

# Appearance Commission

## Design Alternate Application

The purpose of this request is to seek a Design Alternate from the Appearance Commission. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based on the applicable standard, as outlined in Sec. 10.2.18 of the UDO. **A preliminary subdivision plan, plot plan, or site plan must be submitted to Development Services prior to the submittal of a Design Alternate Application.**

PROJECT	<b>Project Information</b>		
	Project Name		Case Number
	PIN Number		Zoning District
	Property Address		
	City	State	ZIP
	<b>Project Applicant Information</b>		
	Name		Email
	Address		City
	State	Zip Code	Phone
	OWNER	<b>Property Owner Information</b>	
Name		Email	
Address		City	
State		Zip Code	Phone
<b>Attorney Information</b>			
Name		Email	
ATTORNEY	Address		City
	State	Zip Code	Phone
	<b>REQUEST</b>		
REQUEST	<b>I am seeking a Design Alternate from the requirements set forth in the following:</b>		
	UDO Article 8.3.2, 8.3.4, 8.3.5		See page 2 for findings
	UDO Article 8.4, 8.5, Raleigh Street Design Manual		See page 3 for findings

CHECKLIST	
Signed Design Alternate Application	Included
Page(s) addressing required findings	Included
Plan(s) and support documentation	Included
Notary page filled out by owner	Included
Stamped and addressed envelopes; corresponding mailing list per UDO Sec. 10.2.1.C.1.	Included
Fee - \$211.00	Included

## **SUBMITTAL INFORMATION**

**Submit all documentation, with the exception of the required addressed envelopes and notarized certification of owner to:**

**Carter Pettibone**

**[Carter.pettibone@raleighnc.gov](mailto:Carter.pettibone@raleighnc.gov)**

**(p) 919-996- 4642**

**Deliver the addressed envelopes and notarized certification of owner to:**

Department of Planning and Development

One Exchange Plaza, Suite 300

Raleigh NC, 27601

## **UDO Section 8.3.2, 8.3.4, 8.3.5**

### **Design Alternate Findings**

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The Appearance Commission may in accordance with Sec. 10.2.18.D approve a design alternate, subject to all of the following findings.

For design alternates related to block perimeter, please provide the exact linear footage and exhibit/depiction of the existing or proposed block.

1. The approved Design Alternate meets the intent of Sections 8.3.2, 8.3.4, and 8.3.5
  
2. The approved Design Alternate does not increase congestion or compromise safety;
  
3. The approved Design Alternate does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site (no Design Alternate shall be approved when the City Council has authorized a roadway design project in the vicinity, where the roadway design has not yet been finalized); and
  
4. The Design Adjustment is deemed reasonable due to one or more of the following:
  - a. Given the existing physical environment, compliance is not physically feasible;
  
  - b. Compliance would not meaningfully improve connectivity;
  
  - c. Compliance is not compatible with adjacent uses[s]; or
  
  - d. The burden of compliance is not reasonable given the size of the site or the intensity of the development.

# **UDO Articles 8.4, 8.5 and RALEIGH STREET DESIGN MANUAL**

## **Design Alternate Findings**

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The Appearance Commission may in accordance with Sec. 10.2.18.E approve a design alternate, subject to all of the following findings.

For design alternates related to block perimeter, please provide the exact linear footage and exhibit/depiction of the existing or proposed block.

1. The approved Design Alternate meets the intent of Articles 8.4 and 8.5 or the Raleigh Street Design Manual (if applicable);
2. The approved Design Alternate does not increase congestion or compromise safety;
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;
4. The approved Design Alternate has been designed and certified by a Professional Engineer, or such other Design Professional licensed to design, seal, and certify the alternate;
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and
6. The Design Alternate is deemed reasonable due to one or more of the following:
  - a. Given the existing physical environment, including but not limited to the following, compliance is not physically feasible:
    - i. An existing building would impede roadway expansion; or
    - ii. Transitioning from a different street section; or
  - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

# City of Raleigh, NC Appearance Commission Application Instructions



## **PRE-APPLICATION MEETING**

A pre-application meeting with City staff is required **prior to** the submittal of a Design Alternate Application. Please contact the Transportation Reviewer assigned to your Development Plan Application to schedule a Pre-application meeting. For general questions regarding the process to seek a Design Alternate, please contact [Daniel.king@raleighnc.gov](mailto:Daniel.king@raleighnc.gov).

