LOCATION: This site is located on the north side of Macon Pond Road between Edwards Mill and Duraleigh Roads at 2923 Edwards Mill Road.

REQUEST: Subdivision of a 27.22 acre tract zoned OX-12 CU (Z-8-18) into a four (4) lots in two phases.

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

1. A Design Adjustment has been approved allowing an alternative street cross section and waiving cross access to the lot to the north

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 5/16/19 by Stewart Inc.

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. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering prior to concurrent review approval.

2. 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. A Water Model in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval prior to concurrent approval.

6. 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.

7. 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**

8. The State of North Carolina shall approve any proposed disturbance within the riparian buffer prior to the issuance of any grading or site permit (UDO 9.2.3.E).

9. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).

10. 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**

11. Submit a final tree conservation plan that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required (UDO 9.1.5).

12. Tree protection fence 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.
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. Street names for this development shall be approved by the Raleigh GIS Division and by Wake County.

**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 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.

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

**Public Utilities**

5. 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.

6. A Water and/or Sewer Assessment fee shall be paid to the Assessment Specialist in the City of Raleigh Engineering Services Department.

**Stormwater**

7. 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 (UDO 9.2.2.G.3).

8. 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).
9. 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).

10. 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 required buffer statement (Recorded Map Checklist).

11. A surety equal to 125% of the cost of the construction of a stormwater device shall be paid to the Engineering Services Department (UDO 9.2.2.D.1.d).

Urban Forestry

12. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 2.887 acres of tree conservation area.

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: 5-23-2022
Record at least ½ of the land area approved.

5-Year Sunset Date: 5-23-2024
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Development Services Dir./Designee)  
Date: 5/23/19

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.

| PROJECT |
|------------------|------------------|
| **Project Name** | Macon Pond Subdivision |
| **Development Case Number** | S-58-2019 |
| **Transaction Number** | 573665 |
| **Design Adjustment Number** | DA - 6 - 2019 |

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

- [x] UDO Art. 8.3 Blocks, Lots, Access
- [x] 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
- [x] Parks & Recreation and Cult. Res.
- [ ] Public Utilities

**CONDITIONS:**

**Development Services Director or Designee Action:**

- [x] APPROVE
- [ ] APPROVE WITH CONDITIONS
- [ ] DENY

Authorized Signature: [Signature]

Name: [Name]

Title: [Title]

Date: [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).*
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 Client does not propose any development on Lot 4 to preserve the existing environmental aspects of the site such as trees and streams that.

The proposed subdivision provides a well connected layout to all three existing streets surrounding the parcel in review.

The entire subdivision provides tight walkable and vehicular connections that allow for safe and direct access and does not negate emergency access to the parcel north of lot 4.

The proposed road connection conforms with the aspects of the Street Plan and the Comp Plan.
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

The client is proposing an alternate streetscape section along Blue Ridge Road and Edwards Mill Road. Currently there is a 1' turf strip and a 5' wide sidewalk section. Instead of the standard 6' tree lawn and 6' sidewalk, the client is proposing a 5' tree lawn section and a 10' concrete multi-use path, and containing the utility placement easement in the tree lawn.

The client is seeking an adjustment to the Macon Pond Road cross section. Macon Pond Road is currently a 60' right of way with no curb and gutter or sidewalk on the northern edge proximate to the Duke Energy easement. Raleigh's Street Plan identified Macon Pond Road as an Avenue 2-Lane Divided.

In order to meet the right-of-way requirement, the client is encroaching into the Duke Power easement. Due to Duke's requirements in regards to construction and clear zones at their structures (Tower #459 230kVA in this case), the client has proposed modifications as follows:
• Revise the alignment for Macon Pond Road such that it shifts the road to the South.
• 5' City of Raleigh Utility Placement Easement ends at the 100' CP&L Easement.
• Shift 6' sidewalk to the back of curb, so the sidewalk is 27.0' from structure #459.
• Back of curb of the roadway improvements will be 33.0' from structure #459.
• This option will require roadway widening on the EB lane but the installation would be staying in the existing right-of-way. Power pole relocation will required for the existing pole near the Edwards Mill Road Intersection and possibly a second along Macon Pond Road in the 100' CP&L Easement. We would also be required to make storm drainage upgrades along the South Edge of the EB lane since the roadway will be changing from a ditched section to a curved section.

