Certified Action

of the City of Raleigh Planning Commission
Group Housing Development

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: **GH-5-07 Plantation Point Apartments**

General Location: On the northwest side of Ruritania Street, northeast of the extension of Sumner Blvd, outside the City limits.

Planning District / CAC: Northeast / Northeast

Nature of Case: Approval of an apartment complex consisting of 16- residential buildings with 432 units, 2-recreation sites and 4-parking garages on 23.43-acres. The property is zoned Shopping Center-CUD with SHOD-2 overlay.

The 23.43-acre tract and public street right of way, Sumner Blvd, was created under S-70-07 Plantation Pointe Subdivision approved by staff.

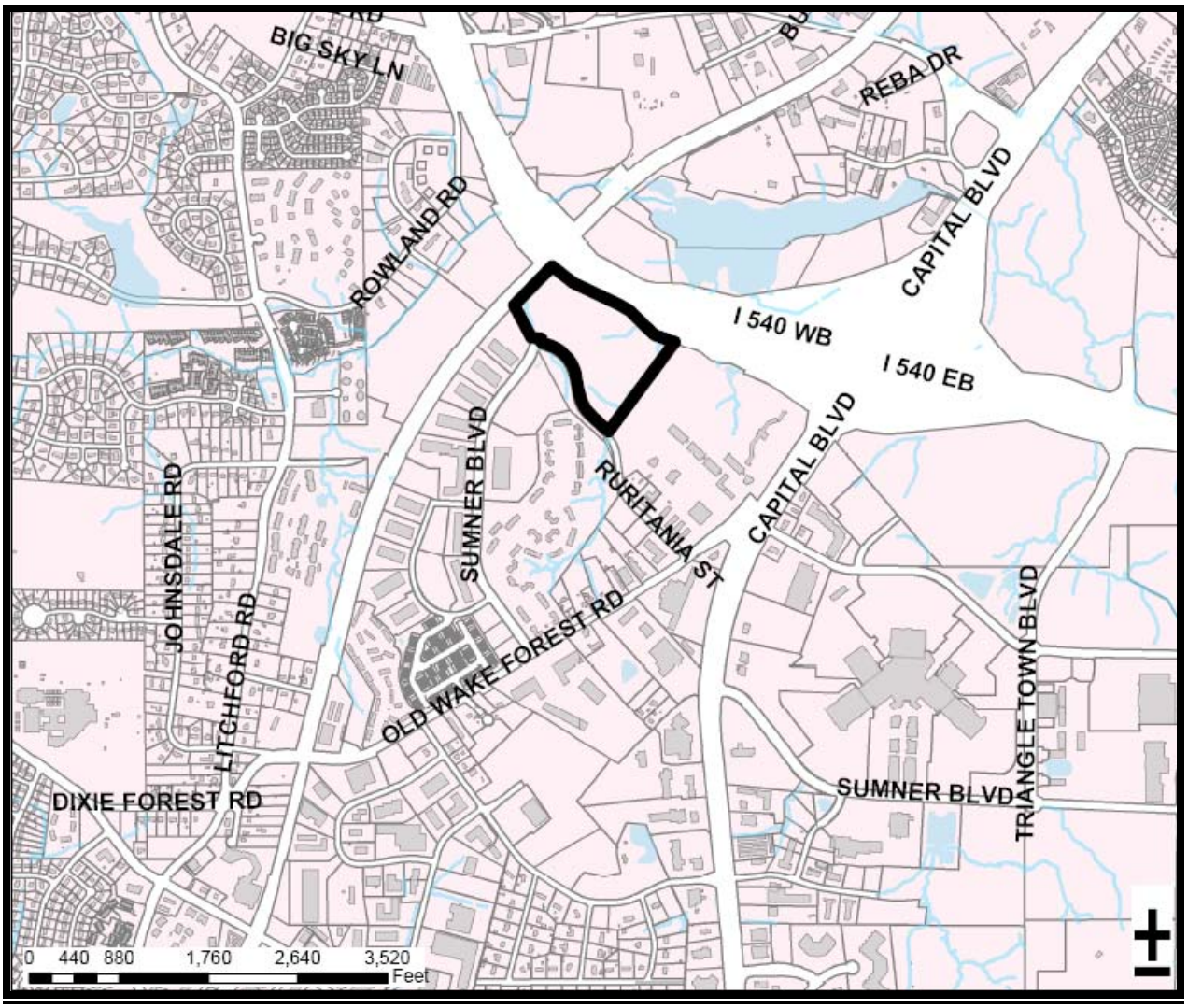
The plan requires Planning Commission approval based on § 10-2132.2(c)(1)g as the project exceeds 15-units per acre within the Shopping Center CUD with SHOD-2 overlay. The plan proposes a residential density of 18.43-units per acre.

