#### **Preliminary Subdivision Application**







**INSTRUCTIONS**: This form is used when submitting a Preliminary Subdivision (UDO Section 10.2.5). Please check the appropriate review type and include the plan checklist document. Please email all documents and your preliminary subdivision plans to <a href="mailto:siteReview@raleighnc.gov">SiteReview@raleighnc.gov</a>.

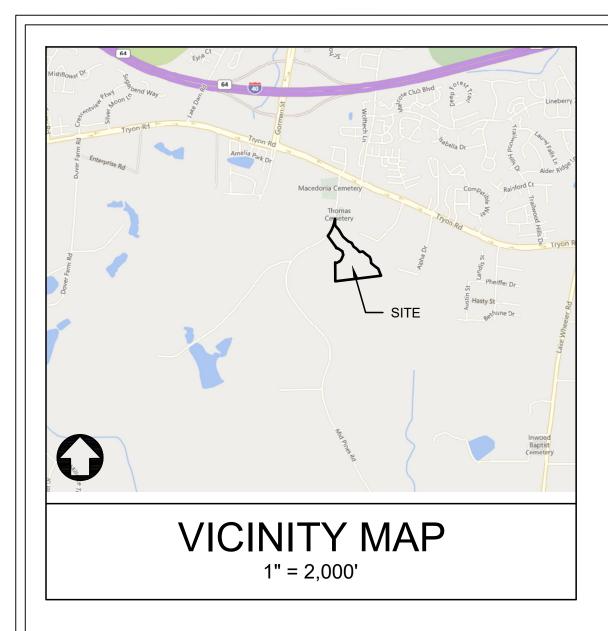
**DEVELOPMENT OPTIONS (UDO Chapter 2)** 

✔ Conventional Subdivision	Compact Development	Conservation Development		
Cottage Court	Flag lot	Frequent Transit Development Option		
NOTE: Subdivisions may require City 0	Council approval if located in a Histori	c Overlay District.		
	GENERAL INFORMATION			
Scoping/sketch plan case number(s): \$	COPE-0004-2023			
Development name (subject to approve	•			
Property Address(es): 2523 Mid Pine	s Rd			
Recorded Deed PIN(s): 0792050145				
Building type(s): Detached H	ouse Attached House	ownhouse Apartment		
General Building Mixed Use E	cuilding Civic Building	Open Lot Tiny House		
CURRENT PROPE	RTY OWNER/APPLICANT/DEVELO	OPER INFORMATION		
Current Property Owner(s) Names: Is	amic Association of Raleigh			
Company:	Company: Title:			
Address: 3020 Ligon St, Raleigh, N	C 27607			
Phone #:				
Applicant Name (If different from owner. See "who can apply" in instructions): Julie Gavaghan				
Relationship to owner: Lessee or contract purchaser Owner's authorized agent Easement holder				
Company: Blue Heel Development,	LC Address: 2300 Rexwoods Dr	, Suite 120, Raleigh, NC 27607		
Phone #: 919.291.6364	Email: julie@blueheeldevelo	pment.com		
NOTE: please attach purchase agreement or contract, lease or easement when submitting this form.				
Developer Contact Names: Jon Frazier				
Company: FLM Engineering, Inc. Title: Principal				
Address: PO Box 91727, Raleigh, NC 27675				
Phone #: 919.610.1051	Email: jfrazier@flmengineeri	ng.com		

Printed Name:

DEVELOPMENT TYPE + SITE DATE TABLE – ZONING INFORMATION							
Gross site acreage: 13.09							
Zoning districts (if more than one	e, pr	ovide acreage of ea	ch):				
R-6-CU							
Overlay district(s): SWPOD	I	nside City Limits?	<b>✓</b> \	∕es No	Historic	: District/Landmark:	N/A
Conditional Use District (CUD) Case # Z-		Board of Adjustment BOA-	Cas	se #	Design DA-	Alternate Case #	
		STORMWATER	RINF	ORMATION			
Imperious Area on Parcel(s):  Existing (sf) 27.377 Proposed total (sf) 162.282 Existing (sf) 27.377 Proposed total (sf) 166.176				- /			
		NUMBER OF LO	TS A	AND DENSIT	Y		
# of Detached House Lots:		# of Attached Hou	ıse L	_ots:	# of	Townhouse Lots: 59	
# of Tiny House Lots:	# o	f Open Lots: 3		# of Other Lo		rtment, General,	
Total # of Lots: 62	Tot	al # Dwelling Units:	59				
Proposed density for each zonin	ıg di	strict (UDO 1.5.2.F):	4.5	du/ac			
SIGNATURE BLOCK							
Pursuant to state law (N.C. Gen. Stat. § 160D-403(a)), applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.							
By submitting this application, the undersigned applicant acknowledges that they are either the property owner or one of the persons authorized by state law (N.C.G.S. 160D-403(a)) to make this application, as specified in the application. The undersigned also acknowledges that the information and statements made in the application are correct and the undersigned understands that development approvals are subject to revocation for false statements or misrepresentations made in securing the development approval, pursuant to N.C. Gen. Stat. § 160D-403(f).							
The undersigned indicates that the property owner(s) is aware of this application and that the proposed project described in this application will be maintained in all respects in accordance with the plans and specifications submitted herewith, and in accordance with the provisions and regulations of the City of Raleigh Unified Development Ordinance.							
The undersigned hereby acknowledges that, pursuant to state law (N.C.G.S. 143-755(b1), if this permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or if the applicant fails to respond to comments or provide additional information requested by the City for a period of six consecutive months or more, then the application review is discontinued and a new application is required to proceed and the development regulations in the time permit processing is resumed shall apply to the new application.							
Signature: Juli Gavaghan						Date.8/4/2023	
Printed Name: 67399 विश्व श्री श्री श्री श्री श्री श्री श्री श्री						T	
ignature:							

