The site is generally located at the northeast corner of Falls of Neuse Road and Common Oaks Drive, west of Forest Pines Drive, with common street addresses of 14201 and 14301 Falls of Neuse Road and 110801 Forest Pines Drive. Development of a 9 building apartment community comprising 216 dwelling units, as well as a clubhouse building and associated site improvements. The total building size proposed is 587,600 square feet. The site is approximately 13 acres in size and zoned CX-3-PK and Urban Watershed Protection Overlay District.

Variances (BOA-52-20) approved granting relief from the pedestrian access way requirements set forth in Section 3.4.3.D1 to Falls of Neuse Road and to Common Oaks Drive; granting relief from the 300 feet pedestrian access way spacing and width requirements set forth in Section 3.4.3.D2 as follows: a 200 foot variance to permit a distance of no more than 500 feet between the northernmost pedestrian access way on Common Oaks Drive and the northeastern corner of the 14301 Falls of Neuse Road property, and a 116 foot variance to permit a distance of 416 feet between the pedestrian access way on Forest Pines Drive and the southeastern corner of the property at the intersection of Falls of Neuse Road and Forest Pines Drive, and a 5 foot variance from the 10 feet minimum width requirement for pedestrian access ways to permit pedestrian access ways to be no less than 5 feet wide; granting relief from the 10 feet protective yard buffer requirement set forth in Section 7.2.4.D to permit buildings to be located no less than 50 feet from Common Oaks Drive without providing an additional buffer from the parkway frontage protective yard; granting a 23 foot variance from the 32 feet driveway width maximum set out in UDO Section 8.3.5.C and Raleigh Street Design Manual Section 9.5 to permit the no more than 55 foot-wide driveway on Forest Pines Drive to remain as-is; and granting relief from the various provisions of the UDO and City Design Manuals to permit the 11081 Forest Pines Drive property to remain as-is.

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 December 7, 2020 by McAdams.

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:

Public Utilities
1. A Downstream Sewer Capacity Study in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval.

2. A deed shall be recorded prior to concurrent approval for all necessary offsite City of Raleigh Sanitary Sewer Easements to accommodate future sewer line construction.

**Stormwater**

3. The State of North Carolina shall approve any proposed disturbance within the riparian buffer prior to the issuance of any grading or site permit (UDO 9.2.3.E).

4. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).

5. A nitrogen offset payment must be made to a qualifying mitigation bank (UDO 9.2.2.B).

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

**Urban Forestry**

7. Tree protection fence must be inspected by Urban Forestry staff prior to the issuance of a grading permit.

8. Submit a final tree conservation plan that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required (UDO 9.1.5).

**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
- Transit Easement Required
- Utility Placement Easement Required
- Stormwater Maintenance Covenant 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 sight distance easement shall be approved by the Transportation Department for recording in the Wake County Registry, and a copy of the recorded 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.

4. A cross access agreement among the lots as shown on the preliminary plan shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded 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.

5. Agreements for the work proposed on the adjacent lot owned by others is to be provided.

Public Utilities

6. 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

7. The maximum allocated impervious area for all applicable lots in the subdivision should be identified on all maps for recording.

8. 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 (UDO 9.2).

9. 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).

10. A surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department (UDO 9.2.2.D.1.d).

11. The City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be approved by the City and recorded with the county register of deeds office (UDO 9.2.2.G).

12. 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 required buffer statement (Recorded Map Checklist).

Transportation
13. A transit deed of easement shall be approved by City staff and the location of the easement shall be shown on a plat 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 this document must be provided to the Development Services Department within one day from authorization of lot recording. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.

Urban Forestry

14. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 1.51 acres of tree conservation area.

☑ 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 prior to issuance of building permits, recombining the existing lots as shown on the preliminary plan.

Engineering

2. A public infrastructure surety shall be provided to the City of Raleigh Development Services - Development Engineering (UDO 8.1.3).

3. A fee-in-lieu for 1’ of sidewalk width along those portions of the site frontages with existing 5’ sidewalk shall be paid to the City of Raleigh (UDO 8.1.10).

Public Utilities

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

5. Utility re-alignment construction shall be substantially complete (to eliminate conflict with new building).

Stormwater

6. Impervious restrictions for each lot must be recorded on a plat prior to building permit issuance.

Urban Forestry

7. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 12 street trees along Forest Pines Drive, 21 street trees along Falls of Neuse Road, and 25 street trees along Common Oaks Drive for a total of 58 street trees.
8. A public infrastructure surety for 58 street trees shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

9. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1).

The following are required prior to issuance of building occupancy permit:

General

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

2. Final inspection of all tree conservation areas and right of way street trees by Urban Forestry Staff

Stormwater

3. 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: May 7, 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: Alycia Bailey Taylor
Development Services Dir/Designee
Date: 01/08/2021

Staff Coordinator: Kasey Evans