

Case File / Name: SUB-0008-2021 DSLC - DOWNTOWN SOUTH

LOCATION:	This 48.53 acre site consisting of multiple parcels zoned CX-40-UL CU and CX-20-UL CU (Z-13-2020) and SHOD-2 is located on the east side of S. Saunders Street at the northeast corner of the intersection of S. Saunders Street and
	Interstate 40.
REQUEST:	The proposed development is a conventional thirty lot subdivision along with associated infrastructure on a 48.53 acre site consisting of multiple parcels to be recombined and re-subdivided along with closure of portions of existing public street right-of-way. This is a phased development to be done in eight phases.
DESIGN ADJUSTMENT(S)/ ALTERNATES, ETC:	ASR-0098-2021: DSLC - Administrative Site Review [ASR]/Administrative Site Review
	Review

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 24, 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:

☑ <u>SITE PERMITTING REVIEW</u> - 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. For ease of platting, provide a sheet showing only lots (numbered) including community/hoa lots, right of way, and easements.

#### Engineering

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

#### **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.
- 4. A Water Model in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval prior to concurrent approval.

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

#### **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).

☑ <u>LEGAL DOCUMENTS</u> - 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.

Ø	Public Access Deed of Easement Required	
Ø	Transit Deed of Easement Required	
Ø	Stormwater Maintenance Covenant Required	

Ŋ	Utility Placement Deed of Easement Required
Ø	Right of Way Deed of Easement Required

☑ <u>**RECORDED MAP(S)**</u> - 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:

#### General

- "The following notes must be included on the plat: "Before any Certificate of Occupancy can be issued for any residential units constructed within the area subject to the zoning condition, an Affordable Housing Deed Restriction must be placed on the subject property per Zoning Condition No. 17."
- 2. A demolition permit shall be issued and this building permit number shown on all maps for recording the applicable phase.



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3. The following note shall appear conspicuously on the plat for recording:

"This property is subject to the zoning conditions contained in City of Raleigh Ordinance No. (2020) 172 ZC 809 (Z-13-20)."

• Zoning Conditions 4 and 17 require certain elements to be in place (including but not limited to 10% affordable housing units) before a Certificate of Occupancy can be issued for any structure that would result in occupancy of more than 999 dwelling units.

• Before any Certificate of Occupancy can be issued for any residential units constructed within the area subject to the zoning condition, an Affordable Housing Deed Restriction must be placed on the subject property per Condition No. 17.

• Zoning Condition 5 requires certain elements to be in place before a Certificate of Occupancy can be issued for any structure that would result in occupancy of more than 1,699 dwelling units.

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

#### Engineering

- 5. 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)
- 6. A public access 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)
- 7. 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)



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- 8. That the existing right-of-way for public streets to be abandoned is approved by the City and a resolution number shown on all plats in the applicable phase of development.
- 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.

#### **Public Utilities**

- 10. A fee-in-lieu of construction shall be paid to the City of Raleigh Public Utilities Department for the construction of a 12" DIP W/L in street 3 across the frontage of lot 25
- 11. Infrastructure Construction Plans (concurrent submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

#### Stormwater

- 12. 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).
- 13. 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).
- 14. 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).
- 15. 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).
- 16. The maximum allocated impervious area for all applicable lots in the subdivision should be identified on all maps for recording.
- 17. 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).
- 18. 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).

#### Transportation



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19. A transit 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)

#### **Urban Forestry**

- 20. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1).
- 21. A public infrastructure surety for a total of 176 street trees (123 tree grate, 53 tree lawn). of those are total 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.

☑ <u>BUILDING PERMITS</u> - 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:

#### **Public Utilities**

- 1. A plat must be recorded at the Wake County Register of Deeds office for all utility easement dedications.
- 2. Utility re-alignment construction shall be substantially complete (to eliminate conflict with new building).
- 3. 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).

#### Stormwater

- 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).



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6. Impervious restrictions for each lot must be recorded on a plat prior to building permit issuance.

