LOCATION: This site is located on the south side of Highway NC 70 (Glenwood Avenue), west of the intersection of Glenwood Avenue and T W Alexander Drive, at 2501 T W Alexander Drive, and 11109 Glenwood Avenue.

REQUEST: Subdivision of a 32.16 acre site into four lots zoned RX-3-PK CU, and OX-3-PK.

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

1. Due to topographic and environmental conditions as well as the presence of a controlled access highway adjacent to the project, and the pending Aviation Parkway Extension, a Design Adjustment has been approved waiving the block perimeter requirement (8.3).

STORMWATER: Subdivision is subject to Stormwater Regulations under Section 9.2 of the UDO. Pump station on Lot 1, proposed Streets A & B, and future development on Lot 2 will all address stormwater compliance with a shared stormwater control measure on Lot 2 to be show at further subdivision or site plan submittal. Lots 3 & 4 will comply independently at time of future subdivision or site plan submittal.

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.

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 any 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 sewer line construction.

4. A Plat shall be recorded for all necessary offsite Right-of-Way to accommodate future waterline construction.
5. The Developer shall provide a letter or e-mail from any Private Utility Company authorizing new water and sewer main encroachments across existing Transmission Easements prior to concurrent approval.

STORMWATER

6. A 100-year floodplain analysis shall be submitted and approved by the Engineering Services Department.

7. The State of North Carolina and Army Corps of Engineers shall approve any proposed disturbance within the riparian buffer and/or jurisdictional streams and wetlands prior to the issuance of a mass grading permit or other site permit, whichever comes first.

8. 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

9. Obtain required stub and tree impact permits from the City of Raleigh. (*used with new streets and infrastructure*)

10. 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.

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

2. Comply with all conditions of Z-54-2008.

3. 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.

4. 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.
ENGINEERING

5. 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.

6. 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.

7. A cross access agreement between the subject parcel and the lot owned by NCDOT 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.

8. 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.

9. If easements and driveway permits cannot be obtained from NCDOT this subdivision will no longer be valid and will require revision.

PUBLIC UTILITIES

10. 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

11. A Fee-in-Lieu of Construction shall be paid to the City of Raleigh Public Utilities Department for the construction of a water main in the Aviation Parkway ROW dedication.

STORMWATER

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

13. 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.

14. 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).

TRANSPORTATION

15. 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 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.

URBAN FORESTRY

16. 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.

17. A fee-in-lieu will be required for the street trees along any section of road where public improvements will not be completed.

18. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way.

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: 4-11-2021
Record at least ½ of the land area approved.

5-Year Sunset Date: 4-11-2023
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Planning Dir./Designee) [Signature]
Date: 4/11/2018

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.

**PROJECT**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Brier Creek North Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>S-23-2017</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>512075</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 10 - 2018</td>
</tr>
</tbody>
</table>

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

- [x] 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.**

**DEPARTMENTS**

- [ ] Dev. Services Planner
- [ ] City Planning
- [x] Development Engineering
- [ ] Transportation
- [ ] Engineering Services
- [ ] Parks & Recreation and Cult. Res.
- [ ] Public Utilities

**CONDITIONS:**

All conditions of S-23-2017, including NCDOT approval of driveway and encroachment agreements are a condition of this Design Adjustment. Any requirements from NCDOT that may cause revisions to the subdivision will void this design adjustment.

**STAFF RESPONSE**

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

*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**

Due to lack of control of adjacent properties, severe topography, power line easements, and the presence of an NCDOT owned property between the two subject parcels make compliance with block perimeter infeasible on this property at this time.
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: Brier Creek North Subdivision  
Case Number: S-23-17  
Transaction Number: T#512075

<table>
<thead>
<tr>
<th>Name</th>
<th>Tim Dockery (CIP Brier Creek LLC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>111 E. Hargett 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>
</tbody>
</table>

| Name       | Richard Brown, PLA                |
| Firm       | Kimley-Horn                       |
| Address    | 421 Fayetteville St               |
| City       | Raleigh                           |
| State      | NC                                |
| Zip Code   | 27601                             |
| Phone      | 919-653-2976                      |

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 subject property is zoned RX-3.
- Article 8.2.3b requires a minimum block perimeter length of 3,000’.
- The current block length is approximately 19,200 ft.
- This subdivision proposal improves the block connectivity with the dedication of Aviation Pkwy right of way, however this property is not capable of completely meeting the maximum block length.
- See page 2 for more detail.

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: 3/13/18

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 proposal meets the intent of this article to the maximum extent practicable. Per the attached subdivision plan, with the dedication of Aviation Parkway right of way, the block length will be reduced to \( \sim 13,000 \) ft. Additionally, Street 'A' within the property from Glenwood Ave., promotes connectivity as the east/west connection via easement through the NCDOT property.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The request conforms to the Comprehensive Plan and the Raleigh Streets Plan. Aviation Parkway is designated on the streets plan to be extended through the subject property. This subdivision proposes the dedication of Aviation right of way which allows for the extension.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The requested design adjustment does not increase congestion or compromise safety. The increased connectivity will help relieve congestion and promote safe circulation.

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.

   The requested design adjustment is reasonable due to the following factors:
   1.) A north/south connection from Glenwood Ave to TW Alexander is not feasible due to steep topography within a narrow strip of property.
   6.) Does not conflict with an approved or built roadway project. The plan allows for the construction of Aviation Pkwy. extension.

Other: The adjacent property to between the properties is owned by NCDOT. The preclusion of a public street right of way across the DOT property limits the ability of the project to provide an east/west connection, which could possibly achieve the max. block length.
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 forgoing instrument.

This the 13th day of March, 2019.

(SEAL)

Notary Public

Tracie Jacobs

My Commission Expiration: 5-11-2020
NOTES
1. SITE BOUNDARY, TOPOGRAPHY, UTILITY, AND ROAD INFORMATION TAKEN FROM CITY OF RALEIGH GIS, DATED 04/10/2017.
2. LOT LINES SHOWN BASED ON PLAT RECORDED IN THE BOOK OF MAPS PAGE 2006, PAGE 2643.