



City Of Raleigh
North Carolina

May 6, 2010

Harold A. Yelle II, PE, PLS
Aiken & Yelle Associates, P.A.
3755 Benson Drive
Raleigh, NC 27609-7324

Re: Kent Road Infill Subdivision (S-19-09)

Dear Mr. Yelle:

In its meeting held on April 20, 2010 the Raleigh City Council approved the request for an infill subdivision known as Kent Road Subdivision located at 1114 Kent Road in Raleigh. Enclosed is a copy of the Findings of Fact and Conclusions of Law adopted by the Council on May 4, 2010.

Please contact James Marapoti in the Planning Department at 516-2642 to determine the steps necessary to proceed.

Sincerely,

Leslie H. Eldredge, CMC
Deputy City Clerk

Enclosure

c: Planning – James Marapoti
Mr. Jerome Goldberg (via e-mail)

NORTH CAROLINA

WAKE COUNTY

BEFORE THE RALEIGH CITY COUNCIL

S-19-09

IN RE: Kent Road Subdivision

On April 6, 2010, a hearing was held before the Raleigh City Council for Kent Road Subdivision; S-19-09. A request to approve the subdivision of a 0.52 acre tract into 3 lots, zoned R-10. The overall residential density is 5.88 units per acre. Lot 3 will retain an existing single family detached house and driveway access onto Kent Road. 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 lot frontages less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots. As a result of that hearing and the testimony and other evidence received there the City Council makes the following subdivision approval.

FINDINGS OF FACT

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following standards of section 10-3032(d):

The City Council finds, based on the record, that S-19-09 complies with these requirements.

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, and 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.

2. The site contains no flood hazard areas.
3. The site contains no wetland areas a Neuse River Riparian buffers.
4. City water and sewer service is available to the site.
5. The applicant has resubmitted peripheral architectural covenants for the site. A copy of the proposed covenants is attached to this approval.

CONCLUSIONS OF LAW

1. S-19-09 complies with the provisions of Raleigh City Code 10-3032(d) relating to Infill Subdivisions.
2. Applicant has agreed to certain conditions set out in the Certified Action in this matter and has further agreed to the recordation of restrictive covenants relating to architectural guidelines.
3. With there Conditions and Covenants S-19-09 complies with Part 10, Section 10-2021 and Part 10 – Sections 10-3001-3059.

Based upon these FINDINGS AND CONCLUSION S-19-09 is approved conditioned upon the recordation of the applicant's proposed restrictive covenants and the applicants conditions set out in the record. It is further noted that the term "City Attorney" is found in ¶14 of the Certified Action in this case is deleted and the term "Development Services Center" inserted in lieu thereof.

This the 4th day of May, 2010.



Gail G. Smith
City Clerk

After recording, MAIL TO: Jerry Goldberg
8701 O'Neal Road
Raleigh, NC 27613

Drawn by: Moore & Alphin, PLLC (rm)

**ARCHITECTURAL COVENANTS FOR
KENT ROAD SUBDIVISION
(S-19-09)**

JEROME GOLDBERG and **NANCY GOLDBERG** (hereinafter "Declarants") hereby declare that the real property described below (hereinafter the "Subdivision") is and shall hereafter be held, transferred, sold and conveyed subject to the following architectural covenants (these "Covenants"), each and all of which shall be appurtenant to and run with the land, by whomsoever owned, to wit:

1. Property. The real property encumbered by these Covenants consists of Lots 1, 2 and 3 (each a "Lot" and collectively the "Lots") as shown on the map entitled "Kent Road Subdivision _____", recorded in Book of Maps 2010, Page _____, Wake County Registry.

2. Land Use. All Lots shall be used for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one detached, single-family dwelling, not to exceed two stories in height (exclusive of a walk-out basement) nor 30 feet in height, as determined in accordance with the provisions of Section 10-2076 of the Code of Ordinances of the City Raleigh, North Carolina, as amended from time to time (the "Code"), or any successor provision thereof, a private garage for not more than two vehicles (which must

either be attached to or located to the rear of the dwelling and which may not be front-loading), and accessory buildings incidental to residential use of the Lot and permitted by the Code.

