LOCATION: This site is comprised of three lots located on the east of N. Raleigh Boulevard, south of Millbank Street at 2206 and 2210 Millbank Street and 2308 Euston Street. Development of a 4.00 acre tract zoned R-6 (Residential 6) into a proposed 13 lot subdivision. The net area of this site is 3.18 acres with .01 acres of right-of-way dedication along Millbank Street and a proposed new street right-of-way dedication of .81 acres. Lots 1-3 are proposed detached single-family dwellings; Lots 4-12 are proposed attached duplex dwellings with Lot 13 a Common HOA Lot. This subdivision is a revision to the previously approved subdivision plan, S-65-18. The purpose of this subdivision, SUB-S-65-2018, entitled "Millbank Infill Subdivision Amendment," is to create a phase line, into Phases 1 and 2 between the detached single-family dwellings (Lots 1-3) and the proposed attached duplex dwelling lots (4-13). In addition, retaining walls are being proposed across Lots 4, 8-10 and 13. The proposed phase line is in compliance with UDO Sec.10.2.5.E.6. No other changes are being proposed with this subdivision revision. Note the expiration (sunset) dates for this plan are unchanged. The date of approval for the revision is May 28, 2020.

REQUEST: SPR-0083-2019: DSLC - Site Permitting Review/Major [Signature Set]

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 22, 2020 by Shipman Engineering, PLLC.

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 proposed new retaining walls are located & shown on the revised Site Permit Review Plans set, across Lots 4, 8-10 & 13, noting "top of wall" & "bottom of wall" heights from average grade, as shown on the revised subdivision plans set for "SUB-S-65-2018 Revision."

2. The new phase line, as shown on the approved revised preliminary plans set SUB-S-65-2018, for Phase 1, 2 is also shown & labeled on the SPR plans set.

3. A detailed description of the proposed retaining walls on proposed lots 4, 8-10 & 13 is included with the Site Permit Review drawings, demonstrating top & bottom of wall heights in accordance with Sec.7.2.8.
Engineering

4. 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.

5. The phasing shall be further clarified prior to approval of site permitting review. There was language left on the cover sheet speaking to a prior submittal. More specifically what improvements are being spoke to in phase 1 and the requirement that all public improvements will be constructed by the development and that timing (further referenced in these conditions of approval.) The noted intent of the submittal to staff from the applicant is for lots 1-3 to be a singular phase 1 and the remaining lots phase 2.

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. 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).

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

☑️ 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.

| ☑️ Utility Placement Easement Required | ☑️ Slope Easement Required |
| ☑️ Stormwater Maintenance Covenant Required | ☑️ City Code 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. 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.

3. A demolition permit shall be issued and this building permit number shown on all maps for recording.

Engineering

4. A public infrastructure surety 33 street trees total is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3). Phase 1 requires a street tree surety for 9 trees. Phase 2 requires a street tree surety 24 trees.

5. A fee-in-lieu for 6’ sidewalks and across the frontage of lots 1, 2, 3 and 10 (along the Brighton Road frontage) is paid to the City of Raleigh (UDO 8.1.10).

6. 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.

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 driveway easement for cross access is being granted voluntarily to the property owner at 2312 Euston Street. The legal document is between the developer and resident. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the subdivision plat. A recorded copy of these documents must be provided to the Development Services Department within one day from authorization of lot recordation.

10. A slope 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.

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

13. 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).

14. 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).

15. 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).

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).

**Urban Forestry**

17. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes .171 acres of tree conservation area. Tree Conservation Areas for both phases are required to be recorded with Phase 1 recorded map.

☑ **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. A subdivision map shall be recorded prior to or in conjunction with the recording of lots, subdividing the existing lot into a multiple tracts.

**Public Utilities**

2. A plat must be recorded at the Wake County Register of Deeds office for all utility easement dedications, as applicable, subdivision, and right of way dedication.

**Urban Forestry**
3. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes .171 acres of tree conservation area. Tree Conservation Areas for both phases are required to be recorded with Phase 1 recorded map.

4. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 9 street trees along Millbank Street and 24 street trees along Millbank Village Court.

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

Engineering

1. Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

Urban Forestry

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: May 22, 2022
Record at least ½ of the land area approved.

5-Year Sunset Date: May 22, 2024
Record entire subdivision.

I hereby certify this administrative decision.

Signed: [Signature]
Development Services Dir/Designee

Date: 05/22/2019

Staff Coordinator: Ryan Boivin