



# Administrative Action Preliminary Subdivision / townhome

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 516-2626  
www.raleighnc.gov

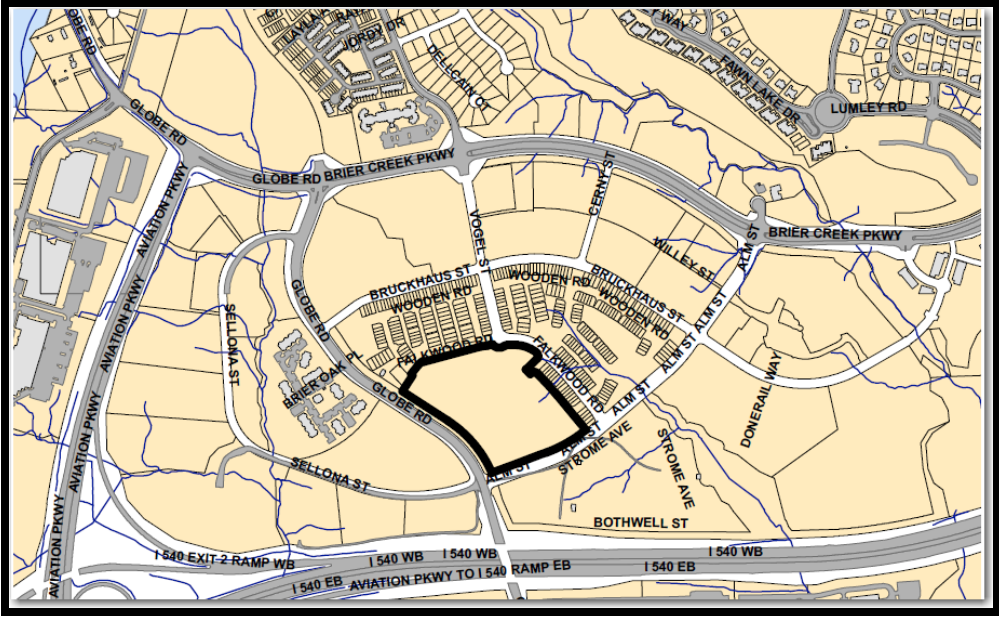
**Case File / Name:** S-31-10 / Seville @ Brier Creek

**General Location:** On the northwest quadrant of Globe Road, Alm Street and Falkwood Road, within the Brier Creek Village Master Plan, inside the city limits.

