LOCATION: This site is located on the south side of Falls of Neuse Road, at 8600 Falls of Neuse Rd.

REQUEST: Development of a 1.49 acre tract zoned OX-3-CU into a proposed new 15,650 gross square foot building for medical offices (general building type).

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: This plan includes a design adjustment request (case DA-19-2019) for relief from Block Perimeter standards (UDO 8.3), dedication of the 5’ Utility Placement Easement along a NCDOT street, and an alternate street section to align with existing adjacent curb & gutter line and separated bicycle facilities on a 10’ multi-use path.

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 4/16/2019 by Wake Land Design, PLLC.

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.

Stormwater
3. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved (UDO 9.2).
4. A surety equal to or of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

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

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.

Stormwater
3. 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).

☒ BUILDING PERMITS - For buildings and structures shown on the approved plans. Commercial building permit plans must include the signed, approved Concurrent Site Review plans attached, if applicable. Permit sets may be reviewed prior to the recordation of required plats, but cannot be approved.

The following items must be approved prior to the issuance of building permits:
General

2. A demolition permit shall be obtained.
3. Provide fire flow analysis.
4. A Type C2 Street Protective Yard is required for this project and a note shall be placed on the final plat stating this requirement.

Engineering

5. A fee-in-lieu for street trees shall be paid to the City of Raleigh (UDO 8.1.10).
6. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).
7. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering.
8. A cross access agreement among the lots identified as PIN 1718309966 and adjacent lots PINS 171818401998 & 171818305993 shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded cross access easement shall be returned to the Development Services Department within one day of plat recordation. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.
9. A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

Public Utilities

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

Stormwater

11. 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).
12. 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).
13. 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).
The following are required prior to issuance of building occupancy permit:

1. All Water, Sanitary Sewer and Reuse facilities shall be installed, inspected, tested and accepted by the City of Raleigh Public Utilities Department for operations and maintenance.

2. Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.

3. Required underground storm drainage improvements shall be completed and as-built plan(s) and certification(s) reviewed and accepted by the City of Raleigh Development Services – Development Engineering program.

4. All street lights and street signs required as part of the development approval are installed.

5. Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.

6. As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department (UDO 9.2.2.D.3).

EXPIRATION DATES: The expiration provisions of UDO Section 10.2.8 E, including the ability to request extensions in the expiration date, apply to this site plan. If significant construction has not taken place on a project after administrative site review approval, that approval may expire and be declared void, requiring reapproval before permits may be issued. To avoid allowing this plan approval to expire the following must take place by the following dates:

3-Year Expiration Date: 5-23-2022
Obtain a valid building permit for the total area of the project, or a phase of the project.

4-Year Completion Date:
Within four years after issuance of the first building permit for the site plan, the construction of the entire site plan must be completed unless an applicant has been granted vested rights. Failure to complete construction within this specified time frame shall automatically void the approved site plan for which no building permits have been issued.

I hereby certify this administrative decision.

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

Staff Coordinator: Jermont Purifoy
Design Adjustment
Staff Response

Per Section 10.2.18.C of the Unified Development Ordinance, the Development Services Director, or designee, shall consult with the heads of other City Departments regarding the review of the request. The Development Services Director, or designee, shall approve, approve with conditions or deny the request, but must do so within 60 days of the receipt of a completed application. Additional time may be necessary if a municipal or state entity is incorporated in the review process or if a detailed engineering study is submitted in conjunction with the request.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Holt Physical Therapy</th>
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<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-3-19</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>582917</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 19 - 2019</td>
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</table>

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

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

Staff SUPPORTS [x] DOES NOT SUPPORT [ ] the design adjustment request.

DEPARTMENTS

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

STAFF RESPONSE

 CONDITIONS:

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

Authorized Signature

Daniel C. Kirk

Date 5/23/19

*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).
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**

Staff supports the request for relief pertaining to block perimeter standards due to an existing single family subdivision bordering the southern property, inhibiting any future street connection. Also, any proposed streets would transition from businesses in an OX-3 zoning to single family residences in R-4 zoning creating incompatible uses.
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; 
   YES [✓] NO []

E. The requested design adjustment has been designed and certified by a Professional Engineer; and 
   YES [✓] NO []

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection. 
   YES [✓] NO []

### STAFF FINDINGS

Staff supports the request for relief of the 5' Utility Placement Easement along the property frontage of Falls of Neuse Rd. Falls of Neuse Rd is a NCDOT maintained facility and the NCDOT has denied the request to plant street trees in the UDO approved location in the planting strip between the back of curb and front of sidewalk. The proposed development is going to be placing a C2 protective yard behind the public right-of-way in lieu of the typical street trees. By not planting street trees in the public right-of-way, there now exists a strip of land where utilities can be placed without the obstructions of trees or other public infrastructure.

