



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
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Case File / Name: S-38-10 / Edwards Townhomes Lot 3

General Location: On the northwest corner of Heather Drive and Western Blvd, inside the city limits.

Property Owner: Edwards Property
Designer: Blakely Design Group

CAC: West

Nature of Case: Subdivision of .302 acres into 3 townhome lots zoned Residential-10.

This proposal requires Planning Commission approval based on code section §10-2132.2(b)(12) applicable to “*multifamily dwelling developments, townhouse developments, residential unit-ownership and group housing developments* which are proposed to be located within a *residential zoning district* on any lot less than two (2) acres in area.”

This project does not qualify as an infill subdivision because less than 66% of the lot’s periphery abuts lots containing single-family. The subject property has 38.2% of its periphery adjoining existing residential building lots containing single family dwellings.

This request also includes a design alternate for a Group Housing standard as allowed per City Code section 10-2103(h) which gives the Planning Commission authority to approve alternate designs which are equivalent in terms of privacy, environmental, recreation and safety benefits and provide comparable utility and accessibility as the City Code standard. The alternate design request is from City Code section 10-2103(b)(3)b as it relates to the yard area around the perimeter of the *group housing development* that abuts any *residential zoning district* or lot containing any *dwelling*, *congregate care*, or *congregate living structure* which requires it to be the minimum *rear yard area setback* of the zoning district.

The required perimeter setback for the zoning district is 20’. The plan shows a 5’ perimeter setback adjacent to S-39-10 Edwards Townhomes Lot 4 and is unable to provide a 20’ perimeter setback. The plan provides a 20’ side yard setback from the right of way of Western Blvd. The units comply with front and rear yard setback.

As the townhomes on lots 2, 3 & 4 are constructed, the lots will be recombined eventually into 1 single lot with a total of 9 townhomes.

Contact: Taylor Blakely

Key Issues: This request includes an alternate design request from City Code section 10-2103(b)(3)b as it relates to the yard area around the perimeter of the *group housing development*. Planning Commission should evaluate the proposal using the 8 standards of code section 10-2132.2(d) and determine that the alternate design is equivalent in terms of privacy, environmental, recreation and safety benefits and provides comparable utility and accessibility as the City Code standard.

SUBJECT:
Townhomes Lot 3

S-38-10 / Edwards

**CROSS-
REFERENCE:** IR-1-10

LOCATION: This site is located on the northwest corner of Heather Drive and Western Blvd, inside the city limits.

REQUEST: This request is to approve the subdivision of a .302 acre tract into 3 townhouse lots, zoned Residential-10. This proposal meets the definition of a townhouse development requiring preliminary plan approval in accordance with code section 10-2132.2(b)(12).

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, conforms to Chapter 2, Part 10, Sections 10-2021, 10-2103, 10-2109, 10-2132.2(d), Chapter 3, Part 10, and Sections 10-3001-3059. This approval is based on a preliminary plan dated 4/14/11, owned by Edwards Property, submitted by Blakely Design Group.

**ADDITIONAL
NOTES:** Planning Commission approved the infill recombination with covenants only July 13, 2010. The covenants relate to building height, dwelling size and roof pitch. The covenants are recorded in BK 14209 PG 181.

To PC: May 10, 2011
Case History:

Staff Coordinator: Jacquie Baker

Motion: Smith
Second: Harris Edmisten
In Favor: Butler, Anderson, Bartholomew, Batchelor, Harris Edmisten, Fleming, Haq, Mattox, Schuster, Smith and Sterling Lewis

Opposed:
Excused:

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: May 10, 2011



Date: May 10, 2011



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds that this subdivision meets the site plan approval standards of Code section 10-2132.2(d).
- (2) That the Planning Commission finds that the standards of Code section 10-2103(h) have been met and that the proposed alternate design provides equivalent privacy, environmental, recreational, and safety benefits, and provides comparable utility and accessibility as the Code Standards;

In support of this request the applicant has presented material for the following:

- Additional landscaping between buildings will provide privacy. The additional landscaping will include a row of Leyland Cypress planted at 6' in height between buildings to give felling of privacy and separation for the homeowners. There will be windows on the sides of the buildings. As the new townhomes are constructed, the lot will be recombined eventually into 1 single lot with a total of 9 townhomes.

Administrative Actions:

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

- (3) That a stormwater control plan with a stormwater operations and maintenance manual 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;

Prior to approval of construction drawings for public improvements:

- (4) That a stormwater control plan with a stormwater operations and maintenance manual 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;

Prior to Planning Department authorization to record lots:

- (5) That a fee in fee-in-lieu of construction for ½ of a 26' b/b street section along Heather Drive in an amount determined by the City Engineer, is paid in the Public Works Department;