3. Dwelling Size. The "floor area gross (as defined in Section 10-2002 of the Code) less the floor area of any unenclosed porch and any other areas excluded from such definition as provided in the Code) of the dwelling on a Lot may not be less than 1,400 square feet, nor more than 2,200 square feet.

4. Foundation Height. The height of the foundation on the street side of a dwelling shall not be greater than four (4) feet from the adjacent finished grade.

5. Exterior Finishes.

(a) Foundation; Siding. All foundations shall be brick and shall be the same as other exterior brick used on the dwelling. Exterior siding must be either brick, wood or fiber cement siding (such as HardiePlank®). On the side of the house facing any street, brick shall cover at least fifty percent (50%) of the exterior wall surface (not including windows and doors). The brick face shall be carried around the building corner such that at least fifteen percent (15%) of the first floor exterior side wall area (not including the foundation) is brick. Exterior siding and wood trim may not be painted any bright or unusual color, e.g., yellow, red, pink, purple, orange and similar colors.

(b) Roof. Roofing material shall be dimensional asphalt shingles. No tin or metal roof is allowed.

(c) Exterior Features. Exterior features such as dormers, water tables, and shutters shall be used to enhance exterior appeal. The front gable of the dormers shall be surfaced with architectural wood shingles.

6. Porches. Each dwelling shall have a front porch containing at least 24 square feet of floor space (including the space under columns). Each porch shall have at least two columns, the base of which shall finished with brick.

7. Building Setbacks; House Location. No dwelling shall be erected or maintained on any Lot outside of the building envelope shown on the recorded plat of the Subdivision or as otherwise required or permitted by the Code. For purposes of these building placement requirements, decks, porches, patios, stoops, eaves, overhangs, bay windows, chimneys, carports and other similar projections shall be regulated by the Code. Any dwelling erected on a Lot other than a corner lot shall face the street on which the Lot abuts. On corner lots, a dwelling may be erected so as to face either street or the intersection of the two streets on which the Lot abuts.

8. Existing House. The provisions of Sections 3, 4, 5 and 6 shall not be applicable to the existing house on Lot 3, but shall be applicable if the existing house is demolished and another house constructed on that Lot.

IN WITNESS WHEREOF, Declarant have each hereunto set his/her hand and seal, as of the latest date set forth in the notary acknowledgments below.

_____(Seal)
Jerome Goldberg

_____(Seal)
Nancy Goldberg

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Jerome Goldberg**.

Date: _____

(Stamp or Seal)

Signature of Notary

Printed Name: _____

My commission expires: _____

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Nancy Goldberg**.

Date: _____

(Stamp or Seal)

Signature of Notary

Printed Name: _____

My commission expires: _____

Received 3/3/10

After recording, MAIL TO: Jerry Goldberg
8701 O'Neal Road
Raleigh, NC 27613

Drawn by: Moore & Alphin, PLLC (rm)

ARCHITECTURAL COVENANTS FOR
KENT ROAD SUBDIVISION
(S-19-09)

JEROME GOLDBERG and NANCY GOLDBERG (hereinafter "Declarants") hereby declare that the real property described below (hereinafter the "Subdivision") is and shall hereafter be held, transferred, sold and conveyed subject to the following architectural covenants (these "Covenants"), each and all of which shall be appurtenant to and run with the land, by whomsoever owned, to wit:

1. Property. The real property encumbered by these Covenants consists of Lots 1, 2 and 3 (each a "Lot" and collectively the "Lots") as shown on the map entitled "Kent Road Subdivision _____", recorded in Book of Maps 2010, Page _____, Wake County Registry.

2. Land Use. All Lots shall be used for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one detached, single-family dwelling, not to exceed two stories in height (exclusive of a walk-out basement) nor 30 feet in height, as determined in accordance with the provisions of Section 10-2076 of the Code of Ordinances of the City Raleigh, North Carolina, as amended from time to time (the "Code"), or any successor provision thereof, a private garage for not more than two vehicles (which must either be attached to or located to the rear of the dwelling and which may not be front-loading), and accessory buildings incidental to residential use of the Lot and permitted by the Code.

3. Dwelling Size. The heated square footage of the dwelling on a Lot may not be less than 1,400 square feet, nor more than 2,200 square feet.

