



Certified Action Of the City of Raleigh Planning Commission

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

Case File / Name: S-34-12 / Chamber Court Infill Subdivision

General Location: The property fronts on both Chamberlain Court and Tower Street, north of Clark Avenue and west of Oberlin Road.

Property owner: Lambert Development, LLC
Designer: The Kuhn Law Firm, PLLC

CAC: Wade

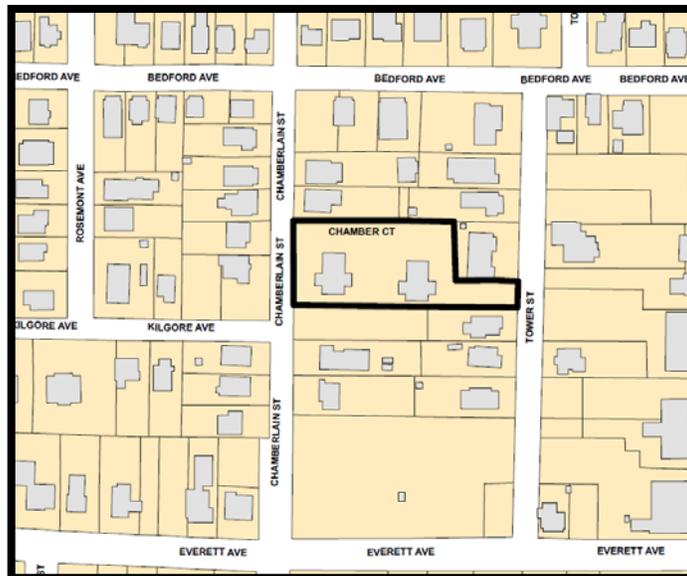
Nature of Case: The subdivision of a 0.8 acre vacant lot into three lots zoned Residential-10 with the Oberlin Village Neighborhood Conservation Overlay District.

This development constitutes an "infill subdivision" with the parcel being a residential zoning district, is less than 5 acres in size, more than 66% of its perimeter is surrounded by single-family detached dwellings, and creates a lot which has a lot frontage of less than 80% of the median lot frontage of the peripheral developed lots.

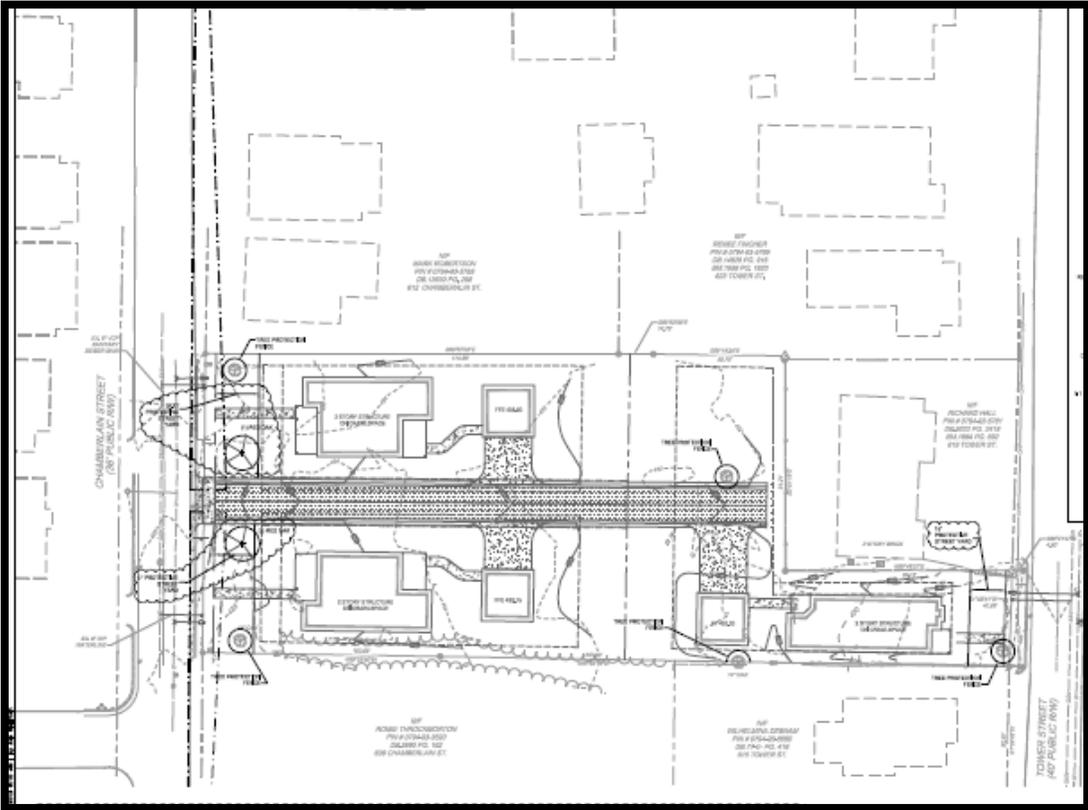
The proposed Lot 3 creates a street frontage of 40.86' which is less than 80% of the median street frontage (42.4') of lots along the periphery of the subdivision.

