## **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 Information		
	Project Name	Case Number	
	PIN Number	Zoning District	
C	Property Address		
PROJECT	City	State	ZIP
PR	Project Applicant Information		
	Name	Email	
	Address	City	
	State	Zip Code	Phone
8	Property Owner Information		
OWNER	Name	Email	
νo	Address	City	
	State	Zip Code	Phone
ΕY	Attorney Information		
ORN	Name	Email	
ATTORNEY	Address	City	
٧	State	Zip Code	Phone

EST	I am seeking a Design Alternate from the requirements set	forth in the following:
REQUI	UDO Article 8.3.2, 8.3.4, 8.3.5	See page 2 for findings
RE	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**

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 exi

stin	g 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**

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 (in 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.

FILING FEE: \$211.00

#### **SUBMITTAL REQUIREMENTS**

Design Alternate Applications can be downloaded from City's official website <u>Design Alternate Process</u>. 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 <u>must be</u> 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 Application other knowle	(s) of the property described eation; that all answers to the caupplementary information a	f Adjustment App d and which is the questions in this app ttached to this app of an incomplete or	eing first duly sworn, depose and say that lication to the City of Raleigh; that I am to subject matter of this Board of Adjustmentication, and all plot plan(s), sketches, data a lication are honest and true to the best of incorrect application may result in a delay
			OPPORTUNITY ZONE FUND VI OWNER, LLC, ia limited liability company;
		By:	CSRA Opportunity Zone Fund VI Manager, LLC, a Virginia limited liability company, its Manager
Date:	9/3/2021	By:	Capital Square Development, LLC, a Virginia limited liability company, its Sole Member  Louis J. Rogers Principal
COMM	MONWEALTH OF VIRGINIA COUNTY		
ne or s	y that the following person(s) phe signed the foregoing applicat	ersonally appeared be tion for the purpose st	efore me this day, each acknowledging to me the ated therein and in the capacity indicated:
Date:	9/3/2021	Melo	cliebuatchens 1856
32/	ARY SEAL]	Meloche	nature of Notary  Mathews Bosko  Notary Public
	NOTARY PUBLIC PUBLIC REG # 7781229 MY COMMISSION EXPIRES 11/30/2022  OWNEALTH OF	Notary's Printe	ssion expires: 11/30/2022

#### Nature of the Request

Property owner requests a 94' design alternate and a 22' design alternate to Raleigh Street Design Manual Article 9.5, which requires that driveways be spaced at least 200' from an intersection, in order to construct a move-in driveway and parking deck driveway that are 106' and 178' from the W. Lenoir Street and S. Dawson Street intersection, respectively; and a 128' design alternate to Raleigh Street Design Manual Section 9.5.2.c., which requires driveways accessing up to an 80-foot wide street right-of-way be spaced at least 200' apart centerline to centerline, in order to construct a move-in driveway and parking deck driveway that are spaced 72' apart centerline to centerline. These design alternates are requested to construct a mixed-use building at 320 and 328 W. South Street.