Page 2 of 2 REVISION 04.17.23



# PRELIMINARY SUBDIVSION PLANS FOR

# MID PINES TOWNHOMES

SUB-0047-2023

2523 MID PINES RD RALEIGH, NC 27606 PINS: 0792-05-0145, 0782-95-7409, AND 0782-95-7297 (PORTION)

Preli	minary Subdivi	sion Application		DEVEL OPMI	ENT TYPE + SITE DATE TABLE – ZONING INFORMATION	
Site Rev		orom Apphoacion	_`\!	Gross site acreage: 13.26	LINI THE TOTAL PATE TABLE - ZONING IN CHIMATION	
Planning and Development Customer Service Center • One Exchange Plaza, Suite 400   Raleigh, NC 27601   919-996-2500			n, NC 27601   919-996-2500	Zoning districts (if more than one	e, provide acreage of each):	
INSTRUCTIONS: This form is used when submitting a Preliminary Subdivision (UDO Section 10.2.5). Please check the				R-6-CU		
appropriat	te review type and include the p	olan checklist document. Please em	ail all documents and your preliminary	Overlay district(s): SWPOD	Inside City Limits? Ves No Historic District/Landmark: N/A	
subdivisio	n plans to <u>SiteReview@raleigh</u>	nc.gov.		Conditional Use District (CUD) Case # Z-	Board of Adjustment Case # Design Alternate Case # DA-	
	DE	VELOPMENT OPTIONS (UDO Cha	apter 2)			
	Conventional Subdivision	Compact Development	Conservation Development	Imperious Area on Parcel(s):	STORMWATER INFORMATION  Impervious Area for Compliance (includes right-of-way):	
	Cottage Court	Flag lot	Frequent Transit Development Option		d total (sf) 151.081 Existing (sf) 27.377 Proposed total (sf) 154.975	
NOTE: S	Subdivisions may require City C	Council approval if located in a Histo	ric Overlay District.		NUMBER OF LOTS AND DENSITY	
		GENERAL INFORMATION		# of Detached House Lots:	# of Attached House Lots: # of Townhouse Lots: 58	
	sketch plan case number(s): S			# of Tiny House Lots:	# of Open Lots: 3 # of Other Lots (Apartment, General,	
	ment name (subject to approva			Total # of Lots: 61	Mixed Use, Civic):  Total # Dwelling Units: 58	
Property	Address(es): 2523 Mid Pines	s Rd			g district (UDO 1.5.2.F): 4.37 du/ac	
Recorde	d Deed PIN(s):	, 0782957409, and 078295729	7 (POPTION)			
	0/92050145	, 0782957409, and 078295729	7 (PORTION)		CIONATURE DI COV	
Building type(s):			Townhouse Apartment	Pursuant to state law (N.C. Gen. S	Stat. § 160D-403(a)), applications for development approvals may be made by the	
Gene	eral Building Mixed Use B	uilding Civic Building	Open Lot Tiny House		ding an option or contract to purchase or lease land, or an authorized agent of the lay also apply for development approval for such development as is authorized by the	
	CURRENT PROPE	RTY OWNER/APPLICANT/DEVEL	OPER INFORMATION	By submitting this application, the ι	undersigned applicant acknowledges that they are either the property owner or one	
Current F	Property Owner(s) Names: Isl	amic Association of Raleigh		the persons authorized by state law (N.C.G.S. 160D-403(a)) to make this application, as specified in the application. The undersigned also acknowledges that the information and statements made in the application are correct and the		
Company: Title:				undersigned also acknowledges that the information and statements made in the application are correct and the undersigned understands that development approvals are subject to revocation for false statements or misrepresentations made in securing the development approval, pursuant to N.C. Gen. Stat. § 160D-403(f).		
Address:	3020 Ligon St, Raleigh, NO	27607		·		
Phone #:		Email:		in this application will be maintained	e property owner(s) is aware of this application and that the proposed project described in all respects in accordance with the plans and specifications submitted herewith,	
Applican	t Name (If different from own	er. See "who can apply" in instru	ctions): Julie Gavaghan	and in accordance with the provision	ons and regulations of the City of Raleigh Unified Development Ordinance.	
	·	ntract purchaser Owner's auth		The undersigned hereby acknowledges that, pursuant to state law (N.C.G.S. 143-755(b1), if this permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or if the applicant fails to respond to comments or provide additional information requested by the City for a period of six consecutive months or more, then the application review is discontinued and a new application is required to proceed and the development		
Company	: Blue Heel Development, L	LC Address: 2300 Rexwoods D	r, Suite 120, Raleigh, NC 27607			
Phone #:	919.291.6364	Email: julie@blueheeldevel	opment.com	Signature:	rmit processing is resumed shall apply to the new application.  Date: 2/12/2024	
NOTE: pl	ease attach purchase agreen	nent or contract, lease or easeme	nt when submitting this form.	Printed Name: 701 fe davaghan	Bute.	
Develope	er Contact Names: Jon Frazi	er		Signature:	Date:	
	: FLM Engineering, Inc.	Title: Principal		Printed Name:		
	PO Box 91727, Raleigh, N					
Address:	, ,					
	919 610 1051	Fmail: ifrazier@flmenginee	ring com			
	919.610.1051	Email: jfrazier@flmenginee	ring.com	Page <b>2</b> of <b>2</b>	REVISION 0	

#### **Z-16-91 ZONING CONDITIONS**

- A. DEVELOPMENT OF THIS SITE WOULD LIMIT STORMWATER DISCHARGE RATE NOT TO EXCEED THAT ASSOCIATED WITH RURAL RESIDENTIAL-1
- B. DEVELOPMENT OF THIS SITE SHALL COMPLY WITH THE SECONDARY WATERSHED PROTECTION AREA REGULATIONS PER SECTION 10-3059 OF THE RALEIGH CITY (ZONING) CODE; AND,
- C. WHEN DEVELOPED AS A CLUSTER UNIT DEVELOPMENT, THE OWNER SHALL SUBMIT A PETITION FOR ANNEXATION TO THE CITY OF RALEIGH;
- D. DEVELOPMENT OF THIS SITE SHALL COMPLY WITH THE SWIFT CREEK WATERSHED PLAN, EXCEPT THE DENSITY SHALL REMAIN AT R-6 (6 UNITS/ACRE) OF 84 UNITS (14 AC).

SHEET	TITLE
C-1	COVER
C-2	EXISTING CONDITIONS & DEMOLITION PLAN
C-3	SUBDIVISION PLAN
C-4	UTILITY PLAN
C-5	GRADING & DRAINAGE PLAN
C-6	LANDSCAPING PLAN
C-7	LIGHTING PLAN
C-8	TREE CONSERVATION PLAN
C-9	VARIANCE APPROVAL DOCUMENTS

# **DEVELOPER:**

BLUE HEEL DEVELOPMENT, LLC
CONTACT: JULIE GAVAGHAN
2300 REXWOODS DR, SUITE 120
RALEIGH, NC 27607
919.291.6364
JULIE@BLUEHEELDEVELOPMENT.COM

## **ENGINEER OF RECORD:**

FLM ENGINEERING, INC CONTACT: JON FRAZIER, PE PO BOX 91727 RALEIGH, NC 27675 919.610.1051 JFRAZIER@FLMENGINEERING.COM



POST OFFICE BOX 91727 RALEIGH, NORTH CAROLINA 27675 PHONE: 919.610.1051 FIRM NC LICENSE NUMBER C-4222

	REVISION HISTORY				
REV #	DESCRIPTION	DATE	BY		
1	COR COMMENTS	2/12/2024	FLM		
1	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·			

ORIGINAL PLAN SIZE: 24" X 36"

PRELIMINARY
PLANS
DO NOT USE FOR CONSTRUCTION

ACCORDINGLY

PRELIMINARY SUBDIVISION
PLANS
SUB-0047-2023

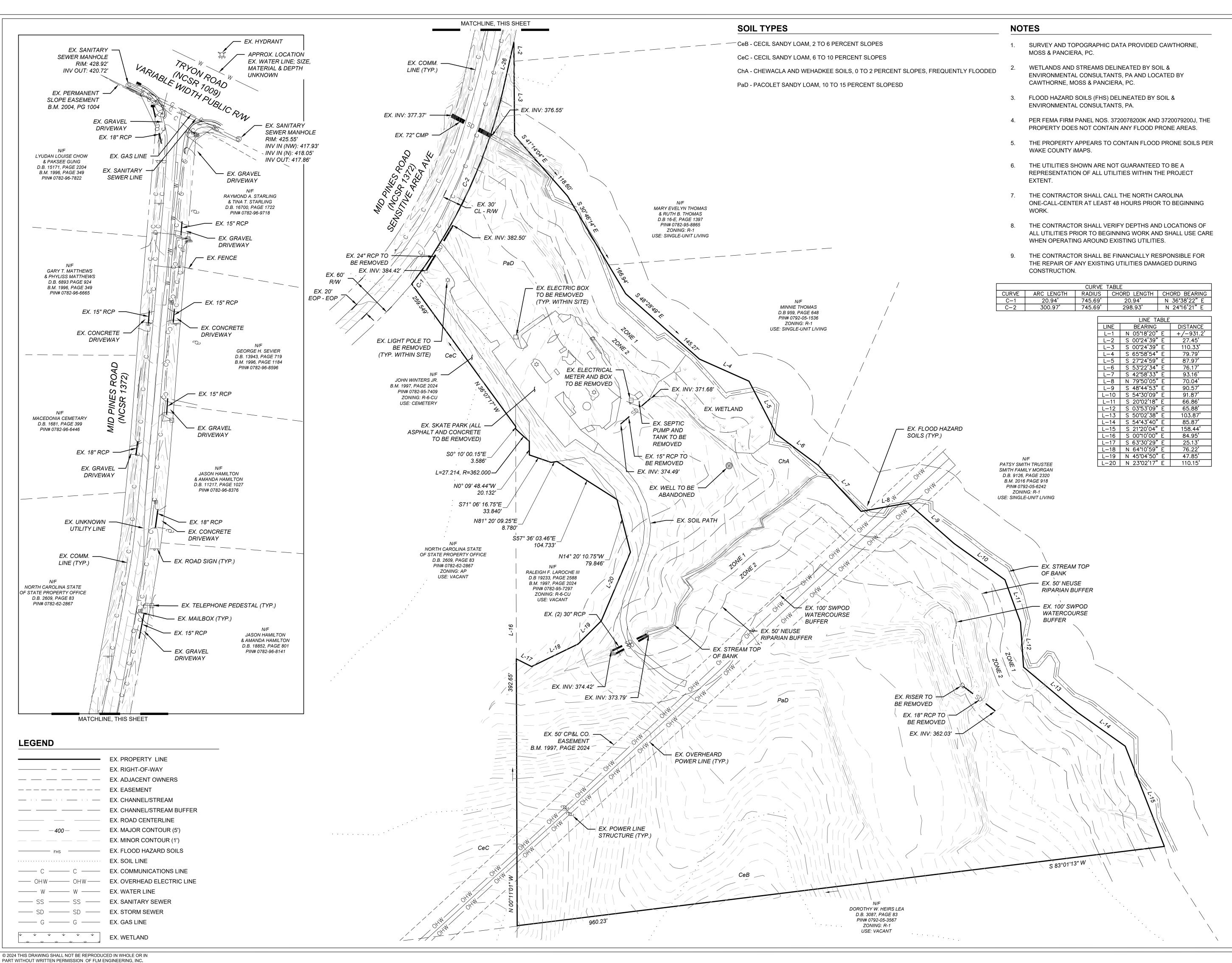
MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

