



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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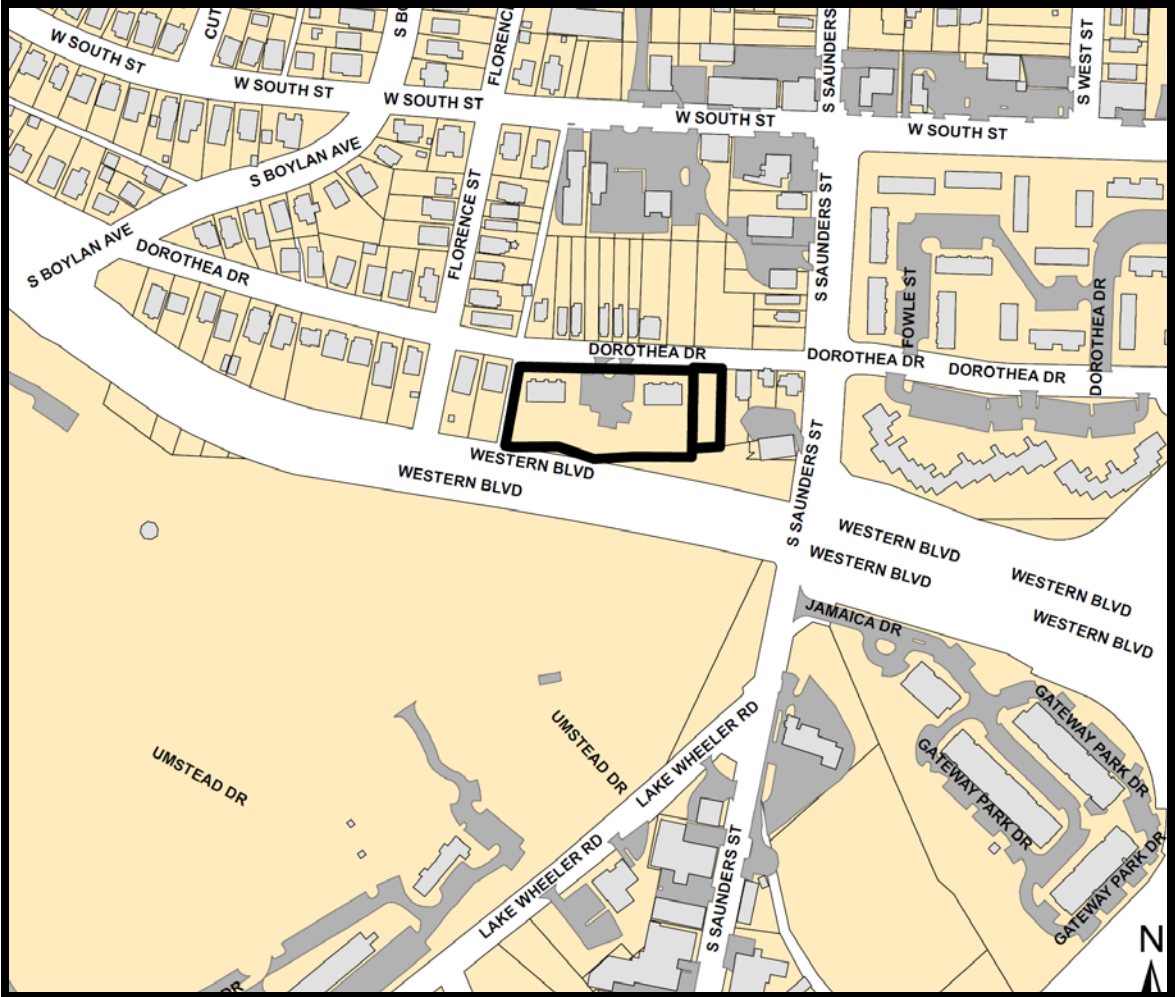
Case File / Name: S-9-13 / Dorothea Commons

General Location: The south side of Dorothea Drive, west of its intersection with S. Saunders Street

