



# Administrative Approval Action

Carolina Avenue Subdivision  
S-8-18, TR# 547199, AA# 3825

City of Raleigh  
Development Services Department  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2495  
DS.help@raleighnc.gov  
www.raleighnc.gov

**LOCATION:** This site is located on the south side of Western Blvd, east of Carolina Avenue at 5409 Western Boulevard.

**REQUEST:** Development of a 0.673 acre tract zoned R-6 with Special Residential Overlay Parking District (SRPOD) into a 3 lot subdivision. Lots 1, 2 & 3, totaling 0.656 acres & .017 acres of right-of-way dedication (with the existing dwelling structure to remain).

**DESIGN ADJUSTMENT(S)/ ALTERNATES, ETC:** DA-37-2018. UDO Article 8.5 Existing Streets.

Request to plant street trees behind the existing asphalt path inside the public right-of-way as opposed to within the planting strip along Western Blvd.

**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 Cawthorne, Moss & Panciera.

## **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. 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**

2. 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 of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

#### **URBAN FORESTRY**

3. Obtain required tree impact permit from the City of Raleigh to remove the existing tree in the right-of-way along Carolina Ave.
4. 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.



# Administrative Approval Action

Carolina Avenue Subdivision  
S-8-18, TR# 547199, AA# 3825

City of Raleigh  
Development Services Department  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2495  
DS.help@raleighnc.gov  
www.raleighnc.gov

## PRIOR TO AUTHORIZATION TO RECORD LOTS:

### GENERAL

1. A demolition permit or proof of removal of the retaining walls, along the driveway to the proposed slope easement, as noted and shown on the approved preliminary plan, shall be issued or provided (if demo permit is not applied for & issued). And this building permit number (if applicable) be shown on all maps for recording or documentation be provided to the transportation division at or prior to plat recording approval.

### ENGINEERING

2. 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.
3. 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.
4. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for 2.5' of road width along Carolina Ave is paid to the City of Raleigh.
5. A cross access agreement among the proposed lot 2 and 3 shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded 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.
6. 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.

### STORMWATER

7. If demolition causes a land disturbance of more than 12,000 sf, a mass grading permit will be required. (UDO 9.4.6)



# Administrative Approval Action

Carolina Avenue Subdivision  
S-8-18, TR# 547199, AA# 3825

City of Raleigh  
Development Services Department  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2495  
DS.help@raleighnc.gov  
www.raleighnc.gov

## PRIOR TO ISSUANCE OF BUILDING PERMITS:

### STORMWATER

8. These lots are exempt per UDO Section 9.2.2.A.2.b.i as a residential subdivision of one acre or less approved after May 1, 2001, but are subject to impervious limitations of subsection A.4 and subject to further review upon placement of impervious surface areas.

### URBAN FORESTRY

9. A final inspection of required right of way tree protection areas by Urban Forestry staff must be completed.
10. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way.

### Prior to issuance of building occupancy permit:

11. All Water, Sanitary Sewer and Reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.
12. Next Step: Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.
13. Next Step: Required underground storm drainage improvements shall be completed and as-built plan(s) and certification(s) reviewed and accepted by the City of Raleigh Development Services – Development Engineering program.
14. Next Step: All street lights and street signs required as part of the development approval are installed.
15. Next Step: Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.
16. Next Step: As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department
17. Next Step: Final inspection of all required right of way tree protection areas and planted street trees by Urban Forestry Staff.



**Administrative  
Approval Action**  
Carolina Avenue Subdivision  
S-8-18, TR# 547199, AA# 3825

City of Raleigh  
Development Services Department  
One Exchange Plaza  
Raleigh, NC 27602  
(919) 996-2495  
DS.help@raleighnc.gov  
www.raleighnc.gov

**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: 7-16-2021**  
Record at least ½ of the land area approved.

**5-Year Sunset Date: 7-16-2023**  
Record entire subdivision.

I hereby certify this administrative decision.

Signed:(Planning Dir./Designee) Quynh Bily Tyle Date: 7/16/2018

**Staff Coordinator:** Jermont Purifoy


# Design Adjustment Staff Response



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

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.

