LOCATION: This site is located on at the southwest corner of the intersection of Hillsborough Street and Boylan Avenue. This site is comprised of two parcels and the addresses are 701 and 709 Hillsborough Street. The PIN numbers are 1703490106 and 1703399107.

REQUEST: Development of a 0.82 acre tract zoned Neighborhood Mixed Use with an Urban Limited frontage (NX-7-UL) and zoning conditions under Z-70-94 governing one of the parcels. The site is permitted 7 stories. The applicant is proposing a 234,310 square foot parking deck with 6,372 square feet of gross floor area dedicated to retail, restaurant, bar and office. Of these uses the site will adhere to a restaurant parking ratio whereby 1 parking space is required per 150 square feet of gross floor area. Please note this site is providing required parking for the nearby Block 83 development (case SR-59-18, Transaction 559068).

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

1. Case DA-10-19. A Design Adjustment granting relief from the cross access requirements. It has been determined that UDO Section 8.3.6 E.2, E.3 and E.5 are factors deeming the design adjustment is 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 3/21/2019 by Rick Slater of McAdams Company.

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.

The following items are required prior to approval of Concurrent Site Review plans:
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.

Stormwater

3. A stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved showing compliance with assumptions for shared offsite device approved with Block 83 project SR-59-2018. (UDO 9.2).

4. 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.

The following items must be approved prior to recording the plat:

General

1. A demolition permit shall be issued and this building permit number shown on all maps for recording.
Administrative Approval Action
Block 83 Parking Deck: SR-100-18
Transaction# 573539, AA#3934

Engineering

2. 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.

3. Slope easements shall be approved by City staff and the location of the easement shall be shown on a plat 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 recording. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.

Stormwater

4. 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).

☒ 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. Comply with all conditions of Z-70-94.

2. A recombination map shall be recorded prior to or in conjunction with the recording of lots, recombining the existing lot into a single tract.

3. A demolition permit shall be obtained.

4. Provide fire flow analysis.

Engineering

5. A fee-in-lieu for 1’ in pavement width on S Boylan Avenue across the entire site frontage shall be paid to the City of Raleigh (UDO 8.1.10).
6. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

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

8. 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

9. A plat must be recorded at the Wake County Register of Deeds office for any required utility easement dedications.

Stormwater

10. 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).

Urban Forestry

11. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 4 street trees in tree grates along Hillsborough St. and 4 street trees in tree grates along S. Boylan Ave. for a total of 8 street trees in tree grates.

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 impervious survey and 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: 4-17-2022
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) 

Staff Coordinator: Daniel L. Stegall

Date: 4/7/19
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>Block 83 Parking Deck</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-100-2018</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>573539</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 10 - 2019</td>
</tr>
</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
- Development Engineering
- Engineering Services
- Public Utilities
- City Planning
- Transportation
- Parks & Recreation and Cult. Res.

**STAFF RESPONSE**

**CONDITIONS:**

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

Authorized Signature  

*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 request meets the criteria for a design adjustment. The engineer has indicated that Section 8.3.6 (E) (2) (3) and (5) are factors deeming the design adjustment reasonable. The presence of existing buildings and the site layout of the adjacent developed properties are items keeping a connection from being feasible. Additionally, the professional engineer has indicated a cross access connection through the parking deck would pose a safety hazard.
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

See detailed response from the section describing UDO Article 8.3 requirements.
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</th>
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<tr>
<td>CASE NO</td>
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<td>SR-100-2018</td>
</tr>
<tr>
<td>TRANSACTION NUMBER</td>
<td>Transaction Number</td>
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</tr>
<tr>
<td>OWNER</td>
<td>Name</td>
<td>Glenwood Tco, LLC</td>
</tr>
<tr>
<td>ADDRESS</td>
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<td>501 Fairmont Ave, Suite 101</td>
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<td></td>
<td>Phone</td>
<td>410-769-6139</td>
</tr>
<tr>
<td>CONTACT</td>
<td>Name</td>
<td>Rick Slater, PE</td>
</tr>
<tr>
<td>FIRM</td>
<td>Firm</td>
<td>McAdams</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>Address</td>
<td>2905 Meridian Parkway</td>
</tr>
<tr>
<td></td>
<td>City</td>
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</tr>
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<td></td>
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</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):

1. UDO Section 8.3 and RSDM Section 9.5.3 requires all lots abutting a street other than a local street to provide cross access to adjacent lots. The project site is in its entirely is a private parking garage structure intended to serve paying customers and leased tenants. Due to the nature of this proposed allowable use a vehicular cross access would negatively impact the ability of the deck to function as a private pay to park facility.

