



Administrative Action Group Housing Development

City of Raleigh
Development Plans Review Center
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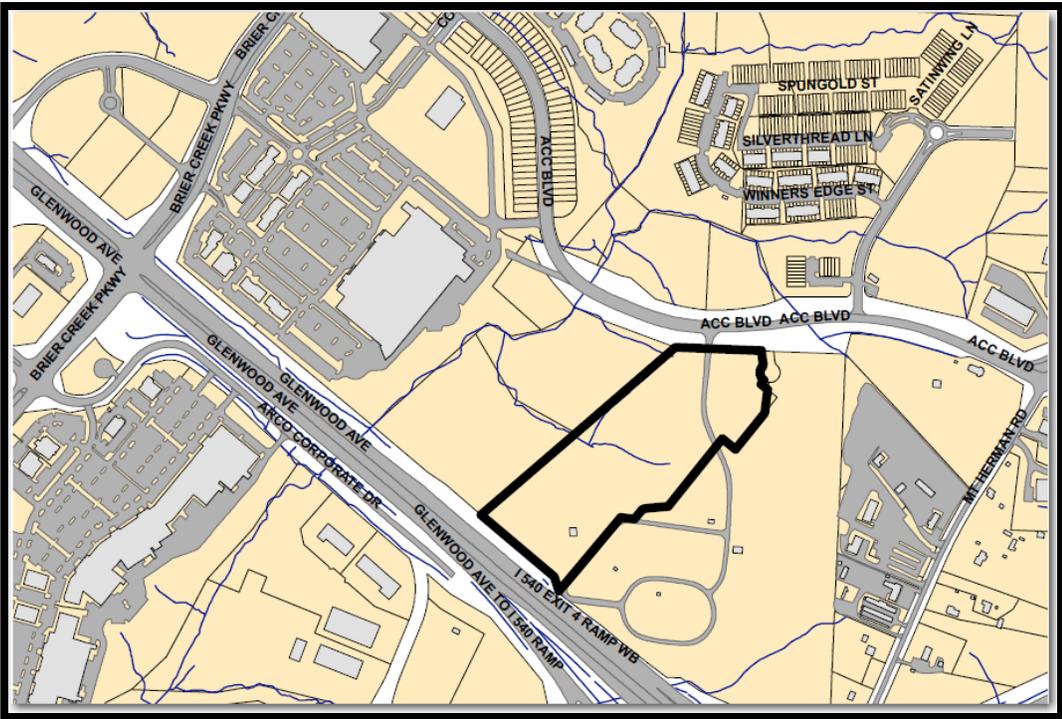
Case File / Name: GH-5-10 / The Crest at Brier Creek

General Location: Between Glenwood Avenue and ACC Blvd, west of Mount Herman Church Road intersection, inside/outside the city limits.

CAC: Northwest

Nature of Case: Approval of a group housing development consisting of 8 apartment buildings with 291 units, 1 club house with pool on 14.51 acres. The site is zoned Thoroughfare District-Conditional Use District, SHOD-2 with Airport Overlay District. Note no residential structures are proposed within the area zoned Airport Overlay District. No residential units/buildings are proposed in the Airport Overlay District.

Contact: JDavis Architects



GH-5-10 The Crest at Brier Creek

SUBJECT: GH-5-10 / The Crest at Brier Creek

CROSS-REFERENCE: Z-1-07 & GH-6-07 (withdrawn)

LOCATION: Between Glenwood Avenue and ACC Blvd, west of Mount Herman Church Road intersection, inside/outside the city limits.

REQUEST: This request is to approve a group housing development consisting of 291 units in 8 apartment buildings, 1 clubhouse with pool on 14.51 acre tract, zoned Thoroughfare District-Conditional Use District, SHOD-2 with Airport Overlay District. Note no residential structures are proposed within the area zoned Airport Overlay District. The overall residential density is 20 units per acre.

