LOCATION: The subject property consists of two sites, both generally located at the southwest corner of New Bern Avenue and S Swain Street, with common street addresses of 574 New Bern Avenue and 18 S Swain Street.

REQUEST: Development of the north site (proposed Lot 1) consists of an approximately 4,816 square foot townhouse type building containing 2 dwelling units, and an approximately 15,475 square foot apartment building containing 10 dwelling units. The north site is zoned OX-3-GR with the portion closest to New Bern Avenue containing the townhouse type building also located in the New Bern - Edenton NCOD. Development of the south site (proposed Lot 2) consists of an approximately 25,146 square foot apartment building containing 18 dwelling units. The south site is zoned OX-3. The north site and the south site are separated by an existing public alley. Combined the subject property is approximately 0.77 acres.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: N/A

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated November 5, 2021 by Wake Land Design, PLLC.

CONDITIONS OF APPROVAL and NEXT STEPS:

This document must be applied to the second sheet of all future submittals except for final plats. This is a preliminary plan and as such no permits have been issued with this approval. To obtain permits and/or completion of the project, the following steps are required:

☑ SITE PERMITTING REVIEW - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Site Permitting Review may be submitted upon receipt of this signed approval document.

The following items are required prior to approval of Site Permitting Review plans:

General

1. Demonstrate compliance with UDO Section 7.2.5.C (Screening - Service Areas).

Stormwater

2. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

3. These lots are exempt per UDO Section 9.2.2.A.2.b.i as commercial lots of one-half acre or less recorded prior to May 1, 2001, and not altered to be larger than one-half acre in size, but are subject to impervious limitations of subsection A.4 and subject to further review upon placement of impervious surface areas. Formal submittal of downstream flooding analysis per UDO Section 9.2.2.A.4.b.ii. will be required at site permitting review.
LEGAL DOCUMENTS - Email to legaldocumentreview@raleighnc.gov. Legal documents must be approved, executed, and recorded prior to or in conjunction with the recorded plat on which the associated easements are shown. Copies of recorded documents must be returned to the City within one business day of recording to avoid withholding of further permit issuance.

Cross Access Agreements Required

Utility Placement Easement Required

RECORDED MAP(S) - Submit plat to record new property lines, easements, tree conservation areas, etc.). Plats may be submitted for review when the Site Permitting Review plans, if required, have been deemed ready for mylar signature.

The following items must be approved prior to recording the plat:

Engineering

1. A cross access agreement among the lots identified as PINs 1703989859 and 1703988867 shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded offer of cross access easement shall be returned to the Development Services Department within one day of plat recordation. If a recorded copy of the document is not provided within this time, further recordings and building permit issuance will be withheld.

2. A 5’ utility placement easement and associated deed of easement shall be approved by the City and the location of the easement shall be 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. A recorded copy of these documents must be provided to the Development Services Department within one day from authorization of lot recordation. If recorded copies of the documents are not provided, further recordings and building permit issuance will be withheld.

3. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and shown on the map approved for recordation.

Public Utilities

4. Infrastructure Construction Plans (concurrent submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

Stormwater

5. The maximum allocated impervious area for all applicable lots should be identified on all maps for recording.

6. All stormwater control measures and means of transporting stormwater runoff shall be shown on all plats for recording as private drainage easements (UDO 9.2).

BUILDING PERMITS - For buildings and structures shown on the approved plans. Commercial building permit plans must include the signed, approved Site Permitting Review plans attached, if applicable. Permit sets may be reviewed prior to the recordation of required plats, but cannot be approved.
The following items must be approved prior to the issuance of building permits:

General

1. A recombination map shall be recorded recombining the existing lots as shown on the preliminary plan.

Engineering

2. A public infrastructure surety for (7) street trees (tree lawn) shall be provided to City of Raleigh Transportation – Development Engineering Division (UDO 8.1.3) in the amount of 100% of the improvement cost for the NCDOT portion and 125% of the improvement cost for the City of Raleigh infrastructure.

3. A public infrastructure surety shall be provided to City of Raleigh Transportation – Development Engineering Division (UDO 8.1.3) in the amount of 100% of the improvement cost for the NCDOT portion and 125% of the improvement cost for the City of Raleigh infrastructure.

Public Utilities

4. A plat must be recorded at the Wake County Register of Deeds office for all utility easement dedications.

Stormwater

5. These lots are exempt per UDO Section 9.2.2.A.2.b.i as commercial lots of one-half acre or less recorded prior to May 1, 2001, and not altered to be larger than one-half acre in size, but are subject to impervious limitations of subsection A.4 and subject to further review upon placement of impervious surface areas.

6. An encroachment agreement for Stormwater pipes within the public right-of-way shall be approved by City Council and the City Council approved encroachment agreement shall be filed with the Development Services Department, and the encroachment agreement shall be recorded with the Wake County Register of Deeds. A recorded copy of these documents must be provided to the Development Services Department.

7. A payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans shall be paid by the developer to the City stormwater facility replacement fund (UDO 9.2.2.G.3).

Urban Forestry

8. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes (7) street trees along S. Swain St. and a fee-in-lieu for (1) tree along New Bern Ave.
The following are required prior to issuance of building occupancy permit:

General

1. All Water, Sanitary Sewer and Reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.

2. Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

Stormwater

3. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).

4. As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department (UDO 9.2.2.D.3).

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:  December 8, 2024
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.

I hereby certify this administrative decision.

Signed: Alyisia Bailey Taylor
Development Services Dir/Desigee

Date: 12/08/2021

Staff Coordinator: Kasey Evans