**FILING FEE: \$211.00**

## **SUBMITTAL REQUIREMENTS**

Design Alternate Applications can be downloaded from City's official website [Design Alternate Process](#). An application will not be considered complete until **ALL** the following items have been submitted:

1. Payment of filing fee - All applications must be paid via check made out to the "City of Raleigh";
2. The most current version of your Development Plan highlighting the Design Alternates requested must be included with your application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan **no later than 15 business days prior to the evidentiary hearing on your Application.**
3. A list that includes the names and mailing addresses of the following: (1) owner(s) of the subject property included in the Application and (2) the owners of all property within 100 feet on all sides of the Subject Property, all as listed in the Wake County tax records at the time of submittal. Applicants may utilize the Label Creator tool located on the City's webpage <https://raleighnc.gov/board-adjustment>;
4. One (1) original hard copy of the signed and notarized Certification of Owner(s) or Applicant(s); and
5. Stamped (first class) and labeled envelopes addressed to the owner(s) of the Subject Property and the owners of all property within 100 feet on all sides of the Subject Property as noted on the required list. It is requested that the envelopes be self-sealing (peel and stick) and labeled with the following return address: Department of Planning and Development, City of Raleigh, P.O. Box 590, Raleigh, NC 27602-0590

***\* Notarized Certification of Owner(s) or Applicant(s) and Stamped and Addressed Envelopes MUST be submitted by the filing deadline \****

## **FILING DEADLINES**

Complete applications must be filed minimum a of 60 days prior to the date the Appearance Commission conducts the evidentiary hearing on the application. If the Development Plan is amended, you must update the Design Alternate Application to include a copy of the most recent version of the Development Plan no later than 15 business days prior to the evidentiary hearing on the application.

## **PUBLIC HEARING REQUIREMENT**

The Raleigh Appearance Commission conducts evidentiary hearings on requests for Design Alternates. The Appearance Commission considers the application and the sworn testimony, and other relevant written and/or illustrative evidence entered into the record at the evidentiary hearing on the application.

Notification of the public hearing will take place by each of the following methods:

- **By Mail** – City Staff will prepare and mail a written notice to the owner(s) of the property (the “Subject Property”) included in the Design Alternate Application and the owners of all property within 100 feet on all sides of the Subject Property. This notice will be postmarked not more than 25 calendar days and no less than 10 calendar days prior to the date of the evidentiary hearing.
- **By Web** - Notice will be posted on the City’s official website no less than 10 calendar days prior to the date of the evidentiary hearing.
- **On-Site** - Notice will also be posted by City staff on the Subject Property at least 10 days prior to the date of the evidentiary hearing. ***NOTICE TO APPLICANT - The applicant must retrieve the posted sign the morning of the evidentiary hearing and return it to the City either at the evidentiary hearing or within three (3) business days following the evidentiary hearing or they will be charged \$45.00.***

### **QUASI-JUDICIAL EVIDENTIARY HEARING**

You or your legal representative are **required** to attend and present your case before the Appearance Commission. The Appearance Commission will consider the application, any other relevant written and/or illustrative evidence entered into the record, including the Staff Report, and any sworn testimony, all at an evidentiary hearing. After the evidentiary hearing, the Appearance Commission will vote to approve, approve with conditions, or deny the application.

Appearance Commission meetings are typically held the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month in the City Council Chamber, Room 201 of the Raleigh Municipal Building located at 222 W. Hargett Street. Meetings begin at 4:30 p.m. unless otherwise specified.

The Appearance Commission conducts evidentiary hearings on Design Alternate Applications at its meeting on the 1<sup>st</sup> Thursday of each month.

