



Administrative Action Administrative Site Review

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
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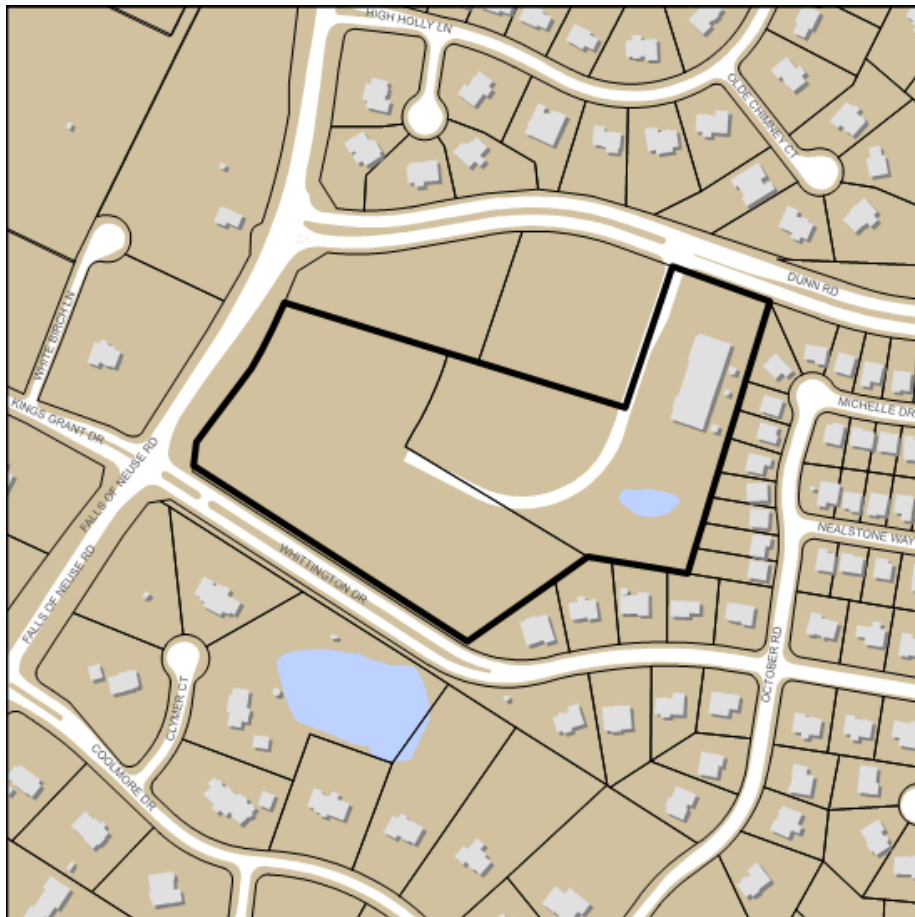
Case File / Name: SR-23-17 / Aspens at Bedford Falls

General Location: This site is located on the east side of Falls of Neuse Road, between Whittington Drive and Dunn Road.

