



# 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-26-12 / Shelley Road Lot 28 Block C Subdivision

**Property owner:** Frank Lovick  
**Designer:** John Phelps Jr.

**General Location:** The northwest quadrant of Shelley Road and Collingswood Road.

**CAC:** Midtown

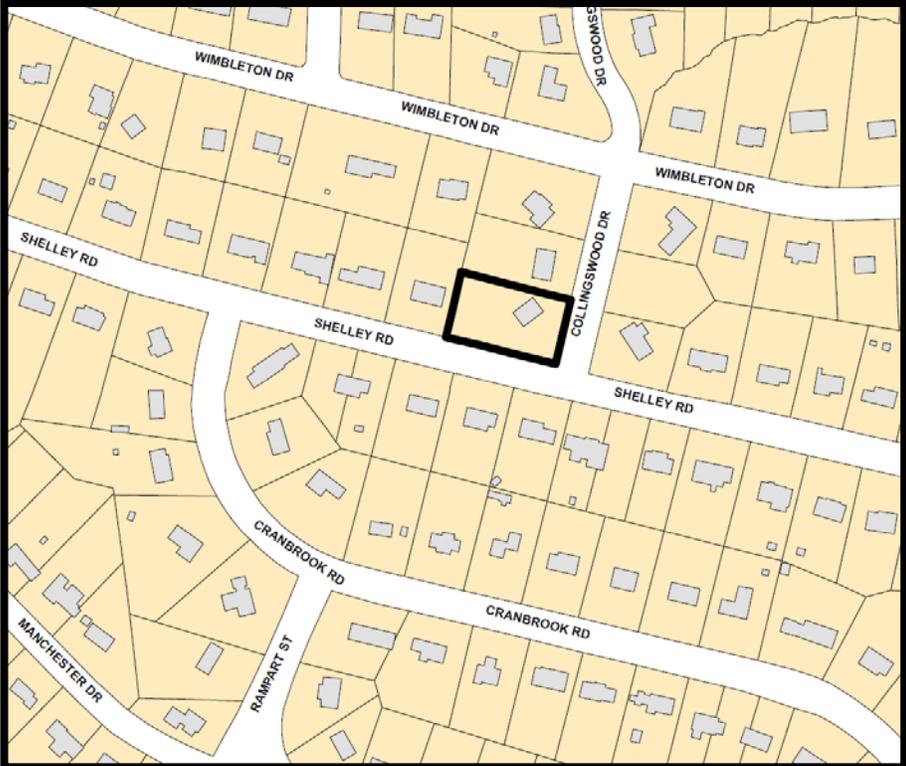
**Nature of Case:** The subdivision of 0.55 acre parcel into two lots zoned Residential-4.