Contact: Ben Kuhn, The Kuhn Law Firm, PLLC

Key Issues: Planning Commission should evaluate the request using the five standards of code section 10-3032.(d) related to infill projects.



S-34-12 Chamber Court Infill Subdivision - Location Map



S-34-12 Chamber Court Infill Subdivision – Subdivision Layout

SUBJECT: S-34-12 / Chamber Court Infill Subdivision

CROSS-REFERENCE: Z-83-95

LOCATION: This site is located on the east side of Chamber Court, north of its intersection with Clarke Avenue, inside the City Limits.

REQUEST: This request is to approve the subdivision of a 0.8 acre tract into 3 lots, zoned Residential-10 with Neighborhood Conservation Overlay District. The overall allowed density is 10 units an acre. This development constitutes an "infill subdivision" because the parcel is zoned residential, is less than 5 acres, surrounded on at least 66% of its perimeter by developed single-family detached dwellings, and creates a lot with a proposed lot frontage of less than 80% of the median public street frontage of the peripheral developed lots. All proposed lots exceed the median value of peripheral lots (8,532 square feet). Proposed lot sizes are 11,310 sf, 11,656 sf. and 12,474 sf.

Proposed lot 3 has an existing road frontage of 40.86'. 80% of the median lot frontage of lots in the periphery is 42.4'.

Median lot frontage of surrounding lots 53' (80% = 42')

Proposed lot frontage lot #1	62.25' (117% of median)
Proposed lot frontage lot #2	64.45' (121% of median)
Proposed lot frontage lot #3	40.86' (77% 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 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, Sections 2017 and 10-2132.2, Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 12/21/12, owned by Lambert Development, LLC, submitted by The Kuhn Law Firm, PLLC.

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

VARIANCES / ALTERNATES: A minimum of 40.75' is required for the lot width, per A-81-12 – The BOA granted a 9.25 foot variance in the minimum 50 foot width for a lot to build a new dwelling in the Residential-10 zoning district with Oberlin Village Neighborhood Conservation Overlay District.

To PC: 3/26/13

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Mattox

Second: Haq

In Favor: **Buxton, Fleming, Fluhrer, Harris Edmisten, Haq, Mattox, Schuster, Sterling Lewis and Terando**

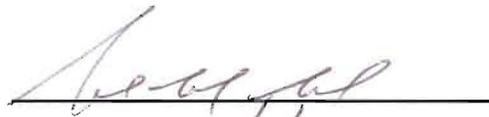
Opposed: xxxxx

Excused: xxxxx

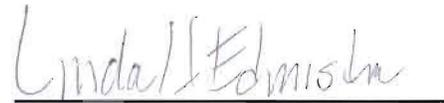
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 4/4/13



date: 3/26/13



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);

Administrative Action

Prior to issuance of a grading or building permit for the site:

- (2) That prior to the issuance of a grading or building permit, a final tree protection plan must be approved by the Forestry Specialist in the Planning Department protecting the existing trees in the street protective yards as voluntarily preserved by the developer and shown on the preliminary plan if they are to be used for credit toward street protective yard requirements of code section 10-2082.5. Tree protection fence must be located in the field in conformance with code section 10-2082.11 if the trees are to be preserved, the tree protection fence inspected prior to permit issuance, and a copy of the approved tree protection plan is to be placed on file in the Planning Department;

