

# 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>			
ATTORNEY	Name		Email
	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>



1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH AND NCDDOT STANDARDS AND SPECIFICATIONS IF APPLICABLE.
2. THE CONTRACTOR SHALL OBTAIN A RIGHT-OF-WAY PERMIT FOR ANY WORK WHICH REQUIRES THE CLOSURE OF A TRAVEL LANE(S), PARKING SPACE(S), OR SIDEWALK FROM RIGHT-OF-WAY SERVICES AT ANY POINT DURING THE PROJECT.
3. 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 PLAN FOR THIS DEVELOPMENT.
4. FIELD ADJUSTMENTS TO THIS PLAN MAY BE REQUIRED BY CITY OF RALEIGH INSPECTOR AS NEEDED DURING CONSTRUCTION.
5. ALL SURVEY INFORMATION PROVIDED TO SGE, RALEIGH, NORTH CAROLINA OFFICE BY BNK IN DIGITAL FORMAT IN MARCH, 2021, AND SUPPLEMENTAL INFORMATION WAS OBTAINED FROM WAKE COUNTY GIS IN JUNE, 2021.
6. ALL PROPOSED CURB AND GUTTER WITHIN PUBLIC RIGHT OF WAY SHOWN ON PLANS TO BE 30" CITY OF RALEIGH STANDARD CONCRETE CURB AND GUTTER, AND ALL OTHER PROPOSED CURB AND GUTTER TO BE 24" CONCRETE CURB AND GUTTER UNLESS OTHERWISE NOTED ON PLANS.
7. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE STATED ON PLANS.
8. 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, OR PARKED VEHICLE.
9. UNLESS NOTED ACCESS TO THE ROAD FOR EMERGENCY VEHICLES SHALL PROVIDE AN INSIDE TURNING RADIUS OF 28' MINIMUM.
10. ALL HWY VIANC SHALL BE SCREENED FROM VIEW OF THE PUBLIC RIGHT OF WAY.
11. 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 CNC ONE AT 811 FOR FIELD LOCATION OF UNDERGROUND UTILITIES.
12. HANDICAP PARKING SPACE(S) AND HC ACCESS AISLE(S) SHALL BE NO GREATER THAN TWO PERCENT (2%) PITCH IN ANY DIRECTIONS) AS PER ADA STANDARDS.
13. PROVIDE SIGNAGE AND STRIPING OF HANDICAP SPACES AS PER ADA STANDARDS.
14. ALL RETAINING WALLS GREATER THAN 30" IN HEIGHT TO INCLUDE SAFETY RAIL OR FENCE. NO RETAINING WALLS ARE PERMITTED IN THE RIGHT-OF-WAY UNLESS APPROVED BY ENCROACHMENT.
15. 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 FOR RESIDENTIAL DRIVEWAYS. NO DRIVEWAYS SHALL ENCRACH ON THIS MINIMUM CORNER CLEARANCE.
16. WC ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH CITY OF RALEIGH PUBLIC WORKS DEPARTMENT STANDARDS, PROWAG STANDARDS AND ADAAG SPECIFICATIONS
17. ALL RAMPS AND HANDRAILS SHALL BE CONFORM TO ANSI STANDARDS
18. ALL ABOVE GROUND 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.
19. ALL SIDEWALKS MUST BE ACCESSIBLE TO PERSONS WHO ARE BLIND, HAVE LOW VISION AND PEOPLE WITH MOBILITY DISABILITIES. PEDESTRIAN EXISTING ROUTES AND ALTERNATE PEDESTRIAN ROUTES DURING CONSTRUCTION WILL BE REQUIRED TO BE COMPLIANT WITH THE PUBLIC RIGHTS OF WAY ACCESSIBILITY GUIDELINES (PROWAG), 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
20. IF UNFENCED CONDITIONS DEVELOP DURING CONSTRUCTION, REFER TO "CITY OF RALEIGH STREET DESIGN MANUAL" AND CONTACT PUBLIC WORKS DEPARTMENT FOR FURTHER INFORMATION.
21. PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY OF RALEIGH PUBLIC WORKS DEPARTMENT / TRANSPORTATION FIELD SERVICES STAFF TO REVIEW THE SPECIFIC COMPONENTS OF THE PLAN AND OPERATION OF THESE FACILITIES DURING CONSTRUCTION. CONTACT ENGINEERING INSPECTIONS AT 919.996.2409 TO SET UP THE MEETING.
22. THE CONTRACTOR SHALL CONDUCT THE WORK IN A SAFE MANNER AND WITH MINIMAL IMPACT TO TRAFFIC.
23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A PUBLIC TRAFFIC CONTROL, AND SHALL ADHERE TO THE PROVISIONS OF THE MUTCD (MOST CURRENT EDITION).
24. ANY TEMPORARY STREET CLOSURE MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR TO THE START OF WORK. SEE "RIGHT-OF-WAY CLOSURES" ON WWW.RALEIGHNC.GOV. COMPLETE AND SEND THE RIGHT-OF-WAY OBSTRUCTION PERMIT TO RIGHT-OF-WAY SERVICES@RALEIGHNC.GOV.
25. PRIOR TO CONSTRUCTION BEGINNING, ALL SIGNEAGE AND TRAFFIC CONTROL SHALL BE IN PLACE.

