Certified Action
of the City of Raleigh Planning Commission

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

Case File / Name: **SP-13-07 / Glenwood Avenue Apartments**

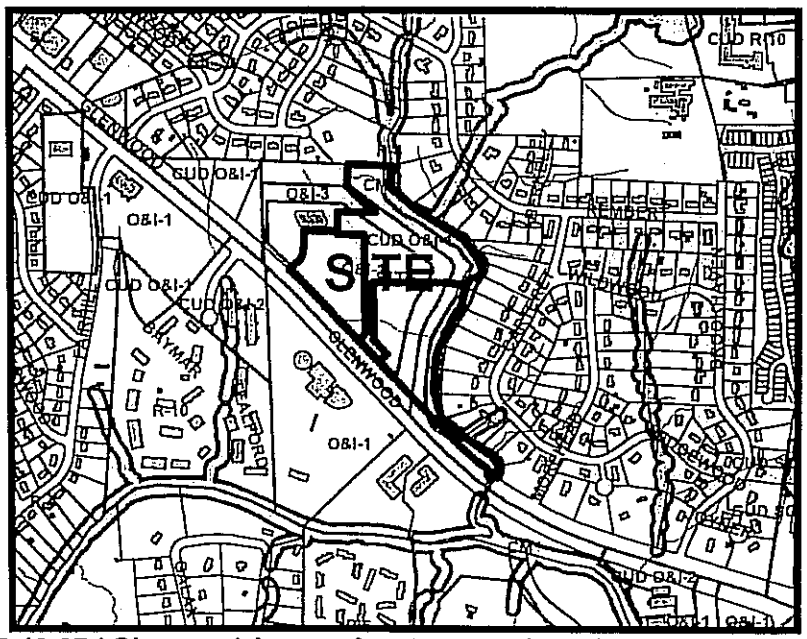
General Location: Northeast side of Glenwood Avenue between the Brookhaven neighborhood and the Carolina Corporate Center