COVER

**C-1**SHEET 1 OF 9





**REVISION HISTORY** 

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

**PRELIMINARY PLANS** DO NOT USE FOR CONSTRUCTION

SCALE: 1 INCH = 60 FEET SCALE ADJUSTMENT THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING

ACCORDINGLY PRELIMINARY SUBDIVISION **PLANS** 

IF IT IS NOT 1 INCH ON THIS

SHEET, ADJUST YOUR SCALE

MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606

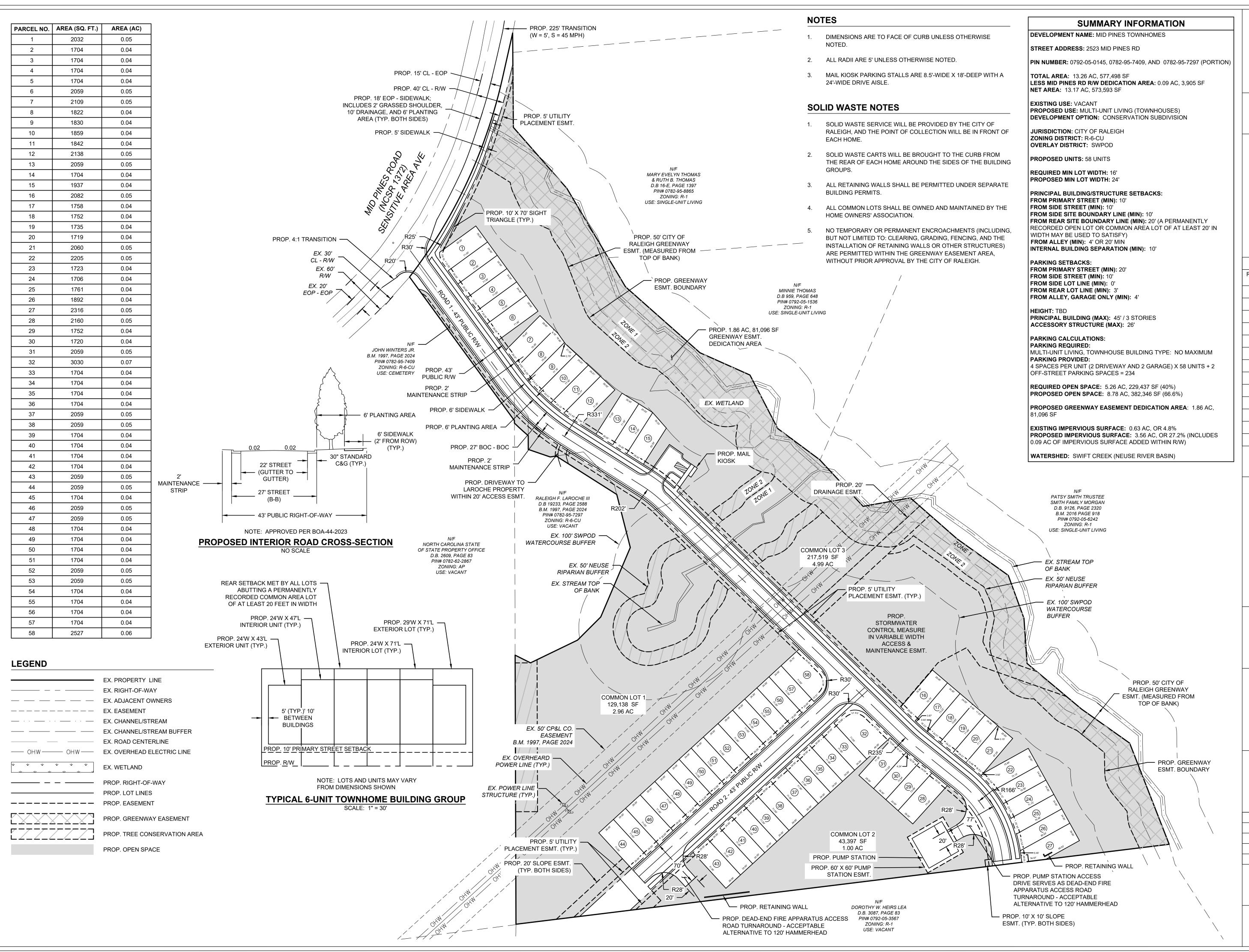
SUB-0047-2023



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

**EXISTING CONDITIONS & DEMOLITION PLAN** 

SHEET 2 OF 9





**ENGINEERING** 

REVISION HISTORY

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

PRELIMINARY PLANS

DO NOT USE FOR CONSTRUCTION

SCALE: 1 INCH = 60 FEET

SCALE ADJUSTMENT

THIS BAR IS 1 INCH IN LENGTH

ON ORIGINAL DRAWING

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IF IT IS NOT 1 INCH ON THIS
SHEET, ADJUST YOUR SCALE
ACCORDINGLY

PRELIMINARY SUBDIVISION
PLANS
SUB-0047-2023

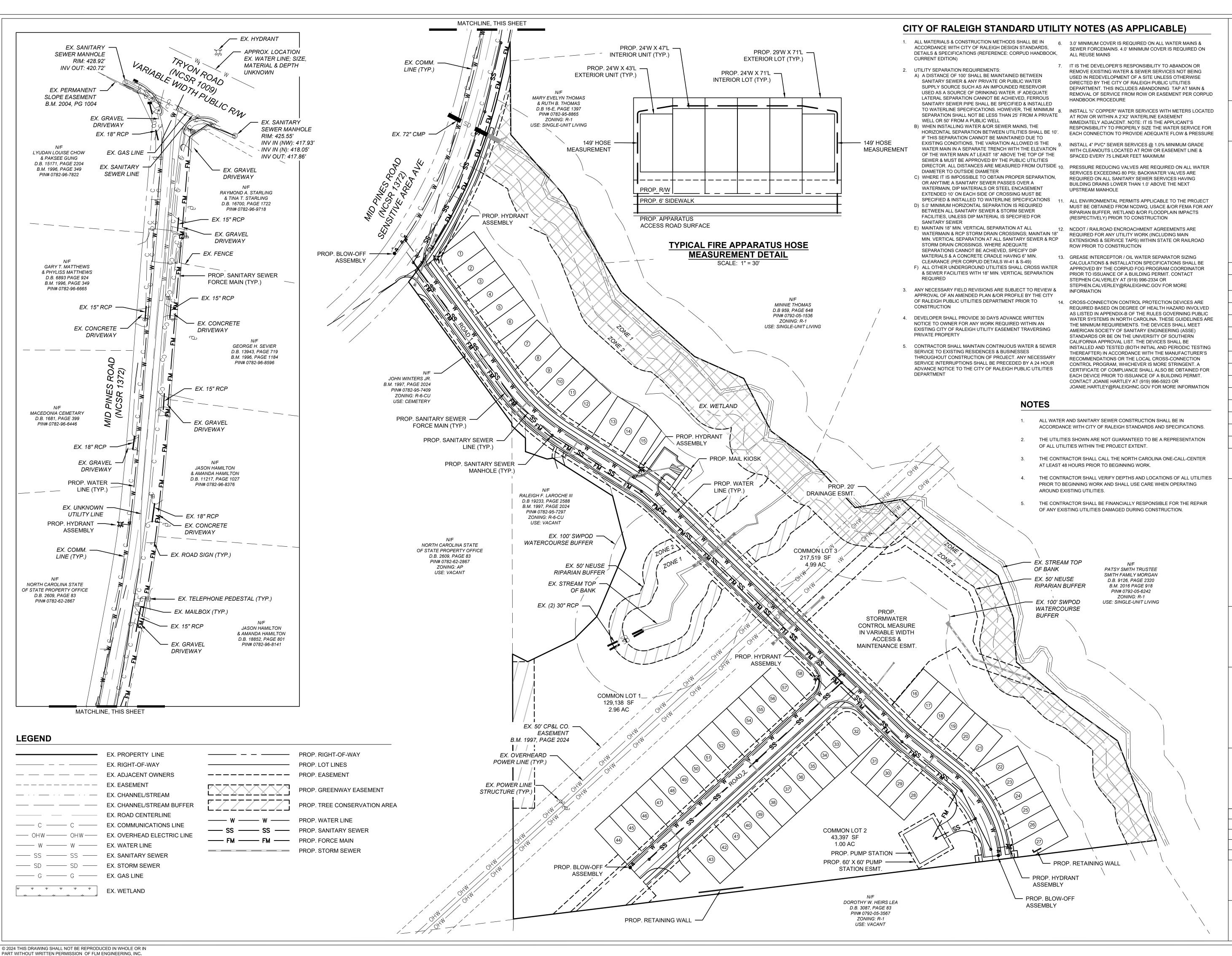
MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606