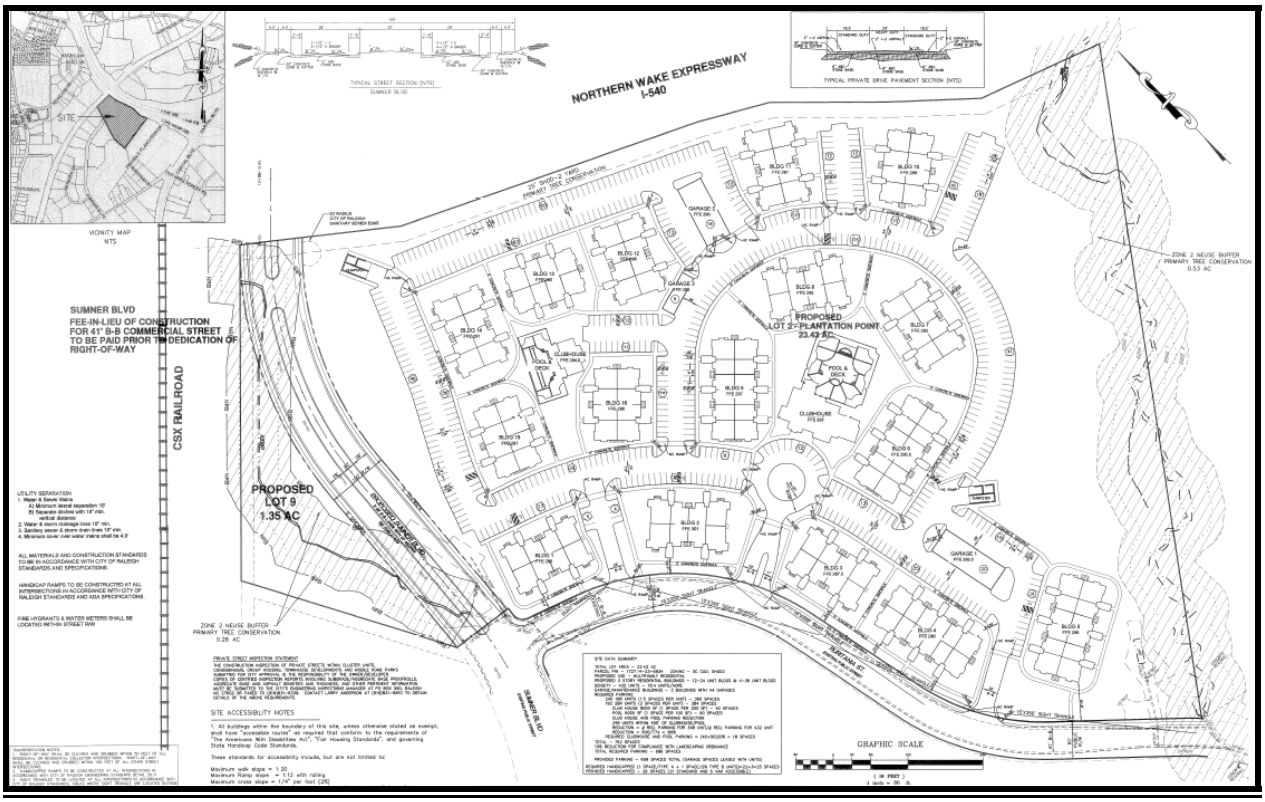
An exception is being requested pursuant to the City of Raleigh Streets Sidewalks, and Driveway Access Handbook Section 3.6 Roadway Layout that requires each side of a commercial and collector streets to be intersected by at least one connective street within every 1500' of the street. This Section allows exceptions to this requirement in situations when surrounding development prevents extending a street to any adjoining developments. This site is bordered on I-540 to the north and no connection beyond would ever be permitted. Staff recommends approval of an exemption