After conversations with Duke Energy and City Staff, the client proposes the following design adjustments:
• 6' sidewalk at back of curb
• Elimination of maintenance strip and utility easement
• No street trees per Duke requirements.

This request meets the standards and mitigates a safety hazard by placing streetscape amenities in close proximity to a high voltage line.
MEMORANDUM:

TO: Daniel King

COMPANY: City of Raleigh Transportation

FROM: Ross Massey

DATE: 5.7.2019

REFERENCE: Amendment to Design Adjustments for S-58-18
Transaction # 573865
Macon Pond Subdivision

STEWART PROJECT NUMBER: C18068

Daniel,

Per our conversation during this morning’s express review, we respectfully submit this second amendment to the application for Design Adjustments related to S-58-18 Macon Pond Subdivision. A separate amendment has been filed for streetscape design relative to a Duke Power easement; this amendment is to remove a previously requested adjustment for block perimeter that is no longer necessary. In sum, we are requesting 3 amendments: cross access and existing streets (below), and streetscape (separate submittal).

The Macon Pond site is 27.22 acres, and is zoned OX-12-CU. The site currently has frontage on Edwards Mill Road, Blue Ridge Road, and Macon Pond Road, and the subdivision of the site will result in the creation of 3 additional roads: Blue Ridge Road extension, Lake Drive, and “Street B”. 4 lots will be created out of the subdivision as shown in the plan below.
Because of the unique nature of the site and surroundings, this project requires two Design Adjustments:

1) 8.3 Block, Lots, Access related to cross access requirements offsite from Block 4 to development to the north, and  
2) 8.5 Existing Streets related to Edwards Mill Road and Blue Ridge Road dimensions and placement of streetscape components.

Design Adjustment 1: Block 4 cross access

The subdivision results in the creation of 4 new parcels and 3 new streets, however staff is also requesting the provision of cross access from Block 4 to existing development to the north. Because it is the intent of the owner to not develop Site 4, and leave the existing stream and wooded areas intact, and because the development to the north is not conducive to cross-access, we request a design adjustment to grant relief from the cross-access standards for Block 4.
Findings

A. The approved design adjustment meets the intent of this Article.

Sec. 8.3.1. Intent
A. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network.
B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.
C. The access regulations are intended to provide a means for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.
D. Administrative design adjustments to the requirements of this Article may be appropriate where topographic changes are too steep, where existing buildings, streams or other natural or man-made obstructions or site layout of developed properties prevent cross access, where adjoining uses are incompatible or where strict compliance with this UDO would pose a safety hazard.
E. A conditional use zoning applicant may in accordance with Sec 10.2.4 E.2 offer zoning conditions and supporting documents sufficient to demonstrate to the City Council that development plans submitted to the City will provide for safe, efficient and convenient vehicular, bicycle and pedestrian circulation.

The proposed development increases connectivity from existing conditions through the creation of 3 new streets, as well as improvements to the existing streets. The placement of the new streets, and ensuing block sizes, connect with the broader street network to provide multiple pathways to and through the Rex Hospital site and to the broader community. Using the tight block network created by the subdivision instead of placement of a cross-access easement minimizes impacts to streams, platted Tree Conservation Areas, and existing adjacent development.

B. The approved design adjustment conforms with the Comprehensive Plan and adopted City plans.
The Blue Ridge Road Corridor Plan shows Site 4 as an undisturbed natural area with no cross-access to development to the north. The proposed design adjustment is consistent with this plan.
C. The approved design adjustment does not increase congestion or compromise safety.
The proposed street network and associated block perimeters improve congestion and safety in the project area by providing multiple routes that are connected to the City's broader street network, alleviating the need for the cross access.

D. The approved adjustment does not create any lots without direct street frontage.
The proposed subdivision is comprised of 4 lots, all with multiple street frontages.

E. The design adjustment is deemed reasonable due to one or more of the following:
   1. Topographic changes are too steep;
      n/a
   2. The presence of existing buildings, stream and other natural features;
      There is both a stream and an existing wooded area protected by Tree Conservation Area on Site 4; both would be negatively impacted by the cross-access requirement.
   3. Site layout of developed properties;
      The site to the north does not appear to have cross access to the south, nor does its circulation patterns necessitate one.
   4. Adjoining uses or their vehicles are incompatible;
      The site to the north is a Retirement Community, a use that typically desires restricted points of access and quiet natural surroundings.
   5. Strict compliance would pose a safety hazard; or n/a
   6. Does not conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.
      There are no roadways construction projects adjacent to or in the vicinity of the site.
F. No design adjustment shall be approved when the City Council has authorized a roadway project in the vicinity, where the roadway design has not yet been finalized.