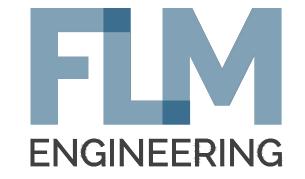


DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001
	•

SUBDIVISION PLAN

**C-3**SHEET 3 OF 9





**REVISION HISTORY** 

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

**PRELIMINARY PLANS** DO NOT USE FOR CONSTRUCTION

SCALE: 1 INCH = 60 FEET SCALE ADJUSTMENT THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING

> IF IT IS NOT 1 INCH ON THIS SHEET, ADJUST YOUR SCALE ACCORDINGLY

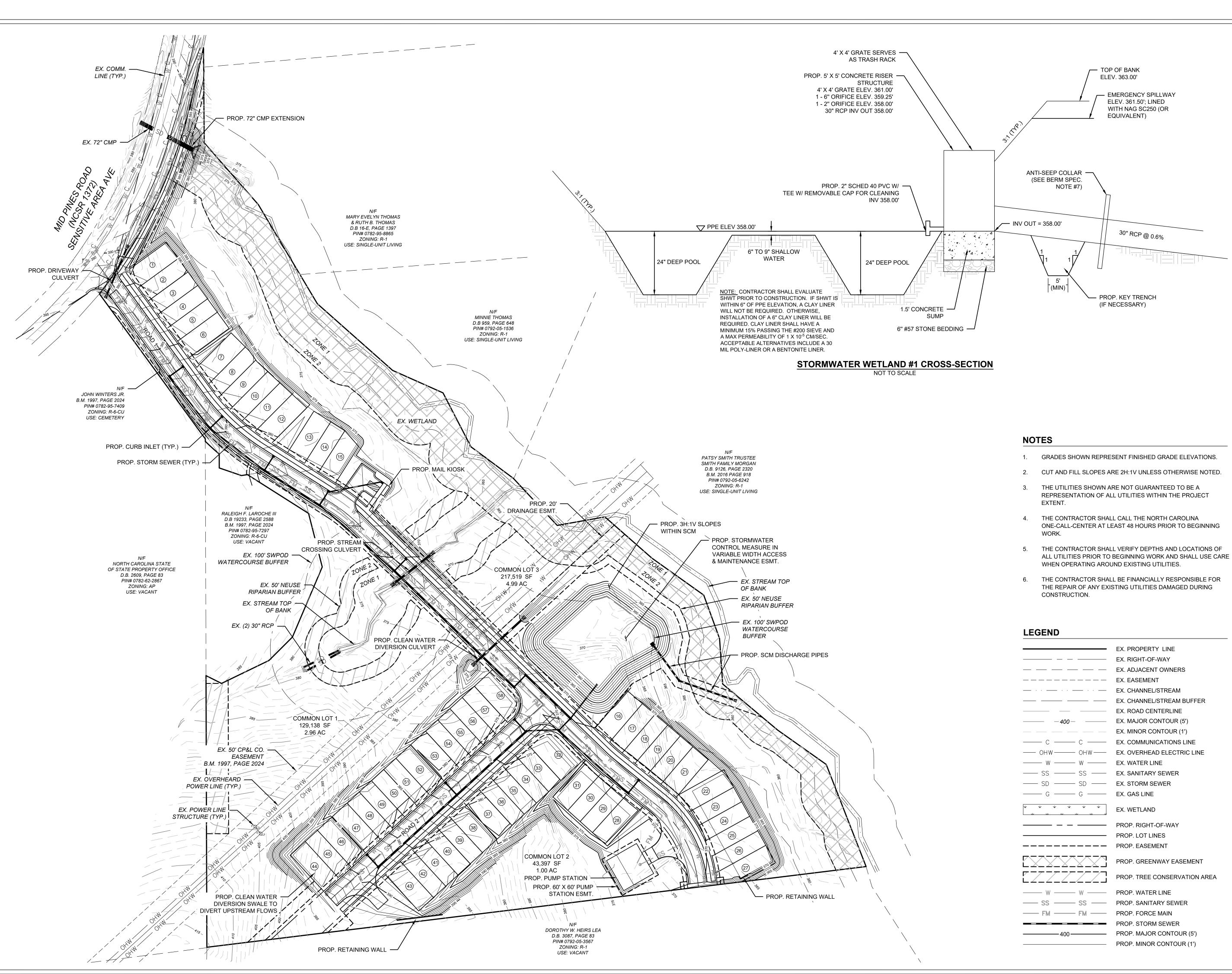
PRELIMINARY SUBDIVISION PLANS SUB-0047-2023

MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

UTILITY PLAN



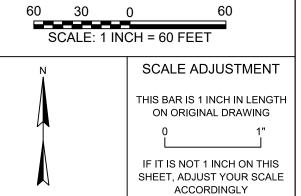


	REVISION HISTORY		
REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

PRELIMINARY PLANS

DO NOT USE FOR CONSTRUCTION



PRELIMINARY SUBDIVISION PLANS SUB-0047-2023

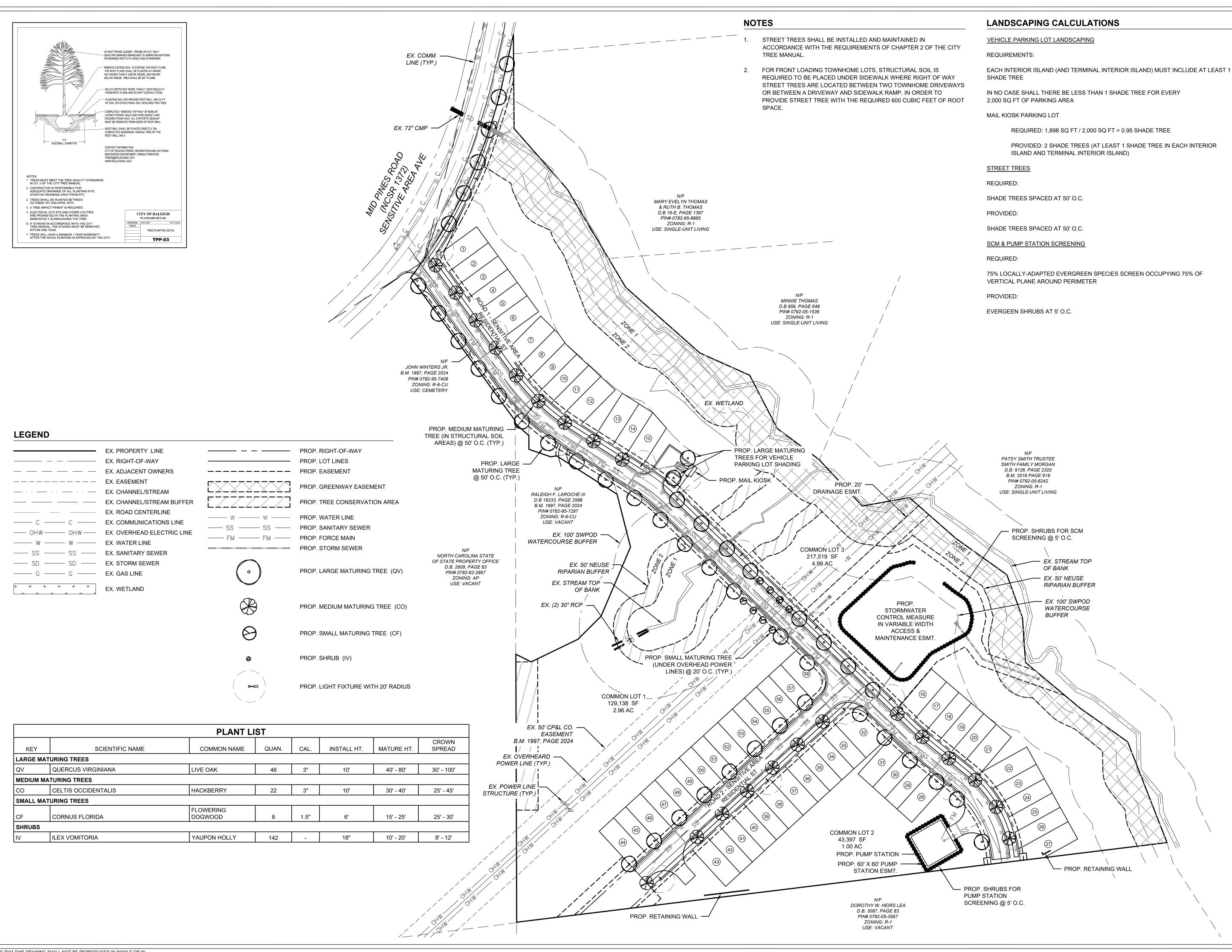
MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

