



# Certified City Council Decision

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File / Name:** S-56-2013 / Linden Avenue Subdivision

**General Location:** The site is located on the northeast corner of the intersection of Linden Avenue and East Jones Street.

**CAC:** North Central

**Request:** Proposal to approve the subdivision of a .52 acre tract into 2 lots both zoned Residential-10 (R-10). Proposed lot #1 is in the General Historic Overlay District (HOD-G, Oakwood), while proposed lot #2 is in the Neighborhood Conservation Overlay District (NCOD-New Bern Edenton). This proposal is subject to the Unified Development Ordinance. City Council approval is required for all subdivisions within the Historic Overlay District-G.

Currently a duplex exists on the tract within the Historic Overlay District-General zoning overlay district and the plan shows that building is to remain. Proposed lot size for lot one is .14 acres (6,059 square feet), and .388 acres (16,933 square feet) for lot number two.

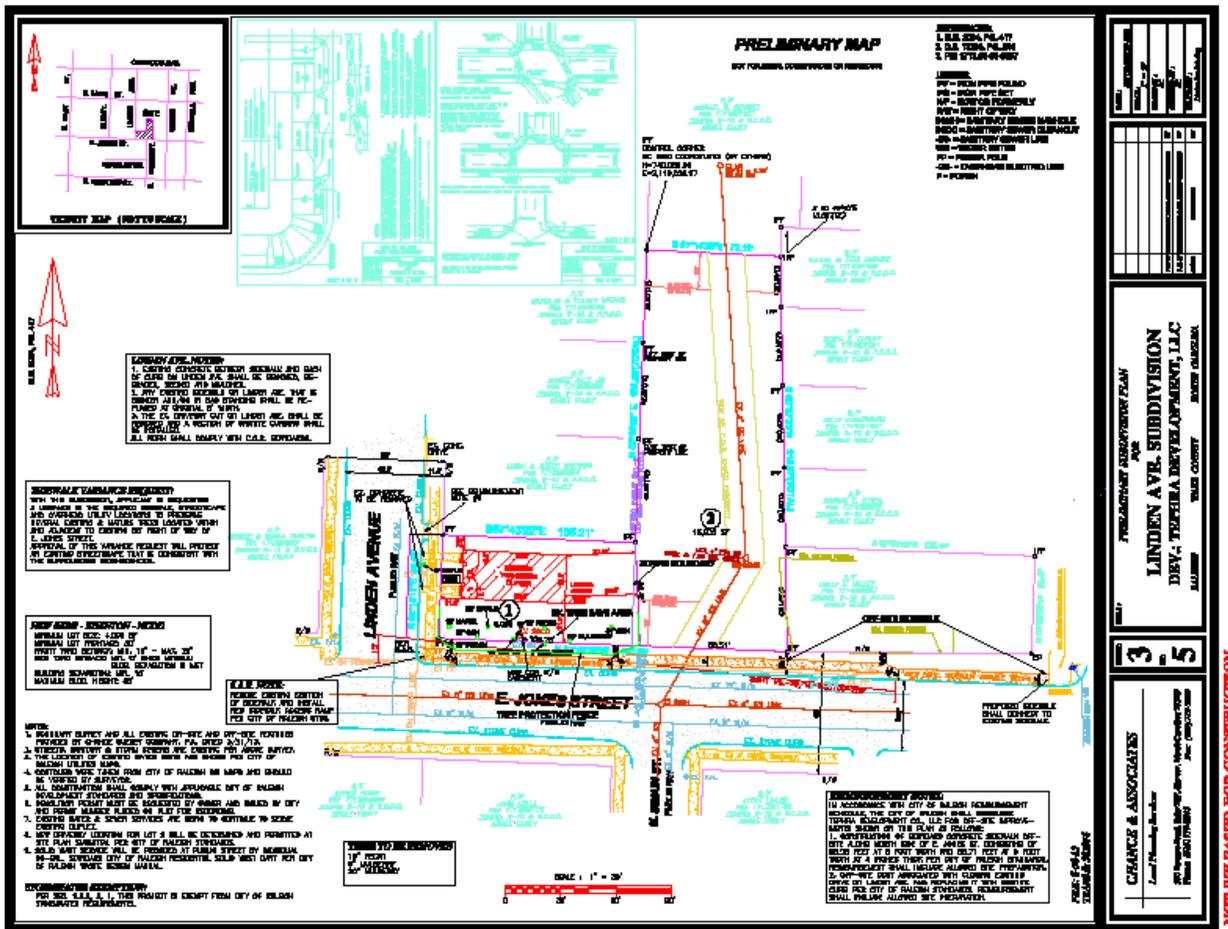
The maximum residential density allowed within this zoning district is ten units per acre. This density requirement will be met over the entire parent tract thus limiting the future development of lot 2 to three units.  
(Section 2.2.1, Unified Development Ordinance)

