



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-41-12 / Learning Services

General Location: Located on North Rogers Lane, between the intersection with Daleview Drive and Robbins Drive.

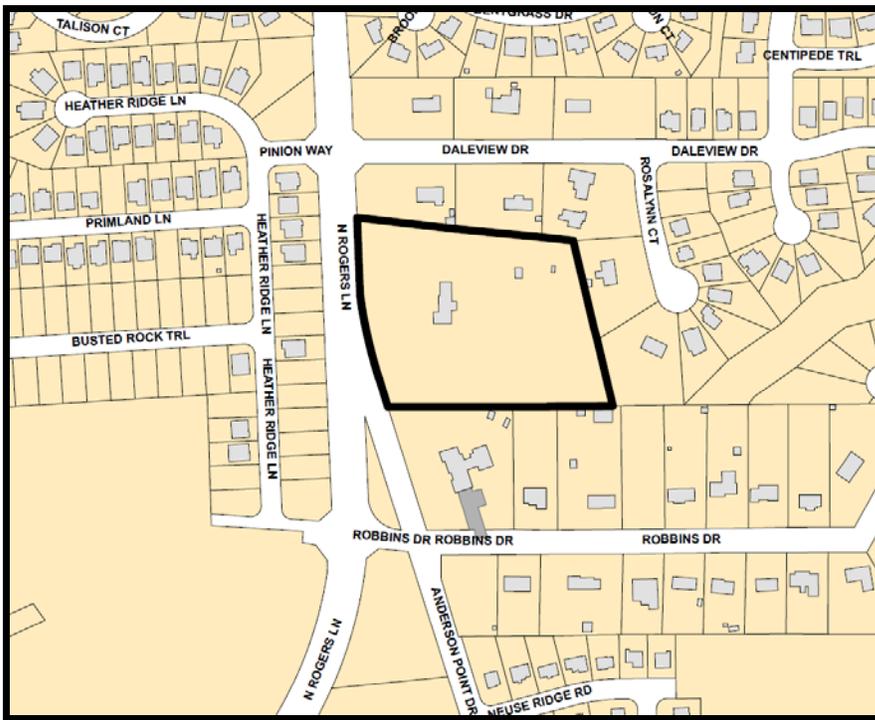
Owner: Rogers Lane, LLC
Designer: Baker Engineering Consultants, Inc.

CAC: Southeast

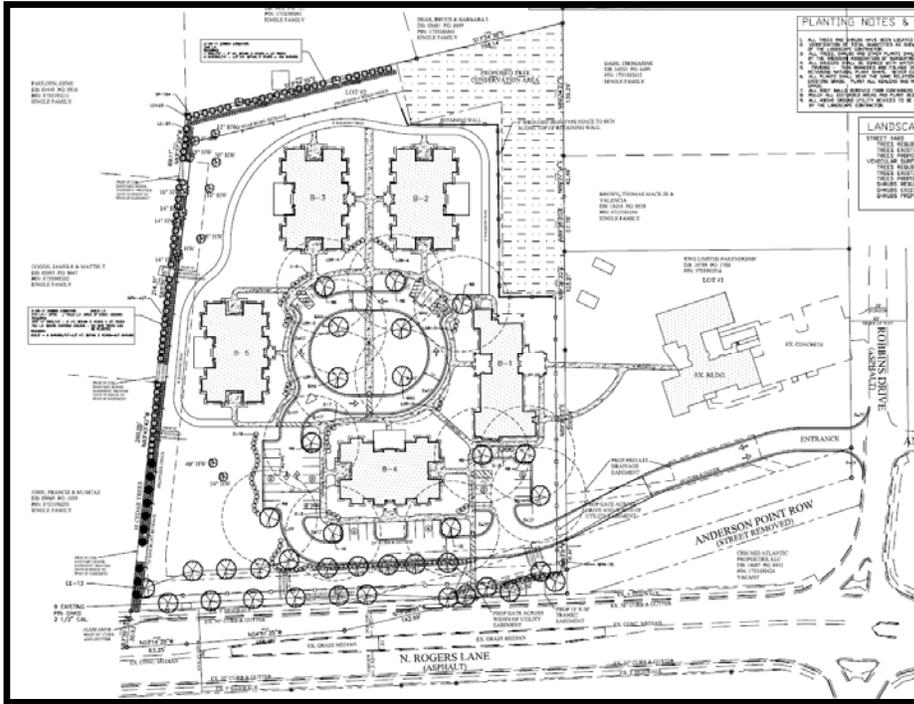
Nature of Case: The construction of a one-story, 6,000 square foot special care with greater than 50 enrollees on a 5.478 acre site zoned Residential-6 CUD, located outside the City limits.

