LOCATION: This site is located on the northwest corner of Lumley Road and Interstate 540 between I-540 and Arco Drive and is zoned OP-12 CU (Z-21-16), and within SHOD-2, and AOD Overlay districts. The address of the parcel is 10100 Lumley Road.

REQUEST: This development proposal is for an 11-story, 278 room, 256,569 square foot hotel. This hotel is proposed on a 5.93-acre tract, zoned OP-12-CU, and within a SHOD-2 overlay and an Airport overlay zoning district. Note this is a revision to the previously approved hotel site plan. (SR-18-17 which was a 245 room 138’ tall, 10-story hotel)

DESIGN ADJUSTMENT(S)/ALTERNATES, ETC: Three Administrative Alternates have been approved for this project, noted below.

1. Reduction to the required parking ratio (UDO Section 7.1.2 b)
2. Transparency (UDO Section 1.5.9, with conditions)
3. Building Massing Standards (UDO Section 10.2.17)

One Design Adjustment, DA-24-2019, has been approved for this project, noted below.

Block perimeter for this property cannot be met due to NCDOT control of access and tree conservation along south and east frontages (Lumley Road and I-540 respectively) ; FEMA 100-year floodplain, buffer and existing development to the west thereby restricting this hotel site to attain access via Arco Corporate Drive, a public cross access easement.

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 11/19/18 by McAdams.

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.

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

Engineering
1. A right-of-way obstruction permit must be obtained from Right-of-way Services prior to the commencement of any construction activities within the Arco Corporate Drive public cross access easement.

**Stormwater**

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

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. Submit a final tree conservation plan that accurately shows changes to the existing tree conservation area that includes metes and bounds descriptions of revised tree conservation areas and book of maps references and tree protection fencing as required (UDO 9.1.5).

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

**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: |

**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-21-16.

2. Submittal of a request to officially withdraw the previously approved administrative site review for this project (case SR-18-17).
3. Provide fire flow analysis.

**Engineering**

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

5. A transit deed of easement 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.

**Public Utilities**

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

**Stormwater**

7. 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).

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).

9. 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**

10. A tree conservation plat shall be recorded with book of maps references for existing tree conservation areas and metes and bounds showing the revisions to existing tree conservation areas (UDO 9.1).

*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 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 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 tree conservation areas and 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: 5-29-2022
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: 5/20/19

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</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>Lumley Road Hotel</td>
</tr>
<tr>
<td>Development Case Number</td>
<td>SR-120-18</td>
</tr>
<tr>
<td>Transaction Number</td>
<td>580579</td>
</tr>
<tr>
<td>Design Adjustment Number</td>
<td>DA - 24 - 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.

<table>
<thead>
<tr>
<th>DEPARTMENTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dev. Services Planner</td>
<td></td>
</tr>
<tr>
<td>Development Engineering [✓]</td>
<td>KCPaard</td>
</tr>
<tr>
<td>Engineering Services</td>
<td></td>
</tr>
<tr>
<td>Public Utilities</td>
<td></td>
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<tr>
<td>City Planning</td>
<td></td>
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<tr>
<td>Transportation</td>
<td></td>
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<tr>
<td>Parks &amp; Recreation and Cult. Res.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFF RESPONSE</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>CONDITIONS:</td>
<td></td>
</tr>
</tbody>
</table>

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

Authorized Signature: [Signature]
Development Services Director or Designee: Daniel G. Kellner, PE
Date: 4/29/19

*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 Lumley Road Hotel is zoned OP which allows a maximum block perimeter length of 4,000 linear feet. The measurement of this site via public street right-of-way exceeds 13,000 linear feet due to the existing development of Brier Creek Commons Shopping Center to the west, Brier Creek Corporate Center to the north and east of this site. Macaw Street is a public street access easement which is north of this site but does not provide a connection between the shopping center to Brier Creek Parkway and cannot be included in the block perimeter as a connective street.

As per the attached plan of the Block Perimeter Design Adjustment Exhibit, the site access is limited solely to Arco Corporate Drive, which is a public cross access easement. Due to the NCDOT control of access along the south and east frontages, and additional topographical and floodplain / buffer issues along the west side of the site, this driveway is approved to provide access to the hotel development.
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.

Project Name: Lumley Road Hotel
Case Number: SR-120-18
Transaction Number: 580579

Name: RAL Lot 3 LLC (Winwood Hospitality) - Amit Patel
Address: 4131 Parklake Avenue, Suite 360
City: Raleigh
State: North Carolina
Zip Code: 27612
Phone: 919-468-9190

Name: Ryan Akers
Firm: McAdams
Address: 2905 Meridian Parkway
City: Durham
State: North Carolina
Zip Code: 27713
Phone: 919-361-5000

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):

This design adjustment request is for the modification to block perimeter requirements due to environmental & physical hardship constraints in the areas along the eastern, southern, and southwestern property frontages of the project. To the east and the south the property is abutted with NCDOT Controlled Access Right of way and street access or any other access will be strictly prohibited. The Ward property (southwestern property frontage) contains floodplain/wetlands and recorded Tree Conservation Area associated with the larger Brier Creek Corporate Center subdivision. These areas were previously designated as open space & Tree Conservation area. In addition the site is contaminated and is recognized as an EPA superfund cleanup site and is not able to be further developed. Access to the site will be provided via Arco Corporate Drive: the only viable access location.

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: [Signature]
Date: 2/25/19

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:
design.adjustments@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;
   Access to the property via Arco Corporate Drive provides connectivity to the site as intended. Access from 540 NCDOT Control Access Right of Way will be strictly prohibited and a connection to Lumley is not practical given existing and proposed topography on the site. Ward property contains floodplain/wetlands and recorded tree conservation, in additional to other environmental concerns.

