



Administrative Action

Preliminary Subdivision / townhome

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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www.raleighnc.gov

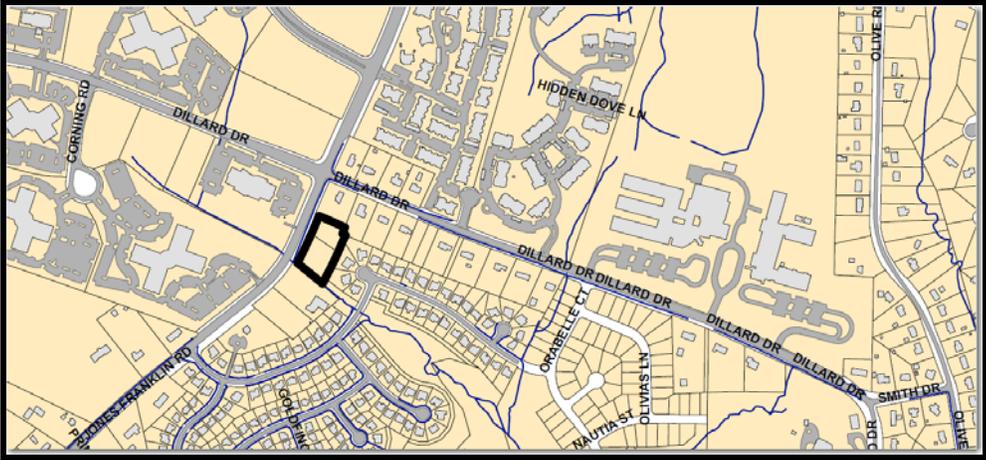
Case File / Name: S-23-10 / Jones Franklin Townhomes at Bryarton

General Location: On the northeast side of Jones Franklin Road, south of Dillard Drive, inside the city limits.

CAC: West

Nature of Case: Subdivision of 1.3 acres into 10 (2) two bedroom townhouse lots, zoned R-6 CUD with Watershed Protection Overlay District. This development is part of Bryarton Cluster Development, thus is not considered to be an infill development.

Contact: JDavis Architect, PLLC



S-23-10 Jones Franklin Townhomes – site location map

SUBJECT: S-23-10 / Jones Franklin Townhomes

**CROSS-
REFERENCE:** S-102-96 & Z-36-96

LOCATION: This site is located on the northeast side of Jones Franklin Road, south of Dillard Drive, inside the city limits.

REQUEST: This request is to approve the subdivision of a 1.3 acre tract into 10 (2) two bedroom townhome lots, zoned R-6 CUD & Watershed Protection Overlay.

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:**

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

- (1) That prior to the issuance of a grading permit or building permit a tree protection plan is approved by the Site Review Specialist in the Inspections Department for trees located within the 50' Neuse Riparian Buffer;
- (2) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections 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 Inspections Department. A copy of the approved plan is 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;

Prior to approval of construction drawings for public improvements:

- (4) That a stormwater control plan with a stormwater operations and maintenance manual 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;
- (5) That the impervious limitation per lot is shown on the construction drawings;
- (6) That a revised preliminary plan be submitted showing the impervious limitation per lot as approved by the Stormwater Engineer;

Prior to Planning Department authorization to record lots:

- (7) That a street name for this development be approved by the Raleigh City Planning Department and by Wake County;
- (8) That a 20-foot permanent slope easement on Jones Franklin Road be dedicated prior to or in conjunction with the recording of any map;
- (9) That a fee in fee-in-lieu of construction for ½ of a 5' sidewalk along Jones Franklin Road in an amount determined by the City Engineer, is paid in the Public Works Department;
- (10) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (11) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (12) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (13) That the homeowner' declaration contains a provision stating the existing 2-car garages may not be enclosed for living space but will remain as required parking;
- (14) That a final detailed landscape plan showing street yards in accordance with 10-2082.5 be submitted/stamped and approved by the Site Review Specialist in the Planning Department and a stamped approved copy is placed on file in the Planning Department;
- (15) That a copy of the landscape plan showing the Reservoir Watershed Protection Overlay District required Tree Preservation be submitted/stamped and approved by the Forestry Specialist in the Planning Department showing all the required tree save areas to be preserved or replanted in accordance with code section 10-10022(g), and these areas are to be shown on all maps for recording. A cop of the approved stamped landscape plan shall be placed in the file in the Planning Department;
- (16) That prior to recoding lots 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;
- (17) 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."
- (18) 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;

