

DRAFT



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-25-09 / Wayne Timberlake Subdivision

Property owner: Wayne Timberlake
Designer: Stoney Chance

General Location: On the northwest side of Lakewood Drive between Cliff Top Court and Caswell Court, outside the city limits.

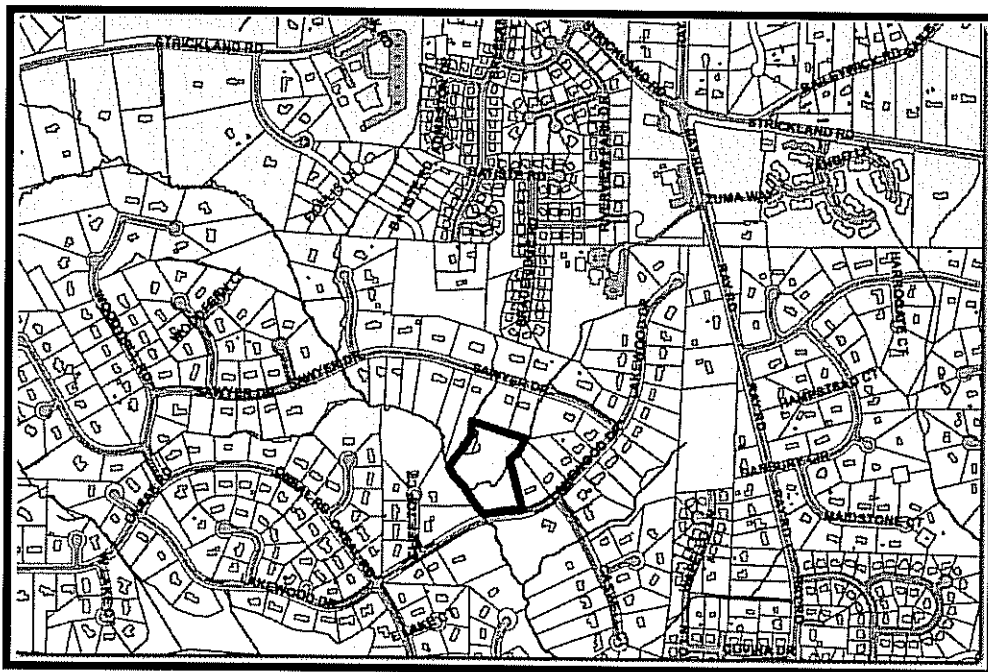
**Planning District
/ CAC:** Northwest/ Northwest

Nature of Case: Subdivision of 3.55-acres into 4 single family lots zoned Residential-2.

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: Stoney Chance/ Chance & Associates



S-25-09 Wayne Timberlake – site location

DRAFT

SUBJECT: S-25-09 / Wayne Timberlake Subdivision

CROSS-REFERENCE: N/A

LOCATION: On the northwest side of Lakewood Drive between Cliff Top Court and Caswell Court, outside the city limits.

REQUEST: This request is to approve the subdivision of a 3.55 acre tract into 4 lots, zoned Residential-2. The overall residential density is 1.12 units per acre. 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 lot frontages less than 80% of the median of the surrounding lots, and lot sizes less than 80% of the median of the surrounding lots.

<u>Median lot size of surrounding lots</u>	1.52 acres (80% = 1.21)
Proposed lot size lot #1	.49 acres (32% of median)
Proposed lot size lot #2	.70 acres (46% of median)
Proposed lot size lot #3	1.19 acres (78% of median)
Proposed lot size lot #4	.69 acres (45% of median)
<u>Median lot frontage of surrounding lots</u>	168' (80% = 134.4')
Proposed lot frontage lot #1 (corner lot)	92.36' (68% of median)
	172.75' (1.85% of median)
Proposed lot frontage lot #2	150.05' (89% of median)
Proposed lot frontage lot #3	81.99' (61% of median)
Proposed lot frontage lot #4	114.83' (68% 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 following conditions of approval being met, meets the infill lot layout standards of 10-3032(d). The Planning Commission also finds that this plan, with the following conditions of approval being met, conforms to Chapter 2, Part 10, Sections 10-2016, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/16/10, owned by Wayne Timberlake, submitted by Chance & Associates.