GRADING & DRAINAGE PLAN

**C-5**SHEET 5 OF 9





**REVISION HISTORY** 

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM
	·	•	-

ORIGINAL PLAN SIZE: 24" X 36"

PRELIMINARY PLANS

DO NOT USE FOR CONSTRUCTION

SCALE: 1 INCH = 60 FEET

SCALE ADJUSTMENT

THIS BAR IS 1 INCH IN LENGTH
ON ORIGINAL DRAWING

IF IT IS NOT 1 INCH ON THIS SHEET, ADJUST YOUR SCALE ACCORDINGLY

PRELIMINARY SUBDIVISION
PLANS
SUB-0047-2023

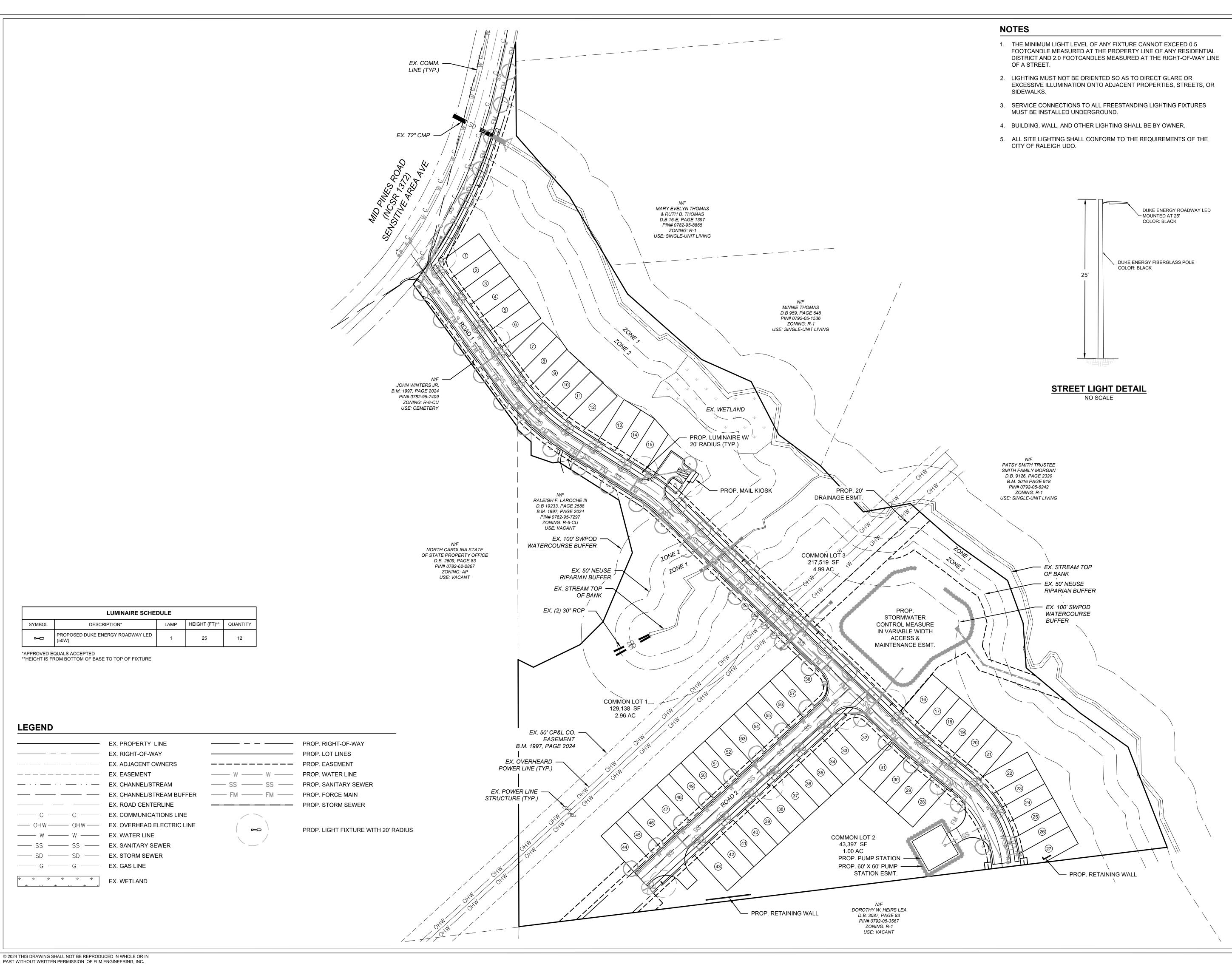
MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

LANDSCAPING PLAN

**C-6** 





#### **REVISION HISTORY**

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

### **PRELIMINARY PLANS**

DO NOT USE FOR CONSTRUCTION

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SCALE: 1 INCH = 60 FEET SCALE ADJUSTMENT THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING IF IT IS NOT 1 INCH ON THIS SHEET, ADJUST YOUR SCALE

ACCORDINGLY

PRELIMINARY SUBDIVISION **PLANS** SUB-0047-2023

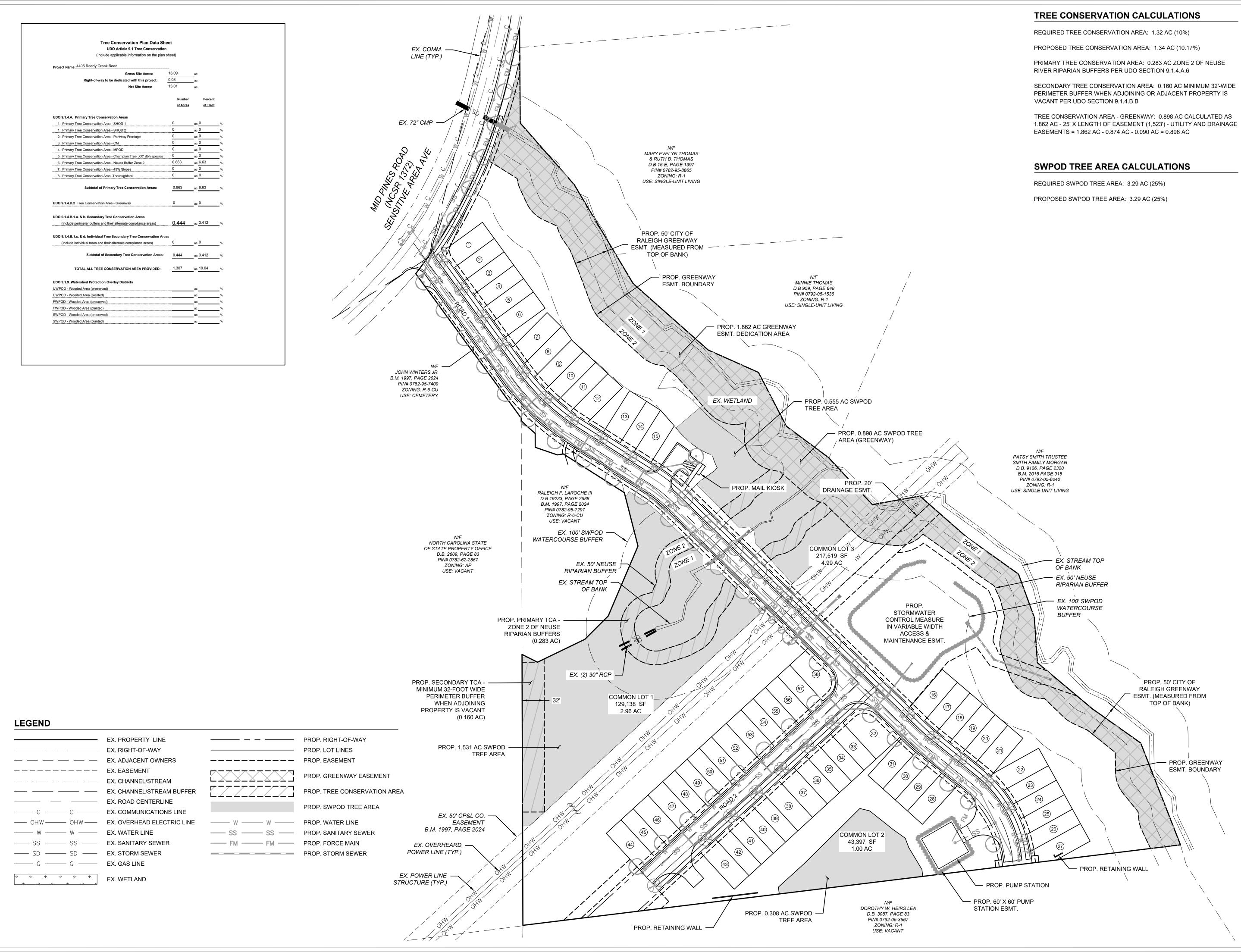
MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

