



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-4-09/ Burt Drive Apartments

Owner: Grip Associates, LLC
Designer: Bass Nixon and Kennedy, LLC

General Location: Intersection of Gorman St. and Burt Dr.

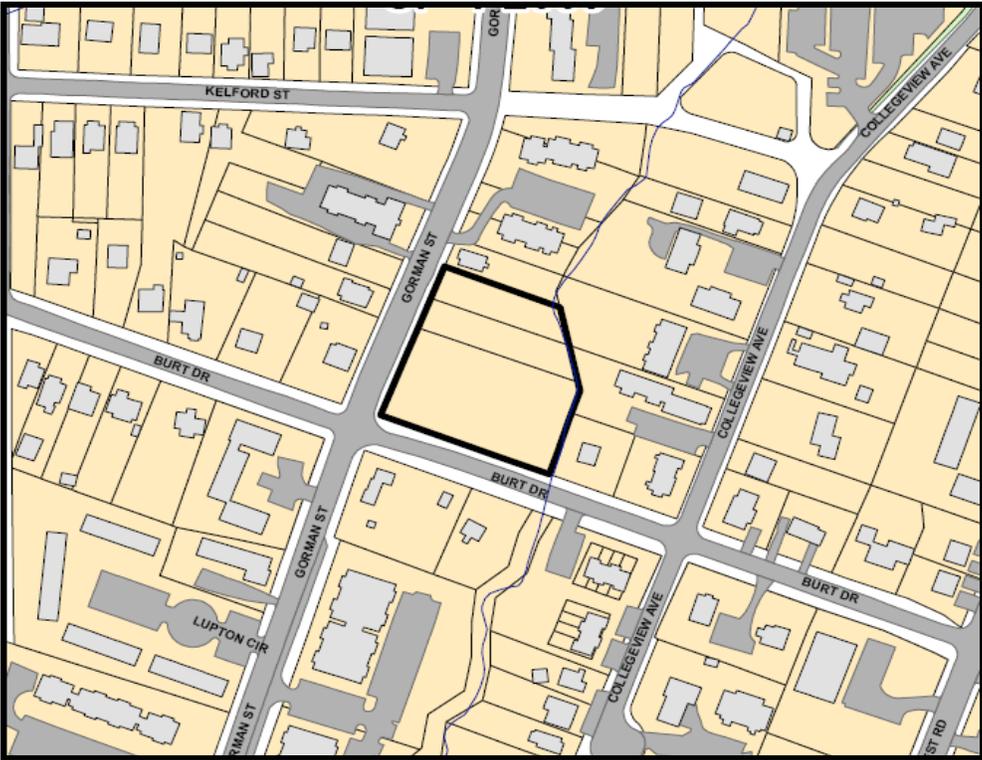
Planning District / CAC: Southwest / West

Nature of Case: This request is to approve a 25,044 square feet (3 story) multifamily infill dwelling consisting of 24 units on a 1.37 acre site, zoned R-20 CUD. The proposed site plan has a density of 18.3 units per acre.

