

# 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 10.2.17 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based on the applicable standard, as outlined in Sec. 10.2.17 of the UDO. **A request for a design alternate must be submitted after the first round of review for a development plan or infrastructure construction plan.**

<b>PROJECT</b>	<b>Project Information</b>			
	Project Name	The Creamery	Case Number	ASR-0083-2021
	PIN Number	1704406990 and 1704417007	Zoning District	DX-40-CU
	Property Address 400 and 410 Glenwood Ave.			
	City	Raleigh	State	NC
			ZIP	27612
	<b>Project Applicant Information</b>			
	Name	Gray Harrell	Email	harrell@mcadamsco.com
	Address	One Glenwood Avenue, Suite 201	City	Raleigh
	State	NC	Zip Code	27601
		Phone	919-287-0834	
<b>OWNER</b>	<b>Property Owner Information</b>			
	Name	400 Glenwood Avenue Property LLC & 410 Glenwood Avenue Property LLC	Email	c/o colliermarsh@parkerpoe.com
	Address	4 Bryant Park Suite 200	City	New York
	State	New York	Zip Code	10018
		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	919-835-4663	
<b>REQUEST</b>	<b>I am seeking a Design Alternate from the requirements set forth in the following:</b>			
	<input type="checkbox"/> UDO Section 1.5.6.D - Build-to			
	<input type="checkbox"/> UDO Section 1.5.8.C - Pedestrian Access			
	<input type="checkbox"/> UDO Section 1.5.9.C - Transparency			
	<input type="checkbox"/> UDO Section 1.5.10 - Blank Wall			
	<input type="checkbox"/> UDO Section 1.5.12.C - Garage			
	<input checked="" type="checkbox"/> UDO Section 3.3.3.C - Building Massing			
	<input type="checkbox"/> UDO Section 7.1.1.I - Vehicle Parking Lot			
	<input type="checkbox"/> UDO Section 7.2.3 - Landscaping and Screening			
	<input type="checkbox"/> UDO Section 8.3.2, 8.3.4, 8.3.5 - Blocks, Lots and Access			
	<input type="checkbox"/> UDO Section 8.4 - New and Existing Streets			
	<input checked="" type="checkbox"/> UDO Section 8.5 - Street Cross Sections			
	<input checked="" type="checkbox"/> UDO Section 10.2.17.E - Raleigh Street Design Manual			

**REQUEST****Description of Request(s):**

The applicant requests the following design alternates:

1. Relief from the UDO Section 3.3.3.E requirement to provide 12' stepbacks between the 2nd floor or 25', whichever is greater, and the 13th floor of buildings greater than 13 stories in order to provide a minimum 15' stepback at varying heights due to sloping topography, for the portions of the proposed residential tower at 410 Glenwood Avenue fronting North Street and Glenwood Avenue.
2. Relief from the UDO Section 3.3.3.F requirement to provide 60' spacing between towers for floors above 12 stories on adjacent sites in order to provide 26'2" spacing between the corners of the proposed residential tower and the proposed office tower;
3. Relief from the UDO Section 8.5.5.D.A requirement to provide a 73' right of way width in order to provide a 66' of right of way width for Glenwood Avenue and Tucker Street;
4. Relief from the UDO Section 8.5.5.D.A requirement to provide a 16' streetscape in order to provide a 11' streetscape on Glenwood Avenue and Tucker Street;
5. Relief from Raleigh Street Design Manual Sec. 9.5.2.C requirement to provide driveway spacing of 200 feet for driveways accessing up to 80 feet wide street rights-of-way to allow 82' feet spacing between two proposed driveways on West North Street.

