



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-32-09/ Olde Tower Subdivision

Owner: George Womble
Designer: Baker Engineering Consultants, Inc.

General Location: South East of the intersection of Fonville Rd. and Waterwood Ct.

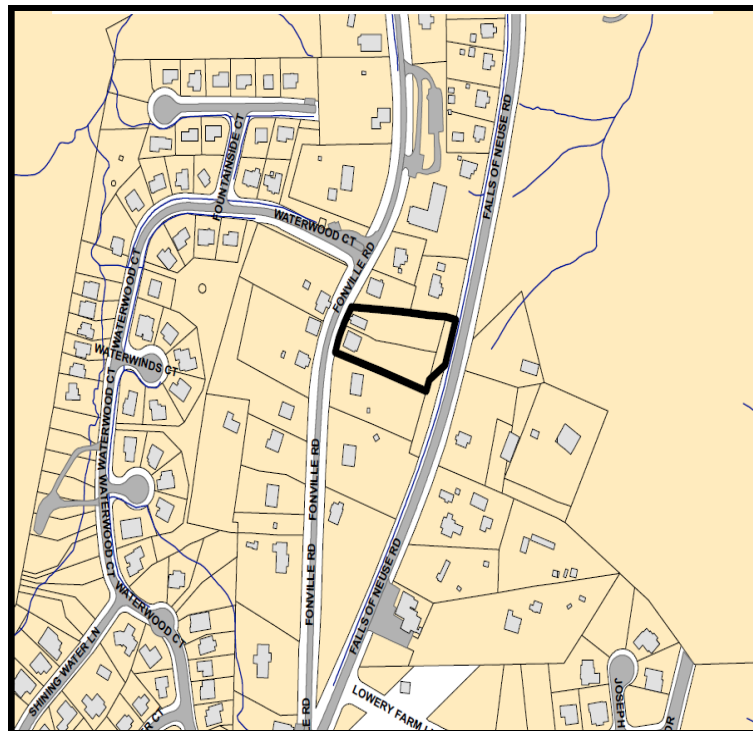
**Planning District
/ CAC:** North / North

Nature of Case: This request is to approve the subdivision of a 1.126 acre tract composed of 3 lots into 4 lots, zoned R-4 and Urban Water Supply Watershed Protection Overlay District. The overall residential density is 3.55 units per acre. Lot 1 and 2 will retain their existing houses and driveway access onto Fonville Rd.

