Administrative Action
Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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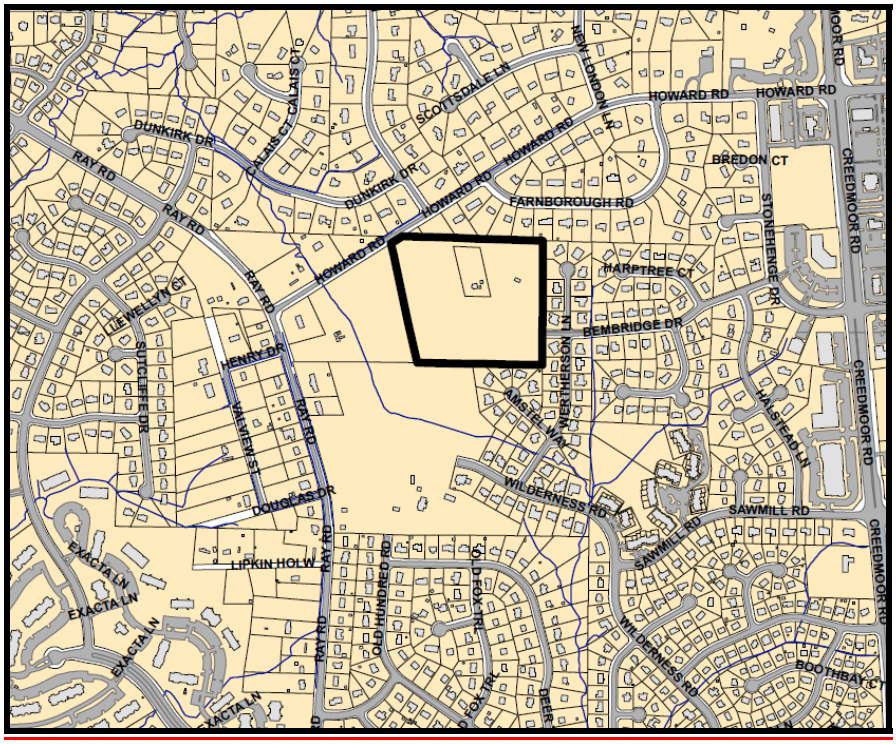
Case File / Name: **S-34-09 / Stonehenge Park Subdivision**

General Location: On the south side of Howard Road, outside the city limits.