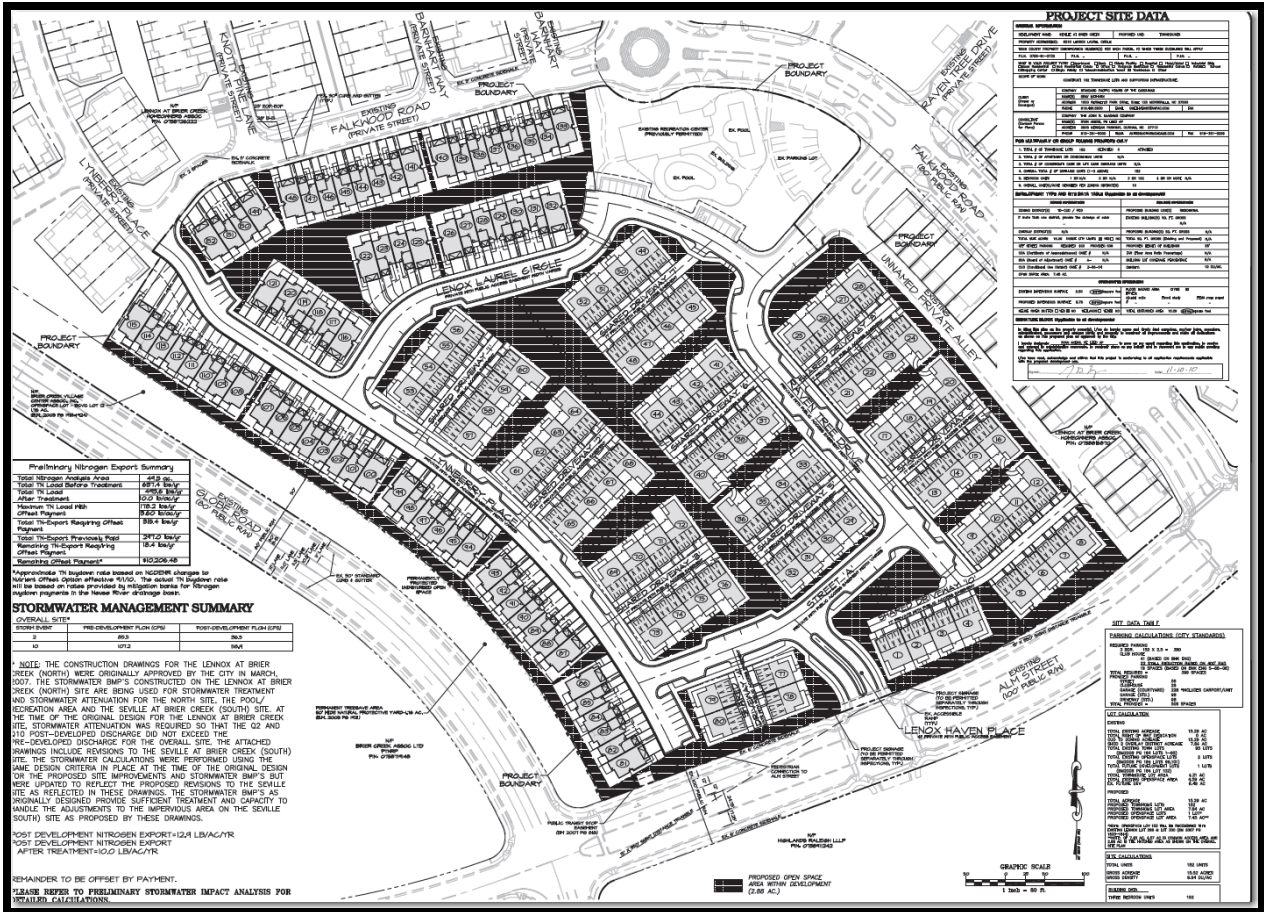
**CAC:** Northwest

**Nature of Case:** Approval of a townhouse development consisting of 152 townhouse lots, 5 open space lots on a 15.29 acre tract, zoned TD/CUD, PDD with SHOD-2 overlay.

**Contact:** John R. McAdams Company, Inc



S-31-09 Site Map



S-31-10 Seville @ Brier Creek

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**SUBJECT:** S-31-10 / Seville @ Brier Creek

**CROSS-REFERENCE:** MP-2-04, S-43-04, S-20-06 & S-88-06

**LOCATION:** On the northwest quadrant of Globe Road, Alm Street and Falkwood Road, within the Brier Creek Village Master Plan, inside the city limits.

**REQUEST:** This request is to approve the subdivision of a 15.29 acre tract into 152 townhouse lots, zoned TD/CUD, PDD with SHOD-2 overlay. There is an existing recreation center and pool located on site.

S-20-06 Lennox @ Brier Creek Townhouse was approved by staff on October 3, 2006 consisting of 297 townhouses, 17.34 acres of open space on 34.24-acres on the north side of Falkwood Road (BM 2007 PG 1533). The density of the northern property is 9.42 units per acre.

The total townhomes within this townhouse development will be 449 units on 49.53 acres for an overall residential density of 9.06 units per acre.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

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

- (1) 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 open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first;
- (2) That an application for an encroachment agreement for landscaping located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections Department for review and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds;

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

- (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;

