



Administrative Action Preliminary Subdivision

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

Case File / Name: S-7-12 / Sunnybrook Road Apartments

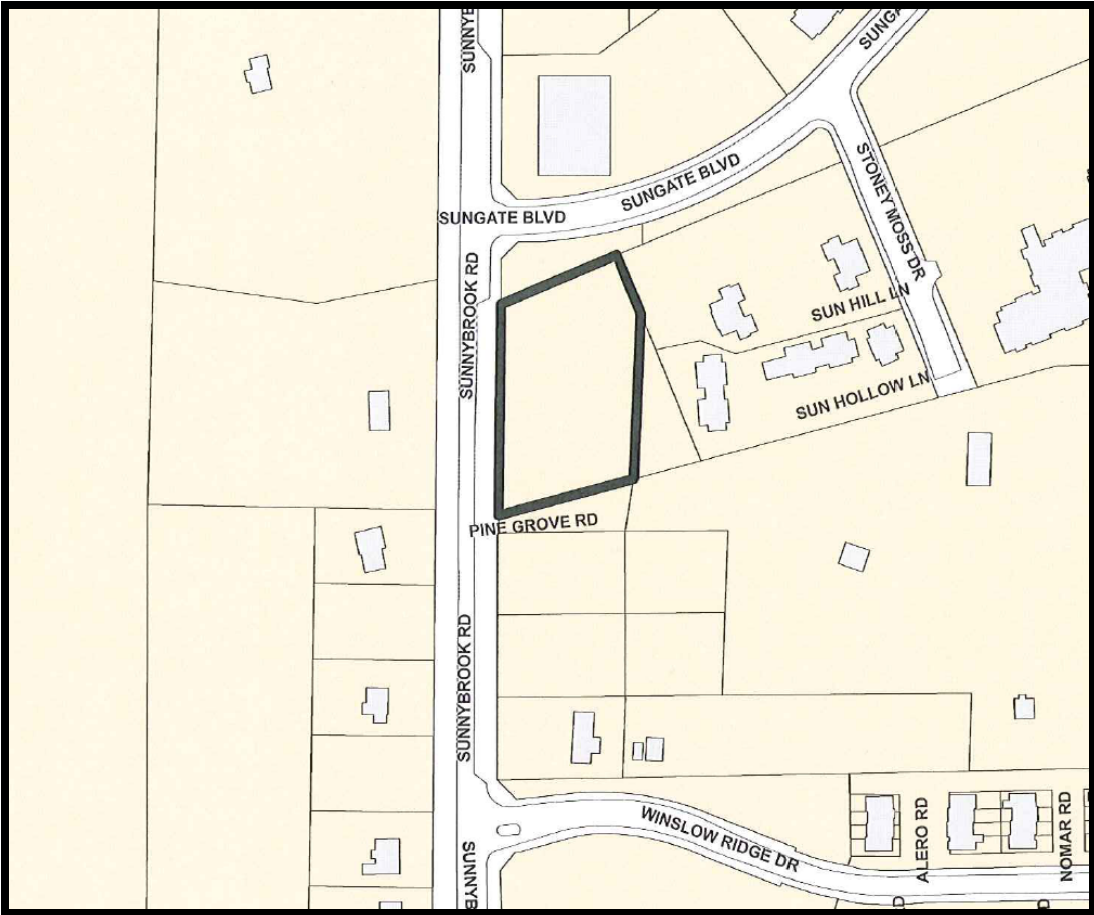
General Location: The site is located on the east side of Sunnybrook Road, between the intersection with Falstaff Road and Poole Road.