LIGHTING PLAN

SHEET 7 OF 9





#### REVISION HISTORY

REV #	DESCRIPTION	DATE	BY
1	COR COMMENTS	2/12/2024	FLM

ORIGINAL PLAN SIZE: 24" X 36"

PRELIMINARY PLANS

DO NOT USE FOR CONSTRUCTION

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SCALE: 1 INCH = 60 FEET

SCALE ADJUSTMEN

ACCORDINGLY

PRELIMINARY SUBDIVISION
PLANS
SUB-0047-2023

MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

TREE CONSERVATION PLAN

**C-8**SHEET 8 OF 9

# Rodney L. Swink (City), Chairman Cathy Rudisill (City), Vice Chair Marvin T. Butler (County), Secretary Suzanne Prince (City) Steven A. Kenney (City) Kay Crowder (City Alternate) Ryan Torrey (City Alternate) These are summary minutes unless otherwise indicated. The following Planning Staff were sworn: Zoning Administrator Justin Rametta to the Board, the Raleigh City Council voted to elevate Suzanne Prince to a regular member. RALEIGH BOARD OF ADJUSTMENT – CATHY RUDISILL ELECTED VICE CHAIR Chairman Swink noted with Vice Chairman Michael opting to not seek reappointment to the Board a vacancy was created for the position of Vice Chair and opened the floor for nominations. Board member Prince nominated Cathy Rudisill for the office of Vice Chair with Board Member Rudisill Raleigh Board of Adjustment RALEIGH BOARD OF ADJUSTMENT – 2024 MEETING CALENDAR – MARCH 11 AND APRIL 8 MEETINGS – STARTING TIMES CHANGED FO 9:00 A.M.; NOVEMBER 11 MEETING - DATE CHANGED TO WEDNESDAY, NOVEMBER 13 STARTING AT Planning Supervisor Keegan McDonald noted Board members received an email regarding alternate dates and times for the meetings in March, April, and November. He indicated the City Council scheduled budget work sessions for March 11 and April 8 beginning at 4:00 p.m. and so suggested that the Board's meeting times be moved up to 9:00 a.m. noting the Board's June meeting was regularly scheduled to begin at 9:00 a.m. as that was the same day as a regularly Senior Planner McDonald also noted that the Board's November meeting falls on a City Holiday (Veterans Day); and suggested the meeting date be changed to Wednesday, November 13, 2024 at 1:00 p.m. in the Council Chamber. Without objection, the Board authorized the changes. RALEIGH BOARD OF ADJUSTMENT - RESPONSIBILITIES OF ALTERNATE Board Member Crowder requested a meeting with Senior Associate City Attorney Hill to discuss what responsibilities an Alternate member has regarding discussions, asking questions during hearings, etc. ADJOURNMENT There being no further business, Chairman Swink declared the meeting adjourned at 2:23 p.m. Ralph L. Puccini, III Deputy City Clerk

Raleigh Board of Adjustment DRAFT RALEIGH BOARD OF ADJUSTMENT MINUTES No other nominations were offered; therefore, Chairman swink closed the nominations and called The Raleigh Board of Adjustment met in met in a regularly scheduled meeting at 1:00 p.m. on for a vote to confirm Board Member Rudisill as Vice Chair that resulted in all Board members voting in the affirmative except Board Member Rudisill who did not participate. Chairman Swink Monday, January 8, 2024, in the City Council Chamber, Room 201 of the Raleigh Municipal Building, 222 West Hargett Street, Raleigh, North Carolina with the following present: ruled the nomination confirmed on a 6-0 vote and Board member Rudisill confirmed as Vice Chair BOARD OF ADJUSTMENT – CASES DEFERRED OR WITHDRAWN Senior Associate City Attorney Catherine Hill Zoning Administrator Justin Rametta Planning Supervisor Keegan McDonald The following application was heard with action taken as shown. Senior Planner Justin Bucher Deputy City Clerk Ralph Puccini BOA-0044-2023 - 1/8/2024 0, 2023, 2521, 2523 Mid Pines Road **Decision:** Approved the alternate variance request (that all new and existing public street as described as Proposed Interior Road Cross-Section on the attached plan Chairman Swink called the meeting to order and read the rules of procedure. The Board members including the following specific variances to UDO Section 8.5.4.B), with the 1. If the subject property is developed with either (a) an alternate public street section or (b) townhomes fronting on a private street, parking lot drive aisle, an alternate street section serving the property with the following minimum elements shall be provided: Right-of-way 43' RALEIGH BOARD OF ADJUSTMENT - KAY CROWDER SWORN IN AS CITY b. Travel lane 20'c. Maintenance strip 2'-both sides d. Planting strip 6' one side Chairman Swink and various Board members welcomed former Raleigh City Council member Kay Crowder to the Board as the City's newest Alternate Member appointed by the City Council. Deputy City Clerk Ralph Puccini administered the Oath of Office and Ms. Crowder took her place 2. On the side of any street within the development which does not include a planting strip, Shade Trees (as defined by the UDO) shall be planted within an 8 foot wide landscape easement for the entire length of the road, spaced RALEIGH BOARD OF ADJUSTMENT - SUZANNE PRINCE ELEVATED TO FULL shall be maintained by the private property owner and/or HOA. Chairman Swink noted that with Vice Chairman Michael Rainey opting to not seek reappointment

access to the cemetery and that the townhomes would be connected to both city water and sewe Ms. Mattox presented a copy of a Traffic Engineer letter to assert that the project would produce at 40 feet on center. The landscape easement shall provide that such trees 418 daily trips with 32 AM peak trips and 18 PM peak trips and that the street cross section woul Whereas, Islamic Association of Raleigh and Raleigh F LaRoche III, property owners, request a 950 feet variance from the requirement that townhomes fronting on parking lots or drive aisles be within 300 feet of the intersection of an access point and a dedicated public street pursuant to UDO Section 8.3.3.A.3; or in the alternative; that all new and existing public street requirements be Chairman Swink noted with the 950 feet variance request the street would be built as a private road and questioned whether there were plans for street maintenance in place with Ms. Mattox responding her client would provide \$800 per townhome unit in a reserve fund for HOA road varied to be in substantial accordance with the modified street type as described as Proposed maintenance asserting the street would be built over and above city standards. Interior Road Cross-Section on the attached plan including the following specific variances to UDO Section 8.5.4.B: i) a 16 feet variance from the 59 feet right-of-way width requirement pursuant to UDO Sec. 8.5.4.B.A; ii) a 4 feet variance from the 31 feet back-of-curb to back-ofproposed condition with Ms. Mattox was responding in the affirmative. Chairman Swink curb requirement pursuant to UDO Sec. 8.5.4.B.B; iii) a variance for complete relief from the 6 uestioned whether there was a way for the city to enforce such a condition on private property

2523 MID PINES ROAD, RALEIGH, NO

2521 MID PINES ROAD, RALEIGH, NC 0 MID PINES ROAD, RALEIGH, NC

CASE BOA-0044-2023

CITY OF RALEIGH BOARD OF ADJUSTMENT

City of Raleigh Unified Development Ordinance (the "UDO") came before the Raleigh Board of

Adjustment (the "BOA") on January 8, 2024 for an evidentiary hearing. Based on the testimony of the witnesses, the documentary evidence, the Variance Application and related materials, the exhibits and other evidence presented at the January 8, 2024 hearing, the BOA finds that the Variances from UDO

Section 8.5.4.B. should be granted, with conditions, and in support thereof makes the following Findings

FINDINGS OF FACT

• 2523 Mid Pines Road, Raleigh, NC (PIN 0792-05-0145); 13.09 acres;

0 Mid Pines Road, Raleigh, NC (PIN 0782-95-7297); 0.93 acres.

2521 Mid Pines Road, Raleigh, NC (PIN 0782-95-7409); 0.14 acres; and

2. The Property is zoned Residential-6; Conditional Use and is located in the Swift Creek Watershed Protective Overlay District (R-6-CU with SWPOD).

