



# Administrative Action

## Preliminary Subdivision Cluster Unit Development

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

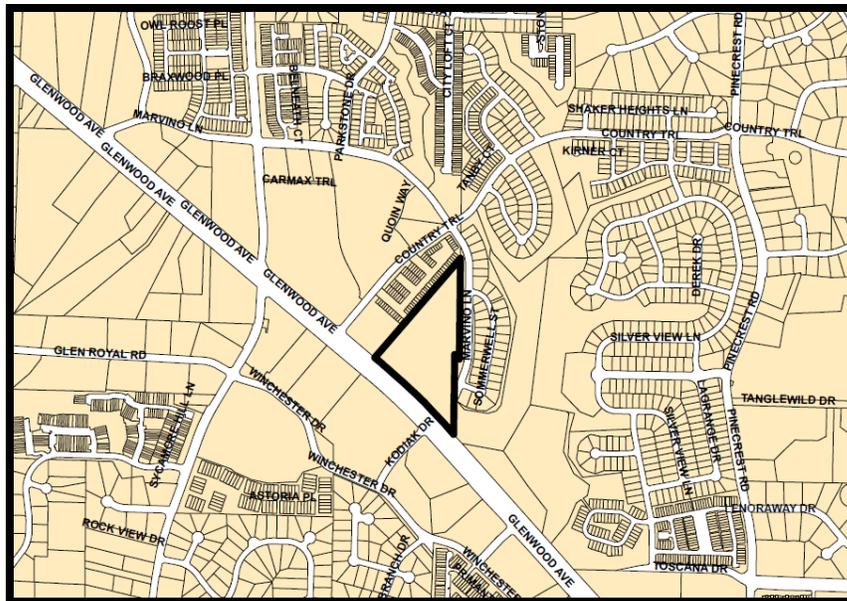
**Case File / Name:** S-1-11 / Water Garden Subdivision/Cluster

**General Location:** On the northeast corner of Glenwood Avenue and the future extension of Marvino Lane, inside the City limits.