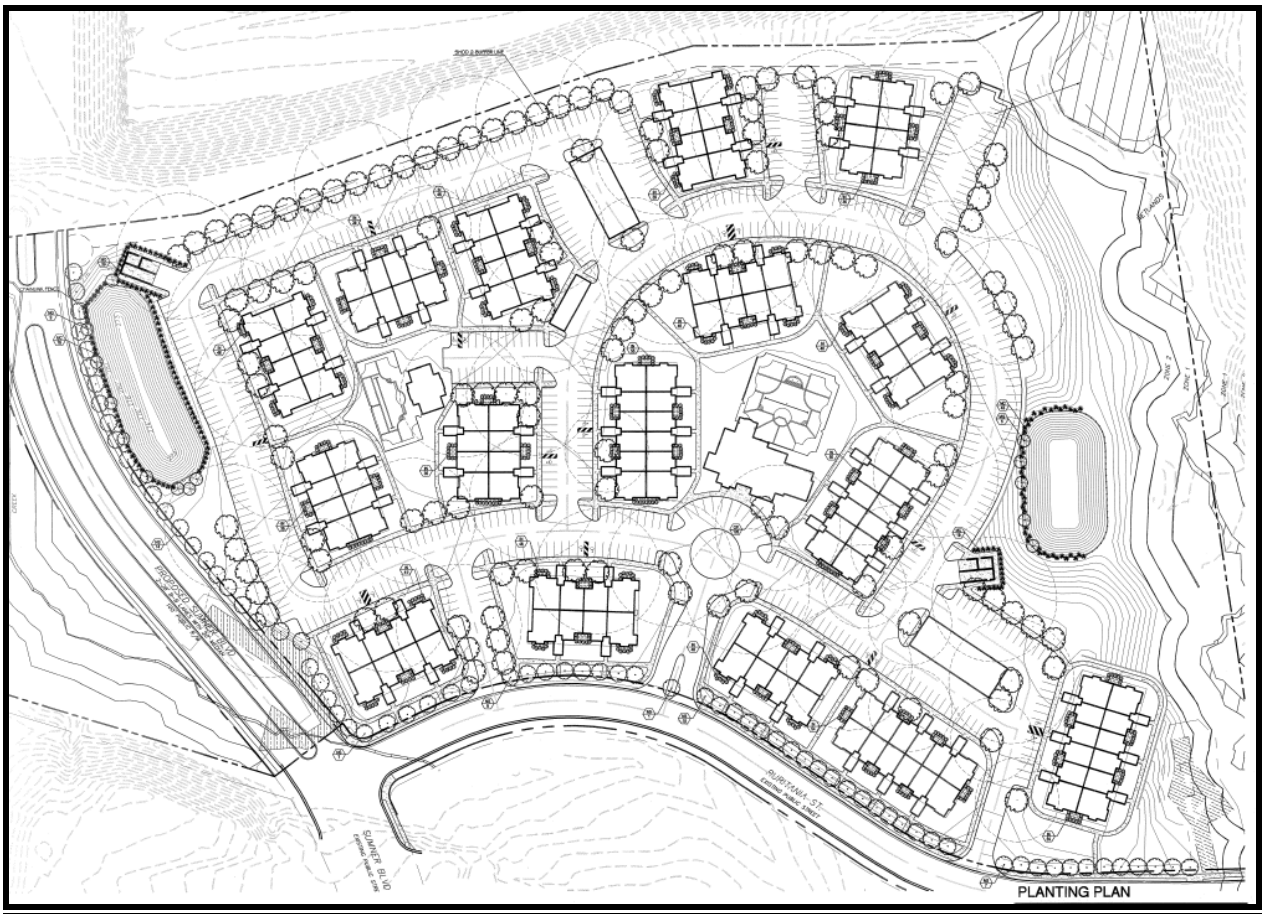
An exception is also being requested pursuant to the City of Raleigh Streets Sidewalks, and Driveway Access Handbook Section 3.6 Roadway Layout that requires developments of 20 acres or more to have at least one public through street for the provision of emergency services or to provide alternate circulation at congested or critical intersections. This Section allows exemptions from the requirement in instances where the approving authority determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. Given the surrounding wetlands to the east and I-540 to the north, staff recommends approval of an exemption from the requirement to provide a public through street in this development.

Key Issues: This plan conforms to Code requirements and Comprehensive Plan, and there are no key issues.