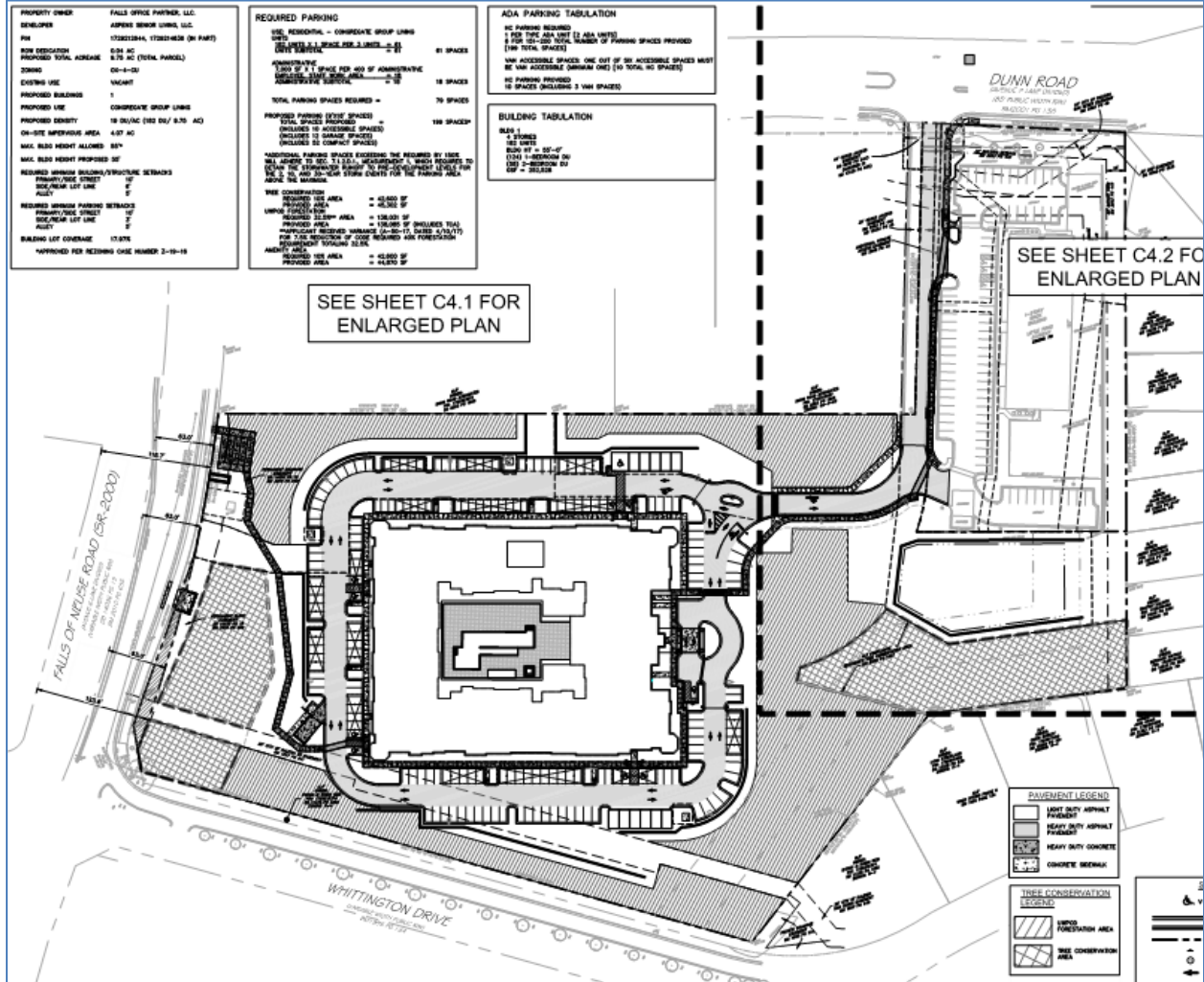
CAC: North

Request: Development of a 9.77 acre site zoned Office Mixed Use-4 stories Conditional Use (OX-4-CU) within an Urban Watershed Protection Overlay District (UWPOD) into a 252,528 square foot, 55 foot tall, Civic Use/Congregate Care building. Total number of units proposed is 182. This site is currently part of two parcels to be recombined to create the new 9.77 acre tract for this development. Note a section of shared driveway and sidewalk for this project will be constructed on the adjacent lot that is being recombined.

Cross-Reference: Rezoning (Z-19-16), Board of Adjustment Case # A-50-17 and pending approval of Recombination (R-13-17/Transaction 501944)