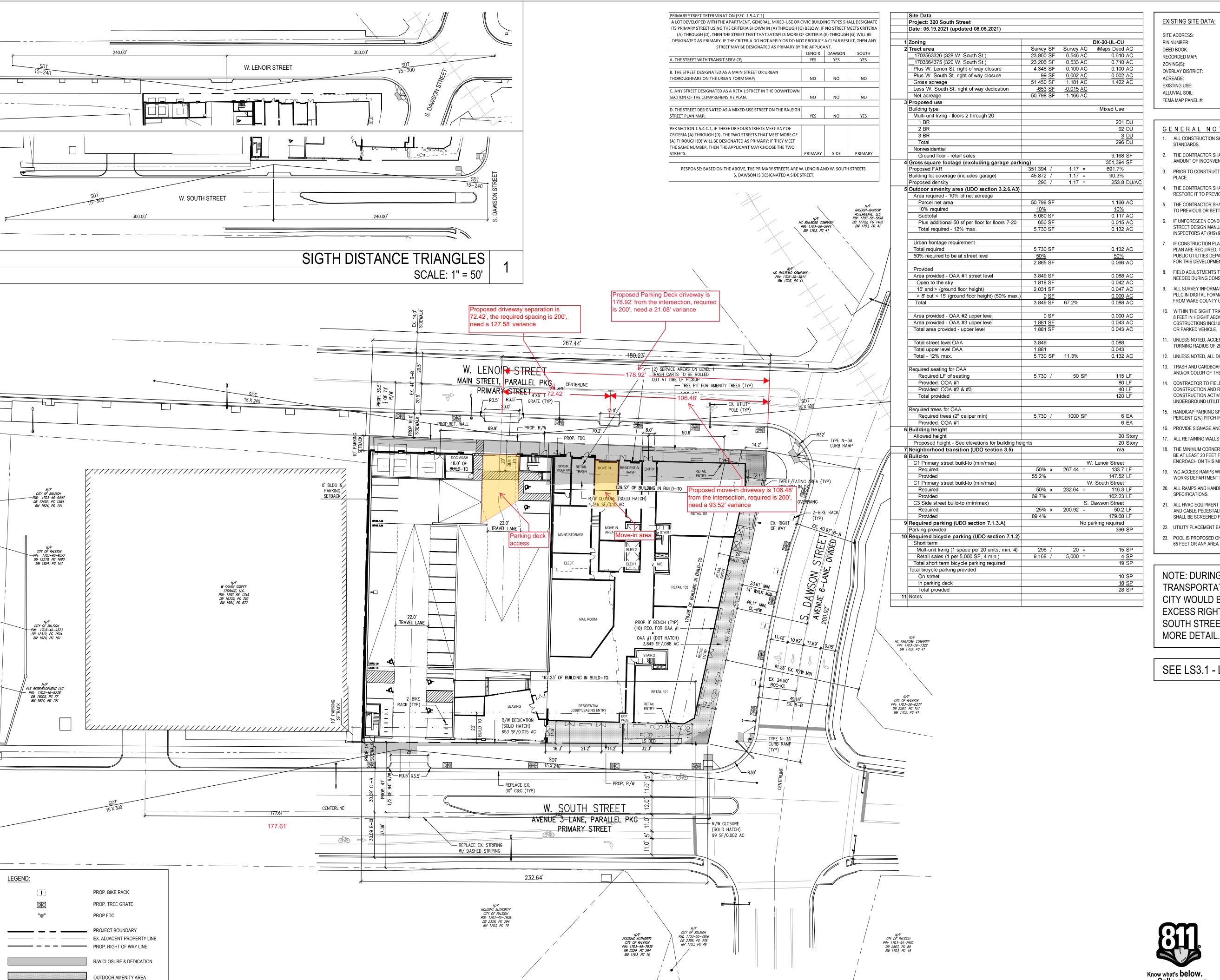
#### Responses to Design Alternate Standards for UDO Article 8.4, 8.5 and the Street Design Manual

- 1. The approved Design Alternate meets the intent of the Street Design Manual Response: The intent of the Street Design Manual (and UDO Section 8.3.5.) is to provide for adequate and well-connected development with necessary facilities to serve and protect all users of Raleigh's transportation system. The parking deck entrance along W. Lenoir Street is only 22' short of the intersection spacing requirement, but provides residents, tenants and guests an additional point of ingress and egress; the parking deck has another access point along W. South Street. Additionally, the move-in access point is located in the safest point available along W. Lenoir Street. The property has more frontage along W. Lenoir Street than W. South Street, and S. Dawson Street is a Major Thoroughfare. While the move-in access point does not meet the minimum spacing requirements, it provides the safest point of access possible for new tenants/residents.
- 2. The approved Design Alternate does not increase congestion or compromise safety Response: The proposed layout locates the parking deck access farther from the W. Lenoir Street and S. Dawson Street intersection than move-in access point. By the nature of each access point's use, the move-in area should be utilized much less than the parking deck access. The project minimizes its impact to the intersection by locating the busiest entrance farther from the aforementioned intersection. The sporadic use of the move-in access point also justifies the shorter distance between it and the parking deck access than the Street Design Manual would otherwise permit.
- 3. The approved design alternate does not create additional maintenance responsibilities for the City
  - Response: 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. Response: The approved design alternate has been designed and certified by Paul Asche.
- 5. The approved design alternate will not adversely impact stormwater collection and conveyance

