



Administrative Action Preliminary Subdivision

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

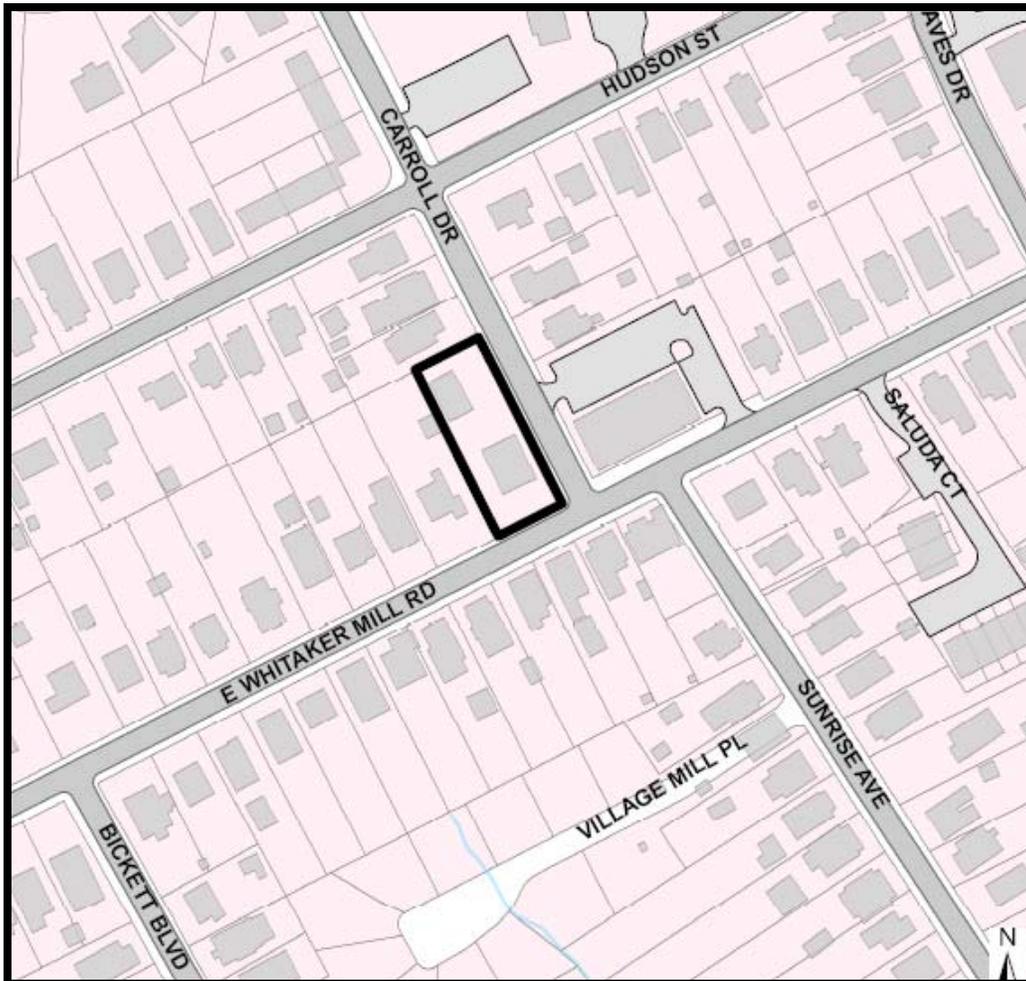
Case File / Name: S-13-09 / Lots 1 & 2 Winters Property

General Location: Northwest corner of the intersection of Whitaker Mill Road and Carroll Drive

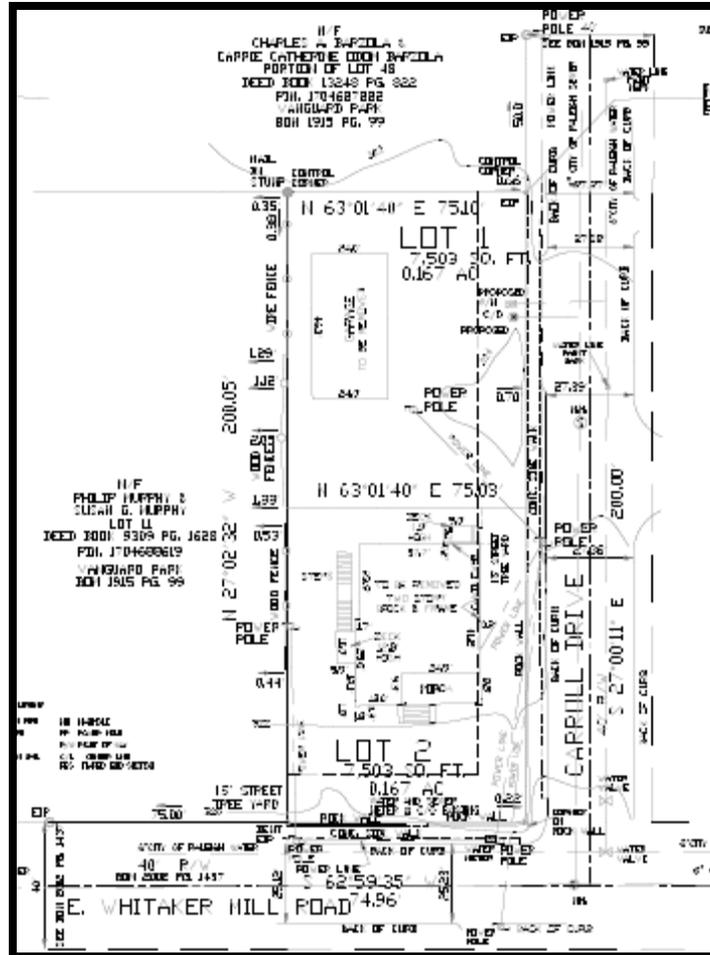
**Planning District
/ CAC:** University / Five Points