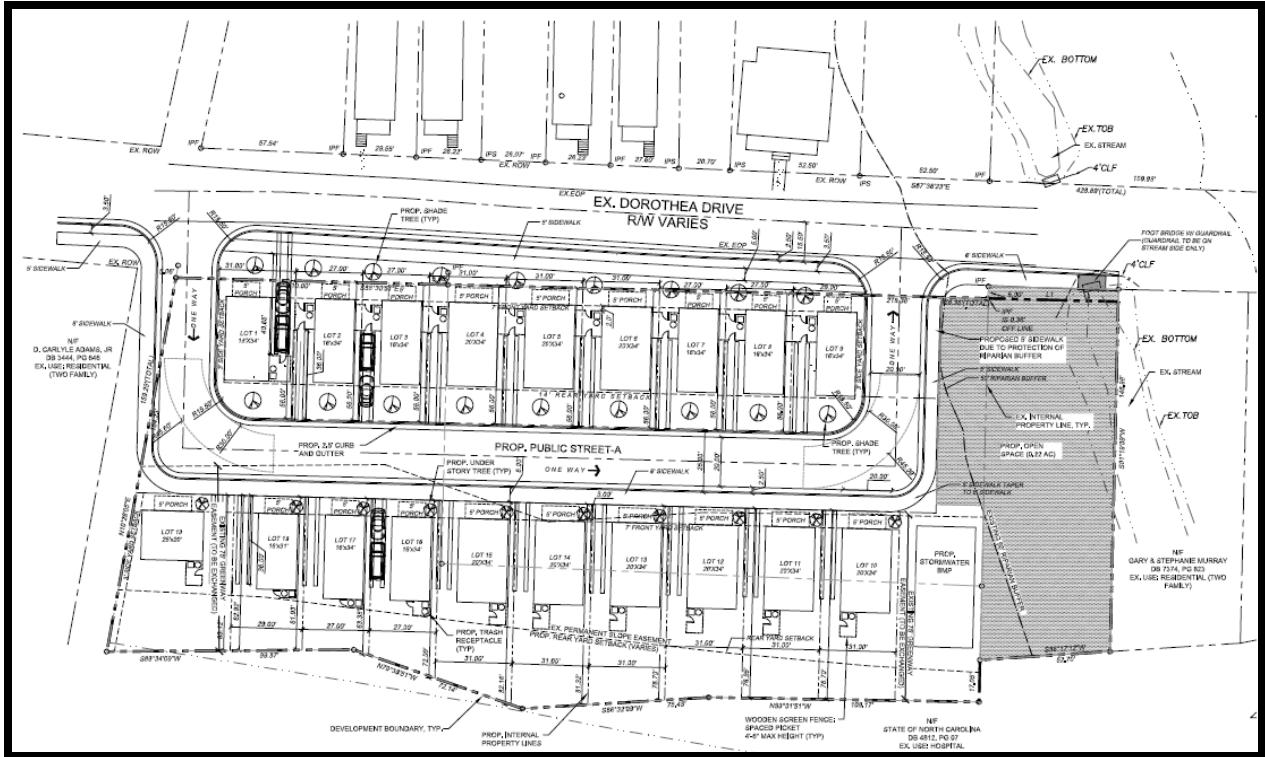
CAC: Central

Nature of Case: The subdivision of a 1.44 acre property zoned Residential-20 with Planned Development Conditional Use Overlay District into 19 single-family residential lots and one open space lot. The Master Plan associated with this site allows for 14 dwelling units per acre which would allow for 20 detached single family dwellings.

Contact: David Gastel, LandDesign



S-9-13 / Dorothea Commons – Site Location Map



S-9-13 / Dorothea Commons – Preliminary Subdivision Plan

SUBJECT: S-9-13 Dorothea Commons

CROSS-REFERENCE: MP-1-11 Dorothea Commons (Z-13-11)

LOCATION: This site is located on the south side of Dorothea Drive between its intersections with South Saunders Street and Florence Street, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 1.44 acre tract into 20 lots (19 single-family, 1 open-space), zoned Residential-20 and Planned Development Conditional Use Overlay District.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: *Prior to issuance of a grading permit for the site:*