ADDITIONAL NOTES: Permits from the Corps of Engineers and NCDENR (401 Water Quality) have been approved for the disturbance in the designated riparian buffer and are on file in the Planning Department and Stormwater. As this plan was submitted on August 4, 2009, it 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.

DRAFT

This plan was also submitted prior to the adoption of TC-1-10 Ordinance N0 (2010) 706 TC 331 TC-1-10. S-25-09 was reviewed in accordance with the infill standards in effect at the time of its submittal.

To PC: April 13, 2010
Case History: xxxxx

Staff Coordinator: Jacque Baker

Motion: xxxxx
Second: xxxxx
In Favor: xxxxx
Opposed: xxxxx
Excused: xxxxx

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: _____

date: _____

DRAFT



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);

The applicant has provided materials and information to meet standard 5 of code section 10-3032(d) (5) for the following:

- Air, Light and privacy
- Building Heights

The owner has proposed in writing the following:

- **Height:** Maximum building height not to exceed two and one half stories in height. A basement where at least one-half of the basement height is below curb level of the street on which a lot fronts shall not be included in the calculation of height. All shall be measured from average natural ground elevation (as measured pursuant to City of Raleigh Code section 10-2076(b));
- **Size:** No building shall be permitted on a lot which has a ground floor area gross of the main structure, exclusive of basement, one-story open porches and garages, of less than 1,900 square feet for a one-story dwelling, nor less than 1,050 square feet ground floor for a dwelling of more than one story exclusive of porches, breeze-ways, steps and garages shall be erected or placed or permitted ; (The definition of floor area gross shall be pursuant to City of Raleigh Code section 10-2002);
- **Parking:** A private garage for not more than three cars shall be allowed.
- **Building Materials:** In keeping with surrounding properties, the exterior building materials , exclusive of roofs and windows and doors, shall either be completely brick or stone with wood trim or painted clapboard with hardy-plank and/or hand-shingle with a minimum of 25% of front elevation shall be brick or stone

Administrative Actions:

Prior to issuance of a land disturbing permit for the site:

- (2) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. 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 by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;

DRAFT

- (3) That prior to the issuance of a grading permit or building permit a tree protection plan is approved by the Site Review Specialist in the Inspections Department for trees located within the 50' Neuse Riparian Buffer;

Prior to approval of construction drawings for public improvements:

- (4) That a stormwater control plan 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 grading or the approval of construction drawings, whichever event comes first;
- (5) That a 100-year flood analysis will be required prior to construction plan approval or grading permit which ever comes first. A minimum finished floor elevation will be required for all lots along the floodplain boundary for all lots shown on the preliminary plan;

Prior to Planning Department authorization to record lots:

- (6) 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;
- (7) 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;
- (8) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (9) That the City Attorney shall approve a restrictive covenant stating that all lots each shall have a maximum impervious surface, as defined in Part 10 Chapter 9 of the Raleigh City code of 3,500 square feet. No installation of impervious surface which causes the impervious surfaces on the lot to exceed 3,500 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 recorded with Wake County Register of Deeds office;
- (10) That the greenway easement to be dedicated to the City of Raleigh as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of lots. The greenway easement shall be shown with a metes and bounds description;
- (11) 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;

DRAFT

- (12) That prior to recording the restrictive covenants as they relate to building material, number of stories, private garages and square feet size, the Raleigh City Attorney shall approve the covenant. That a recorded copy of this restrictive covenant shall be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this restrictive covenant is not provided to the Planning Department within the 14-day period, further plat recordings and building permits authorization may be withheld;
- (13) 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 calming under it;
- (14) 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;
- (15) That a 20-foot permanent slope easement on Lakewood Drive be dedicated prior to or in conjunction with the recording of any map;
- (16) That a fee-in-lieu of construction for curb, gutter and ½ of a 5' sidewalk along Lakewood Drive in an amount determined by the City Engineer, is paid in the Public Works Department;
- (17) That the following note be shown on all maps for recording: A minimum finished floor elevation will be required for all lots along the floodplain boundary for all lots as shown on the preliminary plan;
- (18) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;
- (19) That all permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9 shall be labeled on recording plats. These plats shall include a note stating: Within permanently preserved undisturbed open space areas used for stormwater treatment, there must not be any land disturbing activity, any placement of impervious surfaces, any tree removal, any new development or expansion thereof, or new use, construction, or encroachment;
- (20) That a flood study shall be reviewed and approved by the Stormwater Engineer in the Public Works Department (and FEMA if a federally mapped stream is present) for the proposed stream crossing;