There are no roadway projects in the vicinity.

**Design Adjustment 2: Edwards Mill Road and Blue Ridge Road existing streets**

This subdivision is adjacent to Edwards Mill Road and Blue Ridge Road, both NCDOT rights of way.

Edwards Mill Road right of way is currently 150’ in width, which is 24’ in excess of the Raleigh Street Manual’s 126’ requirement for Avenue 6-Lane Divided. During previous development of the site, Tree Conservation Areas were platted directly adjacent to the Edwards Mill frontage. Because of the abundant right of way, NCDOT rules regarding placement of street trees, and TCA constraint, we request a design adjustment to permit the existing condition to remain: planted median, 2 through traffic lanes, curb and gutter, turf strip and 5’ sidewalk to remain unchanged, and the addition of street trees behind the sidewalk as well as placement of the 5’ utility strip within the right of way rather than in an easement on private property. Where a new turn lane is added, the 2.5’ turf strip, 5’ sidewalk, street trees and utility placement will echo the pattern of the existing condition.

Blue Ridge Road/Duraleigh Road is approximately 104’ in width, which is consistent with the Raleigh Street Manual’s 104’ requirement for Avenue 4 Lane Divided. Block 4 was part of a prior site plan SP-74-11, which included the installation of a 1’ turf strip, 5’ sidewalk, and street protective yard plantings in lieu of street trees behind the sidewalk to accommodate above ground utilities and NCDOT standards regarding street tree placement. This project requires an alternate to leave the existing condition unchanged, as the property owner proposes to leave Site 4 undeveloped and place TCA adjacent to the Blue Ridge Road right of way.

The applicant also proposes to alter the standard streetscape condition for Block 1 adjacent to Blue Ridge Road to consist of a 5’ turf lawn at back of curb to include utility placement (in lieu of an easement), a 10’ concrete multi-use path, and street trees behind the path within the right of way, or slightly within the property line where there are space constraints. This design is per conversation with City Staff and staff from the North Carolina Museum of Art and reflects the built condition adjacent to the Museum in an effort to create corridor continuity.
Findings
1. The Public Works Director may in accordance with Sec. 10.2.18. approve an existing street design adjustment, subject to all of the following findings:
   a. The approved adjustment meets the intent of this Article;
      A. Intent
         1. The intent of the existing streets regulations is to provide the application of the street typology map and the streetscapes to existing streets to reflect the character and context of areas in the City.
         2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.
         3. Administrative Design Adjustments approved by the Public Works Director pursuant to Sec. 8.5.1.G. may be appropriate when an existing building would
impede expansion, when transitioning from a different street section or where
strict compliance with this UDO and the Raleigh Street Design Manual would
pose a safety hazard.
The Edwards Mill Road and Blue Ridge Road/Duraleigh Road frontage adjacent
to the site is consistent with the rest of this NCDOT-maintained corridor, which
features 4 travel lanes, turn lanes and interrupted median, and sidewalk
facilities and street trees behind the sidewalk.

b. The approved adjustment conforms with the Comprehensive Plan and
adopted City plans;
The proposed alternate permits the preservation of an existing Tree Conservation
Area consistent with Comprehensive Plan Policy EP 5.3 Canopy Restoration which
calls for tree conservation.

C. Avenue 6-Lane, Divided

<table>
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<th>Width</th>
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<tbody>
<tr>
<td>A Right-of-way width</td>
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<td>B Back-of-curb to back-of-curb</td>
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<td>D Maintenance strip (min)</td>
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<tr>
<td>E Sidewalk (min)</td>
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<tr>
<td>F Planting area (min)</td>
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<tbody>
<tr>
<td>G Bike lane</td>
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</tr>
<tr>
<td>H Travel lane</td>
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<tr>
<td>I Median</td>
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<tr>
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<td>Tree grate / lawn</td>
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<tr>
<td>Tree spacing</td>
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c. The approved adjustment does not increase congestion or compromise
safety;
There is excess dimension in the Edwards Mill Road right of way that would permit the placement of a utility strip without compromising the full street section as called for in the Raleigh Street Design Manual. Alternate street tree placement for Block 1 frontage on Blue Ridge Road permits utility placement in the 5’ turf lawn without tree root zone conflict.