Planning District / CAC: Northwest / Northwest

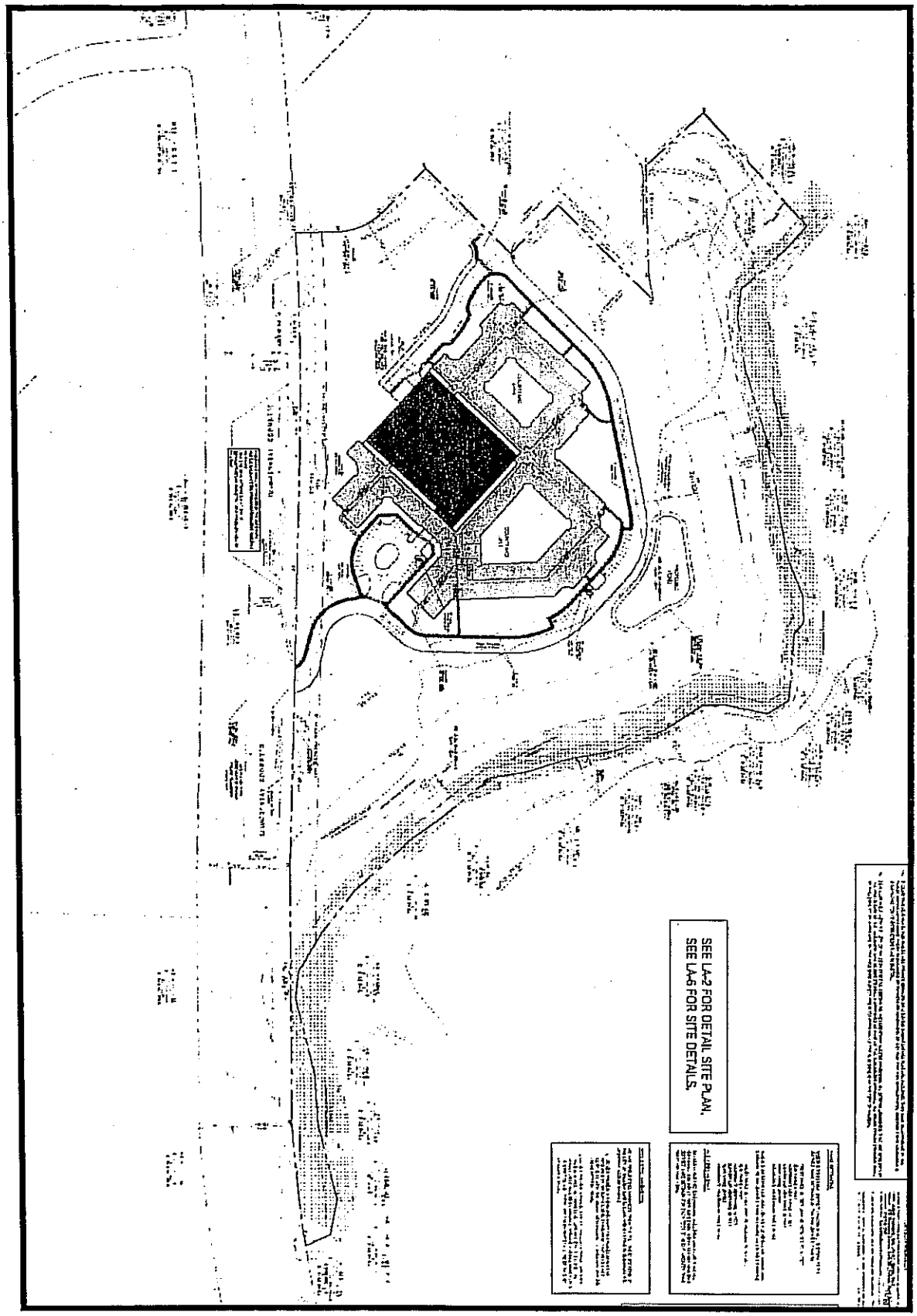
Nature of Case: A multi-family development consisting of one building with 359 units on 24.46 acres. The property is split zoned with 11.2 acres zoned Office & Institutional-1, 5.1acres zoned Office & Institutional -1 CUD and 8.15 acres zoned Conservation Management. The plan requires Planning Commission approval based on § 10-2132.2(c)(1)g as the project exceeds 15-units per acre within the Office & Institutional-1 District and Office and Institutional I CUD District . The plan proposes 21.4 units per acre within the portions of the property zoned O&I-1 / O&I-1 CUD. However, when the overall site acreage is taken into account, the overall density proposed for the site is 14.67 units per acre. The plan also requires Planning Commission approval of an alternate and two variances in accordance with §10-2103(h), §10-3004, §10-3041.

Key Issues: The alternate/variance requests must comply with Raleigh City Code section 10-3004 and 10-2103(h), in that the applicants must show that either (1) topography or other exiting physical conditions are such that the street requirements would cause an unusual and unnecessary hardship on the developer beyond what other developers would meet, or (2) without the variances the developer will be derived of reasonable use of his property.

Contact: David Brown, JDavis Architects



SP-13-07 / Glenwood Avenue Apartments – Location Map


SEE LA2 FOR DETAIL SITE PLAN.
SEE LA6 FOR SITE DETAILS.

SUBJECT: SP-13-07 / Glenwood Avenue Apartments

CROSS-REFERENCE: Z-69-05

LOCATION: This site is located on the northeast side of Glenwood Avenue, northwest of its intersection with Morehead Drive, inside the City Limits.

REQUEST: This request is to approve a multi-family development consisting of one building with 359 units on 24.46 acres. The property is split zoned with 11.2 acres zoned Office & Institutional-1, 5.1acres zoned Office & Institutional -1 CUD and 8.15 acres zoned Conservation Management. The plan requires Planning Commission approval based on § 10-2132.2(c)(1)g as the project exceeds 15-units per acre within the Office & Industrial-1 District. The plan proposes 21.4 units per acre within the portions of the property zoned Office & Institutional-1 / Office & Institutional-1 CUD. When the overall site acreage is taken into account, including the Conservation Management zoned portion, in which there is no building, the overall density proposed for the site is 14.67 units per acre.

