LOCATION: This 1.25 acre site zoned DX-40-SH is located mid block between Hargett Street and Morgan Street at 121 Fayetteville Street.

REQUEST: This is a 32 story, 758,644 SF mixed use tower (Building two) adjacent to an 11 story (Building one) 257,187 SF mixed use parking structure.

One Administrative Alternate, One Design Adjustment, and one Hardship Variance have been approved for this project, noted below. (AAD-25-20, BOA-0063-2019, A-24-20)

1. Administrative Alternate (AAD-25-20) - Pedestrian Access, Building Massing, Transparency, and Blank Wall
3. Design Adjustment (A-24-20) Minimum width between driveways, Access to loading dock area, relief from cross access requirements,

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 January 8, 2021 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:

Engineering

1. A plan for Traffic Control and Pedestrian Plan must be submitted prior to the start of any work on site that impacts the public right-of-way. Pedestrian access must be maintained at all times on Fayetteville Street and Wilmington Street. A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.

Stormwater

2. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).
3. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

4. A stormwater impact analysis is submitted showing compliance with UDO 9.2.2.A.4. for any impervious increase on the offsite lot.

Urban Forestry

5. 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.

☐ Sidewalk 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 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 this document is not provided, further recordings and building permit issuance will be withheld.

☑️ **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:*

**Engineering**

1. A plan for Traffic Control and Pedestrian Plan must be submitted prior to the start of any work on site that impacts the public right-of-way. Pedestrian access must be maintained at all times on Fayetteville Street and Wilmington Street. A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.
2. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

Stormwater

3. 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).

4. 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.

5. 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).

6. 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

7. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 5 street trees along S Wilmington St.

8. A public infrastructure surety for 5 street trees (Tree Grate) is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

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).

Urban Forestry

2. Final inspection of all right of way street trees by Urban Forestry Staff.

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:  July 21, 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: Alyssia Bailey Taylor  Date: 03/24/2021
Development Services Dir/Designee

Staff Coordinator:  Michael Walters