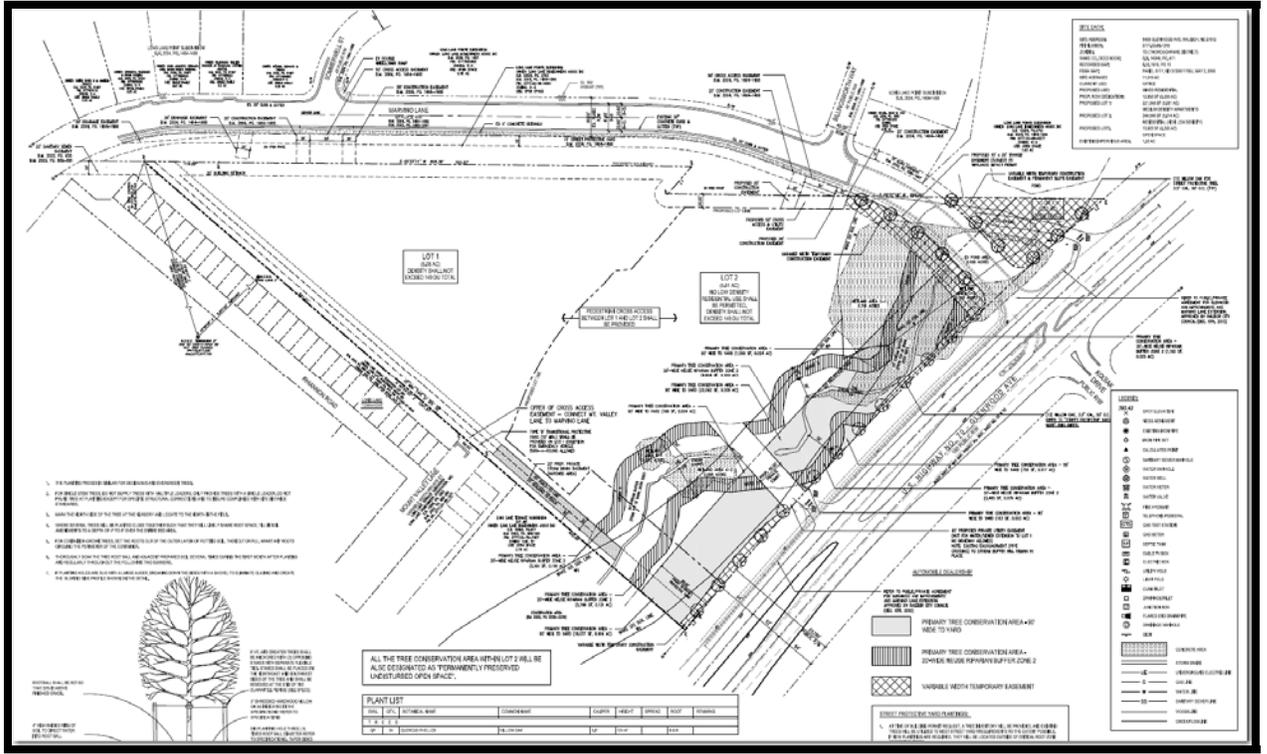
**CAC:** Northwest

**Nature of Case:** Subdivision of 11.31 acres into 3 lots and the extension of Marvino Lane zoned Thoroughfare District. Lot 1 will be 5.08 acres lot 2 will be 5.61 acres and lot 3 will be .325 acres. Lots 1 & 2 will be developed and lot 3 will be dedicated as open space.

**Contact:** JDavis Architects



S-1-11 Water Garden Subdivision/Cluster – site location



S-1-11 Water Garden Subdivision/Cluster – subdivision plan

---

**SUBJECT:** S-1-11 Water Garden Subdivision/Cluster

**CROSS-  
REFERENCE:** GH-2-11(lot 1)

**LOCATION:** On the northeast corner of Glenwood Avenue and the future extension of Marvino Lane, inside the City limits.

**REQUEST:** This request is to approve a cluster unit development consisting of 3 lots and the extension of Marvino Lane to Glenwood Avenue, zoned Thoroughfare District

---

**OFFICIAL ACTION:** **Approval with conditions**

---

**CONDITIONS OF  
APPROVAL:**

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

- (1) 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 approval of construction drawings for public improvements:***

- (2) That as the developer purposes to disturb a designated riparian buffer for the purpose of the extension of Marvino Lane crossing, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit per code section 10-9044(a) is thereby issued by the Inspection Department before commencement of work;
- (3) 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 for public improvements, whichever event comes first;

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

- (4) That cross access agreement between lots 1 and 2 is 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 will be withheld;
- (5) That cross access agreements between lot 1 and the Long Lake Terrace Townhome (BM2003 PG 689-691 DB 10592 PG 817) 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 will be withheld;

- (6) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the local county register of deeds office in conjunction with any recordation of a subdivision plat or issuance of building permits whichever occurs first. A copy of the recorded document must be provided to the Planning Department within 14-days of authorization of lot recording or building permit issuance whichever comes first. 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 will be withheld;
- (7) That a 15x20 foot transit easement located on Marvino Lane, pending wetland impact permit if permit cannot be obtained the transit easement may be relocated with the approval of the Transit Planner and be approved by the Transit Planner in the Public Works Transportation Department. The transit easement location shall be shown on all maps for recording, and that a transit easement document be submitted and approved by the City Attorney and the approved document is recorded with the local County Register of Deeds. That the recorded copy of this transit easement document is provided to the Planning Department within 14 days of authorization of lot recording or building permit issuance whichever comes first. If a recorded copy of this transit easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization will be withheld;
- (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 property owners association declaration of covenants and restrictions for open space lot 3 shall be prepared for the entire development in conformance with Raleigh Code section 10-3073(b) and it shall be recorded with the local county register of deeds office subsequent to the recordation of the Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses, but prior to any recordation of a subdivision plat or issuance of a building permit whichever event first occurs. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from 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;
- (10) 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;
- (11) That construction plans for public improvements along Marvino Lane be approved by the Public Works Department;
- (12) 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 their natural or mitigated condition, No person or entity shall fill, grade, 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).”

- (13) That existing wetlands are on this site and shall be shown on all maps for recording;
- (14) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;
- (15) That a 20' wide permanent slope easement along Marvino Lane be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (16) That 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; and

***Prior to issuance of an occupancy permit in the Inspections Department:***

- (9) That all road improvements are inspected and accepted by the City of Raleigh Public Works Department; the existing driveway cut off Glenwood Avenue into the site is required to be closed and all curb gutter and sidewalk will be replaced in this area prior to the issuance of occupancy permits on lot 1.

---

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Loh (C. Wayne) Date: 5-12-11

**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 10-2045 Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 3/24/11, owned by DHC, Inc, submitted by JDArchitects.

**ADDITIONAL NOTES:** GH-2-11 Water Garden Village apartment complex has been submitted for review and approval by staff.

**CLUSTER STANDARDS:**

**ZONING DISTRICTS:**

Thoroughfare District.

**DEVELOPMENT DENSITY:**

The number of units allowed in this zoning district is 20 units per acre as an administrative approval. Lot 1 will be 5.08 acres and will contain 60 units for a density of 11.81 units per acre. Lot 2 will be 5.61 and will allow 112 units. No density transfer will be transferred from lots 1, 2 3 or right of way dedication for Marvino Lane.