The plan also requires Planning Commission approval of two variances in accordance with §10-2103(h), §10-3004, §10-3041. An exception is being requested from §10-2103(c)(2) that requires one access point to the public street system for every one hundred fifty (150) dwelling units unless traffic safety, surrounding development, severe topography or other physical features prevent such additional access. Based on the number of units proposed, (350), 3 access points are required. The proposal includes only 2 access points. This exception request may be justified due to topography, environmental considerations, zoning conditions, adjacent development patterns and in keeping with the City's Streets/Sidewalks Design Handbook (SSDH) which requires further driveway spacing on arterial roads than the site can accommodate. A variance is also required from the SSDH because this site is larger than 20 acres and per the SSDH requires a public street to run through the site. The developer must obtain a variance from the Raleigh Planning Commission to use the proposed private street. This exception request may be justified due to topography, environmental considerations, zoning conditions, and adjacent development patterns which would prohibit any future street connections beyond the limits of the subject property.

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 conditions of approval below being met, conforms to Chapter 2, Part 10, Section 10-2030, 10-2036, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/24/07, owned by United Dominion Realty Trust, submitted by JDavis Architects.

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

To PC: 6/12/07
Case History:

Staff Coordinator: Eric Hodge

Motion: Chambliss
Second: Haq
In Favor: Baker, Bartholomew, Chambliss, Davis, Everett, Haq, Mullins, Smith
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: 6/14/07 date: 6/14/07

Staff Report

RECOMMENDED ACTION: **Approval with Conditions**

CONDITIONS OF APPROVAL:

Planning Commission Actions:

(1) That in accordance with Code Section 10-2103(c)(2) the Planning Commission approves this site plan and the requested alternate for the one (1) access point to the public street system; section 10-2103(c) (2) requires one (1) access point to the public street system for every one hundred fifty (150) dwelling units unless traffic safety, surrounding development, serve topography or other physical features prevent such additional access;

(2) That in accordance with Code Sections 10-3004, 10-3041 and the Streets, Sidewalks and Driveway Access Handbook (SSDH), the Planning Commission approves this site plan and the variance request from the SSDH for this larger than 20 acres site and not require a public street to run through the site due to topography or other exiting physical conditions that would prevent further connection of the street beyond this site.

(3) 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 Office & Industrial-1 District / Office & Institutional I CUD. The plan proposes 21.4 units per acre within the Office & Institutional-1 / Office & Institutional-1 CUD portions of the property.

Administrative Actions:

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

(4) 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;

(5) That prior to the issuance of a grading permit, the 50 foot wide natural protective yard along Glenwood Avenue required by Condition number 7 of Z-69-05 shall be staked in the field and inspected by the Inspections Department;

(6) 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;

(7) That a stormwater control plan for nitrogen control 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;

(8) That a final tree conservation plan be approved by the Forestry Specialist in the Inspections Department. The final tree conservation plan shall include an inventory and documentation of existing trees for all proposed tree conservation areas to verify compliance with the tree conservation ordinance, Code Section 10-2082.14, as well as a metes and bounds description of the tree conservation areas conforming to Code requirements. Protective fencing shall be installed in the field and inspected by the Forestry Specialist in the Inspections Department;

Prior to issuance of building permits in the Inspections Department:

(9) That all conditions of Z-69-05 have been satisfied;

(10) That the location and size of the proposed transit easement is approved by the City's Transit Technician in the Transportation Division; that the City Attorney approves the transit easement deed. The location of this easement with metes and bounds description shall be shown on all plats for recording. A recorded copy of the transit easement deed must be provided to the Site Review Specialist in the Inspections Department;

(11) That a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;

(12) That a greenway easement dedication is dedicated to the City of Raleigh for at least that portion of the site that is located approximately 150' from the centerline of Hare Snipe Creek.