4. Foundation Height. The height of the foundation on the street side of a dwelling shall not be greater than four (4) feet from the adjacent finished grade.

5. Exterior Finishes.

(a) Foundation; Siding. All foundations shall be brick and shall be the same as other exterior brick used on the dwelling. Exterior siding must be either brick, wood or fiber cement siding (such as HardiePlank®). On the front of the house (facing the street), brick shall cover at least fifty percent (50%) of the exterior wall surface (not including windows and doors). The brick face shall be carried around the building corner such that at least fifteen percent (15%) of the first floor exterior wall area (not including the foundation) is brick. Exterior siding and wood trim may not be painted any bright or unusual color, e.g., yellow, red, pink, purple, orange and similar colors.

(b) Roof. Roofing material shall be dimensional asphalt shingles. No tin or metal roof is allowed.

(c) Exterior Features. Exterior features such as dormers, water tables, and shutters shall be used to enhance exterior appeal. The front gable of the dormers shall be surfaced with architectural wood shingles.

6. Porches. Each dwelling shall have a front porch containing at least 24 square feet of floor space (including the space under columns). Each porch shall have at least two columns, the base of which shall finished with brick.

7. Building Setbacks; House Location. No dwelling shall be erected or maintained on any Lot outside of the building envelope shown on the recorded plat of the Subdivision or as otherwise required or permitted by the Code. For purposes of these building setback requirements, decks, porches, patios, stoops, eaves, overhangs, bay windows, chimneys, carports and other similar projections shall be deemed to be part of the dwelling only to the extent that the same are deemed to be part of the dwelling under the Code as it exists as of the date of issuance of a certificate of occupancy for such dwelling. Any dwelling erected on a Lot other than a corner lot shall face the street on which the Lot abuts. On corner lots, a dwelling may be erected so as to face either street or the intersection of the two streets on which the Lot abuts.

IN WITNESS WHEREOF, Declarant have each hereunto set his/her hand and seal, as of the latest date set forth in the notary acknowledgments below.

(Seal)
Jerome Goldberg

(Seal)
Nancy Goldberg

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Jerome Goldberg.**

Date: _____
(Stamp or Seal)

Signature of Notary

Printed Name:

My commission expires:

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Nancy Goldberg.**

Date: _____
(Stamp or Seal)

Signature of Notary

Printed Name:

My commission expires:



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-19-09 / Kent Rd. Subdivision

