LOCATION: This site is located on the north side of Rush Street, west of Garner Road at 2613 Garner Rd.

REQUEST: Development of a vacant 8.04 acre tract zoned R-10, with 5,532 sf of right-of-way dedication along Garner Rd, leaving a net area of 7.92 acres into a proposed 64 unit townhomes development. This subdivision will create a total of 64 townhome lots and six common lots. Note this plan shows offsite improvements. The offsite access easement and bridge are to be finalized through separate applications and permits as applicable.

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 September 1, 2020 by Thompson and Associates.

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. Applicant revises the min/max build-to boundaries and calculations, as shown on sheet 11 of the subdivision plans set, for the Lots 1-12, to be dimensioned from Garner Road (Primary Street).

2. A detail diagram for the short-term bicycle parking spacing & maneuverability shall be included with the Site Permit Plans set demonstrating compliance with Raleigh Street Design Manual B.20-01.

3. The build-to line setbacks and calculations table are revised, for units 1-12, on the Site Permit Review, per the corrected & revised primary street designation of Garner Rd.

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. 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).

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).

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

Urban Forestry

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

11. 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.

<table>
<thead>
<tr>
<th>☑️ Public Access Easement Required</th>
<th>☑️ Slope Easement Required</th>
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<tbody>
<tr>
<td>☑️ Utility Placement Easement Required</td>
<td>☑️ Stormwater Maintenance Covenant Required</td>
</tr>
<tr>
<td>☑️ City Code Covenant Required</td>
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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:

General

1. The City Code Covenant shall be approved by the City and recorded with the county register of deeds office where the property is located and a copy of the recorded document shall be provided to the City by the end of the next business day following the recordation of the final plat. Further recordings and building permits will be withheld if the recorded document is not provided to the City.

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

Engineering
3. 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 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.

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

5. 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.

6. A fee-in-lieu for 1’ width sidewalk is paid to the City of Raleigh (UDO 8.1.10).

7. A fee-in-lieu for 3.5’ width of back to back curb section shall be paid to the City of Raleigh (UDO 8.1.10) for length of property frontage along Garner Road.

8. A fee-in-lieu for 114’ length of road section (Neighborhood Yield Section) is paid to the City of Raleigh (UDO 8.1.10).

9. A slope easement deed of easement shall be approved by City staff and the location(s) of the easement shall be shown on a plat 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 recording. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.

10. 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.

Stormwater

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

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. 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).
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. 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

16. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 0.792 acres of tree conservation area.

17. A public infrastructure surety for 27 street trees is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

**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**

1. At BLDNR submittal, each block of townhomes units demonstrate compliance with Average Grade and Most Restrictive Grade per Sec.1.5.7.A & TC-17-16.

**Urban Forestry**

2. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 11 street trees along Garner Road, 6 street trees along “Street 1”, and 10 street trees along “Street 5” for a total of 27 street trees.

**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: December 7, 2023
Record at least ½ of the land area approved.

5-Year Sunset Date: December 7, 2025
Record entire subdivision.

I hereby certify this administrative decision.

Signed: ___________ Taylor  Date: ___________
Alycia Bailey Taylor  Development Services Dir/Designee
Staff Coordinator: Jermont Purifoy

SUB-0034-2020 Biltmore Heights Townhomes
PRELIMINARY SUBDIVISION PLAN
FOR
BILTMORE HEIGHTS TOWNHOMES
C.O.R. PROJECT #SUB-0034-2020
CITY OF RALEIGH, NORTH CAROLINA
64 UNIT TOWNHOME DEVELOPMENT
MAY 11, 2020
REVISED: JULY 9, 2020
REVISED: SEPTEMBER 1, 2020

OWNER:
A. DEVELOPMENT CUSTOM HOMES
2722 SUNLAKES FARMS RD.
APEX, NC 27539