Prior to Planning Department authorization to record lots:

- (3) That a fee-in-lieu for ½-5' sidewalk along Chamberlain Street and Tower Street frontages will be required to be paid to the Public Works Department and included as a note on the recorded map;
- (4) That 4.5' of right-of-way be dedicated along Chamberlain Street prior to or in conjunction with the recording of any map;
- (5) That a 2.5' of right-of-way be dedicated along Tower Street prior to or in conjunction with the recording of any map;
- (6) That a shared private cross access easement be recorded allowing Lots 1, 2, & 3 the use of Chamber Court;

Prior to issuance of building permits on lot 3:

- (7) That the final site plan for any house to be built on lot 3 show the house positioned in a location between the houses on the two adjoining lots, in conformance with setback standards for the Neighborhood Conservation Overlay District, as shown on the preliminary plan.

ZONING:

ZONING DISTRICTS: Residentail-10 with Oberlin Village Neighborhood Conservation Overlay District. Ordinance NO. (1995) 742 2C 374 Effective 11/8/95

Z-83-95 Oberlin Village Neighborhood, generally bounded by Oberlin Road, Pogue Street, Clark Avenue, and Craig Street, being various Maps and Parcels, approximately 103 acres rezoned to Neighborhood Conservation Overlay District, according to map on file in the Planning Department. The underlying districts would remain.

CONDITIONS:

Minimum Lot Size: 5,000 square feet
Lot 1 – 11,030 square feet, Lot 2 – 11,367 square feet, Lot 3 – 12,373 square feet

Maximum Lot Size: 12,500 square feet
Lot 1 – 11,030 square feet, Lot 2 – 11,367 square feet, Lot 3 – 12,373 square feet

Maximum Building Height: Two stories or 25 feet
Will be determined at building permit issuance

Minimum Lot Width: 50 feet
Lot 1 – 62', Lot 2 – 64', & Lot 3 – 40.86'

Setback: Within 10% of the Median Front Yard setback established by building on the same side of the block face of the proposed building.
Chamber Court Median Front Yard Setback – 28.37'
Tower Street Median Front Yard Setback – 22.57'

Building Entrance: All building(s) must have at least one entrance facing the public street.
Will be determined at building permit issuance

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

TREE CONSERVATION: The parcel is zoned residential and is less than two acres in size. A natural protective yard or tree conservation is not required.

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

PHASING: There is one phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR

PLAN: No construction is required by the Thoroughfare and Collector Street Plan.

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

URBAN FORM: This site is located in the Wade Citizen Advisory Council, in an area designated a residential area. The following Comprehensive Plan Policies apply:

- Policy LU 4.5 Connectivity
- Policy LU 5.1 Reinforcing the Urban Pattern
- Policy LU 8.12 Infill Compatibility
- Policy T 5.5 Sidewalk Requirements
- Policy UD 5.1 Contextual Design

HISTORIC / DISTRICTS: The existing building is not a designated Historic Structure. This site is not located in or adjacent to a designated Historic District

SUBDIVISION
STANDARDS:

LOT LAYOUT: This subdivision is within the Oberlin Village Neighborhood Conservation Overlay District. The property complies with the following standards:

Minimum lot size: 5,000 square feet (0.11 acre)

Maximum lot size: 12,500 square feet (0.28 acre)

Minimum lot width: Fifty (50) feet (See BOA action for lot width variance granted.)

Front yard setback: Within ten percent (10%) of the median front yard setback established by buildings on the same side of the block face of the proposed building.

Building entrance: All buildings shall have a minimum of one entrance facing the public street.

A-81-12 – Granted Lot 3 a 9.25 foot variance in the minimum 50 foot width for a lot within the Oberlin Village Neighborhood Conservation Overlay District.

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, Sidewalks and Driveway Access Handbook. 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: Individual lot service by the City is to be provided.

CIRCULATION: Existing street improvements conform to normal City construction standards. All three lots will be accessed by Chamber Court, a 20' private access easement.