- (19) 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.
- (20) That the City form document entitled landscape easement shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (21) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (22) That a restrictive covenant be prepared in accordance with the approved construction drawings and be submitted to the City Attorney; the restrictive covenant shall allocate maximum impervious surface for each lot. The covenant shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (23) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway;

Prior to issuance of building permits in the Inspections Department:

- (24) 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;

I hereby certify this administrative decision.

Signed:

(Planning Dir.)

Mitchell Silver (C. Way)

Date:

9.12.11

Staff Coordinator:

Jacque Baker

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 10-2103, 10-2019 & 10-2056 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated June 23, 2011, owned by Khaled La-Zoubi, submitted by JDavis & Architect, PLLC.

ADDITIONAL NOTES:

This area was annexed into the existing Bryarton HOA documents see BM 011325 PG 02374.

The right of way for Jones Franklin Townhomes was dedicated in BM 1998 PG 2296.

ZONING:

ZONING DISTRICTS:

Residential-6 CUD with Watershed Protection Overlay District. Ordinance (1996) 860 ZC 387 Effective 5/16/96.

LANDSCAPING:

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

TREE CONSERVATION:

The site is less than 2.00 acres in size and zoned residential there forth no tree conservation is required. The plan is required to provide WPOD Forestation per Code 10-10009(g). The plan provides 25% of .320 acres.

UNITY OF DEVELOPMENT:

Not required.

SETBACK / HEIGHT:

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be no less than 37'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Buildings greater than 28' in height meet minimum 30' setback from perimeter property lines.

OPEN SPACE:

Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or .13 acres required, 25% or .307 acres provided. Open space quotient required = 75, provided = 77.27. 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.

PARKING: Off-street parking conforms to minimum requirements: 20 spaces required, based on 2 parking spaces per 2-bedroom units. 20 spaces are provided.

PHASING: There are no phases requested in this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is greenway of 75' from the top of the bank of the stream and is required to be dedicated.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Sufficient right of way exists on Jones Franklin Road. The existing right of way is 92' and a fee in lieu for ½ of a 5' sidewalk is required.

TRANSIT: This site is presently not served by the existing transit system and the transit Planner has made a determination that a transit easement is not required at this time.

URBAN FORM: This site is located in the West CAC District.

**SUBDIVISION
STANDARDS:**

DENSITY: Overall density of the cluster is 4.5 units to the acre.

LOT LAYOUT: There is no minimum lot size in a townhouse development.

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

CIRCULATION: Existing street improvements shall conform to normal City construction standards.

PEDESTRIAN: Fee in lieu for ½ a 5' sidewalk along Jones Franklin Road shall conform to City regulations.

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

STORMWATER

MANAGEMENT: This site is in the Swift Creek Watershed Overlay Protection District and is restricted to 30% impervious with the condition that all development drains to a wet pond designed to capture the first one inch of rainfall, per Code section 10-10021. Code section 10-9022: Nitrogen reduction will be met by a buydown only. Code section 10-9023: Stormwater runoff controls will be met through the construction of the required wet pond which is designed to capture the first on inch of rainfall.

PAYMENT TO NCDENR

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)].

Cluster - This development is a cluster unit development and contains shared stormwater control measures to be owned by a property owners' association. Legal documents shall be prepared in accordance with Raleigh City Code sections 10-3071 to 10-3073. In addition, a Maintenance Covenant shall be prepared and recorded in accordance with Section 10-9027.

WETLANDS / RIPARIAN BUFFERS:

Neuse River riparian buffers are required on this site.

STREET NAMES:

1 new street name is required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 9/13/2014

Record at least ½ of the land area approved.

5-Year Sunset Date: 9/13/2016

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.