



Administrative Action Group Housing Development

City of Raleigh
Development Plans Review Center
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Raleigh, NC 27602
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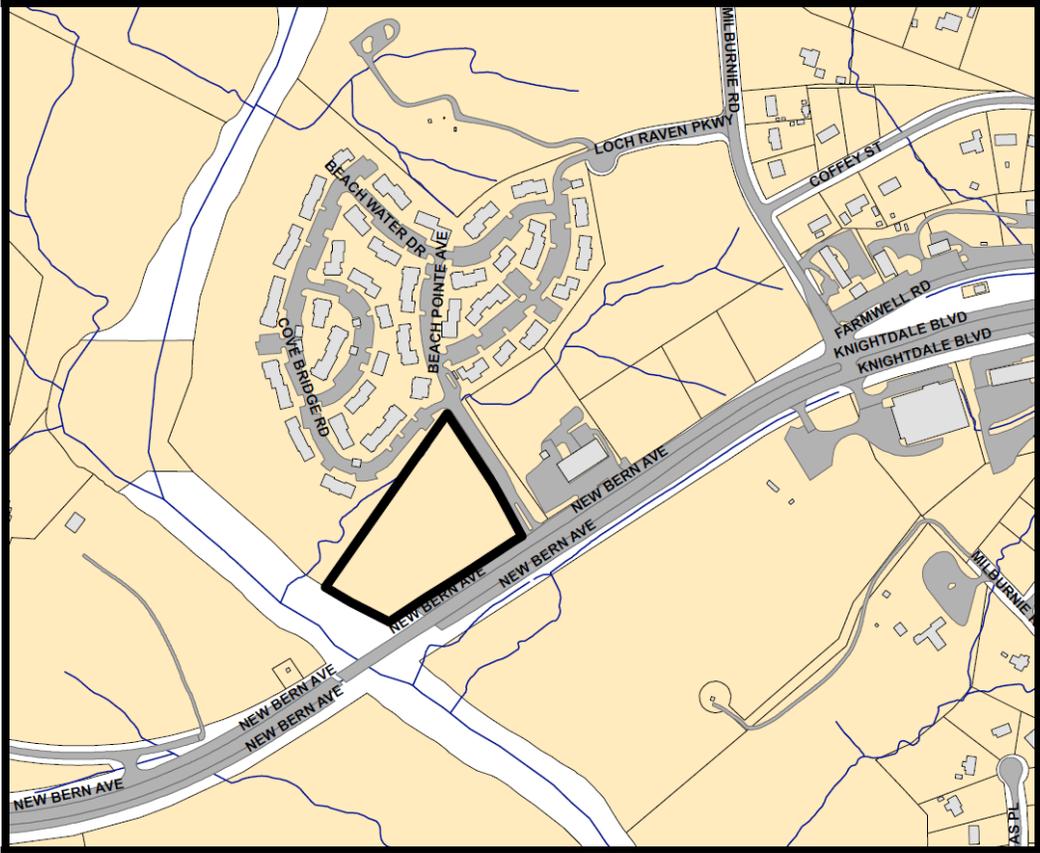
Case File / Name: GH-3-09 / Beachwood Apartments - Phase 2

General Location: Northwest corner of the intersection of New Bern Avenue and Beach Pointe Avenue