(13) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas, in accordance with Code section 10-2082.14;

(14) 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).";

(15) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;

(16) That existing wetlands are on this site and shall be shown on all maps for recording;

ZONING:

ZONING DISTRICTS: The property is split zoned with 11.2 acres zoned Office & Institutional-1, 5.1acres zoned Office & Institutional -1 CUD and 8.15 acres zoned Conservation Management. Ordinance N0 (2005) 938 ZC 579; effective 12/6/05.

Z-69-05 – Glenwood Avenue, north side, west of its intersection with Morehead Drive, being portions of Wake County PINS 0796-13-8997 and 0796-14-8498. Approximately 4.64 acres rezoned from Office and Institution-3 to Office and Institution-1 Conditional Use.

Conditions dated: November 17, 2005

1. The only uses allowed are those set forth in Raleigh City Code Section 10-2037 for the O&I-3 District, developed pursuant to the standards of Raleigh City Code Section 10-2037, or those set forth in Raleigh City Code Section 10-2019 for the R-6 District, developed pursuant to the standards of Raleigh City Code Section 10-2019.

2. Any residential density shall be limited to the standards for R-6 District as set forth in Raleigh City Code Section 10-2019.

3. Any residential lots adjacent to the Conservation Management District shall not extend into the Conservation Management District area and shall be used only for single-family detached residences.

4. No roads or driveways shall be constructed so as to provide public or primate vehicular access into the adjacent Conservation Management District area. Prior to the issuance of any residential building permit, ownership of the adjacent Conservation Management District area shall be transferred to, and owned as common area by, a Homeowners Association that will be comprised, at least in part, of those owning lots and/or units on the subject property, and shall not be used except for passive recreation area for such Homeowners Association, and no buildings can be constructed or land disturbing activities can be conducted in this Conservation Management District area (except as necessary for any future greenway as set forth in Condition 6 below or for necessary utility or stormwater management infrastructure as allowed Raleigh City Code Section 10-2030 in Conservation Management Districts). These limitations shall also be contained in restrictive covenants on the Conservation Management District lot and all residential lots adjacent to the Conservation Management District area prior to the issuance of any residential building permits.

5. No street lights or exterior building flood-lights shall be illuminated within fifty feet of the rear property lines of lots adjacent to the Conservation Management District area or two hundred feet from the center of Hare Snipe Creek, whichever is greater.

6. Prior to subdivision approval or the issuance of any building permit, whichever comes first, the Homeowners Association owning the adjacent Conservation Management area shall offer to the City of Raleigh a greenway easement dedication of that area of the property that is within 75' of the top of its side of the bank of Hare Snipe Creek.

7. For residential development, a minimum 50-foot wide natural protective yard shall be provided along the entire road frontage along Glenwood Avenue of Parcels 076138997, 0796148498 and 0796143345, except as may be required for ingress, egress, sightlines therefrom, utilities, or the transit easement pursuant to Condition 8 below.

8. Prior to subdivision approval or the issuance of any building permit, whichever comes first, the owner of the property shall deed to the City a transit easement measuring twenty (20) feet long adjacent to Glenwood Avenue by fifteen (15) feet wide to support 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.

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 100', rear yard = 270', front / rear aggregate = 370', side yard = 142' and 286', side yard aggregate = 428'. This plan conforms to maximum height standards in this zoning district. The proposed height of the building is 59'. Buildings over 40' in height require 1 foot of additional width in each of the required district yard setbacks. The proposed building location provides those additional setbacks plus more.

