LOCATION: The site is located at 2908 Garner Road and the PIN is 1702944574.

REQUEST: Development of a 1.13 acre tract zoned Residential Mixed Use (RX-3-CU) into 13 townhome lots with 1 common lot. There are corresponding zoning conditions under Z-18-2018.

One variance has been approved by the Board of Adjustment under case A-81-19 for this project.

The variance request entailed a 5’ rear yard setback variance from Unified Development Ordinance Section 3.2.3C and a 3’ variance form the rear setback encroachment allowed under section 1.5.4.D.1.i.

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 30, 2019 by Crumpler Consulting Services.

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. That the final site and landscape plans be revised to show all required shade trees to meet the height and spread size requirements as defined for shade trees in the UDO and to show that all required interior parking lot landscape islands meet the minimum size and dimensional requirements of UDO Section 7.1.7 D2.

Stormwater

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

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

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

**Engineering**

2. A cross access agreement for the shared driveway and sidewalk among the proposed lots and to the adjacent parcel identified by PIN 1702-94-5298 as shown on the preliminary plan 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.

3. A fee-in-lieu for 1’ of sidewalk along Rush Street and Garner Road is paid to the City of Raleigh (UDO 8.1.10).

4. 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.

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

**Stormwater**
7. 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).

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).

☑ 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:

Urban Forestry

1. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes street trees along Rush Street and Garner Road.

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

Stormwater

1. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).

2. 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: October 8, 2022
Record at least ½ of the land area approved.

5-Year Sunset Date: October 8, 2024
Record entire subdivision.
11. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 4 street trees along Gardner Street.

EXPIRATION DATES: The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring re-approval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: October 9, 2022
Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date:
Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

I hereby certify this administrative decision.

Signed: __________________________ Date: 10/10/2019
Development Services Dir/Designee

Staff Coordinator: Jermont Purifoy
PRELIMINARY SUBDIVISION PLANS FOR
GARNER ROAD TOWNHOMES
2908 GARNER ROAD
RALEIGH, NORTH CAROLINA

PREPARED FOR:
TELEGRAPH ROAD PROPERTIES, LLC
7709 SANDY BOTTOM WAY
RALEIGH, NORTH CAROLINA 27513

PREPARED BY:
CRUMPLIER Consulting Services, PLLC
Project Contact: Joshua Crumpler, PE
2308 Ridge Road
Raleigh, North Carolina 27612
Ph: 919-413-1704
P-1533

CITY OF RALEIGH FILE: SUB-S-9-19
CITY OF RALEIGH FILE: S-9-19
CITY OF RALEIGH TRANSACTION #: 586702

NOTE:
1. TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY TURNING POINT SURVEYING, PLLC, DATED 12/05/17.
2. THE RECORDED PARCEL IS LOCATED IN BM 1996, PG 748 WITH A DEED LOCATED IN DB 15207, PG 999, AND A PIN OF 0786.07-59-4717.
3. PROPERTY IS LOCATED IN ZONES X (AREA DETERMINED TO BE OUTSIDE THE O.2% ANNUAL CHANCE AND FUTURE 1% ANNUAL CHANCE FLOODPLAIN) BASED ON THE FEMA MAP NUMBER 3720078600J DATED MAY 2, 2006.
4. NO ONSITE STREAMS OR WETLANDS HAVE BEEN IDENTIFIED WITHIN THE PROJECT OR PARCEL AS SHOWN.
5. THIS DRAWING IS NOT FOR RECORDATION.
6. SOLID WASTE TO BE HANDLED USING ROLLOUT TRASHCANS. ROLLOUT TRASHCANS TO BE STORED ON REAR PATIOS. SOLID WASTE COLLECTION AREA MUST ADHERE TO SCREENING REQUIREMENTS OF UDO SEC. 7.2.5.C AND BE LOCATED TO THE SIDE OR REAR OF BUILDINGS AND MUST BE SCREENED FROM VIEW FROM ADJACENT PROPERTY OR PUBLIC STREET RIGHT-OF-WAY.

