LOCATION: This site is located on the north side of Trinity Road and south side of Westchase Boulevard. The site addresses are 4110 Trinity Road and 4200 Trinity Road. The PIN numbers are 0784-56-5495 and 0784-56-9220.

REQUEST: Development of a 18.70 acre tract zone Commercial Mixed Use (CX-12-CU). The applicant is proposing 174 residential units, a 12,182 squarefoot club house, and a 960 square foot maintenance building. Tandem parking, garage parking and remote parking are proposed to fulfill parking requirements for the development. Please reference S-79-17 for the 5 lot subdivision plan.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: A design adjustment at Article 8.4 of the UDO has been submitted for an alternative streetscape on the stub end of Cloverhurst Drive.

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 Chris Bostic of Kimley Horn, Incorporated.

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. An encroachment agreement for storm pipe that directly drains from stormwater control measures without a means to access at the ROW, storm pipes in the ROW diverted to stormwater control measures and storm pipes less than the minimum allowable diameter within the public right-of-way shall be approved by City Council and the City Council approved encroachment agreement shall be filed with the Development Services Department. The encroachment agreement shall also be recorded with the Wake County Register of Deeds prior to concurrent review approval.

3. 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.

4. That a final site plan be evaluated for placement of a transit easement and facilities in accordance with UDO standards and that if required a transit easement document be approved by the City and record prior to building permit issuance. An approved transit easement shall be shown on all plats for recording.
Administrative Approval Action
Station at Raleigh Apartments: SR-05-18, Transaction# 542047, Z-24-09, AA# 3793

STORMWATER
5. Concurrent review for subdivision (S-79-17) must be approved prior to the issuance of additional site permits.

URBAN FORESTRY
6. Obtain required tree impact permits from the City of Raleigh
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 ISSUANCE OF BUILDING PERMITS:

GENERAL
1. Comply with all conditions of Z-24-09.
2. A Final Plat shall be recorded with the Wake County Register of Deeds office for all Subdivisions, Recombinations, Right Of Way and/or Easement Dedications, and Tree Save Areas. All conditions of approval for S-79-17 must be met and the subdivision recorded.
3. That covenants governing the remote parking on lots 3 and 4 which are serving as common elements for this site plan be approved by the City and recorded in the Wake County Registry. These covenants shall state that the remote parking shall remain in place as long as the principle uses on the other lots (the apartments) of this site plan exist. A copy of the recorded covenants shall be provided to the City prior to building permit issuance.
4. Street names for this development shall be approved by the Raleigh GIS Division and by Wake County.
5. A demolition permit shall be obtained for all existing buildings on site.
6. Provide fire flow analysis.
7. That a petition for annexation into the City Limits be submitted in accordance with City Council policy for extension of utility service to properties currently outside of the City limits. This voluntary annexation in no way obligates the City to extend utility services to the property.
8. That Infrastructure Construction Plans for public improvements through the Concurrent Review process are approved by the City of Raleigh, including obtaining stub permits, tree impact permit and a street lighting plan, if applicable.
ENGINEERING

9. A transit easement shall be approved by the Transit Planner in the Transportation Department, and shall be shown on all maps for recording, and a transit easement deed approved by the City of Raleigh shall be recorded with the local County Register of Deeds. The recorded copy of this transit easement shall be provided to the Development Services Department prior to building permit approval.

10. Next Step: 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

11. A final plat must be recorded with the Wake County Register of Deeds office for the CORWLE dedications.

12. Infrastructure construction plans must be approved by the City of Raleigh Public Utilities Department for private sewer extensions.

STORMWATER

13. The subdivision plat associated with S-79-17 must be recorded.

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 and the plats shall contain the following note: “All private storm drainage easements & stormwater measures will be maintained by the property owners association.”

URBAN FORESTRY

15. The plat of tree conservation areas must be recorded.

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

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT:

17. 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.

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

19. Next Step: All street lights and street signs required as part of the development approval are installed.

20. Next Step: Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.
21. As-built drawings and associated forms for all Stormwater devices are accepted by the Engineering Services Department.

22. An impervious surface as-built survey shall be reviewed and accepted by the City prior to final stormwater inspection approval.

23. Next Step: Final inspection of all required Tree Conservation Areas and right of way trees by Urban Forestry Staff.

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 re-approval 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: April 25, 2021
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: (Planning Dir./Designee) [Signature] Date: 4/23/2018

Staff Coordinator: Daniel L. Stegall
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>
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<tbody>
<tr>
<td>Development Case Number</td>
<td>S-79-17 and SR-5-18</td>
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<tr>
<td>Transaction Number</td>
<td>535877 and 542047</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 33 - 2018</td>
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</table>

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

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

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

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
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<tr>
<td>Dev. Services Planner</td>
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<th>STAFF RESPONSE</th>
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<tr>
<td>CONDITIONS:</td>
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</table>

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

Authorized Signature: [Signature]

Date: 4/25/18

*The Development Services Director may authorize a designee to sign in his/her stead. Please print name and title next to signature. Appeal of the decision from the Development Services Director, or his or her designee, shall be made in writing within 30 days to the Board of Adjustment (see Section 10.2.18.C3b).
Staff Response
Article 8.4 New Streets

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

The focus of this design adjustment is Cloverhurst Drive stub east of the Cloverhurst Drive and Thornberry Street intersection. The stub road is approximately 100 linear feet.

