Zoning: DX-20  
CAC: Central  
Drainage Basin: Rocky Branch  
Acreage: 5.89  
Square footage: 355,889  

Planner: Michael Walters  
Phone: (919) 996-2636  
Applicant: Exploris Development Group, LLC
LOCATION: This site is located at 120 Kindley Street, at the northeast corner of the intersection of S. McDowell Street and Martin Luther King Jr. Blvd.

REQUEST: Development of a 5.89 acre tract zone DX-20 into a 10 story, 355,475 square foot office building including a K-8 Charter School facility (leasing space). The building is to provide internal parking.

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

1. Due to existing conditions and the proposed use, a Design Adjustment has been approved waiving the block perimeter requirement (8.3), and allowing an alternative street cross section (8.4).

One Administrative Alternate (AAD-24-17) has been approved by the Planning Director for this project, noted below.

1. As the location has street frontage along three public streets, an administrative alternate has been approving allowing an alternative building massing standard (3.3.3).

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 submitted by Stewart Inc.

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. An encroachment agreement for the alternate street section of Kindley St 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.

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.
STORMWATER
2. A Major Encroachment agreement will be required for the private Roof Drains shown in proposed Public Right of Way (or the roof drain location may be amended to be on private property)

Next Step: In accordance with Part 10A Section 9.4.4 of the Unified Development Ordinance, a surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City.

URBAN FORESTRY
3. Obtain required stub and tree impact permits from the City of Raleigh. *(used with new streets and infrastructure)*

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.

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. 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.

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

3. A demolition permit shall be obtained.

4. Provide fire flow analysis.

5. Infrastructure construction plans for all public improvements shall be approved thru the concurrent review process.

ENGINEERING
6. The required right of way for proposed and/or existing streets shall be dedicated to the City of Raleigh and is shown on a plat approved for recordation.

7. 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 (1) day of recordation of the recorded plat. A recorded copy of these documents must be provided to the Development Services Department.
8. An encroachment agreement for the alternate street section of Kindley St 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, and the encroachment agreement shall be recorded with the Wake County Register of Deeds. A recorded copy of these documents must be provided to the Development Services Department.

9. That in accordance with Part 10A Section 8.1.3, a surety equal to 125% of the cost of development related public improvements on Kindley street is paid to the Development Services Department, Development Engineering Division.

   **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**

10. A Final Plat must be recorded at the Wake County Register of Deeds office for all necessary Subdivisions / Recombinations, Right-Of-Way, Utility / Stormwater Easement Dedications and/or Tree Save Areas

19. Initiation of the easement exchange process is required (via dedication of new easement on Record Plat, ending with abandonment of old easement on subsequent Deed)

**URBAN FORESTRY**

20. A final inspection of required tree conservation and right of way tree protection areas by Urban Forestry staff must be completed.

21. 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:**

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.

   **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.

   **Next Step:** 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.

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

   **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.

   **Next Step:** Final inspection of all required Tree Conservation 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: 2-21-2021
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: 2/22/2018

Staff Coordinator: Michael Walters
Design Adjustment  
Staff Response  

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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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<tbody>
<tr>
<td>Project Name</td>
<td>Gateway Southeast</td>
</tr>
<tr>
<td>Development Case Number</td>
<td>SR-99-2016</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>496251</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA -</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
- [x] UDO Art. 8.4 New Streets
- [x] Raleigh Street Design Manual
- [ ] UDO Art. 8.5 Existing Streets
- [ ] Staff SUPPORTS [x] DOES NOT SUPPORT [ ] the design adjustment request.

DEPARTMENTS

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

STAFF RESPONSE

The attached request for relief from the block perimeter standards as well as the introduction of a woonerf style street section that will be privately maintained through encroachment agreement meets the intent of the UDO and is supported by staff.

Development Services Director or Designee Action: 

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

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*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 current control of access along MLK Blvd. and the access ramp prohibit a connection to meet block perimeter standards at this time. Kindly St. right-of-way is being extended toward the property line to allow for future connection if the control of access were to be changed in the future.
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

The roundabout style street that is being proposed as an extension of existing Kindly street will be fully privately maintained through an encroachment agreement and will not create additional maintenance for the City or create any increase in congestion or compromise safety.
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 requested vertical design standards do not meet those of the RSDM. However, they do use ASHTO guidelines and a reduced roadway speed in order to not create a safety concern. The final vertical design of Kindly St. will not occur until Concurrent review, but this design adjustment provides a basis for that design. See attached application for additional detail.
EXISTING IMPERVIOUS = 112,201 SF

SURVEY NOTES:
1. THIS MAP IS TO SHOW EXISTING CONDITION INFORMATION AND CONSISTS OF A DETAILED SURVEY OF THE PROPERTY TO DETERMINE THE LOCATION OF EXISTING IMPERVIOUS SURFACE. A SURVEY PLAT OF THE PROPERTY WAS PREPARED PERSONALLY AND IN THE FIELD FOR THIS PROJECT. THE INFORMATION CONTAINED ON THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT BE ACCURATE OR COMPLETE. FURTHER SURVEYS MAY BE NEEDED BEFORE CONSTRUCTION.

2. THE PROPERTY IS SUBJECT TO EXISTING IMPERVIOUS SURFACE AND MAY NOT BE SUBDIVIDED OR ALTERED IN ANY WAY. FURTHER SURVEYS MAY BE NEEDED BEFORE CONSTRUCTION.

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SCALE: T+4F
NORTH

EXISTING CONDITIONS ENLARGEMENT PLAN

Project number: C19101
Sheet: 30
Date: 11/12/2019
Reviewed by: ANF
Approved by: ANF

303 East Somerville Street
Plano, TX 75074
877-787-2347
E: info@stewart.co
W: stewart.co

CITY GATEWAY

PRELIMINARY - DO NOT USE FOR CONSTRUCTION