LOCATION:
This site is located on the east side of Old Milburnie Creek Road. The site is comprised of five lots, the largest of which is addressed at 1700 Old Milburnie Rd. All parcels are not located within City corporate limits; however, they are located within the extra-territorial jurisdiction.

REQUEST:
Phased conventional subdivision of five existing lots to be recombined, comprising a 164.01-acre tract zoned R-6-CU (Z-13-17). Phase 1 will include 135 detached home lots and 5 common lots on 51.5 acres of gross site area. Phase 2 will include 138 detached home lots and 7 common lots on 62.5 acres of gross site area. Phase 3 will include 137 detached home lots and 5 common lots on 50.0 acres of gross site area. There will be 410 detached home lots with 17 common open lots making 427 lots total in the overall subdivision.

DESIGN
ADJUSTMENT(S)/
ALTERNATES, ETC:
A Design Adjustment was approved for UDO Section 8.3.2 providing relief from block perimeter requirements.

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 John R. McAdams Company, Inc., dated 9/25/18.

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.

PUBLIC UTILITIES
3. A Deed shall be recorded prior to concurrent approval for all necessary offsite City of Raleigh Sanitary Sewer Easements to accommodate future sewerline construction.

4. A Plat shall be recorded for all necessary offsite Right-of-Way to accommodate future waterline construction

5. A Downstream Sewer Capacity Study in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval
STORMWATER

6. 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.

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

URBAN FORESTRY

8. **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.

9. **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

1. Comply with all applicable conditions of Z-13-17.

2. 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.

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

4. The 100’ City of Raleigh Greenway Easement and associated 10’ Public Access 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 City of Raleigh Greenway.

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

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

7. 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.

8. In accordance with Part 10A Section 8.1.10, a fee-in-lieu for the remaining extension of Old Milburnie Rd past the intersection of Heron Pond St and curb and gutter along the west side of the Old Milburnie Rd extension that is being constructed shall be paid to the City of Raleigh.

9. 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.

10. Site Easements will need to be dedicated at all intersections where the Sight Distance calculation is shown leaving the public right-of-way and entering private property.

PUBLIC UTILITIES

11. 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.

12. 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.

13. Wake County approval for any required Well or Septic Permits shall be shown on the map for recordation.

STORMWATER

14. 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.

15. 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.

16. 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.
17. **Next Step:** 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)."

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.

**URBAN FORESTRY**

19. **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:** 10-17-2021
  - Record at least ½ 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: Ryan Bolvin
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>540 West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>S-19-2018</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>555362</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 102 - 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>
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<tr>
<td>Engineering Services</td>
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<tr>
<td>Public Utilities</td>
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<td>City Planning</td>
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<tr>
<td>Transportation</td>
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<tr>
<td>Parks &amp; Recreation and Cult. Res.</td>
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</tbody>
</table>

CONDITIONS:

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 [x] NO □

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

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

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

STAFF FINDINGS

Staff supports the request for a Design Adjustment as it relates to block perimeter. The proposed development has created a satisfactory internal street grid with stubs to the easter, norther, and western property lines that all meet the block perimeter requirements. The block to the south is the only block that does not meet our standards. In this direction, there exists a stream that requires a bridge to be constructed for an eventual crossing. In discussions with the USACE, the NCDOT, and city staff, the proposed crossing limits the impact of the environmental feature while still allowing access to the south.
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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<td>555362</td>
</tr>
<tr>
<td>Name</td>
<td>Pulte Group</td>
</tr>
<tr>
<td>Address</td>
<td>1225 Crescent Green Drive Suite 250</td>
</tr>
<tr>
<td>City</td>
<td>Cary</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
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<tr>
<td>Zip Code</td>
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<tr>
<td>Phone</td>
<td>919-816-1155</td>
</tr>
<tr>
<td>Firm</td>
<td>McAdams</td>
</tr>
<tr>
<td>Name</td>
<td>Brad Rhinehart</td>
</tr>
<tr>
<td>Address</td>
<td>2905 Meridian Parkway</td>
</tr>
<tr>
<td>City</td>
<td>Durham</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>27713</td>
</tr>
<tr>
<td>Phone</td>
<td>919-361-5000</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):