**CHECKLIST**

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 and mailing list per UDO Sec. 10.2.1.C.1.	<input type="checkbox"/> Included
Fee - \$1,716.00	<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- 4643**

**Deliver the addressed envelopes and notarized certification of owner to:**

Carter Pettibone

Department of Planning and Development

One Exchange Plaza, Suite 300

Raleigh NC, 27601

**The Creamery**  
**ASR-0083-2021**  
**Design Alternate Application Addendum**

**Summary of Request:** The applicant requests the following design alternates:

1. Relief from the UDO Section 3.3.3.E requirement to provide 12' setbacks between the 2<sup>nd</sup> floor or 25', whichever is greater, and the 13<sup>th</sup> floor of buildings greater than 13 stories in order to provide a minimum 15' setback at varying heights due to sloping topography, for the portions of the proposed residential tower at 410 Glenwood Avenue fronting North Street and Glenwood Avenue.
2. Relief from the UDO Section 3.3.3.F requirement to provide 60' spacing between towers for floors above 12 stories on adjacent sites in order to provide 26'2" spacing between the corners of the proposed residential tower and the proposed office tower;
3. Relief from the UDO Section 8.5.5.D.A requirement to provide a 73' right of way width in order to provide a 66' of right of way width for Glenwood Avenue and Tucker Street;
4. Relief from the UDO Section 8.5.5.D.A requirement to provide a 16' streetscape in order to provide a 11' streetscape on Glenwood Avenue and Tucker Street;
5. Relief from Raleigh Street Design Manual Sec. 9.5.2.C requirement to provide driveway spacing of 200 feet for driveways accessing up to 80 feet wide street rights-of-way to allow 82' feet spacing between two proposed driveways on West North Street.

**Property Information**

**1. Parcel 1**

- a. Parcel No.: 1704406990
- b. Address: 400 Glenwood Ave, Raleigh, NC 27612
- c. Owner: 400 Glenwood Avenue Property LLC
- d. Acreage: .37 acres
- e. Zoning: DX-40-CU

**2. Parcel 2**

- a. Parcel No.: 1704417007
- b. Address: 410 Glenwood Ave, Raleigh, NC 27612
- c. Owner: 400 Glenwood Avenue Property LLC
- d. Acreage: 2.02 acres
- e. Zoning: DX-40-CU

### **UDO Section 3.3.3.C Building Massing Standards Design Alternate Findings**

- 1. The approved alternate is consistent with the intent of the building massing regulations;**

**UDO 3.3.3.E Stepback Response:** The requested alternate is consistent with the intent of the building massing regulations because the proposed design provides stepbacks that meet the intent of the regulations and generally exceed the stepback requirements.

Building stepbacks are provided on the frontage of all public streets. To respect and support the streetscape created by the adjacent historic Creamery building, stepbacks have been placed to roughly align with the cornice line of the existing structure. The two-story Creamery building parapet varies in height from 32'-2" to 22'-3" along Glenwood Avenue.

The stepback for the proposed office tower on Tucker Street is 16'-7" deep, 37'-7" above grade, and aligns with the Creamery parapet next door. An additional stepback for the office tower is included at the 9th floor along Tucker Street.

The proposed office tower's frontage along North Street steps back 15'-0" at a point roughly 24'-0" above grade. An additional stepback is included at the 9th floor along North Street. The stepback on North Street features a large landscaped terrace with a swimming pool that will be accessible to occupants of both towers.

The residential tower fronting Glenwood Avenue steps back 15'-0" along Glenwood Avenue and North street. However, due to sloping topography on Glenwood avenue, the height of the stepback varies. The stepback height is roughly the same height above grade at the plaza as the Creamery building. This datum continues around the corner along North Street, and the 15'-0" stepback continues across the North Street frontage.

**UDO 3.3.3.F Tower Spacing Response:** The requested alternate is consistent with the intent of the building massing regulations because the two towers are part of one cohesive development and were intentionally split to reduce mass, allow more air, and allow more light to penetrate. The towers were designed in a manner that will allow for light and air to flow between the buildings and to provide for clear views out of each building. The towers are fully offset and do not have facades directly facing one another. Instead, the closest points between the two towers are their corners.

