LOCATION: This site is located on the north side of Edwards Mill Road, east side of Duraleigh Road at 4800 Duraleigh Rd.

REQUEST: Subdivision of a 26.38 acre/1,149,371 sf tract zoned RX-5-CU with 2.02 acres/88,236 sf of right-of-way dedication. A net area of 24.36 acres/1,061,135 sf divided into 3 lots. Proposed Lot 1 being 17.17 acres (748,267sf); Lot 2 being .69 acres (29,910 sf); Lot 3 being 6.5 acres (282,958 sf).

BOA-0069-2020 - The Board of Adjustment granted a variance for the relief of the 2 ft ground floor elevation requirements set forth in UDO Sec.3.2.3.G.1 & Sec.3.2.4.F.1 for townhouses and apartments respectively. In addition a variance for a reduction in the primary street build-to for proposed townhomes. Approved 1/11/21.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: SUR-1157-2021: DSENG - Surety/Infrastructure
FIL-1259-2021: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator
ASR-0013-2021: DSLC - Administrative Site Review [ASR]/Administrative Site Review
SPR-0127-2021: DSLC - Site Permitting Review/Major [Signature Set]
RCMP-0225-2021: DSLC - Recorded Maps/Subdivision

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 April 14, 2021 by JOHN A EDWARDS AND CO.

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. Demonstrate compliance with UDO Section 7.2.8.D regarding retaining walls.

Public Utilities

2. 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.

3. A plat shall be recorded for all necessary offsite right-of-way to accommodate future waterline construction.
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. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

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).

**Urban Forestry**

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

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).

**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.

**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.

2. The City Code Covenant is no longer required based on TC-19-20.

3. The greenway easement as shown on the preliminary plan shall be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway.

Engineering

5. A cross access agreement among the lots identified in this development shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded cross access easement shall be returned to the Development Services Department within one day of plat recordation. If a recorded copy of the document is not provided within this time, further recordings and building permit issuance will be withheld.

6. A fee-in-lieu for 1,900 ft of 1ft sidewalk along Duraleigh Road is paid to the City of Raleigh (UDO 8.1.10).

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

8. 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.

9. 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.

10. 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.

11. A sight distance easement shall be approved by the Transportation Department for recording in the Wake County Registry and shown on a plat approved for recordation.

12. A public infrastructure surety for 57 street trees is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

Public Utilities

13. 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

14. 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).
15. 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).

16. 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).

17. 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).

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).

19. 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).

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

Urban Forestry

21. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 2.43 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 all utility easement dedications.

Stormwater

2. If deemed necessary by City of Raleigh Transportation, 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. 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).
4. Impervious restrictions for each lot must be recorded on a plat prior to building permit issuance.

**Urban Forestry**

5. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 27 street trees along Mint Leaf Lane and 30 street trees along Cypress Tree Lane.

6. 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.

**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 15, 2024
  Record at least ½ of the land area approved.

- **5-Year Sunset Date:** September 15, 2026
  Record entire subdivision.

I hereby certify this administrative decision.

Signed: Alysia Bailey Taylor

Development Services Dir/Designee

Date: 05/19/2021

Staff Coordinator: Jermont Purifoy