

# 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 The Villages of Sunnybrook		Case Number ASR-0043-2021
	PIN Number 1722373788, 1722361963		Zoning District CX-3-CU, CX-3-PK-CU
	Property Address 2301, 2425 Sunnybrook Road		
	City Raleigh	State NC	ZIP 27610
	<b>Project Applicant Information</b>		
	Name The Halle Companies		Email erifkin@hallecompanies.com
	Address 56 Hunter St, Suite 110		City Apex
	State NC	Zip Code 27502	Phone 919-387-1885
	OWNER	<b>Property Owner Information</b>	
Name Sunnybrook Apartments WEH LP		Email erifkin@hallecompanies.com	
Address 2900 Linden Ln, Suite 300		City Silver Springs	
State MD		Zip Code 20910	Phone 919-387-1885
ATTORNEY	<b>Attorney Information</b>		
	Name Laura Goode		Email Lauragoode@parkerpoe.com
	Address 301 Fayetteville Street, Suite 1400		City Raleigh
	State NC	Zip Code 27601	Phone 919-835-4648
REQUEST	<b>I am seeking a Design Alternate from the requirements set forth in the following:</b>		
	<input type="checkbox"/> UDO Article 8.3.2, 8.3.4, 8.3.5		See page 2 for findings
	<input checked="" type="checkbox"/> UDO Article 8.4, 8.5, Raleigh Street Design Manual		See page 3 for findings

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

See attached addendum.

2. The approved Design Alternate does not increase congestion or compromise safety;

See attached addendum.

3. The approved Design Alternate does not create additional maintenance responsibilities for the City;

See attached addendum.

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;

See attached addendum.

5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and

See attached addendum.

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

See attached addendum.

- ii. Transitioning from a different street section; or

See attached addendum.

- b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

See attached addendum.

The Villages at Sunnybrook  
Design Alternate Application Addendum

Summary of Request: Sunnybrook Apartments WEH LP, property owner, requests relief from the following street cross section requirements for Sunnybrook Road, an Avenue 4-Lane, Divided street, as set forth in Sections 8.4.1.B.1 and 8.5.6.B of the Unified Development Ordinance (“UDO”) and Section 3.2.4.B of the Raleigh Street Design Manual (“RSDM”) to replace the required 7.5’ bike lane with an 11’ multi-use path: (i) a 5’ design alternate to the required 38’-wide ½ section back-of-curb to back-of-curb that results in a ½ section back-of-curb to back-of-curb of 33’; (ii) a 5’ design alternate to the required 7.5’ bike lane that results in a 2.5’ curb and gutter width; and (iii) a 5’ design alternate to the required 6’ sidewalk resulting in an 11’ multi-use path in order to develop a 360 unit multi-unit living residential development on a 32.44-acre site zoned CX-3-CU and CX-3-PK-CU located at 2301 Sunnybrook Road and 2425 Sunnybrook Road.

The applicant seeks relief from the street section requirements of UDO Section 8.5.6.B to install an 11’ wide multi-use path instead of the required 7.5’ wide bike lane along Sunnybrook Road fronting the project’s western boundary. Sunnybrook Road is planned as Avenue 4-Lane, Divided road section. Section 8.5.6.B. requires this to be 38’ wide between centerline of the road to the streetscape back of curb with a 14’ streetscape, including a 2’ maintenance strip, 6’ sidewalk, 6’ planting area, then the right-of-way line. The alternate will remove 5’ of the bike lane from the road (with 2.5’ remaining as curb and gutter) and relocate to the streetscape to increase the sidewalk by 5’. The resulting alternate street section will be 33’ wide between centerline of the road to the streetscape back of curb with a 19’ streetscape, including a 2’ maintenance strip, 11’ multi-use path, 6’ planting area, then the right-of-way line.

