

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		Case Number
	PIN Number		Zoning District
	Property Address		
	City	State	ZIP
	Project Applicant Information		
	Name		Email
	Address		City
	State	Zip Code	Phone
	OWNER	Property Owner Information	
Name		Email	
Address		City	
State		Zip Code	Phone
Attorney Information			
ATTORNEY	Name		Email
	Address		City
	State	Zip Code	Phone
	REQUEST		
REQUEST	I am seeking a Design Alternate from the requirements set forth in the following:		
	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

(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

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 (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.

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 1st and 3rd 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 1st 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) Reserve at North Hills, LLC
Mailing Address 6131 Falls of Neuse Rd, Suite 202, Raleigh, NC 27609-3518
Telephone _____
Fax _____
Email _____
Project PIN/Address 1715182765; 901 St. Albans Drive, Raleigh, NC 27609

I, Mark R. Barker, 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: January 28, 2021

Mark R. Barker - Manager
Signature

STATE OF NORTH CAROLINA
Wake 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:

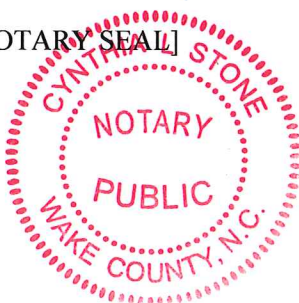
Mark R. Barker

Date: January 28, 2021

Cynthia L. Stone
Official Signature of Notary

[NOTARY SEAL]

Cynthia L. Stone, Notary Public
Notary's Printed or Typed Name



My Commission expires: 4-25-2021

**ATTACHMENT TO
DESIGN ALTERNATE APPLICATION**

Property Address and PIN Number:

901 St. Albans Drive, Raleigh, NC
PIN: 1715182765

Nature of Request: Design Alternate to UDO Section 8.3.5.C.3.c and Raleigh Street Design Manual Sec. 9.5.2.c – Driveways for Mixed and Nonresidential Uses

The proposed site plan depicts a 204-unit multi-family development at the subject property. Appendix D of the North Carolina Fire Code provides at Sec. D106.2 that multi-family residential projects having more than 200 dwelling units shall contain two separate and approved fire apparatus access roads regardless of whether the dwelling units are equipped with an approved automatic sprinkler system.

In order to comply with Sec. D106.2, the proposed site plan locates the first driveway/fire apparatus access road to the west of the site along St. Albans Drive. The second driveway/fire apparatus access road is located to the east of the site along St. Albans Drive. The second driveway is proposed to be limited to a left-in and right-in/right-out only to preserve safe movement, and to not interfere with the existing driveway located on the Coastal Federal Credit Union (“CFCU”) property at 1000 St. Albans Drive (PIN 1715280163). Of note, the City approved a prior site plan for 901 St. Albans Drive in 2017, which depicted a second driveway in the same general location as the one currently proposed, but with full turning movement.

The driveway configuration on the proposed site plan, however, results in the centerline of the second driveway being located approximately 107 feet from the centerline of the existing CFCU driveway. This distance does not comply with UDO Sec. 8.3.5.C.3.c and Raleigh Design Manual Sec. 9.5.2.c, which both require that driveways accessing up to 80-foot wide street rights-of-way must be spaced 200 feet apart centerline to centerline.

Given the North Carolina Fire Code’s requirements that multi-family developments of this size contain two separate and approved fire apparatus access roads, and given that the location of the second driveway provides a means for safe, efficient and convenient vehicular access within the development, the property owner of 901 St. Albans Drive (PIN # 1715280163) requests a design alternate to UDO Sec. 8.3.5.C.3.c and Raleigh Street Design Manual Sec. 9.5.2.c, in order to locate the centerline of a second driveway to the east of the site along St. Albans Drive and approximately 107 feet from the centerline of an existing driveway located on the adjacent property at 1000 St. Albans Drive (PIN # 1715280163), where the UDO and Raleigh Street Design Manual require that the second driveway be located at least 200 feet apart, centerline to centerline, from the existing driveway.

UDO Section 8.3.5.C.3.c
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:

1. The approved Design Alternate meets the intent of Section 8.3.5;

Response: UDO Sec. 8.3.1.C states 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. The requested Design Alternate meets this intent. First and foremost, the second driveway to the east provides a safe vehicular access point within the development, and between adjacent developments. With respect to access within the development, the North Carolina Fire Code requires two access roads into a development of this size in order to quickly and efficiently respond to emergencies. If only one access road is permitted, then fire/rescue vehicles could be impeded in reaching all of the units in the event the road becomes blocked or inaccessible. With respect to access between adjacent developments, the second driveway to the east is proposed to be limited to a left-in and right-in/right-out only to preserve safe movement, and to not interfere with the existing driveway located on the CFCU property. This proposed driveway configuration will result in less traffic conflicts between 901 St. Albans Drive and the CFCU site than the previously approved site plan from 2017.

Second, the driveway to the east is designed to provide direct and convenient vehicular ingress/egress onto St. Albans Drive for the dwelling units and community clubhouse located immediately adjacent to this area. See Building A on attached Site Plan. If this driveway is not allowed, then these residents and visitors would have to traverse the entire development to gain access to St. Albans Drive.

Third, the second driveway to the east is intended to lessen traffic congestion on St. Albans Drive. If all vehicular trips were required to exit the property at one driveway location, then there would be more traffic congestion turning onto St. Albans Drive at this singular point. Spreading the development's access drives into two locations will assist in lessening this impact.

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

Response: The driveways are designed to decrease congestion by having the turn-in/turn-outs on St. Albans Drive occur in two locations. This is intended to decrease potential backups that could occur if vehicular trips entered and exited the site from one location only.

