LOCATION: This site is located on the east side of Jones Franklin Road, south of the intersection of Jones Franklin Road and I-440. The site is located at 915 Jones Franklin Road.

REQUEST: Development of a 1.46 acre tract zoned OX-3, CM, and within an SRPOD Overlay into a townhome development consisting of 23 residential townhome lots, and one community lot.

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

1. A Design Adjustment has been approved waiving the block perimeter requirement (8.3).

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 Site Group.

CONDITIONS OF APPROVAL and NEXT STEPS:

Note: This document must be applied to the second sheet of all future submittals with the exception of final plats.

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHEVER IS APPLICABLE:

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

2. Next Step: A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the right-of-way.

STORMWATER
3. 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.

4. That a nitrogen offset payment must be made to a qualifying mitigation bank;

5. In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

URBAN FORESTRY
6. Obtain required tree impact permits from the City of Raleigh issued with building permit.
7. **Next Step:** Prior to the issuance of a mass grading permit or other site permit, whichever comes first, submit a final tree conservation plan with a permit approved by Urban Forestry staff that includes metes and bounds descriptions of all tree conservation areas and tree protection fencing as required.

8. **Next Step:** Tree protection fence must be located in the field and inspected by Urban Forestry staff prior to the issuance of a mass grading permit or other site permit, whichever comes first.

**Prior to Authorization to Record Lots:**

**General**

1. 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.

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

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

4. **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.

**Engineering**

5. The required 55' right of way for the proposed Access Drive and Roads A, B and C shall be dedicated to the City of Raleigh and shown on the map approved for recordation. This includes dedication of right-of-way along the proposed Access Drive to, at a minimum, encompass the RSDM 6.1.2.B required 20' minimum pavement width as well as curb, gutter and streetscape. Dedication of a utility placement easement shall be required adjacent to all street right-of-way dedications.

6. A 5’ utility placement 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 are not provided within this 14 day period, further recordings and building permit issuance may be withheld.

7. A 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 (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 are 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 street construction that is not constructed to the property line is 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.

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

**STORMWATER**

12. 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.

13. 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.

14. 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.

15. 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**

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.

**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: 12-7-2021
Record at least ½ of the land area approved.

5-Year Sunset Date: 12-7-2023
Record entire subdivision.

I hereby certify this administrative decision.

Signed: (Planning Dir./Designee) ___________________________ Date: 12/7/18

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.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Lakeview Townhomes</td>
</tr>
<tr>
<td>Development Case Number</td>
<td>5-78-2017</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>535816</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 20 - 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 [x] DOES NOT SUPPORT [ ] the design adjustment request.

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Dev. Services Planner</td>
</tr>
<tr>
<td>[x] Development Engineering</td>
</tr>
<tr>
<td>[ ] Engineering Services</td>
</tr>
<tr>
<td>[ ] Public Utilities</td>
</tr>
</tbody>
</table>

| CONDITIONS: |

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

Authorized Signature: [Signature]

*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 site is within 500 feet of the I-440 interchange and is proposing to provide a public street access to the east of Jones Franklin Road for 23 townhouses. This site is providing a stub street connection to the south adjacent property and will extend an offer of cross-access to the multifaith apartment complex upon construction of this site.

The block perimeter, based on OX-3 zoning allows a maximum of 3,000 linear feet of roadway accessibility or to construct public streets to meet the required perimeter. This site is limited on all sides of the properties by existing apartments to the south, Lake Johnson floodway / City of Raleigh park to the east and commercial properties to the north. The topography also is limiting along Jones Franklin Road and these adjacent properties.

Jones Franklin Road is maintained by NCDOT and this developer understands that there are significant improvements proposed along Jones Franklin Road. Jones Franklin Road is an Avenue 2-Lane Divided street type and the driveways will ultimately be right in/right out driveways upon construction of the proposed median section with the NCDOT project.
Design Adjustment Application

The purpose of this request is to seek a Design Adjustment from the Development Services Director, or designee, for a specific project only and, if granted, may be approved with special conditions and provisions. This application and all further action shall be consistent with Section 10.2.18 in the Unified Development Ordinance (UDO). The consideration and decision of this request shall be based solely on the conformance of the findings, as outlined in Sec. 8.3.6, Sec. 8.4.1.E and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Lakeview Townhomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
<td>S-78-17</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>535816</td>
</tr>
<tr>
<td>Name</td>
<td>Mark Altman</td>
</tr>
<tr>
<td>Address</td>
<td>1511 Sunday Drive, Suite 100</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>27607</td>
</tr>
<tr>
<td>Phone</td>
<td>919-866-2147</td>
</tr>
<tr>
<td>Firm</td>
<td>The Site Group, PLLC</td>
</tr>
<tr>
<td>Address</td>
<td>1111 Oberlin Road</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>Zip Code</td>
<td>27605</td>
</tr>
<tr>
<td>Phone</td>
<td>919-835-4787</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):

Block Perimeter (UDO Art. 8.3). The existing block is 29,896 ft. in length exceeds the max allowed of 3000 ft. listed in UDO Article 8.3. Physical and environmental restrictions have dictated the Block Perimeter Length. The site is bordered by Lake Johnson Park to the east and two major highways 1440 to the north & 140 to the south restricting street layout and creating a lengthy clockwise perimeter of 5.96 miles.