- (4) Prior to the recording of any new lot served by a shared stormwater control facility or prior to the issuance of any new development permit for any existing lot to be served by a shared stormwater control facility (except for improvements made pursuant to Part 10, Chapter 3 of the Raleigh City Code of Ordinances), the developer shall prepare, on a City-approved form, a Declaration of Maintenance Covenant and Protection Easements to encumber all lots served by stormwater control facilities located within the subject property (and all stormwater control facilities if not located within the property). This Declaration of Maintenance Covenant and Protection Easements must meet all applicable requirements of Section 10-9027(b) of the Raleigh City Code of Ordinances;
- (5) 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."
- (6) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (7) That the homeowner's declaration contains a provision stating the existing garages may not be enclosed for living space but will remain as required parking;
- (8) 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 Inspection Department and a stamped approved copy is placed on file in the Planning Department;
- (9) That the application for an encroachment agreement referenced in condition #2 is approved by the City Council;
- (10) That prior to recording of lots in section, the applicant submit a cumulative map showing all lots, open space, and public rights-of-way that have been recorded to date along with subdivision case numbers, and a table showing the total units approved in each phase, total and net acreage in each phase, zoning districts and open space allocated for each phase, recorded book and page numbers of required legal documents including amendments and successive annexations to each phase, number of units transferred, and total of all units, acres, and open space for the entire cluster unit development;
- (11) That a recombination map be recorded prior to or in conjunction with the recording of individual lot, recombining the existing lot into a single tract and open space lot 153 shall be recorded in accordance with City code section 10-3073(2);
- (12) That the City Code Covenants shall include but not limited to the following:  
All main fire access to the individual units will remain through a 20' unobstructed width located in common open space. No plantings/landscape, fences, walls will be allowed in this area. If any obstruction is placed in this area it will be removed at the expense of the homeowners association;

- (13) That the City Code Covenants shall include but not limited to the following:  
That all individual unit addressing shall be from the private streets.
- (14) That addressing for each individual townhouse unit shall be from the private streets they gain access;
- (15) That a note be placed on the recording maps stating, "That all development will be subject to unity of development guidelines and sign criteria on file with the Raleigh Planning Department";
- (16) That a revised preliminary plan be submitted removing all "public access easements" from the private streets. The private streets are to be labeled with "private access easements";
  - 64

***Prior to issuance of building permits in the Inspections Department:***

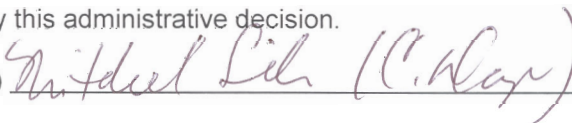
- (17) That all conditions and design guidelines of MP-2-04 are met;
- (18) That for the following units, no windows shall be permitted on the walls where parallel to each other and outdoor porches are located closer than 40' to each other:
  - Unit 40 to 36
  - Unit 20 to 24
  - Unit 12 to 16
  - Unit 60 to 64
- (19) Directional signage to access each unit shall be placed in such a manor that addresses can be read from the private streets by emergency responders. The placement and maintenance of this information shall be the responsibility of the homeowners association and the signage may not be removed or altered without prior approval from the City of Raleigh Planning Department and City of Raleigh Fire Marshall;
- (20) That all units are required to be sprinkled.

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I hereby certify this administrative decision.

**Signed:**

(Planning Dir.)

 (C. W. Kay)

Date:

3-28-11

**Staff Coordinator:**

Jacque Baker

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, and Sections 10-2045, 10-2057, 10-2059 and

10-2103 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated January 21, 2011, owned by Standard Pacific of the Carolinas, submitted by John R. McAdams & Company.

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**ZONING:**

**ZONING DISTRICTS:** Thoroughfare, PDD with SHOD-2. Ordinance 779 ZC 565 Effective 2-15-2006.

**Z-55-04 – Brier Creek Parkway/MP-2-04 – Brier Creek Village Center**, south side, east of Globe Road intersection, being approximately 186.55 acres rezoned to Shopping Center Conditional Use District (2.25 acres) and Thoroughfare District Conditional Use District (184.3 acres) with Planned Development Conditional Use Overlay District and Special Highway Overlay District-2.

Conditions dated: 2/7/05

- (1) Development of the property shall be in accordance with the Master Plan approved in connection with this petition.
- (2) If there are conflicts in the approval process (such as conditional use approval or requirement for a special use permit) between the Shopping Center District and the Thoroughfare District, the more stringent procedure shall apply.
- (3) Reimbursement for the dedication of right-of-way along Brier Creek Parkway shall be at Thoroughfare District rates.