The Appearance Commission conducts an evidentiary hearing and makes its decision based on the written and oral evidence in the record. Members of the Appearance Commission must refrain from *ex parte* communications (communications outside of the hearing itself) regarding upcoming or ongoing cases including the applicant and other members of the Appearance Commission. All testimony before the Appearance Commission must be “sworn” testimony; therefore, all persons wishing to speak on the matter must be sworn in

All applicants are advised to have an attorney represent them as this is a legal proceeding. Applicants that are entities, including governmental entities, corporations, LLCs, LLPs and Partnerships must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as witnesses; they may not appear on behalf of an applicant or those opposed to an application in a representative capacity. In addition, only an expert can testify regarding matters that require expert testimony such as impacts of proposed activities on property values, traffic, or stormwater runoff. Individuals opposed to an application may appear and represent themselves at the hearing (entities opposing an application, however, must be represented by an attorney as explained above).

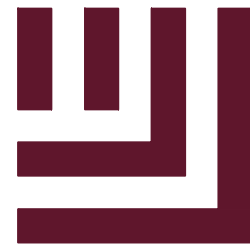
### **ADDITIONAL INFORMATION:**

The aforementioned is provided for informational purposes only. For further information, applicants are advised to consult the appropriate sections of the North Carolina General Statutes, the City Code, and the City’s Unified Development Ordinance (“UDO”).

For further information on the quasi-judicial hearing process, please review “A Citizen’s Guide to Evidentiary Hearings” available on the City’s website here:

<https://cityofraleigh0drupal.blob.core.usgovcloudapi.net/drupal-prod/COR14/EvidentiaryHearing.pdf>





McAdams

The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713

phone 919. 361. 5000  
fax 919. 361. 2269  
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

KANE REALTY CORPORATION  
4321 LASSITER AT NORTH HILLS AVENUE  
SUITE 250  
RALEIGH, NORTH CAROLINA 27609

KANE  
REALTY CORPORATION

TOWER 5 AT NORTH HILLS EAST  
540 ST ALBANS DRIVE  
ADMINISTRATIVE SITE PLAN  
RALEIGH, NORTH CAROLINA, 27609



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. KAN-19070  
FILENAME KAN19070-ASR-OAS1  
CHECKED BY AP  
DRAWN BY CGH  
SCALE 1"=100'  
DATE 02.05.2021

SHEET

OVERALL SITE PLAN

C2.00



GENERAL NOTES:

1. PHASE 1 INFRASTRUCTURE CURRENTLY UNDER CONSTRUCTION PER CITY OF RALEIGH CASE #S-46-2017.
2. PHASE 2 INFRASTRUCTURE CURRENTLY UNDER CONSTRUCTION PER CITY OF RALEIGH CASE #SPR-0051-2020.
3. LOTS 1 AND 2 UNDER CONSTRUCTION PER CITY OF RALEIGH CASE #SR-57-17.
4. LOT 3 AND PARKING DECK EXTENSION ON LOT 2 UNDER REVIEW PER CITY OF RALEIGH CASE #ASR-0027-2020

