



# Certified Action of the City of Raleigh Planning Commission

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

**Case File / Name:** GH-4-11 / Spring Forest Road Apartments

**General Location:** The site is located on Louisburg Road north of the intersection with Spring Forest Road, inside the city limits.

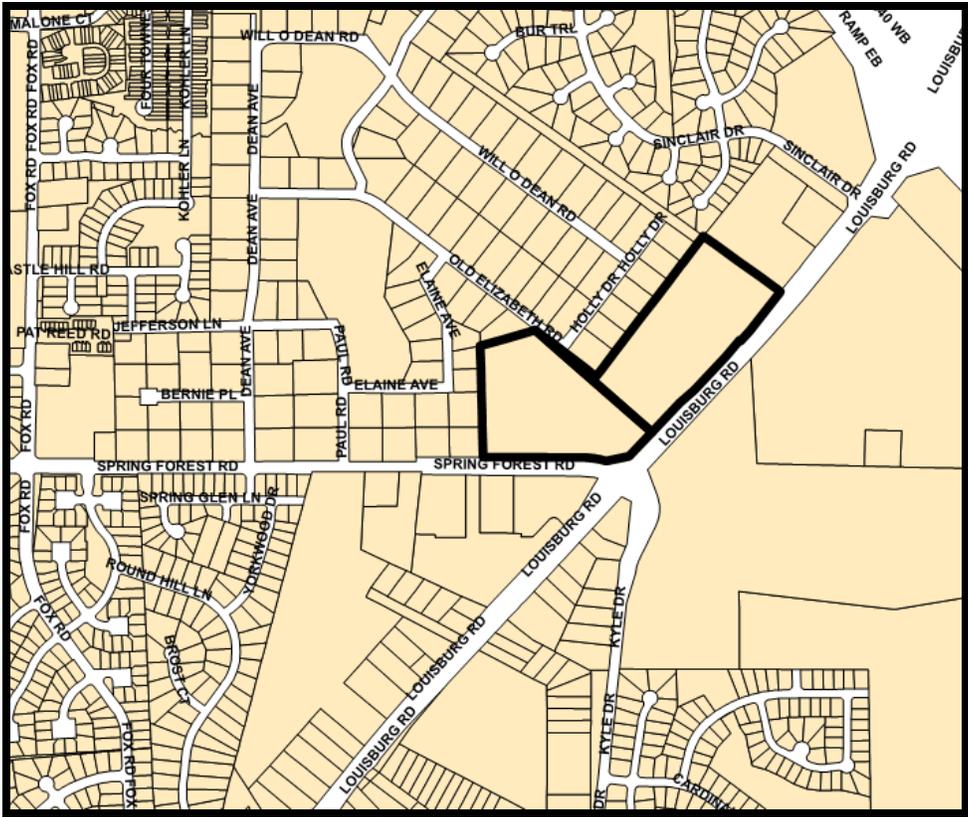
**Owner:** South Atlantic Group  
**Designer:** J Davis Architects

