

# 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

## **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>

### Nature of the Request

Property owner requests 92-foot design alternate to Raleigh Street Design Manual Section 9.5.2.c., which requires driveways accessing up to 80-foot wide street rights-of-way be spaced at least 200 feet apart centerline to centerline, in order to construct a parking deck entrance/exit and service dock 108 feet apart; a 104-foot design alternate to Raleigh Street Design Manual Section 9.5.2.c., which requires driveways accessing up to 80-foot wide street rights-of-way be spaced at least 200 feet apart centerline to centerline, in order to construct a private street and parking deck entrance/exit 96 feet apart; a 104-foot design alternate to Raleigh Street Design Manual Article 9.5, which requires that driveways be spaced at least 200 feet from an intersection, in order to locate a parking deck entrance/exit 96' from the Quail Hollow Drive and Private Street intersection; a 3-foot design alternate to Raleigh Street Design Manual Article 9.5, which requires that driveways be spaced at least 200 feet from an intersection, in order to locate a private street 197 feet from the Quail Hollow Drive and St. Albans Drive intersection; and a design alternate to Raleigh Street Design Manual Article 9.4.A.c., which requires on-site parking areas to allow vehicles to enter and exit the parking area in a forward motion, in order to construct a service dock that requires service vehicles to reverse onto Quail Hollow Drive. These design alternates are requested to construct a mixed-use building at 1010 St. Albans Drive.

### Responses to Design Alternate Standards for UDO Article 8.4, 8.5 and the Street Design Manual

1. The approved Design Alternate meets the intent of the Street Design Manual  
**Response: The intent of the Street Design Manual is to provide for adequate and coordinated development with necessary facilities to serve and protect all users of Raleigh's transportation system. The requested design alternates relate to one phase of the Midtown Exchange development plan, which will significantly increase connectivity in the area. The private street and parking deck entrances/exits allow for efficient vehicular movement through and around the proposed buildings. The street connections and improvements are part of the overall Midtown Exchange development plan.**
2. The approved Design Alternate does not increase congestion or compromise safety  
**Response: The design alternates and related right-of-way improvements would significantly improve connectivity through the site, including the extension of Quail Hollow Drive to St. Albans Drive as a two-lane divided street. The divided street requires right-in, right-out turns into the parking deck entrance and private street along Quail Hollow, which reduces the probability of safety concerns between the two driveways.**
3. The approved design alternate does not create additional maintenance responsibilities for the City  
**Response: The design alternates would not create additional maintenance responsibilities for the City.**
4. The approved design alternate has been designed and certified by a professional engineer.

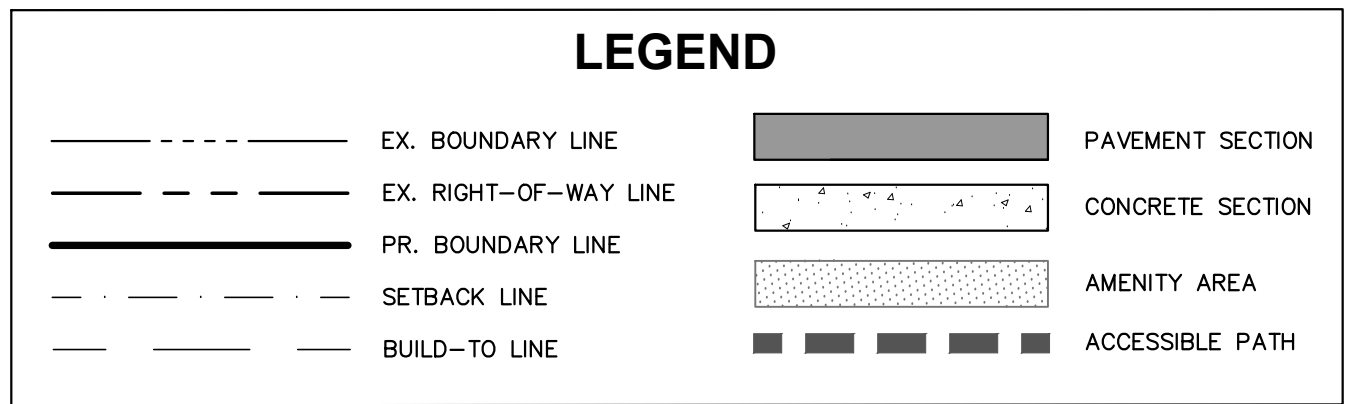
**Response: The approved design alternate was designed and certified by James D. Whitacre, P.E.**

5. The approved design alternate will not adversely impact stormwater collection and conveyance

**Response: The site plan includes a regional wet basin per SRP-0156-2019 and would not adversely impact stormwater collection and conveyance.**