<b>PROJECT</b>	Project Name	Carolina Avenue Subdivision	
	Development Case Number	S-8-2018	
	Transaction Number	547199	
	Design Adjustment Number	DA - 37 - 2018	
<b>STAFF RESPONSE</b>	<b>Staff recommendation based upon the findings in the applicable code(s):</b>		
	<input type="checkbox"/> UDO Art. 8.3 Blocks, Lots, Access	<input checked="" type="checkbox"/> UDO Art. 8.5 Existing Streets	
	<input type="checkbox"/> UDO Art. 8.4 New Streets	<input type="checkbox"/> Raleigh Street Design Manual	
	Staff <input checked="" type="checkbox"/> SUPPORTS <input type="checkbox"/> DOES NOT SUPPORT <input type="checkbox"/> the design adjustment request.		
	<b>DEPARTMENTS</b>		
	<input type="checkbox"/> Dev. Services Planner	<input type="checkbox"/> City Planning	
	<input checked="" type="checkbox"/> Development Engineering	<input type="checkbox"/> Transportation	
	<input type="checkbox"/> Engineering Services	<input type="checkbox"/> Parks & Recreation and Cult. Res.	
	<input type="checkbox"/> Public Utilities		
	<b>CONDITIONS:</b>		
Development Services Director or Designee Action: <input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> APPROVE WITH CONDITIONS <input type="checkbox"/> DENY			



**HOWARD W. RITCHIE, PE, MPA**  
 ENGINEERING AND INFRASTRUCTURE MANAGER
 

**7/16/2018**  
 Date

\*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).

# Staff Response

## Article 8.5 Existing Streets



DEVELOPMENT  
SERVICES  
DEPARTMENT

- 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

Staff supports the request to plant street trees behind the existing asphalt path inside the public right-of-way as opposed to within the planting strip along Western Blvd. Western Blvd is a NCDOT maintained street and has reservations about planting directly adjacent to the travel lane of a street, especially when the street classification is one of a Major Street. By moving the location behind the existing sidewalk, but still planting within the public right-of-way, street trees can be planted, the City of Raleigh can still provide maintenance on the trees without encroaching onto private property, and the NCDOT has permitted the trees to be planted.

# Design Adjustment Application



DEVELOPMENT SERVICES DEPARTMENT

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	Project Name <b>CAROLINA AVENUE SUBDIVISION</b>	
	Case Number <b>5-8-2018</b>	
	Transaction Number <b>547199</b>	
OWNER	Name <b>TENZING INVESTMENTS, LLC</b>	
	Address <b>51 KILMAYNE DR. SUITE 100</b>	City <b>CARY</b>
	State <b>NC</b> Zip Code <b>27511</b> Phone <b>919-469-6508</b>	
CONTACT	Name <b>JORDAN PARKER</b> Firm <b>CANTHORNE, MOSS &amp; PANKRATZ</b>	
	Address <b>333 S. WHITE ST</b>	City <b>WAKE FOREST</b>
	State <b>NC</b> Zip Code <b>27587</b> Phone <b>919 556 3148</b>	
REQUEST	I am seeking a Design Adjustment from the requirements set forth in the following:	
	<input type="checkbox"/> UDO Art. 8.3 Blocks, Lots, Access	See page 2 for findings
	<input type="checkbox"/> UDO Art. 8.4 New Streets	See page 3 for findings
	<input checked="" type="checkbox"/> UDO Art. 8.5 Existing Streets	See page 4 for findings
	<input type="checkbox"/> Raleigh Street Design Manual	See page 5 for findings
Provide details about the request (please attach a memorandum if additional space is needed):		
<b>WE ARE REQUESTING A DESIGN ADJUSTMENT TO PLANT STREET TREES ON THE BACK SIDE OF THE EXISTING SIDEWALK AND NOT IN THE PLANTING STRIP ALONG WESTERN BLVD. WE HAVE RECEIVED A PERMIT FROM NC DOT TO PLANT THE TREES. I HAVE DISCUSSED THIS W/ ANDY IN URBAN FORESTRY.</b>		

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]* 5/4/18  
 Owner/Owner's Representative Signature Date

**TENZING INVESTMENTS, LLC BY DAN MILLER (MANAGER)**

CHECKLIST	
Signed Design Adjustment Application	<input checked="" type="checkbox"/> Included
Page(s) addressing required findings	<input checked="" type="checkbox"/> Included
Plan(s) and support documentation	<input checked="" type="checkbox"/> Included
Notary page (page 6) filled out; Must be signed by property owner	<input checked="" type="checkbox"/> Included
First Class stamped and addressed envelopes with completed notification letter	<input type="checkbox"/> Included

Submit all documentation, with the exception of the required addressed envelopes and letters to [designadjustments@raleighnc.gov](mailto: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
---------------------	----------------	----