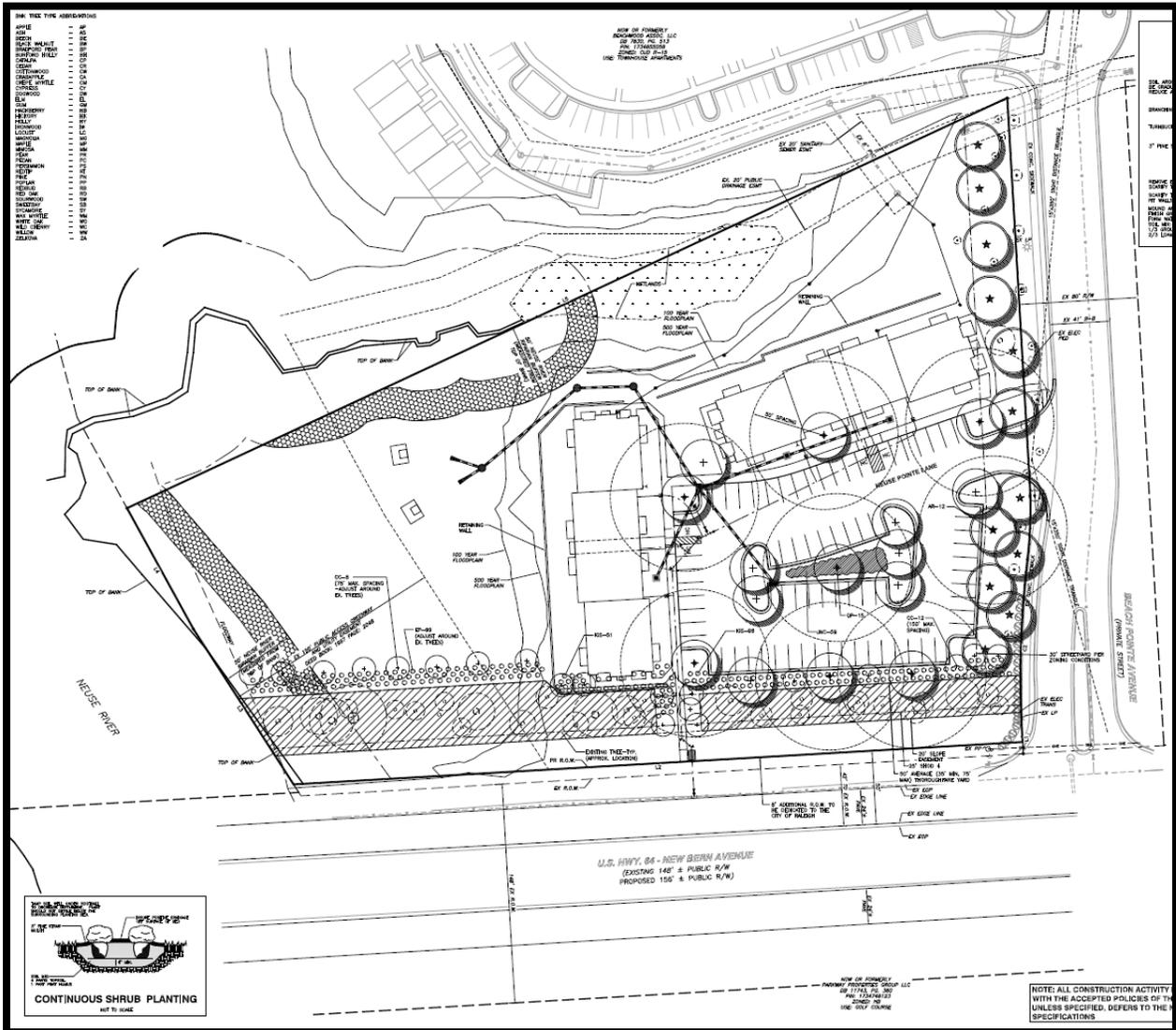
CAC: Southeast

Nature of Case: A 40 unit group housing development consisting of two three-story multi-family structures on a 4.23 acre site zoned Neighborhood Business Conditional Use District with SHOD-4. The overall residential density is 9.75 units per acre after right of way dedication.

Contact: David Dunn – Bass, Nixon & Kennedy, Inc.



