



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: S-8-10 / Cobblestone Subdivision

General Location: On the north side of Cobblestone Court, just west of its intersection with Ridge Road, inside the city limits.

Property owner: Mary Ann Rice
Developer: Duke Lazarra Development, LLC
Designer: Bass, Nixon & Kennedy, Inc.

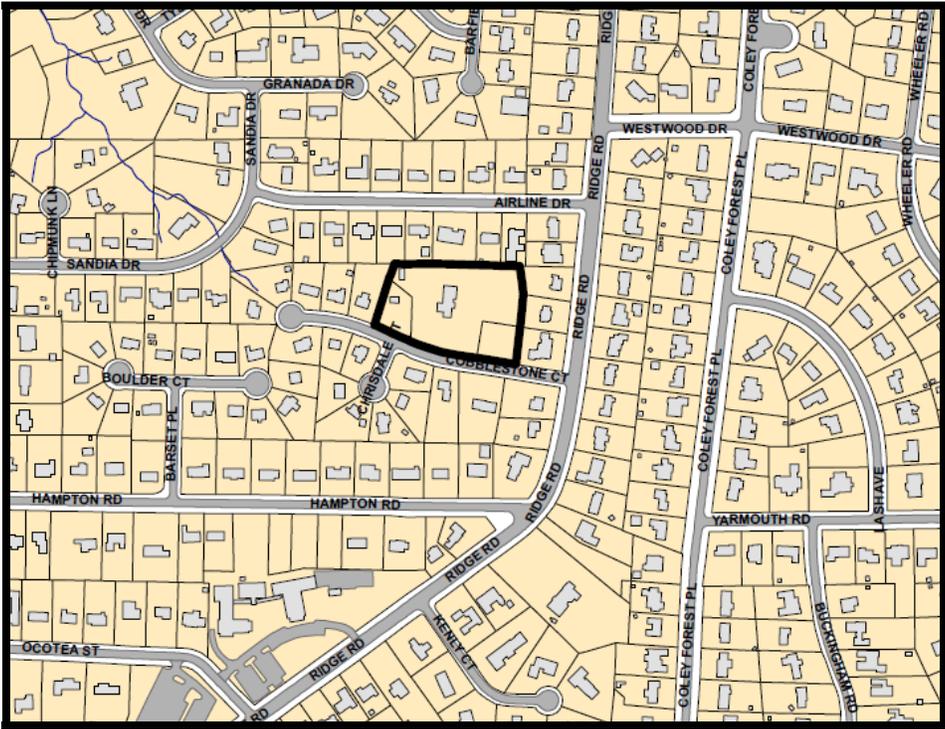
CAC: Glenwood

Nature of Case: This is an "infill" subdivision to reconfigure and subdivide 3 existing lots into 6 lots. The subject parcels total 3.01 acres zoned Residential-4 and are vacant.

