LOCATION: This site is located on the northeast corner of the intersection of Fox Road and Malone Court, at 6100 Fox Road. This site is outside the City limits.

REQUEST: Subdivision of a 1.46-acre tract into twelve townhome lots and one community common area lot. This parcel is zoned R-10 CU (Z-8-17).

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: Design Adjustments have been approved by the Public Works Director for this project, noted below.

1. To the block perimeter requirements of Article 8.3 of the Raleigh UDO.

2. To the streetscape requirements on existing streets of UDO Article 8.5. On the Fox Road frontage, the street trees are proposed to be planted behind the sidewalk due to NCDOT requirements. Additional ROW has been proposed as well.

3. To the streetscape requirements on existing streets of UDO Article 8.5. Along Malone Court, the street tree requirements are proposed to be met through use of the existing street trees. Due to this, the 6' wide sidewalk will on private property in a sidewalk easement.

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan submitted by Caa Engineers.

CONDITIONS OF APPROVAL and NEXT STEPS:

Note: This document must be applied to the second sheet of all future submittals with the exception of final plats.

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

ENGINEERING

1. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering prior to concurrent review approval.

2. Next Step: A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.
3. An encroachment agreement for the existing street trees within the public right-of-way on Malone Court shall be approved by City Council and the City Council approved encroachment agreement shall be filed with the Development Services Department. The encroachment agreement shall also be recorded with the Wake County Register of Deeds prior to concurrent review approval.

STORMWATER

4. **Next Step:** A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10A Chapter 9 of the Unified Development Ordinance.

    **Next Step:** In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

PRIOR TO AUTHORIZATION TO RECORD LOTS:

GENERAL

5. The City form document entitled Declaration of City of Raleigh Required City Code Provisions for Developments with Common Elements and Common Expenses shall be approved by the City and recorded with the county register of deeds office where the property is located and a copy of the recorded document shall be provided to the City by the end of the next business day following the recordation of the final plat; further recordings and building permit authorization will be withheld if the recorded document is not provided to the City.

6. A demolition permit shall be issued, and this building permit number be shown on all maps for recording.

7. **Next Step:** Concurrent Review Plans for public infrastructure and site grading shall be approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan, if applicable.

ENGINEERING

8. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and shown on the map approved for recordation.

9. A 5’ general utility easement and associated deed of easement shall be approved by the City and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one (1) day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department within 14 days from authorization of lot recordation. If a recorded copy of the documents is not provided within this 14-day period, further recordings and building permit issuance may be withheld.
10. An offer of cross access agreement among the proposed lots owned by Murdoch and Gannon Construction, Inc and the adjacent lots identified by PIN 1726895700 and PIN 1726896770, shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded offer of cross access easement shall be returned to the Development Services Department within 1 day of lot recordation. A recorded copy of these documents shall be provided to the Development Services Department within 14 days from authorization of lot recording. If a recorded copy of the documents is not provided within this 14-day period, further recordings and building permit issuance may be withheld.

11. A sidewalk deed of easement for any public sidewalk on private property shall be approved by City staff, and the location of the easement shall be shown on the map approved for recordation. The deed of easement shall be recorded at Wake County Register of Deeds within one day of recordation of the recorded plat. A recorded copy of these documents shall be provided to the Development Services Department within 14 days from authorization of lot recordation. If a recorded copy of the documents is not provided within this 14-day period, further recordings and building permit issuance may be withheld.

12. Next Step: In accordance with Part 10A Section 8.1.3, a public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program.

PUBLIC UTILITIES

13. Infrastructure Construction Plans (concurrent submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

14. A Petition for Annexation into the City limits shall be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property.

STORMWATER

15. Next Step: A payment equal to twenty-four percent (24%) of the estimated cost of constructing all stormwater control facilities shown on the development plans shall be paid by the developer to the City stormwater facility replacement fund.

16. Next Step: The City form document entitled Declaration of Maintenance Covenant and Grant of Protection Easement for Stormwater Control Facilities shall be approved by the City and recorded with the county register of deeds office.

17. Next Step: All stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements.

18. Next Step: In accordance with Part 10A Section 9.2.2, a surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department.
Administrative Approval Action
AA#3878 / S-5-18, Fox Road Townhomes
Transaction# 543541

EXPIRATION DATES: If significant construction has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 10-17-2021
Record at least ⅓ of the land area approved.