Key Issues: Approval of the site plan and finding it conforms to code standards for a "special care facility" per Code Section 10-2144(b). The applicant's responses to the standards of 10-2144(b) are located after the Certified Action.

Contact: Rick Baker, Baker Engineering Consultants, Inc.



SP-41-12 / Learning Services – Location Map



SP-41-12 Learning Services Site Plan

SUBJECT: S-41-12 / Learning Services

CROSS-REFERENCE: Z-5-11 & A-5-12

LOCATION: This site is located on the east side of North Rogers Lane, between the intersection with Daleview Drive and Robbins Drive.

REQUEST: The demolition of a single-family home for the construction of a 6,000 square foot special care facility with greater than 50 enrollees on a 5.478 acre site zoned Residential-6 CUD. A special use permit shall not be required for the special care facility in a residential zoning district if the facility is approved by the Planning Commission in accordance with all the provisions of 10-2072, Residential Institutions in a residential zoning district, as long as standards 2-10 are met under Code Section 10-2144(b).

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that with the following conditions of approval this request conforms to Chapter 2, Part 10, Sections 10-2018, 10-2072, 10-2144, and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 11/10/12, owned by Rogers Lane LLC, submitted by Richard Baker.

ADDITIONAL NOTES: Special care facilities are a conditional use in the Residential-6 zoning district. Special Care facilities must be greater than 1,200 feet from each other. The distance between this site and the closet special care facility is 5,273 feet.

While the drawings submitted show both the proposed special care facility and the four rest homes, Planning Commission approval is only required for the special care facility.

VARIANCES / ALTERNATES: On February 13, 2012, the Board of Adjustment approved A-5-12, a variance from Code Section 10-2088 to allow 5 principal uses on one lot. The uses include 4 rest home buildings and an ancillary building (Special Care Facility) designed to treat residents and other brain injury clients for physical therapy and rehabilitation.

To PC: January 8, 2013

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Butler

Second: Haq

In Favor: Butler, Harris Edmisten, Fleming, Fluhrer, Haq, Schuster, Sterling-Lewis and Terando

Opposed:

Excused: Mattox

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: 1/29/13

date: _____



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds the standards of Code Section 10-2144(b) "special care facility" standards 2-10 are met per code section 10-2072(b) residential institution and 10-2132.2;
- (2) That the special care facility be limited to 10 off-site enrollees per day;
- (3) That the light poles be limited to 25' in height;

Administrative Actions:

Prior to approval of site review or construction drawings, whichever occurs first:

- (4) That a nitrogen offset payment must be made to a qualifying mitigation bank;
- (5) That documentation be submitted to the Stormwater Engineer in the Public Works Department that shows the maximum impervious surface coverage of the development on a per lot basis; for the subject and the adjoining lot owned by RWG LTD Partnership
- (6) 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 homeowner association."
- (7) That Stormwater quality compliance must be presented on a per lot basis (so 2 separate groups under 1 transaction) and off-site-drainage easement is granted from the adjoining RWG LTD Property owner (DB 10788 PG 1700) to the subject lot owner. This drainage easement must assign maintenance obligations and costs to the lot owners
- (8) That the alignment of perimeter fence in SW corner of site is subject to review by CORPUD Code Enforcement;
- (9) That a petition to close the existing right-of-way on Anderson Pointe Drive is submitted to the Planning Department and approved as a separate action by the Raleigh City Council, and that the adopted street closing resolution number and effective date of closing is shown as a note on all recorded plats, prior to infrastructure drawing approval or site approval whichever comes first;

