LOCATION: This site is located on the west side of N. West Street, south of the intersection of W. North Street and N. West Street, at 301 N. West Street.

REQUEST: Change of Use of a 13,691 square foot existing building (Industrial Use) to a multiple use (office, restaurant, or bar, and retail, all on a 0.4 acre tract zoned DX-12-SH.

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

1. Design Adjustment related to public right-of-way dedication relief due to location within the William Christmas Plan, not fully constructing the required 16’-SH frontage where the existing building that is not being moved restricts full streetscape build out, and relief from block perimeter standards.

FINDINGS: City Administration finds that this request, with the below conditions of approval being met, conforms to the Unified Development Ordinance. This approval is based on a preliminary plan dated 3/01/19 by Crumpler Consulting Services, 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.

☒ 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 |
☑ **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:*

**Engineering**

1. A sidewalk deed of easement for any public sidewalk on private property shall be approved by City staff, 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 plat. A recorded copy of this document shall be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of this document is not provided, further recordings and building permit issuance will be withheld.

☑ **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**

1. The applicant shall provide proof of compliance with remote parking standards by submitting a signed agreement or lease indicating that required off-street parking shall be provided as long as the principal use continues and the principal use shall be discontinued should the required off-street parking no longer be provided on these off-site parcels (UDO 7.1.5).

2. The applicant shall provide proof of compliance with the encroachments into both Railroad Right of Ways (Norfolk-Southern, and CSX) by submitting a signed agreement or lease indicating that the existing and/or proposed encroachments are acceptable with each.

3. Provide fire flow analysis.

**Engineering**

4. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).
5. A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

6. The public sidewalk along the property frontage shall be constructed with a 2’ paver band to match the surrounding streetscape and the pavement scoring shall be in accordance with the 2’x2’ Capital Grid pattern.

**Stormwater**

19. Any impervious added for right-of-way improvements must be subtracted from the maximum impervious allowed on the lot. The impervious restriction must be recorded on a plat prior to building permit.

**Urban Forestry**

20. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 1 street tree in a tree grate along N. West Street.

**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).

7. Final inspection of all right of way street 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: 4-24-2022
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: 4/24/19

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.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>301 N West St</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-5-19</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>583336</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 21 - 2019</td>
</tr>
</tbody>
</table>

**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 [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.

**CONDITIONS:**

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

---

Authorized Signature: [Signature]
Enforcement Review Manager: [Signature]
Date: 4/24/19

*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 [X]

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   YES [X] NO [ ]

C. The requested design adjustment does not increase congestion or compromise Safety;
   YES [X] NO [ ]

D. The requested design adjustment does not create any lots without direct street Frontage;
   YES [X] 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 [X] NO [ ]

**STAFF FINDINGS**

Staff supports the request for relief pertaining to block perimeter standards. The existing building is remaining and is in the path of any future road extension. Also, railroad right-of-way exists where access to cross at this time has been denied.
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 [ ]
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**

Staff supports the request for relief from right-of-way dedication or curb movement and relief from full build out of the streetscape. The proposed development exists within the original William Christmas Plan for Raleigh. Not requiring dedications or moving curb lines or requiring additional public right-of-way dedications is consistent with all other development in this area.

Staff supports the request for relief from full streetscape build out due to the existing building facade not being changed with this proposed development. The streetscape is being fully constructed where existing conditions allow and are being built as close to the standard as possible where the existing building is remaining.
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>301 N. West Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
<td>SR-5-19</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>583336</td>
</tr>
<tr>
<td>Name</td>
<td>303 N. WEST, LLC Attn: Gabe Guillos</td>
</tr>
<tr>
<td>Address</td>
<td>PO BOX 6309</td>
</tr>
<tr>
<td>State NC</td>
<td>NC</td>
</tr>
<tr>
<td>Name</td>
<td>Josh Crumpler</td>
</tr>
<tr>
<td>Address</td>
<td>2308 Ridge Road</td>
</tr>
<tr>
<td>State NC</td>
<td>NC</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):

A design adjustment is being requested to seek relief of the requirement for block perimeter requirement due to existing development surrounding parcels due to the the site not being conducive to a stub street and to seek relief for the required sidewalk section in front of the existing structure.

