LOCATION: The site is generally located at the northwest corner of N Boylan Avenue and W North Street, with common street addresses of 401 and 405 N Boylan Avenue, and 708 and 710 W North Street.

REQUEST: Development of 3 apartment buildings containing a total of 16 dwelling units and a total gross size of 30,993 square feet. The site consists of two proposed lots totaling approximately 0.77 acres zoned OX-3-DE in the North Boylan Neighborhood NCOD.

Variance (BOA-45-21) approved granting a 5’ increase to the maximum building height requirement set forth in UDO Section 5.4.3.F.10.c for each building, a 4’ reduction to the front wall offset length requirement set forth in UDO Section 3.4.4.F.2 for Buildings 1 and 2, and complete relief from the primary street-facing entrance requirement set forth in UDO Section 3.4.4.E.1 for proposed Unit 10 in Building 2 along N Boylan Avenue.

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 19, 2021 by J DAVIS ARCHITECTS.

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:

Stormwater

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

2. These lots are exempt per UDO Section 9.2.2.A.2.b.i as a commercial subdivision of one-half acre or less approved after May 1, 2001, but are subject to impervious limitations of subsection A.4 and subject to further review upon placement of impervious surface areas.

3. A stormwater operations and maintenance manual and budget shall be approved for the proposed offsite flood rise control device (underground pipe detention) (UDO 9.2).

4. A Downstream flood rise analysis shall be submitted and approved by the Engineering Services Department prior to the issuance of any site permit (UDO 9.2.2.A.4.b.ii).
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.

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 (created) Lot 1 and Lot 2 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. 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.

3. 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.

Stormwater

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

5. 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).

6. 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).

7. 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).
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 into two lots consistent with that shown in ASR-0053-2021.

2. A demolition permit shall be obtained for the existing buildings on site.

3. Street names for this development shall be approved by the Raleigh GIS Division and by Wake County.

Engineering

4. A public infrastructure surety for (9) street trees shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

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

Public Utilities

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

Urban Forestry

7. A tree impact permit must be obtained for the removal of (11) trees in the right-way on W. North St. and (1) tree in the right-of-way on N. Boylan Ave. and approved streetscape tree installation in the right of way. This development proposes (10) understory street trees along W. North St. and (4) understory street trees along N. Boylan Ave.

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

Stormwater

1. 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: April 13, 2025
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: 12/15/2021

Staff Coordinator: Kasey Evans