



Administrative Action

Preliminary Subdivision Cluster Unit Development

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

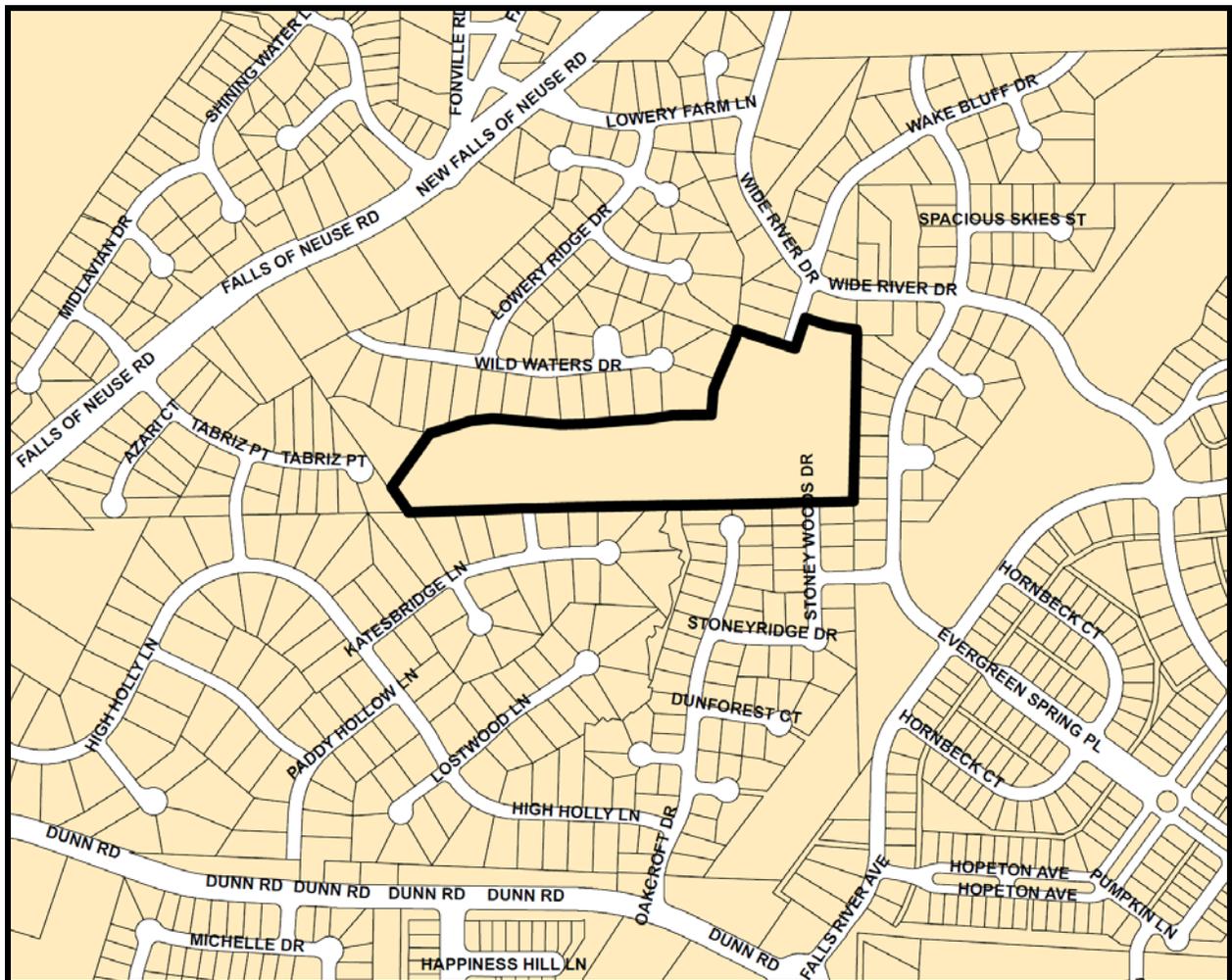
Case File / Name: S-15-12 / River Run Phases 4 & 5