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: 5/13/17

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 -

PAGE 1 OF 6
WWW.raleighnc.gov

REVISION 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 design adjustment meets the intent of the article as the site meets all other portions of the article with the exception of block perimeter which can not be meet due to the existing site layout of developed properties and the requested pedestrian access is not allowed by the adjoining railroad right of way. Additionally the existing building onsite is to remain which restricts the design.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The design adjustment meets the intent of the comprehensive plan as this site would not impact any future City throughfare plans.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The requested design adjustment does not increase congestion as traffic flows and patterns are not being altered.

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

   The requested design adjustment is deemed reasonable due to the presence of existing buildings and the adjoining uses are incompatible due to the site being adjacent to the railroad right of way that will not grant access.
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 streets currently provides adequate travel ways and meets the minimum width required for the section. The design constructs the sidewalk section where it can meet the required width due to the existing structure and the portions that does not meet the required width are the portions in front of the existing structure that is to remain. The site is located within the William Christmas plan which would require no additional right of way dedication and additional roadway widening.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The design adjustments meets the intent of the comprehensive plan as the streetscape section is being met as all components are being installed, just the width of the sidewalk in front of the existing structure that is to remain. The site is located within the William Christmas plan which would require no additional right of way dedication and additional roadway widening.

C. The requested design adjustment does not increase congestion or compromise safety;
   The requested design adjustment does not increase congestion as traffic flows and patterns are not being altered.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   Additional maintenance is not being created as the streetscape section components are not changing just the planting location.

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

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

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

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

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

F. The requested design adjustment shall address Stormwater collection and conveyance and not adversely impact Stormwater 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 the Raleigh Street Design Manual;

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

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

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

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

I, Catherine Ellis Easter, a Notary Public do hereby certify that Gabriel Guillot personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 13 day of March, 2019.

Catherine Ellis Easter
Notary Public
North Carolina
Wake County

My Commission Expires: December 12, 2022
SITE PLANS FOR
301 N. WEST STREET

301 N. WEST STREET
RALEIGH, NORTH CAROLINA

CITY OF RALEIGH FILE: XX-XX-XX
CITY OF RALEIGH TRANSACTION NUMBER: XXXXXX

PREPARED FOR:
303 N. WEST, LLC
P.O. BOX 6309
RALEIGH, NC 27628
(919) 656-4937

SITE EXEMPTION NOTES:
- THE SITE WILL BE CONFORMING TO THE EXEMPTION OF TREE CONSERVATION REQUIREMENTS THROUGH THE CITY OF RALEIGH’S UNIFIED DEVELOPMENT CODE SECTION 9.1.2 FOR PARCELS LESS THAN 2 ACRES IN SIZE.
- THE SITE WILL BE CONFORMING TO THE EXEMPTION OF STORMWATER CONTROL REQUIREMENTS THROUGH THE CITY OF RALEIGH’S UNIFIED DEVELOPMENT CODE SECTION 9.2.2.A-3.B.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF RALEIGH STANDARDS AND SPECIFICATIONS.

CALL 48 HOURS BEFORE YOU DIG
NORTH CAROLINA ONE-CALL CENTER 1-800-632-4949

SHEET DESCRIPTION
C-1 COVER SHEET
C-2 EXISTING CONDITIONS
C-3 SITE PLAN
C-4 GRADING AND STORMDRAINAGE PLAN
C-5 UTILITY PLAN
C-6 LANDSCAPING PLAN
D-1 DETAILS
D-2 DETAILS
EXISTING OPENINGS - REPAIR AND REPLACE AS NEEDED. GC TO CONFIRM CONDITION OF EXISTING HEADERS.

EXISTING OPENINGS - REPAIR AND REPLACE AS NEEDED. GC TO CONFIRM CONDITION OF EXISTING HEADERS.

EXISTING OPENINGS - REPAIR AND REPLACE AS NEEDED. GC TO CONFIRM CONDITION OF EXISTING HEADERS.

EXISTING OPENINGS - REPAIR AND REPLACE AS NEEDED. GC TO CONFIRM CONDITION OF EXISTING HEADERS.