LOCATION: This site is located on the east side of Sunnybrook Road, west of Michael J Smith Lane at 200 Michael J Smith Ln.

REQUEST: Development of a vacant 4.26 acre/185,694 sf tract zoned OX-5-PL-CU in a TOD; includes .08 acres/3,293 sf of right-of-way dedication leaving a net area 4.19 acres/182,401 sf. A new proposed 102,779 sf, 100 multi-unit affordable housing apartment building. Proposed parking spaces includes 37 spaces (per Sec.4.UDO Sec.7.1.3.B.1.a) for TOD (Transit Overlay Districts) under text change, TC-1A-20.

Z-8-21: 200 Michael J Smith Ln & 231 Allen Grove Ct - Permitted Use Allowances

BOA-0004-2022: Adopted April 11, 2022 - A variance for required build-to design % in a TOD overlay (which must comply with Urban Limited frontage design requirements per Sec.5.5.1.D.1.b & Sec.3.4.7.C) as well as site elements along Michael J Smith Ln.

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 May 16, 2022 by Swift Partners PLLC.

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. A copy of the SWS Will Serve letter is transposed into the Site Permit Review plans set sheets.

2. Applicant labels and locates the HVAC mechanical system units and demonstrate screening in accordance with Sec.7.2.5.D.
3. Demonstrate and revise the elevation sheet A3.03, of the approved preliminary site plan (ASR), to show compliance with UDO Sec.7.2.8.E (TC-19-19) for building foundational height. Applicant must label the bottom floor & dimension the floor height from grade level.

4. The site data table is revised and notes the TOD overlay district with the current zoning information.

Stormwater

5. 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).

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

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

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

Urban Forestry

9. 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).

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

- RECORD 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:

Urban Forestry

1. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes .10 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:

Engineering
1. 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.

2. A fee-in-lieu for 1’ of sidewalk shall be paid to the City of Raleigh (UDO 8.1.10).

3. A 5’ utility placement easement 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)

4. 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)

Public Utilities

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

Stormwater

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. 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).

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).

Urban Forestry

9. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1).
10. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 9 street trees along Carl Sandburg Land and 17 street trees along Michael J Smith Lane.

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

General

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

Stormwater

2. 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: June 8, 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: 06/08/2022
Daniel L. Stegall
Development Services Dir/Designee

Staff Coordinator: Jermont Purifoy