S-35-18 / Belmont Subdivision (Phase 5)
Transaction# 564543, AA#3948

LOCATION: This site is located at the north end of Walker Hallow Street at the northeast corner of the intersection of Brinton’s Cottage Street and Heathshire Drive. The parent tract is located at 4820 Heathshire Drive.

REQUEST: This request (S-35-18) is for a single family lot conventional subdivision within a 24.17 acre tract zoned R-6 CU (Z-33-05) proposing 80 residential lots and 4 open space lots. A previous development plan was approved on this tract, but the original subdivision phase, Phase 5 of Belmont Subdivision (case S-12-2010) sunset prior to recordation.

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

1. Design adjustments have been submitted to the block perimeter requirements of UDO Article 8.3 and to the dimensional streetscape requirements of UDO Article 8.5.

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 dated 3/19/2019 by Hugh J Gilleece and Associates.

CONDITIONS OF APPROVAL and NEXT STEPS:

This document must be applied to the second sheet of all future submittals except for final plats. This is a preliminary plan and as such no permits have been issued with this approval. To obtain permits and/or completion of the project, the following steps are required:

☐ CONCURRENT SITE REVIEW NOT REQUIRED AT THIS TIME – However, plan revisions or further development that includes land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. will require concurrent site review.

☒ CONCURRENT SITE REVIEW - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Concurrent Site Review may be submitted upon receipt of this signed approval document.

The following items are required prior to approval of Concurrent Site Review plans:

Engineering

1. 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
2. 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

3. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

Urban Forestry

4. Tree protection fence for previously recorded tree conservation area must be inspected by Urban Forestry staff prior to the issuance of a grading permit.

☒ LEGAL DOCUMENTS - Email to legaldocumentreview@raleighnc.gov. Legal documents must be approved, executed, and recorded prior to or in conjunction with the recorded plat on which the associated easements are shown. Copies of recorded documents must be returned to the City within one business day of recording to avoid withholding of further permit issuance.

| ☒ | City Code Covenant | ☒ | Slope Easement |
| ☒ | Stormwater Maintenance Covenant | ☐ | Transit Easement |
| ☒ | Utility Placement Easement | ☐ | Cross Access Easement |
| ☐ | Sidewalk Easement | ☐ | Public Access Easement |
| | | ☐ | Other: |

☒ RECORDED MAP(S) - Submit plat to record new property lines, easements, tree conservation areas, etc.). Plats may be submitted for review when the Concurrent Site Review plans, if required, have been deemed ready for mylar signature.

The following items must be approved prior to recording the plat:

General

1. The City Code Covenant 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 permits will be withheld if the recorded document is not provided to the City.

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

3. Comply with all conditions of Z-33-05.
Engineering

4. 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.

5. 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 day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department within one day from authorization of lot recordation. If recorded copies of the documents are not provided, further recordings and building permit issuance will be withheld.

6. Slope 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 day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department within one day from authorization of lot recordation. If recorded copies of the documents are not provided, further recordings and building permit issuance will be withheld.

7. A fee-in-lieu for 220 feet of sidewalk shall be paid to the City of Raleigh (UDO 8.1.10).

8. A public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

Public Utilities

9. 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.

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

11. A plat must be recorded at the Wake County Register of Deeds office for all utility easement dedications.

Stormwater

12. 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 (UDO 9.2.2.G). [This subdivision flows to existing SWMF and should be covered already by the shared stormwater legal documents. We just need proof of this]
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 (UDO 9.2).

Urban Forestry

14. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way.
   This development proposes:
   39 street trees along Walker Hallow St,
   6 street trees along Brilton Cottage St
   20 street trees along Heathshire Dr.
   19 street trees along Windmere Chase Dr.
   49 street trees along Glen Morgan Ln.
   14 street trees along Cambridge Knoll 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: 4-24-2022
Record at least ½ of the land area approved.