- (10) That if the RWG adjoining lot (DB 10788 PG 1700) is not exempt from stormwater runoff regulations of Part 10 Chapter 9, 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;
- (11) That if the RWG adjoining lot (DB 10788 PG 1700) is not exempt from stormwater runoff regulations of Part 10 Chapter 9 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;

Prior to issuance of building permits:

- (12) That infrastructure construction plans are approved by the City of Raleigh Public Works and Public Utilities Departments;
- (13) That cross access easements for the construction and vehicular and pedestrian access of a private driveway between DB 14797 PG 00265 and DB 10788 PG 1700 is granted by RWG LTD Partnership to the subject lots and recorded with the Wake County Registry of Deeds Office. A recorded copy is returned to the Planning Department within 14-days of recording. If a recorded copy of this recorded document is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (14) That a demolition permit be issued by the Inspections Department and this building permit number be shown on all maps for recording;
- (15) That a 15'x20' foot transit easement located on North Rogers Lane 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;
- (16) That prior to issuance of building permits the developer will make a contribution of twenty-four percent (24%) of the initial construction cost of all stormwater control device(s) to the City in accordance with City Code 10-9027;
- (17) That gate details for the driveway access from Robbins Drive and pedestrian access from the N. Rogers Lane public sidewalk are shown on a plan sheet;

- (18) That a pedestrian detour plan be submitted if public sidewalk access is proposed to be closed at any time during the construction of the site;
- (19) That a 20' City of Raleigh Sanitary Sewer Easement be dedicated to the city and shown on all maps for recording as shown on the preliminary plan;
- (20) That a tree conservation map is recorded with metes and bounds showing the designated Tree Conservation Areas shall be in compliance with Code Section 10-2082.14;
- (21) That the street closure noted in condition #9 is approved by the City for recording and recorded at the Wake County Register of Deeds;
- (22) That a petition for annexation is submitted to the Planning and Development Department;

Prior to issuance of an occupancy permit:

- (23) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028.

ZONING:

**ZONING
DISTRICTS:**

Z-5-11 Residential-6. Ordinance 905 ZC 660 Effective 6/21/11

Z-05-11 – North Rogers Lane on the north of US 64, and being Wake County PIN(s) 1733582963. Approximately 5.66 acres to be rezoned from Residential-4 to Residential-6 Conditional Use District.

Conditions Dated: 5/27/11

Narrative of conditions being requested:

a) Residential density shall not exceed four (4) dwelling units or equivalent dwelling units per acre.

The special acre facility does not have dwelling units

b) Upon development, a ten foot (10') wide buffer yard containing (i) at least one new or existing tree (which is at least six (6) feet in height or expected to grow to a height of six (6) feet within three (3) years of planting) and (ii) at least eight (8) new or existing evergreen shrubs (which are at least 2.5 feet in height or expected to grow to a height of 2.5 feet within three (3) years of planting) per ten (10) linear feet shall be maintained along the property's north and east property lines and a portion of the south property line abutting the following properties:

PIN#	1733-59-0293	Deed Book 9069-1809
PIN#	1733-59-3202	Deed Book 2695-647
PIN#	1733-59-5211	Deed Book 3448-816
PIN#	1733-59-5091	Deed Book 3496-738
PIN#	1733-58-6861	Deed Book 3681-899
PIN#	1733-58-5612	Deed Book 12516-613

P1N# 1733-58-3594 Deed Book 11016-538

and along the property's frontage along N. Rogers Lane, provided, however that in the event of any conflict between the proposed buffer along N. Rogers Lane and the City required street yard and/or utility easements, the City required street yard or utility easements shall control and provided, further that the buffer along N. Rogers Lane may be crossed by driveways, utility lines and easements and other matters approved by the City of Raleigh.

provided further, however, that such plantings shall not conflict with the critical root zones of trees located in a Tree Conservation Area ("TCA") or other requirements of the tree conservation ordinance, in the event of any conflict with TCAs or critical root zones of TCAs, no plantings within such areas shall be required.