- 2. The approved alternate uses an architectural base distinguishable from the building above that enhances the pedestrian environment through a change in material, fenestration, ornamentation, rhythm, or other sculpting of the base.**

**UDO 3.3.3.E Stepback Response:** The proposed design includes an architectural base distinguishable from the building above. The facades of each building utilize changes in material and massing to break the scale of the towers into smaller elements. The expression of columns along the base of the building enhances the pedestrian environment by adding interest and rhythm to the street. The buildings have a clear

delineation between the base, middle, and top. The buildings also have additional stepbacks that exceed UDO requirements.

**UDO 3.3.3.F Tower Spacing Response:** The proposed design includes an architectural base distinguishable from the building above. The facades of each building utilize changes in material and massing to break the scale of the towers into smaller elements. The expression of columns along the base of the building enhances the pedestrian environment by adding interest and rhythm to the street. The buildings have a clear delineation between the base, middle, and top. The separation of the two towers, which occurs at the ninth story, only further distinguishes the base from the middle and top.

- 3. If the approved alternate proposes a building setback behind the sidewalk in lieu of a required stepback, the resulting open space includes pedestrian amenities such as seating areas, trees and landscaping or outdoor dining.**

**UDO 3.3.3.E Stepback Response:** The proposed design does not include a building setback behind the sidewalk in lieu of a required setback. However, the site plan includes a generous plaza along Glenwood Avenue and pedestrian pathway through the site from north to south. These elements of the design provide gathering spaces for residents and office and retail users. This open space will include public amenities such as seating areas, trees, landscaping, and opportunities for outdoor dining.

**UDO 3.3.3.F Tower Spacing Response:** The proposed design does not include a building setback behind the sidewalk in lieu of a required setback. However, the site plan includes a generous plaza along Glenwood Avenue and pedestrian pathway through the site from north to south. These elements of the design provide gathering spaces for residents and office and retail users. This open space will include public amenities such as seating areas, trees, landscaping, and opportunities for outdoor dining.

- 4. The building uses other architectural treatments to mitigate wind impacts, increase light at pedestrian level, and visually reduce the scale of the building.**

**UDO 3.3.3.E Stepback Response:** As set forth in the preceding sections, the proposed buildings actually contain setbacks that meet the intent, and in most instances exceed the requirements, of the UDO. The design alternate is merely driven by sloping topography that makes it impossible to align all stepbacks at heights that meet the UDO requirement.

**UDO 3.3.3.F Tower Spacing Response:** The proposed towers are part of a cohesive project that could have been developed with one connected tower. Instead, the design includes two separate towers that were intentionally designed in a manner that will allow for light and air to flow between the buildings and to provide for clear views out of each building. The towers are fully offset and do not have facades directly facing one another. Instead, the closest points between the two towers are their corners.

**5. The building does not cause undue shadow impacts on public spaces, amenity areas, and surrounding streets.**

**UDO 3.3.3.E Stepback Response:** The proposed building does not cause undue shadow impacts on public spaces, amenity areas, and surrounding streets. As set forth above the proposed design includes setbacks that meet the intent of the ordinance and, in most instances exceed the stepback requirements. The office tower stepback on North Street also features a large landscaped terrace with swimming pool that will be accessible to occupants of both towers.

**UDO 3.3.3.F Tower Spacing Response:** The proposed building does not cause undue shadow impacts on public spaces, amenity areas, and surrounding streets. The tower spacing complies with the intent of the building massing standards by offsetting the towers to allow for light and air to flow between the buildings and to provide for clear views out of each building.