ADJACENT PROPERTY OWNERS

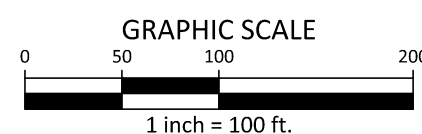
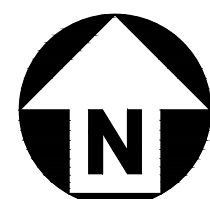
#	NAME:	MAIL ADDRESS:	CITY, STATE:	WAKE COUNTY PIN #:
01	NORTH HILLS EAST MASTER DEVELOPMENT LLC	PO BOX 19107	RALEIGH, NC 27619-9107	1705-99-1204
02	JOEL T. DENNING, TONYA D. DENNING	504 TUFTS COURT	RALEIGH, NC 27609-6701	1705-99-5133
03	JAMES P. WILLIAMS	1103 AVEBURY COURT	RALEIGH, NC 27609-3974	1706-99-6017
04	JOHN K. BANDY, ANNETTE D. BANDY	512 TUFTS COURT	RALEIGH, NC 27609-6701	1706-99-7007
05	BARRY D. PIGOTT	516 TUFTS COURT	RALEIGH, NC 27609-6701	1706-99-7085
06	WILLIAM B. HEATH, KATLIN C. HEATH	520 TUFTS COURT	RALEIGH, NC 27609-6701	1706-99-8062
07	ROBERT A. TUCKER, CATHERINE H. TUCKER	600 HARDIMONT ROAD	RALEIGH, NC 27609-6729	1715-08-0965
08	MELVIN G. LEVIN, ELAINE A. LEVIN	812 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-1993
09	WILLIAM L. WOFFORD JR., KATHERINE B. WOFFORD	816 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-3809
10	GERALD A. THORNE	820 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-3899
11	HAL A. THORNE, ROBIN C. THORNE	824 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-4879
12	JACOB L. SAFRON, BRAUNA J. SAFRON	828 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-5856
13	NICHOLAS T. RADFORD	832 BABOCK COURT	RALEIGH, NC 27609-6630	1715-08-6941
14	CMLK PROPERTIES LLC	7320 SIX FORKS ROAD, SUITE 220	RALEIGH, NC 27615-7809	1715-08-7833
15	MARTHA R. ANDREWS, MABEL ANDREWS	PO BOX 13159	ARLINGTON, TX 76094-0159	1705-18-2765
16	NORTH HILLS EAST MASTER DEVELOPMENT LLC	PO BOX 19107	RALEIGH, NC 27619-9107	1705-99-7196
17	CHURCH OF THE APOSTLES OF RALEIGH	333 CHURCH AT NORTH HILLS ST	RALEIGH, NC 27619-5177	1705-99-5085
18	ST. ALBANS HOLDINGS LLC	301 BENSON DRIVE, SUITE 103	RALEIGH, NC 27609-7332	1715-18-3089
19	ST. ALBANS HOLDINGS LLC	301 BENSON DRIVE, SUITE 103	RALEIGH, NC 27609-7332	1715-07-7778
20	AVONDALE RALEIGH, LLC	5424 WISCONSIN AVE, SUITE 202	CHEVY CHASE, MD 20815-3583	1715-17-0038
21	BARRETT SQUARE CONDOMINIUMS	3901 BARRETT DRIVE	RALEIGH, NC 27609-6611	1705-97-7319
22	CORNWALLIS SQUARE CONDOMINIUMS	P.O. BOX 19352	RALEIGH, NC 27619-9352	1705-97-5725
23	NORRIS CREEK BUILDING, LLC	P.O. BOX 18973	RALEIGH, NC 27619-8973	1705-97-8973
24	MENTOR PROPERTIES, LLC	5003 FALLS OF NUSEE ROAD	RALEIGH, NC 27609-5500	1705-98-2028
25	COMPUTER DRIVE ASSOCIATES	3805 COMPUTER DRIVE	RALEIGH, NC 27609-5503	1705-98-8186
26	BANGE REAL ESTATE INVESTMENT, LLC	4405 POTEAU CIRCLE	AUSTIN, TX 78734-1825	1705-88-7383
27	BANGE REAL ESTATE INVESTMENT, LLC	4405 POTEAU CIRCLE	AUSTIN, TX 78734-1825	1705-88-5227
27	STATE EMPLOYEES CREDIT UNION	3808 SIX FORKS ROAD	RALEIGH, NC 27611-6807	1705-88-0219

SITE LEGEND

- SIGNAGE
- YARD LIGHTS
- LIGHT POLE
- POWER POLE
- TRAFFIC DIRECTIONAL ARROW
- ACCESSIBLE RAMPS
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE

TREE CONSERVATION LEGEND

- PRIMARY TREE CONSERVATION AREA
- TREE CONSERVATION AREA - GREENWAY
- WETLAND
- OPEN SPACE
- 50' NUSEE RIVER RIPARIAN BUFFER