BOARD OF ADJUSTMENT-APPROVED VARIANCE DECISION (A-81-19-09/6/19)
DECISION: APPROVED AS REQUESTED.
WHEREAS TELEGRAPH ROAD PROPERTIES, LLC, PROPERTY OWNER, REQUESTS A 5’ REAR YARD SETBACK VARIANCE FROM SECTION 3.2.3.C OF THE UNIFIED DEVELOPMENT ORDINANCE AND A 3’ VARIANCE FROM THE REAR SETBACK ENCROACHMENTS ALLOWED UNDER SECTION 1.5.4.D.1.i IN ORDER TO CONSTRUCT A 13-UNIT TOWNHOUSE DEVELOPMENT THAT RESULTS IN A 15’ REAR YARD SETBACK FOR FOUR OF THE PROPOSED TOWNHOMES AND A REAR YARD SETBACK RANGING FROM 9’-10’ FOR FOUR OF THE ASSOCIATED PATIOS ALL ON A 1.13-ACRE PROPERTY ZONED RX-3 CONDITIONAL USE.

CONDITIONS LISTED: NOVEMBER 16, 2018
1. THE FOLLOWING PRINCIPAL USE LISTED IN ALLOWED PRINCIPAL USE TABLE (UDO SECTION 6.1.4) SHALL BE PROHIBITED: BOARDINGHOUSE; DORMITORY, FRATERNITY, SORORITY; EMERGENCY SHELTER TYPE B. (THE SITE IS IN COMPLIANCE AS THE USE WILL BE TOWNHOMES)
2. THE MAXIMUM NUMBER OF DWELLING UNITS ON THE PROPERTY SHALL NOT EXCEED 16 DWELLING UNITS. (THE SITE IS IN COMPLIANCE AS THE TOTAL NUMBER OF UNITS WILL BE 13 TOWNHOMES)
3. VINYL SIDING SHALL BE PROHIBITED AS AN EXTERIOR BUILDING SIDING MATERIAL, BUT THIS SHALL NOT APPLY TO SOFFETS, EAVES, WINDOWS AND OTHER ARCHITECTURAL ACCENTS. (THE SITE WILL BE IN COMPLIANCE AS THE BUILDING MATERIAL PROPOSED WILL NOT BE VINYL SIDING)
NOTES

1. TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY TURNING POINT SURVEYING, PLLC, DATED 12/05/17.

2. PROPERTY IS LOCATED IN ZONES X (AREA DETERMINED TO BE OUTSIDE THE O.2% ANNUAL CHANCE AND FUTURE 1% ANNUAL CHANCE FLOODPLAIN) BASED ON THE FEMA MAP NUMBER 3720170200-J DATED MAY 2, 2006.

3. NO ONSITE STREAMS OR WETLANDS HAVE BEEN IDENTIFIED WITHIN THE PROJECT OR PARCEL AS SHOWN.

4. THIS DRAWING IS NOT FOR RECORDATION.

5. SOLID WASTE TO BE HANDLED USING ROLLOUT TRASHCANS. ROLLOUT TRASHCANS TO BE STORED ON REAR PATIOS. SOLID WASTE COLLECTION AREA MUST ADHERE TO SCREENING REQUIREMENTS OF UDO SEC. 7.2.5.C AND MUST BE LOCATED TO THE SIDE OR REAR OF BUILDINGS AND MUST BE SCREENED FROM VIEW FROM ADJACENT PROPERTY OR PUBLIC STREET RIGHT-OF-WAY.

OUTDOOR AMENITY NOTES

TOTAL ACREAGE: 1.02 ACRES (44,483 SF)

REQUIRED OUTDOOR AMENITY AREA: 10.0%, 4,448 SF

PROVIDED OUTDOOR AMENITY AREA: 10.0%, 4,568 SF

OUTDOOR AMENITY AREA

3,803 SF

PROPOSED CONCRETE SIDEWALK

PROPOSED LOT LINE

PROPOSED EASEMENT LINE

PROPOSED SETBACK LINE

PROPOSED BUILD-TO