3. The Property Owners are: Islamic Association of Raleigh (2523 Mid Pines Road); John Winters, Jr. (2521 Mid Pines Road); and Raleigh F. LaRoche, III (0 Mid Pines Road) (collectively the

6. The Property Owners wish to construct a new, 58 unit townhouse development on the

Pursuant to UDO Section 8.3.3., every lot shall have frontage on a public street; however,

Property (the "Project"). The Project includes the construction of a new interior road (the "interior Road"), providing access from the Property's frontage along Mid Pines Road to the rear of the Property.

a townhouse lot or townhouse building/structure may front on parking lots or drive aisles, provided that

the entrance of each townhouse unit is located within 300 feet of the intersection of an access point and

The Property's northwestern (front) property line abuts Mid Pines Road.

size. Specifically, the Property includes the following:

The Property is currently vacant.

This application for variances from Section 8.3.3.A.3, or in the alternative Section 8.5.4.B., of the

The property at issue (the "Property") consists of 3 parcels of land, totaling 14.16 acres in

8. Pursuant to the UDO, if the new Interior Road is a public road, it must comply with the right-of-way and streetscape requirements for Neighborhood Local streets, as set forth in UDO Section 9. In order to construct the Project, the Property Owners request either: i. a 950' variance from the requirement that townhomes fronting on parking lots or

Raleigh Board of Adjustment

6-feet wide sidewalk.

et sidewalk requirement on one side of the street pursuant to UDO Sec. 8.5.4.B.E; iv) a variance

for complete relief from the 6 feet planting area requirement on one side of the street; and v) a 2-

782957409) zoned Residential-6 Conditional Use and Swift Creek Watershed Pro

eet variance from the 15.5 feet parallel parking/travel lane requirement for each travel lane, on a 3.09-acre (PIN 0792050145), 0.93-acre property (PIN 0782957297), and 0.14-acre property (PIN

District (R-6-CU, SWPOD) and located at 2523 Mid Pines Road, 0 Mid Pines Road and 2521 Mid

Senior Planner Justin Bucher (sworn) used a PowerPoint presentation to summarize the

information he presented aerial photos and a copy of the proposed site plan, cited the UDO sections impacted, and outlined the Applicants' proposed conditions.

Attorney Isabel Mattox, P.O. Box 946, Raleigh, NC, representing Blue Hill Development,

yould be set 1,200 feet from the public right-of-way (ROW) and provide a substantial street

section for a private street; or 2) construct a public street with variances from the City's public

street standards including landscape and sidewalk width including a condition for additional

Chairman Swink questioned whether the alternatives were the same as illustrated in the in the

drawings included in the application packet with Ms. Mattox responding in the affirmative and

presented a slide of the proposed street cross section showing a 6-feet wide street planting and a

Ms. Mattox argued hardships include an existing stream buffer as well as the lot's odd shape with

narrow street frontage along Mid Pines Road and pointed out the property is within the secondary

watershed area with the Comprehensive Plan calling for R-6 zoning. She noted R-6 zoning allows up to 78 townhome units while her client proposes 58 and pointed out a portion of the property

includes a family cemetery with very limited access and that the project would include paved

requests were appropriate given the proposed low-intensity development

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drive aisles be within 300° of the intersection of an access point and a dedicated public street pursuant to UDO Section 8.3.3.A.3; or ii. in the alternative; that all new and existing public street requirements be varied to be in substantial accordance with the modified street type as described as Proposed Interior Road Cross-Section on the plan attached to the application<sup>1</sup>, including the following specific variances to UDO Section 8.5.4.B: a) a 16' variance from the 59' right-of-way width requirement pursuant to UDO Sec. 8.5.4.B.A; b) a 4' variance from the 31' back-of-curb to back-of-curb requirement pursuant to UDO Sec. 8.5.4.B.B; c) a variance for complete relief from the 6' sidewalk requirement on one side of the street pursuant to UDO Sec. 8.5.4.B.E; d) a variance for complete relief from the 6' planting area requirement on one side of the street; and e) a 2foot variance from the 15.5' parallel parking/travel lane requirement for each travel

(the "Variance Requests"). The Variance Requests require approval from the BOA, pursuant to the UDO. . The shape of the Property is such that there is a bottleneck near the Property's entrance to Mid Pines Road. As a result, the Property is narrowest as it approaches and addresses Mid Pines Road. 2. The rear portion of the Property, furthest from Mid Pines Road, is the largest portion of 3. Due to the shape of the Property, there is approximately 1,246 feet from the Property's

frontage along Mid Pines Road to the furthest townhome unit located at the rear of the Property. As such, struction of an interior road is required, in order to provide vehicular access to all townhomes at 14. There is an existing Neuse Riparian Buffer located at the Property, which prevents the development of the Project within the buffer area. The existing Neuse Riparian Buffer partially dictates where development may be located at the Property.

The Project's Proposed Interior Road Cross-Section is shown on the Applicant's Design Alternate Exhibit, Sheet C-1, which is attached hereto and incorporated herein by reference.

15. The shape of the Property, including the narrow, bottle neck, width of the Property along the Property's frontage to Mid Pines Road, as well as the existing Neuse Riparian Buffer area, makes it difficult to install a public street that complies with all requirements of UDO Section 8.5.4.B. 16. Allowing the Project with the Variance Requests from UDO Section 8.5.4.B. would allow the construction of a public, Interior Road, with modifications that will allow the Interior Road to have

more narrow cross-section, than if the road was constructed in accordance with UDO Section 8.5.4.B

 Without the Variance Requests from UDO Section 8.5.4.B., the required elements in the public street section would consume significantly more land area for impervious surface, which is not desirable in the water supply watershed areas. Allowing the alternative Variance Request from UDO Section 8.5.4.B., as opposed to the Variance Request from UDO Section 8.3.3.A.3., will allow for the Interior Road to be a public street, instead of a private street. 19. The Interior Road Cross-Section will still adequately serve the Property by providing a

20-foot travel lane, grass shoulders and planting strips and sidewalk on one side. The travel lanes, planting strip and sidewalk will be the same widths required in the Sensitive Area Residential Street cross-section 20. The Interior Road Cross-Section will satisfy the intent of the UDO by providing safe, 21. The Interior Road Cross-Section will also allow for much shorter driveways for many of the townhomes, which will result in a further reduction of impervious surfaces. CONCLUSIONS OF LAW

Pursuant to the foregoing FINDINGS OF FACT and UDO Section 10.2.10.D.3, the BOA

1. The alternative Variance Requests from UDO Section 8.5.4.B. (specifically, that all new and existing public street requirements be varied to be in substantial accordance with the modified street type as described as Proposed Interior Road Cross-Section on the attached plan including the specific variances requested to UDO Section 8.5.4.B), be granted with the following i. If the subject property is developed with either (a) an alternate public street section

or (b) townhomes fronting on a private street, parking lot drive aisle, an alternate street section serving the property with the following minimum elements shall be Right-of-way 43' Travel lane 20' Maintenance strip 2'-both sides

was no official public park at that location and reiterated her client will hold discussions with the neighbors going forward. Chairman Swink closed the hearing.

Requests for Notification

Raleigh Board of Adjustment

**Board Deliberations** Chairman Swink outlined the variance options as well as conditions with Board Member Prince indicating she was inclined to go with the public street option as she would prefer that option for maintenance purposes and Chairman Swink talking about the pros and cons for having a public

responding in the affirmative and Zoning Administrator Rametta pointing out the trees would be placed outside the 40 feet ROW and the HOA would maintain them.

Discussion took place regarding the language for the tree planting condition with Chairman Swink noting as he was a landscape architect this condition is important and Ms. Mattox requesting a brief recess in order to work with staff and the Boards' Attorney on the language. Chairman Swink announced a recess at 2:05 p.m.

At 2:15 p.m. Chairman Swink called the hearing back to order. Ms. Mattox indicated she, staff, and the City's Attorney collaborated on the language regarding trees with Attorney Hill reading the following condition:

"On the side of any street within the development which does not include a planting strip, Shade Trees (as defined by the UDO) shall be planted within an 8 foot wide landscape easement for the entire length of the road, spaced at 40 feet on center. The landscape Raleigh Board of Adjustment easement shall provide that such trees shall be maintained by the private property owner

Chairman Swink indicated there seems to be consensus among the Board members for the Public Street option, which he favored, and suggested that Ms. Mattox and her client meet with the Discussion took place regarding whether to vote on the matter or defer taking action to a future

indicating that was correct.