CAC: East

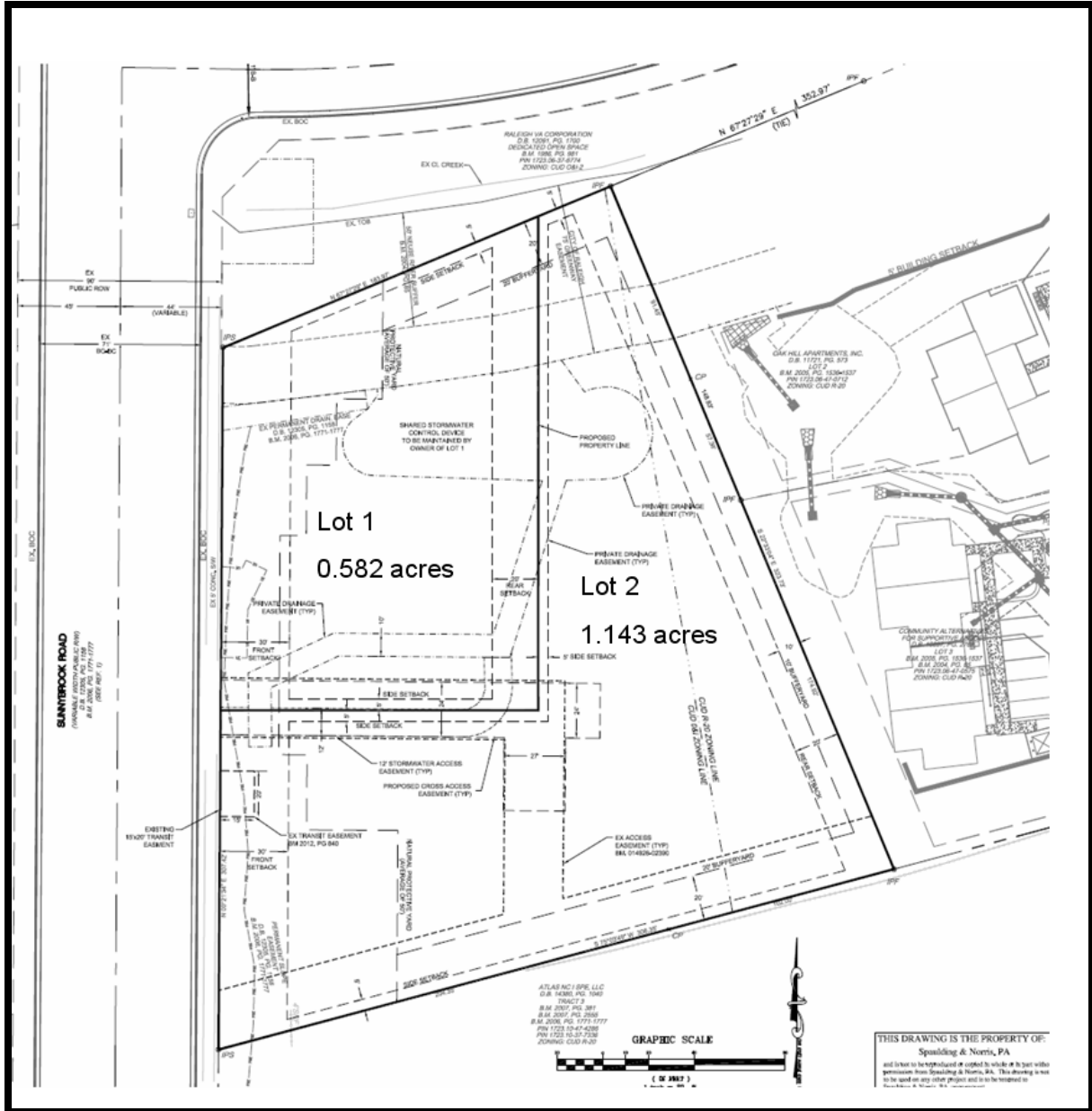
Nature of Case: The subdivision of 1.73 acre parcel into two lots, zoned O&I-1 CUD and Residential-20 CUD, located inside the city limits.

Lot 1 – 0.582 acres
Lot 2 – 1.143 acres

Contact: Tom Spaulding, Spaulding and Norris, P.A.



S-7-12 Sunnybrook Road Apartments – Location Map



S-7-12 Sunnybrook Road Apartments – Subdivision Layout

SUBJECT: S-7-12 / Sunnybrook Road Apartments

CROSS-REFERENCE: Z-16-04

LOCATION: This site is located on the east side of Sunnybrook Road, north of its intersection with Poole Road, inside the City Limits.

REQUEST: The subdivision of 1.73 acre parcel into two lots, zoned O&I-1 CUD and Residential-20 CUD, located inside the city limits.

Lot 1 – 0.582 acres
Lot 2 – 1.143 acres

OFFICIAL ACTION: Approval with conditions

CONDITIONS OF APPROVAL:

Prior to issuance of a grading permit or construction drawings, whichever occurs first:

- (1) That the final tree protection plan for the 75' greenway easement and the 50' average Natural Protective Yard along Sunnybrook Road, as required by condition 5 of Z-16-04, must be approved by the City Forestry Specialist in the Planning and Development Department. Tree protection fence must be located in the field and inspected by City Forestry Specialist as shown on the preliminary subdivision plan;
- (2) That a nitrogen offset payment must be made to a qualifying mitigation bank;

Prior to Planning Department authorization to record lots:

- (3) That the 75' 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;
- (4) That a grant of cross access between Lot 2 and the parcel to the adjacent south owned by Carroll Joyner (Deed 14803 Page 2536) 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 easement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (5) That 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;

- (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 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;
- (8) That a 15x20 foot transit easement located on Sunnybrook 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;
- (9) That prior to lot recordation 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;
- (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 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;
- (11) That a shared driveway and parking agreement between lots 1 and 2 is recorded in the Register of Deeds and copies of the recorded documents are provided to the Planning Department;
- (12) All conditions of Z-16-04 comply.

I hereby certify this administrative decision.

Signed: (Planning Dir.) Mitchell Silver Date: 9/21/12
(S. Barlow)

Staff Coordinator: Meade Bradshaw

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

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2023, 10-2035, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/14/12, owned by Community Alternatives for Supportive Abodes, submitted by Spaulding & Norris, P.A..

ZONING:

ZONING DISTRICTS: O&I-1 CUD/Residential-20

Z-16-04 – Sunnybrook Road – east side, being Wake County PIN 1723377404, 1723377623, 1723473716, and 1723470544. Approximately 1.84 acres rezoned to Office and Institution-1 Conditional Use.

