LOCATION: This site is located on the south side of Hillsborough Street, east of Oakdale Drive and along both sides of Burton Avenue, north of Waycross Street, outside the city limits.

REQUEST: Development of multiple parcels being recombined and totaling 9.38 acres, zoned CX-3-GR, NX-3-GR, and R10 into a multifamily residential apartment complex consisting of 11 building (176 units) with associated facilities and infrastructure totaling 107,271 square feet.

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

1. A design adjustment to the block perimeter requirements of Raleigh UDO Article 8.3.

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 11/5/2018 by Kimley Horn and Associates, 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 - 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.

PRIOR TO THE ISSUANCE OF ANY SITE PERMITS OR APPROVAL OF CONCURRENT REVIEW PROCESS, WHICHERVER 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. 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.
Public Utilities

3. A Downstream Sewer Capacity Study in compliance with the City of Raleigh Public Utilities Department Handbook shall be submitted by the Project Engineer for review and approval.

Stormwater

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).

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.

Engineering

1. 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.

2. 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.

3. Slope easements 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.
Public Utilities

4. Infrastructure Construction Plans (concurrent submittal) must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

5. A Petition for Annexation into the City limits shall 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.

6. Wake County approval for any required Well or Septic Permits shall be shown on the map for recordation.

**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.

**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

General

1. A recombination map, with the issuance all appropriate Wake County Environmental Services well and septic permits, shall be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into single tracts.

2. Demolition permits shall be obtained for existing structures on site.

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. Required NCDOT encroachment and/or driveway permits must be approved and copies provided to Development Services – Development Engineering.

6. 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

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

19. 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).

20. 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).

21. 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

22. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 16 (shade)____ street trees along Hillsborough St.; 28 understory street trees along Oakland Dr.; 23 understory street trees along Waycross St.; 38 understory street trees along Burton Avenue.

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMITS:

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

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

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

6. 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-appraisal 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: 11-28-2021
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) ___________________________ Date: 11/28/18

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>5700 Hillsborough Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-85-2018</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>568400</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 120 - 2018</td>
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</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 [x] DOES NOT SUPPORT [ ] the design adjustment request.**

**DEPARTMENTS**

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

**CONDITIONS:**

---

**Development Services Director or Designee Action:**

- [x] APPROVE
- [ ] APPROVE WITH CONDITIONS
- [ ] DENY

Authorized Signature: [Signature]

Date: 11/28/2018

*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 [X] NO [ ]

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**

The proposed 6700 Hillsborough Street development is made up of two parcels. The larger of the parcels is bound by Hillsborough Street, Oakdale Drive, Burton Avenue and Waycross Street. The second parcel (Building Two) fronts Western Boulevard with additional frontage on Burton Avenue. This parcel does not meet block perimeter standards for its NX-3 zoning district. The allowable block length is 3000 feet which is exceeded in this instance.

When anticipating the future comprehensive plan extensions of Western Boulevard and Asbury Drive and incorporating the Burton Avenue tie in, the block for Building Two lot would be approximately 3100 feet in length. Construction of a street along the southern boundary of Building Lot 2 would set up for a block length of approximately 2000 feet. This block effectiveness would be limited by the one-way travel along Western Boulevard in this location.

Site layout of developed properties limits the ability to provide a public street connection. The presence of existing townhomes (with multiple owners) at Asbury Drive inhibits a future street connection spanning Burton Ave and Asbury Drive. Achieving an optimum 300' intersection spacing from Western Boulevard on Ashbury Drive would also present challenges.
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>
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<tbody>
<tr>
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<td>Transaction Number</td>
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<tr>
<td>Name</td>
<td>CA Ventures</td>
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<td>130 East Randolph Street, Suite 2100</td>
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<tr>
<td>Phone</td>
<td>312-766-2339</td>
</tr>
<tr>
<td>Name</td>
<td>Chris Boslic, PE</td>
</tr>
<tr>
<td>Firm</td>
<td>Kimley-Horn</td>
</tr>
<tr>
<td>Address</td>
<td>421 Fayetteville Street, Suite 600</td>
</tr>
<tr>
<td>City</td>
<td>Raleigh</td>
</tr>
<tr>
<td>State NC</td>
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<tr>
<td>Zip Code</td>
<td>27601</td>
</tr>
<tr>
<td>Phone</td>
<td>919-653-2927</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
- [ ] 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):

The proposed project completes the required block perimeter comprising Hillsborough, Oakdale, Waycross, and Burton Streets. The development of the eastern portion of the project does not restrict the future construction of a new street block that would encompass Western Blvd, Burton Street, and the extension of Waycross Street as the properties included in the development plan only occupy the northwest quadrant of this future block. The adjacent properties to the south and east are previously developed as a warehouse and single family homes.

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: [Signature]  Date: November 5, 2018

Owner/Owner’s Representative Signature: [Signature]  Date: November 5, 2018

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;
   by providing a well connected street network that further develops the block comprised of Hillsborough, Oakdale, Waycross, and Burton Streets meeting the City’s perimeter requirement. The project provides driveways and sidewalks that allow for safe, direct and efficient vehicle and pedestrian access in the subject block and does not prohibit the construction of adjacent blocks.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   To conform to the Streets Plan in the Comprehensive plan and because of the presence of the railroad to the north, right-of-way is being dedicated to allow for future construction of the entire Hillsborough St road section on the project site. The project’s residential character complies with the future land uses of neighborhood mixed use and moderate density residential.

C. The requested design adjustment does not increase congestion or compromise safety;
   No impacts to congestion or safety are anticipated as new driveway access points comply with the City streets design manual(Section 6.5.8 of Streets Manual). The project is widening Burton, Waycross, and Oakdale Streets per City the City cross section. Sidewalks are also being installed on the project frontages and from buildings per City requirements.

D. The requested design adjustment does not create any lots without direct street frontage;
   All lots will have frontage to a public street. The portion of the development west of Burton Street will be recombined into one lot that will have 4 street frontages. The portion of development east of Burton Street will front both Burton Street and Western Boulevard.

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 proposed project completes the block comprising Hillsborough, Oakdale, Waycross, and Burton Streets. The development of the eastern portion of the project does not restrict the future construction of a new street block that would encompass Western Blvd, Burton Street, and the extension of Waycross Street as the properties included in the development plan only occupy the northwest quadrant of this future block. The adjacent properties to the south and east are previously developed as a warehouse and single family homes.
STATE OF ILLINOIS
COUNTY OF:

[Signature]

1, Catherine Landerholm, a Notary Public do hereby certify that
Sean Spellman personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

This the 5th day of November, 2018.

(SEAL)

CATHERINE LANDERHOLM
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Feb 9, 2022

My Commission Expires: 2 / 9 / 22
1. Building One: Hillsborough Elevation
2. Building One: South Elevation
3. Building One: Oakland Elevation
4. Building One: Burton Elevation
5. Building Two: Burton Elevation
6. Building Two: Hillsborough Elevation
7. Building Two: South Elevation
8. Building Two: East Elevation
EXTERIOR ELEVATIONS

The drawings presented are illustrative of character and design intent only, and are subject to change based on final design considerations, i.e., applicable codes, structural, and MEP design requirements, unit plan (floor plan changes, etc.). © 2017 BSB Design, Inc.