96, TC-3-99, 8-3-99; Ord. No. 2002-140-TC-211, §3, TC-14-01, 1-2-02; Ord. No. 2008-428-TC-313, §6, TC-4-08, 7-1-08; Ord. No. 2009-661-TC-327, §31, TC-4-09, 10-7-09; Ord. No. 2010-706-TC-331, §24, TC-1-10, 2-16-10)

(e)

Side *lot* lines.

Side *lot* lines *shall* be as near as practicable at right angles to the *street* line on which the *lot* faces.

Policy reference: "Flag *Lot*" policy, standard operating procedure 900-4: Procedure for Preliminary Site Plan, subdivision, Master Plan, Condominium, Cluster Unit and Townhouse Approvals.

(Code 1959 , §20-16; Ord. No. 1978-706-TC-79, §1, TC-113, 2-7-78; Ord. No. 1978-872-TC-88, §23, TC-119, 8-15-78; Ord. No. 1986-880-TC- 277, §§6, 7, TC-18-86, 10-22-86; Ord. No. 1988-151-TC-307, §1, TC-7-88, 4-19-88; Ord. No. 1988- 292-TC-328, §§8, 9, TC-22-88, 1-3-89; Ord. No. 1989-399-TC-342, §1, TC-7-89,7-5-89)