



## Certified Action of the City of Raleigh Planning Commission

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 516-2626  
www.raleighnc.gov

**Case File / Name:** SP-5-09 / The Park at Lake Boone

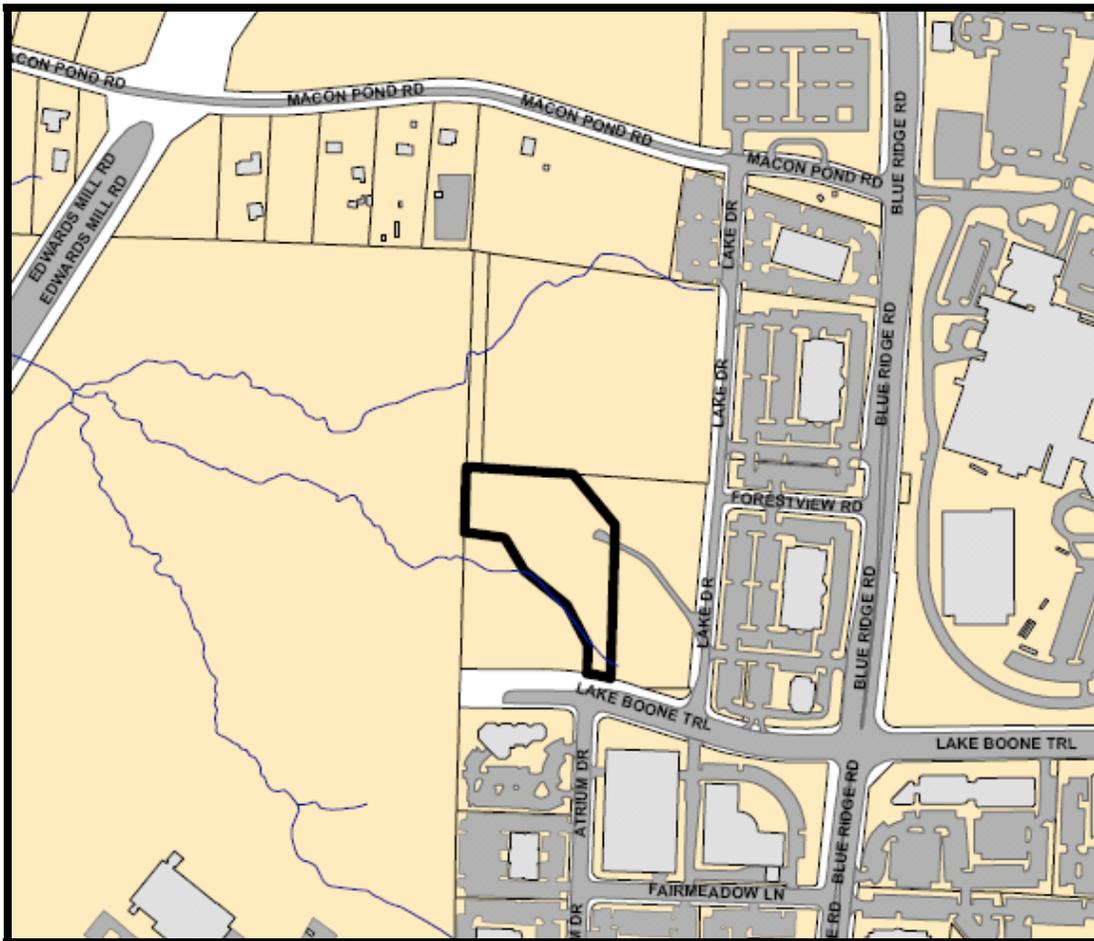
**General Location:** On the north side of Lake Boone Trail between its western terminus and Lake Drive just west of Blue Ridge Road