- PEDESTRIAN:** No sidewalk exists on Chamberlain Street or Tower Street. A fee-in-lieu of construction for ½-5' sidewalk will be required to be paid for Chamberlain Street and Tower Street frontages.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER MANAGEMENT:** Subdivision proposes a reduction in impervious area from existing conditions. Site is exempt from Part 10, Chapter 9 Stormwater Regulations per 10-9021(6).
- 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.
- 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.

Sec. 10-3032(d) Infill lots and infill projects.

Any *infill lot* formed either by recombination or by *subdivision* after the application of this regulation* shall comply with all of 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*;

b.

Lots shall consist of no more than four (4) lines (front, rear, side, side) where such a configuration is typical of the surrounding peripheral residential *lots*;

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*.

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.

(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.

(4)

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*.

(5)

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, the placement of structures and vehicular surface areas, and the orientation of uses and entranceways.

The notice, approval procedures, hearings and appeal provisions of [§10-3013](#) *shall* apply to all *infill projects*.

For purposes of this subsection, *infill lots or infill project* means a recombination of tracts of land or the *subdivision* of land where all of the *following* conditions exist:

(1)

The total area subject to the recombination or *subdivision* is five (5) acres or less, and will result in the formation of at least one (1) *lot* that at the time of the recombination or *subdivision* does not contain a dwelling, as defined in Part 10 chapter 2.

(2)

The *property* is in a residential zoning district as defined in [§10-2002](#)

(3)

At least sixty-six (66) per cent of the "periphery," including public *right-of-way*, of the proposed area subject to the recombination or *subdivision* abuts existing residential building *lots* containing a single-family detached dwelling or a structure which was originally constructed as a *single family* detached dwelling. "Periphery" for the purposes of this subsection includes *properties* both immediately abutting and across a public *minor residential street*,

residential street, residential collector street, or collector street from the proposed recombination or *subdivision*.

(4)

The proposed recombination or *subdivision* contains any *lot* which is eighty (80) per cent or less than the median *lot* size of the surrounding peripheral developed residential *lots* determined by subparagraph (3) above, or the proposed recombination or *subdivision* contains one (1) or more *lots* whose public *street frontage* is eighty (80) per cent or less of the median public *street frontage* of the surrounding peripheral developed residential *lots* as determined in subparagraph (3) above.

***Editor's note:** *Infill lot* and *infill project* regulations first became applicable on September 1, 1997. (Ord. No. 1997-137-TC-153, TC-18-96, 6-17-97)

Cross reference: Appeals, §10-3013(b)(3)c. and g. (Ord. No. 2000-914-TC-200, §4, TC-12-00, 12-5-00)

(Ord. No. 1987-61-TC-299, §1, TC-22-87, 10-6-87; Ord. No. 1991-823-TC-371, §§1,2, TC-11-91, 7-16-91, Ord. No. 1993-121-TC-43, TC-17-92, 1-24-93; Ord. No. 1997-137-TC-153, §126, TC-18-96, 6-17-97; Ord. No. 1997-138-TC-154, §1, TC-8-96, 6-17-97; Ord. No. 1999-616-TC-181, §96, TC-3-99, 8-3-99; Ord. No. 2002-140-TC-211, §3, TC-14-01, 1-2-02; Ord. No. 2008-428-TC-313, §6, TC-4-08, 7-1-08; Ord. No. 2009-661-TC-327, §31, TC-4-09, 10-7-09; Ord. No. 2010-706-TC-331, §24, TC-1-10, 2-16-10)

(e)

Side lot lines.

Side *lot* lines *shall* be as near as practicable at right angles to the *street* line on which the *lot* faces.

Policy reference: "Flag Lot" policy, standard operating procedure 900-4: Procedure for Preliminary Site Plan, subdivision, Master Plan, Condominium, Cluster Unit and Townhouse Approvals.

(Code 1959 , §20-16; Ord. No. 1978-706-TC-79, §1, TC-113, 2-7-78; Ord. No. 1978-872-TC-88, §23, TC-119, 8-15-78; Ord. No. 1986-880-TC- 277, §§6, 7, TC-18-86, 10-22-86; Ord. No. 1988-151-TC-307, §1, TC-7-88, 4-19-88; Ord. No. 1988- 292-TC-328, §§8, 9, TC-22-88, 1-3-89; Ord. No. 1989-399-TC-342, §1, TC-7-89,7-5-89)