**CAC:** Northeast

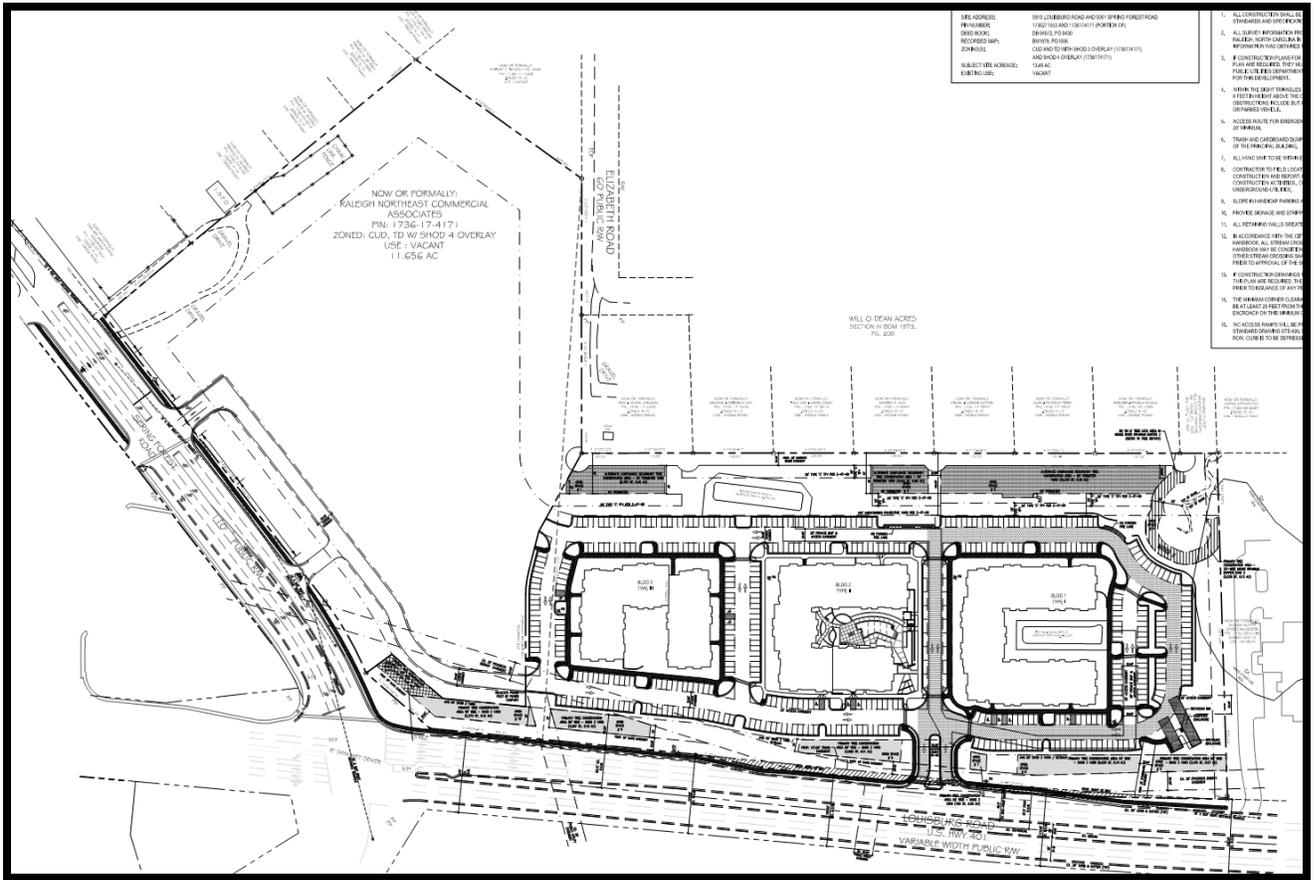
**Nature of Case:** 300 unit multifamily residential development on a 13.35 acre site zoned Thoroughfare District CUD with Special Highway Overlay District-3 and Special Highway Overlay District-4. Code Sections 10-2107(c) and 10-2132.2(b)(18) require preliminary approval for multifamily residential developments in the Thoroughfare zoning district exceeding a density of 20 units per acre per Code Section 10-2132.2. The proposal includes 22.47 units per acre density.

**Key Issues:** Plan does not show construction of the cross access driveway to the north property line per zoning condition (q) and Comprehensive Plan Policy LU 4.5.

**Contact:** Ken Thompson, J Davis Architects



**GH-4-2011 Spring Forest Road Apartments – Location Map**



GH-4-11 Spring Forest Road – Building Layout

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**SUBJECT:** GH-4-2011 / Spring Forest Road Apartments

**CROSS-REFERENCE:** Z-47-08

**LOCATION:** This site is located on the west side of Louisburg Road, north of its intersection with Spring Forest Road, inside the City Limits.

**REQUEST:** This request is to approve a group housing development consisting of 300 units in 3 buildings on a 13.35 acre tract, zoned Thoroughfare District CUD with Special Highway Overlay District-3 and Special Highway Overlay District-4. The overall residential density is 22.47 units per acre.

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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, with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2045, 10-2060, 10-2061, 10-2103, 10-2107 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 7/21/11, owned by South Atlantic Group, submitted by J Davis Architects, PLLC.

