



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
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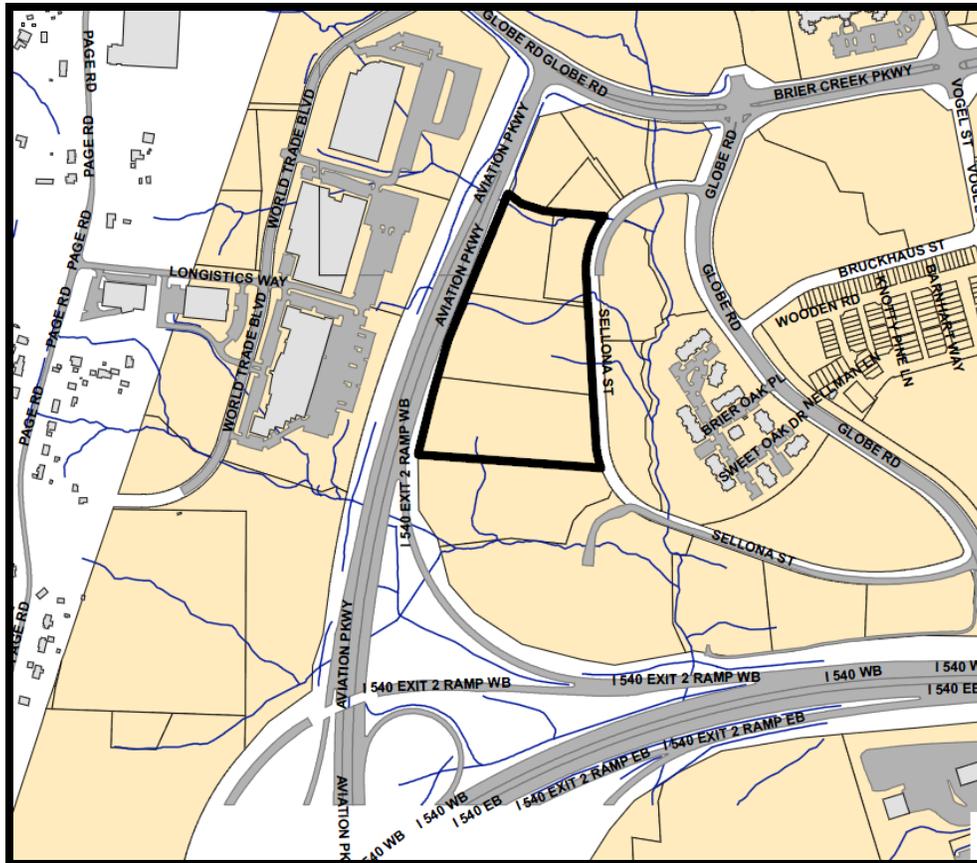
Case File / Name: GH-3-10 / The Jamison @ Brier Creek

General Location: The site is located on the west side of Sellona Street, east of Aviation Parkway, inside the city limits.

CAC: Northwest

Nature of Case: Approval for an apartment complex consisting of 12-buildings with 276-units, 1-club house with a pool, 5 garages, and a maintenance facility. The property is zoned Thoroughfare District CUD. The apartment complex will be located on 17.79 acres. Currently the 17.79 acres is comprised of 4 parcels that will be recombined into one parcel.

Contact: John R. McAdams Company, Inc.



GH-3-10 The Jamison at Brier Creek – Location Map

SUBJECT: GH-3-2010 / The Jamison at Brier Creek

CROSS-REFERENCE: S-53-98, S-85-98, S-97-98, and S-5-07

LOCATION: This site is located on the western side of Sellona Street, west of its intersection with Globe Road, inside the City Limits.

REQUEST: Approval for an apartment complex consisting of 12-buildings with 276-units, 1-club house with a pool, 5 garages, and a maintenance facility. The properties currently consist of four parcels zoned Thoroughfare District CUD but will be recombined into one parcel of 17.79 acres.