d. The approved adjustment does not create additional maintenance responsibilities for the City; and
Responsibility for utilities will remain unchanged, regardless of their placement in the right of way or in an easement.

e. The approved adjustment has been designed and certified by a Professional Engineer.
Roy Lorenzen, PE of STEWART has designed and certified the subdivision submittal.
MEMORANDUM:

TO: William Shumaker, Daniel King, James Marapoti

COMPANY: City of Raleigh Transportation

FROM: Roy Lorenzen, PE

DATE: 3.28.2019

REFERENCE: Amendment to Design Adjustments for S-58-18
Transaction # 573665
Macon Pond Subdivision

STEWART PROJECT NUMBER: C18038

Gentlemen,

Per our previous conversations, we respectfully submit an amendment to the Design Adjustments currently under your review related to S-58-18 Macon Pond Subdivision.

This purpose of this amendment is the request a design adjustment for UDO Sec. 8.5 Existing Streets relative to the streetscape portion of the required street section for Macon Pond Road. A small portion of the Macon Pond Road frontage is within a Duke Energy easement, necessitating the removal of certain streetscape components and the placement of the required 6’ sidewalk at back of curb. The attached memo outlines the process followed to arrive at this proposal in an effort to meet Duke Energy standards as well as the ways in which this proposal meets the Design Adjustment standards.

Attachments:
1. Design Adjustment Application
2. Memo summarizing requested adjustment and justification
3. Proposed design
4. Duke Energy rejection of standard design
5. Duke Energy requirements
6. Email correspondence with Duke Energy Staff
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 and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.1 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>
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</thead>
<tbody>
<tr>
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<tr>
<td>Transaction Number</td>
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<td>Name</td>
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<tr>
<td>Firm</td>
<td>STEWART</td>
</tr>
<tr>
<td>Name</td>
<td>Roy Lorenzen</td>
</tr>
<tr>
<td>Address</td>
<td>223 S. West St. Suite 1100</td>
</tr>
<tr>
<td>City</td>
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<tr>
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<td>27603</td>
</tr>
<tr>
<td>Phone</td>
<td>919.866.4813</td>
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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):

Please see attached memo.

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: 1/19/19

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;
   Please see attached memo.

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

C. The requested design adjustment does not increase congestion or compromise safety;
   Please see attached memo.

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

E. The requested design adjustment has been designed and certified by a Professional Engineer.
   Please see attached memo.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Michele P Bostic Hts, a Notary Public do hereby certify that
Jeff Carter personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

This the 8th day of January, 2019.

Notary Public

My Commission Expires: 3/16/19
MEMORANDUM:

TO: William Shumaker, Daniel King, James Marapoti
COMPANY: City of Raleigh Transportation
FROM: Roy Lorenzen, PE
DATE: 3.28.2019
REFERENCE: Amendment to Design Adjustments for S-58-18 Transaction # 573665 Macon Pond Subdivision

STEWART PROJECT NUMBER: C18068

Existing Street Design Adjustment: Macon Pond Road

Macon Pond Road is currently a 60’ right of way with no curb and gutter or sidewalk on the northern edge proximate to the Duke Energy easement.

Raleigh's Street Plan identified Macon Pond Road as an Avenue 2 lane Divided with the following dimensional requirements:
The Project Team has realigned Macon Pond to the extent practicable to allow sidewalk placement while best meeting Duke Energy’s separation requirements and meeting the COR’s street design standards, while also mitigating traffic impacts, and creating a safe intersection with Edwards Mill Road. These improvements are based on the recommendations of the Kimley Horn traffic study (approved with recommendations by City of Raleigh on February 28, 2019) which details proposed thoroughfare improvements and traffic mitigation.

In order to provide ½ of the City-required right of way for Macon Pond Road, we are further encroaching into the Duke Energy easement by widening the road to the north. The curb is currently 26’ from the power structure; the planned widening of Macon Pond Road places the curb will be 19’ from the power structure.

Attachment 2- Design Adjustment for S-58-18 Macon Pond
On 2/7/19 Duke Energy rejected the proposal for a typical street section (see attached exhibit) due to presence of streetscape components within their easement.