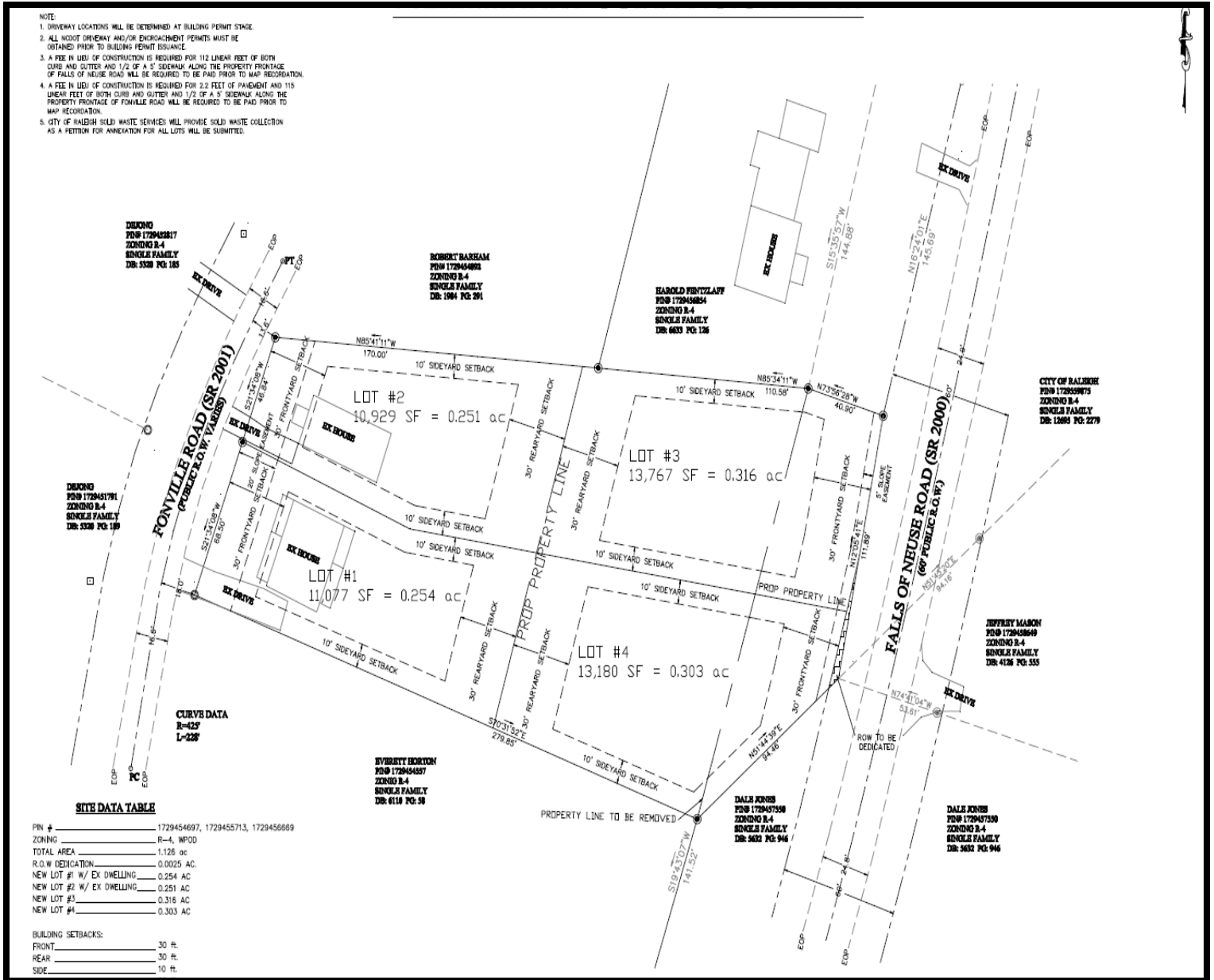
This development constitutes an "infill subdivision" of less than 5 acres surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and contains both lot frontage less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots.

Key Issues: Planning Commission should evaluate this request utilizing the infill standards of code section 10-3032(d) found within this staff report with the applicant's responses.

Contact: Rick Baker



Vicinity Map



Proposed Subdivision

SUBJECT: S-32-09/ Olde Tower Subdivision

CROSS-REFERENCE: N/A

LOCATION: South East of the intersection of Fonville Rd. and Waterwood Ct., outside the City Limits.

REQUEST: This request is to approve the subdivision of a 1.126 acre tract composed of 3 lots into 4 lots, zoned R-4 and Urban Water Supply Watershed Protection Overlay District. The overall residential density is 3.55 units per acre. Lot 1 and 2 will retain their existing houses and driveway access onto Fonville 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 both lot frontage less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots. South East of the intersection of Fonville Rd. and Waterwood Ct.

Median lot size of surrounding lots	0.79 acres (80% = 0.56 acres)
Proposed lot size lot # 1	0.25 acres (31% of median)
Proposed lot size lot # 2	0.25 acres (31% of median)
Proposed lot size lot # 3	0.31 acres (39% of median)
Proposed lot size lot # 4	0.30 acres (37% of median)

Median lot frontage of surrounding lots	138.00' (80% = 110.4')
Proposed lot frontage lot #1	68.5' (49.6% of median)
Proposed lot frontage lot #2	46.8' (34% of median)
Proposed lot size lot #3	58.7' (42.5% of median)
Proposed lot size lot #3	33.3' (24.1% 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 below conditions being met, meets the infill lot layout standards of 10-3032(d). The Planning Commission also finds that this plan, with the below conditions being met, conforms to Chapter 2, Part 10, Sections 10-2021 and 10-2064 Chapter 3, Part 10, Sections 10-3001-3059 and Chapter 5, Part 10 Section 10-5006. This approval is based on a preliminary plan dated 1/15/2010, owned by George Womble, submitted by Baker Engineering Consultants, Inc.

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 also submitted prior to the adoption of TC-1-10 Ordinance N0 (2010) 706 TC 331 TC-1-10. S-32-09 was reviewed in accordance with the infill standards in effect at the time of its submittal.