- (1) Approval must be obtained from the Division of Water Quality with regard to impacts to the Neuse Riparian Buffer;
- (2) Approval must be obtained from the Division of Water Quality for direct discharge into the stream through the proposed catch basin on top of the existing culvert;

- (3) The level spreader-vegetated filter strip system must be designed as outline in the NC BMP Design Manual for pollutant removal credit. Appropriate details must be shown on the plans;
- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to issuance of a site review permit:

- (5) That all conditions above are met;
- (6) That approval must be obtained from the Division of Water Quality for direct discharge into the stream through the proposed catch basin on top of the existing culvert;

Prior to approval of construction drawings for public or private improvements:

- (7) That approval must be obtained from the Division of Water Quality with regard to impacts to the Neuse Riparian Buffer;
- (8) That approval must be obtained from the Division of Water Quality for direct discharge into the stream through the proposed catch basin on top of the existing culvert;
- (9) That in accordance with the approved Master Plan conditions, the location of fire hydrants 10-2057(f) (2) I, 7. Fire Hydrants are located at every "named" street intersection per City of Raleigh Public Utilities Handbook 2005 Ed. Water Design Standards 1.c.3 (Sheet C 2.2). All parts of all buildings or any structure shall be within 300 feet of a fire hydrant.
- (10) That the level spreader-vegetated filter strip system must be designed as outline in the NC BMP Design Manual for pollutant removal credit. Appropriate details must be shown on the plans;

Prior to Planning Department authorization to record lots:

- (11) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
- (12) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (13) That Infrastructure Construction Drawings must be approved by the Public Works Department;
- (14) 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;

- (15) Private drainage easement around the stormwater device must be shown on the plat for maintenance purposes. This easement must be extended to a public right of way;
- (16) 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 county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (17) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (18) That prior to approval of a subdivision plat for recording, the HOA must be established with the Secretary of State and that the restrictive covenants assuring the privacy of the residences has been recorded with the Wake County Register of deeds noting that: "Building walls with less than 3 feet to the property line will not have window openings.";

Prior to issuance of building permits:

- (19) That all Driveways and driveway easements be approved separately. No driveways or driveway easements are approved with this preliminary plan;
- (20) That all conditions of the master plan related to the approval of small lots are provided for on the plot plans. This includes all items listed in section of this report under the headings Unity of Development and Master Plan Standards (addressing solid waste receptacle locations, building materials and elements, fire, mailboxes or items listed);
- (21) That as the residential building code has become more restrictive than when this zoning case was originally approved, all setbacks and separations for building walls will be in accordance with the residential building code at the time of permit issuance;
- (22) That when 75% of the permits have been issued for residential developments, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 time the cost of public or private improvements will be provided to the Public works Department for the uncompleted portions and roadway extensions;
- (23) That if the proposed stormwater device does not have an as-built plan and a certification completed in a timely manner, further building permits within the subdivision may be placed on hold until the certification is completed.

(24) That all applicable conditions of the Master Plan are incorporated into proposed permit review such as but not limited to architectural features, location and review of window openings with setbacks

(25) That if the proposed stormwater device does not have an as-built plan and a certification completed in a timely manner, this may become a condition of a future building permit within the subdivision.

Prior to issuance of an occupancy permit:

(26) For residential subdivisions, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;

(27) That all public improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

(28) That the applicant submits as built drawings for approval by the Public Works Department for all stormwater facilities;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell R. L. (C. H. L.)

Date:

5-7-13

Staff Coordinator:

Eric Hodge, AICP

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 10-2103, 10-2023, 10-2057 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/14/13, submitted by LandDesign.

ZONING:

**ZONING
DISTRICTS:**

Residential-20 with Planned Development Conditional Use Overlay District (MP-1-11/Z-13-11)

LANDSCAPING:

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

**TREE
CONSERVATION:**

The proposed development is less than two acres in size and there are no groups of trees with a basal area greater than 30 within 50' of a thoroughfare and is therefore exempt from Tree Conservation requirements.