Duke Energy staff informed the Project Team during the ensuing conversation that the Impacted structure #459 is 230kVA. Per Duke Energy’s requirements (attached), the following project components are impacted:

- Grading- no cut or fill closer than 25’ from pole or tower
- Utility easement- no portion of easement may be placed closer than 25’ from pole or tower
- Lighting- not permitted within wire zone
- Trees- not permitted within wire zone, trees within border zone are limited in height.
- Sidewalk- not permitted within 25’ of pole or tower

Note that the entirety of the proposed streetscape area impacted by this requested Design Adjustment is within the wire zone.

As a result of Duke Energy’s rejection of the standard street section and extensive conversation with their staff, the Project Team provided two options that were a compromise between COR and Duke Energy requirements. We believe based on discussion with Duke Energy that the following modifications comes closest to meeting their requirements:

- Revise the alignment for Macon Pond Road such that it shifts the road to the South.
- 5′ City of Raleigh Utility Placement Easement ends at the 100′ CP&L Easement.
- Shift 6′ sidewalk to the back of curb, so the sidewalk is 27.0′ from structure #459.
- Back of curb of the roadway improvements will be 33.0′ from structure #459.
- This option will require roadway widening on the EB lane but the installation would be staying in the existing right-of-way. Power pole relocation will required for the existing pole near the Edwards Mill Road intersection and possibly a second along Macon Pond Road in the 100′ CP&L Easement. We would also be required to make storm drainage upgrades along the South Edge of the EB lane since the roadway will be changing from a ditched section to a curbed section.

As a result of this conversation, we respectfully request a Design Adjustment for the following modifications along the Macon Pond Road adjacent to the Duke Energy easement:

- 6′ sidewalk at back of curb
- Elimination of maintenance strip and utility easement
- No street trees per Duke requirements.

The remainder of Macon Pond Road frontage outside of the Duke Power easement meets COR standards.
Findings

1. The Public Works Director may in accordance with Sec. 10.2.18. approve an existing street design adjustment, subject to all of the following findings:
   a. The approved adjustment meets the intent of this Article;
      A. Intent
      1. The intent of the existing streets regulations is to provide the application of the street typology map and the streetscapes to existing streets to reflect the character and context of areas in the City.
      2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.
      3. Administrative Design Adjustments approved by the Public Works Director pursuant to Sec. 8.5.1.G. may be appropriate when an existing building would impede expansion, when transitioning from a different street section or where strict compliance with this UDO and the Raleigh Street Design Manual would pose a safety hazard.
      The proposed alternate mitigates a safety hazard posed by placing streetscape amenities within close proximity to a high-voltage Duke Energy power structure. The proposed alternate maintains pedestrian access while placing the sidewalk the furthest distance practicable from the Duke Energy power structure.
   b. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
      The proposed adjustment is consistent with the following Comprehensive Plan policies and adopted city plans:
      • Policy CS 5.3 Access to Health Care states “Support the siting of health care facilities and services in appropriate and accessible locations”. Redevelopment of this site permits the expansion of Rex Hospital and the provision of care within a healthcare campus that is accessible to the City and region.
      • Policy T.3 Eliminating Gaps- This adjustment increases mobility options by providing a sidewalk to Edwards Mill Road in an area where there are currently no pedestrian facilities.
      • The Blue Ridge Road Corridor Study shows development of Macon Pond Road and the broader site, but neglects to show the Duke Energy power easement. This proposed site development fulfills the goals of the Corridor Study by permitting development of a multi-phase healthcare campus.
   c. The approved adjustment does not increase congestion or compromise safety;
      The proposed street section accommodates vehicular traffic through the widening of Macon Pond Road and provides safe pedestrian passage through the provision of a 6’ sidewalk that is located as far away from the Duke Energy facility as is practicable given site constraints.
   d. The approved adjustment does not create additional maintenance responsibilities for the City; and
      Responsibility for utilities will remain unchanged.
   e. The approved adjustment has been designed and certified by a Professional Engineer.
      Roy Lorenzen, PE of STEWART has designed and certified the subdivision submittal.
DUKE ENERGY ELECTRIC TRANSMISSION RIGHT-OF-WAY GUIDELINES/RESTRICTIONS
VALID FOR NORTH CAROLINA AND SOUTH CAROLINA
(Revised 11/20/2014)

This list of right-of-way restrictions has been developed to answer the most frequently asked questions about property owner use of Duke Energy’s electric transmission rights of way. This list does not cover all restrictions or all possible situations. You should contact the Asset Protection right-of-way specialist if you have additional concerns about the rights of way. This list of restrictions is subject to change at any time and without notice. Duke Energy reserves all rights conveyed to it by the right-of-way agreement applicable to the subject property. All activity within the rights of way shall be reviewed by an Asset Protection right-of-way specialist to obtain prior written approval. Engineering plans may be required. Compliance with the Duke Energy Right-of-Way Guidelines or approval of any plans by Duke Energy does not mean that the requirements of any local, county, state or federal government or other applicable agency with governing authority have been satisfied.