To PC: March 23, 2009

Case History:

Staff Coordinator: James Marapoti

Motion: Haq

Second: Mattox

In Favor: Batchelor, Butler, Fleming, Haq, Harris Edmisten, Mattox, Mullins, Smith, Sterling


Opposed:

Excused:

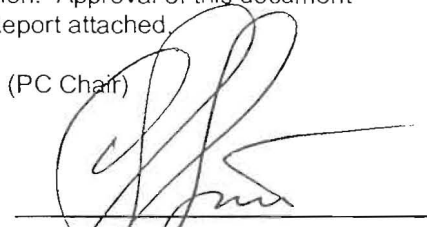
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 3/24/10



date: 3/24/10



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);

Prior to approval of construction drawings for public improvements:

- (2) That construction plans for the stormwater detention systems be submitted and approved by the Public Works Department;
- (3) That the City Attorney approves the (~465 linear feet) off-site sanitary sewer easement deed for the City of Raleigh sewer extension from DB 6633 PG 126 and DB 00195 PG 0017 property located north of the subdivision and that the deed of easement be recorded with the County Register of Deeds office. A recorded copy of the document must be provided to the Public Utilities Department;
- (4) That construction plans for the off-site sewer be submitted and approved by the Public Utilities Department;
- (5) 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 plat recordation, grading or the approval of construction drawings, whichever event comes first;

Prior to Planning Department authorization to record lots:

- (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 plat recordation, grading or the approval of construction drawings, whichever event comes first;
- (7) That a 20-foot permanent slope easement on Fonville Road be dedicated prior to or in conjunction with the recording of any map;
- (8) That a 5-foot permanent slope easement on Falls of Neuse Road be dedicated prior to or in conjunction with the recording of any map;
- (9) That a recombination map be recorded prior to or in conjunction with the recording of lots;
- (10) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to

properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;

- (11) That an assessment fee for the water main for PIN 1729-45-6669 is paid to the Assessment Specialist in the Public Works Department;
- (12) 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;
- (13) 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;
- (14) 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;
- (15) 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.";
- (16) That the City Attorney shall approve a restrictive covenant stating that lot 3 shall have a maximum impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City code of 3,304 square feet. Lot 4 shall have a maximum

impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City code of 3,163 square feet. Lot 1 currently has 2,349 square feet of impervious area, and Lot 2 has 1,387 square feet of existing impervious area; these lots are allowed up to a maximum of 24% impervious. No installation of impervious surface which causes the impervious surfaces on the lot to exceed the above square feet shall be made without first obtaining a permit from the Stormwater Division of the Public Works Department of the City. No amendment or termination of this restrictive covenant shall be made without the prior written consent of the Raleigh City Attorney. This covenant shall be recoded with Wake County Register of Deeds office;

- (17) That a fee in fee-in-lieu of construction for Falls of Neuse Road and Fonville Road in an amount determined by the City Engineer, is paid in the Public Works Department;
- (18) That a portion of right of way along Falls of Neuse Road, as shown on the preliminary plan, be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (19) That NCDOT approves the driveway locations on Falls of Neuse Rd;
- (20) That the plat contain the following note, "The existing impervious surface, as that term is defined in Part 10 Chapter 9 of the Raleigh City Code, is Lot 1 is 2,349 square feet, and Lot 2 is 1, 387square feet. The maximum allowed on these lots is 24% impervious.
"The maximum impervious surface for Lot 3 is 3,304 square feet, and lot 4 is 3,163 square feet in an Urban Water Supply Watershed Protection Overlay District.";

Prior to issuance of building permits in the Inspections Department:

- (21) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum amount of impervious surface coverage of the development on a per lot basis;

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

- (22) That 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 shall be provided;
- (23) That the approved landscaping be installed for lots 1, 2, 3 and 4 and be inspected by the zoning inspector prior to issuance of Certificates of Occupancy;
- (24) That the maximum impervious surface coverage for lot 3 shall not exceed 3,304 square feet per lot;
- (25) That the maximum impervious surface coverage for lot 4 shall not exceed 3,163 square feet per lot.

ZONING:

ZONING DISTRICTS: R-4 with Urban Water Supply Watershed Protection Overlay District.

LANDSCAPING: The preliminary street yard landscaping is in conformity with Section 10-2082.5.