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

**VARIANCES / ALTERNATES:** N/A

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**To PC:** September 27, 2011

**Case History:** This case was deferred at the September 13 Planning Commission Meeting

**Staff Coordinator:** Meade Bradshaw

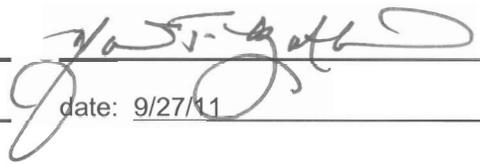
**Motion:** Fleming  
**Second:** Harris Edmisten  
**In Favor:** Butler, Batchelor, Fleming, Harris Edmisten, Haq, Lyle, Mattox, Schuster, Sterling  
Lewis  
**Opposed:**  
**Excused:**

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: 9/27/11

  
\_\_\_\_\_  
date: 9/27/11



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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

- (1) That the Planning Commission finds that the site plan meets the eight standards for approval, Code Section 10-2132.2(d)
- (2) That prior to construction drawing approval the site plan be revised to show construction of the driveway along with the dedication of the cross access easement to the northern property line consistent with Zoning condition (q) and Policy LU 4.5;

**Administrative Actions:**

***Prior to issuance of a grading permit for the site:***

- (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 or appropriate private mitigation bank and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (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 prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Planning 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;
- (6) That a recombination map, shifting the southern property line further to the south, be recorded prior to or in conjunction with the recording of lots;

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

- (7) That all NCDOT driveway permits must be obtained prior to construction drawing approval;
- (8) That the improvements along Spring Forest Road be included on the construction drawings due to two separate access points needed for this development because the total number of dwelling units exceeds 150 dwelling units;

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

- (9) 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;
- (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 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 / owners association;"
- (12) 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
- (13) That street names for this development be approved by the City of Raleigh and by Wake County;
- (14) That the 20' drainage easement into the tree conservation area, as shown on the preliminary plan, be shown on all maps for recording;
- (15) That the 20' Riparian buffer disturbance, for the sanitary sewer line connection in the tree conservation area, is shown on all maps for recording;
- (16) That ½-130' in width of right-of-way and a 20' slope easement along Louisburg Road be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City at permit review;

- (17) That ½-110' in width of right-of-way and a 11.5'-20' slope easement along Spring Forest Road be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the City at permit review;
- (18) That per zoning condition (q) of Z-47-08 the owner of the property shall prepare and record with the local county register of deeds office a cross access easement establishing vehicular and pedestrian access over and upon the property in favor of the owners of all or any portion of the property abutting the northern boundary of the property described by deed recorded at Book 12917 Page 1915 of the Wake County Registry. The cross access easement shall contain a statement that the cross access pavement connection will be installed to the boundary line of the adjacent property by the owner of the apartment project when requested by the City, and the City Attorney shall approve the cross access easement prior to its recordation. That a recorded copy of this cross access agreement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access agreement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (19) That cross access easement from the property to the South owned by the applicant, Raleigh Northeast Commercial Associates Limited Partnership, described in DB 04072 PG 0430 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 agreement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access agreement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (20) That a petition for annexation into the City limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property;
- (21) That a 15' x20' foot transit easement located on Louisburg Road 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;
- (22) That prior to the issuance of any building permit for an apartment building, fences will be installed on the properties of the Adjacent Owners (as described in zoning condition (f) of (Z-49-08), provided that individual adjacent owners consent to the fence installation, and
- (23) That all conditions of Z-47-08 are met

**ZONING:**

**ZONING DISTRICTS:** Ordinance (2009) 607 ZC 639 Effective June 16, 2009

**Z-47-08 Conditional Use – Louisburg Road and Spring Forest Road** - located on the northwest quadrant of Louisburg Road and Spring Forest Road, being Wake County PINs 1736-27-1553 and 1736-17-4171. Approximately 24.59 acres rezoned to Thoroughfare CUD w/ SHOD-3 and SHOD-4.