## **UDO Section 8.5 Street Cross Section Design Alternate Findings**

The Planning Commission or Appearance Commission performing the quasi-judicial duties of the Planning Commission (as designated by the City Council) shall, in accordance with Sec. 10.1.8, approve a design alternate from the provisions of Article 8.5 relating to street cross sections, upon a showing of all of the findings set forth in below:

**1. The approved design alternate is consistent with the intent of Article 8.5;**

**UDO Section 8.5.5.D.A Right of Way Response:** The intent of Article 8.5 is to provide consistent street types that are appropriate for their location. The requested design alternate is consistent with the intent of Article 8.5 because it will provide right of way width that is equivalent to, and consistent with, the existing right of way. The subject property includes the Creamery building which is a Local Historic Landmark. This project seeks to preserve the historic Creamery building and respect the Creamery's design in numerous ways, including by aligning exterior walls with the Creamery and, therefore, providing consistent right of way widths. Alignment with the Creamery building's location makes compliance with the required right of way width impossible.

**UDO Section 8.5.5.D.A Streetscape Response:** The intent of Article 8.5 is to provide consistent street types that are appropriate for their location. The requested design alternate is consistent with the intent of Article 8.5 because it will provide streetscapes that match the existing streetscape. This project seeks to preserve the historic Creamery building and respect the Creamery's design in numerous ways, including by aligning exterior walls with the Creamery and, therefore, providing consistent streetscape widths. Alignment with the Creamery building's location makes compliance with the required streetscape width impossible.

**2. The approved design alternate does not increase congestion or compromise safety;**

**UDO Section 8.5.5.D.A Right of Way Response:** The proposed right of way width will match the existing right of way width and will not increase congestion or compromise safety.

**UDO Section 8.5.5.D.A Streetscape Response:** The proposed streetscape will match the existing streetscape and will not increase congestion or compromise safety.

**3. The approved design alternate does not create additional maintenance responsibilities for the City;**

**UDO Section 8.5.5.D.A Right of Way Response:** 2. The approved design alternate does not create additional maintenance responsibilities for the City.

**UDO Section 8.5.5.D.A Streetscape 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, or such other design professional licensed to design, seal and certify the alternate;**

**UDO Section 8.5.5.D.A Right of Way Response:** The approved design alternate has been designed and certified by a Professional Engineer.

**UDO Section 8.5.5.D.A Streetscape Response:** The approved 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**

**UDO Section 8.5.5.D.A Right of Way Response:** The approved design alternate will not adversely impact stormwater collection and conveyance.

**UDO Section 8.5.5.D.A Streetscape Response:** The approved design alternate will not adversely impact stormwater collection and conveyance.

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.**

**UDO Section 8.5.5.D.A Right of Way Response:** The proposed design alternate is reasonable because the historic Creamery building impedes roadway expansion.

**UDO Section 8.5.5.D.A Streetscape Response:** The proposed design alternate is reasonable because the proposed streetscape will match the streetscape adjacent to the historic Creamery building.



## **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 meets the intent of Section 9.5.2.C because the planned access points will provide for safe and efficient vehicular access. The western of the two proposed driveways on West North street is designed to be limited to pedestrian loading and unloading, and service use will be restricted. The proposed driveway locations are consistent with the driveway locations that currently exist and are also consistent with the surrounding area. 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 alternate will 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.

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

**Response:** The requested design alternate 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 alternate has 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**

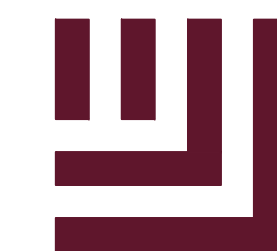
**Response:** The requested design alternate will not adversely impact stormwater collection and conveyance. The accompanying site plans ensure adequate stormwater control measures will be in place.

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 proposed design alternate is reasonable because the existing physical environment makes compliance with the requirement for the driveway spacing infeasible. 400 Glenwood Avenue's frontage on West North Street only spans approximately 120 feet and 410 Glenwood's frontage spans approximately 180'. Compliance with both the driveway spacing and intersection clearance requirements is not feasible. The proposed driveways have been designed to maximize clearance from the Glenwood Avenue intersection, reducing the amount of congestion at that intersection.