## Response: The approved design alternate will 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 property has approximately 280' of frontage along W. Lenoir Street, compared to approximately 205' of frontage along W. South Street; S. Dawson Street is a Major Thoroughfare and not suitable for any access points along the property's frontage. Because the property has only 280' of frontage along W. Lenoir Street, there is no way to locate the driveway access and move-in access so that both the intersection and driveway spacing standards are met. The location of the driveway access and move-in area are positioned in such a way (lesser used move-in area closer to the intersection) to minimize traffic and safety concerns.



**EXISTING SITE DATA:** 

SITE ADDRESS PIN NUMBER: RECORDED MAP: OVERLAY DISTRICT:

EXISTING USE: ALLUVIAL SOIL: FEMA MAP PANEL #:

GENERAL NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH AND/OR NCDOT

1703564375, 1703563326

BK 017832, PG 00710

BM2020-PG1998

DX-20-UL-CU

1.164 AC

THE CONTRACTOR SHALL CONDUCT THE WORK IN A SAFE MANNER AND WITH A MINIMUM AMOUNT OF INCONVENIENCE TO TRAFFIC.

STORAGE BUILDING, WAREHOUSE

320 W. SOUTH ST & 328 W. SOUTH ST, RALEIGH, NC

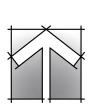
- PRIOR TO CONSTRUCTION BEGINNING, ALL SIGNAGE AND TRAFFIC CONTROL SHALL BE IN
- THE CONTRACTOR SHALL REPAIR ALL DAMAGED INFRASTRUCTURE IN THE RIGHT-OF-WAY AND RESTORE IT TO PREVIOUS OR BETTER CONDITION.
- THE CONTRACTOR SHALL REPAIR ANY DAMAGES TO ADJACENT PROPERTIES AND RESTORE IT TO PREVIOUS OR BETTER CONDITION.
- IF UNFORESEEN CONDITIONS DEVELOP DURING CONSTRUCTION, REFER TO "CITY OF RALEIGH STREET DESIGN MANUAL" AND CONTACT THE DEVELOPMENT SERVICES ENGINEERING INSPECTORS AT (919) 996-2409.
- IF CONSTRUCTION PLANS FOR PUBLIC AND PRIVATE STREETS OR UTILITIES SHOWN ON THIS PLAN ARE REQUIRED, THEY MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT AND PUBLIC UTILITIES DEPARTMENT PRIOR TO ISSUANCE OF PERMITS OR RECORDING OF ANY PLAT FOR THIS DEVELOPMENT.
- FIELD ADJUSTMENTS TO THIS PLAN MAY BE REQUIRED BY CITY OF RALEIGH INSPECTOR AS NEEDED DURING CONSTRUCTION.
- ALL SURVEY INFORMATION PROVIDED TO JDAVIS ARCHITECTS BY BOHLER ENGINEERING NC, PLLC IN DIGITAL FORMAT IN JANUARY 2020, AND SUPPLEMENTAL INFORMATION WAS OBTAINED FROM WAKE COUNTY GIS IN MARCH 2021.
