



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: S-12-09 / Cranbrook Road Subdivision

Owner: Matt Baldwin Homes, LLC
Designer: B.L. Scott & Company

General Location: On the south side of Cranbrook Road west of Six Forks Road, inside the city limits.

Planning District / CAC: North Hills / Six Forks

Nature of Case: Reconfiguration and subdivision of 2 existing lots on .953-acres, BK 1954 PG 36, into 3 single-family lots zoned Residential-4. There are two existing houses on the lots that will be removed.

This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains one or more lot frontages less than 80% of the median of the surrounding lots, or contains one or more lot sizes less than 80% of the median of the surrounding lots or contains both lot frontage and lot size which is less than 80% of the median of the surrounding lots.

Lot 1 will be .315-acres (13,709 square feet) with a road frontage of 66.72' along Cranbrook Road.

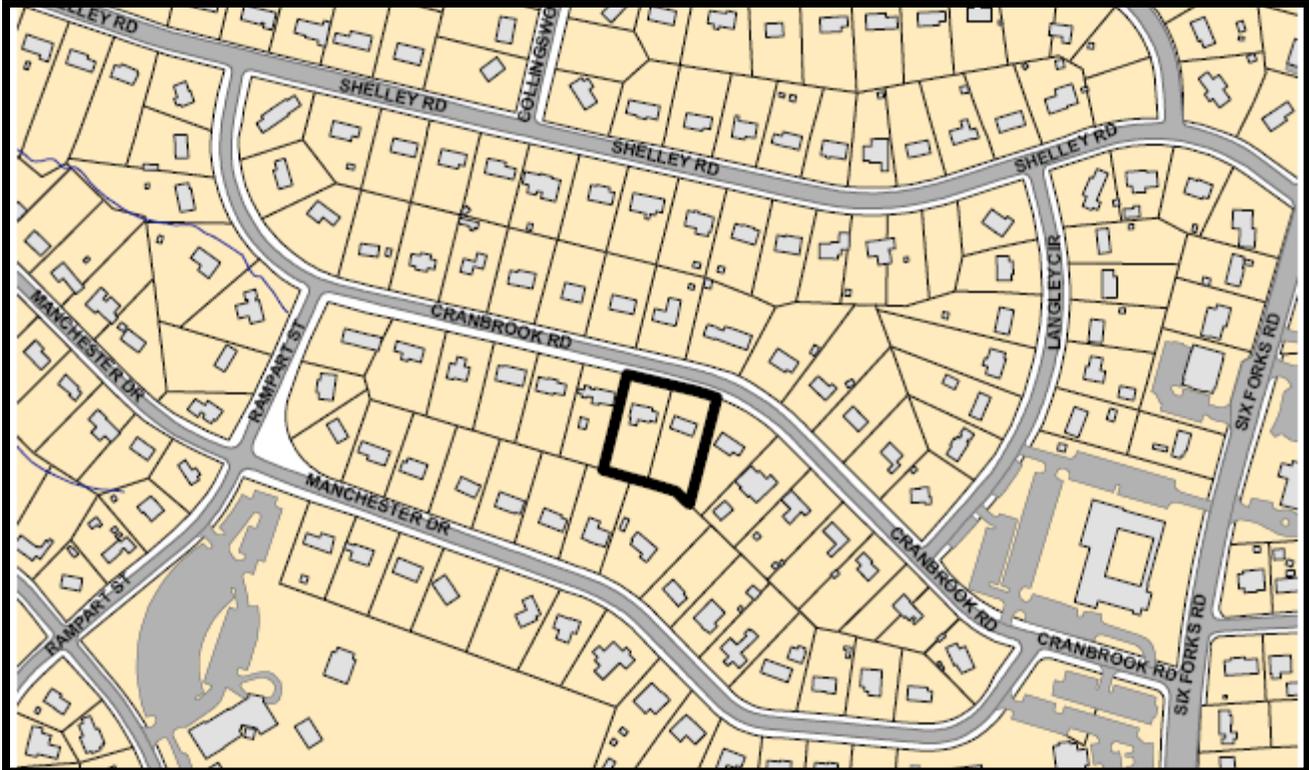
Lot 2 will be .319-acres (13,887 square feet) with a road frontage of 66.72' along Cranbrook Road.

Lot 3 will be .319-acres (13,904 square feet) with a road frontage of 66.72' along Cranbrook.