**Below is a listing of zoning conditions of Z-47-08 and an analysis of each condition based on the proposed site plan.**

As used herein, the "Property" refers to all of those certain tracts or parcels of land containing an aggregate of approximately 24.59 acres located at the northwestern quadrant of the intersection of Louisburg Road and Spring Forest Road, and having Wake County PINs 1736-27-1553 and 1736-17-4171.

(a) The following uses shall be prohibited upon the Property:

- Hotel/motel;
- Manufacturing - all types;
- Landfill-all types;
- Airfield landing strip and heliport;
- Manufacturing;
- Telecommunication tower;
- Adult establishment;
- Kennel and cattery;
- Riding stable;
- Industrial uses involving the processing of materials, fabricating, mixing, printing, assembling, cutting or repairing of articles and products for handling, storing and distribution of materials, articles, or products;
- Above ground bulk storage of flammable and combustible liquids if a public water supply is available for fire fighting purposes; and
- Indoor operation of solid waste reclamation.

**The use on-site is multifamily dwelling units**

(b) Upon development, all exterior flood, display and parking lot lighting shall be of full cut-off (shielded) design and directed away from the adjacent residential uses.

**Will be reviewed during permitting**

(c) The Property fronting along Louisburg Road shall be landscaped pursuant to Special Highway Overlay District-3 standards, except for those areas used for access to and from the Property.

**Louisburg Road is planted in accordance with 10-2060. There is a Progress Energy easement adjacent to portions of Louisburg Road; therefore some understory trees are meeting the shade tree requirement within the easement.**

(d) For the purpose of calculating the amount of residential density allowed on the Property, no more than three hundred and two (302) dwelling units, equivalent dwelling units or combination thereof shall be constructed.

**300 dwelling units are proposed**

(e) Vinyl siding shall be prohibited on any building containing any residential use, as set forth in the Schedule of Permitted Land Uses in Zoning Districts, Section 10-2071 (hereinafter "Residential Use"), constructed on the Property.

**Building materials will be brick veneer and cementitious lap siding**

(f) Upon development, there shall be maintained upon the Property a buffer of at least one hundred (100) feet in width adjacent to those parcels with Wake County PINs 1736-28-1038 (lot 122 as shown in Book of Maps 1973, Vol. 2, Page 208), 1736-27-0957 (lot 121, BM 1973, Vol. 2, PG 208), 176-17-9877 (lot 120, BM 1973 Vol. 2, PG 208), 1736-17-8787 (lot 119, BM 1973, Vol. 2, PG 208), 1736-17-8616 (lot 118, BM 1973, Vol. 2, PG 208), 1736-17-7536 (lot 117, BM 1973, Vol. 2, PG 208), 1736-17-6433 (lot 116, BM 1973, Vol. 2, PG 208), 1736-17-1528 (lot 65 as shown in Book of Maps 1971, Vol. 3, Page 262), 1736-07-9400 (lot 67, BM 1971, Vol. 3, PG 262), 1736-07-9218 (lot 12; BM 1971, Vol. 3, PG 262), 1736-07-9102 (lot 11, BM 1971, Vol. 3, PG 262), 1736-06-9921 (lot 10, BM 1971, Vol. 3, PG 262) (collectively "Adjacent Owners"). The buffer established pursuant to this condition (f) shall remain undisturbed except as reasonably necessary for the installation of landscaping, fences, walls, berms, utilities and stormwater control facilities pursuant to applicable City Code provisions and State statutes and regulations, and the treatment or removal of nuisance or diseased vegetation. Without limiting the uses permitted within this buffer as described herein, the first 20' of the buffer, as measured from the common boundary of the property with the adjacent owners, shall be planted to at least the Type C transitional protective yard standards as embodied in Section 10-2082.9 of the City Code (as it exists on the date hereof). Existing vegetation may be taken into consideration in satisfying the foregoing Type C protective yard standards. Except for safety fencing, any walls or fences established pursuant to this condition (f) shall be solid, except for gates to access and maintain utilities, stormwater control facilities and vegetation located in the buffer, and may consist of a mix of materials, including but not limited to brick, metal, PVC pipe and wood. Any gate located in a wall or fence established pursuant to this condition (f) shall include a lock. Except for safety fencing, any walls or fences established pursuant to this condition (f) shall be located at least eighty (80) feet from the property line of the

Adjacent Owners. Except for safety fencing, any walls or fences established pursuant to this condition (f) shall be at least six (6) feet in height.

