

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	Project Information		
	Project Name Wynslow Park Apartments		Case Number ASR-0054-2021
	PIN Number 1726947046		Zoning District NX-4-CU
	Property Address 4300 Fox Rd.		
	City Raleigh	State NC	ZIP 27616
	Project Applicant Information		
	Name David Lasley, Piedmont Land Design		Email
	Address 8522-204 Six Forks Rd		City Raleigh
	State NC	Zip Code 27615	Phone
	OWNER	Property Owner Information	
Name Tiger Paw Ventures LLC		Email	
Address		City	
State		Zip Code	Phone
Attorney Information			
ATTORNEY	Name Toby Coleman, Smith Anderson		Email tcoleman@smithlaw.com
	Address 150 Fayetteville St., Ste. 2300		City Raleigh
	State NC	Zip Code 27601	Phone 919-821-6778
REQUEST	I am seeking a Design Alternate from the requirements set forth in the following:		
	<input checked="" type="checkbox"/> UDO Article 8.3.2, 8.3.4, 8.3.5	See page 2 for findings	
	<input 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 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

(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

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
See Appendix

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

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
See Appendix.

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;
See Appendix

 - b. Compliance would not meaningfully improve connectivity;
See Appendix

 - c. Compliance is not compatible with adjacent uses[s]; or
See Appendix

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

APPENDIX TO DESIGN ALTERNATE APPLICATION
Wynslow Park Apartments (ASR-0054-2021)
4300 Fox Rd. (PIN 1726947046) (the “Property”)

Nature of Request: Property Owner, Tiger Paw Ventures, LLC, is seeking a Design Alternate from the 200’ driveway spacing requirement set out in § 8.3.5.C.3(c) to permit a driveway accessing Fox Road to be located approximately 155’ from the nearest driveway on Fox Road.

UDO Section 8.3.2, 8.3.4, 8.3.5
Design Alternate Findings

1. The approved Design Alternate meets the intent of Sections 8.3.2, 8.3.4, and 8.3.5;

The Design Alternate is needed to satisfy the intent of Section 8.3.5 to provide adequate site access in as safe a manner as possible. The Property is located at the intersection of Fox Road and US 401/Louisburg Road. It will be accessed from Fox Road. The property is only about 225' deep along Fox Road. To maximize the driveway's distance from the US 401/Fox Road intersection and eliminate potential conflicts with queuing areas, City staff has directed that the driveway be placed near the Property's southern boundary line. As a result, the driveway is only about 155' from the neighboring parcel's driveway. Since the Property and the neighboring parcel are both used solely for residential apartments, this location is permitted if the driveways are deemed to be for residential uses. However, in comments on the Site Plan, City transportation staff has indicated that the Property may be subject to driveway standards for mixed uses and nonresidential uses, and therefore is subject to the 200' driveway spacing requirement.

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

Allowing a driveway to be located on the Property as shown in the Site Plan will not increase congestion or compromise safety. The driveway has been located further away from the Fox Road/US 401 intersection to reduce potential traffic conflicts and reduce the likelihood that traffic queuing on Fox Road would not impact access to or from the Property.

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

The driveway location on Fox Road will not conflict with any existing or proposed roadways.

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 improved connectivity; (c) Compliance is not compatible with adjacent use[s]; or (d) The burden of compliance is not reasonable given the size or the intensity of the development.**

Given the Property's limited frontage along Fox Road and the residential use of the Property and the neighboring parcel, compliance is not reasonable. The Property should not reasonably be subject to the 200' driveway spacing requirements for mixed and nonresidential uses because the Property will only be used for residential uses. To the extent the 200' driveway spacing requirement applies to the Property, compliance cannot reasonably be achieved without moving the driveway closer to the Fox Rd/US 401 intersection, which would create safety and traffic access concerns.

