

# 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.**

<b>PROJECT</b>	<b>Project Information</b>				
	Project Name	Cameron Village District Apartments	Case Number	ASR-0016-2021	
	PIN Number	1704125771	Zoning District	RX-7-PL-CU	
	Property Address 1801 Bellwood Dr				
	City	Raleigh	State	NC	
			ZIP	27605	
	<b>Project Applicant Information</b>				
Name	Andy Padiak, PE		Email	Padiak@mcadamsco.com	
Address	One Glenwood Ave., Suite 201		City	Raleigh	
State	NC	Zip Code	27603	Phone	919-475-5514
<b>OWNER</b>	<b>Property Owner Information</b>				
	Name	Bill Sengelmann		Email	bsengelmann@camdenliving.com
	Address	11 Greenway Plaza, Suite 2400		City	Houston
	State	TX	Zip Code	77046	Phone
<b>ATTORNEY</b>	<b>Attorney Information</b>				
	Name	Collier Marsh		Email	colliermarsh@parkerpoe.com
	Address	301 Fayetteville St, Suite 1400		City	Raleigh
	State	NC	Zip Code	27601	Phone

<b>REQUEST</b>	<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

<b>CHECKLIST</b>	
Signed Design Alternate Application	<input type="checkbox"/> Included
Page(s) addressing required findings	<input type="checkbox"/> Included
Plan(s) and support documentation	<input type="checkbox"/> Included
Notary page filled out by owner	<input type="checkbox"/> Included
Stamped and addressed envelopes; corresponding mailing list per UDO Sec. 10.2.1.C.1.	<input type="checkbox"/> Included
Fee - \$211.00	<input 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  
N/A
  
2. The approved Design Alternate does not increase congestion or compromise safety;  
N/A
  
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  
N/A
  
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;  
N/A
  
  - b. Compliance would not meaningfully improve connectivity;  
N/A
  
  - c. Compliance is not compatible with adjacent uses[s]; or  
N/A
  
  - d. The burden of compliance is not reasonable given the size of the site or the intensity of the development.  
N/A

# 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.
2. The approved Design Alternate does not increase congestion or compromise safety;  
See attached.
3. The approved Design Alternate does not create additional maintenance responsibilities for the City;  
See attached.
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.
5. The approved Design Alternate will not adversely impact stormwater collection and conveyance; and  
See attached.
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.
    - ii. Transitioning from a different street section; or  
See attached.
  - b. The burden of compliance is not reasonable given the size of the site or intensity of the development.  
See attached.

# 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>

**NOTARIZED CERTIFICATION OF OWNER(S)**

**Owner Information**

Name(s) Bill Sengelmann, on behalf of CUSA NC Holdings LP

Mailing Address 11 Greenway Plaza, Suite 2400, Houston, TX 77046

Telephone 713-354-2527

Fax \_\_\_\_\_

Email bsengelmann@camdenliving.com

Project PIN/Address 1704125771

I, Bill Sengelmann, 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: 8.3.21

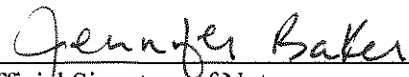
  
Signature

STATE OF NORTH CAROLINA Wyoming  
Teton 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:

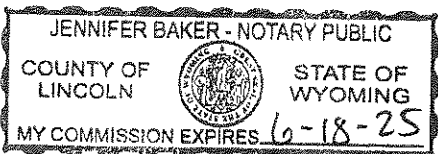
Bill Sengelmann

Date: 8.3.21

  
Official Signature of Notary

[NOTARY SEAL]

Jennifer Baker, Notary Public  
Notary's Printed or Typed Name



My Commission expires: 6-18-25

**Cameron Village District Apartments**  
**ASR-0016-2021**  
**Design Alternate Application Addendum**

**Summary of Request:** The applicant requests two design alternates from the Raleigh Street Design Manual Sec. 9.5.2.C to reduce the driveway spacing requirement of 200 feet for driveways accessing up to 80 feet wide street rights-of-way. The first design alternate request is to allow a 146 feet spacing between the site's proposed driveway on Clark Ave. and the existing driveway on the adjacent parcel to the west (PIN 1704122721). The second design alternate request is to allow a 41 feet spacing between the site's proposed driveway on Cameron St. and the existing driveway on the adjacent parcel to the west (PIN 1704122721).

**I. Project Address**

Parcel No. 1704125771: 1801 Bellwood Dr., Raleigh, NC 27605

**II. Raleigh Street Design Manual Design Alternate Findings**

**The Appearance Commission may in accordance with Section 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 Sections 8.4 and 8.5 or the Raleigh Street Design Manual (if applicable);**

**Response:** Raleigh Street Design Manual, Chapter 9, Subsection C, provides that the intent of the access regulations is to provide a means for safe, efficient, and convenient vehicular access within developments and between adjacent developments, and to lessen traffic congestion. Driveway spacing requirements are intended to reduce collision potential from traffic turning into and out of driveways.