6. Design alternate is deemed reasonable due to 1 or more of the following
- a. Given existing physical environment, compliance is not physically feasible
    - i. An existing building would impeded roadway expansion
    - ii. Transition from a different street section
  - b. The burden of compliance is not reasonable given the size of the site or intensity of the development

**Response: The length of the Quail Hollow Drive extension (north of the proposed traffic circle) is not long enough for all three driveways to meet the driveway and intersection spacing requirements of the Street Design Manual. Shifting these driveways away from one another could lead safety concerns near the proposed traffic circle to the south. By dividing the Quail Hollow Drive extension, drivers must use right-in, right-out turns into and out of the proposed driveways, which should reduce the probability of traffic incidents.**



PIN: 1715176384

ADDRESS: 1010 ST ALBANS DRIVE

TOTAL SITE AREA: 2.75 ACRES

**ZONING INFORMATION:**

EXISTING ZONING: CX-7-CU  
CX-12-CU  
CX-20-CU

CUD CASE NUMBER: Z-13-16

**DEVELOPMENT INFORMATION:**

FRONTAGE TYPE: N/A

EXISTING USE: VACANT  
PROPOSED USE: MIXED-USE

PROPOSED USES: RETAIL, APARTMENT, STRUCTURED PARKING

EXISTING BUILDING AREA: N/A

**PROPOSED BUILDING AREA:**

RETAIL 3,815 SF  
MULTI-UNIT LIVING 314,697 SF  
TOTAL AREA: 318,512 SF

PARKING STRUCTURE 198,709 SF

**BUILDING HEIGHT: (12 STORIES MAX)**

MIXED USE BUILDING — (12 STORIES)

BUILDING SETBACK: STREET- 5'  
SIDE - 0' OR 6'  
REAR - 0' OR 6'

PARKING SETBACK: 10'

REQUIRED BUILD-TO PER Z-13-16:  
(IN CX-20-CU ZONING ONLY)

PRIMARY STREET 50% 0'-80' FROM R/W  
SIDE STREET 25% 0'-80' FROM R/W  
PROVIDED BUILD-TO:  
PRIMARY STREET  $\frac{84'}{102'} = 82.35\%$   
SIDE STREET N/A

EX. IMPERVIOUS AREA: 0.0/0 ACRES/SF  
PR. IMPERVIOUS AREA: 2.2/96,738 ACRES/SF

FLOOD HAZARD AREA: NO, FEMA MAP PANEL #372171500J

**UNIT DATA:**

TOTAL # OF ALL LOTS: 1 (LOT 4)  
TOTAL # OF OPEN SPACE: 0  
REQUIRED AMENITY AREA: 0.28 AC (12,197 SF)  
(10% OF SITE AREA)  
PROVIDED AMENITY AREA: 0.44 AC (19,133 SF)

**PARKING CALCULATIONS:**

REQUIRED PARKING (RETAIL):	$\frac{1}{300} \text{ SF} = \frac{19,179}{300} = 63.9 = 64$
REQUIRED PARKING (MULTI 0-1 BEDROOM):	1 PER UNIT = $213 * 1 = 213$
REQUIRED PARKING (MULTI 2 BEDROOM):	1.5 PER UNIT = $81 * 1.5 = 121.5 = 122$
REQUIRED PARKING (MULTI 3 BEDROOM):	2 PER UNIT = $10 * 2 = 20$

TOTAL REQUIRED PARKING	419 SPACES
TOTAL PROPOSED PARKING	436 SPACES
ACCESSIBLE PARKING	
REQUIRED ACCESSIBLE PARKING:	401-500 = 9 TOTAL (2 VAN)
TOTAL PROVIDED ACCESSIBLE PARKING:	9 SPACES
PROVIDED STANDARD ACCESSIBLE SPACES:	7 SPACES
REQUIRED VAN PARKING SPACES:	2 SPACES
PROVIDED VAN PARKING SPACES:	2 SPACES

<b>ELECTRIC CAR CHARGING SPACES</b>	
REQUIRED ELECTRIC CAR (COMMERCIAL)	$\frac{2}{100,000} \text{ SF} = \frac{19,179}{100,000} \times 2 = .4 = 1$
REQUIRED ELECTRIC CAR (MULTI UNIT)	$\frac{1}{100} \text{ UNITS} = \frac{1}{100} \times 2 = 6.0 = 6$
CHARGING STATION PER Z-13-16	
PROVIDED ELECTRIC CAR CHARGING STATION	7 SPACES