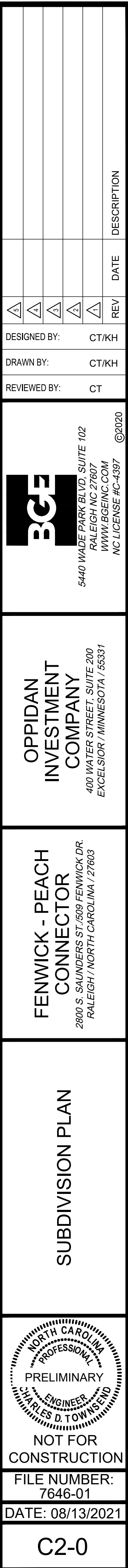
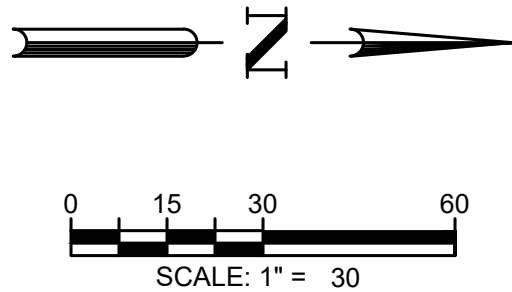
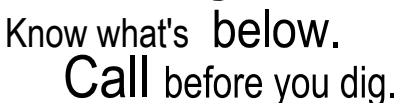
	EXISTING PROPERTY / BOUNDARY LINE
	EXISTING EASEMENT
	PROPOSED CURB AND GUTTER
	PROPOSED RETAINING WALL
	PROPOSED STRIPING

SITE GROSS ACREAGE	119,354 SF / 2.74 AC
EXISTING IMPERVIOUS:	
	337 SF / 0.01 AC
PROPOSED IMPERVIOUS	
LOT 1	4,841 SF / 0.11 AC
LOT 2	0 SF / 0 AC
PROPOSED ROAD	12,632 SF / 0.29 AC
TOTAL PROPOSED IMPERVIOUS	18,349 SF / 0.42 AC
SITE NET ACREAGE	
LOT 1	87,993 SF / 2.02 AC
LOT 2	18,808 SF / 0.43 AC
PROPOSED ROAD	12,632 SF / 0.29 AC
R/W DEDICATION:	13,508 SF / 0.31 AC
TOTAL SITE NET ACREAGE	105,851 SF / 2.43 AC

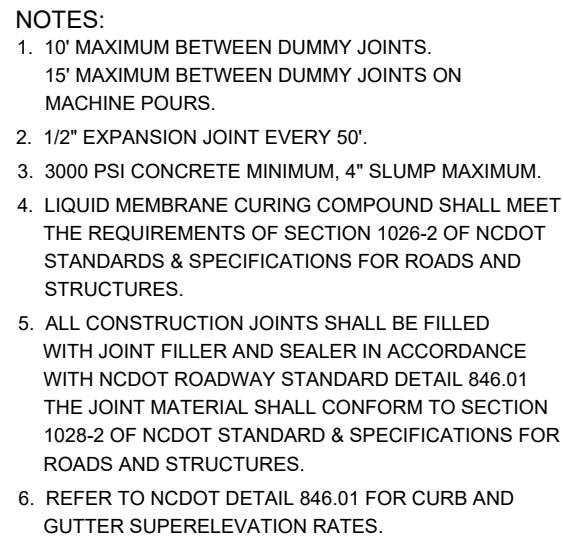
The *Construction Contractor* responsible for the extension of water, sewer, and/or reuse, as approved in these plans, is responsible for contacting the **Public Works Department** at (919) 996-2409, and the **Public Utilities Department** at (919) 996-4540 at least *twenty four hours* prior to beginning any of their construction.

