



# Administrative Action

## Preliminary Subdivision and Administrative Site Review

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2626  
www.raleighnc.gov

**Case File / Name:** S-41-15 / SR-14-14 / Bacarra II Subdivision and Apartments

**General Location:** The site is located at the western end of Canary Falls Lane and Myra Road, east of I-440 between Hillsborough Street and Western Boulevard.

**CAC:** West

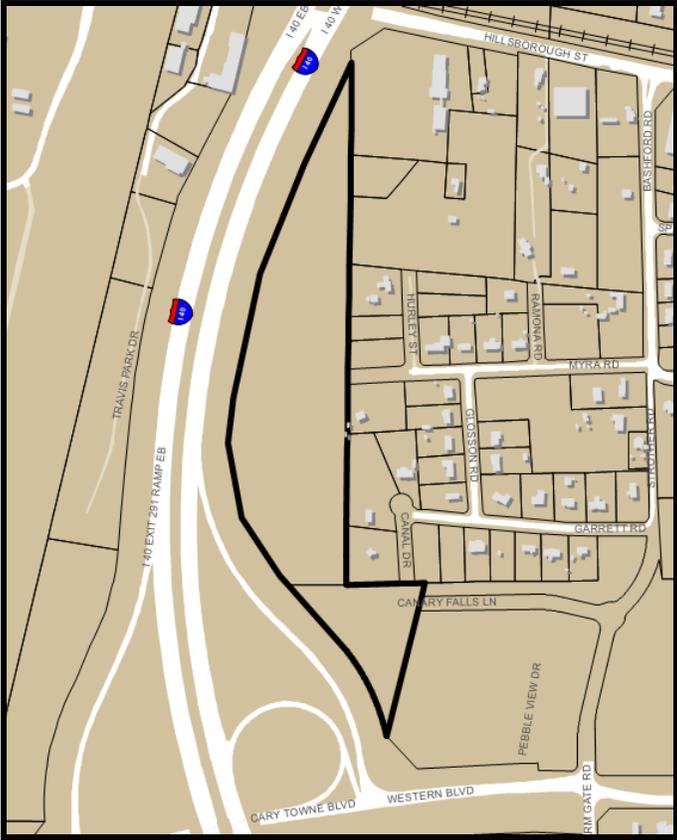
**Nature of Case:** Subdivision of 18.63 acres into two lots, zoned RX-4 CU with SHOD-1 overlay district. Both lots will be developed with apartment building types as follows:

Lot 104 - 3 apartment buildings each with 24 units (72 total) on 3.92 acres.  
Lot 105 - 5 apartment buildings each with 24 units (120 total) and clubhouse on 13.37 acres.  
Total - 8 apartment buildings totaling 192 dwelling units.

**Contact:** Bradley Bowling; Priest, Craven & Associates

**Design Adjustment:** NA

**Administrative Alternate:** NA



S-41-15/SR-14-14 Project Location Map



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**SUBJECT:** S-41-15, SR-14-14

**CROSS-REFERENCE:** GH-7-12; Z-4-14;

**LOCATION:** This site is located at the western end of Canary Falls Lane and Myra Road, east of I-440 between Hillsborough Street and Western Boulevard, inside the city limits.

**PIN:** 0774409607

**REQUEST:** Subdivision of 18.63 acres into two lots, zoned RX-4 CU with SHOD-1 overlay district. Both lots will be developed with apartment building types as follows:

Lot 104 - 3 apartment buildings each with 24 units (72 total) on 3.92 acres.  
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**OFFICIAL ACTION:** **Approval with conditions**

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**CONDITIONS OF APPROVAL:**

***Prior to issuance of a mass grading permit for the site:***

- (1) That in accordance with Part 10A Section 9.4.4, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City;
- (2) That as the developer proposes to disturb a designated riparian buffer, 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;
- (3) That a final tree conservation plan with permit be approved by the Forestry Specialist. 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;

***Prior to approval of a concurrent review of Final Site Review and Infrastructure construction plans, or whichever is applicable:***

- (4) That conditions 1-3, above, be met;
- (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 10A Chapter 9 of the Unified Development

Ordinance, 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 a nitrogen offset payment must be made to a qualifying mitigation bank;
- (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 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, 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).";

