LOCATION: The site is generally located at the northeast corner of the intersection of Glenwood Avenue and W North Street, with common street addresses of 400 and 410 Glenwood Avenue.

REQUEST: Demolition of the south portion of the existing Creamery Building, and development of an approximately 650,000 square foot 21-story mixed use, and a 1-story open air loggia building on the property with a common street address of 410 Glenwood Avenue. Development of an approximately 392,000 square foot 37-story mixed use building containing 295 dwelling units on the property with a common street address of 400 Glenwood Avenue. The subject 2.38 acres zoned DX-40-CU (Z-28-20).

Design Alternates (DA-0027-2021) allowing a minimum 12 foot stepback at varying heights 18 feet and height for portions of the Residential Tower fronting North Street and Glenwood Avenue (UDO Section 3.3.3.F), allowing a 116 foot alternate to RSDM Section 9.5.2.C to allow two driveways 84 feet apart on W North Street, and alternates reducing the minimum transparency required along Tucker Street, W North Street, and Glenwood Avenue. (See the approved Appearance Commission minutes from February 3, 2022 for details).

BOA-0070-2021 (February 24, 2022) approval granting a 2 foot variance from the minimum 3 foot primary street setback set forth in UDO Section 3.2.6.B1 along W North Street for the proposed mixed use building at 410 Glenwood Avenue, and a variance from the required 0’ to 6’ side setback set forth in UDO Section 3.2.6.B along the east property line for the proposed mixed use building at 410 Glenwood Avenue.

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 3, 2022 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:

General

1. That a final location of a City Bikeshare station is approved by Transportation Planning and that location shown on the SPR plans.
2. Demonstrate compliance with the minimum bicycle parking standards per UDO Section 7.1 (pre-TC-11-21).

3. Demonstrate compliance with UDO Section 7.4 (Site Lighting).

Engineering

4. A Traffic Control and Pedestrian (TCPED) Plan must be approved and a right-of-way occupancy permit must be obtained from Right-of-way Services for any construction activities within the right-of-way.

5. An encroachment submittal for specific hardscape not outlined in the City of Raleigh standard details and grease traps within the public right-of-way shall be approved by City Council. The executed encroachment agreement shall be filed with the Development Services Department for the approval by City and returned to the Owner. The Owner is responsible to record the executed encroachment agreement with the Wake County Register of Deeds. A recorded copy of these documents must be provided to the Development Services Department.

Public Utilities

6. 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

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

8. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (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:

Engineering

1. A public street right-of-way deed of easement, in addition to a plat showing the location of the easement, shall be submitted to the Planning and Development Services Department for review, and if acceptable, approved for recordation. Approved plats must be recorded at the Wake County Register of Deeds Office on or before the 14th day following approval by the City. The 14-day expiration date shall be clearly indicated on the plat. By the end of the next business day following recordation of the plat, all required legal instruments (including deeds of easement) shall be recorded, and recorded copies of the plat and all legal instruments required by the City in association with development approval shall be provided to the City. (Reference: UDO 8.1.7.A; 10.2.5.F.4.d)
2. 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.

3. A sidewalk deed of easement, in addition to a plat showing the location of the easement, shall be submitted to the Planning and Development Services Department for review, and if acceptable, approved for recordation. Approved plats must be recorded at the Wake County Register of Deeds Office on or before the 14th day following approval by the City. The 14-day expiration date shall be clearly indicated on the plat. By the end of the next business day following recordation of the plat, all required legal instruments (including deeds of easement) shall be recorded, and recorded copies of the plat and all legal instruments required by the City in association with development approval shall be provided to the City. (Reference: UDO 8.1.7.A; 10.2.5.F.4.d)

Stormwater

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. 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. 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).

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).

8. 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.

Urban Forestry

9. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes (3) street trees along W. North St., (10) street trees along Glenwood Ave., (5) street trees along Tucker St.

10. A public infrastructure surety for (15) tree grate street trees and (3) tree lawn street trees 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.
The following are required prior to issuance of building occupancy permit:

General

1. That the City Bikeshare station is installed.

2. 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.

3. Before issuance of a certificate of occupancy for new construction, a preservation easement will be recorded on that portion of property listed in Deed Book 17795 Page 2292 of the Wake County Registry, PIN 1704417007, including the structures identified as the original 1928 and the 1940s addition in the Historic Landmark Report, and generally occupying two hundred (200) feet south and one hundred twenty-five (125) feet east of that parcel’s northwest corner. (Zoning Condition #2, Z-28-20)

4. The site plan for development of the property shall provide for a location on the property or adjacent right-of-way to accommodate a City bikeshare station and the property owner shall provide a station of no fewer than 4 docks. If provided on the property, the property owner shall install the City bikeshare station prior to issuance of a certificate of occupancy. (Zoning Condition #4, Z-28-20)

Stormwater

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

6. 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: October 12, 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: ____________________________  Date: __________
Daniel L. Stagall
Development Services Dir/Designee

Staff Coordinator: Kasey Evans