



# Administrative Action Group Housing Development

City of Raleigh  
Development Plans Review Center  
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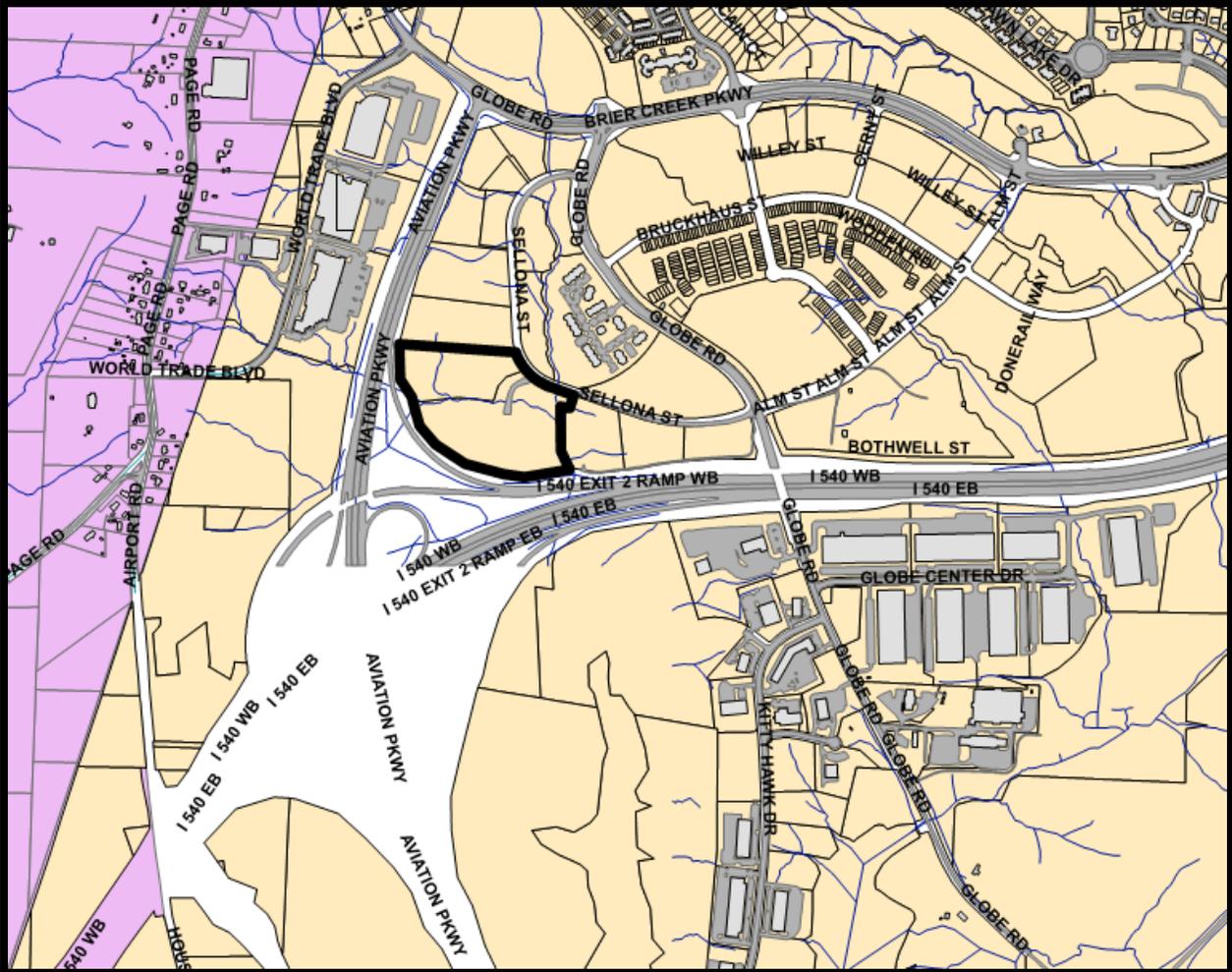
**Case File / Name:** GH-7-10 / Brier Creek III Apartments

**General Location:** The site is located on the south side of Sellona Street, west of Globe Road, inside the city limits.

