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

Final Approval by the City Council

As Recommended by the Comprehensive Planning Committee

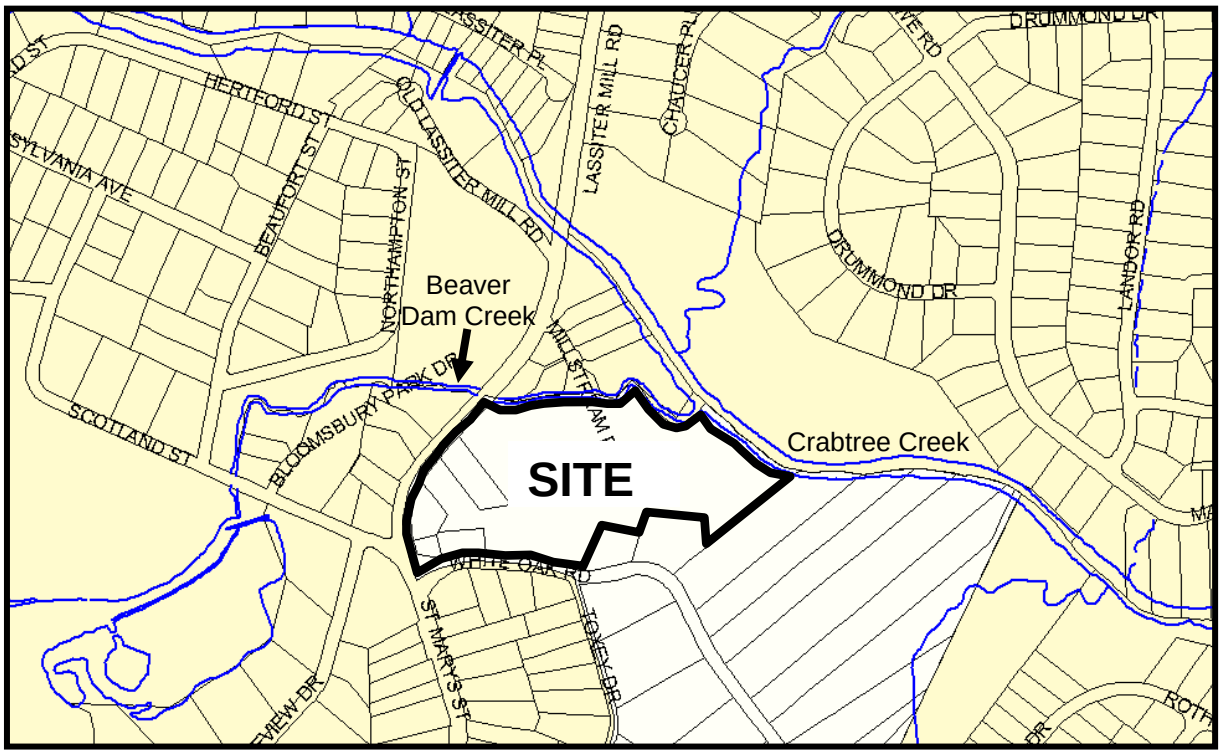
Case File / Name: **SP-99-07 / Saint David's School**