Site plan complies

c) Only those uses permitted in R.4 Districts and Rest Homes shall be permitted on the property.

Special care facilities with greater than 50 enrollees are an allowed within the Residential-6 Zoning District if approved by the Planning Commission as a Residential Institution in a Residential Zoning District meeting the 9 standards of Code Section 10-2144(b)

d) A visually modifying screen shall be installed upon development to buffer the view of all parking areas and handicapped ramps from adjoining single-family residential properties, including some combination of new evergreen vegetation and existing vegetation, fences, walls or earthen berms which (i) as to screens for parking areas, shall be at least three feet (3') in height or, in the case of plantings, shall be expected to grow to the height of three feet (3') within three (3) years of planting and spaced no more than four (4) feet on center; and (ii) as to vegetative screens for handicapped ramps, shall be expected to grow within three(3) years of planting at least as tall as the portion of the ramp being screened and shall be spaced no more than four (4) feet on center.

A combination of a 6' wooden fence and a 6' wrought iron fence will be constructed along the perimeter of the property. Yuletide Camellia and Chinese Witch-Hazel will be installed at 18" at the time of planting along all parking areas and handicapped ramps.

e) No more than five (5) buildings shall be located on the property.

One building is proposed on-site at this time. The future plan will be to include 4 Rest Homes on the property in addition to the special care facility.

f) All buildings shall be designed to achieve residential compatibility with the surrounding area. As used herein, "residential compatibility" shall mean:

- (i) pitched, shingled roofs with a minimum pitch of 6:12;
- (ii) at least eighty percent (80%) of building siding, exclusive of roofs, windows, doors, soffits and trim, to be comprised of wood, brick, stone, or cementitious fiberboard such as Hardiplank (and shall not consist of aluminum or vinyl);
- (iii) double hung windows with mullions (except in kitchen(s), bath(s) and utility laundry rooms); and
- (iv) at least three (3) of the following
 - (A) Gable(s)

- (B) Dormer(s)
- (C) square or round columns
- (D) window shutters;
- (E) porch (es) or stoop(s)
- (F) bay or bow window(s)

**Roofs will have a pitch of 6:12 and have asphalt shingles.
The building will be constructed of brick veneer and fiber cement siding.
Windows are double hung.
Square columns, porches, and gables are the 3 selections used above.**

g) A maximum of thirty-six (36) patient residents shall live on the property at any one time. This maximum shall not include resident or non-resident medical personnel or day visitors who do not regularly stay overnight on the property. A maximum of 12 patient residents shall live in any single building on the property.

The special care facility will have over 51 enrollees, but all will not be living on-site.

h) Setbacks shall be maintained at R4 setback distances.

Front yard = 30', rear yard = 345', front / rear aggregate = 375', side yard = 270 & 170', side yard aggregate = 440'.

i) Prior to the issuance of any building permit for the property, the owner of the property shall convey to the City of Raleigh a transit easement deed measuring twenty (20) feet along Rogers Lane by fifteen (15) feet. The location of the easement shall be approved by the Public Works Department, Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

A 20' x 15' transit easement is proposed on N. Rogers Lane.

j) Access from the Property to Rogers Lane shall be limited to a one driveway with a curb out on to Rogers Lane.

Access to the site is from a driveway with cross access from the property owner to the adjacent south, DB 10788 PG 1700. The driveway will have access on Robbins Drive.

k) The maximum building gross floor area of any building shall not exceed 6,000 square feet.

The proposed square footage is 6,000 square feet

l) The maximum building height shall not exceed one story.