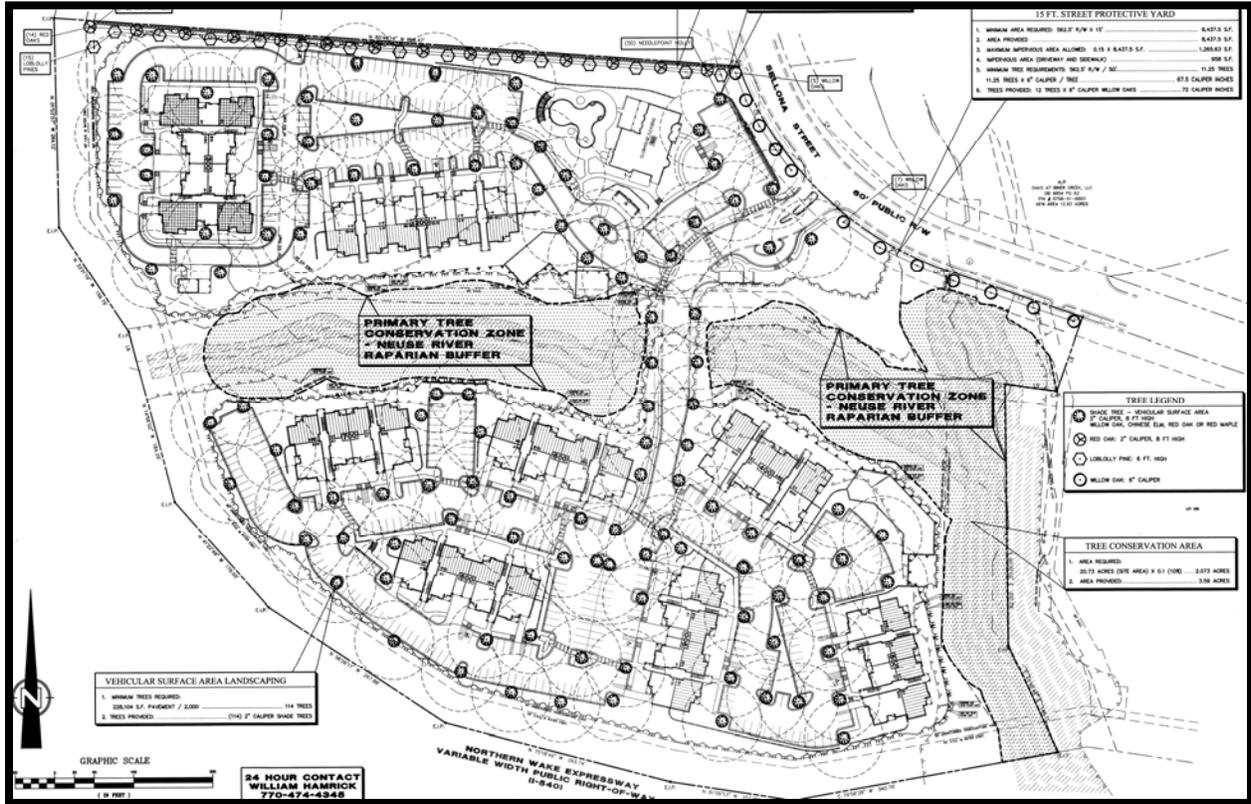
**CAC:** Northwest

**Nature of Case:** Approval for an apartment complex consisting of 9-buildings with 232-units, 1-club house with a pool, and a car wash/maintenance facility. The apartment complex will be located on 12.93 acres. Currently the 20.72 acres is comprised of 2 parcels that will be recombined into one parcel.