NOTARIZED CERTIFICATION OF OWNER(S)

I, Stephen F. Kenney, the undersigned, being first duly sworn, depose and say that I voluntarily submitted this Board of Adjustment Application to the City of Raleigh; that I am the owner(s) of the property described and which is the subject matter of this Board of Adjustment 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: 9-30-2021

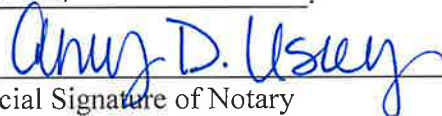


Signature

STATE OF NORTH CAROLINA
Johnston 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:
Stephen F. Kenney, President of Kenney Properties, Inc.

Date: 9-30-2021

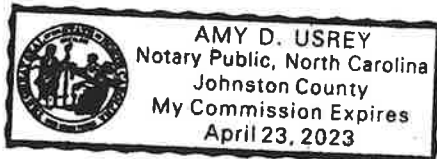


Official Signature of Notary

[NOTARY SEAL]

Amy D. Usrey, Notary Public

Notary's Printed or Typed Name



My Commission expires: April 23, 2023



PRELIMINARY
NOT FOR CONSTRUCTION

WYNLOW PARK APARTMENTS
4300 & 4301 FOX ROAD
RALEIGH, NC

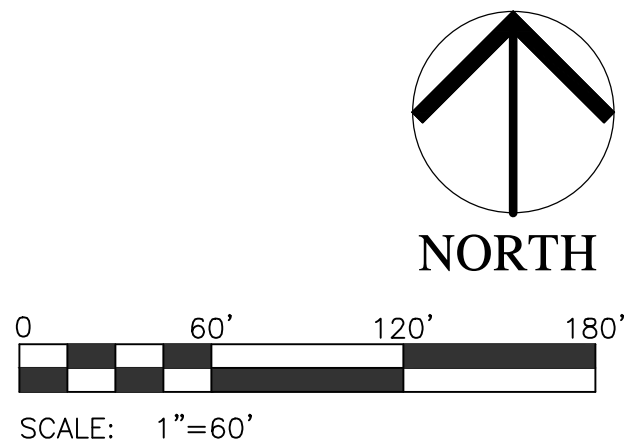
ISSUED: 22 SEPT 2021

REVISIONS:

DRAWN BY: JET
CHECKED BY: JDL
PROJECT: KCFR401A

STAKING PLAN
W/ AIREAL
EXHIBIT

DWG. NO. **EX 2.0**



PIN	Owner	Mail Address 1	Mail Address 2	Site Address
1726933461	WYNSLOW PARK LLC	701 EXPOSITION PL STE 101	RALEIGH NC 27615-3356	4201 FOX RD
1726935704	TIGER PAW VENTURES LLC	701 EXPOSITION PL STE 101	RALEIGH NC 27615-3356	4301 FOX RD
1726943040	GRAFFAM, DEAN EDWARD JR GRAFFAM, LATRIA E	4401 FOX RD	RALEIGH NC 27616-5264	4401 FOX RD
1726943290	PERRY, LOWERY S JR. PERRY, DONNA	4404 FOX RD	RALEIGH NC 27616-5263	4404 FOX RD
1726944187	OCHOA, JOSE A CALDERON	4400 FOX RD	RALEIGH NC 27616-5263	4400 FOX RD
1726945235	GUZMAN-ROSAS, JUAN CARLOS	5205 LOUISBURG RD	RALEIGH NC 27616-5216	5205 LOUISBURG RD
1726945382	STEVENS, JERALD A	5209 LOUISBURG RD	RALEIGH NC 27616-5216	5209 LOUISBURG RD
1726946583	HOYTE, VIVIAN JONES	5301 LOUISBURG RD	RALEIGH NC 27616-5311	5217 LOUISBURG RD
1726946583	RESIDENT/TENANT	5217 LOUISBURG RD	RALEIGH NC 27616	5217 LOUISBURG RD
1726947046	TIGER PAW VENTURES LLC	701 EXPOSITION PL STE 101	RALEIGH NC 27615-3356	4300 FOX RD
1736031637	WYNSLOW PARK LLC	701 EXPOSITION PL STE 101	RALEIGH NC 27615-3356	4200 FOX RD
1736042550	ST MATTHEW BAPTIST CHURCH	5410 LOUISBURG RD	RALEIGH NC 27616-5314	5410 LOUISBURG RD