LOCATION:  This 5.78 acre site zoned R-10-CU (Z-41-20) is located on the north side of ACC Blvd, just west of the intersection of ACC Blvd and Alexander Town Blvd at 7630 and 7650 ACC Blvd. One of the current parcels comprising this site is outside the city limits and the other is within.

REQUEST:  This is a Revision to a previously approved conventional town home subdivision consisting of 39 residential lots and one Common/HOA lot all served off of a private residential drive. The revision includes minor changes in lot layout and configuration as well as approval of an additional lot (previously 38 building lots and one common area lot were approved; 39 building lots and one common area lot for a total of 40 lots are approved with this revision). The revision requires a new appeal period and a new sunset date. The previous sunset date was 1/4/25. The new sunset date is 5/11/25.

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 October 22, 2021 by NV5 ENGINEERING.

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. As driveways associated with lots 25, 26, and 27 cross HOA maintained property to access the drive, a cross access easement for each driveway section needs to be shown and recorded or lots should be revised showing the driveways all on private property up to the access drive easement.

2. A 100’ CP&L electric easement crosses the project diagonally. Provide verification that the utility company is in agreement with the encroachment of this easement. Provide a copy of the approval notification from the easement holder.

3. a) Lighting plan sheet needs to be revised to show the proposed (new) layout and lots. and  
   b) Sheets 200 and 201 - At the rear of lots 36-39 please label the new retaining wall and show a  
      maintenance and access easement (as it crosses private lots).

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4. 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

5. 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.

6. The Developer shall provide a letter or e-mail from DUKE ENERGY authorizing new waterline encroachment across existing transmission easement prior to concurrent approval.

Stormwater

7. 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).

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

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

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

11. Written permission from the power company must be provided for any proposed land disturbance in the power company easement.

Urban Forestry

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

13. 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. 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.

- Public Access Easement Required
- Stormwater Maintenance Covenant 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:
General

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

Engineering

2. A Public Access deed of easement 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.

3. A public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

4. A public infrastructure surety for 18 street trees is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

Public Utilities

5. Infrastructure Construction Plans (concurrent submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, sewer and private sewer extensions

6. A Water Assessment fee shall be paid to the Assessment Specialist in the City of Raleigh Engineering Services Department ($3,596)

7. As part of the site is outside the city limits, a Petition for Annexation into the City limits shall be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property.

Stormwater

8. 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).

9. 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).

10. The maximum allocated impervious area for all applicable lots in the subdivision should be identified on all maps for recording.

11. 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).
12. 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).

13. 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).

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).

Urban Forestry

15. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes .61 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:

Public Utilities

1. A plat must be recorded at the Wake County Register of Deeds office for subdivision & utility easement dedication

Stormwater

2. 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.

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

Urban Forestry

4. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 24 street trees along ACC Blvd.

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

General
1. All Water & Sanitary Sewer 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: May 11, 2025
Record at least ½ of the land area approved.

5-Year Sunset Date: May 11, 2027
Record entire subdivision.

I hereby certify this administrative decision.

Signed: Alycia Bailey Taylor  Date: 01/12/2022
Development Services Dir/Designee

Staff Coordinator: Michael Walters