5-Year Sunset Date: 10-17-2023
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Planning Dir./Designee) [Signature] Date: 10/17/18

Staff Coordinator: Michael Walters
Design Adjustment
Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Fox Road Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>S-5-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>543541</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 22 - 2018</td>
</tr>
</tbody>
</table>

Staff recommendation based upon the findings in the applicable code(s):
- ✔️ UDO Art. 8.3 Blocks, Lots, Access
- ✔️ UDO Art. 8.5 Existing Streets
- □ UDO Art. 8.4 New Streets
- □ Raleigh Street Design Manual

Staff SUPPORTS ✔️ DOES NOT SUPPORT □ the design adjustment request.

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dev. Services Planner</td>
</tr>
<tr>
<td>Development Engineering</td>
</tr>
<tr>
<td>Engineering Services</td>
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<tr>
<td>Public Utilities</td>
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</tbody>
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<table>
<thead>
<tr>
<th>STAFF RESPONSE</th>
</tr>
</thead>
</table>

Development Services Director or Designee Action: ✔️ APPROVE □ APPROVE WITH CONDITIONS □ DENY

Authorized Signature: [Signature]

Date: 10/17/2018

*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature. Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings.

A. The requested design adjustment meets the intent of this Article;
   YES ☑ NO □

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES ☑ NO □

C. The requested design adjustment does not increase congestion or compromise Safety;
   YES ☑ NO □

D. The requested design adjustment does not create any lots without direct street Frontage;
   YES ☑ NO □

E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.
   YES ☑ NO □

**STAFF FINDINGS**

In lieu of a public street connection a cross access stub to the north is being provided. Creation of a public street sets up for a short block length of approximately 1300 linear feet stubbed towards existing single family dwellings. Therefore the site layout of development properties and existing buildings are key limitations to creation of a new block. No new street or driveway connections are being created onto Fox Road and all access takes place from the existing Malone Court.
A. The requested design adjustment meets the intent of this Article;
   YES ☑️ NO ☐
B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES ☑️ NO ☐
C. The requested design adjustment does not increase congestion or compromise safety;
   YES ☑️ NO ☐
D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   YES ☑️ NO ☐
E. The requested design adjustment has been designed and certified by a Professional Engineer.
   YES ☑️ NO ☐

**STAFF FINDINGS**

So to maintain the existing, mature trees along Malone Court the developer proposes to have those trees remain in lieu of street trees between the back of curb and sidewalk within the ROW. The 6' sidewalk proposed along the Malone Court frontage is shown entirely on private property within a sidewalk easement. This is a necessity due to leaving the existing trees along Malone Court in place.

Urban Forestry and Development Engineering staff are in support of the proposed design adjustment. The developer has also conveyed that in meetings with the neighboring property owners maintaining the existing trees along the Malone Court frontage was requested.

NCDOT will not allow street trees in the 6' planting area between the back of curb and sidewalk along Fox Road. However, NCDOT, City of Raleigh Development Engineering and Urban Forestry are in support of street trees behind the sidewalk with additional, non-reimbursable, ROW dedication to create a 6' planting area behind the sidewalk to the limits of the ROW.

Urban Forestry would prefer the standard 6' planting strip between the curb and the sidewalk be the location for the street trees. However, that is not an option as NCDOT will not allow the tree placement there.
The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. 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 solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

Project Name  FOX ROAD SUBDIVISION
Case Number  S-5-18
Transaction Number  543541
Name  MURDOCK & GANNON CONSTRUCTION LLC
Address  PO BOX 61370
State NC  Zip Code 27681
City RALEIGH
Phone 9196495549

I am seeking a Design Adjustment from the requirements set forth in the following:

☑ UDO Art. 8.3 Blocks, Lots, Access  - See page 2 for findings
☑ UDO Art. 8.4 New Streets  - See page 3 for findings
☐ UDO Art. 8.5 Existing Streets  - See page 4 for findings
☐ Raleigh Street Design Manual  - See page 5 for findings

Provide details about the request; (please attach a memorandum if additional space is needed):
THE REQUEST IS FOR DESIGN ADJUSTMENT IS FOR BLOCK PERIMETER AND FOR MODIFYING THE CITY'S NORMAL STREET SECTIONS

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner's Representative Signature

Date 3-22-2018

CHECKLIST
Signed Design Adjustment Application  ✔ Included
Page(s) addressing required findings  ✔ Included
Plan(s) and support documentation  ☐ Included
Notary page (page 6) filled out; Must be signed by property owner  ✔ Included
First Class stamped and addressed envelopes with completed notification letter  ☐ Included