**A 20' sanitary sewer easement will be recorded within the first 20' of the 100' buffer. A bioretention pond and access areas to the utility easements are also located within the 100' buffer. A Type C transitional protective meeting Code Section 10-2082.9 is provided.**

(g) Notwithstanding any extra height allowance allowed for additional yard width, the maximum height for any building containing any Residential Use shall be the lesser of sixty-five (65) feet or four (4) stories in height, as determined pursuant to Section 10-2076 of the Raleigh City Code as it exists at the time of approval of this rezoning petition.

**The height of the proposed buildings are 64' 6" with no building exceeding 4 stories in height.**

(h) Any building containing any Residential Use shall have a minimum roof pitch of at least 4:12.

**Roof pitches are 6:12**

(i) The exterior of any building containing any Residential Use shall consist of a mix of brick/masonry, cementitious material, and miratek or hardee material. The facades of any building containing any Residential Use that face the Adjacent Owners or public rights-of-way shall consist of at least twenty (20) percent masonry materials, excluding the area of windows and porch openings.

**The minimum percentage of any façade facing any residential use or public right-of-way is 21%.**

(j) The maximum height for any building containing retail uses shall be the lesser of thirty (30) feet or two (2) stories in height, as determined pursuant to Section 10-2076 of the Raleigh City Code as it exists at the time of approval at this rezoning petition.

**No retail uses are proposed on-site.**

(k) All dumpsters and HVAC equipment located on the Property shall be screened from view from public rights-of-way.

**Tree conservation areas and Special Highway Overlay District-3 plantings separate the HVAC units from the public right-of-way.**

(l) Recreational uses accessory to a residential use and the Property shall be shielded by a residential structure so as to reduce visibility from the Adjacent Owners.

**Recreational uses are not included with this proposal.**

(m) Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the Property shall deed to the City a transit easement measuring twenty feet (20') long and fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The

location of the transit easement shall be reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

**A transit easement is proposed on Louisburg Road**

(n) There shall be no access, vehicular or pedestrian, to the Property from Holly Drive or Old Elizabeth Road.

**No vehicular or pedestrian accesses are proposed to the property from Holly Drive or Old Elizabeth Road.**

(o) Any building containing any retail use with hours of operation after 11:00 p.m. or before 6:00 a.m. shall be located within three hundred (300) feet of the public right-of-way along Louisburg Road or Spring Forest Road.

**No retail establishments are proposed.**

(p) The average square footage of all residential dwelling units or equivalent dwelling units located on the Property shall be at least one thousand (1,000) square feet, including balconies.

**The total square footage of the apartments is 300,089 square feet.  
300,089 (total square footage) / 300 (dwelling units) = 1,000.29 average square feet.**

(q) Prior to subdivision approval or issuance of a building permit, whichever shall first occur, the owner of the Property shall cause to be recorded in the Wake County Register of Deeds an offer of cross-access establishing vehicular and pedestrian access over and upon the Property in favor of the owner(s) of all or any portion of the property abutting the northern boundary of the Property, which has Wake County PIN 1736 28-6158 and is described by deed recorded at Book 12917 Page 1915 of the Wake County Registry.

**A 30' cross access easement has been provided to PIN 1736286158**

(r) Subject to the conditions set forth above, all uses permitted in the Thoroughfare District are permitted on the Property.

**Multifamily residences are conditional uses in the Thoroughfare District**

(s) The total volume of trips generated by development on the subject property shall not exceed the PM peak thresholds shown on Table 4.0 of the Traffic Impact Analysis, dated April 2009, prepared by Kimley-Horn & Associates and on file with the City of Raleigh. The PM peak trip generation shall be determined using the most current Institute of Transportation Engineers trip generation manual. City staff shall review and certify the PM peak trip volume prior to issuance of any building permit.

