LOCATION: This site is located on the south side of Rock Quarry Road, east of Olde Birch Drive at 2802 & 2818 New Birch Drive.

REQUEST: Development of a vacant 2.15 acre tract zoned NX-3-CU, on the corner of Olde Birch & New Birch Drives, into two new proposed commercial retail buildings totaling 19,496 SF. Proposed Building 1 being 9,748 SF & proposed Building 2 being 9,748 SF. This site also includes 1,059 SF or .002 acres of right-of-way dedication along Old Birch Drive & New Birch Drive, leaving a net area of 2.13 acres.

DESIGN ADJUSTMENT(S)/ ALTERNATES, ETC: Design Adjustment DA-132-2018 was approved for the Block Perimeter requirements.

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 5/14/2019 by Jones & Crossen 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:

☐ 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:

General

1. At time of Concurrent Site Review plans submittal, the representative for the Property Owner Association on Lot 3 (as shown on book map 2008, pg 1660 entitled "Farmington Square Subdivision") shall also sign the application forms since a portion of a proposed driveway easement extends onto Lot 3 owned by the POA.

Engineering

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.
Administrative Approval Action
SR-117-18 / Farmington Square Lots 4 & 5
Transaction# 579861, AA#3981

Stormwater

3. A surety equal to of the cost of clearing, grubbing and reseeding a site, shall be paid to the City (UDO 9.4.4).

Urban Forestry

4. Tree conservation areas are required, but no qualifying tree conservation areas exist on site.

☐ 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 recombination plat is recorded, recombining existing lots 4 & 5 into one (1) tract as shown on the approved proposed ASR set.

2. A Type C3 Street Protective Yard is required for this project and a note shall be placed on the final plat stating this requirement.

3. Applicant should also refer to the original subdivision file case "S-14-05 AA" conditions of approval document for any additional notes to be placed on "all plat recordings" per the original subdivision plan administrative action for "Farmington Square Subdivision."

Engineering

4. 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.
5. 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.

6. A fee-in-lieu for 1’ of sidewalk along New Birch Drive is paid to the City of Raleigh (UDO 8.1.10).

7. A public infrastructure surety is provided to the City of Raleigh Development Services – Development Engineering program (UDO 8.1.3).

Stormwater
8. 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).

Urban Forestry
9. This development proposes 0 acres of tree conservation area since no qualifying areas exist on site.

**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-54-98.

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

3. Provide fire flow analysis.

4. All property owners shall sign all application forms applicable to submittal as noted under Condition #1 under the Concurrent Site Review section. Both owners of Lots 4, 5 and Lot 3, maintained by the POA must sign the application as representatives.

5. On Sheet LP-1 of the approved preliminary plans, a site key shall be included identifying all features or symbols shown on the lighting plan sheet.

6. On sheets A1.3 & A2.3, the sets of high/low spot grades calculations #, per the grading table/chart information, is labeled along the respective elevation plain illustrations. The high/low grades listed for each directional plain elevation illustration should also be shown or spot graded along the actual elevation plains.
Engineering

7. 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.

8. 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 this document must be provided to the Development Services Department within one day from authorization of lot recordation. If a recorded copy of the document is not provided within this time, further recordings and building permit issuance will be withheld.

9. A fee-in-lieu for 1' of sidewalk along New Birch Drive shall be paid to the City of Raleigh (UDO 8.1.10).

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

11. A cross access agreement among the lots proposed for development shall be approved by the Development Services Department for recording in the Wake County Registry, and a copy of the recorded cross access easement shall be returned to the Development Services Department within one day of plat recordation. If a recorded copy of the document is not provided, further recordings and building permit issuance will be withheld.

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

Stormwater

13. 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).

Urban Forestry

14. A fee-in-lieu of tree planting shall be paid to the City of Raleigh for 3 street trees that can’t be planted on New Birch Drive.

15. A tree impact permit must be obtained for the approved streetscape tree installation in the right of way. This development proposes 3 street trees along New Birch Drive and 2 street trees along Olde Birch Drive for a total of 5 street trees.
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. Impervious Surface Area As-built drawing must be accepted showing impervious area on lots 1-5 do not exceed 209,324 sf per S-14-05 Subdivision approved Stormwater Management Plan.