The special care facility is one story

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. Front yard = 30', rear yard = 345', front / rear aggregate = 375', side yard = 270 & 170', side yard aggregate = 440'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 18'9"

PARKING: Off-street parking conforms to minimum requirements: 12 spaces required, based on 1 parking space per 8 enrollees and 1 space per staff. 40 spaces are provided.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a low residential density use under Section 10-2082.9. Z-5-11(b) requires a 10' protective yard along the north and east property lines. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
North Property Line	1 tree and 8 shrubs per 10'	10'
East Property Line	1 tree and 8 shrubs per 10'	10'

TREE CONSERVATION: The project provides 0.568 acres of secondary tree conservation area in the southeast corner of the site. The percentage of the site with provided tree conservation is 10.42% of gross site acreage.

Tree conservation acreage is as follows:
Primary: 0.00 acres
Secondary: 0.568 acres

Tree conservation for this site was previously approved under transaction 335559.

DEVELOPMENT INTENSITY: There are not any floor area ratios or building lot coverage maximums in the Residential-6 Zoning District.

PHASING: There are no phases in this development

UNITY OF DEVELOPMENT: n/a

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR

PLAN: No dedication of right-of-way or street construction is required by the Thoroughfare and Collector Street Plan:

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement on North Rogers Lane.

COMPREHENSIVE PLAN:

The site is located within the Southeast CAC, in an area designated low density residential on the future land use map. That category envisions dwellings of densities up to six dwellings per acre, but also non-residential uses such as religious institutions and fraternal organizations.

Staff has reviewed the site plan and finds this plan in compliance with the Comprehensive Plan and the following policies:

Policy LU 5.1—Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy UD 1.2—Architectural Features

Quality architecture should anchor and define the public realm. Elements of quality architecture include architectural accents and features conducive to pedestrian scale and usage, such as a distinct base, middle, and top (for high-rise buildings); vertical and horizontal articulation; rooflines that highlight entrances; primary entrances on the front façade; transparent storefront windows and activated uses on the ground floor; and corner buildings with defining landmark features.

Policy UD 1.3—Creating Attractive Facades

Well-designed building facades, storefront windows, and attractive signage and lighting should be used to create visual interest. Monolithic or box-like facades should be avoided to promote the human quality of the street.

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

**HISTORIC /
DISTRICTS:**

This site is not located in or adjacent to a designated Historic District.

**APPEARANCE
COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
The building entrance facing Rogers Lane needs additional visual prominence and clarity to indicate its status as the primary employee and visitor entrance from the parking lot, without overly separating the employees/visitors and residents in the entry sequence.	Building entrance facing Rogers Lane has been redesigned with the entry element widened and moved forward and roof modified from hip to gable for added visual prominence. Parking spaces have also been relocated to allow for more breathing room between this entry and adjacent parking area.
Unify fenestration patterns and types	Window sizes and groupings have been unified for greater consistency.
The transition from parking lot to building should have a green, planted garden space to welcome visitors to the building entrance.	Two parking spaces have been moved from this area and additional landscaping provided
Don't use red maple near paved areas due to root needs. Don't use too many lagustrum as they are considered semi-invasive. Use a diversity of plants in the buffers.	Chinese Elm and Needle Point Holly's have been added to the buffers.

**SUBDIVISION
STANDARDS:**

- BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.
- 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 to be provided by private contractor.
- CIRCULATION:** A private access easement will be required for the driveway access from Robbins Drive to the subject site. Cross access agreements for the construction of the private driveway between DB 14797 PG 00265 (subject site) and DB 10788 PG 1700 (lot fronting on Robbins Drive) will be required.
- PEDESTRIAN:** Sidewalks exists along North Rogers Lane.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This 5.66 acre site at 430 N Rogers Lane will share a proposed stormwater detention facility with the existing property at Robbins Drive. This underground Rain Tank storage detention system will be located on the adjacent Robbins Drive property. The proposed site will meet stormwater quality regulations by a nitrogen offset payment only. The existing Robbins Drive property (that will add a shared driveway and some walkways) also shows compliance with stormwater quality regulations by utilizing a nitrogen offset payment only. The impervious surface areas treated by the detention system and the NCEEP buydown only will be documented for both parcels served by the BMP.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are located on this site.
- 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.