This design adjustment request is for the Block perimeter requirements for the area along the Southern property line of the project due to the environmental constraints. This area contains floodplain, wetlands and stream buffers which would restrict access and those affected adjacent properties would be required to extend to New Old Milburnie Road which would provide access and the crossing of this area. We are providing multiple access stubs to the North, East and West of the property which lies between the project and I-540.

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 9/17/18

CHECKLIST

<table>
<thead>
<tr>
<th>Item</th>
<th>Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed Design Adjustment Application</td>
<td>✔</td>
</tr>
<tr>
<td>Page(s) addressing required findings</td>
<td>✔</td>
</tr>
<tr>
<td>Plan(s) and support documentation</td>
<td>✔</td>
</tr>
<tr>
<td>Notary page (page 6) filled out; Must be signed by property owner</td>
<td>✔</td>
</tr>
<tr>
<td>First Class stamped and addressed envelopes with completed notification letter</td>
<td>✔</td>
</tr>
</tbody>
</table>

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;
   Multiple stubs to the Eastern property along with required connectivity from the referenced project provides the best solution without requiring additional Environmental impacts.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The plan allows for the continuation of New Old Milburnie Road according to the Comp plan.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The thoroughfare will provide the crossing and the interconnectivity required without creating any safety issues.

D. The requested design adjustment does not create any lots without direct street Frontage;
   All lots will have direct public street frontage.

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.

   Environmental conditions present difficulties in crossing the lowland area. Both the Corps of Engineers and NC DEQ would request alternative or no impacts for additional stream crossings. The New Old Milburnie Road extension would allow for crossing this sensitive area for future connections.
CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

OLD MILBURNIE ROAD
RALEIGH, NORTH CAROLINA
PROJECT NUMBER: PLT-17020

DATE: MAY 17, 2018
REVISED: JULY 6, 2018
REVISED: SEPTEMBER 18, 2018
REVISED: SEPTEMBER 25, 2018

DEVELOPER:
PULTE GROUP
RALEIGH DIVISION
1225 CRESCENT GREEN DRIVE, SUITE 250
CARY, NORTH CAROLINA 27518

CONTACT: RANDY KING
PHONE: (919) 816-1155
EMAIL: randy.king@pultegroup.com

ATTENTION CONTRACTORS
The Contractor is responsible for the protection of underground facilities. Contractors are encouraged to contact "NC811" or (1-800-632-4949) at least 3 full business days prior to beginning construction or excavation to have existing utilities located. Failure to comply can result in fines and penalties. Contractors are also encouraged to contact any local utilities that provide their own locator services independent of "NC811". Report any discrepancies to the engineer immediately.

R 2018

VHC OFF-SITE
(SW NCDOT PLANS, PROJECT: 56004 (PHASES I-III)

SOLAR WASTE COMPLIANCE STATEMENT:

1. The building(s) on the plat as shown will be composed of combustible materials and subject to compliance with the SOLAR WASTE COMPLIANCE OF THE RULES OF THE USE OF FLAMMABLE MATERIALS.

CONTRACTOR SHALL NOTIFY "NC811" OR 1-811 BEFORE ANY ACTIVITY OCCURS AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE ALL EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

VICTIM MAP
1"=1000'

540 WEST
PRELIMINARY SUBDIVISION PLAN
CITY OF RALEIGH TRANSACTION # 555362
CITY OF RALEIGH CASE # S-19-18

THE JOHN McADAMS COMPANY, INC.
2905 Meridian Parkway
Durham, North Carolina 27713
Telephone: (919) 816-0098
Fax: (919) 816-0099
Email: info@mcadams.com

PRELIMINARY PLANS - NOT RELEASABLE OR CONSTRUCTED