



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-37-09 / Lakeside Subdivision

General Location: On the west side of Olive Road outside the city limits.

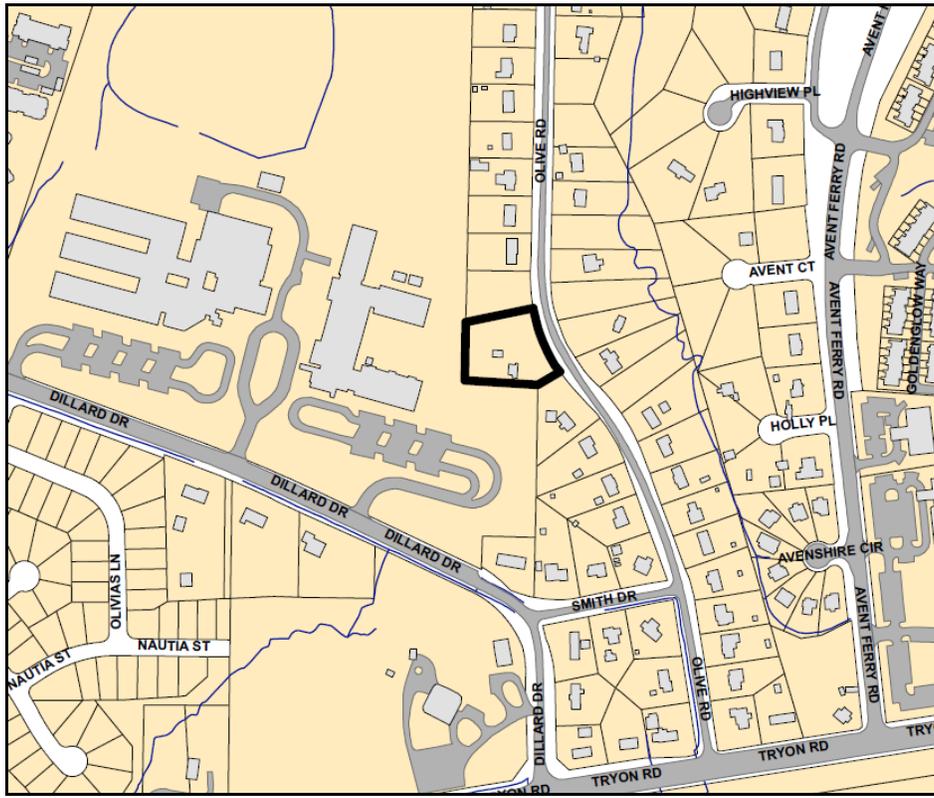
CAC: West

Nature of Case: Subdivision of 1.06 acres into 2 lots zoned Residential-4.