***Prior to Planning Department authorization to record lots:***

- (9) 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;
- (10) That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat and a copy of the recorded documents be provided to the Planning Department within the 14-day period, further recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (11) That right of way is dedicated for the proposed multi-family street type,
- (12) That the City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be recorded with the county register of deeds office where the property is located prior to any recordation of a subdivision or recombination plat, and a copy of the recorded documents be provided to the Planning Department within the 14 day period; further plan recordings and building permits authorization will be withheld if the recorded document is not provided to the Planning Department; Required legal documents shall be recorded within 1 day of the approval of a recorded map, if applicable;
- (13) That Infrastructure Construction Plans are approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan;

- (14) That demolition permits for the existing structures be issued and this building permit number be shown on all maps for recording;
- (15) That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related improvements, including streetscape trees on Canary Falls Lane and Myra Road street is paid to the Public Works Department;

***Prior to issuance of building permits:***

- (16) That an encroachment agreement for stormwater drainage systems that carry private drainage to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right of way for the landscaping located within the right of way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (17) That ½ of the required right of way for the proposed or existing street is dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City prior to building permit issuance;
- (18) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Chapter 9 of the Unified Development Ordinance;

***Prior to issuance of a certificate of occupancy for either lot:***

- (19) That in accordance with Part 10A Section 9.2.2, an as-built plan and certification any stormwater control device shall be reviewed and accepted by the City prior to final stormwater inspection approval or certificate;
- (20) That the inspection of the construction of internal accessways submitted for city approval will become the responsibility of the owner/developer. Copies of certified inspection reports (see attached requirements) involving subgrade/aggregate base proof rolls, aggregate base and asphalt densities and thickness, and other pertinent information must be submitted to the City of Raleigh Public Works Department.

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I hereby certify this administrative decision.

Signed: (Planning Dir.) Ken Bauer (C. Hays) Date: 11-30-15

Staff Coordinator: Justin Rametta

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

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**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to the Unified Development Ordinance including Chapter 3, Article 3.2, Section 3.2.4,. This approval is based on preliminary plans dated 9/1/15 (S-41-15) and 10/20/15 (SR-14-14) owned by Bacarra II, LLC, submitted by Priest, Craven & Associates.

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**ZONING:**

**ZONING  
DISTRICTS:**

RX-4 CU. Ordinance 310ZC698 Effective 5/20/14.

Conditions Amended 4/10/14

1. The maximum number of dwelling units on the subject property shall not exceed two hundred (200) dwelling units.

*192 units are proposed.*

2. A building setback of sixty-five (65) feet shall be maintained parallel to the current eastern boundary of the rezoned property adjoining PIN #'s 0774.19 51 1558 (DB 3107-342), 0774.19 51 3472 (DB 3511-428), 0774.19 51 1155 (DB 4313-385), 0774.19 51 1053 (DB 2046-442), 0774.19 50 1943 (DB 2406-442), 0774.19 50 1773 (DB 2697-378), 0774.19 50 1452 (DB 6243-103) and 0774.19 50 1143 (DB 4584-428) (the "Setback Boundary"). The setback described in this condition may include any transition zones, protective yards or buffers as required by the City of Raleigh Unified Development Code.

*65' building setback is shown on plans.*

3. The maximum height of any building constructed on the subject property shall not exceed four stories/ fifty-nine (59) feet.

*Maximum building height proposed is 45.5'.*

4. Prior to obtaining any Certificate of Occupancy for any building on the subject property, the property owner shall cause a public water line at least twelve (12) inches in diameter to serve the development on the subject property and "Glosson Estates Subdivision" as recorded in BOM 1963, Page 196 to be constructed within the public right-of-way accessing the subject property, as prescribed by the City of Raleigh.

*Condition must be met prior to C.O. for any proposed building on site. The proposed water line is shown on the preliminary plans.*

5. The 50-foot wide strip of land running parallel to the common property line between the subject property and the "Glosson Estates Subdivision" as recorded in Book of Maps 1963, Page 196, hereinafter referred to as a "Buffer," shall include no buildings or paving or other improvements (except fencing, landscaping, stormwater facilities and utilities) and shall serve as a buffer,

between the single family residential uses in the “Glosson Estates Subdivision” as recorded in BOM 1963, Page 196 and the multi-family uses to be developed on the subject property, subject to the provisions set forth herein.