Contact: John A. Edwards & Company


BIG SKY LN
REBA DR
CAPITAL BLVD
ROWLAND RD
I 540 WB
I 540 EB
SUMNER BLVD
RURITANIA ST
CAPITAL BLVD
JOHNSDALE RD
LITCHFORD RD
OLD WAKE FOREST RD
TRIANGLE TOWN BLVD
SUMNER BLVD
DIXIE FOREST RD
0 440 880 1,760 2,640 3,520
Feet


NORTHERN WAKE EXPRESSWAY
I-540
SUMNER BLVD
FEE-IN-LIEU OF CONSTRUCTION FOR 41' B-B COMMERCIAL STREET IS TO BE PAID PRIOR TO DEDICATION OF RIGHT-OF-WAY
CSX RAILROAD
PROPOSED LOT 9 1.35 AC
PROPOSED LOT 2 - PLANTATION POINT 22.43 AC
SITE
VICINITY MAP
NTS
TYPICAL STREET SECTION (NTS)
SUMNER BLVD
TYPICAL PRIVATE DRIVE PAVEMENT SECTION (NTS)
ZONE 2 NEUSE BUFFER PRIMARY TREE CONSERVATION 0.53 AC
ZONE 2 NEUSE BUFFER PRIMARY TREE CONSERVATION 0.28 AC
GRAPHIC SCALE


PLANTING PLAN
SUMNER BLVD
BURTMAN ST.

SUBJECT: GH-5-07 Plantation Point Apartments

CROSS-REFERENCE: S-70-07 & Z-2-07

LOCATION: On the northwest side of Ruritania Street, northeast of the extension of Sumner Blvd, outside the City limits.

REQUEST: Approval of an apartment complex consisting of 16- residential buildings with 432 units, 2-recreation sites and 4-parking garages on 23.43-acres. The property is zoned Shopping Center-CUD with SHOD-2 overlay. The plan proposes a residential density of 18.43-units per acre.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That in accordance with Code Section 10-2132.2(c)1g the Planning Commission approves this site plan that exceeds 15-units per acre within the Shopping Center District. The plan purposes a residential density of 18.43 units per acre;

(2) That in accordance with City of Raleigh Streets Sidewalks, and Driveway Access Handbook Section 3.6 Roadway Layout that requires each side of a commercial and collector streets to be intersected by at least one connective street within every 1500' of the street the Planning Commission grants an exception due surrounding development (I-540 and wetlands) which prevents extending a street to any adjoining developments ;

(3) That in accordance with City of Raleigh Streets Sidewalks, and Driveway Access Handbook Section 3.6 Roadway Layout that requires developments of 20 acres or more to have at least one public through street for the provision of emergency services or to provide alternate circulation at congested or critical intersections the Planning Commission grants an exception due surrounding development (I-540 and wetlands) which prevents extending a street to any adjoining developments;

Administrative Actions:

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

(4) 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;

(5) That as the developer has chosen to offset all or a portion of nitrogen export load limitations by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP), in accordance with nitrogen reduction requirements of Section 10-9022(c), this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Conservation Engineer;

(6) 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;

(7) That prior to the issuance of a grading plan, the plan must show all SHOD yards and Neuse River Riparian Buffers with tree protection fencing around such 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 construction drawings for public improvements:

(8) 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;

Prior to issuance of building permits in the Inspections Department:

(9) That all conditions of Z-2-07 are satisfied;

(10) That a final landscape plan showing street yards, SHOD yards and detention ponds in accordance with 10-2082 et seq., be submitted/stamped and approved by the Site Reviewed Specialist in the Inspection Department and a copy placed on file in the Planning Department;

(11) 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, grade, 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).”;

(12) That a street name for the internal private street system for this development be approved by the Raleigh Planning Department and by Wake County;

(13) That all conditions of S-70-07 have been satisfied;

(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 a plan for lighted address identification signage on buildings and individual unit locations be approved by the Chief Zoning Inspector and a copy of this approved stamped plan be placed in the file in the Planning Department;

(16) 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;

(17) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas prior, to building permits or in conjunction with the recording of lots whichever comes first Tree conservation shall be in compliance with Code section 10-2082.14; and

Prior to issuance of an occupancy permit in the Inspections Department:

(7) All conditions of Z-2-07 are satisfied.

To PC: 11/13/07
Case History:

Staff Coordinator: Jacque Baker

Motion: Anderson
Second: Chambliss
In Favor: Anderson, Bartholomew, Butler, Chambliss, Davis, Gaylord, Haq, Harris Edmisten, Mullins, Smith
Opposed:
Excused: Holt

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: 11/14/07 date: 11/14/07

FINDINGS: City Administration finds that this request, with the above conditions of approval being met, conforms to Chapter 2, Part 10, and Sections 10-2103, 10-2041 & 10-2059, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/12/07, owned by Greystar Real Estate Partners (Developer), submitted by John A Edwards & Company.