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 Falls of Neuse Road however a small portion of area along Falls of Neuse due to lot configuration is being dedicated as right of way. Fee in lieu of the following street is required and dedication of slope easements.

Street	ROW	Construct	Slope Esmt.
Falls of Neuse Road	60' existing	* fee-in-lieu	5'
Fonville Road	44-50' existing	*fee-in-lieu	20'

* A fee-in-lieu of construction is required for ~112 linear feet of both curb & gutter and ½ of a 5-foot sidewalk along the property frontage of Falls of Neuse Road.

* A fee-in-lieu of construction for ~2.2 feet of pavement, and 115 linear feet of both curb and gutter and ½ of a 5-foot sidewalk along the property frontage of Fonville Road.

TRANSIT: No transit-oriented features are incorporated into the proposed plan. The City's Transit Technician determined there was not a need for any improvements at this location.

URBAN FORM: The site of the proposed subdivision is located in the North District, Falls of Neuse Corridor Plan Area 4 which calls for single family low density. The subject property is designated as suburban residential, which allows for low density residential development (6 or fewer units per acre).

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' and minimum lot width is 65'. The minimum lot size proposed in this subdivision is 10,929 square feet. The minimum lot frontage in this subdivision is 33 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 subdivision plan contains lots which are less than 80% the median lot size and less than 80% of the linear frontage of the adjacent lots.

INFILL STANDARDS:

Any infill lot formed either by recombination or by subdivision after the application of this regulation shall comply with the following pursuant to code 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*;
Applicant response: Only one lot line has been extended to create lots #3 & 4 and it is of a similar angle to periphery lots. All other lot lines that connect to existing streets are existing lot lines.
 - 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*;
Applicant response: Existing lot #1 had 6 lines, existing lot #2 had 5 lines and existing lot #3 had 4 lines. Proposed lots #1-4 all have 5 lot lines. We are unable to provide any lots with 4 lot lines due to the existing lot configurations. Please note many lots in that area have similar lot configurations.
 - 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*.
Applicant response: Building envelopes have been placed in similar locations of periphery 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.
Applicant response: This subdivision is served by City Services. All lots front on and with drives to the existing public streets, therefore emergency vehicles will have access. Public water mains run along the fronts of the 4 lots of the subdivision. The 2 existing houses to remain on Fonville Road are already connected to public water and sewer. Public sewer will be extended to provide service to the 2 new lots (lots 3 & 4) fronting Falls of Neuse Road. The 2 new lots (lots 3 & 4) will have water services from the existing water main along Falls of Neuse Road. A Fire Hydrant will be added along Falls of Neuse Road.
- (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.

Applicant response: Lots are sized so they cannot be subdivided again with current zoning.

- (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.

Applicant response: The project is in the North District, Falls of Neuse Corridor Plan Area 4 which calls for single family low density residential which is what has been proposed for this subdivision. All provisions of the zoning (R4-WPOD) to include restrictions to stormwater have been met.

- (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

Applicant response: The proposed subdivision takes 3 existing lots (two of those lots have existing homes that will remain) and creates a fourth lot. The third and fourth lots are proposed to have homes constructed. The proposed lots meet the provision of the R-4 zoning district with WPOD (water-shed protection overlay district). These provisions limit the size of the lot and restrict the amount of impervious area allowed on the lots and require stormwater retention.

BLOCK LAYOUT: The existing 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 is available, sewer services will require a ~465 linear foot x 20' wide sewer easement to serve lots 3 and 4. The subdivider is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Once the property has been annexed into the City Limits and developed, individual lot service will be provided. Refuse collection shall be in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

PEDESTRIAN: Fee in lieu required for ½ of a 5' sidewalk along Fonville Road and Falls of Neuse Road.

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

STORMWATER MANAGEMENT: This subdivision will utilize a shared underground pipe detention system to meet stormwater quantity control regulations for only lots #3 & 4. No stormwater quality BMP is being utilized but a NCEEP buydown payment will be required to meet stormwater quality control regulations. This subdivision is also in an Urban Water Supply Watershed and will limit impervious surface areas to 24% on all

lots. Lots #1 and #2 do not share the proposed stormwater BMP and therefore are not allowed to increase impervious area without evaluation from the City.

**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.