**Failure** to notify both *City Departments* in advance of beginning construction, will result in the issuance of *monetary fines*, and require reinstallation of any water or sewer facilities not inspected as a result of this notification failure.

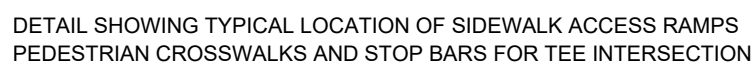
**Failure** to call for *Inspection, Install a Downstream Plug, have Permitted Plans on the Jobsite, or any other Violation of City of Raleigh Standards* will result in a *Fine and Possible Exclusion* from future work in the *City of Raleigh*.



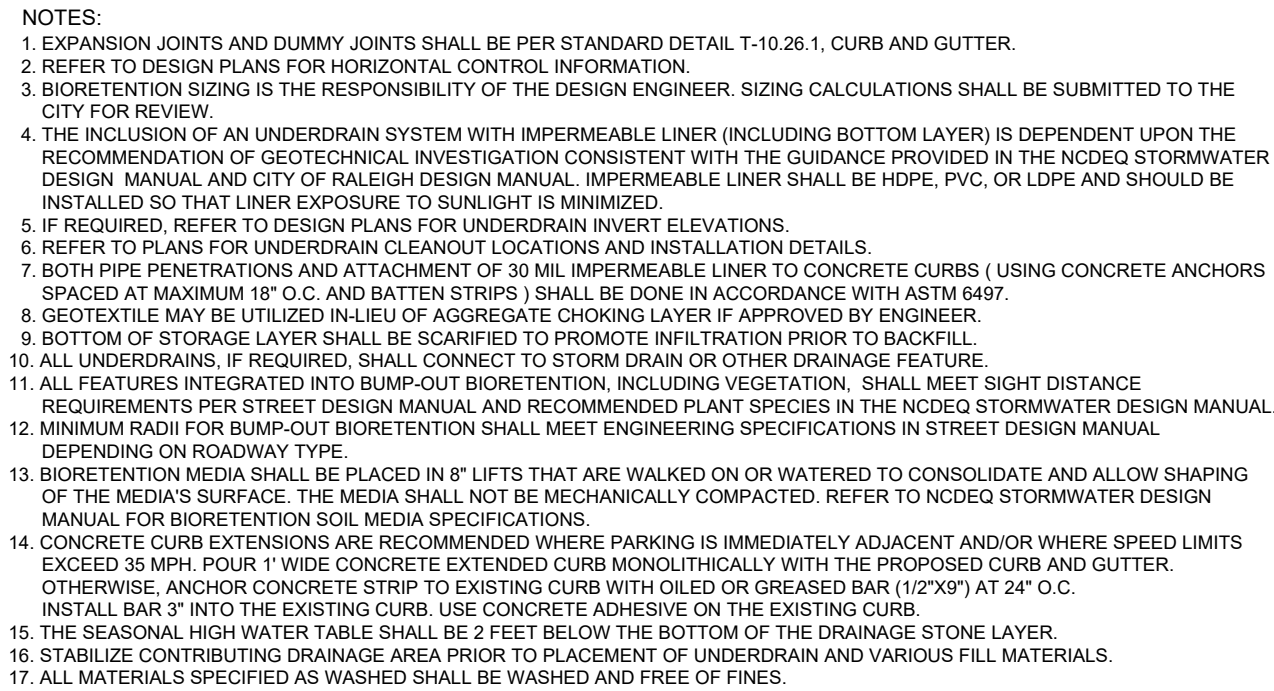
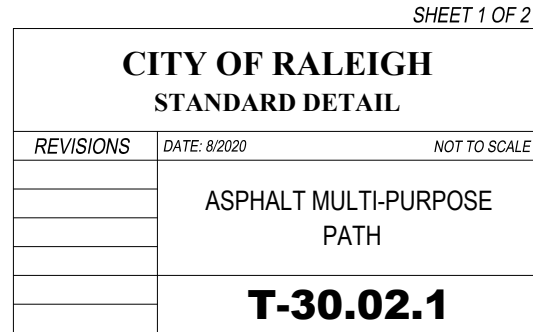