The requested design alternate for the Clark Ave driveway meets the intent of Section 9.5.2.C because it allows the three access points for the site to be spread out to each of the three streets the site fronts. Spreading these access points on all three streets will allow for safe, efficient, and convenient vehicular access to the site, and will not overburden one of the three streets. The Clark Ave driveway is also proposed in this location to provide sufficient clearance from the Clark Ave and Bellwood Dr intersection, reducing the amount of congestion at that intersection. In addition, Clark Ave is a posted 35 mph road, meaning vehicular traffic is moving at a slow enough speed to handle the additional driveway on Clark Ave. Finally, the proposed driveway on Clark Ave. is intended to provide access to a parking garage which is more appropriately located at the western edge of the site so that the majority of the project's street frontage contains residential uses and not structured parking.

The requested design alternate for the Cameron St. driveway meets the intent of Section 9.5.2.C because the driveway is not intended to provide routine access for the site's residents. The driveway is intended for fire, emergency, and City services, and will allow



a resident move-in area outside of the public right-of-way and at the rear of the proposed building to limit visibility of these uses from the public right of way. The low levels of traffic utilizing this driveway will have minimal impact to the overall collision potential on Cameron St. In addition, the site's frontage on Cameron St. only spans approximately 227 feet, but requires a driveway on Cameron St for fire and emergency services. The driveway is proposed in this location in order to maximize the clearance from the Cameron St. and Bellwood Dr. intersection, reducing the amount of congestion at that intersection.

Finally, the proposed driveway spacing at both locations is consistent with the surround area because existing development already contains driveways spaced below the Raleigh Street Design Manual requirements.

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

**Response:** The requested design alternates will significantly improve connectivity through the site, and will not increase congestion or compromise safety. The proposed development is an urban setting, which necessitates a higher amount of access points to the commercial, retail, and residential uses. Additional warning systems will also be utilized at the Clark Ave. driveway accessing the parking garage to ensure safe pedestrian passage. The proposed driveway on Cameron St. will also not compromise safety because it has been designed to allow for safe and efficient access for fire, emergency, and City services.

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

**Response:** The requested design alternates will not increase maintenance responsibilities for the City because no new public roadway will be established.

**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 requested design alternates have been designed by a Professional Engineers and will meet all design and certification requirements.

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

**Response:** The requested design alternates will not adversely impact stormwater collection and conveyance. The accompanying site plans ensure adequate stormwater control measures will be in place.

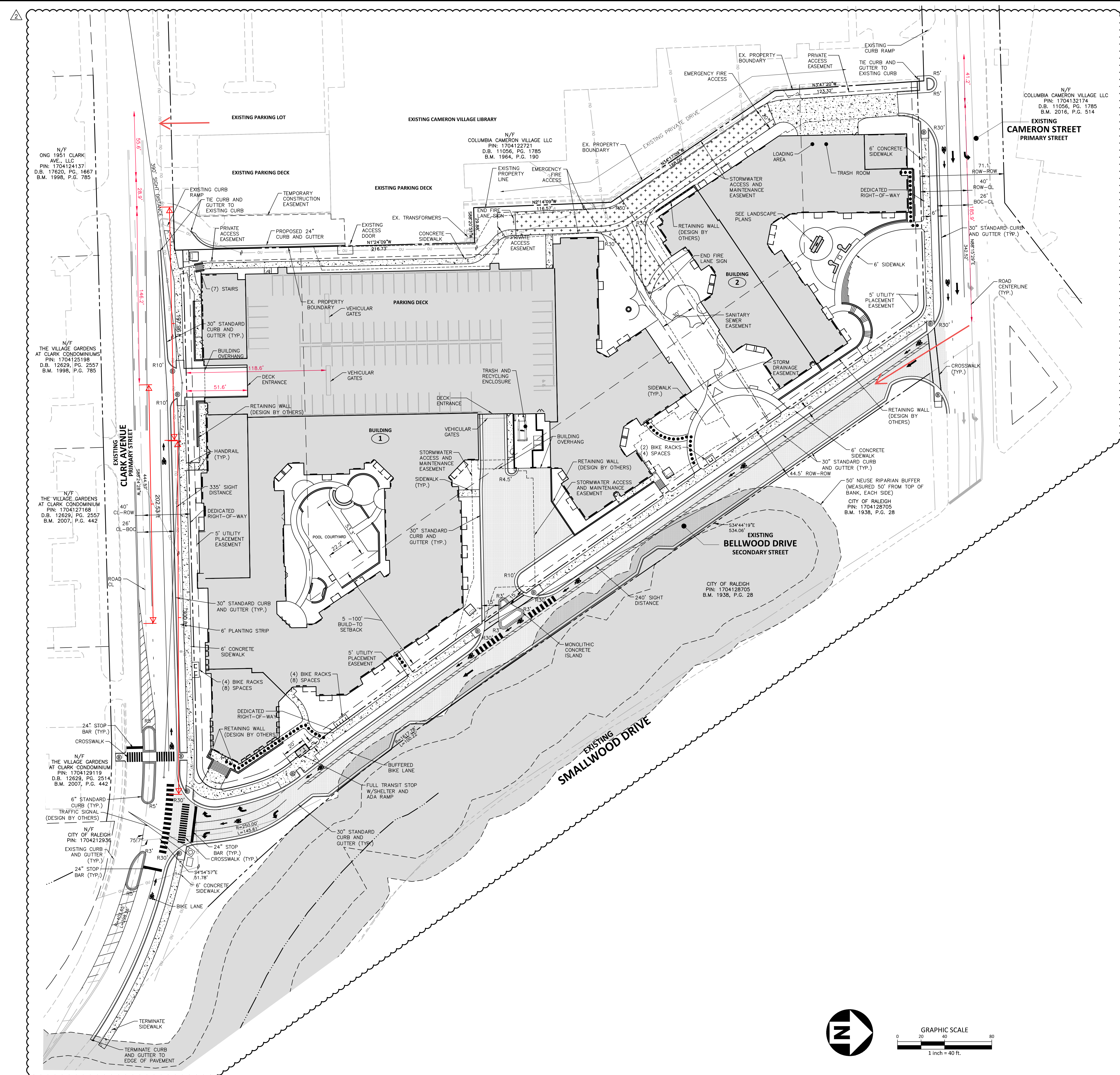
**6. The Design Alternate is deemed reasonable due to one or more of the following:**