**Contact:** J. Lancaster Associates, Inc.



**GH-7-10 Brier Creek III Apartments – Site Location Map**



GH-7-10 Brier Creek III Apartments – Site Layout

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**SUBJECT:** GH-7-10 / Brier Creek III Apartments

**CROSS-REFERENCE:** S-85-98 and Z-65-96

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

**REQUEST:** This request is to approve a group housing development consisting of 232 units in 9 buildings on a 20.72 acre tract, zoned Thoroughfare CUD. The overall residential density is 11.20 units per acre.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF APPROVAL:**

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

- (1) 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 or appropriate private mitigation bank and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (2) 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;
- (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 Forestry Specialist in the Planning 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 flood prone areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (6) That as the developer purposes to disturb a designated riparian buffer for the purpose of armoring an existing ditch with rip rap, the North Carolina Division of Water Quality shall approve the disturbance of the riparian buffer before any grading or approval of construction drawings, (whichever first occurs) and evidence of such approval shall be provided to the Stormwater Engineer in the Public Works Department, and a written watercourse buffer permit is thereby issued by the Inspection Department before commencement of work (per code section 10-9044(a));
- (7) 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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the property owners association;"
- (8) That a recombination map, recombining the 2 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;
- (9) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (10) That a 15' x 20' 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 permit authorization may be withheld;
- (11) 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;
- (12) That 55' in width of right of way for the proposed residential street be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Planning Department;
- (13) That street names for this development be approved by the Raleigh Information Technology Department and by Wake County; and
- (14) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map;

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver (AS) Date: 6/17/11

Staff Coordinator: Meade Bradshaw

**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2103, 10-2059, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5-25-11, owned by Sellona Partners, LLC, submitted by J Lancaster Associates Inc.

**ZONING:**

**ZONING DISTRICTS:** Thoroughfare District CUD with SHOD-2 Ordinance (1996) 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 11.20 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 90'. 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.

**PHASING:** There one phase in this development. A final phasing plan for infrastructure shall be approved with the submittal of a preliminary subdivision.

**OPEN SPACE:** Open space conforms to minimum requirements. 10% or 2.07 acres required, 11.82% or 2.45 acres provided, based on the open space standards of 10-2103(d).

**PARKING:** Off-street parking conforms to minimum requirements: 491 spaces are required. 499 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. 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. Transitional protective yards are not required with this development.

**TREE  
 CONSERVATION:**

Site Acreage 20.723

Primary Tree Conservation (acres)

- 25' Special highway Overlay District-2 Yard - 0.95
- 50' Neuse Riparian Buffer Zone 2 - 0.55
- Greenway Easement - .95

Secondary Tree Conservation (acres)

- 65' Perimeter Protective Yard Alternate Means of Compliance - 0.55

Totals = 2.07 acres / 11.82% Tree Conservation Area

**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. Because of numerous creek crossings on-site, only one access point is provided which conflicts with Code Section 10-2103.C.2. The issue of having one access point to a public street with dwelling units exceeding 150 units was agreed upon with the Public Works Department with the current development layout.

**COMPREHENSIVE  
 PLAN:**

**GREENWAY:** There is greenway on this site. 0.95 acres of greenway easement are to be dedicated on the site along the eastern portion of the development.

**THOROUGHFARE  
 / COLLECTOR  
 PLAN:**

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

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
Residential Street	55'	widen to 36' b-b w/ curb, gutter, and sidewalk	N/A

Sufficient right-of-way 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 Planning District, in an area designated a residential area.

1. Policy AP-BC 10 Brier Creek Village Greenway Access - The Capital Area Greenway intersects the plan area extending north of the Village

Center through an existing underpass beneath Brier Creek Parkway into the existing Brier Creek development and south of the Village Center through an existing underpass beneath I-540. Access points to the greenway within the Village Center should be provided at Brier Creek Parkway and at the Village Main Street adjacent to the eastern activity node.

*Access will be available from Sellona Drive.*

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 the dedication of a greenway easement.*

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**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 location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual.

**CIRCULATION:** Existing street improvements conforms to normal City construction standards.

**PEDESTRIAN:** Existing public sidewalk locations conform to City regulations. Internal sidewalks connect each building to the public sidewalk along 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. Two detention ponds are proposed to ensure the post-development peak runoff rates for the 2-year and 10-year storm events do not exceed the pre-development peak runoff rates. Nitrogen reduction is proposed to be met through the use of a nutrient offset payment.

**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 on this site and shall be shown on all maps for recording.

**STREET NAMES:**

7 new street names are required for this development.

**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:** 6/17/14

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:** 6/17/16

Complete construction of entire development.

**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.