In addition, the burden of compliance is not reasonable in light of the intensity of the development. The western of the two proposed driveways is designed to be limited to pedestrian loading and unloading, and service use will be restricted.



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

TURNBRIDGE EQUITIES  
4 BRYANT PARK, SUITE 200  
NEW YORK, NY 10018

THE CREAMERY  
ADMINISTRATIVE SITE REVIEW  
400 & 410 GLENWOOD AVENUE  
RALEIGH, NORTH CAROLINA, 27603



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. TBE-20000  
FILENAME TBE20000-ASR-51  
CHECKED BY CGH  
DRAWN BY CDR  
SCALE 1"=30'  
DATE 08.31.2021

SHEET

SITE PLAN

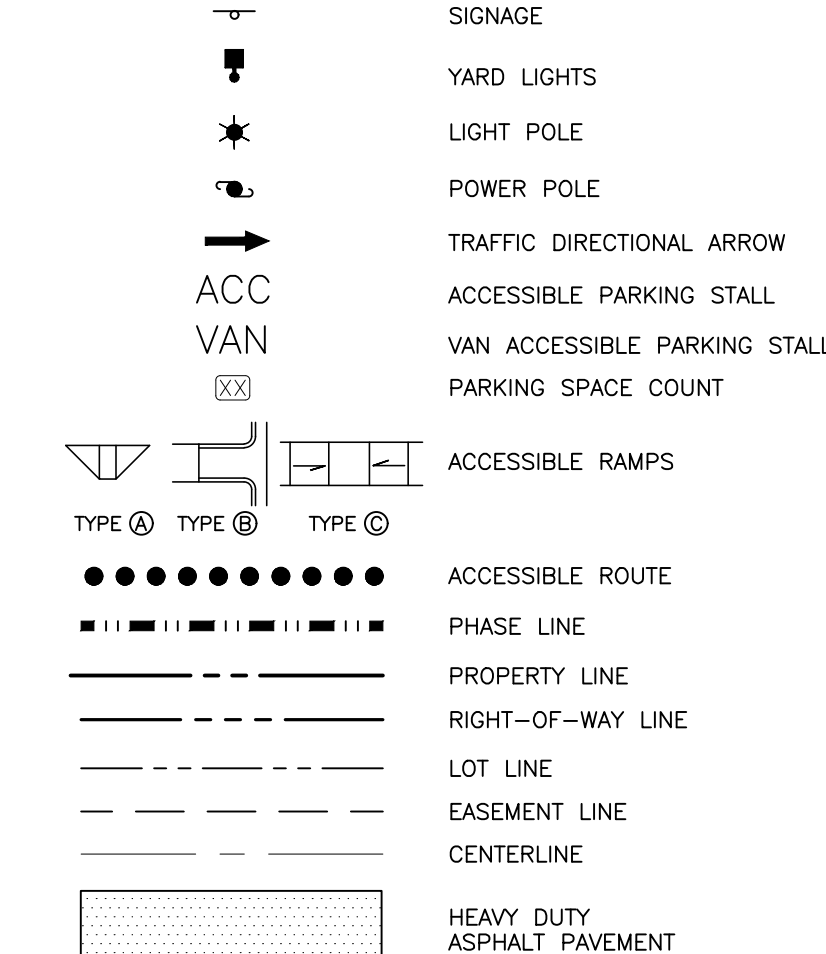
C2.00

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

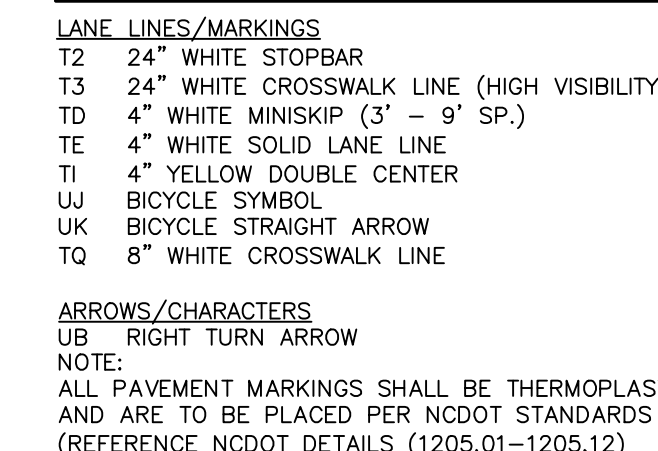
SIGN LEGEND



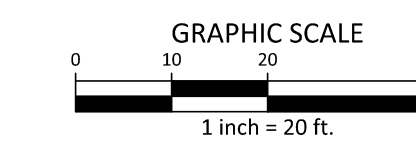
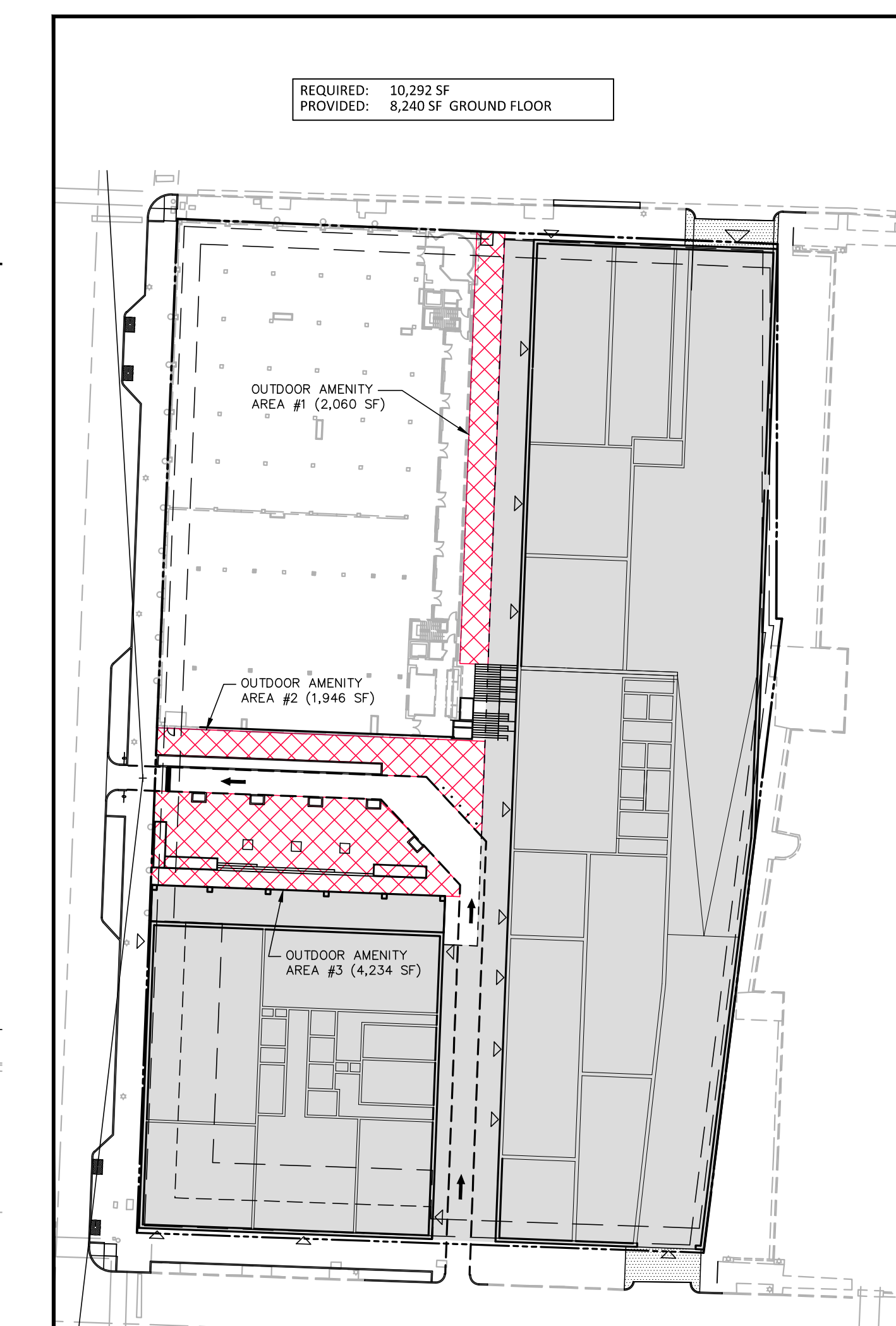
SITE LEGEND



