LOCATION: This site is located on the north side of Little Brier Creek Lane and west of the intersection of Little Brier Creek Lane and Brier Creek Parkway. The site address is 10400 Little Brier Creek Lane and the PIN number is 0768274384.

REQUEST: Development of a 5.03 acre tract zoned Commercial Mixed Use that permits 3 stories in a Parkway Frontage (CX-3-PK). The applicant is proposing a 90,475 square foot building to accommodate hotel lodging and offices. The proposed building includes 3 stories with a basement.

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

Case DA-122-18. A Design Adjustment granting relief from the cross-access requirements. Existing topography impedes an offer to permit cross access to property along the eastern property line (PIN0768372507). Topography is a factor in UDO Section 8.3.1 D when deeming a design adjustment request reasonable.

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 4/23/2019 by Patrick Barbeau of Timmons Group.

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 - 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. 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

2. A 100-year floodplain analysis shall be submitted and approved by the Engineering Services Department prior to the issuance of any grading or site permit (UDO 9.3).
3. 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).

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

5. 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

6. 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).

7. 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.

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

2. 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

3. 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.
4. 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.

5. A sight distance easement will need to be recorded on the plat for the area of the sight distance triangle that leaves the public right-of-way and enters private property for the shown left turn sight distance at the proposed driveway.

**Stormwater**

6. 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).

7. The flood prone areas, as approved by the City Stormwater Engineer and shown on the preliminary plan, shall be shown on the recorded map (UDO 9.3.3.G).

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 0.8 acres of tree conservation area.

**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. Provide fire flow analysis.

2. 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

3. A fee-in-lieu for 1’ of sidewalk across the entire length of the property’s frontage shall be paid to the City of Raleigh (UDO 8.1.10).

4. A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

Stormwater

5. 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).

6. 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).

7. 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).

8. 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

9. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1).

10. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 18 street trees along Little Brier Creek Ln.

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 tree conservation areas and 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: 5-29-2022
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: 5/29/19

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</th>
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</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>REVISN - Technology Park</td>
</tr>
<tr>
<td>Development Case Number</td>
<td>SR-71-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>564577</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 122 - 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 [ ] DOES NOT SUPPORT [ ] the design adjustment request.

DEPARTMENTS

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

STAFF RESPONSE

CONDITIONS:

Authorization Signature: [Signature]

5/7/19

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

*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 as it pertains to relief from the required offer of cross access to the property to the east (PIN 0768372507). Along the eastern property line, a 14' retaining wall has been designed due to the existing topography which impedes an offer. Also, there exists wetlands and a blue line stream in the immediate area that would be negatively effected if an offer of cross access were to be offered.
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>CONTACT Information</th>
<th>PROJECT Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Pathner Barbeau, PE</td>
</tr>
<tr>
<td>Firm</td>
<td>Timmons Group</td>
</tr>
<tr>
<td>Address</td>
<td>5410 Trinity Rd, Ste 102</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>919-866-4951</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):

UDO Sec. 8.3: This site has proposed cross access to commercial property to the north (PIN 0768274754; SR-51-14). However, pedestrian and vehicular access to the adjacent residential property to the east (PIN 0768372507; Ashley Park Apartments) is not feasible. Per UDO Sec. 8.3.1.D, the following conditions limit the ability to comply with block perimeter requirements: Neuse Riparian Buffer along the front and rear of the property, topographic constraints at the rear of the property; existing buildings (apartment buildings) on the residential property.

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: 10-29-18

CHECKLIST

<table>
<thead>
<tr>
<th>Item</th>
<th>Included</th>
</tr>
</thead>
<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>
<td>✔️</td>
</tr>
<tr>
<td>First Class stamped and addressed envelopes with completed notification letter</td>
<td>✔️</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;
   Per Section 8.3.1.C the intent of the Article is to provide safe access through developments. Adding public access for the apartment complex, to the east along a curved section of Little Brier Creek Lane is not providing safe access when there are already two access driveways for the apartments with longer sight distances. Per Section 8.3.1.D there is a 14 foot retaining wall between the end of our driveway and the apartment complex. In addition there is an existing apartment building located directly in-line with our driveway.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   This project has several environmental protection elements and open space conservation preserved areas as stated in the 2030 Comprehensive plan including a large area of preserved wetlands and a protected jurisdictional stream. This design adjustment allows these areas to remain preserved and helps promote sustainable growth patterns and a "greenprint" which is a primary Comprehensive Plan objective. The DA will not affect the Brier Creek Village Plan.

C. The requested design adjustment does not increase congestion or compromise safety;
   This design adjustment will decrease congestion and protect vehicular flow along Little Brier Creek Lane (LBCL). Allowing public road access from our site would allow traffic from the apartment complex, to the east, to enter a travel way at the beginning of a curved section of LBCL which would increase the likely hood of traffic conflicts. The two existing access driveways for the apartments are safer access points to LBCL with larger sight distances.

D. The requested design adjustment does not create any lots without direct street frontage;
   All properties adjacent to the project site already have street frontage on Little Brier Creek Lane.

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.