General Location: The east side of Falls of Neuse Road south of the Neuse River

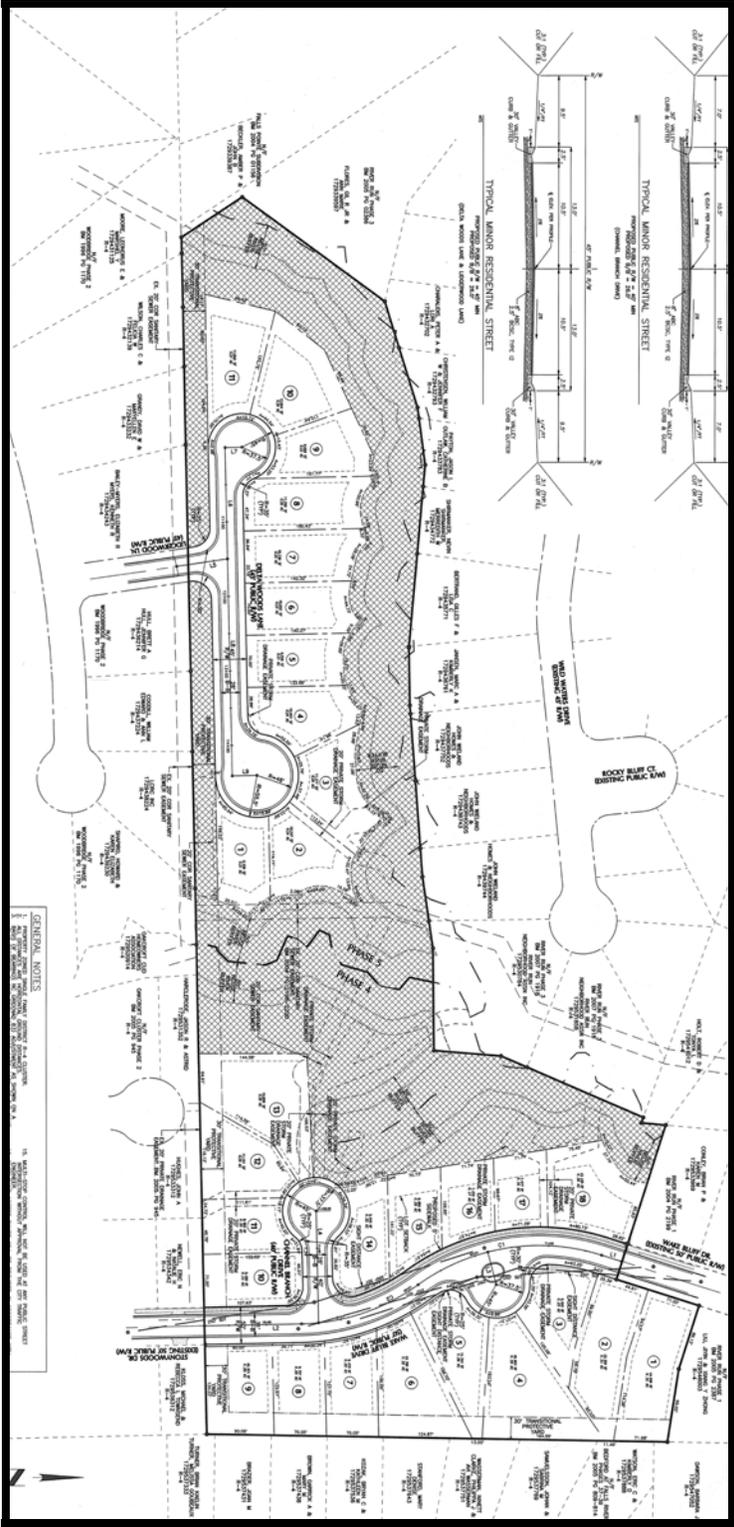
CAC: North

Nature of Case: A revision to a cluster unit subdivision involving a 14.52 acre tract that is being subdivided into 29 residential lots and one open space lot. The property is zoned Residential-4 and Urban Water Supply Watershed Protection Area Overlay District. This area was planned for 43 residential lots and one open space lot in the original cluster subdivision for River Run (S-108-03).

Contact: John Ihnatolya – Withers & Ravenel



S-15-12 / River Run Phases 4 & 5 – Site Location Map



S-15-12 / River Run Phases 4 & 5 – Preliminary Subdivision Plan

SUBJECT: S-15-12 River Run Phases 4 & 5

**CROSS-
REFERENCE:** S-108-03

LOCATION: This site is located on the east side of Falls of Neuse Road, south of its intersection with the Neuse River, inside the City Limits.

REQUEST: This request is to approve a revision to a portion cluster unit development consisting of 29 single-family lots and one open space lot on a 14.52 acre tract, zoned Residential-4 and Urban Water Supply Watershed Protection Area Overlay District. The residential density for this portion of the cluster subdivision is two dwelling units per acre. The average lot size for single-family lots in this phase is a quarter of an acre.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass grading permit for the site:

- (1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Planning 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 Planning Department. A copy of the approved plan is placed on file in the Planning Department;
- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (3) That riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating "The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in perpetuity in their natural or mitigated condition, No person or entity shall fill, grad, excavate, or perform any other land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259).". This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it;

Prior to approval of site review or construction drawings for public or private improvements, whichever occurs first:

- (4) That as the developer purposes to disturb a designated riparian buffer, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written

watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a).”