PAVEMENT MARKING LEGEND



OUTDOOR AMENITY AREA

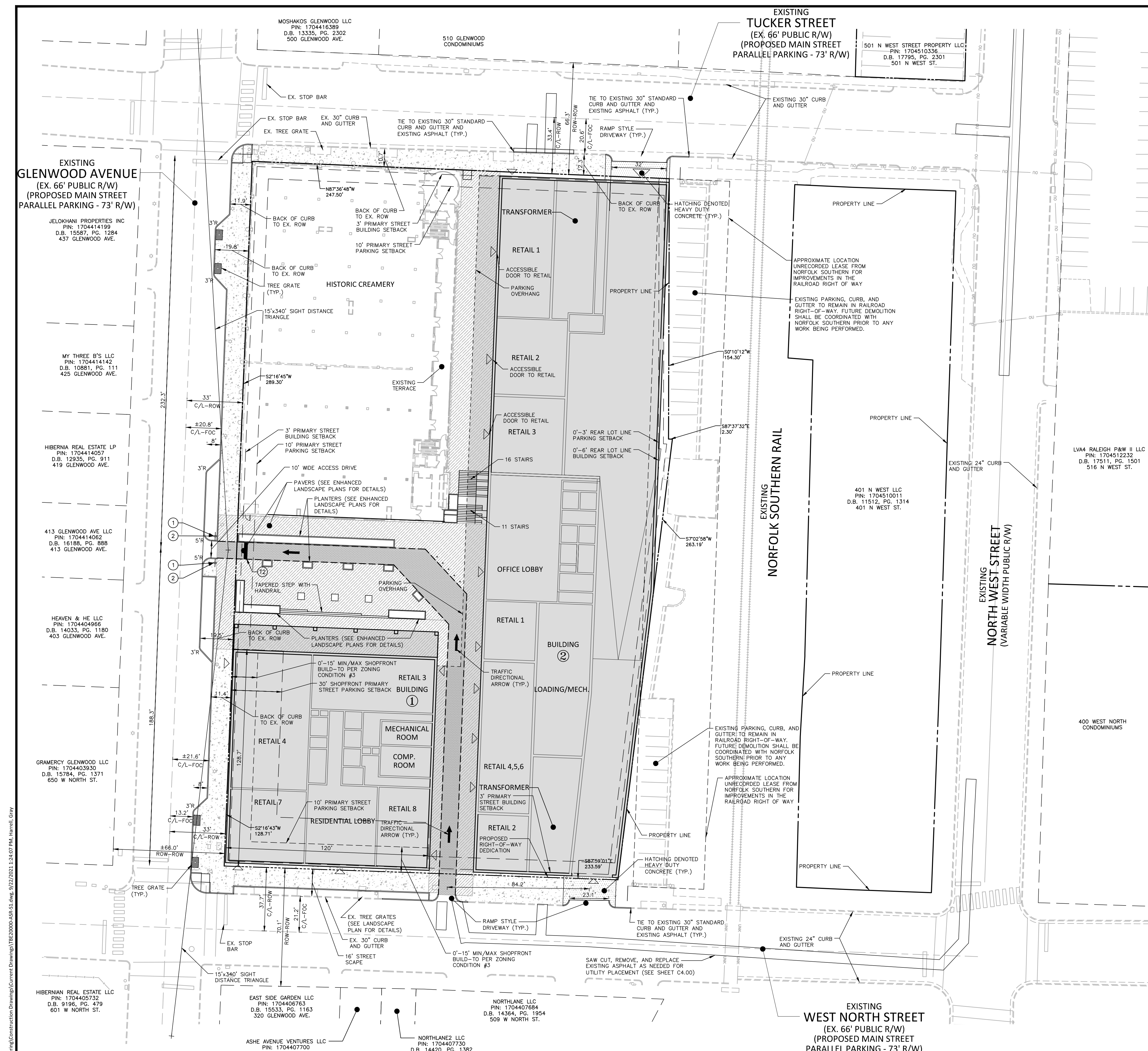


NOTES

- 1. ACCESSIBLE ROUTES SHALL BE 2% MAX CROSS SLOPE. RUNNING SLOPES SHALL NOT EXCEED 8.33% AND HANDRAILS SHALL BE PROVIDED FOR SLOPES BETWEEN 5% AND 8.33% WITH 6" ELEVATION CHANGE.
- 2. ACCESSIBLE ENTRANCES SHALL NOT EXCEED 2% SLOPE 5' OUTSIDE OF BUILDING FACE.
- 3. BIKE RACKS SHALL BE PROVIDED WITH AN ADJACENT 30"x48" CLEAR FLOOR SPACE ZONE.
- 4. RAMP EDGE PROTECTION SHALL NOT EXCEED 4" ABOVE THE SURFACE RAMP.

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF RALEIGH ENGINEERING DESIGN AND CONSTRUCTION STANDARDS



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**NOTARIZED CERTIFICATION OF OWNER(S)**

**Owner Information**

Name(s) 400 Glenwood Avenue Property LLC

Mailing Address 4 Bryant Park, Suite 200, New York, NY 10018

Telephone 646-503-5717

Fax —


Email JDC@TURNBRIDGEER.COM

Project PIN/Address 1704406990 / 400 Glenwood Ave., Raleigh, NC 27612

I, JASON DAVIS, 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: 11/4/2021