   We believe the design adjustment is reasonable due to the following site constraints:
   1. There is a proposed 14 foot retaining wall adjacent to the apartments to the east.
   2. There is an existing apartment building, to the east, located directly in-line with our driveway access. In addition there are extensive wetlands, Parkway TCA and a jurisdictional stream blocking access along the majority of the site frontage along Little Brier Creek Lane.
   3. Allowing public access to Little Brier Creek Lane would outlet traffic at the beginning of a sharp curve which would increase the likely hood of traffic conflicts with traffic flow. The two existing access driveways from the apartments to the east are safer access points for the apartment traffic on Little Brier Creek Lane.
ADMINISTRATIVE SITE REVIEW
REVISN - TECHNOLOGY PARK

ASR TRANSACTION #564577 (SR-71-18)
10400 LITTLE BRIER CREEK LANE
RALEIGH, NORTH CAROLINA 27617
WAKE COUNTY

ARCHITECT:
OLIVE ARCHITECTURE
F. THOMAS MURPHY, AIA NCARB
436 N. HARRINGTON ST, STE 140
RALEIGH, NC 27603
PH: (919) 838-9934
TOM@OLIVE-ARCH.COM

DEVELOPER:
WELCOME HOLDINGS LLC
DICKY WALIA
2601 OBERLIN RD, STE 100
RALEIGH, NC 27608
DSW@WELCOMEHOLDINGS.COM

CIVIL ENGINEER:
TIMMONS GROUP
P. BARBEAU, P.E.
5410 TRINITY ROAD; SUITE 102
RALEIGH, NC 27607
PH: (919) 866-4512
PATRICK.BARBEAU@TIMMONS.COM

PUBLIC IMPROVEMENT

KNOW WHAT'S BELOW.
CALL 811 BEFORE YOU DIG.

1. SITE IS EXEMPT FROM ACTIVE STORMWATER CONTROLS PER CITY OF RALEIGH UDO 9.2.2.E.2.d.
2. SITE DOES NOT EXCEED 10 LBS/AC/YR IN NITROGEN EXPORT LOADING. PER CITY OF RALEIGH UDO 9.2.2.B.2., STORMWATER NITROGEN EXPORT LOADING SHALL BE OFF-SET THROUGH A PAYMENT IN LIEU.
3. SOLID WASTE MANAGEMENT WILL BE MANAGED THROUGH PRIVATE CONTRACTOR AND ON-SITE DUMPSTER(S).
4. PROJECT SHALL COMPLY WITH CITY OF RALEIGH TREE CONSERVATION REQUIREMENTS.
LITTLE BRIER CREEK RD

BUILDING ELEVATIONS

FOR SITE APPROVAL ONLY; NOT FOR CONSTRUCTION
TRANSPARENCY CALCULATIONS

- More than 50% of required transparency is located between 3 and 9 feet. Per ISO 9067:1996, 1.5.5.6.1
- Glass has a transparency higher than 30% and an external reflectance of less than 15%

GLAZING MATERIALS

| Floor | Material | Area (sq ft) | % | % Rest
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<tr>
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<td>73.4%</td>
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FOR SITE APPROVAL ONLY: NOT FOR CONSTRUCTION

TRANSPARENCY:

- 50% of required transparency is located between 3 and 9 feet.
- Glass has a transparency higher than 30% and an external reflectance of less than 15%.
FOR SITE APPROVAL ONLY: NOT FOR CONSTRUCTION

GLAZING CALCULATIONS

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<th>FLOOR</th>
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<th>AREA</th>
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</table>

GLAZING REQUIREMENTS:
- 1/8" + 1/4"
- 1/4" + 1/2"
- 5/16" + 3/8"

TRANSPARENCY CALCULATIONS
## Glazing Calculations

### Third Floor
- **Material**:
  - Wall Surface
  - Glazing
- **Area**:
  - Wall Surface: 100 sq ft
  - Glazing: 80 sq ft
- **% REV%**:
  - Wall Surface: 40%
  - Glazing: 36%
  - **Total**: 33%

### Second Floor
- **Material**:
  - Wall Surface
  - Glazing
- **Area**:
  - Wall Surface: 100 sq ft
  - Glazing: 80 sq ft
- **% REV%**:
  - Wall Surface: 40%
  - Glazing: 36%
  - **Total**: 33%

### First Floor
- **Material**:
  - Wall Surface
  - Glazing
- **Area**:
  - Wall Surface: 200 sq ft
  - Glazing: 160 sq ft
- **% REV%**:
  - Wall Surface: 40%
  - Glazing: 36%
  - **Total**: 33%

### Basement/Garage
- **Material**:
  - Wall Surface
  - Glazing
- **Area**:
  - Wall Surface: 100 sq ft
  - Glazing: 80 sq ft
- **% REV%**:
  - Wall Surface: 40%
  - Glazing: 36%
  - **Total**: 33%

### Key Plan

### Transparency Calculations

#### Third Floor
- **Location**:
  - South West Transparency
- **Area**:
  - 400 sq ft (9' x 9')
  - 12' x 12'
- **% REV%**:
  - 33%

#### North End Elevation Grade
- **Location**:
  - 100% (12'-0"

---

**FOR SITE APPROVAL ONLY; NOT FOR CONSTRUCTION**

--

**OLEV ARCHITECTURE**

436 N. Harrington St. Suite 140  Raleigh, NC 27603  p. 919.838.9934 f. 919.838.9995

L302