- 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 in light of the size of the site or intensity of the development**

**Response:** The burden of compliance with the requirement on Clark Ave is not reasonable in light of the size of the site and intensity of the development. A driveway is proposed on the three different streets the site fronts to create safe and efficient access and circulation for vehicles, pedestrians, and emergency services. The proposed Clark Ave driveway is placed to the left of the centerline of the site's frontage on Clark Ave in order to increase the driveway's clearance from the Clark Ave and Bellwood Dr intersection and to provide efficient access to the proposed parking garage.

The existing physical environment makes compliance with the requirement for the driveway spacing on Cameron St infeasible. The site's frontage on Cameron St only spans approximately 227 feet, but requires a driveway on Cameron St. for fire and emergency services. Compliance with both the driveway spacing and intersection clearance requirements is not feasible. The proposed driveway has been designed to maximize the clearance from the Cameron St. and Bellwood Dr. intersection, reducing the amount of congestion at that intersection.



**SITE LEGEND**

- SIGNAGE
- YARD LIGHTS
- LIGHT POLE
- POWER POLE
- TRAFFIC DIRECTIONAL ARROW
- ACCESSIBLE PARKING STALL
- VAN ACCESSIBLE PARKING STALL
- PARKING SPACE COUNT
- ACCESSIBLE RAMPS
- ACCESSIBLE ROUTE TYPE A
- ACCESSIBLE ROUTE TYPE B
- ACCESSIBLE ROUTE TYPE C
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- HEAVY DUTY ASPHALT PAVEMENT

**McADAMS**  
The John R. McAdams Company, Inc.  
One Glenwood Avenue  
Suite 201  
Raleigh, NC 27603  
phone 919. 823. 4300  
fax 919. 361. 2269  
license number: C-0293, C-187  
www.mcadamsco.com

**CLIENT**  
MR. WILL SMITH  
CAMDEN  
1420 SPRING HILL ROAD, SUITE 200  
MCLEAN, VIRGINIA 22102

**CAMDEN VILLAGE DISTRICT  
ADMINISTRATIVE SITE PLAN  
1801 CAMERON STREET  
RALEIGH, NORTH CAROLINA**



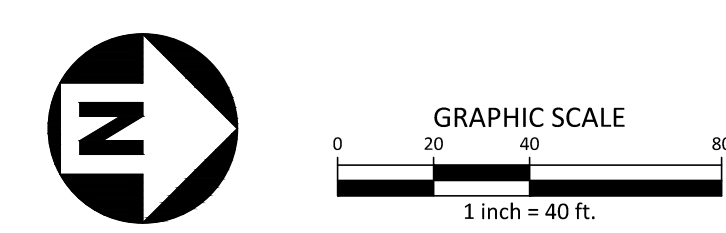
**REVISIONS**

NO.	DATE	DESCRIPTION
1	05.04.2021	1ST RESPONSE TO CITY COMMENTS
2	07.16.2021	2ND RESPONSE TO CITY COMMENTS

**PLAN INFORMATION**

PROJECT NO.	CMN-19000
FILENAME	CMN19000-S1
CHECKED BY	LJV
DRAWN BY	JLB
SCALE	1"=40'
DATE	03.01.2021

**SITE PLAN  
C2.00**



X:\Projects\CMN\CMN-19000\04-Production\Drawings\CMN19000-S1.dwg, 8/7/2021, 10:26:44 AM, Balderson, Jonathan