SR-23-17 Location Map



SR-23-17 Preliminary Site Plan

Code Conformance:		Code Section(s)
Zoning District:	Office Mixed Use-4, Conditional Use (OX-4-CU)	2.1 , 3.1
Overlay District:	Urban Watershed Protection Overlay District (UWPOD)	5.1
Parking:	<p><u>Group Living</u> 1 vehicle space required per 3 units + 1 per 400 SF administrative, employee, staff work area</p> <p><u>Group Living: Congregate Care</u> (124) 1-bedroom units proposed (58) 2-bedroom units proposed (182) Units x 1 space per 3 units = 61 required parking spaces</p> <ul style="list-style-type: none"> • 61 spaces required <p><u>Administrative</u> 7,000 SF x 1 space per 400 SF of administrative, employee, staff work area = 18 required parking spaces</p> <ul style="list-style-type: none"> • 18 spaces required <p><u>Total Vehicle Parking Spaces</u></p> <ul style="list-style-type: none"> • 79 spaces required • 199 spaces proposed <p>Includes 10 accessible spaces Includes 12 garage spaces Includes 52 compact spaces</p> <p>As the plan shows more than 150% of the required parking on site, Code conformance with UDO Section 7.1.2 D is met through additional stormwater controls on site.</p> <p>*No short-term bicycle parking spaces or long-term bicycle parking spaces required</p>	7.1.2
Street Type(s):	<p><u>Classification of Street(s):</u></p> <ul style="list-style-type: none"> • Falls of Neuse Road is classified as an Avenue 6-Lane Divided Street 	8.4
Streetscape:	<p><u>Avenue 6-Lane Divided Street</u></p> <p>Utility Placement Easement (min) 5' Maintenance Strip (min) 2' Sidewalk (min) 6' Planting area (min) 6' Tree spacing 40' o.c. average</p>	8.5

	<p>Trees Required = 347 LF/40 FT= 9 trees (5 existing trees + 4 proposed trees)</p>	
<p>Setbacks/Frontage:</p>	<p><u>Building/Structure Setbacks</u></p> <p>Congregate Care Structure: Primary Street 10 ft (minimum) / 177.4 ft provided Side Street 10 ft (minimum) / 140+ ft provided from Whittington Drive Side Lot Line 0 ft or 6 ft (minimum) / 118.6 ft provided Rear yard 0 ft or 6 ft (minimum) / 200+ ft + provided Building height 4 stories/55 ft (maximum per Z-19-16)) / 55 ft provided</p> <p>(2) Garage Structure(s) and (16) Parking Shelters (Accessory) Primary Street 10 ft (minimum) / 250+ ft provided Side Street 10 ft (minimum) / 150+ ft provided from Whittington Drive Side Lot Line 0 ft or 6 ft (minimum) / 70+ ft provided Rear yard 0 ft or 6 ft (minimum) / 280+ ft + provided Building height 25 ft (maximum) / 15 or less ft provided</p>	<p>3.4, 3.2, 2.2</p>
<p>Neighborhood Transitions:</p>	<p>Zone A: Protective Yard Type 2: Medium (20 feet) 168 ft of lineal feet on the rear of the parcel</p> <ul style="list-style-type: none"> • A wall or fence between 6.5 and 9 feet in height required <ul style="list-style-type: none"> - 7 ft wood fence provided • Five shade trees per 100 lineal feet <ul style="list-style-type: none"> - 9 shade trees required - 32 existing trees provided • Four understory trees per 100 lineal feet <ul style="list-style-type: none"> - 7 understory trees required - 7 existing trees provided • 30 shrubs per 100 lineal feet <ul style="list-style-type: none"> - 51 shrubs required - 51 shrubs provided <p>Zone A: Protective Yard Type 3: Wide (50 feet) 522 ft of lineal feet on the rear of the parcel</p> <ul style="list-style-type: none"> • Six shade trees per 100 lineal feet <ul style="list-style-type: none"> - 32 shade trees required - 32 existing trees provided • Five understory canopy trees per 100 lineal feet <ul style="list-style-type: none"> - 27 understory trees required - 27 existing trees provided • 60 shrubs per 100 lineal feet <ul style="list-style-type: none"> - 314 shrubs required - 314 shrubs provided 	

