



Administrative Action

Preliminary Subdivision Cluster Unit Development

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 996-2626
www.raleighnc.gov

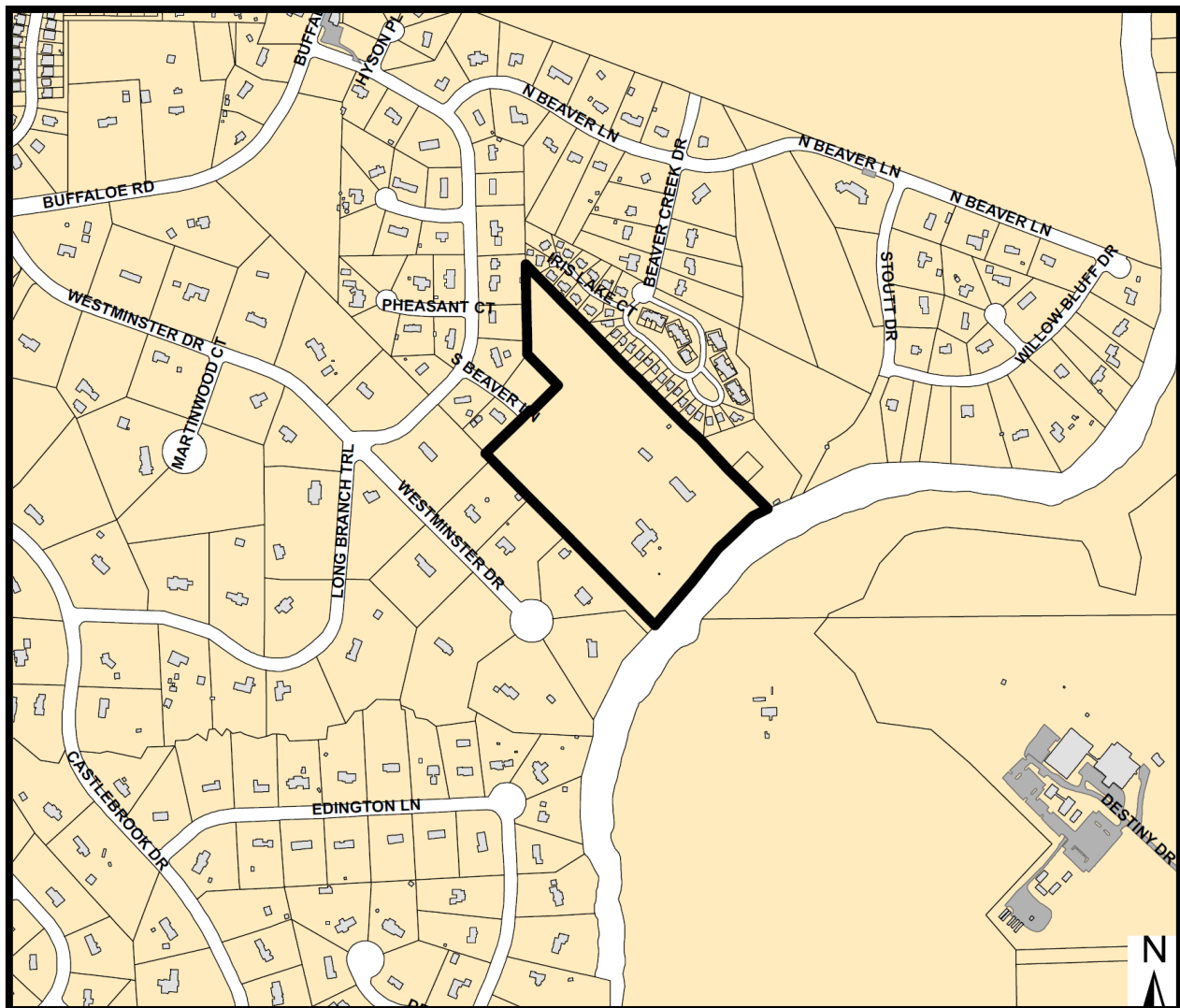
Case File / Name: S-47-13 / Neuse River Estates

