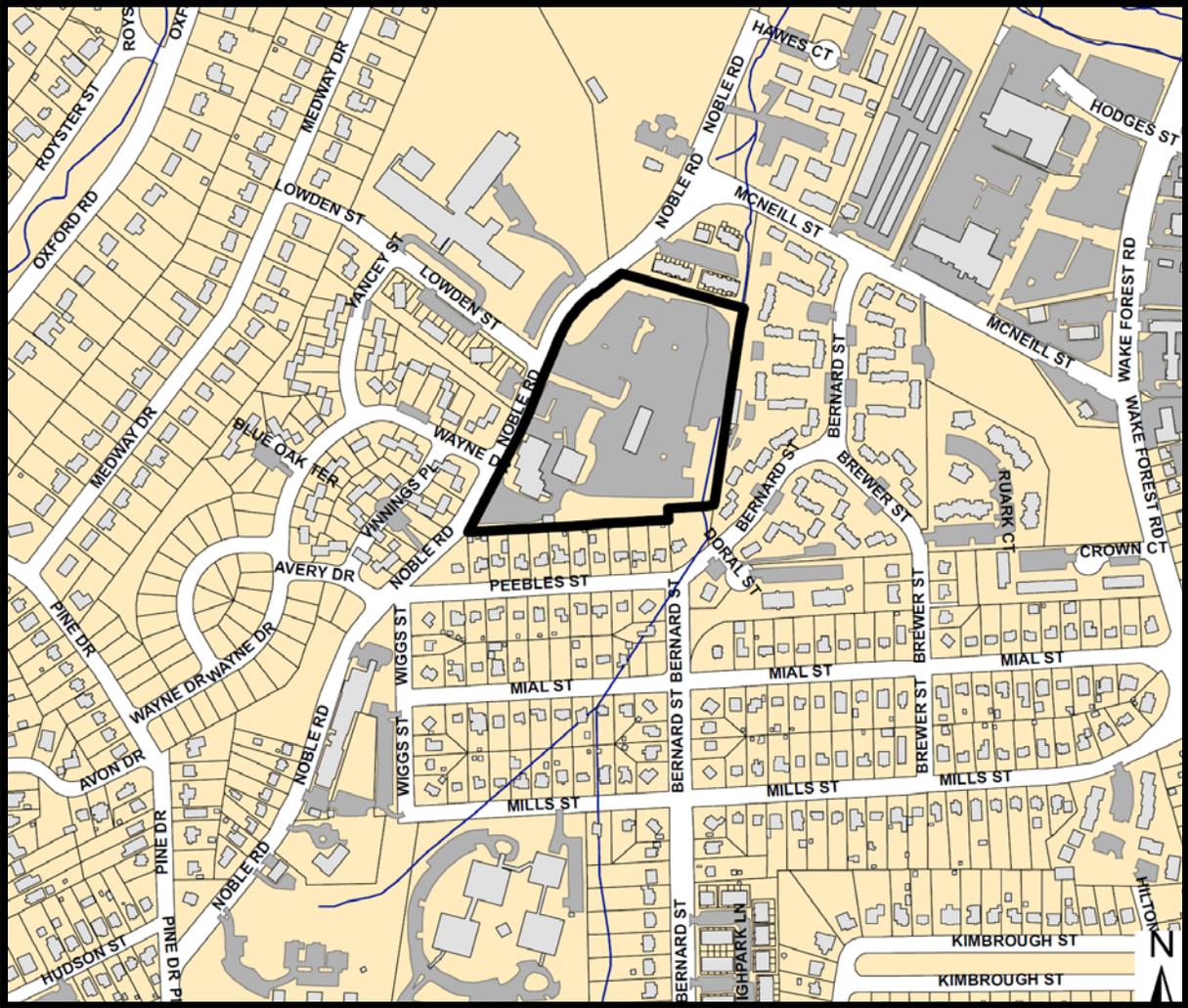




Administrative Action Preliminary Subdivision / townhome

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

- Case File / Name:** S-15-13 / The Grove at Fallon Park
- General Location:** The east side of Noble Road, between its intersections with McNeill Street and Peebles Street
- CAC:** Five Points
- Nature of Case:** The subdivision of a 9.93 acre tract zoned Residential-10 into 83 townhome lots and one common space lot that includes open space areas and private streets. The density is 8.36 units to the acre.
- Contact:** Ken Jesneck, PE – Withers & Ravenel