**Planning District / CAC:** Northwest / Northwest

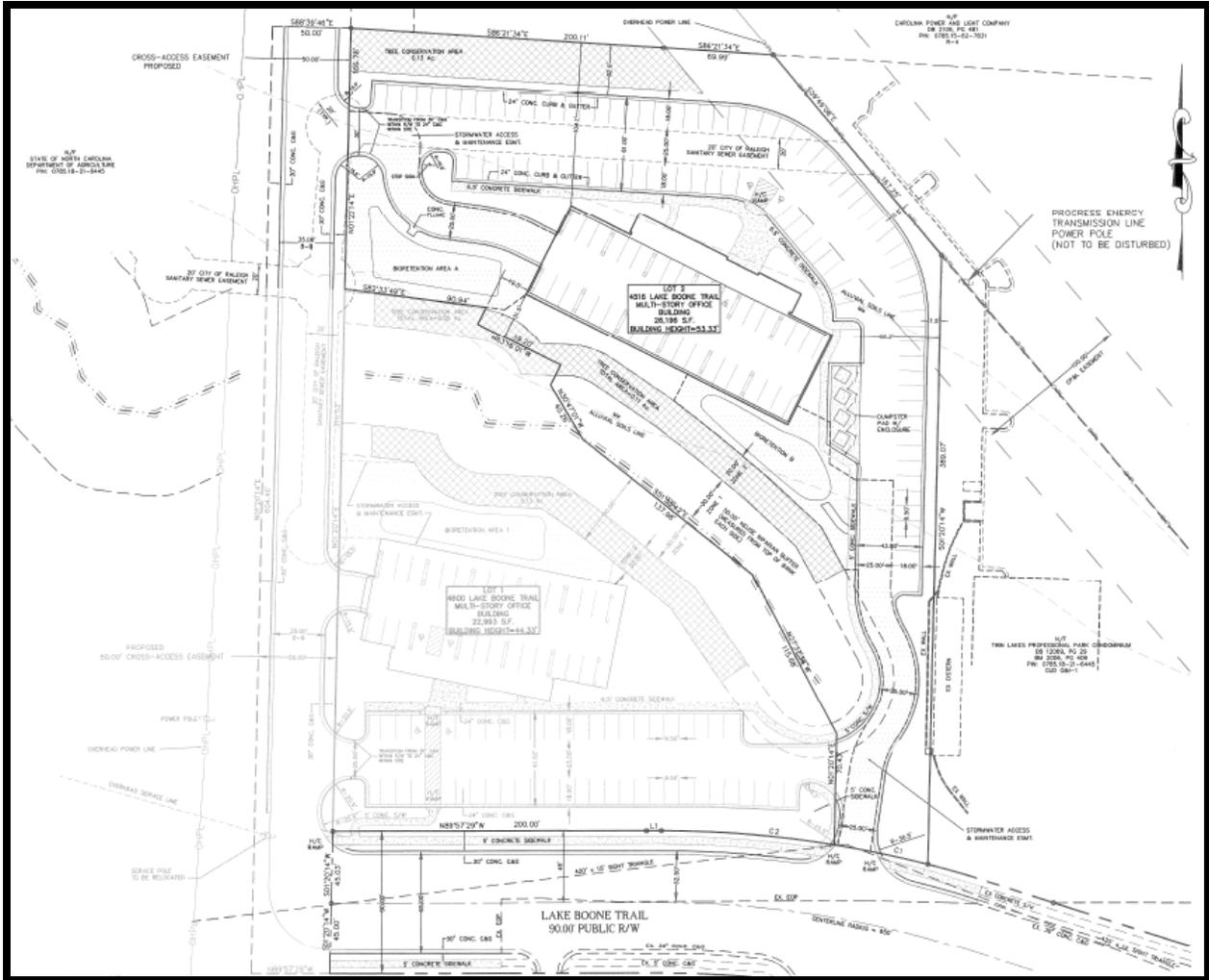
**Nature of Case:** A three story 26,196 square foot office building on a 2.44 acre tract zoned Office and Institutional-1 Conditional Use District. As this office use exceeds 25,000 square feet and is within 400 feet of a residential use or zone, Planning Commission approval is required.

**Key Issues:** As presented, staff finds that this plan conforms to Code standards and adopted land use policies.

**Contact:** John A. Edwards, John A. Edwards and Company



**SP-5-09 / The Park at Lake Boone – Location Map**



SP-5-09 / The Park at Lake Boone – Preliminary Site Plan

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**SUBJECT:** SP-5-09 / The Park at Lake Boone

**CROSS-  
REFERENCE:** Z-88-94

**LOCATION:** This site is located on the north side of Lake Boone Trail between its western terminus and Lake Drive just west of Blue Ridge Road, inside the City Limits.

**REQUEST:** The proposed development consists of a three story 26,196 square foot office building on a 2.44 acre tract zoned Office and Institutional-1 Conditional Use District. As this office use exceeds 25,000 square feet and is within 400 feet of a residential use or zone, Planning Commission approval is required.

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**OFFICIAL ACTION:** Approval with conditions

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**CONDITIONS OF  
APPROVAL:** As noted on the Staff Report, attached

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**FINDINGS:** The Planning Commission finds that this request conforms to Chapter 2, Part 10, Sections 10-2035, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 2/24/09, owned by LBT Partners, LLC, submitted by John A. Edwards & Company.

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**ADDITIONAL  
NOTES:** There are no additional notes for this plan.

**VARIANCES /  
ALTERNATES:** There are no variances or alternates associated with this development plan.

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**To PC:** 3/24/08  
**Case History:**

**Staff Coordinator:** Eric Hodge, AICP

**Motion:** Smith  
**Second:** Mullins  
**In Favor:** Anderson, Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris  
Edmisten, Holt, Mullins, Smith, Vance

**Opposed:**  
**Excused:**

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

**Signatures:** (Planning Dir.) (PC Chair)



date: 3/25/09



date: 3/25/09



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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**CONDITIONS OF  
APPROVAL:**

**Administrative Actions:**

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

- (1) 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;
- (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) 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;
- (3) That as the developer proposes to disturb a designated riparian buffer for the purpose of a driveway crossing, 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));
- (4) 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;
- (5) That the plans be revised to ensure the grading for the bio-retention area B does not conflict with the proposed sidewalk and landscaping adjacent to the refuse collection enclosure;

***Prior to approval of construction drawings for public improvements:***

- (6) That the location of the proposed sewer line and easement to serve the lot to the east be revised and approved by the Public Utilities department;

***Prior to issuance of building permits in the Inspections Department:***

- (7) That infrastructure construction plans be approved by the Public Works Department. Condition #5 above must be met.