Owner: Jerome and Nancy Goldberg
Designer: Aiken & Yelle Associates

General Location: Northwest corner of Garland Drive and Kent Road

Planning District / CAC: Southwest / West

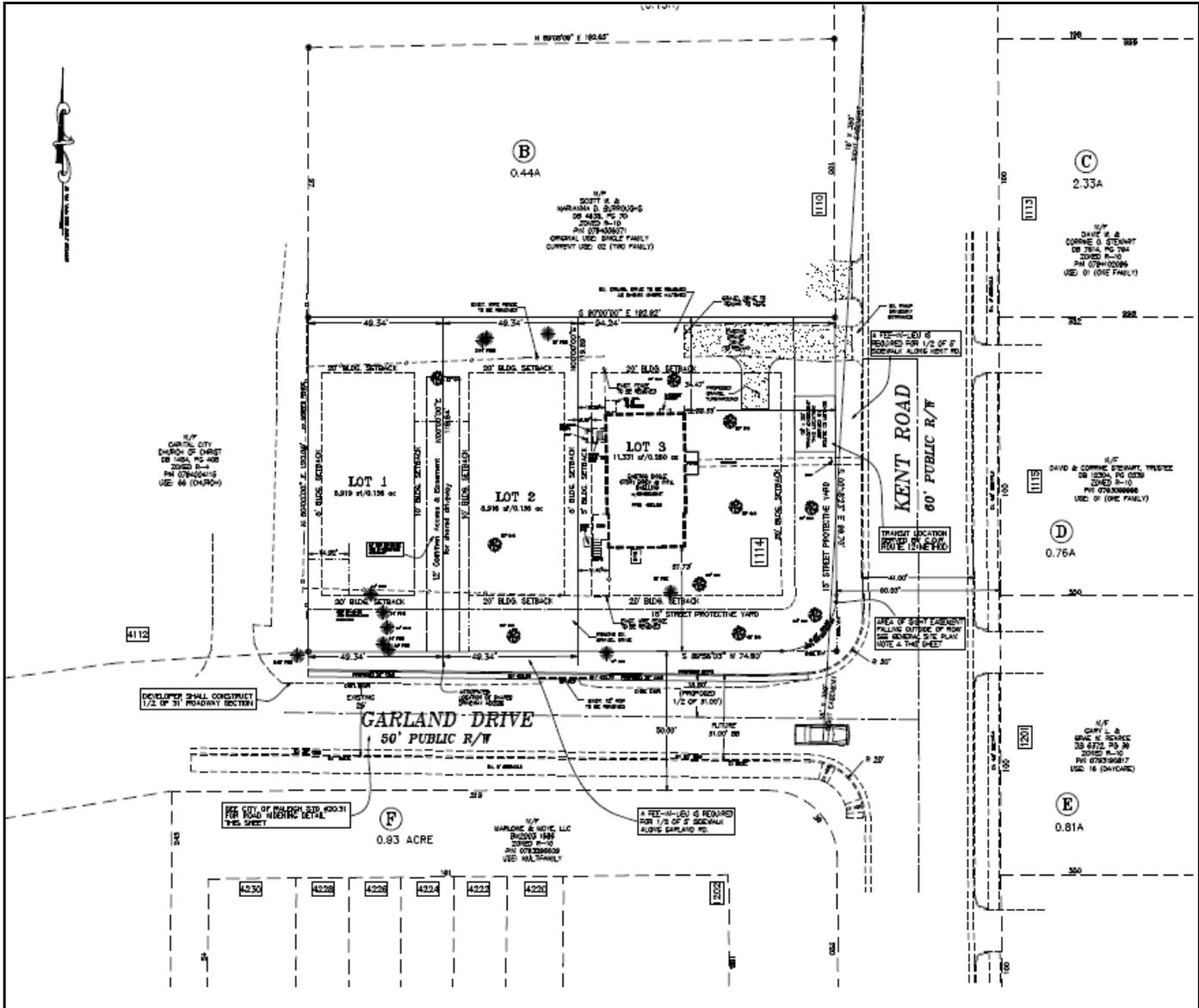
Nature of Case: This request is to approve the subdivision of a 0.52 acre tract into 3 lots, zoned R-10. The overall residential density is 5.88 units per acre. Lot 3 will retain an existing single family detached house and driveway access onto Kent Rd. This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains lot frontages less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots.

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

Contact: Harold Yelle



Vicinity Map



Proposed Subdivision

SUBJECT: S-19-09 / Kent Rd. Subdivision

CROSS-REFERENCE: S-107-03 and S-11-08.

LOCATION: Northwest corner of Garland Drive and Kent Road, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 0.52 tract into 3 lots, zoned R-10. Proposed lot 3 will retain an existing single family detached house and driveway access onto Kent Rd. The overall residential density is 5.88 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 contains lot frontages less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots.

Median lot size of surrounding lots **0.785 acres (80% = 0.628)**

Proposed lot size lot #1 **0.13 acres (22% of median)**
Proposed lot size lot #2 **0.13 acres (22% of median)**
Proposed lot size lot #3 (Corner Lot) **0.26 acres (41% of median)**

Median lot frontage of surrounding lots **100.00 (80% = 80.00')**

Proposed lot frontage lot #1 **49.34' (49.3% of median)**
Proposed lot frontage lot #2 **49.34' (49.3% of median)**
Proposed lot size lot #3 (Garland Rd. Corner Lot) **90.5' (90.1% of median)**
Proposed lot size lot #3 (Kent Rd. Corner Lot) **115.45' (1.15% 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 with the conditions of approval below being met this plan conforms to Chapter 2, Part 10, Sections 10-2021, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/9/09, owned by Jerome and Nancy Goldberg, submitted by Aiken & Yelle Associates.