Twenty six percent (26%) of the proposed preliminary subdivision plan falls within the Historic Overlay District – General (Oakwood), thus a Quasi-Judicial Public Hearing is required, as per Section 10.1.8, and 10.2.5 of the City of Raleigh Unified Development Ordinance.

**Contact:** Chance & Associates



Site - 202 Linden Avenue



SUBJECT: S-56-2013 / Linden Avenue Subdivision

CROSS-REFERENCE: NA

**LOCATION:** The site is located on the northeast corner of the intersection of Linden Avenue and East Jones Street, and inside the City Limits of Raleigh.

**OFFICIAL ACTION:** Approval with conditions

**CONDITIONS OF APPROVAL:** Attached

**FINDINGS:** The City Council finds that this request conforms to part 10A: Unified Development Ordinance, including Articles 2.2.1, 5.1.1 D (1), and 5.1.1 D (3), Chapter 8, and Articles 10.1.8 and 10.2.5. This approval is based on a preliminary plan dated January 6, 2014, owned by Artco Investments LLC, submitted by Stoney Chance of Chance & Associates, Land Planning Services.

**Case History:** On January 6, 2014 the COA Committee of the RHDC voted 4/0 that the proposed subdivision of 202 Linden Avenue will not result in the creation of lots that would result in the construction of buildings incongruous with the historic district and to recommend that City Council approve the subdivision.

A design adjustment was approved by the Public Works Director on February 14, 2014. (Section 10.2.18 UDO) for the standard required Residential streetscape for both Jones Street and Linden Avenue (both classified as a Neighborhood Streets- Street Design Manual, Section 4.2.3). The required streetscape is 14' in width: 11'5" is provided on Linden Avenue and 12' is provided on Jones Street. Both streets have a right-of-way width of 66' which exceeds the 64' standard and the existing pavement width also exceeds the standard of the UDO which prevents the ability to install the standard streetscape within the right-of-way. Existing trees along the street frontage are being used to meet the streetscape standards.

The developer has agreed to extend the sidewalk along the north side of East Jones Street beyond its project's eastern boundary to tie into the existing sidewalk at Cooke Street. The off-site improvements are eligible for reimbursement.

**Footnote:** Twenty six percent of the preliminary subdivision plan falls within the Historic Overlay District – General, (Oakwood), thus a Quasi-Judicial Public Hearing is required, as per Section 10.1.8, and 10.2.5 of the City of Raleigh Unified Development Ordinance.

**To CC:** March 4, 2014

**City Council Status:**

*Approved March 18, 14*

**Staff Coordinator:** Michael Walters



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**Final conditions of approval (if the Council chooses to approve the proposed subdivision)**

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**CONDITIONS OF APPROVAL:**

**Administrative Actions:**

***Prior to approval of construction drawings for public improvements:***

- (1) That Right of Way permits for the sidewalk installation and curb work shall be required. (Section 8.5.1 B, 8.5.1 F, and 8.5.1 G (1));

***Prior to Planning Department authorization to record lots:***

- (2) That the proposed sanitary sewer easement and water meter easement as shown on the preliminary plan be shown on all plats for recording;
- (3) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements which remain incomplete be paid to the Public Works Department;
- (4) That as future development of lot number two shall be limited to three (3) units in order to meet the maximum density requirement of the Residential 10 District in this subdivision, a covenant limiting residential density to three (3) units shall be prepared by the developer and approved by the City of Raleigh Attorney's Office, and shall be recorded in the Wake County Register of Deeds. A note referencing the density limit to three (3) units on lot number 2 shall be shown on all plats for recording.