City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

Administrative Action
Group Housing Development

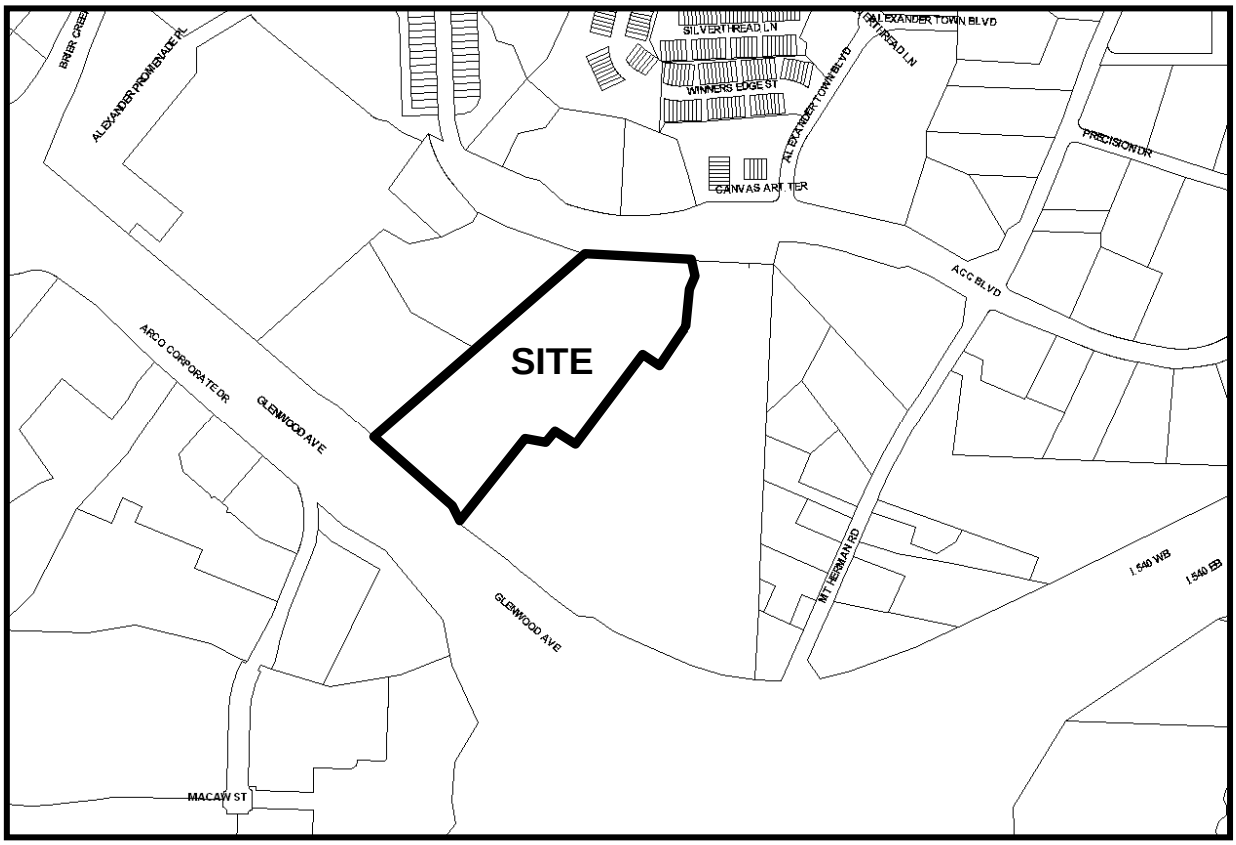
Case File / Name: **GH-6-07 / The Crest at Brier Creek**

General Location: Between Glenwood Avenue and ACC Boulevard, west of Mount Herman Church Road intersection