**PHASING:**

There are 2 phases in this development. Phase 1 is being developed as GH-2-11 Water Garden Village Apartments (lot 1 & lot 3 open space lot) and is being approved now. Phase 2 (lot 2) will receive preliminary approval at a later date. The sunset date will apply only to the phase approved now. The overall density and open space for existing phases approved to date collectively conform to the zoning district. The first phase in this development is 5.08 acres and will require restrictive covenants to be placed on the remainder of the cluster (lots 2 & 3 open space lots) in accordance with 10-3071(b)(9)b.

**LOTS / SETBACK:**

A perimeter protective yard is not required as this is low residential density. Three of the adjoining sides are surrounded by public right of way. The Northern side of the property abuts Long Lake open space area (BK 2203 PG 689-691) this use is classified as a medium residential density; the applicant is offering a 10' type D transitional protective yard.

**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.

**OPEN SPACE:**

Open space shall conform to minimum requirements in Raleigh City Code Section 10-2103(d). Each lot shall provide 10% open space. Open space quotient is required by Code Section 10-10-3071(5)b. Open space must meet the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). In addition lot 3 will be available to the residents for lots 1 & 2. The subdivision is not divided by a thoroughfare

**LANDSCAPING:**

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a low residential use under Section 10-2082.9. Transitional protective yards are not required, but the applicant is offering a tpy in the following locations:

<u>Location</u>	<u>Yard type offered</u>	<u>Width proposed</u>
Northern property line	"D"	10'

**TREE CONSERVATION:**

The total site is 11.31 acres and 10% tree conservation area is required. The site proposes 13% or 1.52 acres. The tree conservation area provided is located in the primary tree conservation along Glenwood Avenue.

**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.
Marvino Lane	60'	36' b/b street section	N/A

On December 6, 2010 the City of Raleigh and DHIC, Inc entered into a joint venture road project for the extension of Marvino Lane to US 70. DHIC will be responsible for the design and preparation of construction documents for Marvino Lane and improvements to US 70. The roadway improvements shall extend Marvino Lane approximately 350' south of its current terminus and shall consist of a 36' b/b curb and gutter on 60' right of way. For more detail please see copy of the joint agreement in the file.

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: 15x20 transit easement along Marvino Lane pending wetland impact permit. If the wetland impact permit cannot be obtained the transit easement will be relocated and prior to the relocation of the easement a plan will be submitted to the Transit Planner for approval.

**URBAN FORM:** This site is located in the Northwest CAC District.

- **Policy LU 4.5—Connectivity**

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

New residential development should be developed with common and usable open space that preserves the natural landscape.

- **Policy T 5.5—Sidewalk Requirements**

New subdivisions and developments should provide sidewalks on both sides of the street.

- **Policy T 5.9—Pedestrian Networks**

New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

- **Policy EP 2.5—Protection of Water Features**

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management, ecological, visual, and recreational benefits.

- **Policy UD 2.5—Greenway Access**

Safe and clearly marked access points to the City's greenway system should be provided in new and existing mixed-use centers where feasible.

---

**SUBDIVISION**

**STANDARDS:**

- 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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.
- SOLID WASTE:** Refuse collection is to be provided based on the standards in the Solid Waste Manual.
- CIRCULATION:** Proposed & existing street improvements shall conform to City construction standards. The two (2) cross access points shown on the preliminary plan from Marvino Lane into the site have been recorded BM 2004 PG 1464-1468.
- PEDESTRIAN:** Proposed & existing sidewalk locations conform to City regulations.
- FLOOD HAZARD:** There are flood hazard areas on this site and shall be shown on all maps for recording.
- 

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater and nitrogen reduction requirements of Part 10 Chapter 9. Proposed lots 1 & 2 exceed one acre in size and each lot will have its own stormwater control facility. Stormwater management measures will be required at the time of site plan, approval construction drawings for public improvements or further subdivision of each lot. The subdivision will also create 1 lot less than 1 acre in size Lot 3 is proposed to be an open space lot. Improvements within the proposed right of way of Marvino Lane are subject to Part 10 Chapter 9 Stormwater regulations.

**RIPARIAN BUFFER DISTURBANCE**

The developer proposes to disturb a designated riparian buffer for the purpose of the extension of Marvino Lane, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer and evidence of such approval shall be provided to the Conservation Engineer in the Public Works Department.

**SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS**

Cluster - This development is a cluster unit development and each lot will stand alone for stormwater control measures but a property owners' association is required. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Declaration of Maintenance Covenant and Grant of Protection Easements for Stormwater Control Facilities shall be prepared and recorded in accordance with Section 10-9027.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

Wetland areas or Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

**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.

**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:** 5/12/2014  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 5/12/2016  
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.