1. Structures, buildings, manufactured/mobile homes, satellite systems, swimming pools (any associated equipment and decking), graves, billboards, dumpsters, signs, wells, deer stands, retaining walls, septic systems or tanks (whether above or below ground), debris of any type, flammable material, building material, wrecked or disabled vehicles and all other objects (whether above or below ground) which in Duke Energy’s opinion interfere with the electric transmission right of way are not allowed within the right-of-way limits. Transformers, telephone/cable pedestals (and associated equipment) and fire hydrants are not allowed. Manholes, water valves, water meters, backflow preventers and irrigation heads are not permitted. Attachments to Duke Energy structures are prohibited.

2. Fences and gates shall not exceed 10 feet in height and shall be installed greater than 25 feet from poles, towers and guy anchors. Fences shall not parallel the centerline within the rights of way but may cross from one side to the other at any angle not less than 30 degrees with the centerline. If a fence crosses the right of way, a gate (6 feet wide at each crossing) shall be installed by the property owner, per Duke Energy’s specifications. The property owner is required to install a Duke Energy lock on the gate to ensure access. Duke Energy will supply a lock.

3. Grading (cuts or fill) shall be no closer than 25 feet from poles, towers, guys and anchors (except for parking areas; see paragraph 7) and the slope shall not exceed 4:1. Grading or filling near Duke Energy facilities which will prevent free equipment access or create ground-to-conductor clearance violations will not be permitted. Storage or stockpiling of dirt or any other material is prohibited. Sedimentation control, including re-vegetation, is required per state regulations.

4. Streets, roads, driveways, sewer/water lines, other utility lines or any underground facilities shall not parallel the centerline within the right of way but may cross, from one side to the other, at any angle not less than 30 degrees with the centerline. No portion of such facility or corresponding easement shall be located within 25 feet of Duke Energy’s facilities. Roundabouts, cul-de-sacs and intersections (such as roads, driveways and alleyways) are not permitted.

5. Any drainage feature that allows water to pond, causes erosion, directs stormwater toward the right of way or limits access to or around Duke Energy facilities is prohibited.

6. Contact Duke Energy prior to the construction of lakes, ponds, retention or detention facilities, etc.

7. Parking may be permitted within the right of way, provided that:
   a. Prior to grading, concrete barriers shall be installed at a minimum of 8 feet from the Duke Energy facilities. During construction, grading shall be no closer than 10 feet to any Duke Energy facility. After grading/paving activity is complete, a Duke Energy-approved barrier sufficient to withstand a 15-mph vehicular impact shall be erected 9 feet from any Duke Energy facility.
   b. Any access areas, entrances or exits shall cross (from one side to the other) the right of way at any angle not less than 30 degrees with the centerline and shall not pass within 25 feet of any structure. Parking lot entrances/exits cannot create an intersection within the right of way.
   c. Lighting within the right-of-way limits must be approved by Duke Energy before installing. Due to engineering design standards, lighting is not allowed in the “Wire Zone.” Where lighting is approved (“Border Zone”), the total height may not exceed 15 feet in Area A and 12 feet in Area B. See map on back of this page for Areas. Contact your Asset Protection right-of-way specialist as the “Wire Zone” varies for the different voltage lines.

8. Duke Energy will not object to certain vegetation plantings as long as:
   a. They do not interfere with the access to or the safe, reliable operation and maintenance of Duke Energy facilities.
   b. With prior written approval, Duke Energy does not object to low-growing shrubs and grasses within the “Wire Zone.” Tree species are not allowed within the “Wire Zone.” Trees that are approved in the “Border Zone” may not exceed, at maturity, 15 feet in Area A and 12 feet in Area B. See map on back of page for areas. Contact the Asset Protection right-of-way specialist for “Wire Zone”/“Border Zone” definitions.
   c. For compliant mature height species, refer to plants.cos.ncsu.edu for reference.
   d. Engineering drawings must indicate the outermost conductor.
   e. Vegetation that is not in compliance is subject to removal without notice.
   f. Duke Energy may exercise the right to cut "danger trees" outside the right-of-way limits as required to properly maintain and operate the transmission line.