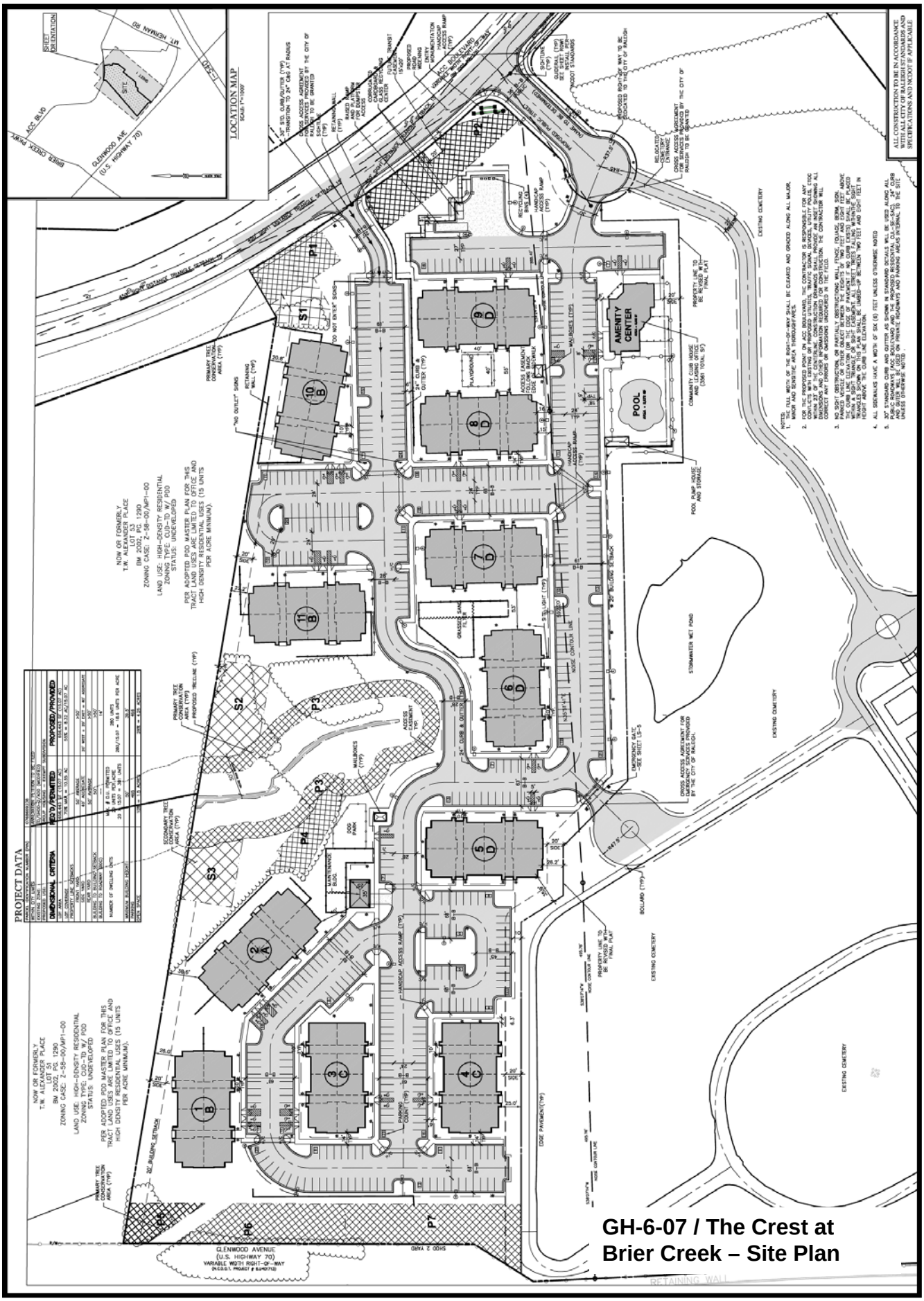
Planning District / CAC: Umstead / Northwest

Nature of Case: Group housing development consisting of 11 buildings for apartments (280 units) and one community center building located on a 15.07 acre site zoned Thoroughfare Conditional Use District, SHOD-2, and with Airport Overlay District.

Contact: Milone & MacBroom Inc.



GH-6-07 / The Crest at Brier Creek – Location Map


GH-6-07 / The Crest at Brier Creek – Site Plan
LOCATION MAP
PROJECT DATA
AMENITY CENTER
POOL
GLENWOOD AVENUE (U.S. HIGHWAY 70) VARIABLE WIDTH RIGHT-OF-WAY
RETAINING WALL

SUBJECT: GH-6-07 / The Crest at Brier Creek

CROSS-REFERENCE: Z-1-07

LOCATION: This site is located between Glenwood Avenue and ACC Boulevard, west of the Mount Herman Church Road intersection, outside the City Limits.

REQUEST: This request is to approve a group housing development consisting of 11 buildings for apartments (280 units) and one community center building located on a 15.07 acre site zoned Thoroughfare Conditional Use District, SHOD-2, with a portion zoned Airport Overlay District. This proposal includes all of a 14.5 acre tract (lot 1 shown in BM 2007 page 2712) and a portion of the adjacent tract to the east (lot 2 BM 2007 page 2712) to be recombined with the larger parcel. In addition this proposal also includes an area of 1.34 acres that is currently owned by the State of North Carolina as road right-of-way along ACC Boulevard which is to be abandoned and to be recombined into the overall tract. Note no residential structures are proposed within the area zoned Airport Overlay District. The overall residential density for this project is 18.6 units per acre.