Additionally, the proposed second driveway to the east of the site does not compromise safety. To the contrary, the turning movements will be limited to a left-in and right-in/right-out at this location, so as to not interfere with the existing driveway at the CFCU site.

It further should be noted that the majority of parking for 901 St. Albans Drive is located to the west of the site, meaning the majority of vehicle trips entering and exiting the site will occur at the west driveway connection. Adding the second driveway location to the east of the site will not substantially alter this anticipated traffic flow.

- 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**

Response: There are no conflicts with the subject site and any approved or built roadway construction project adjacent to or in the vicinity of the site. Additionally, the proposed separation of the two driveways at 901 St. Albans Drive improves traffic operation, and safety.

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

- a. Given the physical environment, compliance is not physically feasible;**

Response: The site contains a large amount of floodway and floodplain area. Additionally, there is a stormwater easement and outlet pipe that cuts through the site. These features limit the improvements that can be placed on site, and make a significant portion of the property unusable. There also is a Zone C neighborhood transition that requires a 100' building setback from the single-family homes to the north. Given these site constraints, there are limited locations for driveway placements that comply with both the North Carolina Fire Code and the City's UDO.

- 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.**

Response: The burden of compliance with the access driveway separation requirements is not reasonable given that the proposed development has 204 dwelling units. The North Carolina Fire Code requires that multi-family developments of this size have two access roads for the quick and efficient response to emergencies. The health, safety and welfare of the residents of this development, and the health, safety and welfare of emergency personnel, must be taken into account.

Additionally, the burden of compliance with a singular access driveway is not reasonable, if located at the center of the development, given the large amount of floodway and floodplain areas currently present, and given the stormwater

easement and outlet pipe that cuts through the site. This site further is adjacent to a residential zoned district, and is required to provide a Zone C neighborhood transition (UDO Sec. 3.5.2) which has a 100' building setback required from the north property line. These features limit the improvements that can be placed on site, making a significant portion of the property unusable. Placing a driveway connection through the middle of the site would further enhance this inefficiency.

Raleigh Street Design Manual Section 9.5.2.c
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:

1. The approved Design Alternate meets the intent of the Raleigh Street Design Manual;

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. First and foremost, the second driveway to the east provides a safe vehicular access point within the development, and between adjacent developments. With respect to access within the development, the North Carolina Fire Code requires two access roads into a development of this size in order to quickly and efficiently respond to emergencies. If only one access road is permitted, then fire/rescue vehicles could be impeded in reaching all of the units in the event the road becomes blocked or inaccessible. With respect to access between adjacent developments, the second driveway to the east is proposed to be limited to a left-in and right-in/right-out only to preserve safe movement, and to not interfere with the existing driveway located on the CFCU property. This proposed driveway configuration will result in less traffic conflicts between 901 St. Albans Drive and the CFCU site than the previously approved site plan from 2017.

Second, the driveway to the east is designed to provide direct and convenient vehicular ingress/egress onto St. Albans Drive for the dwelling units and community clubhouse located immediately adjacent to this area. See Building A. If this driveway is not allowed, then these residents and visitors would have to traverse the entire development to gain access to St. Albans Drive.

Third, the second driveway to the east is intended to lessen traffic congestion on St. Albans Drive. If all vehicular trips were required to exit the property at one driveway location, then there would be more traffic congestion turning onto St. Albans Drive at this singular point. Spreading the development's access drives into two locations will assist in lessening this impact.

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

Response: The driveways are designed to decrease congestion by having the turn-in/turn-outs on St. Albans Drive occur in two locations. This is intended to decrease potential backups that could occur if vehicular trips entered and exited the site from one location only.

Additionally, the proposed second driveway to the east of the site does not compromise safety. To the contrary, the turning movements will be limited to a left-in and right-in/right-out at this location, so as to not interfere with the existing driveway at the CFCU site.

It further should be noted that the majority of parking for 901 St. Albans Drive is located to the west of the site, meaning the majority of vehicle trips entering and exiting the site will occur at the west driveway connection. Adding the second driveway location to the east of the site will not substantially alter this anticipated traffic flow.

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 given that no new 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 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 given that no new public street with accompanying impervious area is proposed.

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 expansion; or**
 - ii. Transitioning from a different street section; or.**

Response: The site contains a large amount of floodway and floodplain area. Additionally, there is a stormwater easement and outlet pipe that cuts through the site. These features limit the improvements that can be placed on site, and make a

significant portion of the property unusable. There also is a Zone C neighborhood transition that requires a 100' building setback from the single-family homes to the north. Given these site constraints, there are limited locations for driveway placements that comply with both the North Carolina Fire Code and the City's UDO.

b. The burden of compliance is not reasonable given the size of the site or intensity of the development.

Response: The burden of compliance with the access driveway separation requirements is not reasonable given that the proposed development has 204 dwelling units. The North Carolina Fire Code requires that multi-family developments of this size have two access roads for the quick and efficient response to emergencies. The health, safety and welfare of the residents of this development, and the health, safety and welfare of emergency personnel, must be taken into account.

Additionally, the burden of compliance with a singular access driveway is not reasonable, if located at the center of the development, given the large amount of floodway and floodplain areas currently present, and given the stormwater easement and outlet pipe that cuts through the site. This site further is adjacent to a residential zoned district, and is required to provide a Zone C neighborhood transition (UDO Sec. 3.5.2) which has a 100' building setback required from the north property line. These features limit the improvements that can be placed on site, making a significant portion of the property unusable. Placing a driveway connection through the middle of the site would further enhance this inefficiency.