#### **Urban Forestry**

- 7. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 30 street trees along Water Works Street, 36 street trees along Centerline Street, 20 street trees along Anthem Street, 23 street trees along S Saunders Street, 19 street trees along Green Street and 48 street trees along Rigby Street.
- 8. 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. 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.
- 2. Final inspection of all tree conservation areas and right of way street trees by Urban Forestry Staff

#### Stormwater

- 3. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).
- 4. 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: If significant construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: September 30, 2025 Record at least  $\frac{1}{2}$  of the land area approved.

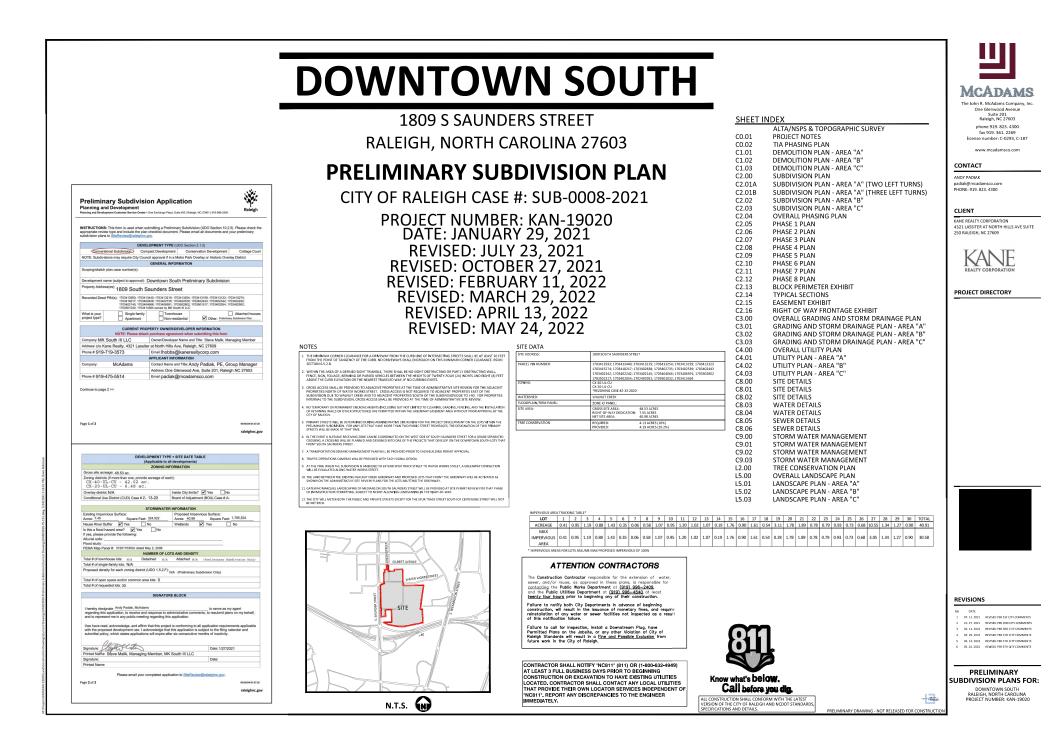
5-Year Sunset Date: September 30, 2027 Record entire subdivision.