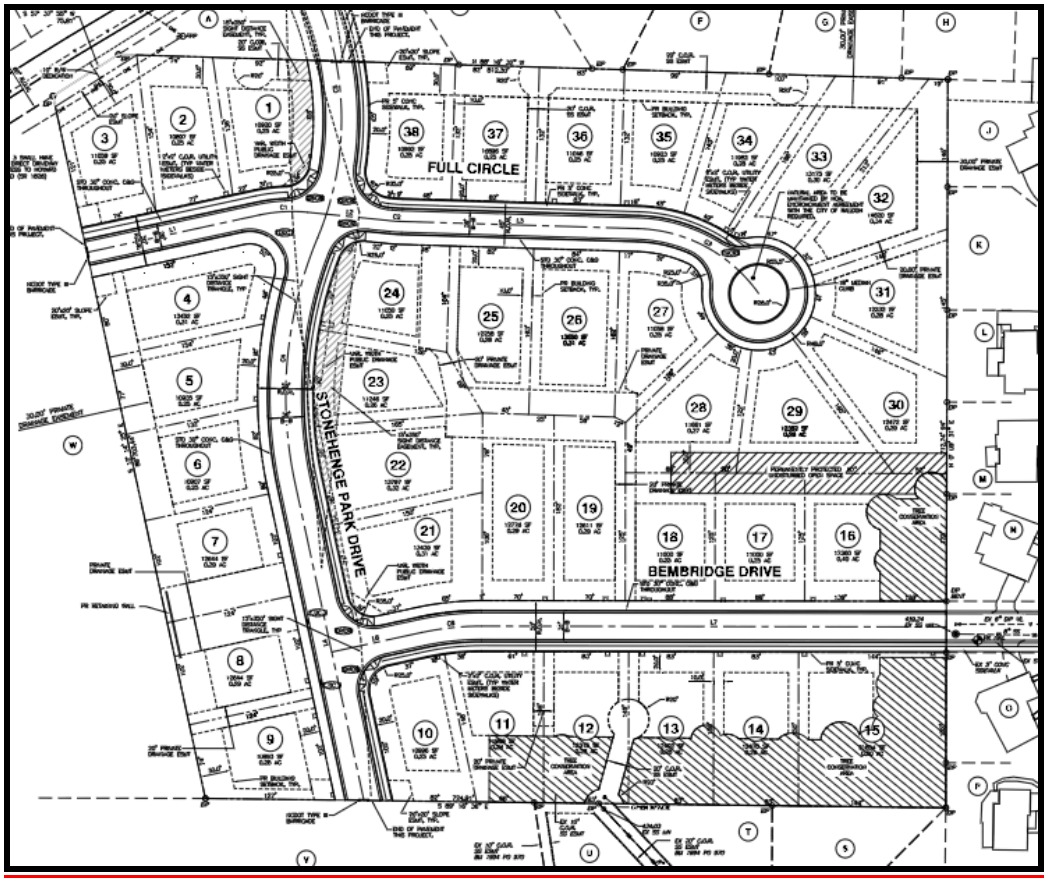
CAC: Northwest

Nature of Case: Subdivision of 13.27 acres into 38 lots zoned Residential-4.

Contact: Bass, Nixon, & Kennedy, Inc.



S-34-09 Stonehenge Park – Site Location Map



S-34-09 Stonehenge Park – Subdivision Layout

SUBJECT: S-34-09 Stonehenge Park Subdivision

CROSS-REFERENCE: N/A

LOCATION: On the south side of Howard Road, outside the city limits.

REQUEST: Subdivision of 13.27 acres into 38 lots zoned Residential-4.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Prior to the Inspection Department issuance of a grading permit

(1) 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;

(2) 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 developer, the property owners' association and given to the City of Raleigh Attorney 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 easements are provided to the Inspections Department;

(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;

Prior to Planning Department authorization to record lots:

(4) 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 Inspections Department and a stamped approved copy is placed on file in the Planning Department;

(5) 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;

(6) That a fee in fee-in-lieu of construction for curb and gutter and one-half of a 5-foot sidewalk along Howard Road in an amount determined by the City Engineer, is paid in the Public Works Department;

(7) That 2 street names for this development be approved by the Raleigh City Planning Department and by Wake County;

(8) That 1/2 -80' width of right-of-way along Howard Road 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;

(9) That an application for an encroachment agreement for landscaping in the round-a-bout on Full Circle 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;

(10) All sight triangles and sight easements on the preliminary plan shall also be shown on all plats for recording stating: Within the sight triangle shown on this plan, no obstruction between 2 feet and 8 feet in height above the cub line elevation shall be located in whole or part. Obstructions include but are not limited to any berm, foliage, fence, wall, sign, parked vehicle or other object;

(11) That a note stating "there will be no direct access from any lot onto Howard Road," be shown on all recorded plats and be submitted to the Site Review Specialist in the Inspections Department at permit review;

(12) That an agreement is established for landscaping within the round-a-bout is maintained by the homeowners association;

(13) That a demolition permit for the existing structure(s) be issued by the Inspections Department and this permit number be shown on all maps for recording;

(14) That a 20' City of Raleigh Sanitary Sewer Easement be extended up into lots 12, 13, 34, 35, 36, and 37 as shown on the preliminary plan;

(15) 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.

(16) 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."

(17) 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 grading or the approval of construction drawings, whichever event comes first;

(18) That as this subdivision plan creates lots less than one acre in size, stormwater control measures are required 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. The homeowners' legal documents shall be prepared in accordance with Raleigh City Code Section 10-3071 through 10-3074 and 10-9027(b), and the City Attorney shall either actually approve the homeowners' legal documents or a certificate be submitted to the City Attorney from the attorney who prepared the homeowner legal documents state that the declaration of covenants contains all of the provisions of the Raleigh City Code Requirements set forth in City form Article.

