



# Administrative Action

## Group Housing Development

### Cluster Unit Development

City of Raleigh  
Development Plans Review Center  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 516-2626  
www.raleighnc.gov

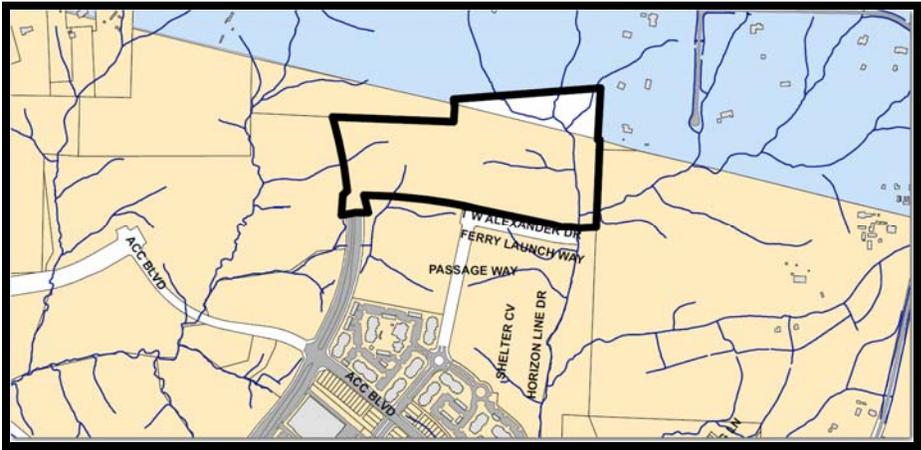
**Case File / Name:** GH-6-10 / Clairmont @ Brier Creek

**General Location:** On the northwest corner of the future extension of Brier Creek Pkwy and T.W. Alexander Drive, inside the city limits.

**CAC:** Northwest

**Nature of Case:** Approval group housing development within a cluster development consisting of 19 buildings with 444 units, 1 clubhouse with pool on 29.74 acre tract, 28.09 acres after right of way dedication, approximately 25.64 acres zoned TD-CUD and approximately 4.10 acres zoned R-4. This development will be constructed on lot 7 of the original Ruby Jones master Plan (MP-1-00). The site is currently zoned Residential-4 (Durham County), TD-CUD with Planned Development District overlay.

**Contact:** Summit Consulting



GH-6-10 Clairmont @ Brier Creek – site location



---

**SUBJECT:** GH-6-10 / Clairmont at Brier Creek

**CROSS-REFERENCE:** MP-1-00, Z-58-00, S-44-03, S-48-08 & TR#288412

**LOCATION:** On the northwest corner of the future extension of Brier Creek Pkwy and T.W. Alexander Drive, inside the city limits.

**REQUEST:** Approval group housing development within a cluster development consisting of 19 buildings with 444 units, 1 clubhouse with pool on 29.74 acre tract, 28.09 acres after right of way dedication, approximately 25.64 acres zoned TD-CUD and approximately 4.10 acres zoned R-4. This development will be constructed on lot 7 of the original Ruby Jones master Plan (MP-1-00). The site is currently zoned Residential-4 (Durham County), TD-CUD with Planned Development District overlay.  
The overall residential density is 15.8 units per acre after right of way dedication.

---

**OFFICIAL ACTION:** Approval with conditions

---

**CONDITIONS OF APPROVAL:**

***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;

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

- (3) That a stormwater control plan with a stormwater operations and maintenance manual 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;
- (4) That a revised plan be submitted showing building 16, 17 & 19 meeting the proper grade for access by the fire department due to existing topographic issues on site;

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

- (5) That construction plans for public improvements be approved by the Public Utilities Department and the Public Works Department;
- (6) That the 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;
- (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 a fee in fee-in-lieu of construction for the extension of Brier Creek Parkway to the property line in an amount determined by the City Engineer, is paid in the Public Works Department;
- (9) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway;