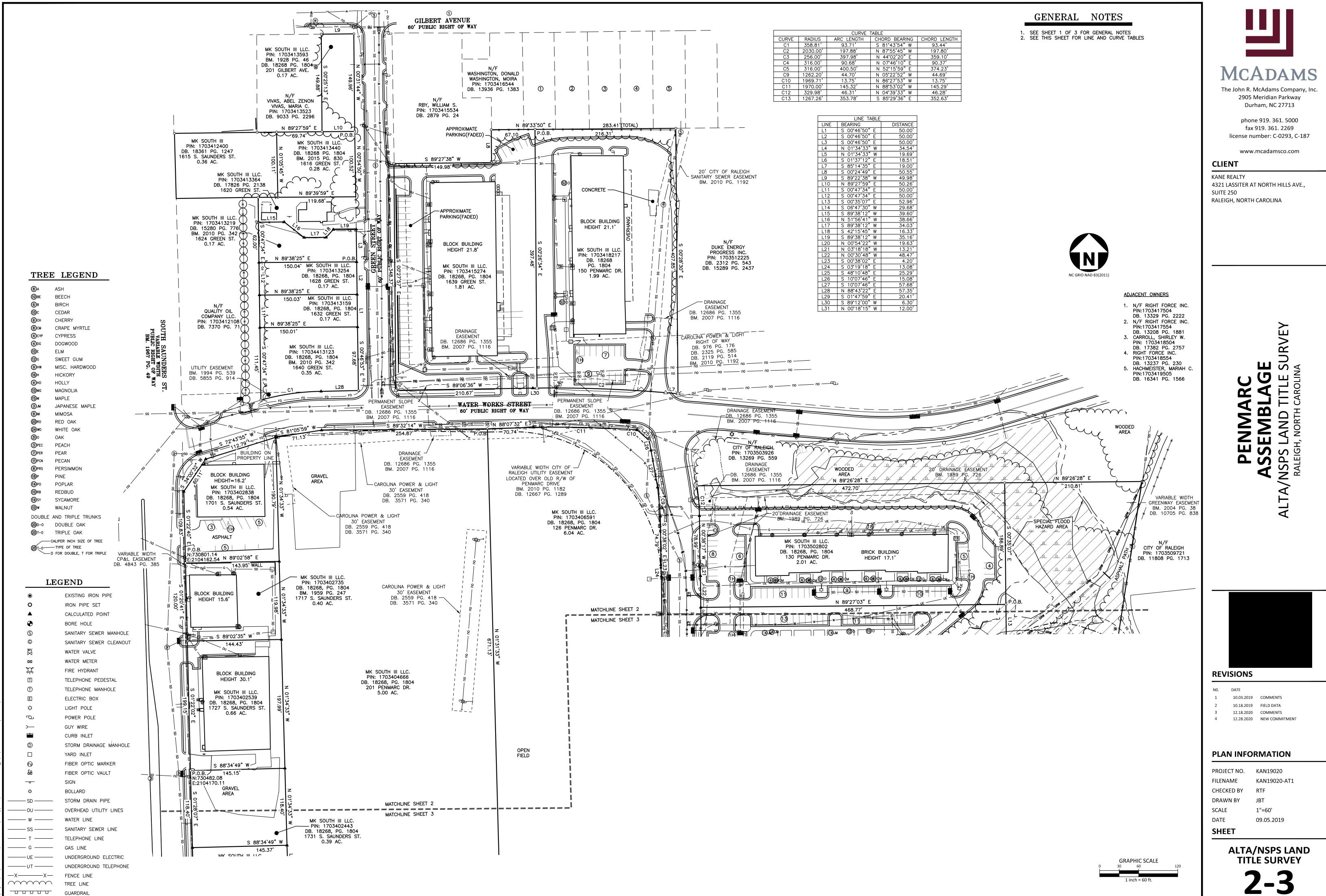
I hereby certify this administrative decision.