- WITHIN THE SIGHT TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 8 FEET IN HEIGHT ABOVE THE CURB LINE ELEVATION SHALL BE LOCATED IN WHOLE OR PART. OBSTRUCTIONS INCLUDE BUT ARE NOT LIMITED TO ANY BERM, FOLIAGE, FENCE, WALL, SIGN,
- . UNLESS NOTED, ACCESS ROUTE FOR EMERGENCY VEHICLES SHALL PROVIDE AN INSIDE TURNING RADIUS OF 28' MINIMUM.
- 2. UNLESS NOTED, ALL DIMENSIONS SHOWN ARE TO BACK OF CURB.
- 3. TRASH AND CARDBOARD DUMPSTER(S) ENCLOSURE SHALL COMPATIBLE WITH MATERIAL AND/OR COLOR OF THE PRINCIPAL BUILDING.
- 4. CONTRACTOR TO FIELD LOCATE AND VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION ACTIVITIES. CONTACT NC ONE AT 811 FOR FIELD LOCATION OF UNDERGROUND UTILITIES.
- HANDICAP PARKING SPACE(S) AND HC ACCESS AISLE(S) SHALL BE NO GREATER THAN TWO PERCENT (2%) PITCH IN ANY DIRECTION AS PER ADA STANDARDS.
- 16. PROVIDE SIGNAGE AND STRIPING OF HANDICAP SPACES AS PER ADA STANDARDS.
- 7. ALL RETAINING WALLS GREATER THAN 30" IN HEIGHT TO INCLUDE SAFETY RAIL OR FENCE.
- 18. THE MINIMUM CORNER CLEARANCE FROM THE CURB LINE OF INTERSECTING STREETS SHALL BE AT LEAST 20 FEET FROM THE POINT OF TANGENCY OF THE CURB. NO DRIVEWAYS SHALL ENCROACH ON THIS MINIMUM CORNER CLEARANCE.
- 9. WC ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH CITY OF RALEIGH PUBLIC WORKS DEPARTMENT STANDARDS, PROWAG STANDARDS AND ADAAG SPECIFICATIONS
- 20. ALL RAMPS AND HANDRAILS SHALL BE CONFORM TO ANSI, NCSBC, AND ICC STANDARDS AND
- ALL HVAC EQUIPMENT AND UTILITY DEVICES (TO INCLUDE BUT NOT LIMITED TO TELEPHONE AND CABLE PEDESTALS, ELECTRICAL TRANSFORMERS, BACKFLOW DEVICE HOTBOX, ETC) SHALL BE SCREENED FROM OFF-SITE VIEW BY EVERGREEN SHRUBS, FENCE, OR WALL.
- 22. UTILITY PLACEMENT EASEMENT IS FOR INSTALLATION OF PRIVATE UTILITIES
- 23. POOL IS PROPOSED ON THIS SITE AND WILL <u>NOT</u> HAVE ANY LINEAR DIMENSION GREATER THAN 65 FEET OR ANY AREA IN EXCESS OF 4,000 SQUARE FEET.

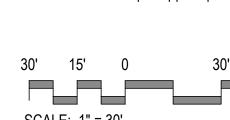
NOTE: DURING THE SCOPING MEETING, TRANSPORTATION STAFF INDICATED THAT THE CITY WOULD BE OPEN TO ABANDONING THE EXCESS RIGHT OF WAY ON BOTH W. LENOIR AND W. SOUTH STREETS. PLEASE SEE SHEET LS2.2 FOR

SEE LS3.1 - LS3.3 FOR SITE DETAILS.

ASR-0044-2021

SITE PLAN





Call before you dig.

SCALE: 1" = 30'

103 a

Raleigh,

REVIEW

SITE

**ADMINISTRATIVE** 

PROJECT:	CS-20025-140	DATE
ISSUE:	Administrative Site Review	05.20.2021
		•
REVISIONS:	1st Review Comments	08.06.2021
DRAWN BY:	KT, CHK	ı
CHECKED BY:	кт	
CONTENT:	SITE PLAN	
	_	

LS1.1