LOCATION: The site is located on the east side of Lead Mine Road, south side of Strickland Road, west side of Harvest Oaks Drive and north side of Forum Drive. The site address is at 8710 Cypress Club Drive, which is inside City corporate limits.

REQUEST: Development of a 44.01-acre tract zoned PD (Z-16-16/MP-1-16) to add a 116,095 sqft apartment building for additional dwelling units in Group Living.

Revision: Initially, the preliminary site plan (ASR-111-18) was approved showing street trees along Harvest Oaks Drive and Forum Drive.

The Master Plan (MP-1-16), specifically 6.A paragraph 2, adopted the existing conditions along Forum Drive and Harvest Oaks Drive as alternate street sections, thus no additional infrastructure, including street tree plantings, are required as part of this development plan.

As a result, this revision reflects the removal of street trees along Harvest Oaks Drive and Forum Drive from the landscape plan which is in accordance with MP-1-16.

Note the sunset date for this plan revision is unchanged.

DA-16-2019 grants relief for a required slope easement for the full 20’ along Leadmine Road due to the full back to back required street section already existing.

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC:
- FIL-SR-111-2018-D-3: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator
- FIL-SR-111-2018-D-4: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator
- FIL-SR-111-2018-D-1: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator
- FIL-SR-111-2018-D-2: DSENG - Fee-In-Lieu Estimator/Fee-In-Lieu Estimator
- SPR-0163-2019: DSLC - Site Permitting Review/Major [Signature Set]

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 April 17, 2020 by Jones & Cnossen Engineering, PLLC.

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:

- SITE PERMITTING REVIEW - For land disturbance of 12,000 square feet or greater, public or private infrastructure, shared stormwater devices, etc. Site Permitting Review may be submitted upon receipt of this signed approval document.

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

General

1. Proposed site lighting (Sheet SE-100 in the Administrative Site Review plans) will be revised so no light fixture is located closer than 20 feet from the trunk of a tree (UDO 7.1.7.G).
2. For all existing trees (under UDO 7.2.7.E) used to meet landscaping requirements, such as the C2 street protective yards along Lead Mine Road and Strickland Road, the landscaping plan will provide caliper for each tree.

Engineering

3. 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

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).

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

Urban Forestry

6. Tree protection fence must be inspected by Urban Forestry staff prior to the issuance of a grading permit.

7. 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).

☐ 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.

☐ RECORDER MAP(S) - Submit plat to record new property lines, easements, tree conservation areas, etc.). Plats may be submitted for review when the Site Permitting Review plans, if required, have been deemed ready for mylar signature.

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

General

1. The shown slope easement will need to be revised so that the existing walls and retaining walls are outside of the slope easement prior to recordation of the easement.

Engineering
2. A 5’ utility placement 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. 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.

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.

Urban Forestry

5. A tree conservation plat shall be recorded with metes and bounds showing the designated tree conservation areas (UDO 9.1). This development proposes 0.7908 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 Site Permitting 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. Comply with all conditions of Z-16-16

3. 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

4. A public infrastructure surety shall be provided to the City of Raleigh Development Services – Development Engineering (UDO 8.1.3).

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

6. A fee-in-lieu for 1’ of sidewalk for the property frontage everywhere that a 5’ sidewalk is existing shall be paid to the City of Raleigh (UDO 8.1.10).

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

Urban Forestry

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

The following are required prior to issuance of building occupancy permit:

General

1. Final inspection of all tree conservation areas by Urban Forestry Staff.
2. 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.
3. All street lights and street signs required as part of the development approval are installed.
4. 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.
5. Required public right-of-way infrastructure improvements shall be, at a minimum, sufficiently completed to provide the necessary, safe emergency and vehicular access.
6. Final inspection of all tree conservation areas and right of way street trees by Urban Forestry Staff.
7. Copies of certified inspection reports for alleys and internal access ways are submitted to the City of Raleigh Development Services – Development Engineering program.