	Type 3: Wide (50 feet- adjacent south side) <ul style="list-style-type: none"> Screening met through provision of tree conservation area in this location 	
Transitional Protective Yards:	N/A	7.2.4
Stormwater:	This site will meet stormwater quality and quantity through the use of a wet pond. The existing wet pond requires maintenance and the maintenance (and retrofit work) will be done prior to the rest of the project. This retrofitted wet pond will then be able to function during construction work, which will require a separate erosion control device. Because the SWMF is being retrofitted and used by an existing building and site, in accordance with Part 10A Section 9.2.2, an as-built plan and certification of any stormwater control device shall be reviewed and accepted by the City prior to other site work.	9.2
Tree Conservation:	TREE CONSERVATION: Site acres = 9.75 Net Acres. Primary Tree Conservation - Thoroughfare and Secondary Tree Conservation for a total 1.04 AC or 10.6%	9.1
Variances, Design Adjustments, Administrative Alternates:	Raleigh Zoning Board Variance (A-50-17) Approved as requested allowing the following: UDO 9.1.9.A. Watershed Protection Overlay District for a 7.5% reduction of 40% Urban Watershed Protection Overlay District (UWPOD) forestation totaling 32.5% of the site. AND UDO 9.1.9.A.1. to reduce the minimum contiguous gross land area for qualifying forestation areas from 1/5 of the required forestation area (.79 acres) to 1/11 of the required forestation area (.37 acres) on a 9.79 acre property. Plan shows conformance with the following: - 2.39 AC or 24.5% wooded area (preserved) - and.78 or 8% wooded area (planted)	
Other: Zoning Conditions of Z-19-16	Zoning Conditions– Z-19-16 Falls of Neuse Road, east side, south of Dunn Road, being Wake County PINs 1729212644, 1729214636 (in part), approximately 9.79 acres rezoned to Office Mixed Use – 4 stories – Conditional Use with Urban	

Watershed Protection Overlay District (OX-4-CU w/UWPOD). Conditions dated: September 22, 2016

1. The use of the property shall be limited to a Congregate Care facility for independent living restricted to people 62 years of age and older, their spouses, surviving spouses, and resident staff personnel.

- *plan shows conformance*

2. Building height shall be limited to 4 stories and 55 feet, measured in accordance with UDO Section 1.5.7.

- *plan shows conformance*

3. Subject to City Council approval, the maximum block perimeter standards in UDO Section 8.3.2, the open access, connectivity and stub street standards in UDO Section 8.3.4, and the cross access requirements in UDO Section 8.3.5 shall be modified such that a maximum block perimeter of 4,900 feet shall be permitted; a maximum stub street of 900 feet shall be permitted; and additional cross access to adjoining parcels under UDO Section 8.3.5 shall not be required. A public easement providing for pedestrian access of at least six (6) feet in width from Falls of Neuse Road to Dunn Road and directly connecting to the principal building's primary entrance shall be recorded with the Wake County Register of Deeds prior to the earlier of (i) the issuance of a building permit for any building on the property or (ii) the sale of any lot within the property which does not result in the immediate recombination of all parcels of the property into a single recombined lot.

- *plan shows conformance with condition that easements be recorded prior to permit issuance*

4. Residential density shall not exceed an aggregate of 190 dwelling units and/or rooming units.

-*182 units proposed*

5. Principal building(s) on the property shall be located at least 100 feet away from the adjacent R-4 zoned residential properties (which may overlap the Neighborhood Transition requirements set forth in UDO Article 3.5) as follows: Morrison (PIN 1729310515; DB 10018 P 1596); Majors (PIN 1729310409; DB 10116 P 2481); Naville (PIN 1729219494; DB 10649 P 1825); Craig (PIN 1729219308; DB 11363 P 1873); Dudley 1729217490; DB 15560 P 701); Strickland (PIN

1729216490 DB 15358 P 530); Reid (PIN 1729215374 DB 11475 P 1882), provided that as to the 11.5-foot wide strip of property running along Whittington Drive as part of the Reid property, (PIN 1729215374; DB 11475 P 1882), only the Neighborhood Transition requirements shall apply, understanding the latter may partially overlap with the conditioned 100-foot setback on the remaining portion of the Reid property. Ordinance (2016) 643 ZC 736 Effective: 11/1/16

-plan shows conformance

6. Poles for parking lot light fixtures located more than 50 feet away from residential zoning districts shall not exceed 20 feet in height. All lighting fixtures on site shall be full cutoff fixtures.

-condition of plan approval to be met prior to permit issuance

7. An undisturbed Tree Conservation Area (TCA) having an average width of at least 55 feet shall be preserved where the property adjoins the Falls of Neuse Road. Such TCA is subject to any build-to requirements under the UDO, existing cross-access easements or rights, utility easements and rights, and pedestrian access connections required by the UDO and these zoning conditions.