*50’ buffer is shown on plans.*

**SETBACKS / HEIGHT:**

Apartment buildings in the RX zoning district require a 5’ primary and side street setback, and 0’/6’ side and rear setbacks. Additionally a build-to of 10’/30’ is required for 70% of the primary street frontage and for 35% of the side street as is required with the multi-family street type. These minimum standards are met with this development plan. No building is closer than 5’ to a street or further than 30’ from a street.

**OPEN SPACE:**

This site is required to provide an outdoor amenity area in accordance with section 3.2.4.A. 10% or 1.86 acres required. 10.7% (2.25 acres) are provided.

**TREE CONSERVATION:**

Tree Conservation areas were recorded previously as part the original subdivision (S-18-12). 4.8 acres were required and recorded. This project contains an additional Primary Tree conservation area of .04 acres in a Neuse Riparian Buffer Zone 2 that must be recorded.

A Tree conservation permit has been issued for 1.62 acres of the required 4.74 (10%) acres as part of S-18-12. A tree conservation permit shall be required for the remaining 3.16 acres.

**PHASING:**

There is one phase in this development.

**COMPREHENSIVE PLAN:**

**GREENWAY:**

There is no greenway on this site.

**STREET PLAN MAP:**

Dedication of right-of-way and construction of the following streets are required by the Street Plan Map of the Comprehensive Plan. Proposed street(s) are classified as shown below.

Street Name	Designation	Exist R/W	Required R/W	Existing street (b to b)	Proposed street (b to b)
Canary Falls Lane	Multifamily Street	NA	22’	NA	Variable
Myra Road extension	Multifamily Street	NA	22’	NA	Variable

Additional right-of-way to be dedicated is reimbursable under the facility fees program.

A surety for the required improvements shall be provided in accordance with 8.1 of the UDO.

**TRANSIT:**

This site is presently not served by the existing transit system. There are no transit requests for this property.

**COMPREHENSIVE  
PLAN:**

This site is located in the West CAC in an area designated Office and Residential Mixed Use.

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**SUBDIVISION  
STANDARDS:**

- LOT LAYOUT:** The minimum lot size in the RX zoning district is 10,000 square feet. There are no minimum lot width or depth standards. Lots in this development conform to the minimum standards with a 3.916 acre lot and 13.367 acre lot.
- 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:** Solid Waste will be provided by private contractor in accordance with the standards of the City of Raleigh Solid Waste Manual.
- BLOCKS / LOTS /  
ACCESS:** Block perimeters, lot arrangement and access conform to Chapter 8 of the UDO.
- STREETSCAPE  
TYPE:** The applicable streetscape is residential. Construction of a 6' tree lawn with a 6' wide sidewalk is proposed along both sides of Canary Falls Lane and Myra Road.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A sidewalk is required along both sides of Canary Falls Lane and Myra Road. Access to the public right of way in addition to internal connection requirements is provided in accordance with 8.3.4 of the UDO.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER  
MANAGEMENT:** This site is subject to stormwater management controls in accordance with Article 9 chapter 2 of the Unified Development Ordinance. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual.
- WETLANDS  
/ RIPARIAN  
BUFFERS:** Neuse River riparian buffers are required on this site.
- STREET NAMES:** Two new streets are being proposed with this development. Fees for street signs are required in accordance with the Raleigh Street Design Manual.
- OTHER  
REGULATIONS:** Developer shall meet all City requirements, including underground utility service, flood protection measures, and the soil erosion ordinance, unless specifically varied by this approval.
- SUNSET DATES:** If significant construction 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:

**Subdivision**

**3-Year Sunset Date:** 11/30/2018

Record entire subdivision.

**Expiration Dates for Administrative Site Review:**

The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

**3-Year Expiration Date:** 11/30/2018

Obtain a valid building permit for the total area of the project, or a phase of the project.

**4-Year Completion Date:**

Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

**WHAT NEXT?:**

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE INFRASTRUCTURE 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 Public Works Department for street construction; by the first working day in November and May each year.