Staff supports the request to alter the streetscape from the typical 8' sidewalk and 6' planting strip to a 10' multi-use path. This alteration matches the two adjacent parcels by continuing a pre-existing multi-use path. By providing the multi-use path and lining the curb with the property to the west, this allows for bike facilities to be placed in the form of a multi-use path as opposed to on street facilities. This creates a continuous separated facility that improves the safety of cyclists and motorists.
Design Adjustment Application

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

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<tbody>
<tr>
<td><strong>Name</strong></td>
<td>Hunpty Dumpty Properties, LLC</td>
<td><strong>Address</strong></td>
<td>8470 Falls of Neuse Rd</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Raleigh</td>
<td></td>
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<td><strong>State NC</strong></td>
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<tr>
<td><strong>Zip Code</strong></td>
<td>27615</td>
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<tr>
<td><strong>Phone</strong></td>
<td>305-725-1828</td>
<td></td>
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</tr>
<tr>
<td><strong>Name</strong></td>
<td>Jason G. Meadows</td>
<td><strong>Address</strong></td>
<td>P.O. Box 418</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Clayton</td>
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<td><strong>State NC</strong></td>
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<td><strong>Zip Code</strong></td>
<td>27528</td>
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<tr>
<td><strong>Phone</strong></td>
<td>919-889-2614</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):

The applicant is requesting relief from the block perimeter requirements of UDO Sec. 8.3. The existing block perimeter around the subject property is ~4,600. Per UDO Sec. 8.3.2.A.2.b, the most restrictive block length of 3,000' for OX or NX zones would be applicable.

The applicant is also requesting waiver of the 5' Utility Placement Easement associated with Fall of Neuse being classified as a Avenue 6-Lane Street Section per UDO Sec. 8.4.6.C.C. Additionally, the applicant is requesting a modification to the 6-Lane Avenue Street section to allow the proposed widening and curb placement to match the existing section to the west of the property. This will result in a 44.5' width from Center line to back-of-curb and provide additional width to the multi-use path at this location.

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: 2/15/19

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

Submit all documentation, with the exception of the required addressed envelopes and letters to designadjustments@raleighnc.gov.

Deliver the addressed envelopes and letters to:
Development Services, Development Engineering
One Exchange Plaza, Suite 500
Raleigh NC, 27601

For Office Use Only | RECEIVED DATE: | DA - - |
The Development Services Director may in accordance with Sec. 10.2.18. approve a design adjustment, subject to all of the following findings. Describe how each item is met:

A. The requested design adjustment meets the intent of this Article;
   This request is being made based on the presence of existing buildings and the existence of the adjacent developed single family subdivision to the south of the project. A block connection at the location of the subject property could also introduce the potential for additional traffic on an established subdivision street network which could impact vehicular and pedestrian safety.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   This request complies with the Comprehensive Plan and adopted City plans. The Comprehensive plan does not indicate the desire for a proposed connection at this location.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The requested design adjustment will not negatively impact congestion or compromise safety.

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

   This request is deemed reasonable due to the following:

   2. The existing single family homes to the South would prohibit a block connection from being made.
   4. Introducing traffic from Falls of Neuse through the existing neighborhood would not be compatible with single family uses.
   5. Additional traffic on the adjacent subdivision streets could pose additional safety hazards
   6. The request does not conflict with an approved or built roadway project.
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;
   In accordance with UDO Sec. 8.5.1.D.4, NCDOT has stated that they will not allow street trees to be planted in the proposed tree lawn, therefore a Type C2 Spy is being provided outside of the ROW. As such the intent of the Utility Placement Easement can be met within the public right-of-way between the back-of-curb and multi-use path. This is also consistent with the existing developments along this section of Falls of Neuse.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   This request complies with the Comprehensive Plan and adopted City plans. The Comprehensive plan does not indicate the desire for a proposed connection at this location.

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

D. The requested design adjustment does not create additional maintenance responsibilities for the City;
   This request will establish a zone for future utilities to be placed between back-of-curb and the multi-use path. This will not create any additional maintenance responsibilities for the City of Raleigh.

E. The requested design adjustment has been designed and certified by a Professional Engineer; and
   This application has been prepared by Jason G. Meadows, P.E. of Wake Land Design, PLLC.