OFFICIAL ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL: ***Prior to issuance of a land disturbing permit for the site:***

(1) That the Stormwater Engineer in the Public Works Department approves a final stormwater control plan for stormwater runoff control and nitrogen reduction showing compliance with Part 10 chapter 9, including a stormwater operations and maintenance manual and budget and 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;

(2) That prior to grading or the approval of construction drawings, whichever event comes first, the City Attorney approves the proposed off-site drainage easement deed prepared in accordance with 10-5007(c) and 10-9027(b), and that the stormwater operations maintenance manual and budget approved in accordance with condition number one above be attached to the drainage easement as an exhibit. The approved drainage easement shall be recorded with the Wake County Register of Deeds, and a recorded copy of these documents shall be provided to the Planning Department within 14 days of recording. If these documents are not provided to the Planning Department within this 14-day period, further plat recording and building permit issuance may be withheld;

(3) 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 to be placed on file in the Planning Department;

Prior to issuance of building permits in the Inspections Department:

(4) That all infrastructure construction plans associated with this development be approved by the Public Works Department;

(5) That the State of North Carolina approve the proposed closure of road right-of-way along this site's frontage on ACC Boulevard, that documentation of the approved closure be provided to the Planning Department, and that a recombination map be recorded showing the recombination of the closed right-of-way and the two tracts involved in this development plan to create the proposed parcel for development as shown on the preliminary plan;

(6) That the developer submit preliminary plans for the proposed right-of-way dedication for the public cul-de-sac street, that the preliminary plans be approved, that infrastructure construction plans be approved for the street, and that the right-of-way dedication plat be recorded;

(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 perpetuity 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).". This covenant is to run with the land, and shall be binding on the Owner, and all parties claming under it;

(8) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat;

(9) 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;

(10) That a 15x20 foot transit easement located on ACC Boulevard be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;

(11) That all tree conservation areas as identified by the approved tree conservation plan in accordance with code section 10-2082.14 be shown with a metes and bounds description and labeled on all plats for recording;

(12) That the shared stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures be shown on all plats for recording as drainage easements;

(13) That cross access agreements between the two lots associated with this development (lots 1 and 2, BM 2007 PG 2712) be recorded with the County Register of Deeds, and that a recorded copy of this document is provided to the Planning Department within 14 days of recording. If these documents are not provided to the Planning Department within this 14-day withheld;

(14) That the City Attorney approves a public access easement thru adjacent Lot 1, BM 2007 PG 2712 for the purpose of providing fire and emergency service access to this development as shown on the preliminary plan. This easement shall be recorded with the Wake County Register of Deeds and a recorded copy of this document shall be provided to the Planning Department within 14 days of recording. If these documents are not provided to the Planning Department within this 14-day period, further plat recording and building permit issuance may be withheld;

(15) That an easement as required by zoning condition B of Z-1-07 shall be an Avigation Easement in the form as shown in Book 10147, Page 2498 Wake County Registry, which easement shall grant in favor of the Raleigh-Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the Property not within the AOD (as shown on the zoning Exhibit C-1) and used for residential purposes. A copy of this document shall be provided to the Planning Department within 14 days of recording. If this document is not provided to the Planning Department within this 14-day period, further plat recording and building permit issuance may be withheld;

(16) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;

(17) 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;

(18) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

(19) That the final site plan show conformance with all zoning conditions of Z-1-07.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (C. Haynes) Date: 6-19-08

Staff Coordinator: Stacy Barbour

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2045, 10-2050, 10-2059, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/1/08, owned by CC Carolina Properties LLC, submitted by Milone & MacBroom Inc.

ZONING:

ZONING DISTRICTS: Thoroughfare CUD with SHOD-2 and Airport Overlay
Z-1-07, Ordinance 196ZC601 Effective 4-3-07.

Z-1-07 – ACC Boulevard, on the south side of ACC Blvd., west of its intersection with Mt. Herman Road, being Wake County PIN 0768752980. Approximately 45 acres rezoned to Thoroughfare District Conditional Use with modified Airport Overlay District.