Submit all documentation, with the exception of the required addressed envelopes and letters to
designadjustments@raleighnc.gov.
Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only  RECEIVED DATE:  DA -
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   
   **THE INTENT OF THE ACCESS REGULATIONS PER SECTION 8.3.1 C AND 8.31.C ARE TO PROVIDE SAFE VEHICULAR / PEDESTRIAN ACCESS. A PRIVATE CROSS ACCESS EASEMENT HAS BEEN PROVIDED IN THE PROPOSED SUBDIVISION TO ALLOW FOR A POSSIBLE FUTURE CONECTION TO THE NORTHERN ADJACENT PROPERTY**

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   
   **THE DESIGN ADJUSTMENT DOES CONFORM WITH THE 2030 COMPREHENSIVE PLAN AND WILL NOT IMPACT THE FUTURE LAND USE OR FUTURE STREET NETWORK**

C. The requested design adjustment does not increase congestion or compromise Safety;
   
   **THE DESIGN ADJUSTMENT WOULD HAVE NO IMPACT ON CONGESTION ON FOX ROAD**

D. The requested design adjustment does not create any lots without direct street frontage;
   
   **THE DESIGN ADJUSTMENT WILL NOT CREATE ANY LOTS WITHOUT DIRECT STREET FRONTAGE. THE EXISTING SINGLE FAMILY HOMES TO THE NORTH OF THE PROJECT HAVE DIRECT ACCESS TO EXISTING PUBLIC ROADS. THE ADDITIONAL LOT TO THE EAST OF THE PROPOSED SUBDIVISION IS A COMMON OPEN SPACE LOT FOR EXISTING TOWNHOMES.**

E. The requested design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
   2. The presence of existing buildings, stream and other natural features;
   3. Site layout of developed properties;
   4. Adjoining uses or their vehicles are incompatible;
   5. Strict compliance would pose a safety hazard; or
   6. Does not conflict with an approved or built roadway construction project
   7. adjacent to or in the vicinity of the site.
   
   **THE DESIGN ADJUSTMENT IS DEEMED REASONABLE DUE TO FOLLOWING:**
   2. **THERE ARE EXISTING SINGLE FAMILY HOMES TO THE NORTH AND EXISTING COMMON OPEN SPACE FOR TOWNHOME DEVELOPMENT TO THE EAST OF PROPERTY**
   3. **THE SITE LAYOUT OF EXISTING DEVELOPED PROPERTIES: 2 WELL ESTABLISHED SINGLE FAMILY HOMES TO THE NORTH AND OPEN SPACE LOT TO THE EAST**
   4. **THE REQUESTED ADJUSTMENT DOES NOT CONFLICT WITH AN APPROVED OR BUILT ROADWAY**
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   THE DESIGN ADJUSTMENT IS REQUESTED AS PER SECTION 8.4.2 D.4, THE NCDOT MAINTAINS THE PORTION OF FOX ROAD WHERE THIS PROJECT IS BEING CONSTRUCTED. THE NCDOT HAS REQUESTED NO TREES BE PLANTED BETWEEN THE CURB AND SIDEWALK, THEREFORE A TYPE C2 STREET YARD IS REQUIRED. ON MALONE COURT THE EXISTING LANDSCAPING IN R/W IS TO REMAIN ALONG WITH PLACEMENT OF SIDEWALK IN EASEMENT PER CITY APPROVAL

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   THE DESIGN ADJUSTMENT CONFORMS TO COMPREHENSIVE PLAN

C. The requested design adjustment does not increase congestion or compromise safety;
   THE DESIGN ADJUSTMENT DOES NOT INCREASE CONGESTION OR OR COMPROMISE SAFETY

D. The requested design adjustment does not create additional maintenance responsibilities for the City;
   THE DESIGN ADJUSTMENT DOES NOT CREATE ADDITIONAL MAINTENANCE RESPONSIBILITIES

E. The requested design adjustment has been designed and certified by a Professional Engineer; and
   THE DESIGN ADJUSTMENT HAS BEEN DESIGNED AND CERTIFIED BY A PROFESSIONAL ENGINEER

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection.
   THE DESIGN ADJUSTMENT HAS NO ADVERSE EFFECTS TO STORMWATER COLLECTION
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;