- (8) That a recombination map be approved and recorded showing the proposed lot configuration with the readjusted property line shown between the subject property and the adjacent at 4600 Lake Boone Trail;
- (9) That a tree conservation map be recorded with metes and bounds showing the designated Tree Conservation Areas in compliance with Code section 10-2082.14;
- (10) 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 owner;"
- (11) 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;
- (12) 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;
- (13) That flood prone/backwater areas, as approved by the City Stormwater Engineer, are shown on the preliminary plan and shall be shown on the recorded map;
- (14) 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;
- (15) That as this development plan requires a 50' cross access easement, running north & south, on land owned by the North Carolina State Property Office [PIN 0785-21-6445], the developers must document that they hold a valid cross access easement from the NC State Property Office prior to issuance of building permits;
- (16) That a grant of cross access to the property to the southwest owned by LBT Partners LLC and located at 4600 Lake Boone Trail be recorded in accordance with the City code and in the local County Register of Deeds

office, and that a recorded copy of this cross access easement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld.

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**ZONING:**

**ZONING  
DISTRICTS:**

Office and Institutional-1 Conditional Use District. Ordinance (1994) 514 ZC 355 Effective 12/13/94.

**Z-88-94 Lake Boone Trail**, north side, at its eastern intersection with Lake Drive and opposite Atrium Drive to the south, being Parcel 7216, Block 62, Tax Map 0785.19, rezoned to Office and Institution-1 Conditional Use.

Condition: That water run-off meet standards set by CR 7107.

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 265', rear yard = 104', front / rear aggregate = 369', side yard = 31', side yard aggregate = 99'. This plan conforms to maximum height standards in this zoning district. The proposed height of the building is 53'.

**PARKING:**

Off-street parking conforms to minimum requirements: 100 spaces required, based on one parking space per 300 square foot of office uses. 125 parking spaces are provided.

**LANDSCAPING:**

Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.06 is shown. This is a low impact use under Section 10-2082.9. Given the proposed and adjacent uses, no transitional protective yards are required.

**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 .24 acres of tree conservation area is required and 10% or .24 acres of tree conservation is provided).

**DEVELOPMENT  
INTENSITY:**

The proposed floor area ratio (FAR) is .25 and the proposed building lot coverage is 9.5% and thus conforms to limits .75 FAR and 25% building lot coverage limits in this zoning district.

**PHASING:**

This is a one phase development.

**UNITY OF  
DEVELOPMENT:**

Unity of development and sign criteria are not required in this development.

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**COMPREHENSIVE  
PLAN:**

**GREENWAY:**

There is no greenway on this site.

**THOROUGHFARE**

**/ COLLECTOR  
PLAN:**

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>
Lake Boone	90' existing	65' B/B	N/A

**TRANSIT:** No transit-oriented features are incorporated into the proposed plan. This site is presently not served by the existing transit system.

**URBAN FORM:** This site is located in the Northwest Planning District which is designated for employment area. This site is also located in the Blue Ridge Road/Lake Boone Trail Small Area Plan. The Blue Ridge Road/Lake Boone Trail (SAP) indicated that this property should be developed with office and institutional development. The site is in compliance with the Comprehensive Plan.

**APPEARANCE COMMISSION:** The Appearance Commission reviewed the proposed development on March 3, 2009. They made no suggested changes to the plan proposed.

**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** No new streets are proposed with this plan.

**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. This plan includes construction of a sanitary sewer line and dedication of an easement. The proposed easement location needs to be shifted to serve the adjacent parcel to the east. The final location of the sewer line and easement shall be determined upon infrastructure construction plan approval and the final approved easement location shown on the plat for recording.

**SOLID WASTE:** Refuse collection will be provided by means of a private contractor, and shall meet standards of the Solid Waste Collection Manual. The dumpster facility is located near the eastern end of the proposed building and will be screened with a gated enclosure designed to match the proposed building.

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

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 5' wide sidewalk is proposed along the property's street frontage. The proposal also includes a private sidewalk connection from the proposed building to the public sidewalk.

**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. Proposed stormwater control measures are shown in accordance with the Raleigh Stormwater Control and Watercourse Buffer Manual. This site will use 2 bio-retention areas and a payment to the North Carolina Ecosystem Enhancement Program to meet these requirements.

The developer proposes to disturb a designated riparian buffer for the purpose of installing a street crossing 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 Stormwater Engineer in the Public Works Department.

**WETLANDS /  
RIPARIAN  
BUFFERS:**

Neuse River riparian buffers are required on this site and shown on the preliminary plan. No wetland areas are present.

**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.