It is the responsibility of the applicant to provide all pertinent information needed for the consideration of this request. Applicant must be the Property Owner.

By signing this document, I hereby acknowledge the information on this application is, to my knowledge, accurate.

Owner/Owner’s Representative Signature

Date

CHECKLIST

- Signed Design Adjustment Application
- Page(s) addressing required findings
- Plan(s) and support documentation
- Notary page (page 6) filled out; Must be signed by property owner
- First Class stamped and addressed envelopes with completed notification letter

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: 1/30/2018
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 existing block is 29,896 ft. in length exceeds the max allowed of 3000 ft. listed in UDO Article 8.3. Physical and environmental restrictions have dictated the Block Perimeter Length. The site is bordered by Lake Johnson Park to the east and two major highways I440 to the north & I40 to the south restricting street layout and creating a clockwise perimeter of 5.88 miles.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The proposed internal streets and the roadway connection at Jones Franklin Road have been designed to to conform with all horizontal and vertical minimum standards of the UDO, RSDM, and the City of Raleigh comprehensive Plan. No future roadway construction plans proposed by the City of Raleigh will be impeded.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The requested design adjustment maintains the existing roadway and sidewalk capacity on Jones Franklin Road. Safe sight distances have been provided in both directions at proposed road intersections. The requested design will not negative effect the safe ingress and egress of the site.

D. The requested design adjustment does not create any lots without direct street Frontage;
   The requested design adjustment will not create any lots without direct 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.
STATE OF NORTH CAROLINA
COUNTY OF Chowan

I, Heather W Hartman, a Notary Public do hereby certify that William Henry Wells Jr personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 4th day of April, 2018.

Notary Public Heather W Hartman

My Commission Expires: May 7, 2022
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH STANDARDS AND SPECIFICATIONS.
All construction shall be in accordance with City of Raleigh standards and specifications.
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH AND/OR NCDOT STANDARDS AND SPECIFICATIONS.

NOT TO SCALE

PRCR-03

DO NOT PRUNE LEADER. PRUNE OR CUT ONLY DEAD OR UNHEALTHY BRANCHES.

THE ROOT FLARE SHALL BE PLANTED AT GRADE, NO HIGHER THAN 2" ABOVE GRADE, AND NEVER BELOW GRADE. REMOVE EXCESS SOIL TO EXPOSE THE ROOT FLARE AT GRADE. TREE SHALL BE SET PLUMB.

MULCH DEPTH 3". KEEP MULCH 3" FROM ROOT FLARE AND DO NOT CONTACT STEM.

WATER SAUCER SHALL BE NO MORE THAN 3" ABOVE GRADE.

COMPLETELY REMOVE TOP HALF OF BURLAP, LACING AND WIRE BASKET AND DISCARD FROM HOLE.

HIGH QUALITY SOIL MIX AS SPECIFIED.

ROOT BALL SHALL BE PLACED DIRECTLY ON COMPACTED SUBGRADE. HANDLE TREE BY THE ROOT BALL ONLY.

NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR ADEQUATE DRAINAGE OF ALL PLANTING PITS. (POSITIVE DRAINAGE AWAY FROM PIT)

2. ADHERE TO STANDARDS IN THE CITY TREE MANUAL.

3. STREET TREES MUST BE 3" CALIPER AT INSTALLATION WITH A 5' MINIMUM FIRST BRANCH HEIGHT.

4. PLANTING SEASON OCTOBER - APRIL.

5. A TREE IMPACT PERMIT IS REQUIRED.

6. ELECTRICAL OUTLETS AND OTHER UTILITIES ARE PROHIBITED IN THE PLANTING AREA IMMEDIATELY SURROUNDING THE TREE.

PROVIDE STAKING IF SPECIFIED. IF STAKING IS PROVIDED, PROTECT TREE WITH BROAD STRAP OR FLEXIBLE TUBING. ALLOW FLEXIBILITY IN STRAPS TO DEVELOP TRUNK TAPER. PROVIDE TURN BUCKLE AND WARNING FLAGS. REMOVE ALL STAKING AND ACCESSORIES WITHIN ONE YEAR FROM PLANTING.

CONTACT INFORMATION:
CITY OF RALEIGH PARKS, RECREATION AND CULTURAL RESOURCES DEPARTMENT URBAN FORESTER:
TREES@RALEIGHNC.GOV
WWW.RALEIGHNC.GOV