Stormwater

8. As-built impervious survey is accepted by the Engineering Services Department (UDO 9.2).

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: March 27, 2022
Obtain a valid building permit for the total area of the project, or a phase of the project.
Administrative Approval Action
Case File / Name: ASR-SR-111-2018
The Cypress of Raleigh Phase 3 - Villa E

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: ___________________________ Date: 5-1-2020
Development Services Dir/Designee

Staff Coordinator: Ryan Boivin
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>The Cypress of Raleigh - Phase 3</th>
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<tbody>
<tr>
<td>Development Case Number</td>
<td>SR-111-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>578181</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 16 - 2019</td>
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Staff recommendation based upon the findings in the applicable code(s):

- [ ] UDO Art. 8.3 Blocks, Lots, Access
- [X] 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

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

STAFF RESPONSE

CONDITIONS:

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

Authorized Signature

DEVELOPMENT SERVICES DEPARTMENT

*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).
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 [ ]

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**STAFF FINDINGS**

Staff supports the request for relief from the 20' slope easement requirement along Leadmine Rd for the portion of the road that has been fully built out to the dimensional standards for an Avenue 4-Lane, Divided street section. There is currently 5' sidewalk along this frontage. The slope easement removal would affect the potential for a future 6' planting strip and 6' sidewalk section prescribed by the UDO as the required streetscape. As no additional streetscape improvements are being required with this development plan, the existing 5' sidewalk and planting strip are supported in remaining as they currently exist.
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>
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<tr>
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<td>7101 Creedmoor Road, Suite 142</td>
</tr>
<tr>
<td>State NC</td>
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<tr>
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<tr>
<td>Phone</td>
<td>919-877-7106</td>
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<tr>
<td>Name</td>
<td>Peter Cnossen</td>
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<tr>
<td>Firm</td>
<td>Jones &amp; Cnossen Engineering, PLLC</td>
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<tr>
<td>Address</td>
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<tr>
<td>State NC</td>
<td>NC</td>
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<tr>
<td>Phone</td>
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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
- [X] 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):

The project site is The Cypress of Raleigh which is an existing continuing care retirement community located at 8710 Cypress Club Drive. Phase 3 will consist of the construction of Villa E at the intersection of Strickland Road and Lead Mine Road. Right-of-way dedication along with future widening and streetscape considerations necessitate recording a 20' slope easement along each corridor. A portion of Lead Mine Road is already at full build-out for the required COR Avenue, 4-Lane Divided street section. A Design Adjustment is requested to remove the 20' slope easement requirement along the portion of Lead Mine Road already at full build-out.

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]

Owner/Owner's Representative Signature

Date 2-5-19

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 this Article;

The requested Design Adjustment meets the intent of this Article since Lead Mine Road is already at the ultimate COR Avenue, 4-Lane Divided street section for the portion seeking relief of the 20' slope easement. Thus, no additional widening or sidewalk construction is required. Also, there is a significant stand of existing trees outside the new R/W along this portion of Lead Mine Road. These existing trees meet TCA standards and will be preserved to maintain a natural streetscape.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;

The requested Design Adjustment conforms with the Comprehensive Plan and adopted City plans since the portion of Lead Mine Road seeking relief of the 20' slope easement already has sufficient pavement width to meet the required COR street typology of an Avenue, 4-Lane Divided section. Sidewalk is also existing. Further, existing trees along this portion of Lead Mine Road will be preserved in TCA so future streetscape considerations should be met.

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

The requested Design Adjustment will not increase congestion or compromise safety as the section of Lead Mine Road seeking relief of the 20' slope easement is already at full-out including sidewalk.

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

The requested Design Adjustment does not create additional maintenance responsibilities for the City of Raleigh since the section of Lead Mine Road seeking relief of the 20' slope easement is already at full build-out including sidewalk. No additional pavement widening is required to meet the COR street typology of a 4-Lane Divided section.

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

The requested Design Adjustment has been requested by a Professional Engineer.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, LISA L. MARKEY, a Notary Public do hereby certify that Marc J. Andrews personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 5th day of February, 2019.

LISA L. MARKEY
Notary Public, North Carolina
Wake County
My Commission Expires June 25, 2023

Notary Public

My Commission Expires: 6/25/2023
**Elevations**

**NORTH BUILDING ELEVATION (STICKLAND ROAD)**
- Average Grade: 457.00
- Proposed: 462.00

**EAST BUILDING ELEVATION**
- Average Grade: 456.625
- Proposed: 457.00

**South South**
- Proposed: 452.00
- Existing: 455.00

**West West**
- Proposed: 452.00
- Existing: 451.00

**Not Issued for Construction**

**Glazing**
- West - Lead Mine Rd: 3422.94 SF
- North - Strickland Rd: 1307.99 SF

**Wall**
- West - Lead Mine Rd: 7408.26 SF
- North - Strickland Rd: 4992.2 SF

**Street Facing Transparency Calculations**
- Percentage: 26%
- Glazing: 1307.99 SF
- Wall: 4992.2 SF

**Percentage**
- North - Strickland Rd: 46%
- Glazing: 3422.94 SF
- Wall: 7408.26 SF