# Article 8.5 Existing Streets

## Administrative Design Adjustment Findings



DEVELOPMENT  
SERVICES  
DEPARTMENT

---

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;  
**Yes**
- B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;  
**Yes**
- C. The requested design adjustment does not increase congestion or compromise safety;  
**It does not**
- D. The requested design adjustment does not create additional maintenance responsibilities for the City; and  
**It does not**
- E. The requested design adjustment has been designed and certified by a Professional Engineer.  
**It has not**



# Individual Acknowledgement



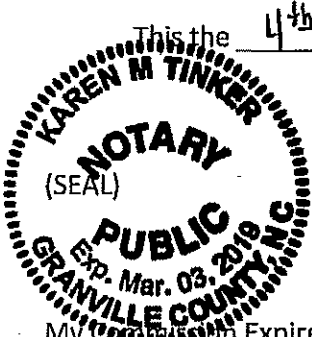
DEVELOPMENT  
SERVICES  
DEPARTMENT

STATE OF NORTH CAROLINA  
COUNTY OF Granville

INDIVIDUAL

I, Karen M. Tinker, a Notary Public do hereby certify that  
M. Daniel Miller personally appeared before me this day and  
acknowledged the due execution of the forgoing instrument.

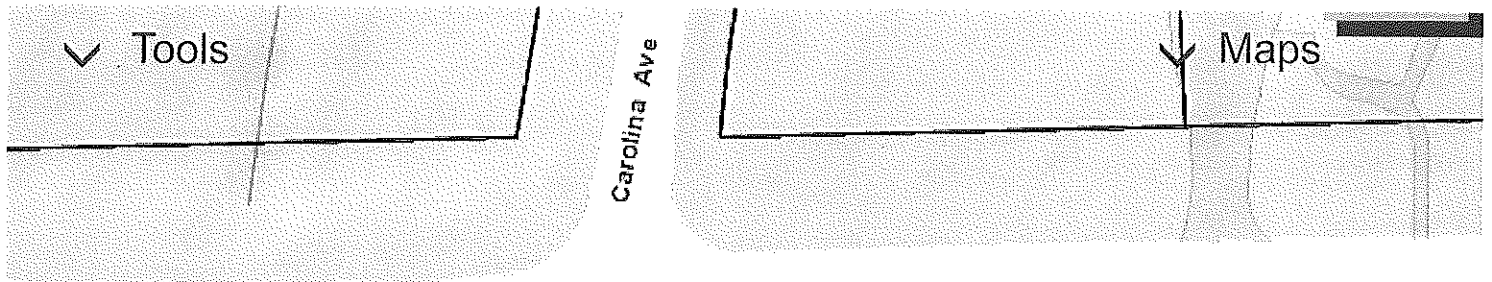
This the 4<sup>th</sup> day of May, 2018.