**UNITY OF
DEVELOPMENT:**

Unity of development and sign criteria are not required in this development. However, the Master Plan does set out the following Architectural Requirements:

- A. Compatibility of character between single-family detached houses shall be achieved as follows:
 - 1. Historic Reproduction Homes (18-19 of the units)
 - a. Street Entrances: All buildings primary entrances shall be oriented to and visible from the street providing primary access to the building lot.
 - b. Roof Pitch: All primary roofs shall exhibit a minimum 4:12 pitch.
 - c. Porches: All houses will have a large covered porch entry. The dimensions of those porches shall be a minimum of 5' in depth and a minimum area of 50 square feet.
 - 2. Neighborhood Shop Style Homes (0-2 units)
 - a. This project is closely modeled after the historic Rosengarten Park neighborhood which primarily consists of small homes built on small lots, but also contained two small masonry shop buildings that have been converted to residences.
 - b. These units will be single family residences.
 - c. Masonry Facades: the primary façade will be masonry.
 - d. Parapet Walls: parapet walls will conceal shed roofs so that the roof is not visible from the front street.
 - e. Roof Pitch: the primary roof will be shed style with a pitch of 4:12 or less.
 - f. Covered Entrance: the buildings will have a minimum covered entrance in keeping with the style of the building and of at least 20 square feet.
- B. The building exterior will be finished with either:
 - 1. A minimum of 40% painted "Hardi Plank" siding (or similar product).
 - 2. Or a minimum of 40% brick or other masonry product.
- C. Vinyl siding or soffit is prohibited.
- D. Fenestration: Front facades will have a minimum of 15% doors and windows.

PHASING: No phasing plan was submitted with the preliminary subdivision. If it is to be phased, a phasing plan must be submitted and approved with Infrastructure Construction Drawings.

**COMPREHENSIVE
PLAN:**

GREENWAY: On May 1, 2012 the City Council approved a greenway easement exchange in accordance with the open space proposal found in the proposed Master Plan. The development has provided an easement exchange to facilitate the extension of the Rosengarten Greenway. The proposed development had an existing greenway easement that the City had no current plans to use. Adjacent to the site the City has a planned greenway. The developer and the City recently did a greenway easement exchange to facilitate the extension of the Rosengarten

Greenway as an offset for the City vacating the existing greenway easement that encumbered the proposed development, thereby removing the encumbrance.

**THOROUGHFARE
/ COLLECTOR**

PLAN: No dedication of right-of-way or construction of streets was required by the Thoroughfare and Collector Street Plan.

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

URBAN FORM: This site is identified as Moderate Density Residential and Public Park and Open Space on the Future Land Use Map. The Moderate Density Residential envisions newer small lot single family subdivisions and patio home developments with a gross density not exceeding 14 units per acre. The Public Parks and Open Space category applies to permanent open space intended for recreational or resource conservation uses. The rezoning case is consistent with the Moderate Density Residential designation as the conditions do limit the number of units to 14 units/acre or less. The rezoning is consistent with the Public Park and Open Space designation as the master plan seeks to place private open space within the portion of the site designated Public Park and Open Space.

**MASTER PLAN / SUBDIVISION
STANDARDS:**

12. ALTERNATE DESIGNS

The elements of this Master Plan proposed as alternative means of compliance with respect to the provisions of Code Section 10-2057, are as follows:

a. Lot Sizes 10-2057(f) (2) 1.

Minimum Lot requirements – Lot area 1,500 sq.ft., Lot width 16 feet

b. Utility Service 10-2057(f) (2) 1, 1.

Water and sewer access shall be provided from water and sewer line extension located within a public right of way and utility easements. A conceptual water and sewer plan is illustrated in the Exhibit labeled Utilities Plan (Sheet C 2.2).

c. Solid waste collection location and screening 10-2057(f) (2) 1, 2.

Service Area Screening – trash receptacles (96-gallon residential individual roll-out refuse containers) will be located as required by the City of Raleigh Solid Waste Services Collection Design Manual and will be screened with fencing suitable for residential neighborhoods located at end of driveways or rear of primary structure. (See Sheet C 2.0).

d. Mailboxes 10-2057(f) (2) 1, 3.

Mailboxes will be located on front of houses and be accessible from Public Street.

c. Emergency access 10-2057(f) (2) 1, 4.