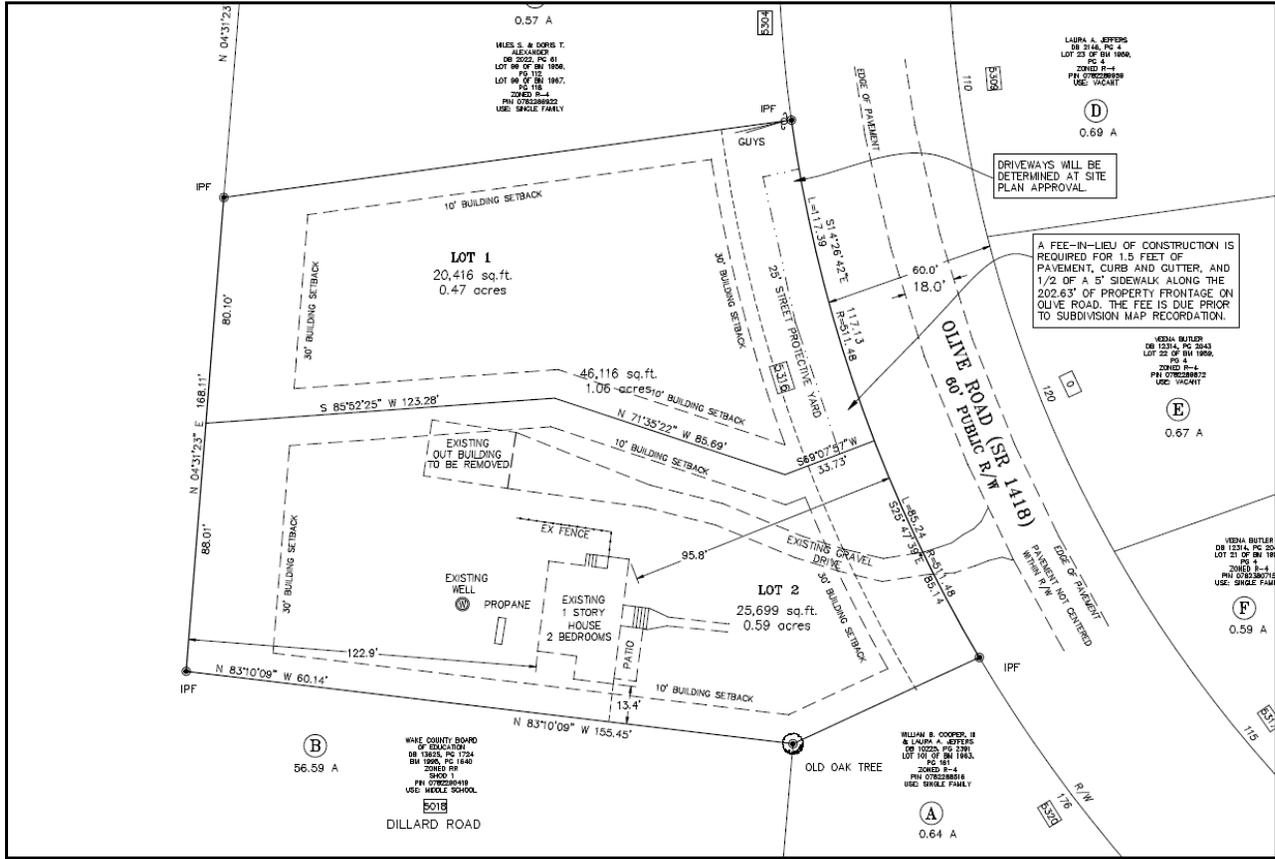
This is not an "infill" subdivision as defined in code section 10-2032(d)(3). Less than 66% of the "periphery" of the proposed developed area abuts existing residential building lots that contain a single-family dwelling.

- Non Single family = 55 %
- Single Family = 45%

Contact: Aiken & Yelle Associates,PA



S-37-09 Lakeside Subdivision – Site Location Map



S-37-09 Lakeside Subdivision – Subdivision Layout

SUBJECT: S-37-09 Lakeside Subdivision

**CROSS-
REFERENCE:** N/A

LOCATION: On the west side of Olive Road outside the city limits.

REQUEST: Subdivision of 1.06 acres into 2 lots of 0.47 and 0.59 acres size zoned Residential-4. Proposed lot 2 contains an existing single family house to remain.

OFFICIAL ACTION: **Approval with conditions**

**CONDITIONS OF
APPROVAL:**

Prior to Planning Department authorization to record lots:

- (1) 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 Inspections Department and a stamped approved copy is placed on file in the Planning Department;
- (2) That a fee in fee-in-lieu of construction for 1.5' pavement, curb & gutter, and ½ of a 5' sidewalk along Olive Road in an amount determined by the City Engineer, is paid in the Public Works Department;
- (3) That a certification be placed on the map by Wake County Environmental Services stating that each lot is adequate to support a septic system prior to Planning Department authorization to record lots;
- (4) That evidence be provided to the Planning Department that the existing accessory structure on proposed lot 2 has been removed as indicated on the preliminary plan;
- (5) That construction drawings for the shared detention device are approved by the Public Works Department;
- (6) 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;
- (7) 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 be prepared in accordance with Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b), and the City Attorney shall either actually approve the homeowners' legal documents or a certificate be submitted to the City Attorney from the

attorney who prepared the homeowner legal documents state that the declaration of covenants contains all of the provisions of the Raleigh City Code Requirements set forth in City form Article.