5-Year Sunset Date: 4-24-2024
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Development Services Dir./Designee)  
Date: 4/24/19

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, oppose with conditions or deny the request, but must do so within 60 days of 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>Belmont Phase 5</th>
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<tbody>
<tr>
<td>Development Case Number</td>
<td>DA-23-2019</td>
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<tr>
<td>Transaction Number</td>
<td>564543</td>
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<tr>
<td>Design Adjustment Number</td>
<td>DA - 23 - 2019</td>
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</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.**

**DEPARTMENTS**

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

**STAFF RESPONSE**

**CONDITIONS:**

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

Authorized Signature: [Signature]

Engineering Review Manager: [Signature]

Date: 4/11/19

*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 8.3 Blocks Lots, Access

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

The request for a design adjustment to the block perimeter standards is deemed reasonable due to the presence of existing buildings, stream and other natural features and site layout of developed properties.

The proposed development has a total of five blocks of which three are compliant with the block perimeter requirements. The other two have adjacent features that prohibit public streets to create compliant blocks. The northernmost block is bound by a stormwater device for the adjacent subdivision, a FEMA Special Flood Hazard Area and an existing community with cul-de-sac streets bound by existing single family dwellings. The easternmost block is bound by a stream and existing residential properties.
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

A portion of the project faces on Heathshire Drive where existing 5' sidewalks and 3.5' planting strips exist approaching the site frontage. The required ROW width is in place, but the pavement width exceeds the current UDO requirement. As such, there is not enough width between back of curb and the ROW to install a 6' planting strip, 6' sidewalk and 2' maintenance strip. There is approximately 9' in width.

Additionally, the adjacent subdivision only has sidewalks on one side of the street. The sidewalks are 5' sidewalks on the opposite side of the street. The other side is not set up for sidewalk installation. Therefore the 5' sidewalk being constructed on Belmont Phase 5 frontage would service those lots and allow pedestrian access to the open space associated with Belmont Phase 5.

The requested design adjustment reduces maintenance responsibilities, provides an accessible path to the open space and allows pedestrian access that is ADA compliant.
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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<tbody>
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<td>S-35-2018</td>
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<tr>
<td>Transaction Number</td>
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</tr>
<tr>
<td>Name</td>
<td>Buffaloe Partners LLC</td>
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<tr>
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<td>100 Weston Estates Way</td>
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<td>Phone</td>
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<tr>
<td>Name</td>
<td>Brad Haertling</td>
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<td>Firm</td>
<td>Hugh J Gilleece and Assoc.</td>
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<td>Address</td>
<td>875 Walnut Street Suite 360</td>
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<tr>
<td>City</td>
<td>Cary</td>
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<td>27511</td>
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<tr>
<td>Phone</td>
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</tbody>
</table>

I am seeking a Design Adjustment from the requirements set forth in the following:

- UDO Art. 8.3 Blocks, Lots, Access
- UDO Art. 8.4 New Streets
- UDO Art. 8.5 Existing Streets
- Raleigh Street Design Manual

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

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.

Yours truly,

[Owner/Owner's Representative Signature]

President, [Company Name]

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

<table>
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<tr>
<th>RECEIVED DATE:</th>
<th>DA</th>
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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 perimeter blocks of this site plan do not meet the intent because of the existing natural environmental features and road network which this site is tying into.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

   Yes, because the site meets all other UDO requirements.

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

   No, we are completing the existing road network between to existing subdivision to allow for steady traffic flow.

D. The requested design adjustment does not create any lots without direct street Frontage;

   No all lots have road 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.

Existing topo, dedicated/recorded tree conservation easements,open space, as well as the stream buffer to not allow for this site to meet this design requirement because of this being an infill site plan. The site is being dictated by the existing subdivision.
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;

We are providing a sidewalk extension along the existing road frontage to provide pedestrian access to the public sidewalk network. Due to the existing roadway and right of way width a 5' sidewalk with a 3.5' utility strip which matches the existing road cross-section.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

The proposed lots are fronting on an existing road and we are providing a sidewalk connection.

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

No, this does not increase congestion due to the fact that we are tying the sidewalk into an existing network where handicap points and ramps have been established.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and

We are adding additional sidewalk that was not initially required at the time of the development of the existing roadway. What would have been required per today's standards would have increased the amount of sidewalk to be maintained.

E. The requested design adjustment has been designed and certified by a Professional Engineer.

Yes, it has been certified by John R Harman, P.E.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Julia Rawl, a Notary Public do hereby certify that Karl D. BlackBerry personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 21st day of March, 2019.

[Signature]
Notary Public

My Commission Expires: February 7th, 2024