General Location: West side of the Neuse River east of Willow Creek Drive

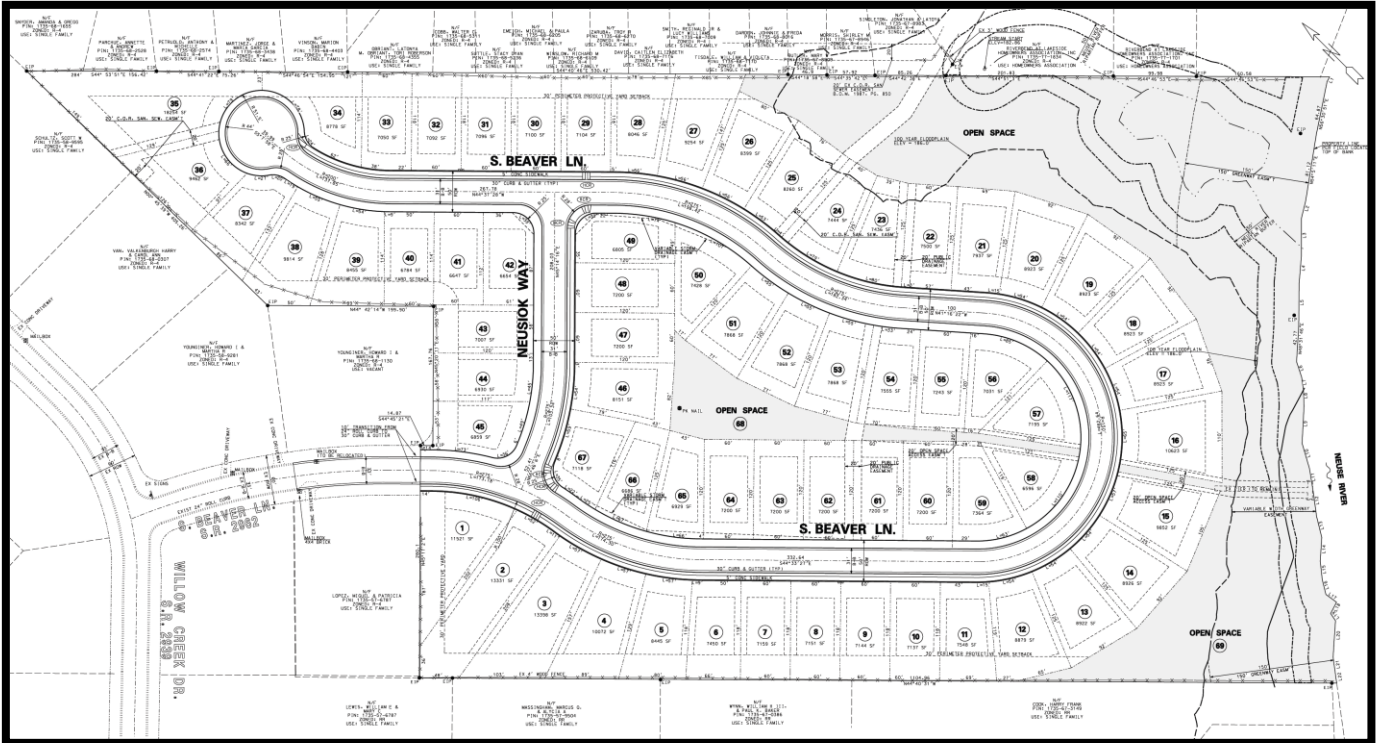
CAC: Northeast

Nature of Case: A cluster-unit subdivision of a 20.08 acre site zoned Residential-4 into 67 single-family lots and 2 open space lots.

Contact: K. Robert Bell, Jr.



S-47-13 Neuse River Estates – Site Location Map



S-47-13 Neuse River Estates – Preliminary Subdivision Plan

SUBJECT: S-47-13

CROSS-REFERENCE: N/A

LOCATION: This site is located on the west side of the Neuse River east of Willow Creek Drive, outside the City Limits.

PIN: 1735-67-5751

REQUEST: This request is to approve a cluster unit development consisting of 67 single-family lots, and 2 open space lots on a 20.08 acre tract, zoned Residential-4. The overall residential density is 3.33 units per acre. The average lot size for single-family lots is 8,143 square feet.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL: *Prior to issuance of a mass grading permit for the site:*

- (1) The final tree conservation plan must be approved by the Forestry Specialist. 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.

Prior to approval of final site review, infrastructure construction plans or concurrent review for public or private improvements:

- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (3) That NCDOT permits be approved prior to approval;
- (4) The final tree conservation plan must be approved by the Forestry Specialist. 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.