General Location: Northeast corner of Lassiter Mill Road and White Oak Road

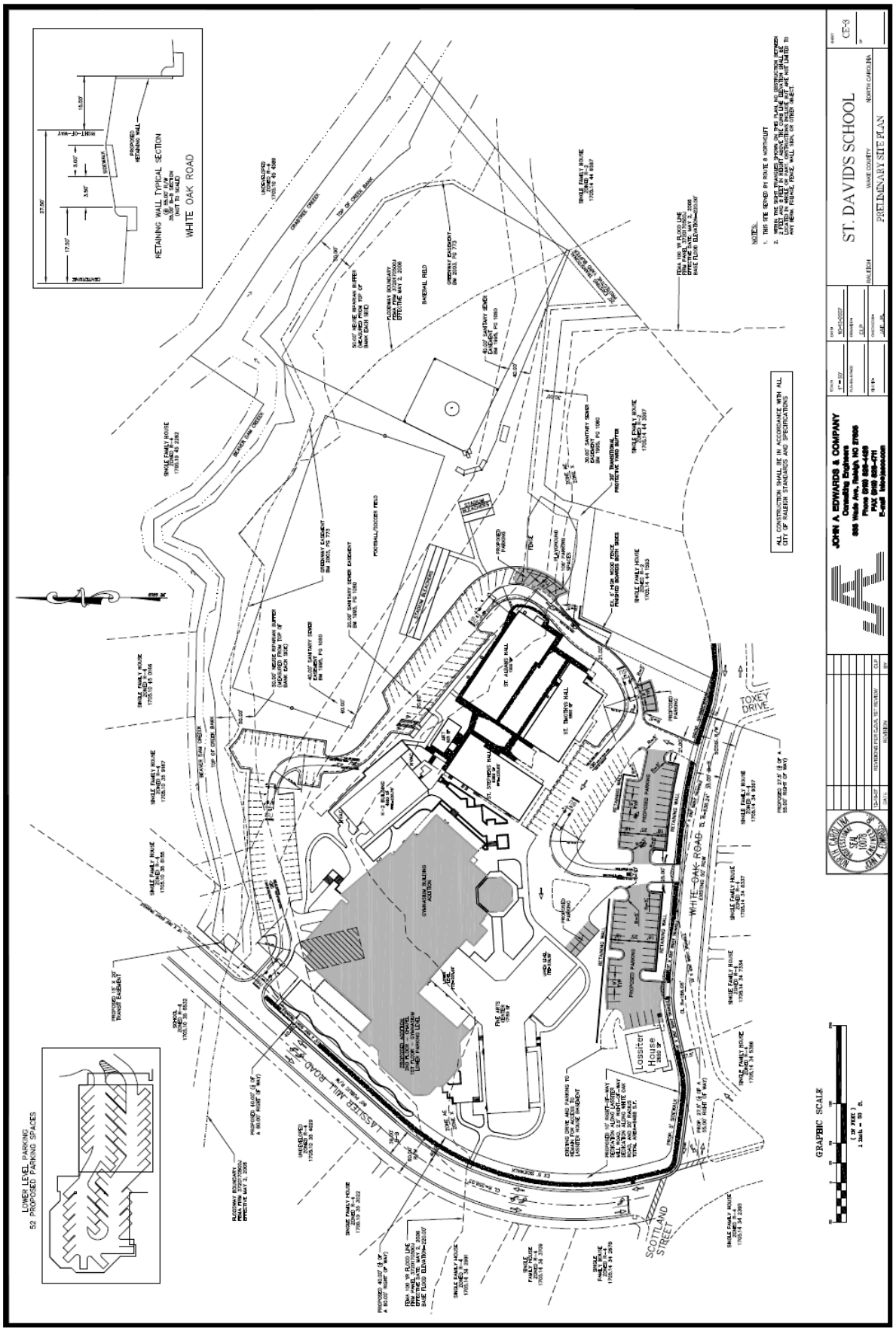
Planning District / CAC: North Hills / Glenwood

Nature of Case: A 54,012 square foot building addition to a private/parochial school campus on a 14.63 acre parcel, zoned Residential-2. Upon completion of this 69% expansion, the cumulative size of the buildings on site will be 120,876 square feet. Proposed enrollment (567 students) is within limits approved by the Board of Adjustment in 2006. This proposal includes creation of 50 additional parking spaces above the 184 spaces existing on site for a total of 234 spaces. 108 are required.

