



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-13-12 / Brookhaven Place Subdivision

Property owner: JTC, Inc.
Designer: Spaulding & Norris, P.A.

General Location: Southwest corner of the intersection of Jeffreys Grove School Road and Ponderosa Road

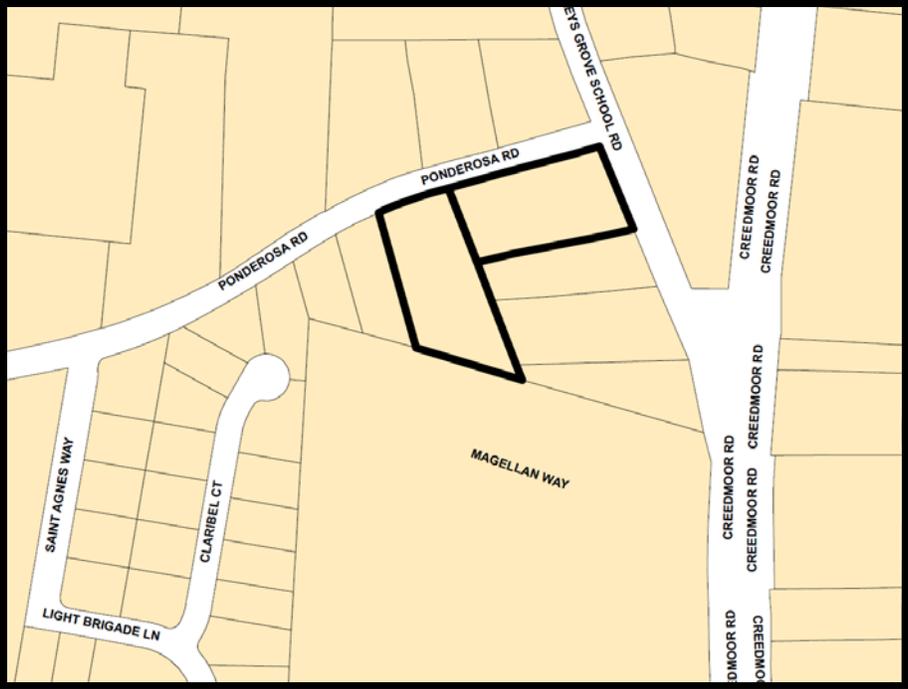
CAC: Northwest

Nature of Case: This is an "infill" subdivision to reconfigure and subdivide 2 existing vacant lots into 6 lots. The subject parcels total 2.32 acres, are zoned Residential-4 and are vacant. The overall residential density proposed is 2.58 units per acre.