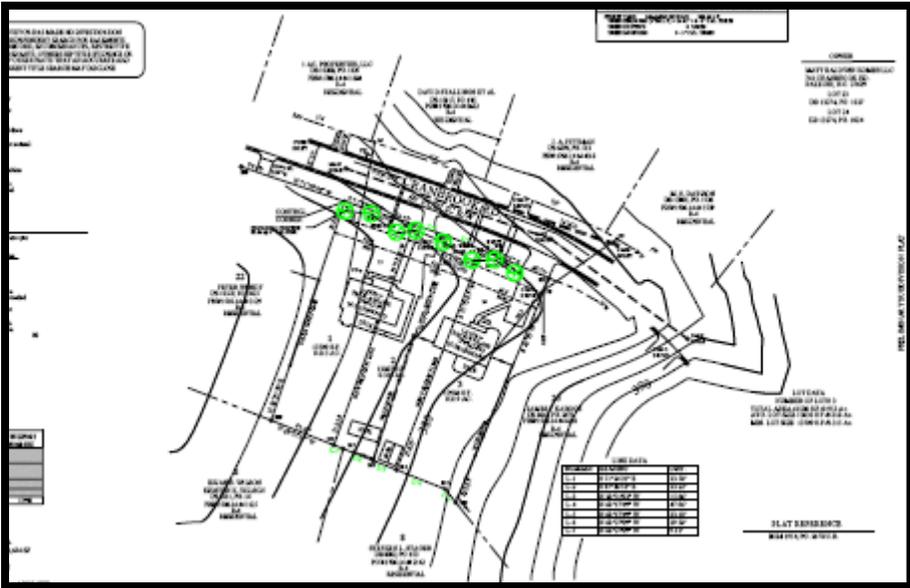
All 3 lots fail to meet 80% of the median road frontage and 80% of the median lot acreage of surrounding lots.

Key Issues: Planning Commission should evaluate this request utilizing the infill standards of code section 10-3032(d) as found on page 9 of this staff report.

Contact: B.L. Scott & Company



S-56-08 Cranbrook Subdivision – site location



S-56-08 Cranbrook Subdivision – preliminary plan

SUBJECT: S-12-09 / Cranbrook Subdivision
CROSS-REFERENCE: S-56-08
LOCATION: On the south side of Cranbrook Road west of Six Forks Road, inside the city limits.
REQUEST: Reconfiguration and subdivision of .953-acres, 2 existing lots, BK 1954 PG 36, into 3 single-family lots zoned Residential-4.

This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and which contains one or more lot frontages less than 80% of the median of the surrounding lots, or contains one or more lot sizes less than 80% of the median of the surrounding lots or contains both lot frontages and lot sizes which are less than 80% of the median of the surrounding lots.

<u>Median lot size of surrounding lots</u>	<u>.49 acres (80% = .392)</u>
Proposed lot size lot #1	.315 acres (64% of median)
Proposed lot size lot #2	.319 acres (65% of median)
Proposed lot size lot #3	.319 acres (65% of median)
<u>Median lot frontage of surrounding lots</u>	<u>100' (80% = 80')</u>
Proposed lot frontage lot #1	66.72 (66% of median)
Proposed lot frontage lot #2	66.72' (66% of median)
Proposed lot frontage lot #3	66.72 (66% 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 conforms to Chapter 2, Part 10, Section 10-2017, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 01/12/09, owned by Matt Baldwin Homes, LLC, submitted by B.L.Scott & Company.

ADDITIONAL NOTES: The applicant offered a revised condition at the public hearing. The revised condition approved by Planning Commission was a 50' front yard setback to be congruous with the adjunct lots and this setback requirement will be for all three lots as approved in this subdivision. This setback is to be shown on all recorded maps.

To PC: 4/14/09

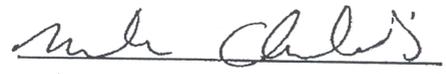
Case History: The original subdivision S-56-08 Cranbrook Road was denied by Planning Commission on March 24, 2008. Without the benefit of applicant appearing before the Planning Commission to provide additional information on the case, the Planning Commission was unable to determine that the request met the standards of approval required by Section 10-3032(d) of the City Code.

Staff Coordinator: Jacque Baker

Motion: Gaylord
Second: Smith
In Favor: Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith, Vance
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: 4/15/09 _____

date: 4/15/09 _____



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);

The applicant has provided materials and information to meet standard 5 of code section 10-3032(d) (5) for the following:

- Air, Light and privacy
- Building Heights

The owner has proposed in writing the following:

- **Height:** Maximum building height not to exceed 36-feet from average natural ground elevation (as measured pursuant to City of Raleigh Code section 10-2076(b));
- **Size.** Maximum floor area gross shall not exceed 3,500 square feet exclusive of porch areas, basement and finished floor attic spaces; (The definition of floor area gross shall be pursuant to City of Raleigh Code section 10-2002);

Administrative Actions:

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

- (2) 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;
- (3) 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;

Prior to Planning Department authorization to record lots:

- (4) That the owner is responsible for the preparation of a restrictive covenant for lots 1, 2 & 3 establishing a maximum floor area gross of not more than 3,500 square feet [Floor are gross being defined as set forth in Raleigh City Code Section 10-2002] exclusive of porch, basement and finished floor attic spaces, and a maximum building height not to exceed 36-feet [as measured per Raleigh City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation, and no amendment or termination of this restrictive covenant shall be made

without the prior written consent of the Raleigh City Attorney. That the approved restrictive covenant shall be recorded with the local county register of deeds office. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of 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;