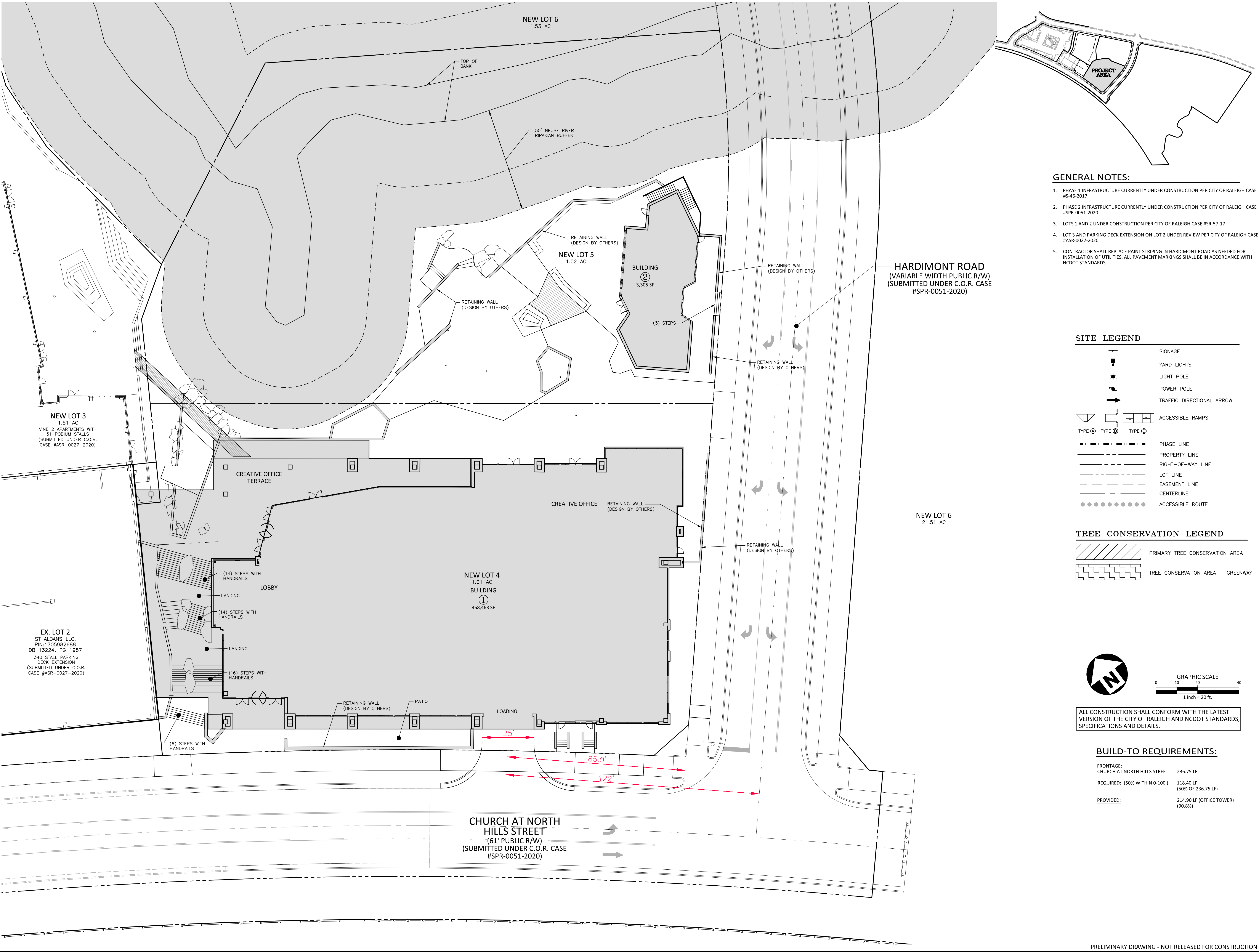
SEE SHEET C0.00 FOR ALL PROJECT NOTES.