**The trip generation for 302 apartments is 977 entering and 977 exiting for a total of 1,954 average daily traffic**

**DEVELOPMENT**

**DENSITY:** The number of units allowed in this zoning district can exceed a density of 20 units an acre if it is approved as a site plan in accordance with Code Section 10-2132.2. The proposed plan contains 22.47 dwelling units an 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 90'. 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 64'6" in height and meet the minimum 30' setback from perimeter property lines.

**PHASING:** There is one phase in this development.

**OPEN SPACE:** Open space conforms to minimum requirements. 10 % or 1.38 acres required, 10% or 1.38 acres provided, based on the open space standards of 10-2103(d).

**PARKING:** Off-street parking conforms to minimum requirements: 528 spaces required, based on 1.5 parking spaces per 1-bedroom unit and 2 parking spaces per 2-bedroom units. 476 spaces are provided. A reduction of 52 off-street parking spaces for landscape planting area is being utilized. 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 density impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards and Z-47-08 in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
Eastern Property line	Type C	100'*

\*Z-47-08 (f) allows disturbances for public utility and stormwater facilities within the 100' undisturbed buffer.

**TREE CONSERVATION:**

Total tree conservation of this site is 1.38 acres or 10.23% of the site.

- **Primary Tree Conservation** – 0.75 acres - consisting of SHOD 3 and TC yards adjacent to Louisburg Rd, Neuse buffer zone 2.
- **Secondary Tree Conservation** – 0.63 acres consisting of a variable-width alternate compliance secondary tree conservation area along the west side of the property.

**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.

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**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:

<b>Street</b>	<b>ROW</b>	<b>Construct</b>	<b>Slope Esmt.</b>
Louisburg Road	0'-10'	12' right turn lane, curb, gutter and sidewalk	20'
Spring Forest Road	0'-8'	12' right turn lane	11.5'-20'

There are 2 proposed points of access shown on Spring Forest Road; however, the driveway closest to the intersection of US 401 is not approved with this plan. When the adjacent property to the south is developed and a traffic impact analysis is submitted for review, NCDOT in coordination with the City of Raleigh will consider a driveway permit for the second driveway and additional improvement on Spring Forest Road associated with the development. This will be a two phased project.

**TRANSIT:** The following transit-oriented features of this site are incorporated into the proposed plan: 15' x 20' easement located on Louisburg Road.

**URBAN FORM:** This site is located in the Northeast Planning District, in an area designated as medium density residential (15-28 units per acre).

1. **Policy LU 4.5 Connectivity** – Plan as shown provides the construction of the cross access easement to adjacent parcel to the south and provides a cross access easement to the north.

The plan does not show the construction of the cross access easement to the property to the north, which is inconsistent with this policy.

2. **Policy T 5.5 Sidewalk Requirements** – Plan as shown provides adequate sidewalk connections and accessibility, and would be consistent with this policy.

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**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.

**PHASING:** This project will be two phases. Phase 1 will consist of the 1<sup>st</sup> 150 dwelling units and the access to Louisburg Road. Phase 2 will be the construction of the 20' driveway with cross access easement with the adjacent property to the south with access to Spring Forest Road. Code Section 10-2103(c)(2) requires one access point for every 150 dwelling units. This development needs 2 access points with the proposed 300 dwelling units.

**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:** The location and design of refuse collection facilities is shown in accordance with the Solid Waste Collection Design Manual. Service will be provided by a private contractor.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. A 30' cross access easement is provided to the adjacent property to the north; however, staff is requesting the construction as well as the dedication of the cross access easement/driveway. The plans do not show the construction of this cross access driveway. A 20' access easement/agreement is being provided on the adjacent parcel to the south to meet the code requirement of having one access point for every 150 dwelling units.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations.

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

**STORMWATER  
MANAGEMENT:** This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. Stormwater runoff quantity control is proposed to be met with the use of two pipe detention systems and two bioretention basins. Nitrogen reduction is proposed to be met through the use the two bioretention basins and a nutrient offset payment.

**WETLANDS  
/ RIPARIAN  
BUFFERS:** Neuse River riparian buffers are on this site and shall be shown on all maps for

recording.

**STREET NAMES:** 6 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.