Conditions dated: (3/30/04)

1. Reimbursement for required right-of-way dedication along Sunnybrook Road shall remain consistent with the R-6 value.
2. Upon development of the site and established by the Site Plan or Subdivision Plan, a Transit Easement (15 LF wide by 20 LF long, along the right-of-way) adjacent to the Sunnybrook Road right-of-way shall be dedicated to the City of Raleigh for use as a bus stop and shelter for future transit services to the area. Prior to development, the Transit Division requests review and approval of the easement location.
3. Vehicular access to the site from Sunnybrook Road shall be limited to a maximum of one curb cut, with or without a landscaped median and will be shared with the adjacent property to the south (Ref. DB 2006, PG 548).
4. If the subject site is developed prior to Site Plan approval or development of the adjacent property to the south, a temporary access to Sunnybrook Road may be provided until such time as a shared access to Sunnybrook Road is constructed. Once the shared access is constructed the temporary access shall be removed and the natural protective yard revegetated.
5. A Natural Protective Yard, parallel to the Sunnybrook Road right-of-way, with an average width of 50 LF, with a minimum width of 25 LF and a maximum width of 100 LF, shall be provided.

6. A 10 LF wide Transitional Protective Yard, parallel to the eastern property line (REF. DB 10637, PG 708), shall remain undisturbed with the exception of the installation of a driveway access to the adjacent residential zoning district for interconnectivity, if necessary. If a driveway access is needed, it will be specified on the Site/Subdivision Plan and subject to approval.
7. A 20 LF wide Transitional Protective Yard, parallel to the southern property line (Ref. DB 2006, PG 548), shall remain undisturbed with the exception of a driveway connection to the future, shared access to the Sunnybrook Road. (Ref. condition 3 above).
8. Post-development stormwater discharge will not exceed Pre-development stormwater discharge for both the 2-YR and 10-YR storms.
9. All office buildings shall be residential character design. The building shall utilize a minimum of two different building materials such as brick, stone, textured block, vinyl siding, wood siding, a composite siding, a minimum of two colors, a minimum 3:12 roof pitch, and no less than 15% nor more than 60% of any building side shall be devoted to window openings. Architectural elements shall include the use of quoins, pilasters, soldier courses, friezes, cornices, or details.
10. The maximum height of the building shall be limited to 35 feet, which may accommodate parking at the ground level, below two floors of office area. The building height and parking configuration will be specified on the Site Plan and subject to approval.
11. The building shall be situated on the site to prevent parking between the building and the Sunnybrook Road right-of-way, such that all parking areas are either to the side and rear of the building or below the office floors.
12. Any light fixtures within 20 LF of Transitional Protective Yards adjacent to residentially zoned properties be no more than 18 LF in height and shielded from the residential properties.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 will occur at the time of site plan submittal.

TREE CONSERVATION: This project is less than two acres and is non-residential with trees adjacent to a thoroughfare. Tree conservation is not required for this project. Condition 5 of Z-16-04 requires an average 50'-wide natural protective yard (NPY) along Sunnybrook Rd.

UNITY OF DEVELOPMENT: Unity of development criteria is not required in this subdivision.

PHASING: There is one phase in this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: A 75' greenway easement is required on the northern portion of both Lots 1 and 2.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Sufficient roadway improvements and road construction exist on Sunnybrook Road

Z-16-04 conditions 3 & 4 require a shared access between the subject lot and the lot to the adjacent south. A proposed cross access between Lot 2 and the parcels to the adjacent south owned by Carroll Joyner (Deed 14803 Page 2536) has been shown to provide a potential shared access on Sunnybrook Road.

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

URBAN FORM: This site is located in the Southeast Citizen Advisory Council, in an area designated as moderate density residential (6-14 units an acre).

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: The minimum lot size in this zoning district is 5,000 square feet. The minimum lot depth in this zoning district is 70'. The minimum lot width in this zoning district is 45'. Lots in this development conform to these minimum 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: Service is determined at the time of permit issuance.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing that is to be shared with an adjacent property owner. The developer of this property will construct the entire stream crossing, and will be reimbursed by the City for 1/2 the cost of construction.

PEDESTRIAN: Sidewalks exist on Sunnybrook Road.

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

**STORMWATER
MANAGEMENT:** Subdivision demonstrates compliance with Part 10, Chapter 9 Stormwater Regulations. Nitrogen regulations will be met through a nutrient offset payment only. A dry pond is utilized for detention purposes only to meet detention regulations. The owner of lot 1 is to be responsible for the maintenance of the shared stormwater device.

**WETLANDS
/ RIPARIAN**

BUFFERS: Neuse River riparian buffers are located on-site and will be identified on all maps that are recorded

STREET NAMES: No street names are required for this development.

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.

Christine Darges

SUNSET DATES: If significant lot recording has not taken place on a project after preliminary subdivision 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: 9/21/2015
Record at least ½ of the land area approved.

5-Year Sunset Date: 9/21/2017
Record entire subdivision.

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.