Prior to Planning Department authorization to record lots:

- (5) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (6) That a demolition permit be issued and this building permit number be shown on all maps for recording;
- (7) That street names for this development be approved by the City of Raleigh and by Wake County;
- (8) That construction plans for public improvements, shared stormwater devices and phasing be approved by the Public Works Department;
- (9) 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;
- (10) 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;
- (11) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (12) That a 150-foot wide corridor extending from Neuse River Top of Bank, or a corridor the width of the floodplain, whichever is less, is to be dedicated for greenway easement for the entire length of the stream within the property boundary;

Prior to issuance of building permits:

- (13) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14.
- (14) That when 75% of the permits have been issued for residential Subdivisions, that the proposed private or public improvements are required to be accepted by the City for maintenance. If this does not occur, then a financial security equal to 1.5 times the cost of public or private improvements will be provided to the Public Works Department for the uncompleted portions and roadway extensions;

Prior to issuance of an occupancy permit:

- (15) For residential subdivisions, where a security has been posted for public or private improvements equal to 1.5 times the cost, then the last certificate of occupancy shall be withheld until such time the improvements are accepted by the City of Raleigh;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silb (C. Day) Date: 3-4-2013

Staff Coordinator: Eric S. Hodge, AICP

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 10-3001-3071-3074. This approval is based on a preliminary plan dated 1-6-14, owned by K. Hovnanian Homes of North Carolina, submitted by Bass, Nixon & Kennedy.

CLUSTER STANDARDS:

ZONING DISTRICTS: Residential-4

DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 80.32. The proposed plan contains 67 units.

PHASING: There is no phasing plan submitted with this preliminary development plan. If the project is to be phased, a phasing plan must be submitted and approved as part of the Infrastructure Construction Drawings for this development.

- LOTS / SETBACK:** The minimum lot size proposed in this cluster is 6.647 square feet. The aggregate side yard setback is 15'. There shall be no less than 5' of side yard setback on any lot in this development. A perimeter protective yard of 30' is required.
- 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.
- OPEN SPACE:** Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or 2 acres required, 22.7% or 4.55 acres provided. Open space quotient required = 75', provided = 179.8'. 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.
- LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 is shown. This is a low density use under Section 10-2082.8. Transitional protective yards are not required.
- TREE CONSERVATION:** This project is required 10% or 2.0 acres for tree conservation. This project has proposed 2.1 acres which is broken into:
Primary: 0.536 acres
Greenway: 0.885 acres
Secondary: 0.683 acres

**COMPREHENSIVE
PLAN:**

- GREENWAY:** This site is located on the Neuse River greenway trail corridor. A 150-foot wide corridor extending from Neuse River Top of Bank, or a corridor the width of the floodplain, whichever is less, is to be dedicated for greenway easement for the entire length of the stream within the property boundary
- THOROUGHFARE / COLLECTOR PLAN:** No dedication of right-of-way or construction of any streets was required by the Thoroughfare and Collector Street Plan other than those planned to serve the development.
- TRANSIT:** No transit-oriented features are incorporated into the proposed plan. This site is presently not served by the existing transit system.
- URBAN FORM:** This site is located in an area designated for moderate density residential development on the City's Future Land Use Map.

**SUBDIVISION
STANDARDS:**

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. All lines serving more than one lot and located outside public street r/w or City of Raleigh water or sewer easement shall be owned and maintained by the non-profit owner's association.

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

CIRCULATION: Proposed street improvements shall conform to City construction standards.

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Sidewalks are provided on one side of the proposed streets.

FLOOD HAZARD: There are FEMA flood hazard areas on this site.

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. Stormwater quality is met with TN buydown only and stormwater quality is exempted by Part 10-9023 (b) 3 - compliance with runoff limitations would result in greater adverse impact downstream.

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)].

EXEMPTIONS

That as the developer is requesting an exemption from the stormwater runoff control provisions under 10-9023(b), detailed engineering studies shall be submitted to the Conservation Engineer in the Public Works Department (before land disturbance or lot recording, whichever comes first) that show compliance with the runoff impacts from stormwater runoff results in greater adverse downstream impacts, such as local flooding.

WETLANDS / RIPARIAN BUFFERS:

There are Neuse River riparian buffers are required on this site.

STREET NAMES: 2 new street names are 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 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: 3/4/2017
Record at least ½ of the land area approved.

5-Year Sunset Date: 3/4/2019
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.