LOCATION: This 6.48 acre site zoned CX-5-UL-CU as lots 3 and 4 of Subdivision SUB-S-55-2018 within the parent tract located at the southwest corner of the intersection of Triangle Town Blvd. and Sumner Blvd at 3900 Sumner Blvd.

REQUEST: Development of a Multi-Family Living development of three and four story apartment buildings on two lots. There will be four Apartment Buildings with associated infrastructure for 120 dwelling units with approximately 177,945 square feet of building space.

The following Variances were approved for this proposal:
- BOA Variance (A-70-19) granting partial relief from block perimeter requirements for the parent tract, and
- BOA Variance (A-102-19) granting approval for a.) relief from the ground floor elevation requirement (3.2.4 F1) b.) Relief from a portion of the primary build to requirement (3.4.7 C), and c.) Relief from the required pedestrian access requirement (3.4.7 E1 and E2).

DESIGN

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 June 20, 2022 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:

**General**

1. Retaining walls within 30’ of any right of way must clarify the proposed height and retaining walls within 30’ of the right of way that are greater than 10’ in height must be tiered and provide vegetative screening as required by 7.2.8 of the Unified Development Ordinance. Clarify height (BW/TW) of all walls and demonstrate compliance to 7.2.8 D of the City of Raleigh Unified Development Ordinance.

2. Demonstrate compliance to the Primary Street Build To minimum requirements as per (A-102-19) being Lot 3 min= 30% and Lot 4 min = 35% (see A-102-19)

**Public Utilities**
3. 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.

**Stormwater**

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

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

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

**Urban Forestry**

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

✓ **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.

<table>
<thead>
<tr>
<th>Sidewalk Easement Required</th>
<th>Slope Easement Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Placement Easement Required</td>
<td>Stormwater Maintenance Covenant Required</td>
</tr>
<tr>
<td>Right of Way Deed of Easement Required</td>
<td></td>
</tr>
</tbody>
</table>

✓ **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:**

**Public Utilities**

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

2. Stormwater

   2. 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).
3. 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).

4. 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).

5. 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).

6. 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).

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

**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. All conditions of approval applicable to creation of the lots for this development, Lots 3 and 4 of SUB-S-55-2018, shall be met including recordation of the subdivision plat for lots, right-of-way, easements, and tree conservation areas as specified in the approved subdivision plan.

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

**Engineering**

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

4. A Slope easement 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 these documents 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.
5. 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 this document must be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of the document is not provided within this time, further recordings and building permit issuance will be withheld.

6. 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.

7. A sidewalk deed of easement for any public sidewalk on private property shall be approved by City staff, 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 plat. A recorded copy of this document shall be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.

Public Utilities

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

9. Initiation of the easement exchange process is required (via dedication of new easement on record plat, ending with abandonment of old easement on subsequent deed).

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

Urban Forestry

11. Tree impact permits must be obtained for the approved streetscape tree installations in the rights of way. This development proposes 10 street trees along Triangle Ridge Road adjacent to Lot 3. This development also proposes 14 street trees along Oak Forest Drive Extension and 1 street tree along Triangle Ridge Road for a total of 15 street trees adjacent to Lot 4. This development proposes an overall total of 25 street trees.

12. 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. Final inspection of tree conservation areas and right of way street trees by Urban Forestry Staff.
2. The CO is contingent upon substantial completion of the portion of road needed to serve the building, meaning full unobstructed access that meets public safety and access requirements (everything except final lift of asphalt, street trees). Public sidewalk for access to the building requesting CO would be required.

3. 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.

4. 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.

Stormwater

5. 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: November 10, 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: Daniel L. Stogall
Development Services Dir/Designee

Date: 07/14/2022

Staff Coordinator: Michael Walters