- (5) That a recombination map be recorded prior to or in conjunction with the recording of lots, reconfiguring the existing lots;
- (6) That a demolition permit be issued by the Inspections Department for the removal of the existing buildings and the demolition permit number be shown on all maps for recording;
- (7) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b)(1), detailed engineering studies shall be submitted to the Stormwater Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that shows the increase in peak stormwater runoff between pre-development and post-development conditions for the two-year storm is ten percent 10% or less at each point of discharge,
- (8) 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;
- (9) That the recorded plat contain the following note: "A restrictive covenant for lots 1, 2 & 3 has been recorded for lot impervious surface area, house size and building height;
- (10) That the following note be placed on all maps for recording; That the maximum impervious surface coverage for lots 1, 2 & 3 shall not exceed 2,898 square feet per lot;
- (11) That the City Attorney shall approve a restrictive covenant limiting the maximum impervious surface coverage of lots 1, 2 & 3 not to exceed 2,898 square feet per lot. Impervious surface shall be defined as set forth in Part 10 Chapter 9 of the Raleigh City Code. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. This covenant shall be recorded with Wake County Register of Deeds Office. This restrictive covenant may be combined with the covenant required by condition of approval number 4 above. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of 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;
- (12) That a final detailed landscape plan showing street protective 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;

- (13) That a fee in fee-in-lieu of construction for ½ of a 5' sidewalk along Cranbrook Road in an amount determined by the City Engineer, is paid in the Public Works Department;
- (14) That the 50' foot front yard setback to be congruous with adjacent lots and this setback shall be shown on all maps for recording;

Prior to issuance of building permits in the Inspections Department:

- (15) That as part of building permit applications a copy of the recorded restrictive covenants required by conditions of approval number 4 and 11 be submitted to the Inspections Department;
- (16) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum amount of impervious surface coverage of the development on a per lot basis;

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

- (17) That the approved landscaping be installed for lots 1, 2 and 3 and be inspected by the zoning inspector prior to issuance of Certificates of Occupancy;
- (18) That the maximum impervious surface coverage for lots 1, 2, & 3 shall not exceed 2,898 square feet per lot.

ZONING:

ZONING DISTRICTS: Residential-4.

LANDSCAPING: The preliminary Street yard landscaping per code Section 10-2082.5 is shown.

TREE CONSERVATION: This is a residential use less on a site less than 2 acres in size therefore no tree conservation is required.

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Required right-of-way and construction exist along Cranbrook Road. A fee in lieu for ½ of a 5' sidewalk is required along Cranbrook Road.

TRANSIT: No transit-oriented features are incorporated into the proposed plan. The City's Transit Technician determined there was not a need for any improvements at this location.

URBAN FORM: This site is located in the North Hills Planning District, and is designated for residential development.

**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'. Lots in this development conform to these minimum standards. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lots is 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.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with 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 Planning Commission first finds that the infill project is in accordance with the general plans for the physical development of the *City* as embodied in the *Comprehensive Plan* (including the design standards contained therein), redevelopment plans, Streetscape Plans, Neighborhood Plans or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent *shall* apply.

(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 interference with air, light and privacy of surrounding residential properties.

BLOCK LAYOUT: No new streets are proposed with 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: Individual lot service by the City is to be provided.

CIRCULATION: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

PEDESTRIAN: Fee in lieu required for ½ of a 5' sidewalk along Cranbrook Road.

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. . Lots 1, 2 & 3 will have a maximum impervious surface limitation. Lot impervious coverage will be limited to not to exceed the 10% runoff threshold for stormwater runoff control and as set forth in Raleigh City Code section 10-9023(b)(1).

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)].

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.

Matt Baldwin Homes, LLC

741 Cranbrook Road
Raleigh, NC 27609
919-633-0687

To Whom It May Concern:

Restrictive Covenants for Cranbrook Subdivision

Matt Baldwin Homes, LLC hereby declare that the real property located and 721 and 741 Cranbrook Road, Raleigh, North Carolina, 27609, shall be held, transferred, sold and conveyed subject to the following restrictive covenants. These Covenants shall apply to and run with the land and whosoever owns it:

1. DWELLING SIZE- The maximum gross floor area of any dwelling constructed on the property (as defined in Raleigh City Code Section 10-2002) may be no more than 3,500 square feet, excluding finished floor attic, basement, Decks, and porch areas.
2. MAXIMUM BUILDING HEIGHT- The maximum building height of any dwelling constructed on the property cannot exceed 36 feet from the average natural ground elevation {as per Raleigh City Code Section 10-2076(b)}.
3. TERM- These covenants shall run with the land and bind with the land and all owners thereof.

Sincerely,

Matt Baldwin
Owner