I. Project Address

PIN 1722373788: 2301 Sunnybrook Rd, Raleigh, NC 27610

PIN 1722361963: 2425 Sunnybrook Rd, Raleigh, NC 27610

II. UDO Articles 8.4, 8.5 and Raleigh Street Design Manual Design Alternate Findings

The Appearance Commission shall, in accordance with Sec. 10.2.17.D and Sec. 10.2.17.E approve a design alternate, subject to all of the following findings:

**1. The approved Design Alternate meets the intent of Articles 8.4 and 8.5 or the Raleigh Street Design Manual;**

Response: The intent of these articles is to provide pre-approved street types that are appropriate to use with types and design elements that reflect the character of different areas within the City, providing adequate travel lanes for vehicles, cyclists and pedestrians. The intent of the RSDM is to “provide for adequate and coordinated development with necessary facilities to serve and protect users of Raleigh’s transportation system”. The design alternate meets the intent of UDO Articles 8.4 and 8.5

and the RSDM because it will enhance travel lanes for cyclists and pedestrians by providing a wider multi-use lane than the standard bike lane, with a greater separation from vehicle travel lanes on the adjacent thoroughfare, and City staff is supportive of creating greater separation from the travel lane and bike facility. This design alternate will maintain adequate vehicle travel lanes and the remaining street design elements appropriate for the character of the proposed development, with necessary facilities to serve and protect drivers, cyclists and pedestrians.

**2. The approved Design Alternate does not increase congestion or compromise safety;**

Response: The design alternate will not increase congestion or compromise safety. The multi-use path will not reduce the width of the adjacent roadways for vehicle travel, thus congestion will not be increased. The multi-use path will have a greater separation from the adjacent vehicle travel lanes than a bike path, increasing safety for cyclists and pedestrians. This additional separation between vehicles and cyclists will be especially helpful to ensure safety during high-traffic peaks for events at the adjacent Walnut Creek Amphitheater.

**3. The approved Design Alternate does not create additional maintenance responsibilities for the City;**

Response: The design alternate does not create additional maintenance responsibilities for the City as the multi-use path is comparable to the size of an otherwise required bike path and will require less maintenance as it will not have to be built to road standards, requiring less pavement.

**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;**

Response: The design alternate has been designed and certified by a Professional Engineer.

**5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and**

Response: The design alternate will be served by the planned Stormwater collection and conveyance mechanisms required by the UDO for the proposed development and will not adversely impact Stormwater collection. Additionally, the design alternate results in the same amount of paved area as compliance with the UDO street section standard.

**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; or

**b. The burden of compliance is not reasonable given the size of the site or intensity of the development.**

Response: The design alternate would provide a more natural transition from existing streets, in that the proposed multi-use path would provide separate areas for pedestrian and bicycle transportation outside of the travel lanes, and given that there are no existing bike lanes on Sunnybrook Road.

## NOTARIZED CERTIFICATION OF OWNER(S)


### Owner Information

Name(s)	<u>Sunnybrook Apartments WEH LP</u>
Mailing Address	<u>56 Hunter Street, Suite 110, Apex, NC 27502</u>
Telephone	<u>919-387-1885</u>
Fax	<u>N/A</u>
Email	<u>erifkin@hallecompanies.com</u>
Project PIN/Address	<u>1722373788 (2301 Sunnybrook Road), 1722361963 (2425 Sunnybrook Road)</u>

I, Eric Rifkin, Assistant Vice President, the undersigned, being first duly sworn, depose and say that I voluntarily submitted this Design Alternate Application to the City of Raleigh; that I am the owner(s) of the property described and which is the subject matter of this Application; that all answers to the questions in this application, and all plot plan(s), sketches, data and other supplementary information attached to this application are honest and true to the best of my knowledge and belief. Submission of an incomplete or incorrect application may result in a delay in processing or the rejection of my application.

*[NOTE: If the owner is a corporation, this must be signed by an authorized corporate officer; If the owner is a partnership, this must be signed by a general partner; If the owner is a limited liability company, this must be signed by the Manager for a manager managed LLC, or all the members for a member managed LLC.] For multiple owners, attach additional Notarized Certification of Owner(s) pages.*

Date: 7/19/21

  
Signature

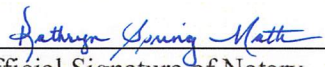
STATE OF NORTH CAROLINA

Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing application for the purpose stated therein and in the capacity indicated:

Eric Rifkin, Assistant Vice President

Date: July 19, 2021

  
Official Signature of Notary

[NOTARY SEAL]

Kathryn Spring Mattson, Notary Public  
Notary's Printed or Typed Name



My Commission expires: January 28, 2025



IN FEET  
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BM 2010, PG 97 & 98  
BM 2007, PG 131 & 132

OWNER:  
GOODWIN GRIER & ASSOCIATES LLC  
PIN: 1722276412