Nature of Case: The subdivision of a .34 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (Five Points East) into two lots. This is not an infill subdivision because both the proposed lot sizes and street frontages exceed 80% of the median lot sizes and street frontages of the peripheral lots.

Contact: John Y. Phelps, Jr. Professional Surveyor



S-13-09 / Lots 1 & 2 Winters Property – Location Map



S-13-09 / Lots 1 & 2 Winters Property – Subdivision Plan

SUBJECT: S-13-09 / Lots 1 & 2 Winters Property

CROSS-REFERENCE: Z-50-04

LOCATION: This site is located on the northwest corner of the intersection of Whitaker Mill Road and Carroll Drive, inside the City Limits.

REQUEST: This request is to approve the subdivision of a .34 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (Five Points East) into two lots. This is not an infill subdivision because both the proposed lot sizes and street frontages exceed 80% of the median lot sizes and street frontages of the peripheral lots. The median street frontage of the peripheral lots is 62.5 feet, 80% of which equates to 50 feet. The minimum street frontage proposed is 70 feet. The median lot size of the peripheral lots is 7,405 square feet, 80% of which equates to 5,924 square feet.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to Planning Department authorization to record lots:

- (1) That the plat submitted for recording contain the notation that "Lot 2 shall not have driveway access to E. Whitaker Mill Road";
- (2) That the plat submitted for recording contain the notation that if the existing sewer lines cross the proposed new property line then a new tap will be required and old one will be removed as per City of Raleigh code;
- (3) That ½ of a 80' wide right of way along Whitaker Mill Road 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;
- (4) That ½ of a 40' wide right of way along Carroll Drive 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;

Prior to issuance of building permits in the Inspections Department:

- (5) That the proposed buildings meet the following Five Points East Neighborhood Conservation Overlay District conditions apply unless otherwise amended by the City:
 - (a) Lot size: maximum of 13,067 square feet.
 - (b) Front yard setback: within 10% of the average front yard setback of houses on the same block face as the new construction.
 - (c) Height: maximum height of 35'. Over 35' would only be allowed if average height of houses on the same block face as the new construction is above 35', and then the allowed height would be within 10% of the average height of houses in the same block face as the new construction.

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell Pilm (C. Hodge)

Date:

6.6.09

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 10-2021, 10-2054 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/9/09, owned by John, W. Winters Sr. Trustee Edward Roland Winters, submitted by John Y. Phelps Jr.

ZONING:

ZONING DISTRICTS: Residential-10 and Neighborhood Conservation Overlay District (Five Points East). Ordinance (2004) 717ZC557. Effective 10-05-2004.

Z-50-04 – Whitaker Mill Road, north and south sides, being various Wake County PIN's. Approximately 192.0 acres currently zoned Residential-6, Residential-10 and Shopping Center Conditional Use zoned with Neighborhood Conservation Overlay District.

Policies

- Establish a Neighborhood Conservation overlay zoning district for the core area (see map); the regulations for that district are proposed as follows:

Lot size: maximum of 13,067 square feet

Front yard setback: within 10% of the average front yard setback of houses on the same block face as the new construction

Height: maximum height of 35'. Over 35' would only be allowed if average height of houses on the same block face as the new construction is above 35', and then the allowed height would be within 10% of the average height of houses in the same block face as the new construction.

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

TREE CONSERVATION: This site is residential and less than two acres in size, therefore compliance with code section 10-2082.14 is not required.

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

PHASING: There is only one phase in this development.

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.
Whitaker Mill Road	½ 80'	N/A	N/A
Carroll Drive	½ 50	N/A	N/A

Additional right-of-way dedicated in excess of 22.5' from the roadway centerline is reimbursable under the facility fees program at rates set by Raleigh Municipal Code.

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

URBAN FORM: This site is located in the University Planning District and designated for low density residential uses. The current zoning on the property permits medium density residential uses. There is also a Neighborhood Conservation Overlay that applies to this property – the Five Points East NCOD.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70 feet. The minimum lot width in this zoning district is 45 feet and 60 feet for corner lots. Lots in this development conform to these minimum standards. Both proposed lots exceed 80% of the median lot size and street frontage of the surrounding peripheral lots as defined in Code Section 10-3032(d).

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.

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: Existing street improvements conform to normal City construction standards.

PEDESTRIAN: Existing sidewalk locations conform to City regulations. A sidewalk is currently provided along the property's frontage on both Whitaker Mill Road and Carroll Drive.

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

**STORMWATER
MANAGEMENT:** This site is exempt from Stormwater Regulations per code section 10-9021 (3) as the subdivision is comprised of a lot less than one acre in size. Existing impervious surfaces on the lots are "grandfathered".

**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.

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: 6/6/2012
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/6/2014
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.