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

**TREE CONSERVATION:** Tree Conservation recorded as condition of the Master Plan BM2005 PG 1918-1924.

**UNITY OF DEVELOPMENT:** Unity of development has been approved for the required portions of the PDD.

**SETBACK / HEIGHT:** Setbacks from public streets, private streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 20' to 50'. 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 1.529 acres required, 48 % or 7.45 acres provided.

**PHASING:** Only 1 phase has been requested for this development.

**PARKING:** Off-street parking conforms to minimum requirements: 380 spaces required, 506 spaces are provided. Parking shall be provided in garages, carports, driveway and on street parking.

**COMPREHENSIVE PLAN:**



**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE  
/ COLLECTOR**

**PLAN:** All required right-of-way and construction for the public streets exists.

**TRANSIT:** Existing transit easement located along Alm Street recorded BM2007 PG 818.

**URBAN FORM:** This site is located in the Northwest CAC.

- Please ensure that all the conditions and design guidelines specified in the Brier Creek Master plan (MP-2-2004) are met.
- The policy recommendations of Brier Creek Small Area Plan: Policy AP-BC-5 Alm Street Design, AP-BC-6 Alm Street Driveways and AP-BC-7 Pedestrian Friendly Design have been complied with.
- The Brier Creek SAP indicates a pedestrian network path connecting Alm Street to Bruckhaus that bisects this Tract B. Please indicate how the pedestrian network is continued between Lenox Laurel Circle and Falkwood Road.
- The application of the following Comp Plan policy should be evaluated:
- T 5.5 Sidewalk Requirement: New subdivisions and developments should provide sidewalks on both sides of the street.

*Please provide sidewalks on both sides of Lenox Laurel Circle shown on the plan.*

- LU 8.9 Open Space in New Development: New residential development should be developed with common and usable open space that preserves the natural landscape.
- T 4.8 Bus Waiting Areas: Developments subject to PC review and located within existing and planned bus transit corridors should coordinate with CAT to provide a top facility that is lit and includes a shelter, bench, and other amenities (such as waste receptacle) as appropriate.
- The policy recommendations of Brier Creek Small Area Plan: Policy AP-BC-5 Alm Street Design, AP-BC-6 Alm Street Driveways and AP-BC-7 Pedestrian Friendly Design have been complied with.
- While Policy T 5.5 Sidewalk Requirement applies, due to strict impervious thresholds and site development constraints not all streets are able to have sidewalk on both sides of the street, namely Lynnberry Place.
- The proposed site plan is consistent with the general policy guidance provided by the Comprehensive Plan.

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**SUBDIVISION  
STANDARDS:**

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

**BLOCK LAYOUT:** The proposed and 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 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:** Proposed and existing street improvements shall conform to normal City construction standards.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations.

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

**STORMWATER  
MANAGEMENT:**

This subdivision will comply with Part 10, Chapter 9, Stormwater Control regulations and in accordance with previously approved preliminary subdivision plans S-20-06 and S-88-06, by utilizing existing shared offsite Wet Ponds located within the existing Lennox at Brier Creek Subdivision. Runoff requirements will be met by detaining post-development discharge for the 2 year and 10 year storms to pre-development rates. Nitrogen regulations will be met through the use of the 2 existing Wet Ponds and a buydown to NCEEP. No floodplain or Neuse River Buffer exists on the site.

**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)].

**SHARED FACILITIES / LEGAL DOCUMENTS/ AGREEMENTS**

Lots less 2 acres - This subdivision plan creates two lots less than one acre in size, stormwater control measures are required to be shared among the all lots and a drainage easement is required. The drainage easement shall include a maintenance covenant prepared and recorded in accordance with section 10-9027 (b), and the attorney who prepared this legal document shall certify in writing to the Raleigh City Planning Department that the maintenance covenant is in accordance with Raleigh City Code requirements.

**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. A street name application has been approved.

**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:** 3/28/2014  
Record at least ½ of the land area approved.

**5-Year Sunset Date:** 3/28/2016  
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.