The homeowners' declaration shall conform to G.S. 47-F, if applicable, and shall contain the following provisions: (a) a definition of stormwater control measures serving more than one lot and situated outside of the public street rights of way; (b) a statement in the definition of common areas that stormwater control measures are common area; (c) that stormwater control measures shall be maintained by the homeowners' association in strict compliance with the stormwater operations and maintenance manual and budget (approved by the Stormwater Engineer in the Public Works Department as part of condition (7) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (7) above; (d) that common expenses include: maintenance of stormwater control measures and replacement contribution payments required to be paid by the Association to the City by Stormwater Replacement Protection Easement and Access Maintenance Agreement required by condition (7) above; (e) that within permanently protected undisturbed open space area shown on any plat of the development, no tree-disturbing activity (as defined in Part 10 Chapter 2 of the Raleigh City Code), land-disturbing activity, placement of impervious surface, encroachment, new use or construction of any structure or expansion there of shall occur except in accordance with a watercourse buffer first being issued by the City of Raleigh; (f) that the City of Raleigh is assigned the right to collect stormwater assessments of the Association, file liens against the lots and to foreclose delinquent liens for monies owned to the City. Foreclosure of stormwater assessments liens shall be in accordance with N.C.G.S 47F-3-116 and to foreclose the claim of lien in like manner as a mortgage on real estate under a power of sale under Article 2A of Chapter 45 of the General Statutes; (g) a statement that no amendment to the legal documents affecting stormwater control measures or the replacement fund shall be made without the prior written consent of the Raleigh City Attorney as evidenced by signature of the City Attorney or his/her deputy on the recorded original or copy of the amendment; (h) a statement that the stormwater control measures are the joint and several liability of each owner served by the stormwater control measure required to comply with the Raleigh City Code, and the failure to maintain stormwater control measures is a violation potentially subjecting each lot owner to significant daily civil penalties and other enforcement action; (i) the homeowners' association shall be empowered to plant, maintain and protect within tree conservation areas shown on recorded plats of the development, and the future owners of lots and their agents shall have the right to enter any of the tree conservation area shown on the recorded plats of the development with the consent of the Association and the City of Raleigh Inspections Department to perform active tree protection as defined in Chapter 2 Part 10 of the Raleigh City Code to remove trees, plat trees and to replant replacement tree; (j) a statement that any tree disturbing activity as defined in Chapter 2 Part 10 of the Raleigh City Code undertaken in any tree conservation area shown on the recorded plats of the development without the prior issuance of a permit from the City of Raleigh Inspections Department is a violation of the Raleigh City and will result in significant financial consequences. 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;

Prior to issuance of building permits in the Inspections Department:

- (8) That the stormwater detention device is installed and certified by the Public Works Department; and
- (9) All NCDOT driveway and/or encroachment permits must be obtained prior to building permit issuance

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Day) Date: 4-5-2010

Staff Coordinator: Meade Bradshaw

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 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 2/4/10, owned by Jerome and Nancy Goldberg, submitted by Aiken & Yelle Associates PA.

ZONING:

ZONING DISTRICTS: Residential-4

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

TREE CONSERVATION: Compliance with code section 10-208.14; Tree Conservation Ordinance is not required because this site is a residential lot less than 2 acres in size.

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

PHASING: There is one phase in this development

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: A fee-in-lieu of construction is required for 1.5' of pavement, curb and gutter, and 1/2 -5' sidewalk. Dedication of right-of-way and construction is not required along Olive Road.

TRANSIT: No transit easement required.

URBAN FORM: This site is located in the Southwest Planning District, in an area designated a residential area.

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'. Lots in this development conform to these minimum standards. Less than 66% of the surrounding lots in the periphery are originally constructed single-family detached dwellings units as defined in Code Section 10-3032(d). Lots in this development conform to these minimum standards. The existing house on proposed lot 2 is to remain and will conform to setback requirements. However a separate accessory building on proposed lot 2 is to be removed. Evidence of its removal shall be provided prior to lot recordation.

BLOCK LAYOUT: No new streets are proposed.

PUBLIC UTILITIES: City water and sewer services are not available. The subdivider is responsible for installation of all lines necessary to provide service to this site. Each lot is to be served by separate well and septic systems with copies of approval from

Wake County Environmental Services to be provided prior to either plat recordation or building permit issuance.

- SOLID WASTE:** The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.
- CIRCULATION:** Existing street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** Fee in lieu required for ½ of a 5' sidewalk along Olive Road.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** Water quality regulation is being met with a nitrogen loading rate of less than 3.6 lbs/ac/yr. No nitrogen buydown from the North Carolina Ecosystem Enhancement Program is required. Water quantity regulation is being met through the use of a shared underground detention system.
- 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: 4/5/2013
Record the 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.