ADDITIONAL NOTES: This plan was submitted prior to the November 1, 2009 adoption of the updated Comprehensive Plan and was reviewed in accordance with Comprehensive Plan guidelines effective at the time of submittal.

This plan was submitted prior to the adoption of TC-1-10 Ordinance N0 (2010) 706 TC 331 TC1-10 and was reviewed in accordance with the infill standards in effect at the time of submittal.

To PC: 3/9/10

Case History:

1. Plan went to the 12/8/09 Planning Commission, where it was referred to the Committee of the Whole for discussion on 12/29/09. The Committee recommended that the applicant develop another solution for stormwater management and that their subdivision be submitted to the West CAC for review. Additionally, the applicant was asked to work to develop a plan with covenants that complemented the neighborhood.
 - Applicant went to West CAC with pictures of proposed houses, no covenants presented.
Applicant submitted to staff draft covenants on 2/10/10.
 - Applicant submitted a revised stormwater plan that has been reviewed and approved by staff on 2/18/10.
2. Project went back to Committee of the Whole on 2/2/10. Committee voted 7-2 referring this project to the next Planning Commission date 3/9/10. The applicant is required to modify covenants to make them more objective and enforceable prior to the March 9, 2010 Planning Commission meeting.

Staff Coordinator: James Marapoti

Motion: Smith
Second: Mattox
In Favor: Anderson, Bartholomew, Butler, Haq, Mattox, Smith
Opposed: Harris Edmisten, Sterling
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: _____	date: 3/12/10 _____



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) for the following:

- Air, light and privacy
- Building Heights
- Stormwater

The owner has proposed in writing the following covenants; the complete covenants are provided at the end of this staff report;

Height: Maximum building height not to exceed 30'-feet from average natural ground elevation (pursuant to City of Raleigh section 10-2076(b));

Size: The minimum floor area gross shall be no less than 1,400 square feet and no more than 2,200 square feet.

Design requirements: Private garages must either be attached to or located to the rear of the dwelling. Foundation height on the street side shall be no greater than four (4') feet from the finished grade; exterior foundation, shall be same brick as used on the dwelling. Exterior siding must be either brick, wood or fiber cement (such as HardiePlank); on the front of the house facing any street, brick shall cover at least 50% brick on the exterior wall surface (excluding doors and windows); this brick face shall be carried around the building corner such that at least (15%) of the first floor exterior side wall area (not counting foundation) is brick.

Roof: Material shall be dimensional asphalt shingles, no tin or metal roof is allowed.

Exterior Features: Dormers, water tables and shutters shall be used; the front gable of the dormers shall be surfaced with architectural wood shingles. Each dwelling shall have a front porch at least 24 square feet of floor space (including the space under columns); each porch shall have at least two columns, the base of which shall be finished with brick.

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 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;
- (4) That all street trees that are being preserved per the preliminary plan on Lots 1 and 2 are protected with tree protection and inspected by the Forestry Specialist in the Inspections Department. These trees are to be preserved and field inspected throughout the entire construction process until issuance of a Certificate of Occupancy;

Prior to approval of construction drawings for public improvements:

- (5) That construction plans for the stormwater detention systems be approved by the Public Works Department;

Prior to Planning Department authorization to record lots:

- (6) That a fee-in-lieu for ½ of a 5' sidewalk along Garland Drive be provided;
- (7) That right of way is dedicated as a 20' radius at the intersection of Garland Drive and Kent Road;
- (8) That a 15x20 feet transit easement located on Kent Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (9) That a 12' common driveway access easement between Lot 1 and Lot 2 be recorded in accordance with Raleigh City Code and be returned to the Planning Department within 14- days of recording. If a copy of the recorded documents are not returned within 14-days, further plat recording will be withheld and no building permits will be issued on any lot;
- (10) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required by Raleigh City Code section 10-3051(d) 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. Accordingly legal documents in strict accordance with City of Raleigh forms entitled "Declaration of Maintenance Covenant for Stormwater Control Facilities" and the "Declaration of City of Raleigh Code Provisions for Developments with Common Elements and Common Expenses" shall be executed and recorded. See, City Code Sections 10-3071 through 10-3074 and 10-9027(b). The forms shall be submitted to the Planning Department for

approval, and the attorney who prepared the legal documents shall certify to the City staff that the documents are conformity with City forms. Following City approval, these two forms shall be recorded with the local county register of deeds office. A recorded copy of these two forms must be provided to the Planning Department within 14-day from authorization of lot recording. If recorded copies of the of the forms are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld;