DRAFT

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;
- (22) That as part of building permit applications a copy of the recorded restrictive covenants required by condition of approval number 11 above be submitted to the Inspections Department;

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

- (23) That the approved landscaping be installed for all lots and be inspected by the zoning inspector prior to issuance of Certificates of Occupancy;

ZONING:

ZONING DISTRICTS: Residential-2.

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

TREE CONSERVATION: The site is approximately 3.55 acres and 10% Tree Conservation is required per code section 10-2082.14. The plan proposes to provide 17% or .609-acres.

PHASING: There are no phases in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is greenway on this site. In accordance with the Comprehensive Plan, a greenway is to be dedicated as approved by the Parks and Recreation Department, as shown on the preliminary plan. This greenway is 75 feet from the top of the creek bank.

THOROUGHFARE / COLLECTOR PLAN: All required of right-of-way currently exists. A fee in lieu of construction of the following street is required by the Thoroughfare and Collector Street Plan:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Lakewood Drive	60' existing	* fee in lieu *	20'

fee-in-lieu of construction for curb, gutter and ½ of a 5' sidewalk along Lakewood Drive

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: This site is located in the Northwest Planning District, in an area designated for rural residential development. The Comprehensive plan defines rural as

DRAFT

"sparsely settled countryside", adding, "the primary uses of rural land are agriculture and very low density residential development."

SUBDIVISION STANDARDS:

LOT LAYOUT: The minimum lot size in this zoning district is 20,000 square feet. The minimum lot depth in this zoning district is 100'. Lots in this development conform to these minimum standards.
Lot lines are angled from the street in a similar manner as typical surrounding lots. Several lots consist of more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lots is placed in such a way that they are not one behind the other when viewed from the public street. Lots proposed may be adequately served by City services.

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: New lot boundaries are consistent with surrounding peripheral residential lots.
 - 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: See response to (a) above
 - 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: All new lots have adequate frontage on proposed public cul de sac so buildings will not be located behind each other.

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: Proposed street and lot layout conforms with all City standards to insure each lot can be adequately served by all City and emergency services.
- (3) If a *lot* is to be formed of a size that would allow further *subdivision*, a forty-

DRAFT

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: N/A

- (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 Planning Commission finds that this infill subdivision complies with the 5 standards of Section 10-3032(d) and is consistent with guidelines of the adopted Comprehensive Plan.

- (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: Through the implementation of all applicable City Subdivision Design Standards and private restrictive covenants, this development is consistent with adjacent residential properties and is providing necessary measures that will protect surrounding properties from any adverse effects.

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: Upon development of the property if it has been annexed into the City limits, individual lot service by the City is to be provided. The location and design of refuse collection facilities shall be in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. A fee in lieu is required for construction for curb, gutter and ½ of a 5' sidewalk along Lakewood Drive. This layout indicates a stream crossing for the public street as shown on the preliminary plan.

PEDESTRIAN: Fee in lieu for ½ of a 5' sidewalk is required and conforms to City regulations.

FLOOD HAZARD: There are flood hazard areas on this site and is required to be shown on all maps for recording.

STORMWATER MANAGEMENT: This site is exempt under 10-9023(b)(c) to stormwater detention as the stormwater is being discharged into a floodplain as in accordance with Chapter 9 of Part 10 of the Raleigh City Code.

DRAFT

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)].

The developer proposes to disturb a designated riparian buffer for the purpose of a public street to access the proposed lots, the North Carolina Division of Water Quality has approved the disturbance of the riparian buffer and evidence of the permits have be provided to the Stormwater Engineer in the Public Works Department and a copy placed in the file located in the Planning Department.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

STREET NAMES:

1 new street name is 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.