B. The requested design adjustment conforms with the Comprehensive Plan and adopted City plans;
   The proposed access adheres to the intent of the City’s comprehensive plan and City plans while adjusting for the site’s constraints.

C. The requested design adjustment does not increase congestion or compromise Safety;
   No, it does not.

D. The requested design adjustment does not create any lots without direct street Frontage;
   No, it does not.

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.

Most of these challenges apply
1. Retaining walls are being proposed along Lumley because of the grading challenges of the site. Access connections will not be possible because of topographic challenges.
2. The existing floodplain/stream on the Ward property hinders access to the northW and northE
3. Cannot have access from Arco Corporate and Lumley and maintain maximum road/sidewalk/parking slopes due to topographical constraints.
4. & 5. Ward property is a contaminated undevelopable site, containing floodplain/wetlands and TCA
6. & 7. NCDOT will not allow Controlled Access ROW connection from 540 disturbance activities on our site
STATE OF NORTH CAROLINA
COUNTY OF Durham

I, Roberta Forbes, a Notary Public do hereby certify that Ryan Akers personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

This the 25th day of February, 2019

ROBERTA FORBES
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires 06-28-2019

Notary Public

SEAL

My Commission Expires: June 28, 2019
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.
Adequate drainage of all planting pits. Installation with a 5' minimum first branch height.

Planting season October - April. A tree impact permit is required. Are prohibited in the planting area immediately surrounding the tree.

**Shrub Planting Detail**

Notes:

Installation with a 5' minimum first electrical outlets and other utilities. Planting season October - April. (Positive drainage away from pit)

Contractor is responsible for street trees must be 3" caliper at adequately drained of all planting pits.

**Plant List**

<table>
<thead>
<tr>
<th>#</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Qt.</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fatsia Japonica</td>
<td>Japanese Aralia</td>
<td>7</td>
<td>3&quot;C &amp; 10'HT.</td>
</tr>
<tr>
<td>2</td>
<td>'Sango Kaku'</td>
<td>Japanese Maple</td>
<td>10</td>
<td>3&quot;C &amp; 10'HT.</td>
</tr>
<tr>
<td>3</td>
<td>Acer Rubrum 'October Glory'</td>
<td>Japanese Maple</td>
<td>9</td>
<td>3&quot;C &amp; 10'HT.</td>
</tr>
<tr>
<td>4</td>
<td>Quercus Shumardii</td>
<td>Shumard Oak</td>
<td>11</td>
<td>36&quot; Min. HT.</td>
</tr>
<tr>
<td>5</td>
<td>Abelia Grandiflora 'Kaleidoscope'</td>
<td>Glossy Abelia</td>
<td>13</td>
<td>18&quot; - 24&quot; HT. &amp; 15&quot; - 18&quot; SP.</td>
</tr>
<tr>
<td>6</td>
<td>Cephalotaxus Harringtonia 'Duke Gardens Yew'</td>
<td>Duke Gardens Yew</td>
<td>19</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>7</td>
<td>Gardenia Jasminoides 'Chuck Hayes'</td>
<td>Wax Myrtle</td>
<td>344</td>
<td>3&quot;C &amp; 10'HT.</td>
</tr>
<tr>
<td>8</td>
<td>Ilex Cornuta 'Burfordii Nana'</td>
<td>Dwarf Burford Holly</td>
<td>34</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>9</td>
<td>Ilex Vomitoria 'Schillings'</td>
<td>Wax Myrtle</td>
<td>7</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>10</td>
<td>Mahonia Eurybracteata 'Soft Caress'</td>
<td>Soft Caress Mahonia</td>
<td>9</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>11</td>
<td>Mahonia Bealei</td>
<td>Barbeque Rosemary</td>
<td>6</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>12</td>
<td>Mahonia Eurybracteata 'Soft Caress'</td>
<td>Soft Caress Mahonia</td>
<td>7</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
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<tr>
<td>13</td>
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<td>10</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>14</td>
<td>Rosmarinus Officinalis 'Barbeque'</td>
<td>Rosemary Rosemary</td>
<td>10</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>15</td>
<td>Thuja Occidentalis 'Emerald'</td>
<td>Emerald Arborvitae</td>
<td>19</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
<tr>
<td>16</td>
<td>Prunus Laucerasus 'Otto Luyken'</td>
<td>Laurel Laurel</td>
<td>19</td>
<td>18&quot; - 24&quot; HT. &amp; 18&quot; - 20&quot; SP.</td>
</tr>
</tbody>
</table>

**Trees**

- 37 TREES
- Total VSA area

**Notes**

Not to scale.
FIRE LANE NO PARKING
NOR THEA ELEVATION
NOTES:

1. PROVIDE WALL MOUNTED LIGHT AND DUPLEX OUTLET IN STORAGE

2. DUMPSTER ENCLOSURE EXTERIOR FINISH TO MATCH FINISH OF MAIN HOTEL / TOWER

3. INTERIOR WALLS AND CEILINGS PAINTED

4. DUMPSTER ENCLOSURE COMPLIES WITH COR SOLID WASTE SERVICE MANUAL. WALLS AND GATES ARE SOLID AND ARE TALLER THAN MIN. 6 FT HIGH, BACKUP IS LIMITED TO LESS THAN 200 FT, CLEAR ACCESS AND OVERHEAD IS NOT RESTRICTED

A360 ASR SITE DETAILS