ZONING:

ZONING DISTRICTS: SHOD -2 and Shopping Center Conditonal Use. Z-2-07 Ordinance N0 (2007) 171ZC 600;effective 2/20/07.

A. The following uses, otherwise permitted in the Shopping Center zoning district, shall be prohibited:

a. Adult establishments
b. Bar, nightclub tavern. Lounge, not associated with a restaurant (as defined in NCGS § l0B - 1000(6)) or hotel in the same building;
c. Cemetery
d. Funeral Home
e. Veterinary hospital, kennel, cattery
f. Airfield, landing strip
g. Correctional/penal facility (Governmental)
h. Outdoor stadium, outdoor theater, outdoor racetrack with more than two hundred and fifty (250) seats; outdoor movie theatre.

B. Reimbursement for any required right-of-way dedication shall be at the current IND-1 rate.

C. If requested by the City, prior to subdivision approval or the issuance of building permit, whichever shall first occur, the owner of the property shall dedicate to the City transit easements measuring twenty (20) feet long (adjacent to rights-of-way of Sumner Blvd. and Ruritania St.) by fifteen (15) feet wide to support bus stops for transit services in the area. The locations shall be approved by the Transit Division of the City and the transit easement deed shall be approved (prior to recordation) by the City Attorney.

D. Architectural detailing, including the articulation of building facades, use of stone and/or other masonry materials (at least 15%), and incorporation of fenestration, awnings, balconies and or other such details, into the development of the property to provide high level of interest at street level. Exterior building walls facing Ruritania Street and Sumner Boulevard shall comply with Section 10-2055(e) (7).

E. Building orientation towards Ruritania Street and Sumner Boulevard so that the entrances or breezeways are visible and accessible to pedestrians from sidewalks and/or other pedestrian pathways. Buildings located at the intersection of Ruritania Street and Sumner Boulevard shall be oriented such that parking is located opposite of the building from the intersecting streets.

F. Residential development, if any, shall include on-site recreational amenities, including a clubhouse (minimum 1,000 square feet) and least two of the following: pool, tennis court, volleyball court, and playground, and shall not exceed six hundred (600) dwelling units.

DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 30-unis per acre with Planning Commission approval. The proposed plan contains 18.43 units per acre.

SETBACKS / HEIGHT: Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be. 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. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). Buildings greater than 28' in height meet min. 30' setback from perimeter property lines.

PHASING: There are one (1) phases in this development.

OPEN SPACE: Open space conforms to minimum requirements. 10 % or 2.34 acres required, 29% or 6.8 acres provided, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 806 spaces required, 698 spaces provided, based on:

Unit Type	Parking type	Quantity	Spaces Required
1 Bed	1.5 spaces	240	360
2 Bed	2 spaces	192	384
Clubhouse	5,520 sf	1space/200sf	28spaces
Pool Area#1	2,000 sf	1space/100sf	20 spaces
Pool Area#2	1,400 sf	1space/100sf	14 spaces

56 garage spaces assigned to a specific unit and is included with the lease.
642 surface spaces.

A ten percent reduction of off-street parking spaces for landscape planting area is being utilized per Section 10-2082.6(c)(6), and a 75 percent reduction for recreation facility off-street parking for pool site 1 and clubhouse and a 53 percent reduction for recreation facility off street parking for pool 2 per Section 10-2072(b) Recreational Use Related to a Residential Development Other Than a Single-family Dwelling Unit, subparagraph (11). Parking spaces shall meet minimum standards for size and aisle width.

LANDSCAPING: Street yard landscaping is shown in conformity with Sections 10-2082.5 and 10-2082.12. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. Landscape areas for tree planting are a minimum of 350 square feet per tree in area, and have a minimum dimension of 7 feet. Transitional protective yards are not required as the property adjacent to I-540, public right of way and a 100' Neuse Buffer. The landscaping plan for the two (2) detention ponds complies with Section 10-2082.13.

TREE CONSERVATION: A preliminary tree conservation plan in accordance with code section 10-2082.14 is included with this proposal and has been approved by the Forestry Specialist in the Inspections Department. 10% or 2.64 acres tree conservation area is required, 10% or 2.64 acres is provided. A final tree conservation plan with a metes and bounds description of all tree conservation areas shall be shown and labeled on any plat for recording.