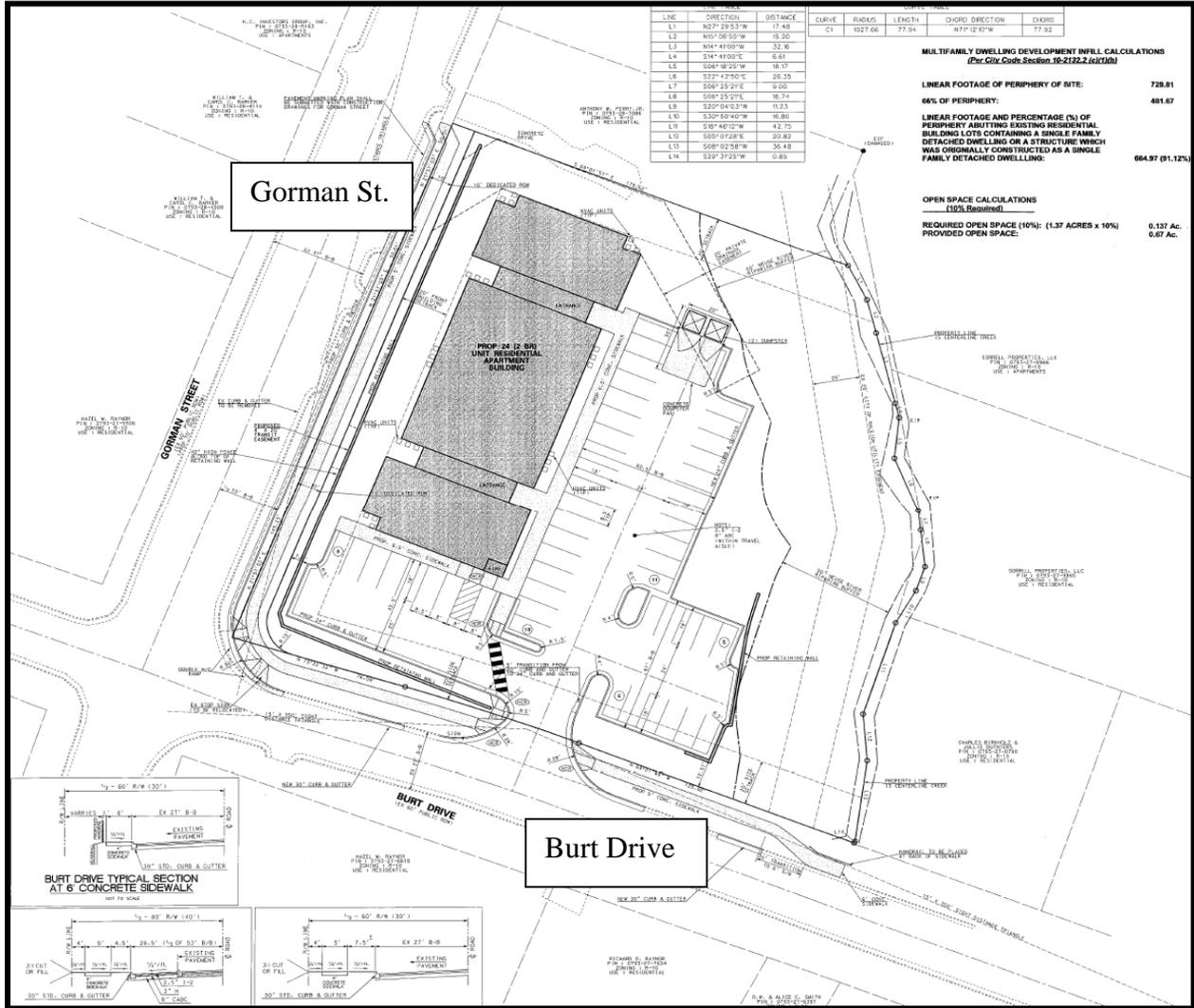
This development constitutes an "infill site plan per (10-2132.2 (c)(1)h" it is less than 5 acres and more than 66% of its perimeter is surrounded by single-family detached dwellings or structures which were originally constructed for single family detached dwellings.

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

Contact: Marty Bizzel



Vicinity Map



Proposed Site Plan

SUBJECT: SP-4-09/ Burt Drive Apartments

CROSS-REFERENCE: Z-54-93

LOCATION: This site is located at the Intersection of Gorman St. and Burt Dr., inside the City Limits.

REQUEST: This request is to approve a 25,044 square feet (3 story) multifamily infill dwelling consisting of 24 units on a 1.37 acre site, zoned R-20 CUD. The proposed site plan has a density of 18.3 units per acre.
This development constitutes an "infill site plan per (10-2132.2 (c)(1)h" it is less than 5 acres and more than 66% of its perimeter is surrounded by single-family detached dwellings or structures which were originally constructed for single family detached dwellings.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that this request, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2023 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 1/29/09, owned by Grip Associates LLC, submitted by Bass Nixon and Kennedy.

ADDITIONAL NOTES: None

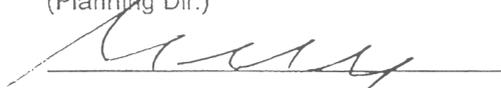
To PC: 11 Aug 2009
Case History:

Staff Coordinator: James Marapoti

Motion: Haq
Second: Chambliss
In Favor: Chambliss, Anderson, Bartholomew, Butler, Fleming, Gaylord, Haq, Harris Edmisten, Mullins, Smith, Vance
Opposed: 0
Excused: 0

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.)



date: 8/11/2009

(PC Chair)



date: 8/11/2009



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:**

Planning Commission Actions:

- (1) That the Planning Commission finds that this infill meets the site plan approval standards of Section 10-2132.2 (d);

Administrative Actions:

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

- (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 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;

Prior to issuance of building permits in the Inspections Department:

- (4) That a recombination map be approved combining the 3 existing lots into a single tract;
- (5) That an application for an encroachment agreement for landscaping located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections 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 12-1022(a), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds;
- (6) That the urban forester issues a landscape permit for landscaping in the public right-of-way;
- (7) That construction plans for public improvements be approved by the Public Works Department;
- (8) That a 4x20 foot transit easement located on Gorman 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 deed approved by the City Attorney is recorded with the local County Register of