A minimum 20' clear aisle width for emergency vehicle access shall be provided continuously along one way public streets.

d. Street cross sections 10-2057(f)(2)1, 5.

Street Section Designs

Due to the pedestrian oriented, urban mixed use character of the Development, the applicant is seeking to utilize street sections shown on the Street Section Plans submitted with this Master Plan (see plan sheet 2.3). The street design shall be in accordance with City Code section 10-2057 (f) (4) j., 1. These street sections may require the placement of plantings within the public rights of way subject to entering in to appropriate encroachment agreements with the City. These sections show a proposed alternate section in order to support the urban character of the neighborhood. A minimum 20' clear aisle width for emergency vehicle access shall be provided continuously along one way public streets.

e. Street trees 10-2057(f) (2) 1, 6.

A minimum of 1 street tree shall be provided in front yard per lot and shall be 3.5-inch caliper/14'height (minimum, measured ½ foot above grade) at time of installation; minimum installation size shall not apply to ornamental/understory trees not utilized for landscape ordinance. Dorothea Commons street tree installations will include:

1. Dorothea Drive
2. Proposed Public Street 'A'

f. Location of fire hydrants 10-2057(f) (2) 1, 7.

Fire Hydrants are located at every "named" street intersection per City of Raleigh Public Utilities Handbook 2005 Ed. Water Design Standards 1.c.3 (Sheet C 2.2). All parts of all buildings or any structure shall be within 300 feet of a fire hydrant.

g. Method of fire prevention 10-2057(f) (2) 1, 8.

Fire protection service shall be provided by City of Raleigh Fire Depart. A minimum 20' clear aisle width for emergency vehicle access shall be provided continuously along one way public streets.

h. Passive and Active Open Space 10-2057(f) (2) 1, 9.

A minimum of fifteen percent (15%) of the Development will be reserved as open space. The majority of the open space will be part of the riparian buffer feature. The site layout has been designed to make this area available to the proposed community.

i. Parking and garage layout 10-2057(f) (2) 1, 10.

A minimum of 2 parking spaces per lot will be provided as shown on the Layout (Sheet C 2.0). No garages will be allowed.

j. Privacy of residences 10-2057(f) (2) 1, 11.

The Privacy of residences restrictions will be included in restrictive covenants of a Homeowners Association (HOA) which shall be enforced by the (HOA). Prior to approval of a subdivision plat, the developer or owner shall show proof to the City of Raleigh that the (HOA) has been established with the N. C. Secretary of State, and provide a copy of the restrictive covenants that have been recorded with the Wake County Register of Deeds. Such restrictive covenants shall include the following requirements, restrictions and prohibitions:

1. Building walls with less than 3 feet to the property line will not have window openings.

LOT LAYOUT: The minimum lot size in this Planned Development Conditional Use Overlay zoning district is 1500 square feet. The minimum lot width in this Planned Development Conditional Use Overlay zoning district 16'. Lots in this development conform to these minimum standards.

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient 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.

- 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:** Individual lot service by the City is to be provided in accordance with items listed as conditions in item c. for the conditions of approval.
- CIRCULATION:** 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 does not meet the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. Street alternatives have been requested by the applicant. No dead end street in this development exceeds 800 feet in length. Transportation Services has verified that the alternate street designs conform to City Code section 10-2075(f) (4) j.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along Dorothea Drive and along proposed Public Street A. Sections of sidewalk are shown as 5' wide and 6' wide on the preliminary plan.
- FLOOD HAZARD:** Neuse River riparian buffers are required on this site.
- STORMWATER MANAGEMENT:** Water Quality regulations are being met through the use of a level spreader/vegetated filter strip and a buydown payment. Water quantity is not required on site because of the proximity of the FEMA floodplain and the inlet control condition of the culvert under Western Blvd. which discharges directly into the FEMA floodplain.

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. 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

Lots less 2 acres - This subdivision plan creates two or more 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 City Attorney that the maintenance covenant is in accordance with Raleigh City Code requirements.

Replacement - A "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installation 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:

One new street names are required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

**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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 5/7/2016

Record at least ½ of the land area approved.

5-Year Sunset Date: 5/7/2018

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.