S-15-13 The Grove at Fallon Park – Site Location Map

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a grading permit for the site:

- (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;

Prior to approval of site review or construction drawings, whichever occurs first:

- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to Planning Department authorization to record lots:

- (3) That a demolition permit be issued and the permit number noted on the plat for recordation;
- (4) That infrastructure construction drawings are approved by the Public Works and Public Utilities Departments
- (5) That construction plans are approved by the Public Works Department for one or more of the following: Utilities, Stormwater, Public and private streets;
- (6) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;
- (7) 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 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)."
- (8) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the county register of

deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;

- (9) Four 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;
- (10) 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;

Prior to issuance of building permits:

- (11) That driveways are located no closer than 3.5' to the side property line unless they are shared with an adjacent lot;
- (12) That when 75% of the permits have been issued for residential developments, 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 time 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:

- (13) 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 Lile (C. Hodge)* Date: 6.17.13

Staff Coordinator: Eric 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 10-2103, 10-2021, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/7/13, owned by M/I Homes, submitted by Withers & Ravenel.

ZONING:

ZONING DISTRICTS: Residential -10

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

TREE CONSERVATION: Due to the lack of trees and the amount of existing impervious surface and utilities on the site, this project is only required 0.34% or 0.03 acres for tree conservation,. This project has dedicated 0.03 acres which is broken into:

Primary: 0.03 acres
Secondary: 0 acres

SETBACK / HEIGHT: Setbacks from public and private streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 20'. Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. No buildings are greater than 28' in height.

OPEN SPACE: Open space conforms to minimum requirements in Raleigh City Code Section 10-2103(d). 10% or .99 acres required, 17% or 1.70 acres provided. The subdivision is not divided by a thoroughfare.

PARKING: Off-street parking conforms to minimum requirements: 208 spaces required, based on 2.5 parking spaces per 3 bedroom unit (all of the units are proposed to be 3-bedroom units). 264 spaces are provided: 34 units with 2 car garage and driveway parking, 49 units with 1 car garages and driveway parking together provide 231 spaces and there are additional 33 on-street parking spaces located along the private streets. Parking spaces meet minimum standards for size and aisle width.

PHASING: No phasing has been indicated for this development. If the developer wishes to phase the project, a final phasing plan for infrastructure must be submitted and approved with the submittal of Infrastructure Construction Drawings.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: No dedication of right-of-way or construction of any new streets or street improvements was required by the Thoroughfare and Collector Street Plan.

TRANSIT: No transit-oriented features of this site are incorporated into the proposed plan. This site is presently not directly served by the existing transit system. This site is currently served by Route 2 Falls of the Neuse as it travels inbound. To access the route outbound passengers may utilize the stops on Wake Forest Road or Whitaker Mill Road.

URBAN FORM: This site is located within the Five Points CAC, in an area designated Public Facilities. This category identifies large publicly owned non-park properties, including public schools, city facilities (such as libraries, fire stations, public works yards, etc.), stadiums, state government facilities, the fairgrounds, and federal government facilities (postal distribution centers, etc.). Such sites are identified on the Future Land Use Map if they cover more than about two acres.

**SUBDIVISION
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: Individual lot service by the City is to be provided.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along the property’s frontage on Noble Road. Sidewalks are provided along one side of the private streets within the development with the exception of the alley serving the rear-loaded garages.

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

**STORMWATER
MANAGEMENT:** This site is exempt from stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code, per section 10-9021(6).

**WETLANDS
/ RIPARIAN
BUFFERS:** Neuse River riparian buffers are present on this site. No new impacts are proposed from existing conditions.

STREET NAMES: Four 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 construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval by City Council 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: 6/17/2016
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/17/2018
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.