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

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

- (1) 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;
- (2) 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) or and accredited private mitigation bank in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (3) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Planning 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 issuance of building permits in the Inspections Department:

- (4) 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;

- (5) 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;
- (6) That a recombination map, recombining the 4 existing lots into 1 lot be approved for recording by the Planning Department and recorded within 14 days of approval at the Wake County Register of deeds;
- (7) That a 15' x20' foot transit easement located on Sellona Street 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 authorization of lot 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;
- (8) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (9) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14; and
- (10) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (Dr. Balm) Date: 12/10/10

Staff Coordinator: Meade Bradshaw

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2045, 10-2059, 10-2103, 10-2059 Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/4/10, owned by Brier Creek Associates limited Partnership, submitted by John R. McAdams Company, INC.

ZONING:

ZONING DISTRICTS: Thoroughfare District CUD with SHOD-2 Ordinance (1996) 929 ZC 392 Effective 7/2/96.

Z-65-96 Airport Assemblage, generally bounded by U.S. 70 on the northeast, property of the Raleigh Durham International Airport on the south, and the Wake County/Durham County line on the west, being various maps and parcels. Approximately 1999 acres rezoned to Thoroughfare District Conditional Use with Special Highway Overlay District-2 and Airport Overlay District.

- DEVELOPMENT DENSITY:** The number of units allowed in this zoning district is 40-units per acre. The proposed plan contains 15.5 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 45'. 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). Proposed building height is 44'5". Buildings greater than 28' in height meet minimum 30' setback from perimeter property lines.
- OPEN SPACE:** Open space conforms to minimum requirements. 10 % or 1.78 acres required, 11% or 1.98 acres provided, based on the open space standards of 10-2103(d).
- PARKING:** Off-street parking conforms to minimum requirements: 541 parking spaces are required. After a 10% landscape reduction of 54 spaces, 487 spaces required. 492 spaces provided.
- 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. Landscape area for tree planting is a minimum of 350 square feet per tree in area, and has a minimum dimension of 7 feet. Transitional protective yards are not required with this development.
- TREE CONSERVATION:** **Site Acreage 17.79**
- Primary Tree Conservation (acres)**
- 50' Existing Thoroughfare Yard - 0.98
 - 25' Special highway Overlay District-2 Yard - 0.22
 - 50' Neuse Riparian Buffer Zone 2 - 0.23
- Secondary Tree Conservation (acres)**
- 65' Perimeter Protective Yard Alternate Means of Compliance - 0.55
- Totals = 1.98 acres / 11.1% Tree Conservation Area**

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

PHASING: There is only 1 phase in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

Sufficient right-of-way and road construction exists on Sellona Street.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easements located on Sellona Street

URBAN FORM: This site is located in the Northwest Citizen Advisory Council, in an area designated as Office/Research & Development.

- 1. **Policy LU 4.5 Connectivity** - *New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.*

Sidewalks currently exist along Sellona Street providing pedestrian connectivity. There is a Neuse Riparian Buffer on the northern portion of the site prohibiting a vehicular connection to the north.

- 2. **Policy LU 8.9 Open Space in New Development** - *New residential development should be developed with common and usable open space that preserves the natural landscape.*

The apartment complex has a pool and areas grassed areas around the pool with pedestrian paths providing walk ability to different areas of the development.

- 3. **Policy LU Policy T 5.5 Sidewalk Requirement** - *New subdivisions and developments should provide sidewalks on both sides of the street.*

Sidewalks currently exist along the property's frontage on Sellona Street

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

SOLID WASTE: Individual lot service will be provided by a private contractor.

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

PEDESTRIAN: Sidewalks exist along the site's frontage on Sellona Street.

FLOOD HAZARD: There are no flood hazard areas on this site.

STORMWATER MANAGEMENT: This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. Constructed stormwater wetlands designed to reduce nitrogen loading and improve water quality and quantity are shown on the preliminary plat.

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)].

RIPARIAN BUFFER DISTURBANCE

The developer proposes to disturb a designated riparian buffer for the purpose of connecting to a sanitary sewer line, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer and evidence of such approval shall be provided to the Conservation Engineer in the Public Works Department.

WETLANDS / RIPARIAN BUFFERS:

Neuse River riparian buffers are on this site and shall be shown on all maps for recording.

STREET NAMES: 6 new street names are required for this development. A street name application has not yet been approved. All proposed names must be approved by the City and by Wake County prior to recording.

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 lot recording has not taken place on a project after preliminary subdivision 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: 12/10/13
Record at least ½ of the land area approved.

5-Year Sunset Date: 12/10/15
Record entire subdivision.

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.