



# 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-4-10 / Cherry Ridge -revision

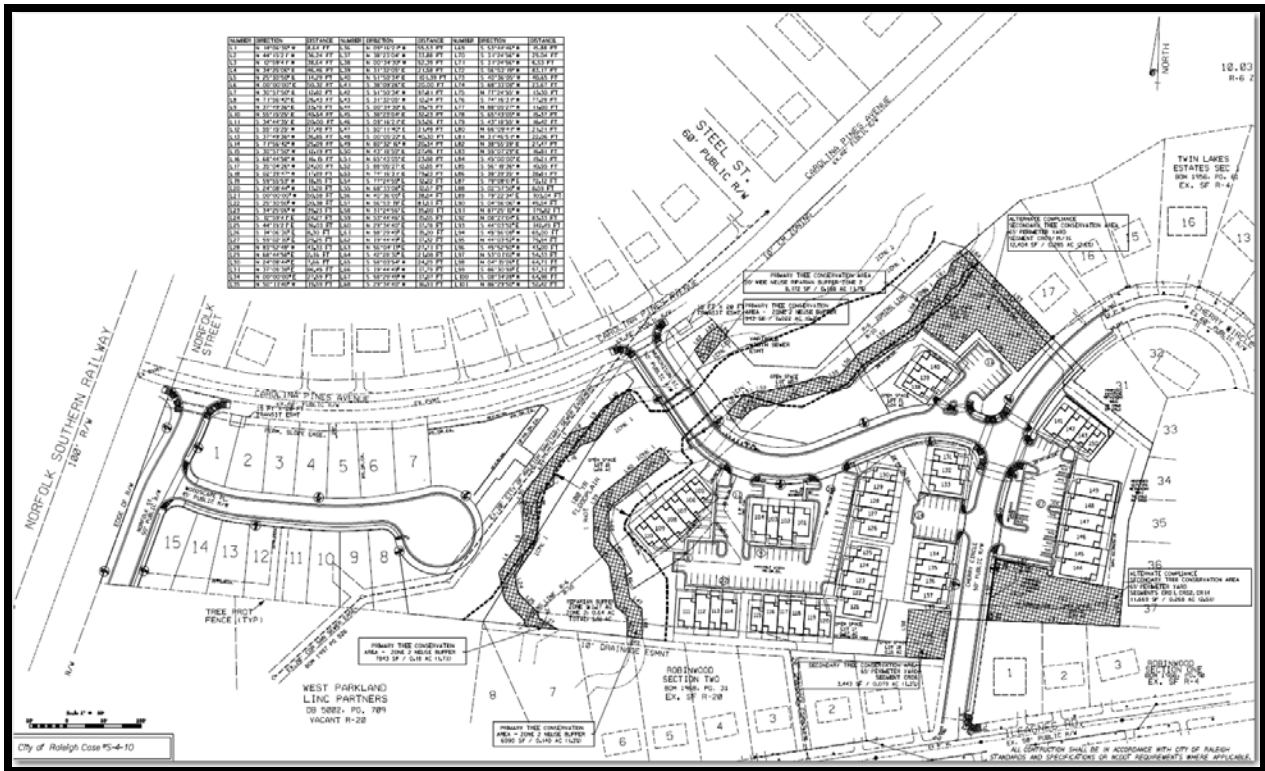
**General Location:** Site is located north off Carolina Pines Avenue, inside the city limits.