Cloverhurst Drive stub is bound by a cemetery on the south side and a tree conservation area on the north side. The developer is constructing a retaining wall between the stub road and the cemetery. The alignment of the stub road has been shifted away from the cemetery in order to ensure the 5' utility placement easement stays outside of the wall. Due to the adjacent tree conservation area, the available space for realignment of the stub road is limited.

The following items are impacted on the north side of the stub road by the shift in alignment: the 5' utility placement easement is removed, the 6' planting strip reduced, reduction of a street tree and reduction of the 2' maintenance strip behind the sidewalk. See sheet C2.0 attached.

Staff is in support of the proposed realignment and design adjustment.
# 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.F and Sec. 8.5.1.G of the UDO or the Raleigh Street Design Manual.

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<tr>
<th>CONTACT</th>
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<tbody>
<tr>
<td>Name</td>
<td>Chris Bostic, PE</td>
<td></td>
</tr>
<tr>
<td>Firm</td>
<td>Kimley-Horn</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>421 Fayetteville Street, Suite 600</td>
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<tr>
<td>Phone</td>
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I am seeking a Design Adjustment from the requirements set forth in the following:

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

- See page 2 for findings
- See page 3 for findings
- See page 4 for findings
- See page 5 for findings

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

Approximately 100 LF of the proposed Cloverhurst Drive extension east of proposed Thomberry Street to the project property line requires a design adjustment. In order to extend Cloverhurst Drive, a multi-family street, the proposed street cross section is reduced to avoid an existing cemetery and proposed tree conservation. The proposed general utility easement, planting easement, and a street tree will be omitted from the street section on the north side of Cloverhurst Drive. The planting easement on the south side of Cloverhurst Drive is reduced to 3 feet in width.

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.

[Signature]
Owner/Owner's Representative Signature

Date: 4/25/18

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## Checklist

<table>
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<tr>
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<tbody>
<tr>
<td>Signed Design Adjustment Application</td>
<td>☑</td>
</tr>
<tr>
<td>Page(s) addressing required findings</td>
<td>☑</td>
</tr>
<tr>
<td>Plan(s) and support documentation</td>
<td>☑</td>
</tr>
<tr>
<td>Notary page (page 6) filled out; Must be signed by property owner</td>
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</tr>
<tr>
<td>First Class stamped and addressed envelopes with completed notification letter</td>
<td>☑</td>
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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;
   Cloverhurst Drive is being constructed to meet the required block perimeter associated with the underlying zoning for this project and will also be a future connection for the adjacent property upon redevelopment. The reduced block perimeter encourages walkability and provides safe, convenient vehicular access for this project. While a portion of the cross section is reduced, sidewalks and paved street areas still comply with the City cross section. Proposed tree conservation and an existing cemetery restrict the cross section.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The project is dedicating right-of-way and constructing a 2 lane avenue identified in the streets plan of the Comprehensive Plan and also is dedicating right-of-way on Trinity Road to comply with the streets plan. The project is residential which conforms with the future land use designation of Community Mixed Use. Cloverhurst Drive is one of two multi-family streets being built to comply with the Block Perimeter required in the Unified Development ordinance. The project supports Policy T5.1 and 5.5 providing bike lanes on the avenue and sidewalks on both sides of streets.

C. The requested design adjustment does not increase congestion or compromise safety;
   The widths of the paved road and pedestrian paths comply with the City multi-family street section. Additionally, sidewalk is still provided on both sides of Cloverhurst Drive. As a result, we do not anticipate negative impacts to traffic congestion or driver and pedestrian safety.

D. The requested design adjustment does not create additional maintenance responsibilities for the City;
   As Cloverhurst Drive is a multi-family street, only the 22 foot drive aisle is City right-of-way. The design complies with City requirements in the drive aisle. Sidewalk easements are provided around sidewalk on both sides of the street to allow for City maintenance. Standard width utility and maintenance easements are provided on south side of Cloverhurst Drive per City standards to allow for future construction and maintenance of dry utilities.

E. The requested design adjustment has been designed and certified by a Professional Engineer; and
   The requested design adjustment was designed and sealed by Christopher O. Bostic, PE of Kimley-Horn and Associates, Inc.

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater collection.
   The design adjustment is requested to avoid impacts to tree conservation and an existing cemetery. By avoiding these areas, impacts to undeveloped areas are reduced which reduces the volume of storm water runoff. The road/impervious area of design adjustment will be captured by storm drainage designed to City standards and piped to a wet pond for detention and treatment per City standards.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Tracie L. Jacobs, a Notary Public do hereby certify that Amanda Sokos Mann personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 25th day of April, 2018.

(SEAL) Tracie L. Jacobs
Notary Public

My Commission Expires: 8-11-2020
FRONT ELEVATION BUILDING J
THE WOODBURY
SCALE: 1/8" = 1'-0"

PLAN VIEW BUILDING J
THE WOODBURY
SCALE: 1" = 1'-0"
The Finley

Scale: 1/8" = 1'-0"

Front Elevation Building N

Side Elevation Building N

Plan View Building N

PODS A-B
PODS C-D

GLOVERHURST DR. SIDE

Scale: 1" = 1'-0"

Exhibit BH-14

Exhibit Prepared by W&A Engineering for Kimley-Horn using Elevations Prepared by Others

Questions please contact:

CHRIS BOSTIC, P.E. - PH: (919) 677-2000
REAR ELEVATION BUILDING R
THE FINLEY
SCALE: 1/8" = 1'-0"

FINLEY "A"
FINLEY "B"
FINLEY "C"
FINLEY "D"

PLAN VIEW BUILDING R
THE FINLEY
SCALE: 1" = 1'-0"