GH-3-09 / Beachwood Apartments – Phase 2 – Location Map



GH-3-09 / Beachwood Apartments – Phase 2 – Preliminary Development Plan

- SUBJECT:** GH-3-09 / Beachwood Apartments – Phase 2
- CROSS-REFERENCE:** GH-2-96 (Beachwood Apts.), GH-2-09 (Beachwood Apts. Phase 3)
- LOCATION:** This site is located on the north side of New Bern Avenue, west of its intersection with Beach Pointe Avenue, inside the City Limits.
- REQUEST:** This request is to approve a group housing development consisting of 40 units in two buildings on a 4.23 acre tract, zoned Neighborhood Business Conditional Use District. The overall residential density is 9.45 units per acre.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF
APPROVAL:

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

- (1) 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 claiming under it;
- (2) 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 unless evaluation/documentation from DWQ is provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;
- (3) 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.
- (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;

Prior to submittal of Construction Drawings for the site:

- (5) That one new private street name for this development is approved by the Raleigh City Planning Department and by Wake County;
- (6) Prior to submitting Construction Drawings, please make sure they address the following Public Utility comments from the second round of review comments:

- A. General note #1: Specify CU material for water services. Also, domestic BFPs on individual services are not required with this configuration
- B. General note #2: Note indicates fire services are 4" DIP, but plan indicates 2" CU - please correct as appropriate. Note also indicates fire BFPs are located in yard, but they are not shown on plan. Either draft on plan or edit note to indicate they are located inside buildings. DCVA model may be selected instead of RPZ for this application
- C. If fire services are 4" DIP, specify 6"x4" tee & 4"x4" tee. If fire services are 2" CU, specify double strap bronze saddle at each tap; add a PIV to each fire service
- D. Fire hydrant must be located 3.0' min from FOC. If this conflicts with storm please extend further into yard; assembly installation label should include fire hydrant
- E. Cut profile on private water main to include storm crossing
- F. BFP located at ROW can be DCVA model instead of RPZ for this application
- G. Specify PVC or DIP material on 6" sewer services
- H. MB 1997 PG 2048 does not appear to dedicate 20' public sanitary sewer easements. Provide evidence that the downstream sewer has been certified by engineer & accepted by COR. Offsite sewer easements must be acquired prior to CD approval
- I. Under water & sewer sections of Utility Notes: edit 10' horizontal OR 18" vertical separation, not AND. Also note that DIP shall be installed to waterline specifications for 10' min each side of crossing
- J. Under general section of Utility Notes: edit "..... Notify engineer of any discrepancy. All necessary field revisions are subject to review & approval by the COR PUD prior to construction"

Prior to Planning Department authorization to or in conjunction with lot recording:

- (7) A Fee-in-Lieu payment of \$29708.76 (fee estimate #514) for curb & gutter and ½ of a 5' sidewalk along New Bern Avenue is required prior to plat recording or issuance of building permits.
- (8) That an additional 8' of public right-of-way be dedicated along the property's New Bern Avenue frontage;
- (9) That a note be placed on the map for recording; If there is any increase in the impervious surfaces all provisions of Part 10 Chapter 9 of the City Code will apply;
- (10) 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;
- (11) That existing wetlands are on this site and shall be shown on all maps for recording;
- (12) That a 20-foot permanent slope easement along New Bern Avenue be dedicated prior to or in conjunction with the recording of any map;
- (13) That cross access agreements between the subject parcel and the lot located immediately to the north and east (DB 7830, PG 513/PIN: 1734655058) 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;

- (14) That cross-use agreements, for solid-waste collection and removal are recorded between the subject parcel and the lot located immediately to the north and east (DB 7830, PG 513/PIN: 1734655058) 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;

Prior to issuance of building permits in the Inspections Department:

- (15) 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;

I hereby certify this administrative decision.

Signed: (Planning Dir.) (Christina) P. Mitchell Date: 7-1-10

Staff Coordinator: Eric Hodge, AICP

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2042, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan owned by Beachwood II Associates, submitted by Bass Nixon and Kennedy, Inc.