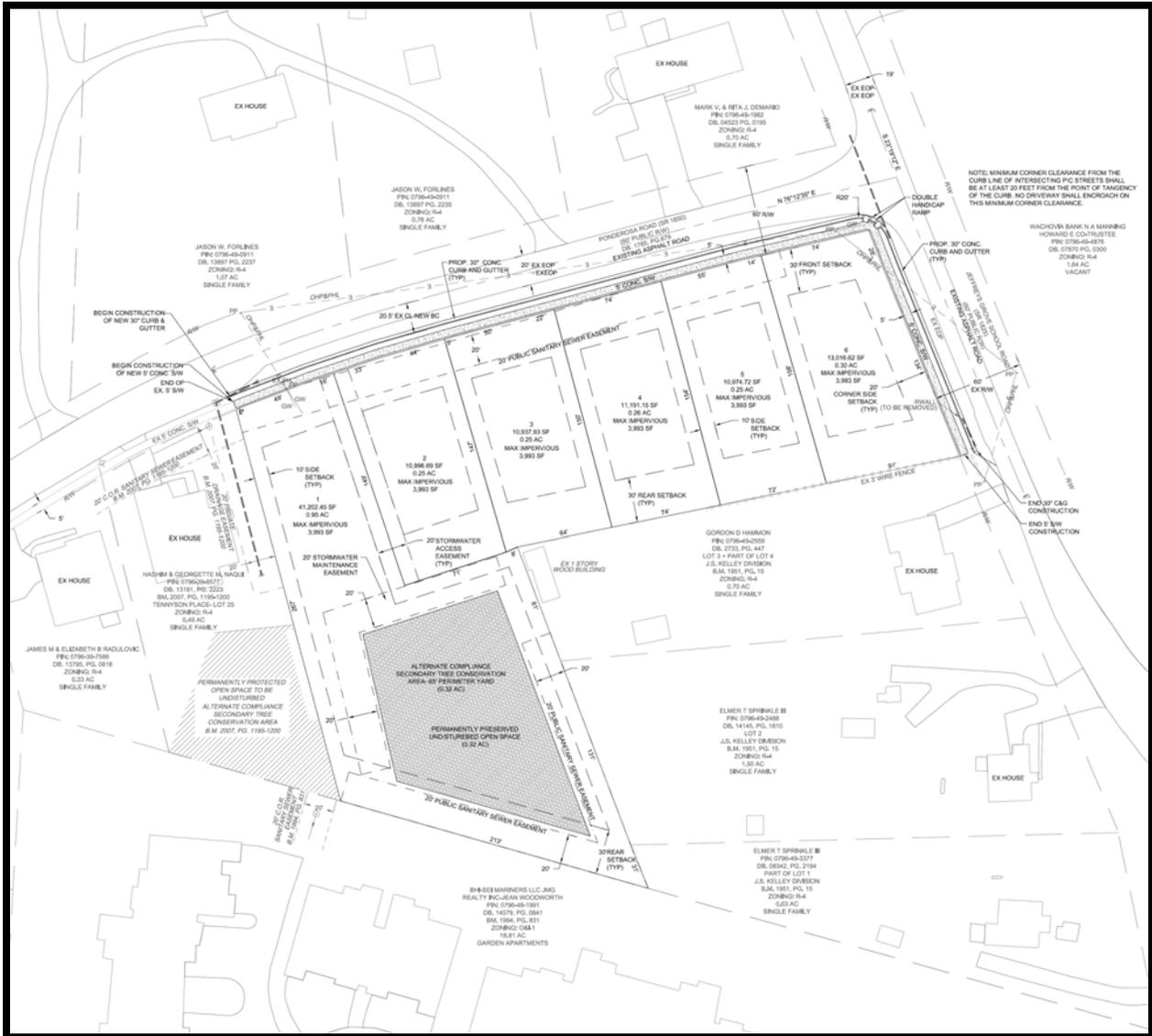
This development constitutes an "infill subdivision" as the parcel is less than five acres, is surrounded on at least 66% of its periphery by developed single-family detached dwellings, and contains five lots that are less than 80% of the median of the surrounding lot sizes and six lots that are less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

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

Contact: Tom Spaulding, P.E.



S-13-12 / Brookhaven Place Subdivision – Site Location Map



S-13-12 / Brookhaven Place Subdivision – Preliminary Subdivision Plan

SUBJECT: S-13-12 / Brookhaven Place Subdivision

CROSS-REFERENCE: N/A

LOCATION: This site is located on the southwest corner of the intersection of Ponderosa Road and Jeffreys Grove School Road, inside the City Limits.

REQUEST: This request is to approve the subdivision of 2.32 acres tract into six lots, zoned residential-4. The overall residential density is 2.58 units per acre. 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 indicates lot frontage less than 80% of the median of the surrounding lots, or lot size less than 80% of the median of the surrounding lots.

The median lot frontage of the surrounding lots is 150', 80% of which is 120'. The proposed lot frontages in the proposed subdivision range from 69' to 167'. The median lot size of the surrounding peripheral lots is .70 acres, 80% of which is .56 acres. The proposed lot sizes in the proposed subdivision range from .25 acres up to .95 acres.