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: 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
**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</th>
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<tbody>
<tr>
<td><strong>Project Name</strong></td>
<td>Farmington Square - Lots 4 &amp; 5</td>
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<tr>
<td><strong>Development Case Number</strong></td>
<td>SR-117-2018</td>
</tr>
<tr>
<td><strong>Transaction Number</strong></td>
<td>579861</td>
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<tr>
<td><strong>Design Adjustment Number</strong></td>
<td>DA - 132 - 2018</td>
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</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.

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
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<tbody>
<tr>
<td>Dev. Services Planner</td>
<td>City Planning</td>
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<td>Parks &amp; Recreation and Cult. Res.</td>
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<th>STAFF RESPONSE</th>
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<tr>
<td>CONDITIONS:</td>
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Development Services Director or Designee Action: [x] APPROVE [ ] APPROVE WITH CONDITIONS [ ] DENY

*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
Staff supports the request for relief pertaining to block perimeter. There exists a 25' Landscape Area previously recorded on BM2008, PG1660, an existing stormwater pond, and a buffered stream to the south of the proposed development in the location of any future stub streets.
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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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:

The project site is comprised of two existing lots within the Farmington Square subdivision (S-14-66) that are bound to the north by existing New Birch Drive and to the west by existing Olde Birch Drive. To the east are existing Lots 2 and 3 of the Farmington Square subdivision that consist of an existing building and stormwater wet pond for the subdivision, respectively. And to the south is Lot 3 that includes a recorded 25’ landscape buffer, Neuse River buffered stream and undisturbed area (BM 2006, PG 1060). Access to the east and south is prohibited by these existing site features so a Design Adjustment for block perimeter is requested.

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.

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 this Article;
   The design adjustment meets the intent of this Article by maximizing connectivity using the existing surrounding streets. These streets will include sidewalk for pedestrian access to all lots comprising the subdivision. The site will also provide cross access to existing Lot 2 to the east.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The design adjustment conforms with the Comprehensive Plan and adopted City plans by providing additional R/W on Olde Birch Drive and New Birch Drive to meet current COR street standards. This includes installation of sidewalk and street trees where applicable along the street frontages.

C. The requested design adjustment does not increase congestion or compromise Safety;
   The design adjustment does not increase congestion or compromise safety. The site has two points of access off New Birch Drive and shares cross access to existing Lot 2. All streets will provide sidewalk access for pedestrians.

D. The requested design adjustment does not create any lots without direct street Frontage;
   The design adjustment does not create any lots without direct access to street frontage. All Farmington Square subdivision lots have access to either Olde Birch Drive or New Birch Drive.

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 design adjustment is deemed reasonable based on the following; to the east is Lot 2 which is a developed building used for retail shopping; to the east on Lot 3 is an existing stormwater wet pond that is used to meet City of Raleigh stormwater requirements for the Farmington Square subdivision; to the south on Lot 3 is a buffered stream, a 25’ landscape buffer and an undisturbed area. These three features are recorded in BM 2008, PG 1660. So the surrounding area to Lots 4 & 5 are prohibitive for street extensions.
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Stephen W. Talley, a Notary Public do hereby certify that Howard D. McPeek personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 12th day of December, 2018.

Notary Public

My Commission Expires: 12/26/21
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NEW CONSTRUCTION FOR
FARMINGTON SQUARE
RETAIL
RALEIGH, NORTH CAROLINA
PROJECT NUMBER
217144
DATE
DECEMBER 20, 2019
REVISIONS
A2.300

0' TO 12' FACADE -
1,919 SF (.33) PER NX ZONING = 633.27 SF
PROVIDED = 1,080 SF
3' TO 8' TRANSPARENCY
50% OF 633.27 SF = 316.64 SF
PROVIDED = 571 SF
1,919 / 1,080 =
56.2% TRANSPARENCY

BUILDING ELEVATION HEIGHT
MOST RESTRICTIVE GRADE (291.80)
TO TOP OF PARAPET = 23'-4 1/8"

TOATAL GRADE AVERAGE = 291.80

PROPOSED HIGH & LOW GRADES

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PRE/EXISTING HIGH & LOW GRADES

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TOTAL GRADE AVERAGE = 291.80

EXISTING GRADE
FINISH FLOOR
(293.30)
TOP OF PARAPET
12'-0"

160'-0"