- (6) That a 20-foot permanent slope easement on Heather Drive be dedicated prior to or in conjunction with the recording of any map;
- (7) That cross access agreements between lots 2, 3 and 4 are recorded in accordance with the City Code and a recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (8) That a demolition permit be issued by the Inspections Department and this building permit number be shown on all maps for recording;
- (9) 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;
- (10) 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 local county register of deeds office prior to any recordation of a subdivision 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 ;
- (11) That prior to recoding lots the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans;
- (12) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the local county register of deeds office prior to any recordation of a subdivision 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;
- (13) 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;
- (14) 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."
- (15) That property owners' association declaration of covenants and restrictions for required shared stormwater control measures shall be prepared in

conformance with Raleigh City Code section 10-9027(b)(9), and it shall be recorded with the local county register of deeds office subsequent to the recordation of both the Declaration of Maintenance Covenant and Protection Easements for Stormwater Control Facilities and the Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses, but prior to any recordation of a subdivision plat or issuance of a building permit whichever event first occurs. A recorded copy of these legal documents must be provided to the Planning Department within 14-days from authorization of lot recording or prior to issuance of any building permits, whichever event first occurs; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department;

- (16) That construction plans for the shared stormwater devices be submitted and approved by the Public Works Department;
- (17) That lots 2 & 3 be recombined into one lot;
- (18) That a final detailed landscape plan showing the approved alternate of design plantings as stated above 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;

Prior to issuance of building permits in the Inspections Department:

- (19) That as part of building permit applications a copy of the recorded restrictive covenants BK 14209 PG 181 be submitted to the Inspections Department;

Prior to issuance of Certificate of Occupancy in the Inspections Department:

- (20) That the additional landscaping of Leyland Cypress planted at 6' in height between buildings shall be installed.

ZONING:

ZONING DISTRICTS: Residential-10.

SETBACK / HEIGHT: Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 71.30' from Heather Drive. 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. Buildings are proposed to be 24' in height.

OPEN SPACE: Open space conforms to minimum requirements. 10% or .030 acres required and provided based on the open space standards of 10-2103(d).

PHASING: There is only one phases for this development.

PARKING: Off-street parking conforms to minimum requirements: 8 spaces required, based on 2.5 parking spaces per 3 bedrooms. 9 spaces are provided.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Transitional protective yards are not required as the site is surrounded by townhomes, apartments and public right of way.

TREE CONSERVATION: Compliance with the Tree Conservation Ordinance is not required as this site is a residential lot less than 2 acres in size.

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:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Heather Drive	50' existing	fee in lieu	20' permanent

TRANSIT: No transit easement required.

URBAN FORM: This site is located in the West CAC.

Policy LU 2.2—Compact Development

New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

Policy LU 2.5—Healthy Communities

New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

Policy LU 4.5—Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

Policy LU 5.1—Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy LU 7.6—Pedestrian Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

Policy T 4.8—Bus Waiting Areas

Developments subject to Planning Commission review and located within existing and planned bus transit corridors should coordinate with CAT to provide a stop facility that is lit and includes a shelter, bench, and other amenities (such as a waste receptacle) as appropriate.

Policy UD 1.2—Architectural Features

Quality architecture should anchor and define the public realm. Elements of quality architecture include architectural accents and features conducive to pedestrian scale and usage, such as a distinct base, middle, and top (for high-rise buildings); vertical and horizontal articulation; rooflines that highlight entrances; primary entrances on the front façade; transparent storefront windows and activated uses on the ground floor; and corner buildings with defining landmark features.

Policy UD 1.3—Creating Attractive Facades

Well-designed building facades, storefront windows, and attractive signage and lighting should be used to create visual interest. Monolithic or box-like facades should be avoided to promote the human quality of the street.

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

APPEARANCE

COMMISSION: The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

<u>Comment</u>	<u>Response</u>
1. The committee recommends that building materials to be used on the front facades be continued on all other sides [commensurate with Code Sec. 10-2132.2(d)(6)]. While the owner has not prepared the detailed elevation of all sides of the proposed building, be assured that all sides of the proposed buildings will be of similar design and materials as the front elevation.	
2. If parking lot lighting is installed, scale pole height to pedestrian use and install low-glare, cutoff fixtures [commensurate with Code Sec. 10-2132.2(d)(3)]. The owner is not sure at this time if any pole lights will be placed in the parking area for the units. If pole lights are used, they will be low carriage style lights at 12'-16' ht..	
3. Install site sidewalks at the time of site development rather than paying a fee in lieu [commensurate with Code Sec. 10-2132.2(d)(1) & (2)]. The City Transportation staff has indicated they would rather have a fee-in-lieu of construction of curb & gutter and sidewalks for Heather Drive. The owner is agreeable with the staff recommendation.	

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 is not an infill subdivision as defined in Sec. 10-3003 because less than 66% of the lot's periphery abuts lots containing single-family. The subject property has 38.2% of its periphery adjoining existing residential building lots containing single family dwellings.

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 and will conform to City of Raleigh Waste Service Manual.

CIRCULATION: Fee in lieu of street improvements shall conform to normal City construction standards

PEDESTRIAN: Fee in lieu of sidewalk locations shall conform to City regulations.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. An infiltration trench will be utilized in order to comply with Code Section 10-9022, Nitrogen reduction and Code Section 10-9023, Stormwater Runoff Controls. A buydown payment for Nitrogen reduction will also be required. The infiltration trench will be a shared device and will require the associated agreements to be created and recorded per 10-9027. The infiltration trench must be recorded in a private drainage easement with access to the public right of way. All means of runoff conveyance to the infiltration trench must be in a recoded drainage easement.

**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.