**CAC:** Southwest

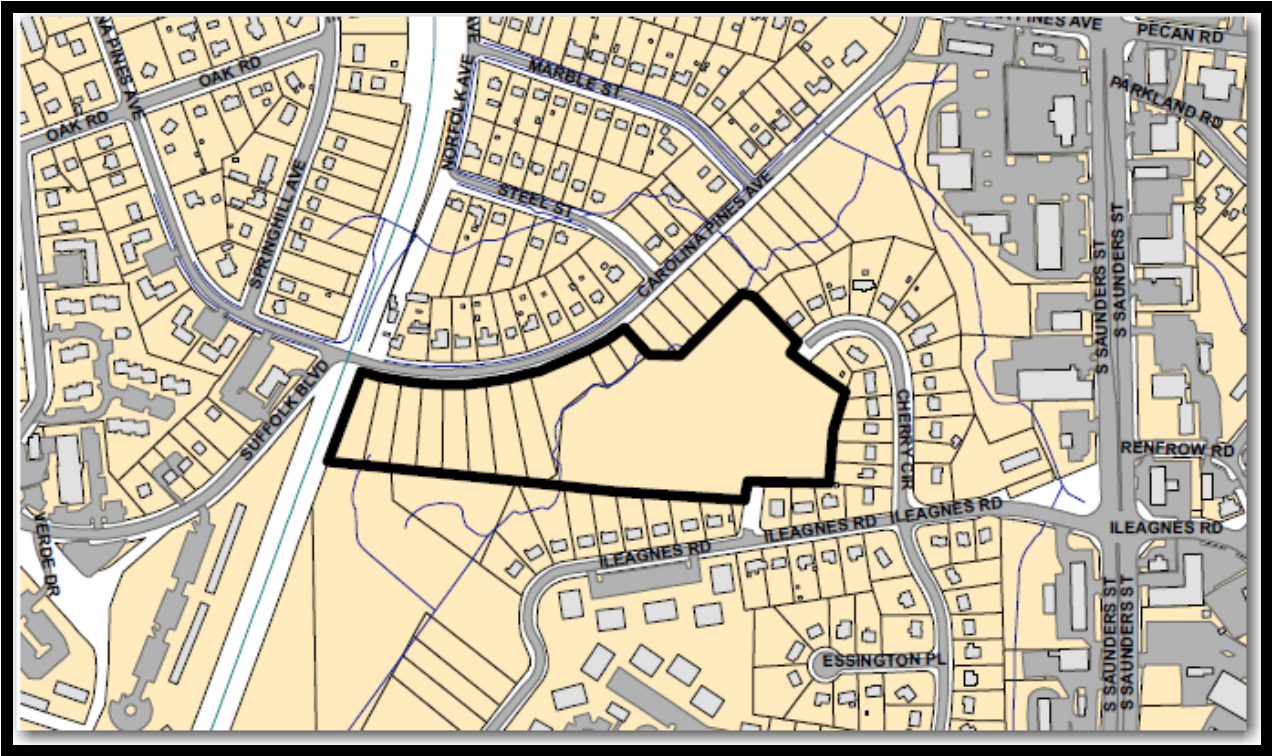
**Nature of Case:** This plan proposes 65 attached townhomes and 15 detached single family lots 10.93 acres. The site is split zoned Residential - 6 (5.04 ac) and Residential - 10 (5.89 ac).

This plan replaces S-120-03 Cherry Ridge approved on 5/24/05.

**Contact:** Wetherill Engineering



S-4-10 Cherry Ridge - revision



S-4-10 Cherry Ridge revision – site location

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**SUBJECT:** S-4-10 / Cherry Ridge

**CROSS-REFERENCE:** S-120-03

**LOCATION:** Site is located north off Carolina Pines Avenue, inside the city limits.

**REQUEST:** This plan proposes 65 attached townhomes and 15 detached single family lots 10.93 acres. The site is split zoned Residential - 6 (5.04 ac) and Residential -10 (5.89 ac). This plan replaces S-120-03 Cherry Ridge approved on 5/24/05.

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**OFFICIAL ACTION:** Approval with conditions

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**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;
- (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 trees located within the 100' Neuse Riparian Buffer;
- (3) That as the developer purposes to disturb a designated riparian buffer for the purpose of a public street crossing, and 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 is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a));
- (4) That a flood study shall be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the purposed stream crossing;

***Prior to approval of construction drawings for public improvements:***

- (5) That a flood study shall be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the purposed stream crossing;
- (6) That as the developer purposes to disturb a designated riparian buffer for the purpose of a public street crossing, and 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 is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a);

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

- (7) That all open space lots (open space lot 15, 19,18,16,20,17 & 14) shall be shown on the recorded map as “unmanaged open space”;
- (8) That an upfront contribution of twenty-four percent (24%) of initial construction cost for stormwater devices is to be paid to the City of Raleigh Stormwater Engineer in accordance with code section 10-9027(b);
- (9) That two (2) 15x20 foot transit easement located on Carolina Pines Avenue be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (10) That prior to recording of lots in phase 2, the applicant submit a cumulative map showing all lots, open space, and public rights-of-way that have been recorded to date along with subdivision case numbers, and a table showing the total units approved in each phase, total and net acreage in each phase, zoning districts and open space allocated for each phase, recorded book and page numbers of required legal documents including amendments and successive annexations to each phase, number of units transferred, and total of all units, acres, and open space for the entire cluster unit development;
- (11) That construction plans for public improvements be submitted and approved by the Public works department;
- (12) That the townhome sub-association legal documents are prepared in accordance with Raleigh City Code Sections 10-3072 and 10-3073 – 3074. The homeowners’ declaration shall contain a provision prohibiting parking on internal private streets and subjecting the violator to fines, and the townhome association common property shall be named sub-association common property. That these documents are recorded with the County Register of Deeds. A recorded copy of these documents must be provided to the Planning Department within 14 days from authorization of lot recording. If recorded copies of homeowner’s documents are not provided to the Planning Department within this 14-day period, further recordings and building permit issuance may be withheld;
- (13) 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;
- (14) That a note be placed on maps for recording: Lots 1-7 will have no direct access on to Carolina Pines Avenue;
- (15) 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."

