LOCATION: This site is located on the north side of the intersection of Globe Road and Aviation Parkway at 10854 Globe Road, inside the City limits.

REQUEST: Subdivision of an 18.71-acre tract zoned CX-3-PK into 5 lots.

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

1. The allowance of an alternative streetscape cross section waiving the required 5’ utility easement outside of the right of way along the northwest property line. (Confluence Drive)

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 Kimley-Horn and Associates, Inc.

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. The State of North Carolina shall approve any proposed disturbance within the riparian buffer prior to the issuance of a mass grading permit or other site permit, whichever comes first.

4. A stormwater control plan shall be approved by the Stormwater Engineer in compliance with Part 10A Chapter 9 of the Unified Development Ordinance.

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. Obtain required stub and tree impact permits from the City of Raleigh.

7. **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.

8. **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**

9. The greenway easement as shown on the preliminary plan shall be dedicated prior to, or in conjunction with the recording of a map in any phase affected by the greenway.

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

11. 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 property frontage of Globe Rd and curb & gutter and 6’ sidewalk along the east side of the Aviation Pkwy extension is paid to the City of Raleigh.

15. **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**

16. 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**

17. The flood prone areas, as approved by the City Stormwater Engineer and shown on the preliminary plan, shall be shown on the recorded map.

18. Private Drainage Easements as shown on the approved Concurrent plans shall be shown on all maps for recording.

19. The riparian buffers, in accordance with the preliminary plan and the State of North Carolina regulations, shall be shown on plats for recording along with a note stating: "The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in their natural or mitigated condition, No person or entity shall fill, grade, excavate, or perform any other land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from the state of North Carolina in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259)."

**Urban Forestry**

20. **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: 9-27-2021
Record at least ½ of the land area approved.

5-Year Sunset Date: 9-27-2023
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Planning Dir./Designee) [Signature]

Date: 9/27/2018

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</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Brier Creek/Aviation Parkway South</td>
</tr>
<tr>
<td>Development Case Number</td>
<td>S-13-2018</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>549097</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 86 - 2018</td>
</tr>
</tbody>
</table>

Staff recommendation based upon the findings in the applicable code(s):

- [ ] UDO Art. 8.3 Blocks, Lots, Access
- [X] UDO Art. 8.5 Existing Streets
- [X] 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>
</tr>
</thead>
<tbody>
<tr>
<td>Dev. Services Planner</td>
</tr>
<tr>
<td>Development Engineering</td>
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<tr>
<td>Engineering Services</td>
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<tr>
<td>Public Utilities</td>
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</tbody>
</table>

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<tr>
<th>STAFF RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONDITIONS:</td>
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</tbody>
</table>

Development Services Director or Designee Action: [X] APPROVE [ ] APPROVE WITH CONDITIONS [ ] DENY

Authorized Signature: [Signature]

Date: 9/27/2018

*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 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;
   YES ☑ NO □
E. The requested design adjustment has been designed and certified by a Professional Engineer; and
   YES ☑ NO □
F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection.
   YES ☑ NO □

STAFF FINDINGS
Staff supports the request for relief of the 5' Utility Placement Easement dedication along the proposed Confluence Dr which will be a City or Raleigh maintained Avenue 2-Lane, Divided street section.

Confluence Dr is being proposed along the northwestern property line. The street has been proposed and designed with an over-dedication of public right-of-way along the northern side of the road (5' of additional right-of-way). This is due to this development not controlling any property to the north and by over-dedicating, the 5' Utility Placement Easement can be recreated and all future utility placements can be placed in the same location, but while still being within the public right-of-way.
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 for relief of the 5' Utility Placement Easement dedication along Globe Rd. Globe Rd is a NCDOT maintained roadway where trees are not being planted within the existing planting strip or behind the sidewalk. Behind the sidewalk, there is 8.5' of public right-of-way for future utilities to be placed, which exceeds our required 5' easement.
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 on the proposed centerline radius exceeding the max allowed on 
Confluence Dr. Where the centerline radius exceeds the maximum, it is leading up to an area where a 
stopping action is required or leaving an area after a stopping motion where in both cases, speeds will 
already be decreased. The proposed road was also designed with input from the USACE due to the 
existing blue line stream and wetlands running through the property to best facilitate the crossing location 
with the least environmental impact to the area.
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.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Brier Creek / Aviation Parkway South - Preliminary Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
<td>S-13-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>#549097</td>
</tr>
<tr>
<td>Name</td>
<td>Tim Dockery (CIP Brier Creek LLC)</td>
</tr>
<tr>
<td>Address</td>
<td>111 E. Harget Street</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>27601</td>
</tr>
<tr>
<td>Phone</td>
<td>336-678-4125</td>
</tr>
<tr>
<td>Name</td>
<td>Richard Brown, PLA</td>
</tr>
<tr>
<td>Firm</td>
<td>Kimley-Horn</td>
</tr>
<tr>
<td>Address</td>
<td>421 Fayetteville St</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>27601</td>
</tr>
<tr>
<td>Phone</td>
<td>919-653-2976</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
- Raleigh Street Design Manual - See page 5 for findings

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

(SEE ATTACHED MEMORANDUM FOR MULTIPLE DESIGN ADJUSTMENT REQUESTS)

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 __________

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 applicant believes that the intent of Article 8.3 is being met.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant policy documents.

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

D. The requested design adjustment does not create any lots without direct street Frontage;
   The requested design adjustment does not create lots w/o direct street frontage. See Subdivision Plan (attached).

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.

   See memorandum attached
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 applicant believes that the intent of Article 8.4 is being met.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant adopted city plans.