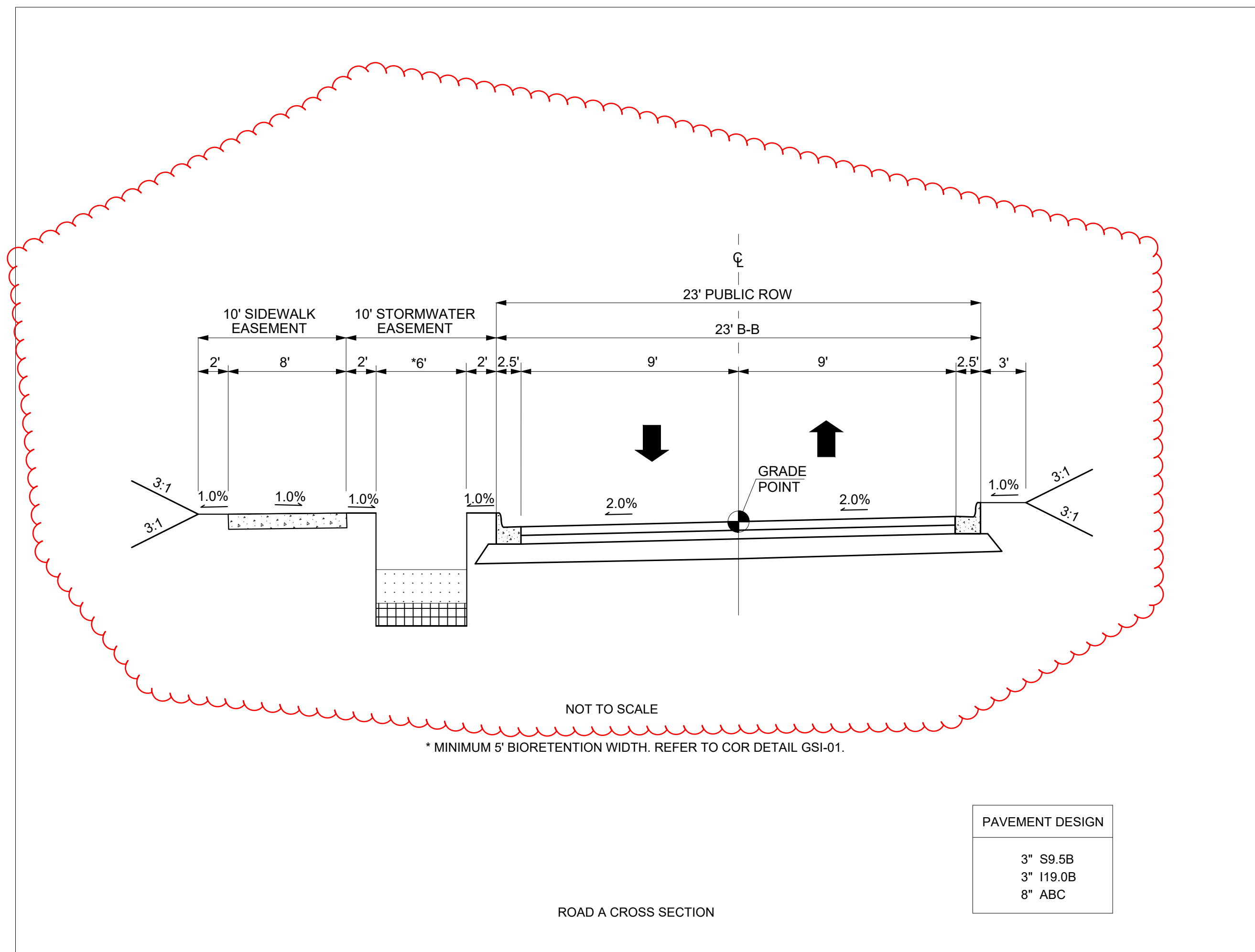
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REVISIONS	DATE: 8/20/20	NOT TO SCALE
	CURB AND GUTTER	
<h1>T-10.26.1</h1>		



<div style="text-align: right;">SHEET 1 OF 8</div> <div style="text-align: center;"> <h1>CITY OF RALEIGH</h1> <h2>STANDARD DETAIL</h2> </div>		
REVISIONS	DATE: 8/2020	NOT TO SCALE
	CURB RAMPS	
	<b>T-20.01.1</b>	



<h1 style="text-align: center;">CITY OF RALEIGH</h1> <h2 style="text-align: center;">STANDARD DETAIL</h2>		
<b>REVISIONS</b>	<b>DATE:</b> 8/2020	<b>NOT TO SCALE</b>
	<h3 style="text-align: center;">CURB-SIDE AND BUMP-OUT BIORETENTION</h3>	
	<h1 style="font-size: 2em;">GSI-01</h1>	