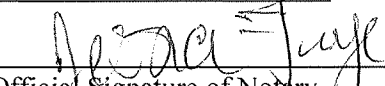
  
Signature

STATE OF Maryland  
Montgomery 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:

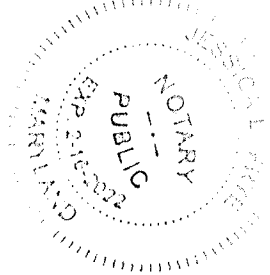
Jason Davis

Date: November 4, 2021

  
Official Signature of Notary

Assoc TME, Notary Public  
Notary Printed or Typed Name

[NOTARY SEAL]



My Commission expires: 2-16-2022

**NOTARIZED CERTIFICATION OF OWNER(S)**

**Owner Information**

Name(s) 410 Glenwood Avenue Property LLC  
Mailing Address 4 Bryant Park, Suite 200, New York, NY 10018  
Telephone 646-503-5717  
Fax —  
Email JSD@TURNBRIDGEEQ.COM  
Project PIN/Address 1704417007 / 410 Glenwood Ave., Raleigh, NC 27612

I, JASON DAVIS, 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: 11/4/2021 [Signature]  
Signature

STATE OF Maryland  
Montgomery 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:

Jason Davis

Date: November 4, 2021 [Signature]  
Official Signature of Notary

[NOTARY SEAL]

Jessica Tye, Notary Public  
Notary's Printed or Typed Name

My Commission expires: 2-16-2022