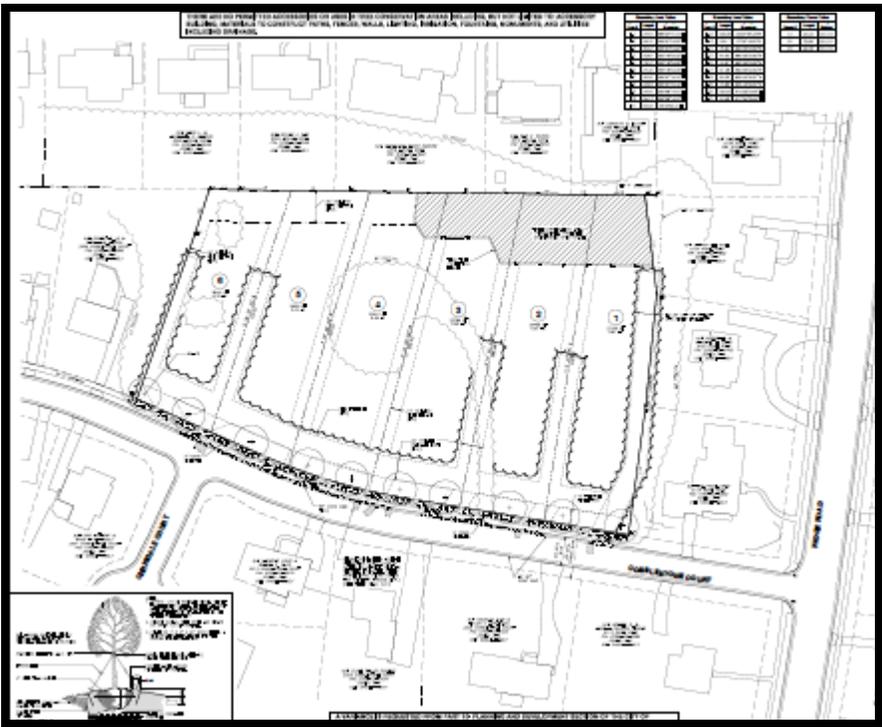
This development constitutes an "infill subdivision" as the parcel is less than five acres, is surrounded on at least 66% of its periphery by developed single-family detached dwellings, and contains six lot frontages that are less than 80% of the median of the surrounding lots. The proposed lots do exceed 80% of the median of the surrounding lot sizes however.

Contact: Danny Howell – Bass, Nixon & Kennedy, Inc.

Key Issues: Planning Commission should evaluate the request using the five standards of code section 10-3032.(d) (as amended by TC-1-10) related to infill projects.



S-8-10 Cobblestone Subdivision - Location Map



S-8-10 Cobblestone Subdivision – Preliminary Subdivision Plan

SUBJECT: S-8-10 / Cobblestone Subdivision

CROSS-REFERENCE: N/A

LOCATION: On the north side of Cobblestone Court, just west of its intersection with Ridge Road, inside the city limits.

REQUEST: This is an “infill” subdivision to reconfigure and subdivide 3 existing lots into 6 lots. The subject parcels total 3.01 acres zoned Residential-4 and are vacant.

The median lot frontage of the surrounding lots is 105', 80% of which is 84'. The proposed lot frontages in the proposed subdivision range from 76' to 81'. The median lot size of the surrounding peripheral lots is .375 acres, 80% of which is .3 acres. The proposed lot sizes in the proposed subdivision range from .38 acres up to .52 acres.

This development constitutes an "infill project" of less than 5 acres surrounded on at least 66% of its periphery by developed single-family detached dwellings, and all proposed lot frontages are less than 80% of the median of the surrounding lots. The proposed lot sizes, however, do exceed 80% of the median lot sizes of the surrounding lots.

<u>Median lot size of surrounding lots</u>	<u>.375 acres (80% = .30)</u>
Proposed lot size lot #1	.51 acres (136% of median)
Proposed lot size lot #2	.51 acres (136% of median)

Proposed lot size lot #3	.52 acres (138% of median)
Proposed lot size lot #4	.48 acres (128% of median)
Proposed lot size lot #5	.43 acres (114% of median)
Proposed lot size lot #6	.38 acres (101% of median)

Median lot frontage of surrounding lots 105' (80% = 84')

Proposed lot frontage lot #1	80' (76% of median)
Proposed lot frontage lot #2	80' (76% of median)
Proposed lot frontage lot #3	81' (77% of median)
Proposed lot frontage lot #4	79' (75% of median)
Proposed lot frontage lot #5	79' (75% of median)
Proposed lot frontage lot #6	76' (72% 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) as amended by TC-1-10. 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 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/18/10, owned by Duke Lazarra Development, LLC., submitted by Bass Nixon & Kennedy, Inc.