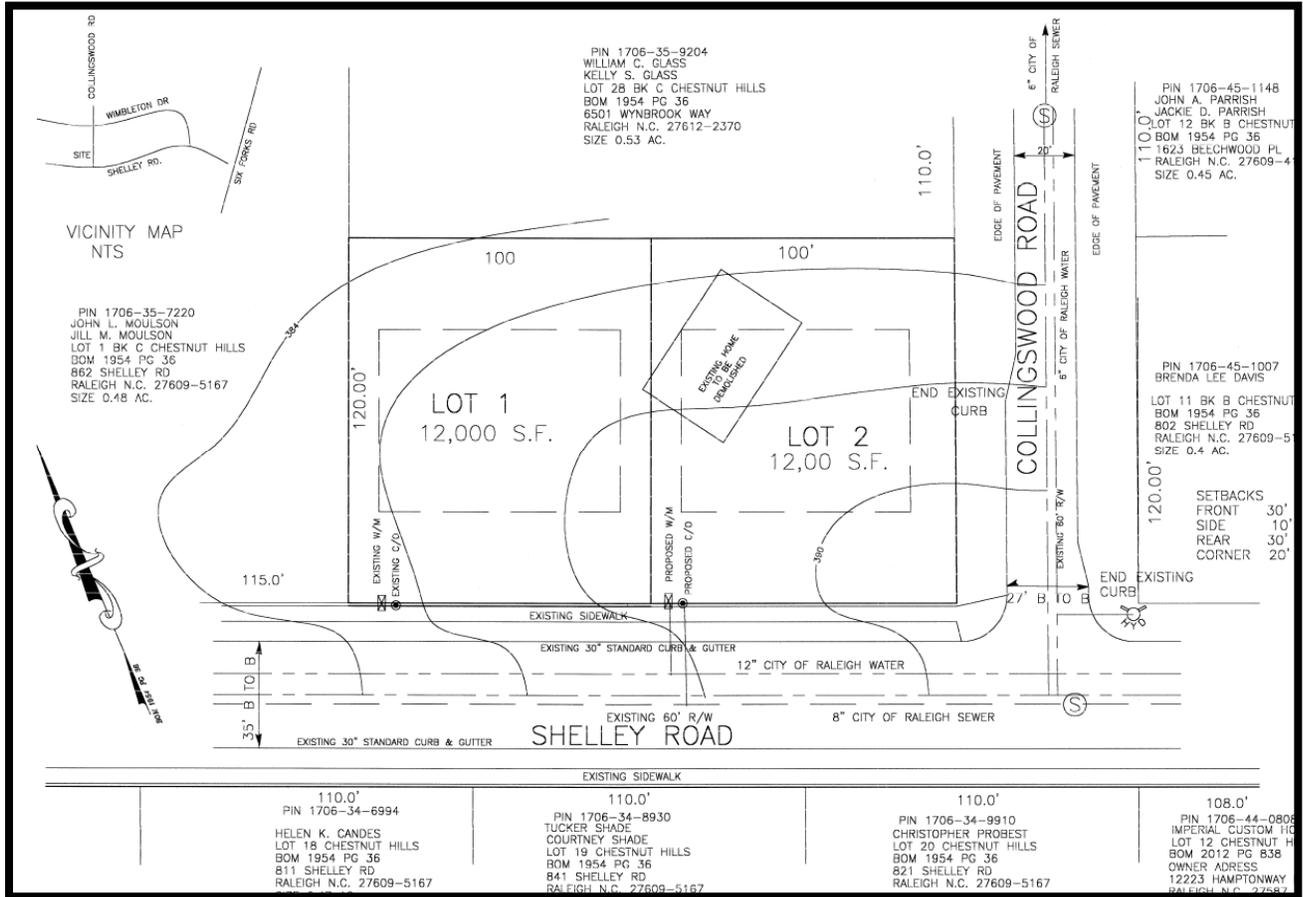
This development constitutes an "infill subdivision" with the proposed subdivision being less than 5 acres in size, located in a residential zoning district, more than 66% of its perimeter surrounded by single-family detached dwellings, and both lots created are less than 80% of the median lot size of the surrounding lots.

New lot 1 is proposed to be .27 acres (12,000 square feet) with a road frontage of 100' linear feet along Shelley Road. New lot 2 is proposed to be .27 acres (12,000 square feet) with a road frontage of 100' linear feet along Shelley Road and 120' along Collingswood Road.

**Key Issues:** Planning Commission should evaluate this request utilizing the infill standards of Code section 10-3032(d) as found on 7 of this staff report.

**Contact:** John Phelps Jr.





Subdivision Layout

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**SUBJECT:** S-26-12 Shelly Road Lot 28 Block C Subdivision

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located on the north side of Shelley Road, west of its intersection with Collingswood Road, inside the City Limits.

**REQUEST:** This request is to approve the subdivision of a 0.55 tract into two lots, zoned Residential-4. Lot 1 is proposed to be 12,000 square feet and Lot 2 is proposed to be 12,000 square feet. The overall residential density is 4 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 both lot sizes are less than 80% of the median of the surrounding lots.

**Median lot size of surrounding lots** **.46 acres (80% = .368)**

**Proposed lot size lot #1** **.2754 acres (58% of median)**  
**Proposed lot size lot #2** **.2754 acres (58% of median)**

**Median lot frontage of surrounding lots** **110.00' (80% = 88')**

**Proposed lot frontage lot #1** **100' (91% of median)**  
**Proposed lot frontage lot #2 (corner lot)** **100' (71% of median)**  
**120' (109% of median)**

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:** As noted on the Staff Report, attached

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**FINDINGS:** The Planning Commission finds that this request, with the following conditions being met, meets the infill lot layout standards of 10-3032(d). The Planning Commission also finds that this plan conforms to Chapter 2, Part 10, Section 10-2017, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/26/12, owned by Frank Lovick, submitted by John Phelps Jr.