- (11) That as stormwater control facilities are to be owned and maintained by a property owners' association, the City's three party form "Stormwater Replacement Easement and Access Maintenance Agreement and Replacement Contribution" (Installment or Lump Sum payment version) shall be completed and executed by the subdivider, the property owners' association and given to the Planning Department of the City for signature of the City Manger. Following the signatures of the City, the developer shall record the Stormwater Agreement with the local county register of deeds. A recorded copy of the Stormwater Agreement shall be given to the Stormwater Engineer in the Public Works Department within (14) days of plat recording . No building permit will be issued until a recorded copy of the drainage easement is provided to the Inspections Department;
- (12) 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 with metes and bounds and the plats shall contain the following note: "All private storm drainage easements and stormwater measures shown on this plat will be maintained by the homeowner association."
- (13) That construction plans for public improvements along Garland Drive be approved by the Public Works Department;
- (14) That the owner is responsible for causing the preparation of restrictive covenants for lots 1, 2 & 3 that comply with condition number 1 above. 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;

Prior to issuance of building permits in the Inspections Department:

- (15) That as part of building permit application a copy of the recorded restrictive covenants be submitted to the Inspections Department;

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

- (16) That all stormwater control devices are installed and certified.

ZONING:

ZONING DISTRICTS: R-10

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown utilizing existing and proposed street trees. For Lots 1 and 2 existing trees toward street tree credit must be preserved with tree protection fencing once grading permit is requested. This fencing must be preserved through out the construction process until a Certificate of Occupancy is issued.

TREE CONSERVATION: Site is zoned residential and less than 2 acres in size therefore no tree conservation is required.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

Sufficient right of way exists for both Garland Drive and Kent Road, however at the intersection of those roads a 20' radius is being dedicated as right of way. Construction of the following street is required.

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Garland Drive	n/a	½- 31' bb	n/a

Applicant is required to pay ½ of a 5' sidewalk for Garland Dive prior to map recording.

TRANSIT: The following transit-oriented feature is incorporated into the proposed plan: 1- 15' x 20' transit easement along Kent Rd.

URBAN FORM: This site is located in the Southwest Planning District and within the Beltline/Western Boulevard Community Focus Area and within the Avent West Neighborhood Plan adopted in 2005, where mixed uses and higher densities are encouraged. According to the Avent West Neighborhood Plan, the current R-10 zoned properties along Kent Rd. on the eastern side of the Avent West Neighborhood boundary shall remain R-10.

The Avent West Neighborhood Built Environmental Characteristics and Regulations are codified in Raleigh City Code Section 10-2054(g)(1) as recommended by the Avent West Neighborhood Plan. But no NCOD zoning map amendment applying these regulations has been adopted. If a zoning map amendment applying the Avent West Neighborhood Built Environmental Characteristics and Regulations is not submitted on or before July 1, 2012, Section10-2054(g)(1) will sunset.

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' and minimum lot width is 45'. The minimum lot size proposed in this subdivision is 5,916 square feet. The minimum lot frontage in this subdivision is 49.34 linear feet.

This is an infill subdivision as defined in Section 10-3003. The total acreage is less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings and the proposed lots are less than 80% the median size and linear frontage of the adjacent peripheral lots. Staff finds that the proposed subdivision meets infill standards 1-3 found below.

1. The lot lines are angled from the street in a similar manner as typical surrounding lots.
2. Lots consist of no more than 4 lines as is typical of surrounding lots.
3. The building envelopes for the proposed new lot(s) 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.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following standards of section 10-3032 (d):

- (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, and 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: Not applicable.

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: There is a 12' common access easement proposed for Lot 1 and Lot 2 onto Garland Dr. Lot 3 will retain an existing driveway onto Kent Rd.

PEDESTRIAN: An existing 6' sidewalk is across subject site on Garland Dr and an existing 5' sidewalk is across Kent Rd.