We hope this is useful information. If you have additional questions or plan any activity not mentioned above, please contact the Asset Protection right-of-way specialist for your area (see map).
Transmission Right-of-way Zones - Carolinas

**Wire Zone:** Extends beyond the outermost conductor on both sides. (See diagram above.)
Permitted within the Wire Zone: Low-growing plants, shrubs, and grasses.
Not permitted within the Wire Zone: Tree species of any kind.

**Border Zone:** Extends from the edge of the Wire Zone to the outside edge of the Right of Way.
Permitted within the Border Zone: Lighting structures and plantings within the Right of Way that do not exceed a vertical height of 15 feet in Area A and 12 feet in Area B. (See Asset Protection Map for location of geographic areas)
For compliant mature height species, refer to plants/ces.ncsu.edu/.

**Peripheral Zone:** Outside the Right of Way and adjacent to Border Zones.
Permitted within the Peripheral Zone: Trees may be planted in the Peripheral Zone. Duke Energy recommends customers exercise caution selecting and planting trees in this zone.
Not permitted in the Peripheral Zone: Trees with canopies are subject to routine trimming and possible removal.

**In all zones:**
When an outage risk is identified, Duke Energy will attempt to notify the affected customer. However, the company may need to take immediate action if trees cannot be pruned to appropriate levels. This may include trees and shrubs that are within 20 feet of the power line at the maximum peak load or during weather conditions that create line sag and sway.

Written approvals by Duke Energy are required for all plans.

We hope this is useful information. If you have additional questions on line voltages or plan any activity not mentioned above, please contact the Asset Protection Specialist for your area. (See Map)

*Right of Way is intended to reference the easement rights granted to Duke Energy. Actual zone size may vary based upon the particular Right of Way.*
Duke Energy North Carolina and South Carolina Transmission Asset Protection Zones

Area A and Area B have different right-of-way restrictions related to tree and light heights. Please refer to the attached Right-of-Way Restrictions Guide for more information.

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Asset Protection Right-of-Way Specialist Zones

- Zone 1 — Craig Garrett 828.258.5018
- Zone 2 — Steven Pryor 864.948.5610
- Zone 3 — Stephen Lord 704.812.2316
- Zone 4 — Ervin Summers 336.634.4633
- Zone 5 — Robbie James 910.944.5363
- Zone 6 — Robbie James 910.944.5363
- Zone 7 — Bruce Pelt 919.329.5928
- Zone 8 — Bill Wilder 910.772.4903

Legend — updated 5/13/16
©2014 Duke Energy Corporation 160702 5/14
Bruce,

We wanted to follow up with you concerning the alignment and shoulder improvements required by the City of Raleigh along Macon Pond Road near the intersection of Edwards Mill Road. Attached please find possible options to move the improvements away from structure #459.

Option 1 keeps the alignment for Macon Pond Road unchanged but makes the following changes:
- Drawing is revised to note the 10’ Building setback ending at the 100’ CP&L Easement.
- 5’ City of Raleigh Utility Placement Easement ends at the 100’ CP&L Easement.
- Move the 6’ sidewalk to the back of curb. This allows the sidewalk to be 23.45’ from structure #459.
- Back of curb of the roadway improvements would be 29.45’ from structure #459.
- This option will NOT require roadway improvements on the South side of Macon Pond Road or the East Bound (EB) lane, east of the Edwards Mill Road intersection.

Option 2 revises the alignment for Macon Pond Road such that it shifts the road to the South.
- Drawing is revised to note the 10’ Building setback ending at the 100’ CP&L Easement.
- 5’ City of Raleigh Utility Placement Easement ends at the 100’ CP&L Easement.
- With the roadway shift and the 6’ sidewalk shift to the back of curb, the sidewalk is 27.0’ from structure #459.
- Back of curb of the roadway improvements would be 33.0’ from structure #459.
- This option will require roadway widening on the EB lane but the installation would be staying in the existing right-of-way. There will be power pole relocation required for the existing pole near the Edwards Mill Road intersection and possibly a second along Macon Pond Road in the 100’ CP&L Easement. We would also be required to make storm drainage upgrades along the South Edge of the EB lane since the roadway will be changing from a ditched section to a curbed section.