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

- (10) That the Board of Adjustment per code section 10-2072 approved the over sized proposed pool and a copy of the approval be presented to the Planning Department and place in the file;
- (11) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (12) 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;
- (13) That street names for this development be approved by the Raleigh City Planning Department and by Wake County;
- (14) That a 20-foot permanent slope easement on T.W. Alexander Drive, for the portion that will not be constructed by this development as shown on the

preliminary plan, be dedicated prior to or in conjunction with the recording of any map;

- (15) That construction plans for the six (6) shared stormwater devices be submitted and approved by the Public Works Department;
- (16) That the greenway easement as shown on the preliminary plan be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway;
- (17) That a map be recorded for the dedication of right of way, greenway and slope easements are required above;
- (18) That all conditions of map recording have been satisfied.

---

I hereby certify this administrative decision.

**Signed:** (Planning Dir.) Mitchell Silb (C. Wayne) Date: 8.2.11

**Staff Coordinator:** Jacque Baker

---

**FINDINGS:** City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, and Sections 10-2103, 10-2045 & 10-2057, 10-3001-3071-3074. Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/26/11, owned by Kotarides Developers, submitted by Summit Consulting.

---

**ADDITIONAL NOTES:** A fee in lieu for T.W. Alexander Drive in the amount of \$281,421.94 has been paid 7/15/11. This fee in lieu is paid for the section of T.W. Alexander Drive that will not be constructed at this time. See letter dated 7/6/11 and fee in lieu agreement dated 7/11/11.

---

**ZONING:**

**ZONING DISTRICTS:** TD with PDD overlay. Ordinance (2000) 898 ZC 489 Effective 11/21/00.

**Z-58-2000 / MP-1-00 U.S. 70 West**, northeast side, extending across the Durham County Line. Approximately 232 acres are requested to be rezoned from Thoroughfare District, Thoroughfare District Conditional Use, Residential-4 and Durham County Rural District to Residential-4, Thoroughfare District and Thoroughfare District Conditional Use w/ Planned Development District.

1. No development shall take place on the subject property except in general accordance with the accompanying Master Plan, and amendments thereto approved by the City Council.
2. The developmental guidelines and conditions contained in the accompanying Master plan, and amendments thereto approved by the City Council replace the conditions contained in Z-90-86.

**MP-1-2000 Ruby Jones Planned Development Master Plan.** This request is to approve a master Plan for a Planned Development Conditional Use Overlay District, proposed in case Z-58-2000, currently

Thoroughfare Conditional Use. The overall site proposed to be zoned PDD is 232 acres. The same uses are allowed under both the existing zoning and the proposed PDD for the Master Plan area. The master plan proposes uses ranging from residential dwellings at a min. 15 units per acre to uses allowed in the O&I-2 district (with some exclusions) to retail uses, as noted on a plan dated October 26, 2000. The Master Plan includes some maximum setbacks and minimum densities on certain tracts to promote an urban-scale high intensity development. An alternate means of compliance is proposed to eliminate the Thoroughfare District yard requirements for 50' tree protection area on all thoroughfares within the Master Plan area. 19.2% of the site is to be set aside as either open space or public greenway (37.5 acres).

**DEVELOPMENT**

**DENSITY:** The proposed plan contains 15.8 units per acre.

**SETBACKS / HEIGHT:**

Setbacks from public streets and property lines conform to Section 10-2103(b). The minimum setback from public streets is shown to be 15' - 20.7' (MP-1-00 allowed the reduction of setbacks to 15'). Private outdoor living areas maintain a min. 40' separation if parallel to each other or oriented at less than a 45-degree angle. Vehicular surface areas other than individual driveways are no less than 5' to a building wall. Building-to-building setbacks are shown in accordance with Sec. 10-2103(b). Buildings are proposed to be 45' in height and buildings maintain a 30' setback from perimeter property lines.

**PHASING:** There are no phases proposed in this development.

**OPEN SPACE:** Open space conforms to minimum requirements. 15% or 4.25 acres required, 55.75% or 15.66 acres provided, based on the open space standards of MP-1-00. Open space quotient required = 75, provided 79. Open space meets the standards for topography (a maximum average slope of 8% for the lesser of 1/3 or two acres of the required open space). The subdivision is not divided by a thoroughfare.