The homeowners' declaration shall conform to G.S. 47-F, if applicable, and shall contain the following provisions: (a) a definition of stormwater control measures serving more than one lot and situated outside of the public street rights of way; (b) a statement in the definition of common areas that stormwater control measures are common area; (c) that stormwater control measures shall be maintained by the homeowners' association in strict compliance with the stormwater operations and maintenance manual and budget (approved by the Stormwater Engineer in the Public Works Department as part of condition (16) above) and this manual is attached as an exhibit to the Stormwater Replacement Protection Easement and Access Maintenance agreement required by condition (16) above; (d) that common expenses include: maintenance of stormwater control measures and replacement contribution payments required to be paid by the Association to the City by Stormwater Replacement Protection Easement and Access Maintenance Agreement required by condition (16) above; (e) that within permanently protected undisturbed open space area shown on any plat of the development, no tree-disturbing activity (as defined in Part 10 Chapter 2 of the Raleigh City Code), land-disturbing activity, placement of impervious surface, encroachment, new use or construction of any structure or expansion there of shall occur except in accordance with a watercourse buffer first being issued by the City of Raleigh; (f) that the City of Raleigh is assigned the right to collect stormwater assessments of the Association, file liens against the lots and to foreclose delinquent liens for monies owned to the City. Foreclosure of stormwater assessments liens shall be in accordance with N.C.G.S 47F-3-116 and to foreclose the claim of lien in like manner as a mortgage on real estate under a power of sale under Article 2A of Chapter 45 of the General Statures; (g) a statement that no amendment to the legal documents affecting stormwater control measures or the replacement fund shall be made without the prior written consent of the Raleigh City Attorney as evidenced by signature of the City Attorney or his/her deputy on the recorded original or copy of the amendment; (h) a statement that the stormwater control measures are the joint and several liability of each owner served by the stormwater control measure required to comply with the Raleigh City Code, and the failure to maintain stormwater control measures is a violation potentially subjection each lot owner to significant daily civil penalties and other enforcement

action; (i) the homeowners' association shall be empowered to plant, maintain and protect within tree conservation areas shown on recorded plats of the development, and the future owners of lots and their agents shall have the right to enter any of the tree conservation area shown on the recorded plats of the development with the consent of the Association and the City of Raleigh Inspections Department to perform active tree protection as defined in Chapter 2 Part 10 of the Raleigh City Code to remove trees, plat trees and to replant replacement tree; (j) a statement that any tree disturbing activity as defined in Chapter 2 Part 10 of the Raleigh City Code undertaken in any tree conservation area shown on the recorded plats of the development without the prior issuance of a permit from the City of Raleigh Inspections Department is a violation of the Raleigh City and will result in significant financial consequences. A recorded copy of these deeds must be provided to the Planning Department within 14-day from authorization of lot recording. If recorded copies of the of the deed are not provided to the Planning Department within this 14-day period, further plat recordings and building permit issuance may be withheld; and

(19) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section10-2082.14;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Wayne) Date: 4-26-10

Staff Coordinator: Meade Bradshaw

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 10-3001-3059. This approval is based on a preliminary plan dated 2/11/10, owned by Willie Earl Wilson, submitted by Bass, Nixon & Kennedy Inc.

ZONING:

ZONING DISTRICTS: Residential-4

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

TREE CONSERVATION: The site is 13.27 acres and requires 10% dedication for tree conservation or 1.327 acres. 10% dedication will not be met due only .965 acres having trees to dedicate. This 7.27% is secondary tree conservation located at the southern and southeastern portions of the site.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: There are no phases in this development

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Howard Road	½-80'*	N/A	10'
Bembridge Drive	50'	31' b-b 5' with sidewalk one side	N/A
Full Circle (east)	45'	26' b-b curb gutter & sidewalk one side	N/A
Full Circle (west)	50'	26' b-b curb gutter & sidewalk one side	N/A
Stonehenge Park Drive	55'	36' b-b curb gutter & sidewalk one side	N/A

Additional right-of-way to be dedicated is reimbursable under the facility fees program in excess of 60'. The constructed sidewalk is eligible for reimbursement for ½-5' sidewalk.

TRANSIT: No transit easement required.

URBAN FORM: This site is located in the North Citizen Advisory Council, in an area designated a residential area.

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'. The minimum lot width in this zoning district is 65'. Lots in this development conform to these minimum standards. This site is greater than 5 acres as defined in Code Section 10-3032(d). Lots in this development conform to these minimum standards.

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.

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: The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: The subdivision will gain access to a public street by connecting to the existing Bembridge Drive. The subdivision will provide stubs to adjacent properties to the north, west, and south. Existing street improvements shall conform to normal City construction standards.

PEDESTRIAN: Sidewalks will be provided along the east side of Stonehenge Park Drive, the north side of Full Circle, and the south side of Bembridge Drive. A Fee in lieu required for ½ of a 5' sidewalk along Howard Road.

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

STORMWATER MANAGEMENT: Water quality requirements are being met by permanently undisturbed open space, an underground detention pond, and a buydown from the NCEEP. Water quantity requirements are being met by underground piped detention to an underground stormwater facility.

WETLANDS / RIPARIAN BUFFERS: No wetland areas or Neuse River riparian buffers are required on this site.

STREET NAMES: 2 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.

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: 4/26/2013
Record at least ½ of the land area approved.

5-Year Sunset Date: 4/26/15
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.