<u>Median lot size of surrounding lots</u>	<u>.70 acres (80% = .56)</u>
Proposed lot size lot #1	.95 acres (135% of median)
Proposed lot size lot #2	.25 acres (35% of median)
Proposed lot size lot #3	.25 acres (35% of median)
Proposed lot size lot #4	.26 acres (37% of median)
Proposed lot size lot #5	.25 acres (35% of median)
Proposed lot size lot #6	.30 acres (42% of median)
<u>Median lot frontage of surrounding lots</u>	<u>150' (80% = 120')</u>
Proposed lot frontage lot #1	69' (46% of median)
Proposed lot frontage lot #2	77' (51% of median)
Proposed lot frontage lot #3	77' (51% of median)
Proposed lot frontage lot #4	74' (49% of median)
Proposed lot frontage lot #5	69' (46% of median)
Proposed lot frontage lot #6 (corner lot)	74' (49% of median) 167'(111% 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 following conditions 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, Sections 10-2017, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/19/12, owned by JTC, Inc., submitted by Spaulding & Norris, P.A.

ADDITIONAL NOTES: There are no additional notes for this plan.

To PC: 9/11/12

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Sterling Lewis
Second: Fleming
In Favor: Butler, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis
Opposed:
Excused:

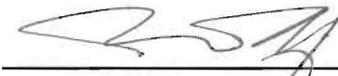
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: September 11, 2012



date: September 11, 2012



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);

Administrative Actions:

Prior to issuance of a grading permit, site review permit or construction drawings for public or private improvements whichever comes first:

- (2) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the City's Forestry Specialist. 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 and a copy of the approved plan is to be placed on file in the Planning Department;
- (3) 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;
- (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 tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (6) That infrastructure construction drawings be approved by the Public Works Department prior to issuance of any permits or recording of any plat for this development;
- (7) That a security (letter of credit or performance bond) in the amount of 1.5 times the cost of improvements will be required to be provided to the City for all public improvements prior to building permit issuance or map recordation, whichever first occurs;

- (8) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (9) That the construction drawings and plat for recording show the extension of the proposed sanitary sewer easement to the western property line and that on the north side the easement is contiguous to the right of way;
- (10) 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."
- (11) 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 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;
- (12) 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;
- (13) 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;
- (14) 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 conform to G.S. 47-F. A recorded copy of these deeds 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;
- (15) That the subdivider shall prepare a streetscape plan that conforms to section 10-2082.5 (c).; and

Prior to Inspections Department issuing certificates of compliance

- (16) That the trees shown on the streetscape plan are installed.

ZONING:

ZONING DISTRICTS: Residential-4

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

TREE CONSERVATION: The preliminary plan shows .32 acres or 13% of secondary Tree Conservation Areas on the site, all of which are located on proposed lot #1.

PHASING: This is a one phase development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

Construction improvements to the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Ponderosa	60'	½ 41' B/B	N/A
Jeffreys Grove School	60'	½ 41' B/B	N/A

TRANSIT: No transit-oriented features of this site are incorporated into the proposed plan. This site is not directly served by the existing transit system.

URBAN FORM: This site is located in the Northwest Planning District, in an area designated for medium density residential uses in the future land use map.

- The following Comp Plan policies apply:
- LU 4.5 Connectivity
 - LU 8.9 Open Space in New Development
 - Policy T 5.5 Sidewalk Requirements
 - Policy T 5.9 Pedestrian Networks
-

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'. The minimum lot width in this zoning district is 65' and 80' for a corner lot. Lots in this development conform to these minimum standards. This is an infill subdivision as defined in Section 10-3003. The total acreage is less than 5 acres. The median lot size of the peripheral developed lots is 30,492 square feet. The median lot frontage of the peripheral

developed lots is 150 linear feet. The minimum lot size proposed in this subdivision is 10,974 square feet. The minimum lot frontage in this subdivision is 69' linear feet. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots with the exception of Lot #1 which contains Tree Conservation Areas in addition to a residential building lot. The building envelope for the proposed new lot(s) is (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. The proposed lots may not be further subdivided.

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, Sidewalk and Driveway Access Manual.

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: Proposed street improvements shall conform to normal City construction standards. The developer of this property will widen the existing streets to ½ of a 41' B/B section with curb, gutter and a 5' sidewalk.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A 5' sidewalk is required along both of the property's street frontages.