ADDITIONAL NOTES: N/A

VARIANCES / ALTERNATES: N/A

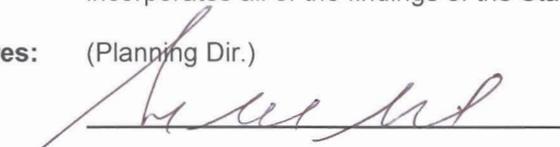
To PC: July 27, 2010
Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Mattox
Second: Smith
In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming, Harris Edmisten, Haq, Mattox, Mullins, Smith, 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.)



date: 7/27/10

(PC Chair)



date: 7/27/10



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

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

- (1) That the Planning Commission finds that this infill subdivision meets the lot layout standards of Section 10-3032(d);
- (2) That restrictive covenants be recorded with the subdivision which require each lot to be developed so that at least two automobile parking spaces are provided on each lot and that they be configured in such a way that at least two automobiles can be parked without the need for one automobile to be parked behind another;

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (3) That prior to the issuance of a grading permit or the recording of the plat whichever first occurs, 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;
- (4) 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, whichever event comes first;

Prior to Planning Department authorization to record lots:

- (5) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (6) That the City's Maintenance Covenant, required by City Code section 10-9027(b) be executed and recorded with the local register of deeds office
- (7) 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 Planning Department 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;

- (8) 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 property owner or property owners' association;"
- (9) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis;
- (10) That all permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently preserved undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment.
- (11) 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;
- (12) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required to 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 accordance with Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b). The City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be obtained from the Planning Department, executed and recorded with the local county register of deeds office prior to recording any homeowner documents;

ZONING:

ZONING DISTRICTS: Residential-4.

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

TREE CONSERVATION: The preliminary plan shows .283 acres or 9.4% of secondary Tree Conservation Areas on the site, which is less than the City Code requirement. If a final tree

survey of the property reveals that additional areas are available to meet the 10% Code requirement, additional tree conservation areas will be provided and the preliminary plan will be revised accordingly. Tree conservation areas which are shown on the preliminary plan are contiguous and run across rear portions of lots 1-4.

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

PHASING: This is a one phase development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No dedication of right-of-way or construction of streets was required for this subdivision.

TRANSIT: No transit-oriented features are incorporated into the proposed plan.

URBAN FORM: Comprehensive Plan Policy EP 2.3—*Open Space Preservation* states that development should “Seek to identify all opportunities to conserve open space networks, mature existing tree stands, steep slopes, floodplains, priority wildlife habitats, and significant natural features as part of public and private development plans and targeted acquisition.”

Comprehensive Plan Policy LU 5.1—*Reinforcing the Urban Pattern* states: “New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.”

Comprehensive Plan Policy LU 8.12—*Infill Compatibility* underscores addressing context: “Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing...”

Comprehensive Plan Policy UD 5.1—*Contextual Design* adds that: “Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.”

HISTORIC DISTRICTS: 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 depth in this zoning district is 100 feet. The minimum lot width in this zoning district is 65’ and the minimum corner lot width is 80’. 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 are perpendicular to street and consistent with peripheral lots.

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: Lots are 4-sided to the extent possible.

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: No lots are configured so as to place one house behind another.

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: Lots are configured to be adequately served by City services, allowing for access of emergency vehicles, and meeting City standards for proximity to fire hydrants and fire lines.

(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: No lots can be further subdivided.

(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: Development is consistent with the Comprehensive Plan.

- (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 development provides residential lots consistent with peripheral development and contains adequate measures to protect other properties, including public corridors from adverse effects expected from the development, including stormwater, traffic, and interference with air, light and privacy 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. There are no dead end streets proposed as part of this development.

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

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required and is proposed on the preliminary subdivision plan along the entirety of the property’s Cobblestone Court frontage.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Stormwater quality regulations will be met through impervious restrictions on each lot of a maximum area of 4812 sf, as well as, a nitrogen buy down payment. The impervious restriction is applied to the subdivision in order to prevent the need for a nitrogen reducing stormwater device.

Stormwater quantity regulations will be met through the use of 6 underground storage pipes; one on each lot.

This subdivision plan creates six lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage

easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh Planning Director that the maintenance covenant is in accordance with Raleigh City Code requirements.

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:**

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

**STREET NAMES:
OTHER
REGULATIONS:**

No new street names are required for this development.

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.