- (16) 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 claiming under it;
- (17) That the following note be shown on all maps for recording: A minimum finished floor elevation will be required for all lots along the floodplain boundary; flood elevations and boundaries are dynamic and subject to change in the future.
- (18) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (19) That a fee in fee-in-lieu of construction for ½ of a 31-foot b/b street section with 5' sidewalk along Carolina Pines Avenue in an amount determined by the City Engineer, is paid in the Public Works Department;
- (20) That a 20-foot permanent slope easement on Carolina Pines Avenue be dedicated prior to or in conjunction with the recording of any map;
- (21) That as this subdivision plan creates lots less than one acre in size, underground and above ground 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 strict conformity with City approved forms on file in the Planning Department and required by Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b). A recorded copy of these forms 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) Prior to the recording of any new lot served by a shared stormwater control facility or prior to the issuance of any new development permit for any existing lot to be served by a shared stormwater control facility (except for improvements made pursuant to Part 10, Chapter 3 of the Raleigh City Code of Ordinances), the developer shall prepare, on a City-approved form, a Declaration of Maintenance Covenant and Protection Easements to encumber all lots served by stormwater control facilities located within the subject property (and all stormwater control facilities if not located within the property). This Declaration of Maintenance Covenant and Protection Easements must meet all applicable requirements of Section 10-9027(b) of the Raleigh City Code of Ordinances.

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) *Mitchell Selun* Date: 2-8-11

**Staff Coordinator:** Jacque Baker

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

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2019 and 10-2021 Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated 12/14/10, owned by New Hope Investment Corp, submitted by Wetherill Engineering, Inc.

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**CLUSTER STANDARDS:**

**ZONING DISTRICTS:** Residential-6 & Residential-10.

**DEVELOPMENT DENSITY:** The proposed plan contains 65 townhouse units. The plan shows 15 units in the R-6 and 50 units in the R-10 zoning district.

**PHASING:** There are three (3) phases in this development. Phases 1, 2 & 3 are being approved now. The sunset date will apply to the phases 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 3.53 acres and does not require restrictive covenants to be placed on the remainder of the cluster in accordance with 10-3071(b)(9)b.

**LOTS / SETBACK:** There is no minimum lot size for townhome lots; the detached townhomes will be located on lots approximately 4,152 square feet. The aggregate side yard setback for the detached townhomes is 15'. There shall be no less than 5' of side yard setback for the detached units. A perimeter protective yard of 20' is required. However, a 20' perimeter yard is required and shown on the preliminary plan.

**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.

**OPEN SPACE:** Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 1.93 acres required, 33% or 3.64 acres provided. Open space quotient required = 75, provided = 200. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

**PARKING:** Off-street parking conforms to minimum requirements for townhouse lots: 85 spaces required, based on 3 bedroom units and 65 spaces required based on 2

bedrooms for a total of 122 spaces provided. Parking spaces meet minimum standards for size and aisle width.

**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 for the townhouse lots.

**TREE CONSERVATION:** 10.6% or 1.160 acres provided for Tree Conservation.

**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.
Carolina Pines Ave	60' existing	fee for 1/2 31' b/b w 5' side	20' permanent

**TRANSIT:** The following two (2) transit-oriented features of this site are incorporated into the proposed plan: 15x20 along Carolina Pines Avenue.

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

**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 internal street improvements shall conform to City construction standards. Fee in lieu required for Carolina Pines Avenue.

**OTHER GROUP HOUSING STANDARDS:**

Private dead-end streets exceeding 150 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g). The main circulation route through this site meets private street standards. Sidewalks are shown to be provided from the main entrance of each dwelling unit and from all recreation facilities to the public sidewalk system.

**PEDESTRIAN:** Internal proposed sidewalk locations conform to City regulations. Fee in lieu required for sidewalk along Carolina Pines Avenue.

**FLOOD HAZARD:** There are flood hazard areas on this site and shall be shown on all maps.

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Water Quality regulations will be met through a buydown only. Water Quantity regulations will be met through the use of a dry pond in the single family section and underground storage pipes in the townhouse section.

**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)].

**RIPARIAN BUFFER DISTURBANCE**

The developer proposes to disturb a designated riparian buffer for the purpose of a public right of way, 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 contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Stormwater Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

Neuse River riparian buffers are required on this site.

**STREET NAMES:**

5 new street names are required for this development. A street name application has been approved under S-120-03.

**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: 2/8/2014**

Record at least ½ of the land area approved.

**5-Year Sunset Date: 2/8/2016**

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.