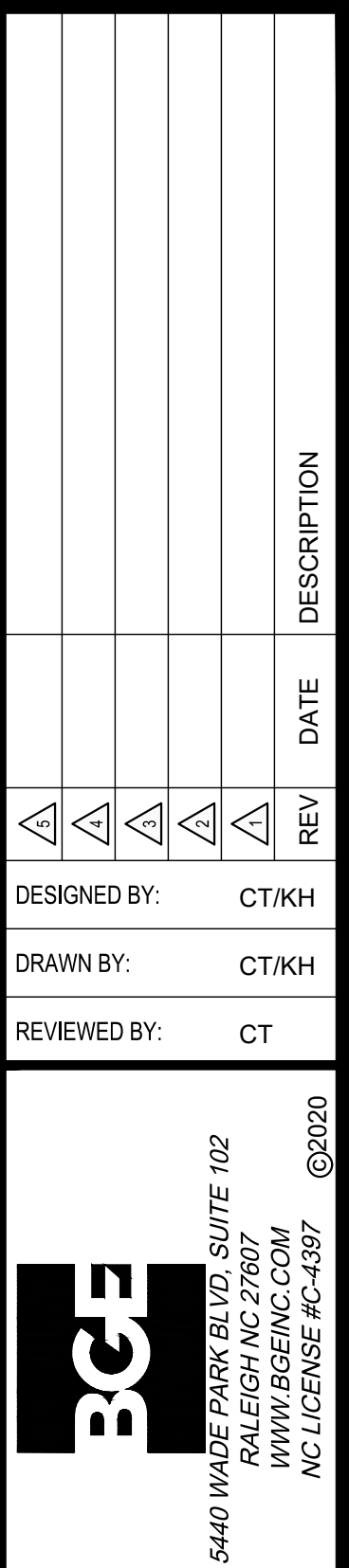
Know what's below.  
Call before you dig.

### ATTENTION CONTRACTORS

The *Construction Contractor* responsible for the extension of water, sewer, and/or reuse, as approved in these plans, is responsible for contacting the **Public Works Department** at (919) 996-2409, and the **Public Utilities Department** at (919) 996-4540 at least twenty four hours prior to beginning any of their construction.

**Failure** to notify both *City Departments* in advance of beginning construction, will result in the issuance of *monetary fines*, and require reinstallation of any water or sewer facilities not inspected as a result of this notification failure.

**Failure** to call for Inspection, Install a Downstream Plug, have Permitted Plans on the Jobsite, or any other Violation of City of Raleigh Standards will result in a Fine and Possible Exclusion from future work in the City of Raleigh.



**OPPIDAN  
INVESTMENT  
COMPANY**  
400 WATER STREET, SUITE 200  
EXCELSIOR / MINNESOTA / 55331

**FENWICK - PEACH  
CONNECTOR**

## SUBDIVISION DETAILS





1702358608  
FOSTER, DWIGHT D FOSTER, SHARON L  
520 FENWICK DR  
RALEIGH NC 27603-3223

1702356286  
MCNEILL, KENNETH T MCNEILL, LINDA K  
2824 WYNCOTE DR  
RALEIGH NC 27603-3221

1702357351  
LIPSCOMB, HENRY MCARTHUR  
2825 WYNCOTE DR  
RALEIGH NC 27603-3220

1702347788  
FMO REAL ESTATE LLC  
LAMAR ADVERTISING COMPANY  
5200 ATLANTIC AVE  
RALEIGH NC 27616-1870

1702359775  
GOWER, JERRY LEE  
509 RONAL CIR  
RALEIGH NC 27603-9256

1702357565  
CASTILLO, LEONAR  
2473 HARBIN VILLAGE CT  
MORROW GA 30260-2021

1702357467  
USHER, TERRY  
2817 WYNCOTE DR  
RALEIGH NC 27603-3220

1702357470  
USHER, TERRY JR  
2821 WYNCOTE DR  
RALEIGH NC 27603-3220

1702450532  
OPPORTUNITY ONE LLC  
103 CROSSWAITE WAY  
CARY NC 27518-9193

1702359305  
OPPORTUNITY ONE LLC  
103 CROSSWAITE WAY  
CARY NC 27518-9193

1702356165  
OPPORTUNITY ONE LLC  
103 CROSSWAITE WAY  
CARY NC 27518-9193

1702345843  
OPPORTUNITY ONE LLC  
103 CROSSWAITE WAY  
CARY NC 27518-9193