PARKING: Off-street parking conforms to minimum requirements: 586 spaces required, based on 1.5 parking spaces per 1 bedroom unit, 2 parking spaces per 2 bedroom unit, 2.5 parking spaces per 3 bedroom unit and 1 space per 300 SF of office space. 528 spaces are provided. A reduction of 58 off-street parking spaces for landscape planting area is being utilized. All but 57 of the proposed spaces are located within a 6 level parking deck integrated into the multi-family structure.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. In keeping with Zoning Condition #8, a 50' wide natural protective yard is provided along the property's Glenwood Avenue frontage. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. The detention pond is screened in accordance with 10-2082.13. This is a medium density use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

Location	Yard type required	Width proposed
North/East	20' Type C	210'-450'

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 2.45 acres of tree conservation area is required and 30.98% or 7.58 acres of tree conservation 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.

DEVELOPMENT INTENSITY: The plan proposes 21.4 units per acre within the portions of the property zoned Office & Institutional-1 / Office & Institutional-1 CUD. When the overall site acreage is taken into account, including the Conservation Management zoned portion, in which there is no building, the overall density proposed for the site is 14.67 units per acre.

PHASING: There is one phase in this development.

UNITY OF DEVELOPMENT: Unity of development and sign criteria are not required in this development.

COMPREHENSIVE PLAN:

GREENWAY: A greenway easement is to be dedicated to the City of Raleigh for at least that portion of the site that is located within 75' of the top of bank of Hare Snipe Creek.

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

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 15 X 20 transit easement adjacent to Glenwood Avenue. This site is presently served by the existing transit system.

URBAN FORM: This site is located in the Northwest Planning District along a Gateway corridor that connects the Millbrook/Lynn and Crabtree City Focus areas. The Northwest District Plan encourages residential infill development , particularly at higher densities and calls for these higher densities to occur adjacent to employment and focus areas and along major roadways, particularly U.S. 70.

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

Comment	Response
The proportion of masonry on the building facades should be increased, particularly for vertical elements to break up the building's horizontal expanses.	No less than 20% of the exterior building material, exclusive of window & door fenestration openings, shall be composed of masonry materials (brick, stone, pre-cast concrete).
To minimize the visibility of lights atop the deck from offsite, poles should be limited to 20 feet in height and all fixtures shielded.	On sheet LA-6 (Lighting Plan) we have three notes that specify lighting conditions; caps on height for site (30' max.) and parking deck (20' max.) fixtures; in addition there is note that all fixtures will be 'cut-off"; there is also a zoning condition (#5 of Z-69-05) that restricts lights near the adjoining single family homes
Explore opportunities for providing a direct pedestrian connection from the site to the greenway.	It was determined that we could encroach into the CM zoning (and the Primary TCA)for purpose of building a stormwater pond and a greenway connector (please see Sheet LA-5) the future encroachment for the connector is shown near pond; although there is no Greenway Trail at present time, we believe we will be able to provide for a trail connector in the

land area we are excluding from Tree Conservation Area. Please note that we also dedicated a significantly larger Greenway Easement upon evaluating the hardship that would be entailed if the future Hare Snipe Greenway were limited to the 25' zone adjacent to the Neuse River Buffer; the Greenway Easement now extends to the limit of the CM zoning (+/- 150 LF) from Hare Snipe Creek.

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, 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 developer is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Refuse collection will be provided by a private contractor. The location and design of refuse collection facilities is shown in accordance with the Solid Waste Design Manual.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Glenwood Avenue. A sidewalk connection is also provided into the site.

FLOOD HAZARD: There are flood hazard areas on this site including a 100 year flood zone and a floodway. No buildings or site improvements are proposed in these areas.

STORMWATER MANAGEMENT: The preliminary site plan meets the provisions of Part 10, Chapter 9 of the Raleigh City Code. Stormwater quality control will be met through the use of a wet pond to reduce the total nitrogen load of the site and offset fees paid to the NCEEP. The site is exempt from stormwater quantity control provisions pursuant to section 10-9023(b)(4). Stormwater will be discharged directly into the floodplain of Hare Snipe Creek and detention of the 2 and 10 year storm events is not required.

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.

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.