Notary Public Karen M. Tinker  
Karen M. Tinker

My Commission Expires: 03/03/2019



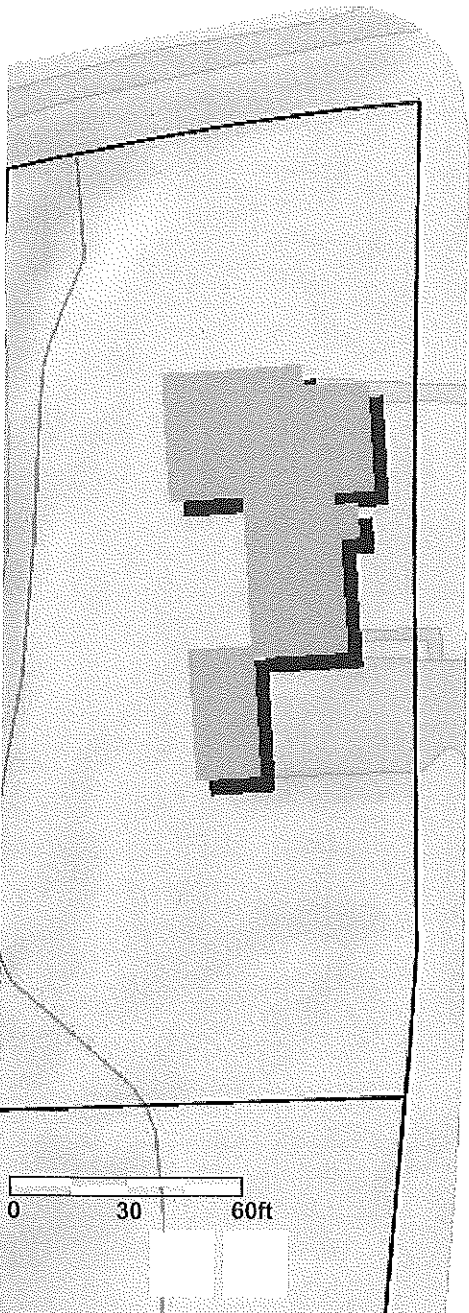


Carolina Ave

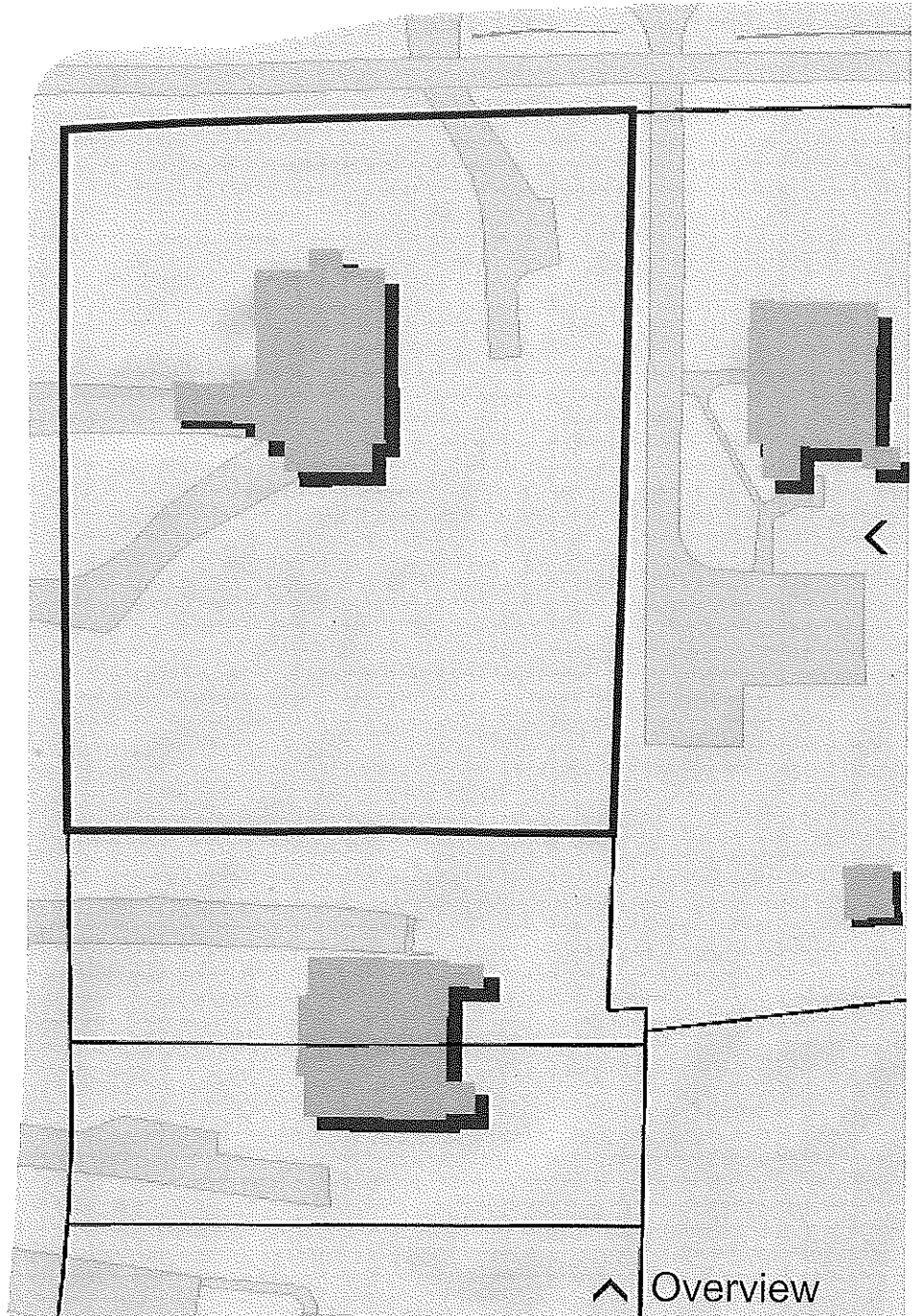
Western Blvd



Western Blvd



na Ave



Overview