Conditions: 03/28/07

A. The following uses otherwise allowed in Thoroughfare Districts shall be prohibited:

1. Governmental and commercial rifle range (indoor/outdoor)
2. Correction all penal facility
3. Adult establishment
4. Highway vehicle sales
5. Asphalt plant/cement plant

B. Prior to subdivision approval or the issuance of any building permit for the Property, whichever shall first occur, the owner of the Property shall record an Avigation Easement in the form as shown in Book 10147, Page 2498 Wake County Registry, which easement shall grant in favor of the Raleigh-Durham Airport Authority a perpetual right and easement for the free and unobscured flight of aircraft over and in the vicinity of any portion of the Property not within the AOD (as shown on the attached Exhibit C-1) and used for residential purposes.

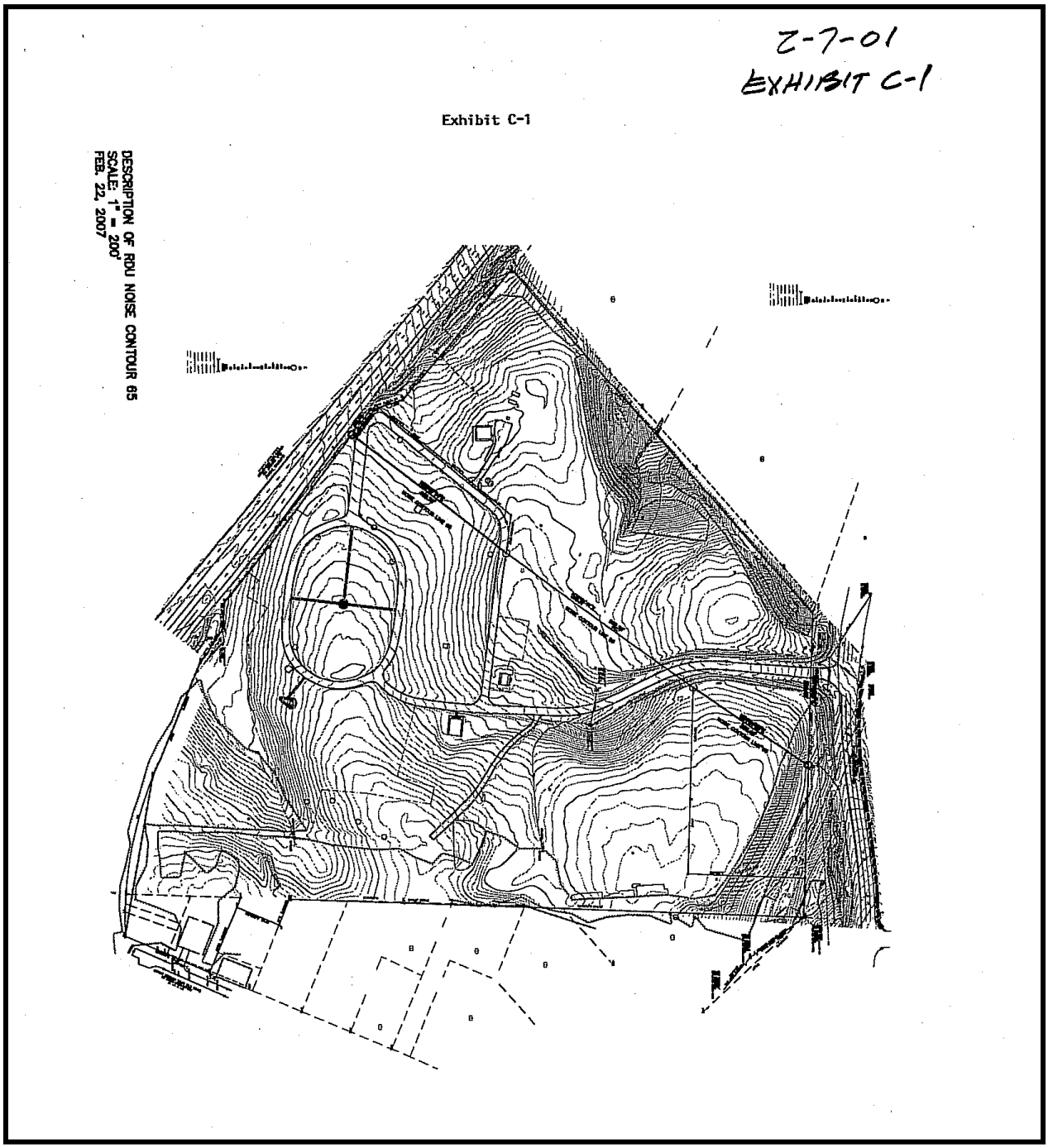
C. Subject to approval by the City of Raleigh Public Works Department and North Carolina Department of Transportation, there shall be no direct access from the Property onto either Glenwood Avenue or Interstate 540, except for one (1) emergency access on to Glenwood Avenue.