Contact: John A. Edwards & Company



SP-99-07 / Saint David's School – Location Map



SP-99-07 / Saint David's School – Original Site Plan

SUBJECT:	SP-99-07 / Saint David's School
CROSS-REFERENCE:	SP-17-03, B.O.A. Special Use Permit Case A-61-06
LOCATION:	This site is located on the north side of White Oak Road, east of its intersection with Lassiter Mill Road, inside the City Limits.
REQUEST:	This request is to approve a 54,012 square foot building addition to a private/parochial school campus on a 14.63 acre parcel, zoned Residential-2. This site plan exceeds the criteria for administrative approval of site plans for residential institutions in residential zoning districts, Code Section 10-2072(b), and must comply with Code Section 10-2132.2(c)(1)(e).
OFFICIAL ACTION:	**Approval with conditions**
CONDITIONS OF APPROVAL:	**As noted on the Staff Report, attached**
FINDINGS:	The City Council finds that this request as forwarded by certified recommendation from the Planning Commission (CR# 11182), with the added conditions of approval below being met, conforms to Chapter 2, Part 10, Section 10-2016, 10-2072(b), Section 10-2082.14, 10-2132.2, and Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated March 2008, owned by Saint David's School, submitted by John A. Edwards Company.
ADDITIONAL NOTES:	A previous site plan was approved for this school in 2003 (SP-17-03). With approval of that site plan the Planning Commission directed that a sidewalk easement be recorded outside the public right-of-way along White Oak Road to allow sidewalk construction with minimal impact on the existing trees on site. The sidewalk easement was dedicated, but the sidewalk has not been constructed. In 2006 the Board of Adjustment approved a special use permit for this school (Case A-61-06) which limited enrollment to 680 students total with no more than 280 high school students. In addition the Board of Adjustment placed limits on outdoor events utilizing lighting and/or amplified sound, and limits on installation of additional outdoor lighting. With the current 2007 proposal the original staff recommendation for this plan was for denial based on a requested alternate means of compliance related to tree conservation along White Oak Road. The site plan was approved by the Planning Commission as a certified action by 9-1 vote on 3/25/08. Those Commissioners in favor of the site plan and the requested alternate means of compliance cited the following reasons: the existing site constraints such as sewer easements and flood plain areas which preclude locating surface parking lots elsewhere and the fact that the applicant is proposing structured parking beneath a portion of the proposed building. The dissenting member of the Planning Commission stated that the proposed payment in lieu of tree conservation does not meet the intent of the ordinance; that the site's conditions

are not unique; and that sufficient evidence was not provided that parking could not be located elsewhere on site. After the Planning Commission's approval the Planning Director forwarded the plan to the City Council as a certified recommendation per code section 10-2132.2(c)(3)b2 because the Commission's decision was not in accord with the administrative Development Plans Review Group's recommendation.

The City Council referred the case to the Comprehensive Planning Committee. On 4/15/08 the Committee reported back to the Council with a recommendation for approval of a modified site plan showing removal of just two trees within the secondary tree conservation area along White Oak Road as well as a change in the parking lot layout near the Lassiter House and along White Oak Road. The Council approved the plan on 4/15/08 as outlined in CR #11182 with the conditions contained in the staff report as well as with two additional conditions.

Case History:

3/25/08: Public hearing; Planning Commission approved by 9-1 vote; Planning Director forwarded CR #11182 and site plan to City Council

4/1/08: City Council referred plan to Comprehensive Planning Committee

4/9/08: Comprehensive Planning Committee recommended approval with additional conditions

4/15/08: City Council approved plan with added conditions as recommended by Comprehensive Planning Committee

Staff Coordinator: Stacy Barbour

Staff Report

RECOMMENDED ACTION: **Approval with conditions**

CONDITIONS OF APPROVAL:

City Council Actions:

(1) That a revised site plan be submitted to the Planning Department showing the designated tree conservation areas along White Oak Road and the revised parking layout. The revised plan will be similar in layout to the concept plan "C" as approved by the Comprehensive Planning Committee;

(2) That prior to building or grading permit issuance a final tree conservation plan showing the approved alternate means of compliance for tree conservation and the payment in lieu of tree conservation shall be approved by the Inspections Department;

Planning Commission Actions:

(3) That in accordance with code sections 10-2082.4 and 10-2082.14(g) the proposed alternate means of compliance to allow removal of trees adjacent White Oak Road which are subject to the tree conservation ordinance, code section 10-2082.14(b)(2), be approved as shown on the preliminary plan and that the applicant make a payment in lieu of tree conservation in accordance with section 10-2082.14(g). The amount of fee payment shall be determined by the Forestry Specialist in the Inspections Department and shall be paid prior to grading or building permit issuance, whichever event first occurs;

Administrative Actions:

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

(4) That prior to the issuance of a grading or building permit, whichever event first occurs, a 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;

(5) 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;

(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 prior to grading or the approval of construction drawings , whichever event come first;

Prior to issuance of building permits in the Inspections Department:

(7) That a fee-in-lieu of street construction for 1' of pavement along Lassiter Mill Road and 0.5' of pavement along White Oak Road be paid in the Public Works Department;

(8) That 10' width of right-of-way along Lassiter Mill Road (equivalent to half of 80' RW), variable width right-of-way along White Oak Road (equivalent to half of 55' RW), and right-of-way for creation of a minimum 20' corner radius for public street right-of-way at the intersection White Oak Road and Lassiter Mill Road be dedicated to the City of Raleigh as shown on the preliminary plan and a copy of the recorded map be provided to the Site Review Specialist in the Inspections Department;