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

STORMWATER MANAGEMENT: The Subdivision will comply with Part 10, Chapter 9 Stormwater Regulations. Stormwater runoff will be detained to pre-development rates utilizing underground pipes as a shared BMP device located on Lot 1. Water quality (nitrogen) will be addressed by limiting the maximum amount of impervious allowed on each lot to 3,993 sf, designating Permanently Preserved Undisturbed Open Space on Lot 1, and a buydown to NCEEP. No floodplains or buffers exist on the site.

**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.

Sec. 10-3032(d) Infill lots and infill projects.

Any *infill lot* formed either by recombination or by *subdivision* after the application of this regulation* *shall* comply with all of 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 *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*.

(5)

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, the placement of structures and vehicular surface areas, and the orientation of uses and entranceways.

The notice, approval procedures, hearings and appeal provisions of §10-3013 shall apply to all *infill projects*.

For purposes of this subsection, *infill lots or infill project* means a recombination of tracts of land or the *subdivision* of land where all of the *following* conditions exist:

(1)

The total area subject to the recombination or *subdivision* is five (5) acres or less, and will result in the formation of at least one (1) *lot* that at the time of the recombination or *subdivision* does not contain a dwelling, as defined in Part 10 chapter 2.

(2)

The *property* is in a residential zoning district as defined in §10-2002

(3)

At least sixty-six (66) per cent of the "periphery," including public *right-of-way*, of the proposed area subject to the recombination or *subdivision* abuts existing residential building *lots* containing a single-family detached dwelling or a structure which was originally constructed as a *single family* detached dwelling. "Periphery" for the purposes of this subsection includes *properties* both immediately abutting and across a public *minor residential street, residential street, residential collector street, or collector street* from the proposed recombination or *subdivision*.

(4)

The proposed recombination or *subdivision* contains any *lot* which is eighty (80) per cent or less than the median *lot* size of the surrounding peripheral developed residential *lots* determined by subparagraph (3) above, or the proposed recombination or *subdivision* contains one (1) or more *lots* whose public *street frontage* is eighty (80) per cent or less of the median public *street frontage* of the surrounding peripheral developed residential *lots* as determined in subparagraph (3) above.

***Editor's note:** *Infill lot* and *infill project* regulations first became applicable on September 1, 1997. (Ord. No. 1997-137-TC-153, TC-18-96, 6-17-97)

Cross reference: Appeals, §10-3013(b)(3)c. and g. (Ord. No. 2000-914-TC-200, §4, TC-12-00, 12-5-00)

(Ord. No. 1987-61-TC-299, §1, TC-22-87, 10-6-87; Ord. No. 1991-823-TC-371, §§1,2, TC-11-91, 7-16-91, Ord. No. 1993-121-TC-43, TC-17-92, 1-24-93; Ord. No. 1997-137-TC-153, §126, TC-18-96, 6-17-97; Ord. No. 1997-138-TC-154, §1, TC-8-96, 6-17-97; Ord. No. 1999-616-TC-181, §96, TC-3-99, 8-3-99; Ord. No.

2002-140-TC-211, §3, TC-14-01, 1-2-02; Ord. No. 2008-428-TC-313, §6, TC-4-08, 7-1-08; Ord. No. 2009-661-TC-327, §31, TC-4-09, 10-7-09; Ord. No. 2010-706-TC-331, §24, TC-1-10, 2-16-10)

(e)

Side lot lines.

Side lot lines *shall* be as near as practicable at right angles to the *street* line on which the lot faces.

Policy reference: "Flag Lot" policy, standard operating procedure 900-4: Procedure for Preliminary Site Plan, subdivision, Master Plan, Condominium, Cluster Unit and Townhouse Approvals.

(Code 1959 , §20-16; Ord. No. 1978-706-TC-79, §1, TC-113, 2-7-78; Ord. No. 1978-872-TC-88, §23, TC-119, 8-15-78; Ord. No. 1986-880-TC- 277, §§6, 7, TC-18-86, 10-22-86; Ord. No. 1988-151-TC-307, §1, TC-7-88, 4-19-88; Ord. No. 1988- 292-TC-328, §§8, 9, TC-22-88, 1-3-89; Ord. No. 1989-399-TC-342, §1, TC-7-89,7-5-89)