-plan shows conformance

8. A 15' x 20' transit easement on Falls of Neuse Road shall be provided to the City prior to the issuance of a building permit for the property. The property owner shall install an ADA-accessible transit shelter within the transit easement per the specifications below provided the property owner receives written notice to build the shelter from the City of Raleigh Department of Transportation within ninety (90) days after the issuance of a building permit. Provided the property owner receives such written notice within the required timeframe, the ADA-accessible transit shelter shall be completed prior to the issuance of any certificate of occupancy for the property with the following improvements: • one 15' x 20' cement pad, • one 30' long cement landing zone parallel to the street between the sidewalk and the back of the curb, • one sleeve for the installation of a 2-inch x 2-inch post, • one bench, and • one litter container.

-plan shows conformance. Easement to be provided prior to building permit issuance

9. Any exposed site retaining wall facing toward

	<p>Whittington Drive, between the building(s) and the southern property boundary, shall be constructed of concrete, masonry or segmental block units. This wall face will be clad or manufactured with a textured masonry veneer surface. Unit sizes and color(s) will be compatible with and complementary to the material palette selected for the principal building(s).</p> <p><i>-condition of approval prior to permit issuance</i></p> <p>10. At least eighty percent of all exterior building elevations (exclusive of windows, doors, trim, roof and railings) shall be comprised of a combination of stone (manufactured or natural), brick, wood and/or cementitious fiberboard such as HardiePlank.</p> <p><i>-condition of approval prior to permit issuance</i></p>	
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OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a mass land disturbing 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;

Prior to the issuance of any site permits, infrastructure construction plans or concurrent review process, whichever is applicable:

2. 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;
3. 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;
4. That a nitrogen offset payment must be made to a qualifying mitigation bank;
5. That plans for the shared stormwater devices be submitted to the Development Services Department and approved by the Engineering Services Department;
6. That in accordance with Part 10A Section 9.4.4, a surety equal to 125% of the cost of clearing, grubbing and reseeding a site and the stormwater device, shall be paid to the City;
7. 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;
8. That the developer submit an application for exchange of the city of Raleigh sanitary sewer easement as shown on the preliminary plan to the Public Utilities Department and that the new and abandoned easements be shown on all plats for recording prior to building permit issuance;
9. That the City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be approved by the City and recorded with the county register of deeds office where the property is located and a copy of the recorded document be provided to the City by the end of the next business day following the recordation of the final plat; further recordings and building permit authorization will be withheld if the recorded document is not provided to the City;
10. That NCDOT encroachment approval into the Falls of Neuse Road slope easement for the proposed sign and switchback handicap ramp be provided to the City;

Prior to issuance of building permits:

11. That a recombination map (R-13-17) be recorded recombining the two current parcels to create the 9.77 acre New Lot 1 and 2.00 acres of New Lot 2;
12. That Infrastructure Construction Plans are approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan, if applicable;
13. That all conditions of Z-19-16 are complied with;
14. That a final site lighting plan showing UDO conformance and meeting condition of rezoning #6 be approved;
15. That a 15' x 20' transit deed of easement is approved by the City staff and that the location of the easement is shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the recorded plat;
16. That all conditions of BOA A-50-17 are complied with;
17. That the amended and restated 30' cross access easement originally recorded in Book 10293, page 45 and amended in Book 16808 page 2295 (shown on sheet C1.0- Existing Conditions of the approved preliminary plans as the "New Relocated Cross Access Easement") be provided to the City, and that the 6' pedestrian access easement among the proposed lots is approved by the Development Services Department for recording in the Wake County Registry, and that a copy of the recorded pedestrian access easement be returned to the City within 1 day of recording;
18. That ½ of 126' required right of way with utility easement for the existing Falls of Neuse Road is dedicated to the City of Raleigh and recorded with the Wake County Register of Deeds;
19. That a map be recorded showing dedication of the proposed City of Raleigh water line easement and sanitary sewer easement as shown on the preliminary plan;
20. 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";
21. 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 building occupancy permit:

22. 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.

I hereby certify this administrative decision.

Signed: (Planning Director) Kenneth Bowser Date: 8/22/2017
(307)

Staff Coordinator: Martha Y Lobo

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

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated 06-30-2017, submitted by Kimley-Horn and Associates, Inc.

EXPIRATION DATES: 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: 8-22-2020

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.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the City for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE EXPIRATION THRESHOLDS AS NOTED ABOVE.