(9) That flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown all maps for recording;

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

(11) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas. Tree Conservation Areas shall be in compliance with Code section 10-2082.14;

(12) That the 15x20 foot transit easements located on Lassiter Mill Road as shown on the preliminary plan be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording; that a transit easement deed approved by the City Attorney be recorded with the local County Register of Deeds Office and copies provided to the site review specialist in the Inspections Department;

(13) That the final layout and design of public sidewalk along White Oak Road be approved by the Public Works Department and the Urban Forester in the Parks and Recreation Department. The final layout and design shall be planned to minimize impact on existing trees on site both within the public right-of-way and on the school's property;

(14) That a tree removal permit be obtained from the Urban Forester in the Parks and Recreation Department for removal of any street trees in the public right-of-way associated with construction of the required public sidewalk along White Oak Road;

(15) That a petition to abandon the existing 40' City of Raleigh Sanitary Sewer easement (BM 1995 PG 1060) is submitted to the Public Utilities Department and approved as a separate action by the Raleigh City Council.

ZONING:

ZONING DISTRICTS: This site is within the Residential-2 zoning district.

SETBACKS / HEIGHT: This proposal conforms to all minimum setback standards. Front yard = 200', rear yard = 115', front / rear aggregate = 315', side yard = 30', corner side yard = 20', side yard aggregate = 50'. This plan conforms to maximum height standards in this zoning district. Proposed maximum building height is approximately 30'.

PARKING: Off-street parking conforms to minimum requirements: 108 spaces required, based on one parking space per five seats in the principal assembly area (380 seats) for elementary and middle schools and one space per six hundred square feet of academic space for high schools (18,390 square feet). The proposed site plan shows a total of 234 parking spaces on site after construction. (184 existing spaces; 46 to be removed with proposed construction; 96 new spaces to be created for a total of 234 spaces- a gain of 50 spaces).

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 low impact use under Section 10-2082.9. Transitional protective yards in accordance with Code standards exist along the north side and the majority of the east side of the site. A reduced width TPY of 10' width with a fence exists along 65' linear feet of the perimeter on the east side of the site in accordance with alternate means of compliance approved by the Planning Commission with previous site plan approval (SP-17-03). Transitional protective yards are shown in the following locations:

Location	Yard type required	Width proposed
East side- 65'	20' Type "C"	10' w. fence
East side – remainder	20' Type "C"	20' min.
North side	20' Type "C"	20' min

TREE CONSERVATION: This parcel is zoned Residential-2 and a maximum of 15% of the site area is to be set aside for tree conservation in accordance with standards of Code section 10-2082.14.

Total tree conservation areas shown equate to 1.45 acres (9.9%) of the site. The proposal shows primary tree conservation areas equivalent to 0.16 acres (1.1%), and secondary tree conservation areas meeting the standards of Code section 10-2082.14 equivalent to 0.55 acres (3.8%), and optional greenway tree conservation areas totaling 0.74 acres (5.1%).

The proposed site plan does not include preservation of all existing trees on site meeting the standards for preservation as secondary tree conservation areas as required by Raleigh City Code Section 10-2082.14(b)(2) subsection e. A few existing individual trees along White Oak Road are proposed to be removed for construction of vehicular surface areas. The applicant requests approval of a payment in lieu of tree conservation as an alternate means of compliance in accordance with Code section 10-2082.14(g) for the small area that would usually be reserved for tree conservation area.

Code Section 10-2082.14(g) allows payment in lieu of the prescribed method of tree conservation "after consideration of other alternate means of compliance, section 10-2082.4(a)." This provision has been consistently construed by the staff to mean that alternate methods of compliance include changes to the proposed site plan, such as reduction in the number of parking spaces and building footprint and installation of retaining walls versus additional grading. Strong consideration is given to physiographic conditions of the site which prevent use of typical tree conservation.

DEVELOPMENT INTENSITY: The proposed floor area ratio (FAR) is 0.19 and building lot coverage is 15%. Proposed enrollment of 567 students is within limits established by the Board of Adjustment in 2006 (Case A-61-06) which limited enrollment to 680 students total with no more than 280 high school students.

PHASING: There is one phase in this development.

UNITY OF DEVELOPMENT: not applicable to this plan.