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. April 2, 2019

Owner/Owner's Representative Signature Date

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**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
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 proposed meets the intent of the UDO for the following reasons. The proposed use is a private parking deck that encompasses the entire lot in a downtown area with no needed vehicular circulation. The driveway location along Hillsborough is maxed-out along the short frontage and improves the existing condition where existing drives are located much closer to the intersection.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The proposed conforms with the Comprehensive Plan and City Plan. The proposed use is a private parking deck that encompasses the entire lot in a downtown area with no needed vehicular circulation. The driveway location along Hillsborough is maxed-out along the short frontage and improves the existing condition where existing drives are located much closer to the intersection.

C. The requested design adjustment does not increase congestion or compromise safety;
   The requested does not increase congestion or compromise safety.
   If anything it makes the situation safer along Hillsborough street by increasing the distance of the driveway from that in the existing condition.

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

   4. Adjacent use to the west is a large existing building (The Junior League of Raleigh) and will not require a vehicular access to the deck for their site due to an existing private parking lot in the rear of the building with multiple site entrances services their users. There are also two small buildings/ single family residential uses to the south that have their own parking on site and are not intended to be serviced by the proposed parking deck.
   5. Adding cross access in this downtown use would allow for cars to use the passageways between the lots of this block as a way to avoid traffic control devices. Allowing for this kind of use puts pedestrians both in the deck and walking along public streets at risk motorists avoiding traffic control devices.
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 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; and

E. 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 the Raleigh Street Design Manual;
   The requested design meets the intent of the Raleigh street design manual by placing drives to extent practical at a safe distance from public road intersections. It is also meeting the intent of the RSDM by preventing unnecessary pedestrian and vehicular conflicts that could occur due to cross access in a highly urban and mixed use area.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The requested design meets the intent of the City of Raleigh Comprehensive Plan by placing drives to extent practical at a safe distance from public road intersections. It is also meeting the intent of the RSDM by preventing unnecessary pedestrian and vehicular conflicts that could occur due to cross access in a highly urban and mixed use area.

C. The requested design adjustment does not increase congestion or compromise safety;
   The design does not increase congestion of compromise safety. The proposed design proposes less driveways from the existing conditions at a greater distance from the intersection. Additionally, the proposed eliminates the possibility of unnecessary pedestrian and vehicular conflicts that could occur due to cross access in a highly urban and mixed use area.

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

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

I, William D. Sparrow, a Notary Public do hereby certify that R Slatar personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 26 day of February, 2019.

Notary Public  

My Commission Expires: 9/8/21
CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.
PLANTING SCHEDULE - CONTRACTOR SHALL SATISFY ALL MEASUREMENTS INDICATED

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>MIN. CAL/RT</th>
<th>MIN. HT.</th>
<th>MIN. SPR.</th>
<th>SPACING</th>
<th>REMARKS</th>
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<tbody>
<tr>
<td>STREET TREES</td>
<td>NYS SYL</td>
<td>4</td>
<td>NYSSA SYLVATICA</td>
<td>BLACK GUM</td>
<td>3&quot;</td>
<td>10'</td>
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<tr>
<td>STREET TREES</td>
<td>PIS CHI</td>
<td>4</td>
<td>PISTACIA CHINENSIS</td>
<td>CHINESE PISTACHE</td>
<td>1.5&quot;</td>
<td>10'</td>
</tr>
<tr>
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<td>4</td>
<td>MAGNOLIA X LOEBNERI 'LEONARD MESSEL'</td>
<td>N/A</td>
<td>8'</td>
<td>4'' AS SHOWN</td>
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NOTE:
1. STREET TREES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 2 OF THE CITY TREE MANUAL.