ALL CONSTRUCTION SHALL CONFORM WITH THE LATEST VERSION OF THE CITY OF RALEIGH AND NCDOT STANDARDS, SPECIFICATIONS AND DETAILS.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



X:\Projects\VAN\KAN-19070\04-Production\Engineering\Drawings\Administrative\Alternate to MorningStar\VAN19070-ASR-S1.dwg, 5/7/2021 8:35:08 AM, Harrell, Gray



GENERAL NOTES:

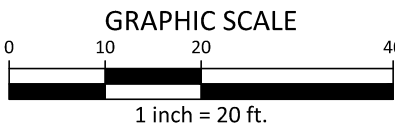
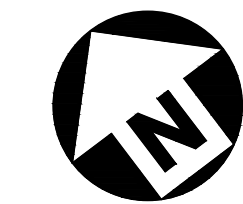
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2. PHASE 2 INFRASTRUCTURE CURRENTLY UNDER CONSTRUCTION PER CITY OF RALEIGH CASE #SPR-0051-2020.
3. LOTS 1 AND 2 UNDER CONSTRUCTION PER CITY OF RALEIGH CASE #5R-57-17.
4. LOT 3 AND PARKING DECK EXTENSION ON LOT 2 UNDER REVIEW PER CITY OF RALEIGH CASE #ASR-0027-2020
5. CONTRACTOR SHALL REPLACE PAINT STRIPING IN HARDIMONT ROAD AS NEEDED FOR INSTALLATION OF UTILITIES. ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH NCDOT STANDARDS.

SITE LEGEND

- |                      |                           |
|----------------------|---------------------------|
|                      | SIGNAGE                   |
|                      | YARD LIGHTS               |
|                      | LIGHT POLE                |
|                      | POWER POLE                |
|                      | TRAFFIC DIRECTIONAL ARROW |
|                      | ACCESSIBLE RAMPS          |
| TYPE A TYPE B TYPE C |                           |
|                      | PHASE LINE                |
|                      | PROPERTY LINE             |
|                      | RIGHT-OF-WAY LINE         |
|                      | LOT LINE                  |
|                      | EASEMENT LINE             |
|                      | CENTERLINE                |
|                      | ACCESSIBLE ROUTE          |

TREE CONSERVATION LEGEND

- |  |                                   |
|--|-----------------------------------|
|  | PRIMARY TREE CONSERVATION AREA    |
|  | TREE CONSERVATION AREA - GREENWAY |



ALL CONSTRUCTION SHALL CONFORM WITH THE LATEST VERSION OF THE CITY OF RALEIGH AND NCDOT STANDARDS, SPECIFICATIONS AND DETAILS.

BUILD-TO REQUIREMENTS:

FRONTAGE:	
CHURCH AT NORTH HILLS STREET:	236.75 LF
REQUIRED: (50% WITHIN 0-100')	118.40 LF (50% OF 236.75 LF)
PROVIDED:	214.90 LF (OFFICE TOWER) (90.8%)

  
**McADAMS**  
The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713  
  
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fax 919. 361. 2269  
license number: C-0293, C-187  
  
www.mcadamsco.com

**CLIENT**  
KANE REALTY CORPORATION  
4321 LASSITER AT NORTH HILLS AVENUE  
SUITE 250  
RALEIGH, NORTH CAROLINA 27609

  
**KANE**  
REALTY CORPORATION

**TOWER 5 AT NORTH HILLS EAST**  
**540 ST ALBANS DRIVE**  
**ADMINISTRATIVE SITE PLAN**  
RALEIGH, NORTH CAROLINA, 27609

NO.	DATE	
1	04.30.2021	REVISED PER 1ST ASR COMMENTS

PLAN INFORMATION	
PROJECT NO.	KAN-19070
FILENAME	KAN19070-ASR-S1
CHECKED BY	AP
DRAWN BY	CGH
SCALE	1"=20'
DATE	02.05.2021

**SHEET**  
**SITE PLAN**

**C2.01**