ZONING:

ZONING DISTRICTS: Neighborhood Business Conditional Use District. Ordinance 21 ZC 312 Effective 7-21-92.

Z-32-92 US 64 East, east side of the Neuse River, being a portion of Parcel 1, Tax Map 528, rezoned to Neighborhood Business and Office and Institution-1 Conditional Use according to a map on file in the Planning Department.

CONDITIONS:

Parcel No. 4 (The subject property is Parcel No. 4)

1. A 30-foot wide streetyard along the proposed street.
2. "A buffer will be established along the Neuse River measuring 150 feet in width or the 100-year flood boundary, whichever is greater. The only uses allowed will be those uses permitted in the Conservation Buffer District. Out of this buffer a greenway measuring 150 feet in width from the river bank will be dedicated to the city".
3. A deceleration lane, taper and drainage improvements shall be constructed on US 64 at the time that Loch Raven Parkway is connected to U.S. 64. Loch Raven Parkway will not have a median cut in U.S. 64.
4. All drainage system design shall comply with CR.7107.

Parcel No. 5

1. No access directly to US 64.
2. A 50-foot wide thoroughfare yard along US 64 and a 30-foot wide streetyard along the proposed street.
3. "A buffer will be established along the Neuse River measuring 150 feet in width or the 100-year flood boundary, whichever is greater. The only uses allowed will be those uses permitted in the Conservation Buffer District. Out of this buffer a greenway measuring 150 feet in width from the river bank will be dedicated to the city".
4. A deceleration lane, taper and drainage improvements shall be constructed on US 64 at the time that Loch Raven Parkway is connected to U.S. 64. Loch Raven Parkway will not have a median cut in US 64.
5. All drainage system design shall comply with CR 7107.

DEVELOPMENT

DENSITY: The number of units allowed in this zoning district is 10 units per acre. The proposed plan contains 40 units which equates to a density of 9.45 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 60'. 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. Building height is 39'.

PHASING: While called "Phase 2", this is actually a stand alone-development with one phase.

OPEN SPACE: Open space conforms to minimum requirements. 10 % or .423 acres required, 17% or .75 acres provided in tree conservation areas alone, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 68 spaces required, based on 1.5 parking spaces per one-bedroom units (24 one-bedroom units) and 2 parking spaces per two-bedroom units (16 two-bedroom units). 76 spaces are provided. Parking spaces meet minimum standards for size and aisle width.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. The plans show a 50' average Thoroughfare Yard as well as a 25' SHOD 4 Yard. 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 medium residential density use under Section 10-2082.9. No transitional protective yards are required given the proposed and adjacent uses.

**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 .423 acres of tree conservation area is required and 17% or .75 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.

**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 an existing 150' greenway and utility easement along the western portion of this site where it abuts the Neuse River.

**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.
New Bern Avenue	148' Existing/156' proposed	Fee in Lieu	20'

8' of additional right-of-way to be dedicated is reimbursable under the facility fees program. This additional right-of-way is based on Section 3.1 of the *Streets, Sidewalks and Driveway Access Handbook* as New Bern Avenue is designated as a Principal Arterial (Gateway Arterial) in the Comprehensive Plan.

TRANSIT: No transit-oriented features are incorporated into the proposed plan.

URBAN FORM: While general land use, transportation, and environmental policies relating to connectivity, urban pattern, pedestrian networks, and protection of natural resources apply, the proposed site plan is consistent and meets the general intent and recommendations of 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.

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 refuse collection facilities are provided on the adjacent tract which is Beachwood Apartments phase one.

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 exempt from stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code, code section 10-9023(b) 4.

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:**

Both wetland areas and Neuse River riparian buffers are required on this site and are shown on the preliminary plan.

STREET NAMES:

One new street name is 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: The sunset provisions of City Code Section 10-2132.2 (j), including the ability to request extensions in the sunset date, apply to this site plan. 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 before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 7/1/2013

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: 7/1/2015

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.