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection.
   This request does not adversely impact Stormwater conveyance and collection.
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 request to modify the section width of the 6-Lane Avenue Street Section will provide consistency within this corridor while still providing bicycle travel along the widened 10' multi-use path. Per comments of Trans# 582917, this has been discussed internally with City Staff and this request is consistent with the direction given.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   This request complies with the Comprehensive Plan and adopted City plans. The Comprehensive plan does not indicate the desire for a proposed connection at this location.

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

D. The requested design adjustment does not create additional maintenance responsibilities for the City;
   This alternate street section will not create additional maintenance responsibilities beyond the typical 6-Lane Avenue section.

E. The requested design adjustment has been designed and certified by a Professional Engineer; and
   This application has been prepared by Jason G. Meadows, P.E. of Wake Land Design, PLLC.

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection.
   This request does not adversely impact Stormwater conveyance and collection.
STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Arthur Winstead, a Notary Public do hereby certify that Jason D. Meadows personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

15 day of February, 2019.

Notary Public

My Commission Expires: 9/17/2023
HOLT PHYSICAL THERAPY
ADMINISTRATIVE SITE REVIEW PLANS
SR-3-19, TRANS#582917
RALEIGH, NORTH CAROLINA

JANUARY 14, 2019
REVISED FEBRUARY 22, 2019
REVISED APRIL 16, 2019

CONDITIONS OF Z-19-18

1. Conditions stated: September 11, 2018
   - Maximum principal building(s) height shall not exceed forty feet (40') measured
     to the top of the roof deck for buildings with flat roofs.
   - For buildings with sloped roofs, maximum height shall be measured
     to the ridge height of the roof.

2. The proposed building height does not exceed 40'.

3.Trash and recycling facilities located on the subject property shall be located no
   closer than one hundred (100) feet from the boundary of the following adjacent
   properties:
   - 6101 Bentwood Place (Book 006352, Page 00720, Wake County Registry)
   - 6416 Bentwood Place (Book 006352, Page 00720, Wake County Registry)
   - 6112 Bentwood Place (Book 006352, Page 00720, Wake County Registry)
   - 6418 Bentwood Place (Book 006352, Page 00720, Wake County Registry)

4. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the
   light sources from adjacent residentially zoned lots. Any freestanding light poles
   shall not exceed twenty-five feet (25') in height.

5. Fixtures shall be cutoff fixtures and will prevent direct view from the
   public sidewalk to the primary entrance of the building. Compliance: The proposed
   building materials comprise of greater than 35% use of recycled content.

6. In addition to the stormwater measures required by the City Code, the owner shall
   enter into an agreement with the adjacent parcels: 8121 Bentwood Place (Book 002905, Page 00721, Wake County Registry)
   & 8125 Bentwood Place (Book 005251, Page 00749, Wake County Registry).

7. In addition to those otherwise prohibited by the UDO, the following uses are
   prohibited: boardinghouse, college, community college, university, dormitory,
   library, library, medical school, library, medical school, library, medical school,
   library, medical school, library, medical school, library, medical school,
   library, medical school, library, medical school, library, medical school,
   library, medical school, library, medical school, library, medical school.

8. No less than thirty-five (35) percent of the overall exterior building composition
   shall have brick, masonry block, cement stucco, or other similar masonry materials.

9. A street-facing entrance shall be provided and a pedestrian access shall be provided
   from the public sidewalk to the primary entrance of the building.

10. DETACHED (single-family) and Attached (Duplex) building types shall be prohibited.

11. Detached (single-family) and Attached (Duplex) building types shall be prohibited.

12. Minimum building square footage shall not exceed thirty thousand square feet
    (30,000 SF) gross floor area.

13. No more than five (5) percent of the overall exterior building composition
    shall have brick, masonry block, cement stucco, or other similar masonry materials.

14. The proposed building shall comply with the City Code.

15. The proposed building is not proposed to have any of the aforementioned
    prohibited uses.

OWNER/DEVELOPER:
HUMPITY DUMPTY PROPERTIES, LLC
8470 Falls of Neuse Rd.
Raleigh, N.C. 27615
305-725-1828
Liu@holplt.com

CIVIL ENGINEER:
WAKE LAND DESIGN, PLC
NC LICENSE P-1839
PHONE: 919-889-2614
EMAIL: JASON@WAKELANDDESIGN.COM
PO. BOX 418
CLAYTON, NC 27528