AS PER SECTION 8.4.2 D.4, THE NCDOT MAINTAINS PORTION OF FOX ROAD WHERE THIS PROJECT IS BEING CONSTRUCTED. THE NCDOT HAS APPROVED A STREETSCAPE DESIGN ALLOWING TREES BEHIND PROPOSED SIDEWALK AND WITHIN A MODIFIED R/W. ON MALONE COURT, PUBLIC WORKS STAFF REVIEWED AND APPROVED MODIFICATION TO MALONE COURT TYPICAL SECTION TO ALLOW EXISTING STREETSCAPE TO REMAIN WITH NEW SIDEWALK IN AN EASEMENT ADJACENT TO RIGHT OF WAY

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

THE DESIGN ADJUSTMENT CONFORMS TO COMPREHENSIVE PLAN

C. The requested design adjustment does not increase congestion or compromise safety;

THE DESIGN ADJUSTMENT DOES NOT INCREASE CONGESTION OR OR COMPROMISE SAFETY

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and

THE DESIGN ADJUSTMENT DOES NOT CREATE ADDITIONAL MAINTENANCE RESPONSIBILITIES FOR THE CITY

E. The requested design adjustment has been designed and certified by a Professional Engineer.

THE DESIGN ADJUSTMENT HAS BEEN DESIGNED AND CERTIFIED BY A PROFESSIONAL ENGINEER
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. 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 solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

Project Name: FOX ROAD SUBDIVISION
Case Number: 5-5-18
Transaction Number: 543541
Name: MURDOCK & GANNON CONSTRUCTION LLC
Address: PO BOX 61370
City: RALEIGH
State: NC
Zip Code: 27681
Phone: 9196495549
Name: MAC MINTYRE PE
Firm: CA ENGINEERS
Address: 4932 B WINDY HILL DRIVE
City: RALEIGH
State: NC
Zip Code: 27609
Phone: 9194275227

I am seeking a Design Adjustment from the requirements set forth in the following:

- UDO Art. 8.3 Blocks, Lots, Access
- UDO Art. 8.4 New Streets
- UDO Art. 8.5 Existing Streets
- Raleigh Street Design Manual

Provide details about the request; (please attach a memorandum if additional space is needed):

THE REQUEST FOR DESIGN ADJUSTMENT IS FOR MODIFYING THE TYPICAL ROAD SECTIONS TO MALONE COURT AND FOX ROAD TO ALLOW STREETSCAPE MODIFICATIONS, SIDEWALK MODIFICATIONS AND RIGHT OF WAY WIDTH MODIFICATIONS. THE MODIFICATIONS ON MALONE COURT CONSIST OF ALLOWING THE EXISTING TREES TO REMAIN WITHIN THE EXISTING RIGHT OF WAY AND MOVING THE PROPOSED SIDEWALK BEHIND THE EXISTING LANDSCAPING AND WITHIN A NEW SIDEWALK EASEMENT. THE MODIFICATIONS ON FOX ROAD CONSIST OF EXTENDING ADDITIONAL RIGHT OF WAY BEHIND PROPOSED SIDEWALK AND PLACE STREETSCAPE TREES BEHIND SIDEWALK AND WITHIN MODIFIED RIGHT OF WAY.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

[Signature]
[Date]

Owner/Owner's Representative Signature

CHECKLIST

- Signed Design Adjustment Application: Included
- Page(s) addressing required findings: Included
- Plan(s) and support documentation: Included
- Notary page (page 6) filled out; Must be signed by property owner: Included
- First Class stamped and addressed envelopes with completed notification letter: Included

Submit all documentation, with the exception of the required addressed envelopes and letters to
designadjustments@raleighnc.gov.
Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only: RECEIVED DATE: DA -

PAGE 1 OF 6
WWW.RALEIGHNC.GOV
REVISION 1/30/2018
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, KRISTA BAUR, a Notary Public do hereby certify that
STEPHEN CANNON personally appeared before me this day and
acknowledged the due execution of the forgoing instrument.

This the 8th day of August, 2018.

(SEAL)
Notary Public

My Commission Expires: 1-25-21
DEMOLISH AND HAUL OFF

REMOVE ELECTRICAL POLE AND SERVICE

REMOVE LANDSCAPING AS REQ'D FOR SIGHT DISTANCE

REMOVE EXIST FENCE

EXIST SIGN AND LANDSCAPING TO REMAIN

REMOVE LANDSCAPING AS REQ'D FOR DRIVEWAY

REMOVE CURB & GUTTER AS REQ'D FOR DRIVEWAY

NOTE: PERMIT REQUIRED THROUGH WAKE COUNTY FOR WELL ABANDONMENT. ANY WELL OR SEPTIC TANK TO BE ABANDONED SHALL BE PER WAKE COUNTY STANDARDS.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH STANDARDS AND SPECIFICATIONS.