**PARKING:** Off-street parking conforms to minimum requirements: 828 spaces required, based on 234 parking spaces per 156 one (1) bedroom units, 504 parking spaces per 252 two (2) bedroom units and 90 parking spaces per 36 three (3) bedroom units. 782 spaces are provided. 40 parking spaces are required for the pool, clubhouse and office. A reduction of 86 off-street parking spaces units within 400' of the pool/clubhouse is being utilized and for landscape planting area. Parking spaces meet minimum standards for size and aisle width.

**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. Landscape areas for tree planting are a minimum of 350 square feet per tree in area, and have a minimum dimension of 7 feet. This is a high residential impact use 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>
North	Type "C"	10'
East	Type "C"	10'

**TREE**

**CONSERVATION:** Site acreage is 28.09 and 12% required but may be reduced to 8% per MP-1-00. The plan proposes 2.85 acres or 10.16% provided.

**OTHER GROUP  
HOUSING**

**STANDARDS:** Private dead-end streets exceeding 150 feet provide turnarounds with a minimum interior curb radius of 30 feet. Fire hydrants, loop water system and fire truck access meet the standards of 10-2103(g). The main circulation route through this site meets private street standards. Sidewalks are shown to be provided from the main entrance of each dwelling unit and from all recreation facilities to the public sidewalk system.

**COMPREHENSIVE  
PLAN:**

**GREENWAY:** There is greenway on this site and is required to be dedicated.

**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>
T.W. Alexander Drive	120'	4 lane divided major thoroughfare	*
Brier Creek Parkway	90'	5 lane non divided major thoroughfare (fee-in-lieu paid for bridge crossing)	

\* See condition 13 above.

Additional right-of-way over 60' for T.W. Alexander Drive and Brier Creek Parkway is reimbursable under the facility fees program. The difference between the required 41' b/b street with curb, gutter and sidewalk and the proposed construction is reimbursable.

**TRANSIT:** Due to topographic issues transit easements are not required.

**URBAN FORM:** This site is located in the Northwest CAC District.

- All of the zoning conditions of Z-58-2000 & development criteria specified by the Ruby Jones Planned Development Master Plan (MP-1-2000) should be met.
- LU 4.5 Connectivity: New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.
- The proposed site plan is consistent with the general policy guidance provided by the Comprehensive Plan.

**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

- 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:** Refuse collection will be by means of a private contractor. The refuse collection facilities shall meet the standards set forth in the City's Solid Waste Design Manual.
- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards.
- PEDESTRIAN:** Proposed public and private sidewalk locations shall conform to City regulations.
- FLOOD HAZARD:** There are flood hazard areas on this site and are required to be shown on all maps for recording.

**STORMWATER MANAGEMENT:** This site is subject to stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code. The development is proposing compliance through the use of six (6) bioretention cells, and one (1) dry pond.

#### **PAYMENT TO NCDENR**

This project has chosen to offset a portion of nitrogen load limitations by paying monies to the North Carolina Department of Environment and Natural Resources fund. [10-9022(c)].

#### **WETLANDS / RIPARIAN BUFFERS:**

Neuse River riparian buffers are required on this site and shall be shown on all maps for recording.

**STREET NAMES:** New street names are required for this development. All internal streets are private.

#### **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.

**SUNSET DATES:** **The sunset provisions of City Code Section 10-2132.2 (j), including the ability to request extensions in the sunset date, apply to this site plan.** If significant construction has not taken place on a project after preliminary site plan 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:

**3-Year Sunset Date: 8/2/2014**

Submit a final site plan and valid building permit application for the total area of the project, or a phase of the project.

**5-Year Sunset Date: 8/2/2016**

Complete construction of entire development.

#### **WHAT NEXT?:**

- MEET ALL CONDITIONS OF APPROVAL.

- COMPLETE 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 Engineering Department for street construction; by the first working day in November and May each year.