D. Prior to subdivision approval or the issuance of any building permit for the Property, whichever shall first occur, the owner of the Property shall deed to the City a transit

easement measuring fifteen (15) feet long adjacent to ACC Boulevard by twenty (20) feet wide to support a bus stop for current transit services in the area. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

E. There shall be no billboards permitted upon the Property.

F. With regard to ground signs, only ground low profile signs shall be permitted upon the Property.



DEVELOPMENT DENSITY: The number of units allowed in this zoning district is 301. The proposed plan contains 280 units.

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 100'. 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 are greater than 28' in height (maximum 39.5') and minimum setbacks from adjacent property lines conform to code standards. Note this site is adjacent properties zoned Thoroughfare District which do not currently contain dwellings.

PHASING: There is one phase in this development.

OPEN SPACE: Open space conforms to minimum requirements. 10 % or 1.5 acres required, 28% or 4.25 acres provided, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 491 spaces required, based on 1.5 spaces per 1 bedroom unit (152 units & 228 spaces), 2 parking spaces per 2 bedroom unit (114 units & 228 spaces), and 2.5 spaces per 3 bedroom unit (14 units & 35 spaces). 442 spaces are provided. In addition parking is provided for a clubhouse and pool per code standards (24 spaces). A reduction of 49 off-street parking spaces for landscape planting area and for cardboard recycling areas is being utilized. A total of 465 spaces are provided in the development. Parking spaces meet minimum standards for size and aisle width.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5, 10-2045, 10-2059, and 10-2082.12 is shown. 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. This is a high density residential use under Section 10-2082.9. Transitional protective yards are not required as the adjacent parcels are a cemetery (low impact use) and a vacant tract limited to high density residential uses (per PDD zoning of MP-1-00).

TREE CONSERVATION: The preliminary plan conforms to tree conservation requirements of code section 10-2082.14. Tree conservation areas of 10% (1.5 acres) required. This plan shows secondary tree conservation areas of 0.35 acres and primary areas of 1.31 acres totaling 1.66 acres, 11.02% of the site.

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: More than sufficient right-of-way exists along ACC Boulevard. This plan shows abandonment of an area of right-of-way to be approved by the State of North Carolina. However this plan does show widening of ACC Boulevard along the sites frontage.

Street	ROW	Construct	Slope Esmt.
ACC Boulevard	n/a	½ of 60'	n/a

The difference between the required 41' street with curb, gutter and sidewalk and the proposed construction is reimbursable.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 15'x20' transit easement adjacent ACC Boulevard.

URBAN FORM: The property is located within the Airport City Focus Area and within the Triangle Regional Center where the most intense land uses should occur. The proposed development is consistent with the Comprehensive Plan.

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. This proposal includes creation of a new public cul-de-sac street to provide access to this site and the adjacent property to the east. Dedication of this street right of way shall be required prior to building permit issuance.

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: Proposed street improvements conform to normal City construction standards. This plan shows two points of access from ACC Boulevard: a private street connection to it and a new public cul-de-sac to be created for shared access between this site and the adjacent parcel to the east. Note that a public access easement along a private service road is shown thru the adjacent cemetery site

to the east to provide fire and emergency service access to the southern end of the group housing development.

PEDESTRIAN: Proposed 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.

The site will be using multiple BMP's to meet the stormwater requirements. An off-site wet pond, and a sand filter onsite have been proposed. All BMP's will be designed to the current edition of the NCDWQ Stormwater Design Manual.

The off-site detention facility will be shared and located on the adjacent cemetery property to the east, PIN 0768-75-3743, DB 12430 PG 105. An off-site maintenance agreement for this facility must be recorded prior to grading plan, construction plan, or plat recordation approval.

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)]. In addition the plan shows permanently preserved undisturbed open space used to meet the nitrogen reduction requirements of Part 10 Chapter 9. These areas must be shown on all plats for recording.

WETLANDS / RIPARIAN BUFFERS: Neuse River riparian buffers are required on this site, are shown on the preliminary plan, and shall be shown on all plats for recording.

STREET NAMES: Seven 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: 6/18/10
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: 6/18/13
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.