LOCATION: This site is located on the south side Thornton Road, east of the intersection of Thornton Road and Capital Blvd at 5000 Thornton Road. This site is inside the city limits.

REQUEST: Development of a 14.42-acre tract comprised of three lots to be recombined, all zoned CX-3-PK CU (Z-62-95), into a 98-residential lot townhome development with five common area lots.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: One Design Adjustment has been approved for this project, noted below.

1. As Thornton Road is a NC DOT maintained street and no street trees are approved within the right of way, relief from the required 5’ utility placement easement in this location is granted in the form of an alternative street cross section.

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 The Nau company, PLLC.

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.

STORMWATER

3. 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.
4. That a nitrogen offset payment must be made to a qualifying mitigation bank;

5. 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.

**URBAN FORESTRY**

6. **Next Step:** Prior to the issuance of a mass grading permit or other site permit, whichever comes first, submit a final tree conservation plan with a permit approved by Urban Forestry staff that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required.

7. **Next Step:** Tree protection fence must be located in the field and inspected by Urban Forestry staff prior to the issuance of a mass grading permit or other site permit, whichever comes first.

**PRIOR TO AUTHORIZATION TO RECORD LOTS:**

**GENERAL**

8. 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.


10. Street names for this development shall be approved by the Raleigh GIS Division and by Wake County.

11. **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**

12. 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.

13. 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.
14. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 1’ of sidewalk along the frontage of Thornton Rd and for 65’ of the multifamily street extension to the southern property line is paid to the City of Raleigh.

15. 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.

16. 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

17. 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.

STORMWATER

18. 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.

19. 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.

20. 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.

21. 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.

TRANSPORTATION

22. A 15’ x 20’ transit deed of easement shall be approved by City staff and the location of the easement shall be shown on a plat 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 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.
URBAN FORESTRY

23. **Next Step:** A tree conservation map in compliance with Chapter 9 of the Unified Development Ordinance shall be recorded with metes and bound showing the designated Tree Conservation Areas.

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:** 8-15-2021
  Record at least ½ of the land area approved.

- **5-Year Sunset Date:** 8-15-2023
  Record entire subdivision.

I hereby certify this administrative decision.

**Signed:** (Planning Dir./Designee) 

*Signature*

Date: 8/15/2018

**Staff Coordinator:** Michael Walters
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>Thornton Reserve</th>
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</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>S-6-2018</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>544722</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 59 - 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
- [x] Raleigh Street Design Manual

**Staff SUPPORTS [x] DOES NOT SUPPORT [ ] the design adjustment request.**

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

**Development Services Director or Designee Action:**

- [x] APPROVE
- [ ] APPROVE WITH CONDITIONS
- [ ] DENY

**Authorized Signature**

KENNETH W. CITCHE, PE, APMB Date 8/15/2018

*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).*
A. The requested design adjustment meets the intent of the Raleigh Street Design Manual;  
**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**

Staff supports the request for relief regarding the 5' Utility Placement along Thornton Rd. Thornton Rd is  
a NCDOT maintained road where no street trees are being approved within the public right-of-way. The  
denial of street trees by the NCDOT removes the conflict of tree plantings and public utilities in the public  
right-of-way negating the necessity for the 5' Utility Placement Easement.
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.

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<tr>
<td>Name</td>
<td>RK Ventures LLC</td>
</tr>
<tr>
<td>Address</td>
<td>1330 Sunday Drive, Suite 105</td>
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<tr>
<td>City</td>
<td>Raleigh</td>
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<tr>
<td>State</td>
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<td>27607</td>
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<tr>
<td>Phone</td>
<td>919-861-2929</td>
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<tr>
<td>Name</td>
<td>Jon Eakins, PE</td>
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<td>Firm</td>
<td>The Neu Company PLLC</td>
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<tr>
<td>Address</td>
<td>PO Box 810</td>
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<td>City</td>
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<td>Zip Code</td>
<td>27571</td>
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<tr>
<td>Phone</td>
<td>919-465-6395 x4</td>
</tr>
</tbody>
</table>

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
- [x] Raleigh Street Design Manual - See page 5 for findings

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

This application seeks to waive the requirement for the 5’ utility placement easement along the project’s frontage with Thornton Road. Thornton Road is a NCDOT maintained road (SR2043). Per UDO 8.5.1.D.4 when a development abuts a street controlled by NCDOT street trees may not be required in the right-of-way. The project proposes Tree Conservation Area and SHOD yard plantings along the Thornton Road frontage that supersede the requirements of the C2 street protective yard per UDO 7.2.4.B. Since no trees will be in the public right-of-way there will not be the tree planting conflicts that necessitate the 5’ utility placement easement.

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: [Signature]
Date: 6/28/2018

CHECKLIST

- [x] Included
- [x] Included
- [x] Included
- [x] Included
- [x] 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 the Raleigh Street Design Manual;
   The intent of the utility easement is to provide an area for power poles, fiber optic lines and other dry utilities. There are no street trees proposed for this project along the Thornton Road frontage that would conflict with these dry utilities.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The Comprehensive Plan and adopted City plans do not address the 5' utility easement.

C. The requested design adjustment does not increase congestion or compromise safety;
   The presence or absence of the utility easement does not effect congestion or safety.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   Thornton Road is an NCDOT maintained road. Any current or future road and utility maintenance will take place in the public right-of-way.

E. The requested design adjustment has been designed and certified by a Professional Engineer.
   No design is necessary for this adjustment.
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, JESSE T. BUCHANAN, a Notary Public do hereby certify that personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 28TH day of June, 2018.

JESSE T. BUCHANAN
(Seal)
HARNETT COUNTY, N.C.
Notary Public

My Commission Expires: 2/4/2020
THORNTON RESERVE

PRELIMINARY DEVELOPMENT PLANS

THORNTON ROAD
RALEIGH, NC

MARCH 26, 2018
REVISED JULY 23, 2018

CLIENT
GREENHAWK DEVELOPMENT, LLC
1330 SUNDAY DRIVE, SUITE 105
RALEIGH, NC 27607