



# Administrative Approval Action

Case File / Name: ASR-SR-43-2019  
The Sussex Apartments

City of Raleigh  
Development Services Department  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2492  
currentplanning@raleighnc.gov  
www.raleighnc.gov

**LOCATION:** This land use approval includes two sites. One site is comprised of two lots (addressed at 113 and 115 N Rogers Ln) located on the south side of Neuse View Drive and west side of N Rogers Lane. The other site is comprised of two lots (addressed at 290 and 300 N Rogers Ln) located on the east side of N Rogers Lane, south side of Robbins Drive, and west side of Anderson Point Drive. Both sites are located in City corporate limits.

**REQUEST:** Development of two vacant tracts of land (13.8 acres and 3.2 acres) zoned RX-4-CU (Z-11-16), with a portion located in the SHOD-1. The plans propose multi-unit living with a total 216 dwelling units. These will be located in five Apartment buildings on the larger tract and two Apartment buildings on the smaller tract. Total proposed gross floor area is 293,927 sq ft. Note that a 4.416 acre vacant open space tract (Lot 300, BM 2017, page 00004) is being recombined into a 9.421 acre parcel to create the 13.8 acre lot shown on this development plan. No construction is occurring within the area designated as open space.

The Board of Adjustment approved two variances related to this project. Case A-117-19 was approved for relief from certain build-to requirements required by the Apartment Building Type.

Case A-118-19 was approved for relief from certain block perimeter and cross-access standards.

**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 December 17, 2019 by Volunteers of America National Services Development.

## 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. The site permitting plans will provide additional information to address side street build-to compliance for Neuse View Drive (required per UDO 3.2.4.D3-D4). The following will be provided in the plans: dimension the frontage length, show the build-to range (minimum and maximum) along the frontage, dimension the width of building façade in the build-to range, and provide calculations showing the cumulative width of building façade in the build-to range as a percentage of total frontage length.



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- 2. The site permitting plans will provide separate elevations for each proposed building/structure subject to maximum height requirements. Compliance will be clearly demonstrated, to include all spot elevation measurements and a dimension from the more restrictive average grade to top of r
- 3. All final site plans for permitting shall show the designated open space/greenway easements currently shown on the 4.416 acre lot 300, BM 2017 page 00004 which is proposed for recombination to create tract 1 as shown on the preliminary plan.

## Engineering

- 4. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering prior to concurrent review approval.
- 5. 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

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

## Urban Forestry

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

**LEGAL DOCUMENTS** - Email to [legaldocumentreview@raleighnc.gov](mailto: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.

<input checked="" type="checkbox"/>	Stormwater Maintenance Covenant Required
<input checked="" type="checkbox"/>	Utility Placement Easement Required

<input checked="" type="checkbox"/>	Slope Easement Required
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**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:**



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## General

1. The recombination map proposed to create the 13.834 acre tract 1 as shown on the preliminary plan shall show and label the 4.416 acre open space/greenway easement as currently shown on existing lot 300 of BM 2017, page 00004. A note shall be included on the recombination plat that states "Open space/greenway easement in accordance with City of Raleigh re-zoning case Z-11-16." The recombination map shall also show all other easements of record established on previous plats and by deeded instruments.

## Engineering

2. 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 a 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.
3. 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.
4. Slope easements and associated deeds of easement shall be approved by the City and the location of the easements 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

5. The flood prone areas, as approved by the City Stormwater Engineer and shown on the preliminary plan, shall be shown on the recorded map (UDO 9.3.3.G).
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).

**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



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1. Provide fire flow analysis.
2. Comply with all conditions of Z-11-16, A-117-19, and A-118-19.
3. A recombination map shall be recorded to recombine the existing lots into two tracts as shown on the preliminary plan. One recombination map shall recombine existing Lots 200 and 300 (BM 2017 Pg 00004) into a single lot. The other will recombine existing Lots 3 and 4 (BM 2004 Pg 1869) into a single lot. The recombination map for existing Lots 200 and 300 shall show and label the 4.416 acre open space/greenway easement as currently shown on existing lot 300 of BM 2017, page 00004. A note shall be included on the recombination plat that states "Open space/greenway easement in accordance with City of Raleigh re-zoning case Z-11-16."
4. Street names for this development shall be approved by the Raleigh GIS Division and by Wake County.

## Engineering

5. A fee-in-lieu for 1' in sidewalk width for the frontages that have existing 5' sidewalks shall be paid to the City of Raleigh (UDO 8.1.10).
6. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

## Stormwater

7. 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).
8. If total land disturbance will be over 12,000 sq. ft. for multiple houses, a separate site plan submittal & approval will be required. Site plans require an erosion control plan. (UDO 9.4.6.)
9. 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

10. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 10 street trees along Neuse View Drive, 13 street trees along N. Rogers Lane, and 20 street trees along Anderson Point Drive for a total of 43 street trees.
11. A public infrastructure surety for street trees shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).
12. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1).
13. A fee-in-lieu for 9 street trees shall be paid to the City of Raleigh (UDO 8.1.10).



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**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:

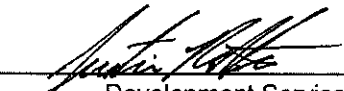
**3-Year Expiration Date:** January 27, 2023

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: 01/28/2020  
Development Services Dir/Designee  
Staff Coordinator, Ryan Boivin