**\*BICYCLE CALCULATIONS:**

**SHORT TERM BICYCLE PARKING**

REQUIRED PARKING (MULTI UNIT):  $\frac{1}{20} \text{ UNITS} = \frac{304}{20} = 15.2 = 16$

REQUIRED PARKING (RETAIL):  $\frac{5,000}{20} \text{ SF (MIN 4)} = \frac{18,179}{5,000} = 3.8 = 4$

REQUIRED PARKING (TOTAL): 20

PROVIDED PARKING: 20

<u>LONG TERM BICYCLE PARKING</u>	
REQUIRED PARKING (MULTI UNIT):	NONE
REQUIRED PARKING (RETAIL):	NONE
REQUIRED PARKING (TOTAL):	0
PROVIDED PARKING:	10

\*PER UDO 7.1.8.A A MIXED USE FACILITY SHALL NOT BE REQUIRED TO PROVIDE MORE THAN 50 BICYCLE PARKING SPACES.

ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.

ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.

ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.

EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY; ALL COST SHALL BE INCLUDED IN BASE BID.

CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AGENCIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.

ALL PRIVATE PAVEMENT MARKING SHALL BE WHITE UNLESS OTHERWISE NOTED.

WITHIN THE SIGHT TRIANGLES SHOWN ON THIS PLAN, THERE SHALL BE NO OBSTRUCTION BETWEEN TWO (2) FEET AND EIGHT (8) FEET IN HEIGHT ABOVE THE CURBLINE ELEVATION OR THE NEAREST TRAVELED WAY, IF NO CURBING EXISTS. THESE PLANS ARE FOR PRELIMINARY PURPOSES AND IS NOT INTENDED AS A FINAL DESIGN.

THESE PLANS AND ALL CALCULATIONS HEREIN ARE PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL CONSTRUCTION PLAN DESIGN.

HANDICAP ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH CURRENT RALEIGH ENGINEERING STANDARD DRAWING STANDARD DRAWINGS.

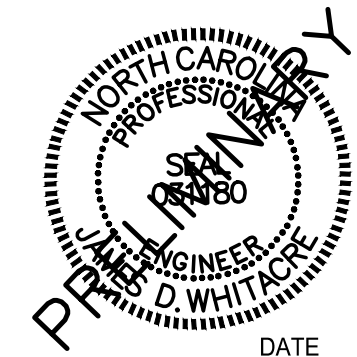
OUTDOOR CONSTRUCTION ACTIVITY, OUTDOOR BUILDING MAINTENANCE, OUTDOOR LANDSCAPING AND TRASH AND RECYCLING FACILITY SERVICE SHALL BE ALLOWED ONLY BETWEEN THE HOURS OF 7 AM TO 7 PM. WITHIN THOSE AREAS OF THE PROPERTY WHERE BUILDING HEIGHT IS RESTRICTED TO LESS THAN 20 STORIES, COMMERCIAL PICKUP OR DELIVERY SHALL BE ALLOWED ONLY BETWEEN THE HOURS OF 7 AM AND 7 PM. THIS CONDITION DOES NOT APPLY TO PUBLIC ROADWAY OR PUBLIC UTILITY CONSTRUCTION ACTIVITY, OR TO ACTIVITIES RELATED TO SPECIAL USE PERMITS SUBSEQUENTLY ISSUED BY THE CITY.

NO LATER THAN THE ISSUANCE OF THE FIRST BUILDING PERMIT FOR THE PROPERTY SUBJECT TO THIS REZONING, THE PROPERTY OWNER SHALL REQUEST THAT THE CITY POST THAT PORTION OF ST. ALBANS DRIVE ALONG THE PROPERTY WITH SIGNAGE THAT NO COMMERCIAL OR CONSTRUCTION-RELATED PARKING OR LOADING OR UNLOADING ACTIVITY SERVING DEVELOPMENT ON THE PROPERTY SHALL BE PERMITTED ALONG THE PROPERTY'S FRONTAGE ON ST. ALBANS DRIVE. IF PERMITTED BY THE CITY, SIGNS SHALL BE POSTED INDICATING THIS PROHIBITION.

AT LEAST ONE EMERGENCY PHONE SHALL BE LOCATED ON EACH LEVEL OF A PARKING STRUCTURE.



Dewitt Carolinas  
**MTX MULTI ONE**  
Lot 4 Quail Hollow Drive  
Raleigh, NC



PROJECT:	20-0012-742	04/23/2021
ISSUE:		
	ASR INITIAL SUBMITTAL	12/28/2020
	ASR RESPONSE TO 1ST REVIEW	04/09/2021
	SCHEMATIC DESIGN	04/23/2021

[illegible]

CONTENT:	SITE PLAN
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