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

D. The requested design adjustment does not create additional maintenance responsibilities for the City;
   The requested 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; and
   The requested 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 requested design adjustment addresses stormwater collection and conveyance and does not adversely impact stormwater collection. Refer to attached plans.
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 applicant believes that the intent of Article 8.5 is being met.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant policy documents.

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

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   The requested 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 requested design adjustment has been designed and certified by a professional engineer.
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 applicant believes that the intent of the applicable portions of the Raleigh Street Design manual is being met.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant adopted city plans.

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

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   The requested 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 requested design adjustment has been designed and certified by a professional engineer.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Tracie L. Jacobs, a Notary Public do hereby certify that Richard L. Brown personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 23rd day of August, 2018.

(SIGNATURE)
Notary Public

My Commission Expires 11.2020
MEMORANDUM

To: City of Raleigh Public Works Director
From: Richard Brown, PLA, Kimley-Horn
Date: 8/23/2018

Subject: Design Adjustment Requests
       Brier Creek / Aviation Parkway Subdivision (S-13-18; Transaction # 549097)

General: The applicant is requesting multiple design adjustments associated with the above referenced Subdivision Application. The requests are the result of constraints on the subject property as well as coordination with Transportation staff over the course of the subdivision review.

Request #1 – Utility Placement Easement (Globe Rd and Proposed New Street)

- Article 8.5 requires a 5’ utility placement easement along the public street frontages. The design adjustment request applies to Confluence Way (new street) and Globe Rd. frontage.
- Along the Globe Rd. frontage, west of the Aviation Pkwy extension, there is an existing overhead power easement in which future utilities can be placed. Additionally, along the frontage east of Aviation Pkwy, there is 8.5’ between the back of sidewalk and the right of way line where future utilities may be placed.
- Confluence Way is proposed as a new street. The right of way line for this street is also the existing eastern property boundary; therefore, there is no land area within the control of this applicant where the easement can be placed. Thus, the utility (if required) is proposed to be within the new right of way.
- The applicant believes that the intent of Article 8.5 is being met.
- The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant policy documents.
- The design adjustment does not increase congestion or compromise safety.
- The design adjustment does not create any lots without direct street frontage.
- The requested design adjustment is hereby certified by a professional engineer.
Request #2 -- Right of Way/Streetscape Dimensions for new public street (Confluence Way)

- Article 8.4.5 specifies a dimensional criteria for Avenue 2-lane divided street. The design adjustment request applies to Confluence Drive (new street) and specifically to the proposed alternate dimensional criteria (excerpt below).

<table>
<thead>
<tr>
<th>Width</th>
<th>Avenue 2-Lane, Divided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Gateway with</td>
<td>39.5</td>
</tr>
<tr>
<td>B. Gateway</td>
<td>39.5</td>
</tr>
<tr>
<td>C. Maintenance</td>
<td>2</td>
</tr>
<tr>
<td>D. Streetlight</td>
<td>4</td>
</tr>
<tr>
<td>E. Streetlight</td>
<td>4</td>
</tr>
<tr>
<td>F. Streetlight</td>
<td>4</td>
</tr>
</tbody>
</table>

- Confluence Way is proposed as a new street with center turn lane. The proposed right of way width for this street (81') exceeds the 79' requirement. This is proposed in order to avoid a non-conforming lot between the r/w and the adjoining residential lots to the east and to allow grading tie-outs within the proposed r/w.
- The 48' b-b road width as well as all other dimensional criteria is provided.
- The applicant believes that the intent of Article 8.4 is being met.
- The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant adopted city plans.
- The design adjustment does not increase congestion or compromise safety.
- The design adjustment does not create any lots without direct street frontage.
- The requested design adjustment does not create additional maintenance responsibilities for the city.
- The requested design adjustment has been designed and certified by a professional engineer.
- The requested design adjustment addresses stormwater collection and conveyance and does not adversely impact stormwater collection. Refer to attached plans.
Request #3 – Minimum Centerline Radius for Avenue 2-lane divided public street

The Raleigh Streets Manual specifies a minimum center line radius of 375' for an Avenue 2-lane divided street. The design adjustment request applies to Confluence Drive (new street) and specifically to the proposed alternate centerline radius of 91.5'.

- Confluence Way is a short street connection from Globe Rd. to Aviation Pkwy extension and is required to cross the existing stream within a relatively short distance. There are also several environmental stream and buffer impact controls (by the ACOE) dictating the alignment of the stream crossing and intersection with Aviation Pkwy extension.
- Based on multiple discussions with city transportation, it is understood that the property is physically constrained and unable to meet the specified 375' minimum radius.
- Furthermore, the street is designated as part of a future “square loop” interchange with a stop condition at both Aviation and Globe, and therefore may not need to function horizontally as a true 2-lane divided street. Volumes and speed should be fairly low on this segment of street.
- The applicant, the city transportation staff and the ACOE have reviewed and concurred with this alignment.
- The applicant believes that the design adjustment conforms to the Comprehensive plan and relevant adopted city plans.
- The design adjustment does not increase congestion or compromise safety.
- The design adjustment does not create any lots without direct street frontage.
- The requested design adjustment does not create additional maintenance responsibilities for the city.
- The requested design adjustment has been designed and certified by a professional engineer.
- The requested design adjustment addresses stormwater collection and conveyance and does not adversely impact stormwater collection. Refer to attached plans.
PRELIMINARY SUBDIVISION PLAN
FOR
BRIER CREEK - AVIATION PARKWAY SOUTH
10854 GLOBE RD, RALEIGH, NC 27617
S-13-18, T#549097