OTHER GROUP HOUSING STANDARDS: Private dead-end streets exceeding 150 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g). The main circulation route through this site meets private street standards. Sidewalks are shown to be provided from the main entrance of each dwelling unit and from all recreation facilities to the public sidewalk system.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and fee in lieu has been satisfied for Sumner Blvd under S-70-07 Plantation Point Subdivision.

TRANSIT: Transit-oriented features required by Condition letter C of Z-2-07 were incorporated into the proposed plan under S-70-07 Plantation Point Subdivision.

URBAN FORM: This site is located in the Northeast Planning District, within the boundaries of the Northeast Regional Center Plan. The Northeast District map shows this property as part of a Regional Intensity Area which allows higher intense mixed-use development.

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

Comment	Response
Consider installing light poles of lower height. No more than 24'; explore alternative to building-mounted lighting	Owner will look into reducing height of light poles from the code regulations of 41' Owner will explore alternative to building. mounted lighting.
Provide windows and doors with more robust Trim than shown on the elevation renderings.	Applicant will comply with request.
Provide gable roof over stair towers as shown in the Perspective renderings, rather the shed roofs shown in the elevations.	Corrections made to elevations.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire site. The maximum block length in this development exceeds the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook an exception is requested.
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: Existing street improvements conforms to normal City construction standards.

PEDESTRIAN: Existing public sidewalk locations 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. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. Stormwater quality control will be met through the use of a wet pond, a dry detention pond. The site will comply with stormwater quantity control provisions under 10-9023(a) because the increase in peak stormwater runoff will be detained to pre-development conditions for the two and ten-year storm using the two detention ponds. There are riparian buffers located on the property. Both ponds shall be landscaped and meet Section 10-2082.13

PAYMENT TO NCDENR

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

STREET NAMES: 10 new street names are required for this development. All internal streets are private.

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 site plan 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:

2-Year Sunset Date: xxxxxx
Submit a final site plan and valid building permit application for the total area of the project, or a phase of the project.

5-Year Sunset Date: 9/25/2005
Complete construction of entire development.

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.

SMITH MOORE LLP

September 10, 2007

Ms. Jacque Baker
Planner II
Planning Department
City of Raleigh
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: GH-5-07, Plantation Point Apartments
Variance Request
Client-Matter No. 05007898.000001

Dear Jacque:

GH-5-07 is the group housing plan for Plantation Point Apartments at the intersection of Sumner Boulevard and Ruritania Street. Because this development consists of more than twenty (20) acres, at least one public through street is required by Section 3.6 of the Street Sidewalk and Driveway Access Handbook ("SSDA Handbook"). Code Section 10-3004, as well as Section 3.6 of the SSDA Handbook, provides that the approving authority (in this case, the Planning Commission) may vary this requirement where topography and other physical conditions are such that compliance would cause an unusual and unnecessary hardship, or where such through street will serve no purpose due to existing and proposed street patterns, traffic flow or traffic volume.

As can be seen on GH-5-07, the proposed development is bounded on the north by I-540, south by Ruritania Street, east by a riparian buffer and west by a riparian buffer and improved upon railroad easement. Normally, Sumner Blvd would be extended to the northern boundary of the property during development; however, the horizontal alignment of Sumner Blvd is set by an existing overpass on I-540, and is located within the western riparian buffer. Sumner Blvd cannot be constructed at this time because DWQ will not issue a permit for the road extension until the road can bee fully extended beyond I-540. We understand that city staff (Eric Lamb) has agreed to payment of a fee-in-lieu of constructing this portion of Sumner Blvd, provided the Planning Commission approves the variance requested herein, and that GH-5-07 provides for three (3) driveway access point onto Ruritania Street so that the City code requirements are met absence access to Sumner Blvd.

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Atlanta Charlotte Greensboro Raleigh Wilmington

Accordingly, on behalf of the applicants of GH-5-07 and pursuant to Section 10-3004, we respectfully request that the Planning Commission approve a variance of that portion of Section 3.6 of the SSDA Handbook requiring at least one public through street for developments of twenty (20) acres or more.

Please also note that private through streets are being provided pursuant to Section 3.7 of the SSDA Handbook, and that these private streets will meet the standards set forth in Section 4.11 of the SSDA Handbook.

Please feel free to call Jon Callahan at 919.828.4428 or me at 919.755.8749 with any questions or concerns.

Sincerely,

SMITH MOORE LLP

David L. York

cc: Todd Wigfield
Jon Callahan