Deeds. That the recorded copy of this transit easement deed 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;

- (9) That all the conditions of Z-54-93 are met;
- (10) 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, grade, 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).";
- (11) 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;
- (12) That all permanently protected 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 protected 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;
- (13) 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/condominium association";
- (14) That 1/2'-80' in width of right of way along Gorman Street be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (15) That all the recommendations of the Appearance Commission below as agreed to by the applicant be approved as shown on the preliminary plan;

ZONING:

**ZONING
DISTRICTS:**

Ordinance NO. (1995) 564 ZC 359 Effective: 2-21-95

Z-54-93 Gorman/Burt Streets, corner of Gorman and Burt Streets, northeast side, between Poole Street and Collegeview Avenue, being Map 0793.06, Block

27, Parcel 7966 and 7836 and Block 28, Parcel 7081 rezoned to Residential-20 Conditional Use.
 Conditions: (Dated 11-16-93)

1. There will be no driveway access onto Gorman Street.
2. Rooming houses are prohibited.

SETBACKS / HEIGHT:

This plan conforms to all minimum setback standards. Front yard = 20', rear yard = 108', front / rear aggregate = 128', side yard = 20, corner side yard aggregate = 40'. This plan conforms to maximum height standards in this zoning district of 40', this plan proposes a height of 38'.

PARKING:

Off-street parking conforms to minimum requirements: 48 spaces required, based on 2 parking spaces per 2 bedroom unit. 48 spaces are provided.

LANDSCAPING:

Street yard landscaping in conformity with Section 10-2082.5 is shown. The street trees on Gorman Street will require an encroachment agreement; these trees were placed in this location to reduce the likelihood of damage to the retaining wall. This site plan also provided SHOD 3 screening with a 12' average width screening the parking lot pursuant to the Gorman Burt neighborhood plan. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a high residential density project under Section 10-2082.9. 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>
East	Type C	35'
North	Type C	20'

TREE CONSERVATION:

This is a residential project less than 2 acres in size; therefore tree conservation is not required.

DEVELOPMENT INTENSITY:

The proposed plan has a density of 18.3 units per acre.

UNITY OF DEVELOPMENT:

Not applicable.

COMPREHENSIVE PLAN:

GREENWAY:

There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

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

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Gorman Street	½ 80'	½ 53' w/ 5' sidewalk	N/A
Burt Drive	Sufficient right of way and infrastructure exist. With exception to adding a 5' sidewalk.		

TRANSIT:

This site is required to dedicate a 4' X 20' transit easement along Gorman Street.

URBAN FORM: This site is located in the Southwest District, which is designated as a Regional Center. This site also lies in the Gorman/Burt Neighborhood Plan which calls for areas of higher density residential. Applicant is encouraged to follow the Gorman/Burt Neighborhood Plan guidelines.

This site plan has complied with the following Neighborhood plan guidelines:

- Height limitation of three floors above grade. The proposed building is three stories.
- Minimum roof pitch of 3/12. Proposed building indicates 9/12 roof pitch.
- Parking is to be fully screened from the right of way as outlined in Special Highway Overlay District-3 zoning. Landscape plan complies.
- Limit building materials to residential types; wood, wood-like siding or brick. Plan proposes brick and hardi-board.

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

<u>Comment</u>	<u>Response</u>
1. The Development Review Committee recommends that, given the height of the retaining wall between the building and Gorman Avenue, the landscape plan be amended to include shrubs and other plantings along the base of the wall.	Applicant has complied
2. Consistent with the Gorman Street elevation, provide roof dormers on the Burt Drive elevation.	Applicant has complied
3. Given the proximity of the new parking areas to residential properties, limit the height of the light poles to 16 feet; install full cutoff (shielded) fixtures only.	Applicant has complied

SUBDIVISION STANDARDS:

BLOCK LAYOUT: Not applicable.

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 to be serviced by private contractor.

CIRCULATION: Not applicable

PEDESTRIAN: Proposed sidewalk locations conform to City regulations. 5' sidewalks are proposed on Gorman Street and Burt Drive.

FLOOD HAZARD: There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. This project proposes to utilize a water quality swale and a one time buy down payment to the NCEEP or private mitigation bank for TN reduction. For quantity, this project proposes to use an underground pipe detention system to ensure post development runoff rates do not exceed pre-development runoff rates.

**WETLANDS
/ RIPARIAN
BUFFERS:**

Neuse River riparian buffers 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.