Staff Coordinator: Michael Walters

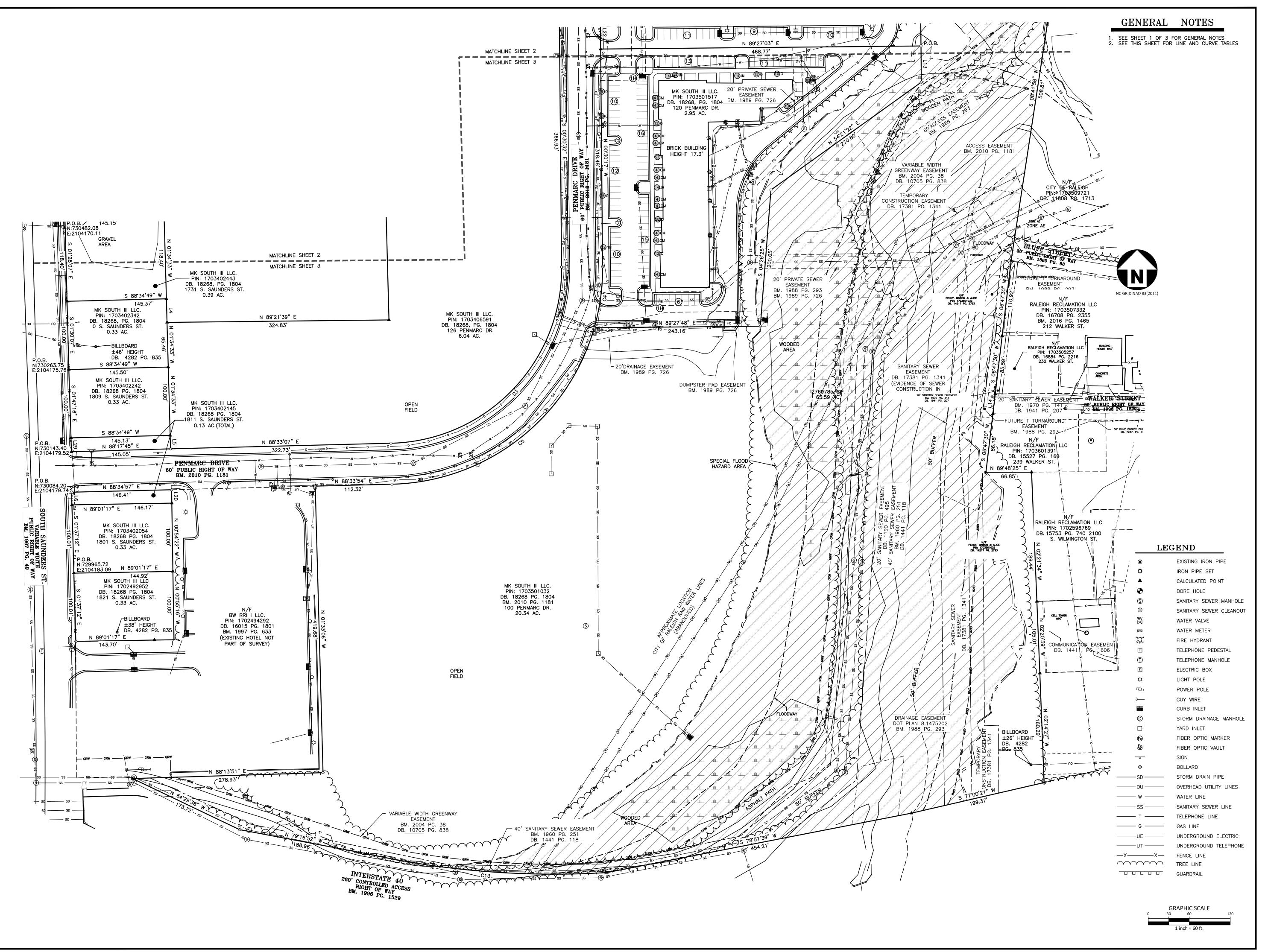
06/03/2022 Signed: Date: Development Services Dif Designee

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## CLIENT

KANE REALTY 4321 LASSITER AT NORTH HILLS AVE., SUITE 250 RALEIGH, NORTH CAROLINA

# PENMARC ASSEMBLAGE LTA/NSPS LAND TITLE SURVE RALEIGH, NORTH CAROLINA



•	DATE		
	10.03.2019	COMMENTS	
	10.18.2019	FIELD DATA	
	12.18.2020	COMMENTS	
	12.28.2020	NEW COMMITMENT	

## PLAN INFORMATION

SHEET	
DATE	09.05.2019
SCALE	1"=60'
ORAWN BY	JBT
CHECKED BY	RTF
ILENAME	KAN19020-AT1
PROJECT NO.	KAN19020