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

STORMWATER MANAGEMENT: Water quality regulation is being met by a mitigation buy-down only. Water quantity regulation (detention) is being met through the use of an oversized detention pipe system built on the lot line between lot 1 and 2 discharging out through lot 1.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: Not applicable.

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.

Received 3/3/10

After recording, MAIL TO: Jerry Goldberg
8701 O'Neal Road
Raleigh, NC 27613

Drawn by: Moore & Alphin, PLLC (rm)

**ARCHITECTURAL COVENANTS FOR
KENT ROAD SUBDIVISION
(S-19-09)**

JEROME GOLDBERG and **NANCY GOLDBERG** (hereinafter "Declarants") hereby declare that the real property described below (hereinafter the "Subdivision") is and shall hereafter be held, transferred, sold and conveyed subject to the following architectural covenants (these "Covenants"), each and all of which shall be appurtenant to and run with the land, by whomsoever owned, to wit:

1. Property. The real property encumbered by these Covenants consists of Lots 1, 2 and 3 (each a "Lot" and collectively the "Lots") as shown on the map entitled "Kent Road Subdivision _____", recorded in Book of Maps 2010, Page _____, Wake County Registry.

2. Land Use. All Lots shall be used for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one detached, single-family dwelling, not to exceed two stories in height (exclusive of a walk-out basement) nor 30 feet in height, as determined in accordance with the provisions of Section 10-2076 of the Code of Ordinances of the City Raleigh, North Carolina, as amended from time to time (the "Code"), or any successor provision thereof, a private garage for not more than two vehicles (which must either be attached to or located to the rear of the dwelling and which may not be front-loading), and accessory buildings incidental to residential use of the Lot and permitted by the Code.

3. Dwelling Size. The heated square footage of the dwelling on a Lot may not be less than 1,400 square feet, nor more than 2,200 square feet.

4. Foundation Height. The height of the foundation on the street side of a dwelling shall not be greater than four (4) feet from the adjacent finished grade.

5. Exterior Finishes.

(a) Foundation; Siding. All foundations shall be brick and shall be the same as other exterior brick used on the dwelling. Exterior siding must be either brick, wood or fiber cement siding (such as HardiePlank®). On the front of the house (facing the street), brick shall cover at least fifty percent (50%) of the exterior wall surface (not including windows and doors). The brick face shall be carried around the building corner such that at least fifteen percent (15%) of the first floor exterior wall area (not including the foundation) is brick. Exterior siding and wood trim may not be painted any bright or unusual color, e.g., yellow, red, pink, purple, orange and similar colors.

(b) Roof. Roofing material shall be dimensional asphalt shingles. No tin or metal roof is allowed.

(c) Exterior Features. Exterior features such as dormers, water tables, and shutters shall be used to enhance exterior appeal. The front gable of the dormers shall be surfaced with architectural wood shingles.

6. Porches. Each dwelling shall have a front porch containing at least 24 square feet of floor space (including the space under columns). Each porch shall have at least two columns, the base of which shall finished with brick.

7. Building Setbacks; House Location. No dwelling shall be erected or maintained on any Lot outside of the building envelope shown on the recorded plat of the Subdivision or as otherwise required or permitted by the Code. For purposes of these building setback requirements, decks, porches, patios, stoops, eaves, overhangs, bay windows, chimneys, carports and other similar projections shall be deemed to be part of the dwelling only to the extent that the same are deemed to be part of the dwelling under the Code as it exists as of the date of issuance of a certificate of occupancy for such dwelling. Any dwelling erected on a Lot other than a corner lot shall face the street on which the Lot abuts. On corner lots, a dwelling may be erected so as to face either street or the intersection of the two streets on which the Lot abuts.

IN WITNESS WHEREOF, Declarant have each hereunto set his/her hand and seal, as of the latest date set forth in the notary acknowledgments below.

_____(Seal)
Jerome Goldberg

_____(Seal)
Nancy Goldberg

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Jerome Goldberg**.

Date: _____
(Stamp or Seal)

Signature of Notary

Printed Name:

My commission expires:

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein: **Nancy Goldberg**.

Date: _____
(Stamp or Seal)

Signature of Notary

Printed Name:

My commission expires: