Administrative Approval Action
SR-72-18 / XPress Auto Center Addition
Transaction #564939, AA#3980

LOCATION: This site is located north of Poole Road, east of S. New Hope Road located at 731 S. New Hope Rd.

REQUEST: Development of a 1.55 acre tract zoned IX-3-PK for an 864 square foot addition to an existing 1,920 square foot major vehicle repair, automotive garage service center.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: A design adjustment has been submitted to both the block perimeter and cross access requirements of UDO Article 8.3. Cross access exists to the parcel on the south but is not feasible to the properties to the east and north.

Case A-114-18 granted approval of a variance for an alternate landscape to the required -PK zoning overlay frontage, of a 50 ft SHOD-1 overlay buffer along S. New Hope Rd.

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 5/17/2019 by Veteran Engineering Associates.

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.

☒ 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:

Engineering

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

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

SR-72-18 Xpress Auto Center Addition
3. A right-of-way obstruction permit shall be obtained from Right-of-way Services for any construction activity within the right-of-way.

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. 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: 6-19-2022
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: 6/19/19

Staff Coordinator: Jermont Purifoy
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>Xpress Auto Center</th>
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<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-72-2018</td>
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<tr>
<td>Transaction Number</td>
<td>564939</td>
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<tr>
<td>Design Adjustment Number</td>
<td>DA-12-2019</td>
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</tbody>
</table>

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

- ✔ 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
- ✗ Development Engineering 4-7-19
- ☐ Transportation
- ☐ Engineering Services
- ☐ Parks & Recreation and Cult. Res.
- ☐ Public Utilities

CONDITIONS:

Development Services Director or Designee Action: ✔ APPROVE ☐ APPROVE WITH CONDITIONS ☐ DENY

Authorized Signature: [Signature]

Date: 5/31/19

*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**

The design adjustment to the block perimeter is deemed reasonable as the proposed request is in harmony with the code requirements of UDO Section 8.3.6. The presence of existing buildings, site layout of developed properties and incompatible adjoining uses prohibit a public street connection. The surrounding uses are industrial in nature and any project of a public street would be through existing developments that bound a cul-de-sac. Additionally, a public street connection onto South New Hope Road would be less than 300 feet from the intersection of South New Hope Road (4 Lane Avenue Divided Street type) and Poole Road (6 Lane Avenue Divided Street type.) The limited spacing does not meet NCDOT or City of Raleigh intersection spacing requirements (RSDM Table 14.)

The developer has also submitted to the cross access requirements of UDO Article 8.3 and RSDM Section 9.5.3. The design adjustment to the block perimeter requirements is deemed reasonable due to the site layout of developed properties and incompatible adjoining uses. The cross access connection to lots 28, 102 and 103 would bring the potential for industrial vehicles coming through the passenger vehicle based use at the subject site.
A. The requested design adjustment meets the intent of the Raleigh Street Design Manual;  
   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

The design adjustment to the cross access requirements of UDO Article 8.3 and RSDM Section 9.5.3 is  
deemed reasonable based on the criteria for design adjustment submittal. The site layout of developed  
properties and incompatible adjoining uses prohibit a connection to adjacent lots 28, 102 and 103. The  
cross access connection to lots 28, 102 and 103 would bring the potential for industrial vehicles coming  
through the passenger vehicle based use at the subject site.

The subject site has recorded cross access with the adjacent lot 27 and has the lone driveway access on  
S New Hope Road. The two adjoining parcels to the north have recorded cross access between those two  
lots with the driveway access on Trademark Drive.
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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<tr>
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<td>Case Number</td>
<td>5R-7218</td>
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<tr>
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<td>564939</td>
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<tr>
<td>Name</td>
<td>KTR Real Estate, LLC</td>
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<tr>
<td>Address</td>
<td>31 South N. Hope Rd</td>
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<tr>
<td>City</td>
<td>Raleigh</td>
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<tr>
<td>State</td>
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</tr>
<tr>
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<tr>
<td>Phone</td>
<td>919-212-6264</td>
</tr>
<tr>
<td>Name</td>
<td>Thomas R. Kagarise</td>
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<tr>
<td>Firm</td>
<td>Veteran Engineering Assoc, Inc</td>
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<tr>
<td>Address</td>
<td>P.O. Box 1425</td>
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<tr>
<td>City</td>
<td>Durham</td>
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<td>State</td>
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<td>27702</td>
</tr>
<tr>
<td>Phone</td>
<td>919-601-4035</td>
</tr>
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</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):

See attached memorandum.

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.

Kathleen N. Burck as manager 1-17-19
Owner/Owner’s Representative Signature Date

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 -
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;
   Traffic flow will not be improved by cross access in this particular application due to the fact that traffic will immediately be put back onto S. New Hope Road.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The design adjustment is not in conflict with the Comprehensive Plan because the traffic flow continues to be upon S. New Hope Road.

C. The requested design adjustment does not increase congestion or compromise safety;
   Since the traffic would naturally go right back unto S. New Hope Road, no increase in congestion exists, as the access onto the proposed project is right in/right out, safety is not compromised. All uses along the particular block where this project is located are accessed by right in/right out driveways along S. New Hope Road.

D. The requested design adjustment does not create additional maintenance responsibilities for the City; and
   No additional maintenance is needed or required for the approval of this design adjustment.

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

   Thomas R. Kagarise, P.E., President of Veteran Engineering Associates, Inc. is the designer. NCPE Registration # 11622.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Thomas R. Kagarise, a Notary Public do hereby certify that Kristopher David Brook personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 17th day of January, 2019.

My Commission Expires: 5/20/2022

Notary Public
Thomas R. Kagarise
Memorandum

Design Adjustment: Request design adjustment to the requirement to provide cross access.

Per Chapter 9 of the RSDM, cross access is required to the adjacent lots. However, in this particular instance cross access does not provide a benefit to the public as traffic would return immediately to S. New Hope Road. To the South there is a shared driveway and the property to the North has recently been developed without provisions for cross access.
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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<tr>
<td>Name</td>
<td>KJR REAL ESTATE, LLC</td>
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<tr>
<td>Address</td>
<td>731 SOUTH NEW HOPE RD</td>
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<td>RALEIGH</td>
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I am seeking a Design Adjustment from the requirements set forth in the following:

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

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

See attached memorandum

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.

Kathleen Run as manager
Owner/Owner’s Representative Signature 1-17-19

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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 project is located within a very large industrial subdivision that by nature requires large lots. Furthermore, the existing industrial subdivision is approximately 95 percent developed with existing uses. Connectivity to the East [rear] of the property would invite the public to travel in the rear of an existing industrial use

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The design adjustment is not in conflict with the Comprehensive Plan because the traffic flow continues to be upon S. New Hope Road.

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

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

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.

   1 - Steep topography to the East
   2 - Power transmission towers / easements to the East
   3 - Existing properties and layout are developed
   4 - Industrial site to the East
   5 - as the public would be traversing behind an existing industrial site.
   6 - this request does not conflict with an approved or built roadway project
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Thomas R. Kagerlise, a Notary Public do hereby certify that
Kristopher David Brock personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

This the 17th day of January, 2019.

Notary Public

My Commission Expires: 5/20/2022
Memorandum

Design Adjustment: Request design adjustment to the requirement of block perimeter according to UDO 8.3

Article 8.3. Blocks, Lots, Access

Sec. 8.3.1. Intent
A. The intent of the maximum block perimeter and connectivity regulations is to provide a well-connected street network.

Response: Given that the existing block has been developed except for the parcel at the intersection of Poole Road and S. New Hope Road. The existing street network is already well connected. However, the block perimeter exceeds the maximum length of 4000 linear feet. The existing block perimeter is approximately 5400 linear feet.

The property to the North has recently been developed without provisions for connectivity to the Xpress Auto Center project. The undeveloped property to the South shares a common driveway with the Xpress Auto Center so that connectivity is already provided.

This project does not propose the construction of a new street. Connectivity to the East can only be obtained thru an industrial site which is not possible due to topographic concerns and existing major transmission lines/power easements, which are in the rear or Eastern side of the Xpress Auto Center project site.