Please let our office know if Option 1 or 2 would be acceptable to Duke Energy. We will also be reaching out to the City of Raleigh to get there acceptance to the noted sidewalk and/or roadway alignment changes.

Thank you.

Roy P. Lorenzen, PE | Project Manager
Associate Vice President
Direct 919.866.4813
STEWART
STRONGER BY DESIGN
Visit us at www.stewartinc.com
From: Pait, Bruce E. <Bruce.Pait@duke-energy.com>
Sent: Thursday, February 7, 2019 1:09 PM
To: Roy Lorenzen <RLorenzen@stewartinc.com>
Cc: Bryant, Gary V <Gary.Bryant@duke-energy.com>; Jeff.Carter@unchealth.unc.edu; Folk, David <David.Folk@duke-energy.com>; Tompson, Gray <Gray.Tompson@duke-energy.com>
Subject: Macon Pond Rd. Proposed expansion - Duke Energy easement

Re: Macon Pond Road proposed expansion at Duke Energy power line H-Frame structure # 459

Line: OL176 Durham – Method 230kV transmission level power line.

To: Roy P. Lorenzen, PE (919.866.4813) Project Manager – AVP, Stewart, Inc. | 223 S. West Street, Suite 1100, Raleigh, NC 27603

Dear Roy,

Duke Energy Transmission ("DET") has made a review of your proposed Macon Pond Road expansion, utility easement, grading, and sidewalk improvements and is hereby denies these plans as shown on the above attached drawing for the following reasons:

-1. The newly proposed street right-of-way and associated 5’ wide utility easement are within 25’ of the Duke Energy H-Frame structure # 459.

-2. The utility easement actually is shown abutting against or within inches of the southwestern pole of the H-Frame structure.

-3. There is also a proposed sidewalk within 25’ of the H-Frame structure # 459.

We appreciate and share your desire to enable your client to make good use of their property. Our goal is to reach an optimal solution that protects Duke Energy’s facilities by mitigating safety hazards to our workers, property owners and the general public. In this light we encourage you to revise and re-submit your plans with street rights-of-way, utility easements, grading and sidewalks that meet the Duke Energy requirements as provided to you in January.

Sincerely,

Bruce

Bruce Pait

Transmission Asset Protection
Carolinas East & West Zones 7 & 8
EXISTING TCA SHOWN FOR REFERENCE ONLY. REFER TO PLOT PLAN TRANSACTION NO. 589647 FOR APPROVED TREE CONSERVATION AREAS.
Energy transmission easement cuts through the parcel. A fee-in-lieu is required for 7 street trees where the Duke Energy transmission easement cuts through the parcel.

NOTE:

USE FOR CONSTRUCTION
PRELIMINARY - DO NOT USE FOR CONSTRUCTION

FRINGE TREE
B & B

Chionanthus virginicus
62`

3" MIN.

Black Gum
Nyssa sylvatica

62`

10` MIN.

BOTANICAL / COMMON NAME

QTY

CODE

HEIGHT CAL

TP

SCALE:

1"= 50'

NORTH

HBOX

EIP

EIP

EIP

EIP 3/4"

OUT=453.49'

TOC=457.79'

(8) QUPH

TP

IN=456.55'

REVISED PER CITY'S COMMENTS 05.16.2019

REVISED PER CITY'S COMMENTS 04.16.2019

DESCRIPTION

DATE

FRONTAGE 4

TP

GIS WL

NO SURVEY

FRONTAGE 6

TP

GIS WL

NO SURVEY

FRONTAGE 7

TP

GIS WL

NO SURVEY

FRONTAGE 8

TP

GIS WL

NO SURVEY

FRONTAGE 9

TP

GIS WL

NO SURVEY

FRONTAGE 10

TP

GIS WL

NO SURVEY

FRONTAGE 11

TP

GIS WL

NO SURVEY

FRONTAGE 12

TP

GIS WL

NO SURVEY

FRONTAGE 13

TP

GIS WL

NO SURVEY

FRONTAGE 14

TP

GIS WL

NO SURVEY

FRONTAGE 15

TP

GIS WL

NO SURVEY

SUBDIVISION

TP

GIS WL

AREA (TYP.)

TREE CONSERVATION

LYMPHATIC/OTHER

ALLEY/OTHER

FENCE (TYP.)

TRAFFIC CABINET

L5.00