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**ADDITIONAL NOTES:** There are no additional notes for this plan.



## Staff Report

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**RECOMMENDED ACTION:** Approval with Conditions

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**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:**

- **Size:** Maximum floor area gross shall not be greater than 4,000 square feet; exclusive of basement and finished floor attic spaces (The definition of floor area gross except as modified herein, shall be pursuant to City of Raleigh Code section 10-2002).
- **Height:** Maximum building height not to exceed 36-feet from average natural ground elevation (as measured pursuant to City of Raleigh Code section 10-2076(b));

**Administrative Actions:**

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

- (2) That construction drawings are submitted and approved by the Public Works Department;
- (3) That the recorded plat contains the following note: "A restrictive covenant for lots 1 and 2 has been recorded for house size and building height;"
- (4) That the owner prepare restrictive covenants for lots 1 and 2 establishing a maximum floor area gross as defined in City Code Section 10-2002 of no more than 4,000 square feet, excluding finished floor attic and basement area, and a maximum building height not to exceed 36-feet from the average natural ground elevation [as per City Code Section 10-2076(b)]. That the City Attorney approves the restrictive covenant prior to its recordation and that the approved restrictive covenant shall be recorded with the county register of deeds office where the property is located. That the recorded copy of this restrictive covenant be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

- (5) That a demolition permit be issued by the Development Services Department and this building permit number be shown on all maps for recording;

**Prior to issuance of building permits:**

- (6) That a security of 1.5 times the estimated cost of construction of public improvements required with the building permit for Lot 2 unless the improvements have been completed and accepted by the City of Raleigh for maintenance.

**ZONING:**

**ZONING DISTRICTS:** Residential-4.

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

**TREE CONSERVATION:** Subdivision is exempt from conformance with Code Section 10-2082.14. The parcel is less than two acres in size.

**PHASING:** There 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:

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
Collingswood Road	N/A	½-26' b-b Curb and gutter facility with a 5' sidewalk	N/A

**TRANSIT:** This site is presently not served by the existing transit system.

**URBAN FORM:** This site is located in the Midtown Citizen Advisory Council, in an area designated as low density residential on the Future Land Use Map.

**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'. Lots in this development conform to these minimum standards. This is an infill subdivision as defined in Section 10-3003. The total acreage is less than 5 acres. The median lot size of the peripheral developed lots is 20,037 square feet. The median lot frontage of the peripheral developed lots is 110 linear feet. The minimum lot size proposed in this

subdivision is 12,000 square feet. The minimum lot frontage in this subdivision is 100 linear feet. Lot lines are angled from the street in a similar manner as typical surrounding lots. Lots consist of no more than 4 lines as is typical of surrounding lots. The building envelope for the proposed new lot(s) 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:**

(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:** Lot lines for all lots are either perpendicular to the street or at a very narrow angle consistent with the lots in the periphery.

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:** Both lots have 4 angles.

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 lots are configured to be side by side and facing the street

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:** All lots are configured to be served by City water, sewer and allow for access of emergency vehicles. There are fire hydrants in close proximity.

(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:** There are no lots that would allow for future subdivision or extension of public streets.

(4) The Planning Commission first finds that the *infill project* does not create sharp changes from the physical development pattern of residential lots located on the "periphery" of the infill development with respect to dwelling height, setback, placement and size. Periphery *shall* have the same

meaning as set forth in subparagraph (3) of the definition of *infill lots or infill project*.

**Applicant response:** There are no conflicts between our plan and the City Plans.

(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 incompatible characteristics such as the amount and placement of impervious surface, placement of structures and vehicular surface areas, and the orientation of uses and entranceways.

**Applicant response:** The proposal is creating lot sizes greater than the minimum lot size the Residential-4 zoning requires.

- BLOCK LAYOUT:** No new streets are proposed with this development.
- 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:** Individual lot service by the City is to be provided.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** A sidewalk exists along both lots frontage on Shelley Road. A 5' sidewalk will be constructed on Lot 2's frontage along Collingswood Road.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** This site is exempt from stormwater management controls in accordance with 10-9021(3) of the Raleigh City Code.
- WETLANDS / RIPARIAN BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new streets are being proposed within the subdivision
- 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.