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 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 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;
- (3) 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 the stormwater operations maintenance manual and budget approved in accordance with condition number one (1) 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 will be withheld;

Prior to approval of construction drawings for public improvements:

- (4) 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 issuance of building permits in the Inspections Department:

- (5) That street names for this development be approved by the Raleigh Information Technology Department and by Wake County;
- (6) That a petition for annexation (for the small portion of land currently outside of the city limits) 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;
- (7) That once the annexation into the city limits is approved, that a recombination map be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract;
- (8) That a 15x20 foot transit easement (per Z-1-07 item D) 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 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;
- (9) 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 of Deeds, 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 the preliminary plan) and used for residential purposes. A 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 plan recording, building permit and Certificate of Occupancy issuance will be withheld;
- (10) 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;
- (11) That the developer shall pay to the City a stormwater facility replacement fund payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans; Will not apply due to the plan was submitted prior to the text change.
- (12) That all infrastructure construction plans associated with this development be submitted and approved by the Public Works Department;
- (13) That the tree protection measures approved in condition #2 above shall remain on the property on permitted for removal by the city urban forester;

- (14) That a demolition permit be issued by the Inspections Department and this permit number be shown on all maps for recording;
- (15) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway;
- (16) 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;
- (17) 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;
- (18) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements;
- (19) That cross-access agreement between the existing site (GH-5-10 The Crest at Brier Creek) and the parcel to the north (DB 9526 PG 1888 Ruby Jones, LLC), is recorded in accordance with Raleigh City Code and are returned to the Planning Department within 14- days of recording. If a copy of the recorded documents are not returned within 14-days, further plat recording will be withheld, building permits and Certificate of Occupancy will not be issued;
- (20) That an application for an encroachment agreement for landscaping within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections Department for review;
- (21) That a 20x70-foot permanent slope easement to be located on the northern property and on site be obtained for the construction of the cross access (condition 21 above) prior to or in conjunction with the recording of any map and this easement be shown on the map for recording. This construction easement shall be shown on all construction drawings;
- (22) That existing Neuse Buffer on this site shall be shown on all maps for recording;

- (23) That the noise easement line, as shown on the preliminary plan, be shown on all maps for recording and a note be shown on all maps for recording: The property lies within the Raleigh Durham International Airport noise exposure contour as projected in the RDU Airport's long range facility plan.
- (24) All conditions of Z-1-07 are satisfied.

I hereby certify this administrative decision.

Signed: (Planning Dir.) _____ Date: _____

Staff Coordinator: Jacque Baker

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2045, 10-2059, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated April 14, 2011, owned by TRG Briercreek LLC, submitted by JDavis Architects.

ZONING:

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

- 1. **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.

Z-7-01
EXHIBIT C-1

Exhibit C-1

DESCRIPTION OF ROU NOISE CONTOUR 65
SCALE: 1" = 200'
FEB. 22, 2007



DEVELOPMENT

DENSITY: The proposed plan contains 20 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 20'. 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).

PHASING: There are no phases proposed in this development.

OPEN SPACE: Open space conforms to minimum requirements. 10 % or 1.57 acres required, based on the open space standards of 10-2103(d).

PARKING: Off-street parking conforms to minimum requirements: 562 spaces required, 508 spaces are provided after the allowed 10% reduction. Bedroom allocations are found on the site plan. A reduction of 56 off-street parking spaces for landscape planting area is being utilized. Parking spaces meet minimum standards for size and aisle width.

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 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% of 1.45 acres required. This plan shows secondary tree conservation areas and primary tree conservation areas.

**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 greenway on this site approximately 1.41-acres as shown on the preliminary plan.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

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

| <u>Street</u> | <u>ROW</u> | <u>Construct</u> | <u>Slope Esmt.</u> |
|-------------------|--------------|----------------------|--------------------|
| New public street | 60' | ½ of a 60 b/b street | n/a |
| ACC Blvd | 60' existing | ½ of a 53 b/b street | n/a |

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: a 15x20 foot transit easement on ACC Blvd (Z-1-07 item #D).

URBAN FORM: This site is located in the Northwest CAC.

- All of the zoning conditions of Z-1-07 that apply to the property should be met.
 - 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.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The proposed and existing 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 Handbook. 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. Any off-site utilities will be the responsibility of the developer.

SOLID WASTE: The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.

CIRCULATION: Existing and proposed 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 subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. The developer has proposed compliance through the use of six (6) bioretention cells and a buy down payment to the North Carolina ecosystem Enhancement Program (NCEEP).

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 and shall be shown on all maps for recording.

STREET NAMES:

7 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:

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: 6/16/2014

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: 6/16/2016

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.