COMPREHENSIVE PLAN:

GREENWAY: This site is bordered on the north side by two streams included in the greenway master plan: Crabtree Creek and Beaver Dam Creek. Greenway easements have been recorded on this site in accordance with previous conditions of site plan approval with case SP-17-03.

THOROUGHFARE / COLLECTOR PLAN: Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Lassiter Mill Road	½ of 80'	fee-in-lieu	n/a
White Oak Road	½ of 55'	fee-in-lieu	n/a

Additional right-of-way to be dedicated along Lassiter Mill Road is reimbursable under the facility fees program at the value of R-2 zoned property. The existing roadway width of Lassiter Mill Road is shown as 39' B-B; City standards call for minor thoroughfares to have a minimum cross section width of 53' B-B. However, Saint David's School is a commercial enterprise and is only obligated for a commercial street section [41' B-B]. A fee-in-lieu of construction will be required for an additional 1.0 feet of pavement along the property frontage of Lassiter Mill

Road. The existing roadway width of White Oak Road, a residential collector, is shown as 35' B-B; City standards call for residential collectors to have a minimum cross section width of 36' B-B. A fee-in-lieu of construction will be required for an additional 0.5 feet of pavement along the property frontage of White Oak Road.

TRANSIT: This site is presently served by the existing bus transit system (Route 8 Northclift) along Lassiter Mill Road The following transit-oriented features of this site are incorporated into the proposed plan: 15'x20' transit easement on Lassiter Mill Road.

URBAN FORM: The site is in the North Hills Planning District within an area designated for low density residential uses.

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

Comment	**Response**
Consider installation of a second color of brick in place of the EIFS sections	Comments taken into consideration. A limited material and color palette is being utilized to fit within the residential context of the campus.

SUBDIVISION STANDARDS:

BLOCK LAYOUT: Not applicable to this plan.

PUBLIC UTILITIES: City water and sewer services are available. This plan includes abandonment of an existing sanitary sewer easement on site. The proposed abandonment must be approved by the City Council.

SOLID WASTE: Refuse collection will be provided by means of a private contractor. Location and design of collection facilities shall meet the standards in the Solid Waste Design Manual.

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

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. Public sidewalk exists along Lassiter Mill Road frontage. New sidewalk construction is required along White Oak Road. Previously with site plan approval on this property (SP-17-03) a sidewalk easement of varying width was dedicated along White Oak Road (BM 2003, PG 773) to allow flexibility with construction to minimize impacts upon trees within the public right-of-way. That sidewalk has not been constructed. This proposal shows the 5' width sidewalk to be constructed in accordance with typical city design standards of 3.5' behind the curb. The Public Works Department has determined that a final design for pedestrian access along White Oak Road can be deferred until building permit review. Options are: i) Typical five foot concrete sidewalk within the White Oak Road public right-of-way, ii) Six foot concrete sidewalk placed at the back of curb along White Oak Road iii) A

meandering pedestrian path through the school property [located within a public access easement], iv) A combination of those options listed above. The pedestrian path must run along the entire Saint David's School frontage on White Oak Road. Public Works staff is willing to consider alternate design alternatives, but will require some sort of hard-surfaced path (asphalt, concrete, polymer composite, etc).

FLOOD HAZARD: A large portion of this site, on the north side adjacent the two creeks, lies within the 100 year flood plain. The proposed structure is located within the flood plain and shall be elevated above the base flood elevation in accordance with Code section 10-6037. The limitation of bulk lot coverage in floodprone areas required by Code section 10-4008(c) is met.

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 offset fees paid to the NCEEP. The site is exempt from stormwater quantity control provisions under section 10-9023(b)(4). Stormwater will be discharged directly into the floodplain of Beaverdam Creek and detention of the 2 and 10 year storm events is not required. The proposed building additions are located within the FEMA designated floodplain. Buildings will be subject to current floodplain regulations, including the elevation of the lowest floor at or above the regulatory flood protection elevation. The bulk lot coverage will not exceed 50% of the floodway fringe on the site.

WETLANDS / RIPARIAN BUFFERS: Fifty foot Neuse River riparian buffers are required on this site in accordance with State of N.C. regulations and are shown on the preliminary plan. Portions of existing parking lots and ball fields are located within the 50' buffer area, but no new construction or grading is proposed within the Neuse River Buffers.

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.