- (5) 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 / owners association.”
- (6) 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;
- (7) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (8) That construction plans are approved by the Public Works Department for one or more of the following: Utilities, Stormwater, Public and private streets;

Prior to Planning Department authorization to record lots:

- (9) That the applicant submit a cumulative map, showing all acreage, lots, open space, and public rights-of-way that have been recorded to date, and a table showing the total units and lots approved in each phase, total and net acreage in each phase, zoning and open space allocated for each phase, and totals of all units, lots, density transfer, acres and open space for the entire Cluster Unit Development and the recorded book and page of required legal documents, including successive annexations;
- (10) That a copy of the recorded annexation document incorporating phases 4 and 5 into the cluster unit development is provided to the City Planning Department and recorded at the Wake County Register of Deeds within 14 days of lot recordation;
- (11) That the 30' perimeter yard, as shown on the preliminary subdivision plan, be shown on all maps for recording;
- (12) 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;
- (13) That all off-site and or shared stormwater control measures, swales, storm pipes, and facilities conveying, treating and storing stormwater to and from such stormwater control measures, shall be shown on the recording plats as drainage easements;
- (14) 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;
- (15) That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), 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;

- (16) 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;
- (17) 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;
- (18) 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;
- (19) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

Prior to issuance of building permits:

- (20) That when 75% of the permits have been issued for residential subdivisions, 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;

Prior to issuance of an occupancy permit:

- (21) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028;
- (22) For residential subdivisions, where a security has been posted for public or financial improvements equally 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;
- (23) That all improvements are accepted by the Public Works Department for acceptance for maintenance of public streets.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silen (C. Hays) Date: 11-14-12

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 10-2017, 10-2064 Chapter 3, Part 10, Sections 10-3001-3071-3074. This approval is based on a preliminary plan dated September 17, 2012, owned by John Wieland Homes & Neighborhoods, submitted by Withers & Ravenel.

CLUSTER STANDARDS:

ZONING DISTRICTS:

Residential-4 and Urban Water Supply Watershed Protection Area Overlay District

DEVELOPMENT DENSITY:

The number of units allowed in this zoning district is 4 units per acre. The proposed plan contains 29 units in this phase (2 units per acre).

PHASING:

There are two phases in this portion of the development. Both phases are being approved now. The sunset date will apply only to the phases being approved now. The overall density and open space for existing phases approved to date collectively conform to the zoning district.

LOTS / SETBACK:

The minimum lot size proposed in this cluster is 7,077 square feet. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development. The perimeter protective yard for the cluster subdivision is being met by the provision of a 30' Transitional Protective Yard.

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.

OPEN SPACE:

Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 1.45 acres required with these phases, 37% or 5.44 acres provided. Open space quotient required = 75, provided = 168.2. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. Transitional protective yards, 30' in width, are shown in compliance with City standards around the perimeter of the cluster-unit subdivision.

**TREE
CONSERVATION:**

The preliminary plan shows a total of .157 acres or 10.8% of the site being utilized for Tree Conservation Areas.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this portion of the cluster-unit subdivision.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan for this revision to the cluster unit development for phases 4 and 5.

TRANSIT: No transit-oriented features of this site are incorporated into the proposed plan for phases 4 or 5. This area of the site is presently not served by the existing transit system.

URBAN FORM: The site is located within the North CAC, and is designated as Low Density Residential on the future land use map. The Low Density Residential category envisions solely residential use, at a density of 6 dwelling units or less per acre.

**SUBDIVISION
STANDARDS:**

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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.

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

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Sidewalks are being provided along one side of Wake Bluff Drive/Stony woods Drive.

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

**STORMWATER
MANAGEMENT:**

River Run Subdivision phases 4 & 5 is in the secondary Urban Water Supply Watershed protection area of this Overlay District and will be restricted to two dwelling units of a single family detached development per acre (or 20,000 square foot lot excluding roadway right-of-way). The project is exempted from stormwater runoff control by Sec. 10-9023. - STORMWATER RUNOFF CONTROLS. (b) Exemptions. In addition to those activities exempted by §10-9003(b) and §10-9021, the stormwater runoff control requirements of this section shall not apply to : The increase in peak stormwater runoff between pre-development and post-development conditions for the two-year and ten-year and twenty-five-year storms is ten (10) per cent or less at each point of discharge.

Stormwater quality will be met by using 2 level spreaders with vegetated filter strips (there is a 3rd but it is not utilized for credit).

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are required on this site and are shown on the preliminary plan.

STREET NAMES:

Street names shall be reviewed and approved prior to lot recordation.

**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: 11/14/2015
Record at least ½ of the land area approved.

5-Year Sunset Date: 11/14/2018
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.