Vice Chair Rudisill noted the City would address the drainage issues and so was not sure a deferral

agenda with Vice Chair Rudisill clarifying the graveyard concerns were addressed and Ms. Mattox

planting. His motion was seconded by Board member Prince and received the following vote: es – 5 (Butler, Prince, Swink, Rudisill, Butler); Noes – 0. Chairman Swink ruled the motion adopted and the variance granted with conditions. The Board's written decision with findings of facts and conclusions of law are attached hereto and

MINUTES, FINDINGS OF FACT AND CONCLUSIONS OF LAW - DECEMBER 11, 2023 BOARD OF ADJUSTMENT MEETING – APPROVED AS PRESENTED Chairman Swink indicated members received copies of the minutes, and the findings of fact and conclusions of law from the Board's December 11, 2023, meeting.

There being no questions or corrections, Board Member Prince moved to approve the December 11, 2023 minutes and findings of act and conclusions of law, as presented. Her motion was seconded by Secretary Butler and received the following vote: Ayes – 7 (Prince Butler, Swink, Rudisill Kenney, Crowder, Torrey): Noes – 0. Chairman Swink ruled the motion adopted on a 7 0 vote and the December 11, 2023 minutes, findings of fact and conclusions of law, approved as

REPORT OF THE BOARD'S ATTORNEY No Report

REVISION HISTORY

BY DESCRIPTION DATE COR COMMENTS 2/12/2024 FLM

ORIGINAL PLAN SIZE: 24" X 36"

**PRELIMINARY** PLANS

DO NOT USE FOR CONSTRUCTION

SCALE ADJUSTMENT THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING

IF IT IS NOT 1 INCH ON THIS SHEET, ADJUST YOUR SCALE ACCORDINGLY

PRELIMINARY SUBDIVISION PLANS SUB-0047-2023

MID PINES TOWNHOMES 2523 MID PINES ROAD RALEIGH, NC 27606



DATE:	08-02-2023
SCALE:	AS SHOWN
DESIGNED BY:	FLM
APPROVED BY:	FLM
PROJECT NO.:	23001

VARIANCE APPROVAL **DOCUMENTS** 

SHEET 9 OF 9

road noting the Applicant proposed a private road with funds set aside for maintenance though he was not sure those funds would be adequate and Secretary Butler opining either option would be Secretary Butler indicated he was satisfied with the Applicant's statements. He moved to grant Further discussion took place regarding the variance options and conditions with Board Member Prince indicating she had a question for staff. Chairman Swink reopened the hearing. Board member Prince questioned whether the city would require trees greater than 15 feet in height with Zoning Administrator Rametta noting the UDO requires shade trees that grow to at least 35 are incorporated herein by reference. feet. Board Member Prince questioned whether the Applicant would be willing to change the tree height to 35 feet with Ms. Mattox responding her client was going for planting understory trees, but was willing to increase the height to 35 feet. Board Member Prince questioned whether the individual property owners or the HOA would maintain the trees at some point with Ms. Mattox

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Alvin Braswell, 3215 Mid Pines Road (sworn), pointed out there are no sidewalks along Mid Pines Road and expressed concern regarding pedestrian safety and indicated he wanted to be assured adequate siltation control would be in place.

Ms. Mattox indicated she wished there was outreach to the neighbors before and asserted there would be outreach after the hearing. She reiterated there would be paved access to the cemeter that the street would meet EMS access standards, and indicated her client could not address the lack of sidewalks on Mid Pines Road. She argued the project would meet the city's standards requiring stormwater runoff rates being the same before, during, and after construction and ndicated it was her understanding some skateboarders used the parking lot on weekends, but there

> DRAFT RALEIGH BOARD OF ADJUSTMENT MINUTES

The Raleigh Board of Adjustment met in met in a regularly scheduled meeting at 1:00 p.m. on Monday, January 8, 2024, in the City Council Chamber, Room 201 of the Raleigh Municipal Building, 222 West Hargett Street, Raleigh, North Carolina with the following present:

Rodney L. Swink (City), Chairman Cathy Rudisill (City), Vice Chair Marvin T. Butler (County), Secretary Suzanne Prince (City) Steven A. Kenney (City)
Kay Crowder (City Alternate) Deputy City Clerk Ralph Puccini

Ryan Torrey (City Alternate)

Chairman Swink called the meeting to order and read the rules of procedure. The Board members

The following Planning Staff were sworn:

RALEIGH BOARD OF ADJUSTMENT - KAY CROWDER SWORN IN AS CITY

RALEIGH BOARD OF ADJUSTMENT – SUZANNE PRINCE ELEVATED TO FULL

to the Board, the Raleigh City Council voted to elevate Suzanne Prince to a regular member RALEIGH BOARD OF ADJUSTMENT - CATHY RUDISILL ELECTED VICE CHAIR Chairman Swink noted with Vice Chairman Michael opting to not seek reappointment to the Board a vacancy was created for the position of Vice Chair and opened the floor for nominations. Board member Prince nominated Cathy Rudisill for the office of Vice Chair with Board Member Rudisill

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Mr. Ahlers expressed concern regarding access to the cemetery impacting possible unmarked graves and questioned the city's annexation policy as the subject property was not contiguous to the city limits. He also questioned how the street would be maintained expressed concern garding the increase in traffic and its impact on Tryon Road and whether a traffic impact analys (TIA) was conducted with Chairman Swink responding the Applicant conducted as study and Mr. Frazier pointing out the project did not meet the city's standards for a TIA; however, the study was conducted per the International Traffic Engineering Manual and, as for cemetery access, his client and that the access road would not be located near them. Ms. Mattox asked Mr. Frazier to address access for EMS and fire with Mr. Frazier asserting all

Senior Associate City Attorney Catherine Hill advised participants to refrain from directly

questioning each other and address all questions to the Board with Chairman Swink suggesting that Mr. Ahlers speak with Senior Planner Bucher regarding city standards.

Raleigh Board of Adjustment

Lee Tillett, 3008 Mill Pines Road (sworn), expressed concern with the gravity sewer line feeding an electric powered pump station in an area that loses power during a storm and questioned whether there would be a generator used with Chairman Swink questioning Mr. Tillett whether he had expertise in this matter and Mr. Tillett responding in the affirmative as he is a licensed co with experience in water and sewer installation and Mr. Frazier asserting there would be a public pump station with an emergency generator noting those plans would be reviewed and approved by

Chairman Swink noted a lot of the issues raised should have been discussed with the neighbors ahead of this hearing with Ms. Mattox arguing neither she nor her client heard from the neighbor until now and that she was willing to meet with the neighbors to discuss their concerns and

Mr. Frazier talked about traffic patterns on Tryon Road noting drivers entering Tryon Road from

dollars invested in it. Chairman Swink questioned whether Mr. Cameron lived near the park with Kem Ahlers, 3408 Mid Pines Road (sworn), questioned whether the project had been assessed fo emergency services access with the narrower street and no turnaround with Mr. Frazier asserting the project would be assessed by the Raleigh Fire Department noting NCDOT requires a 20-feet

with Zoning Administrator Justin Rametta (sworn) noting staff did not often receive such

conditions noting the planting would be as per the City's Shade Tree standards and if the Applicant

Discussion took place regarding the proposed tree maintenance condition as well as public versus

private street standards with Vice Chair Rudisill questioning whether there would be recorded

covenants addressing tree and street maintenance and Ms. Mattox responding in the affirmative as the trees and street would be part of the common area.

John Buettner, 3001 Mid Pines Road (sworn), expressed concern regarding Mid Pines Road

flooding in a high rain event noting that portion of Mine Pines Road floods often and cuts off the neighborhood and expressed fear the project would result in more residents impacted by flooding.

Ms. Mattox questioned whether Mr. Buettner any background in stormwater engineering with Mr.

John Frazier, FLM Engineering (sworn), in response to a request from Chairman Swink to

opined the project would meet those standards and, as for flooding, the City is requiring a flood

study noting the Mine Pines Road is NCDOT-maintained and so culvert standards come into play.

residences have to hook up if water and sewer lines are brought in with Zoning Administrator

Rametta responding properties annexed into the city will have to hook up to city utilities; however,

Elijah Cameron, 1528 Sterling Green Drive, Morrisville, NC (sworn), read a statement in

opposition claiming the property was used as a neighborhood park and called for its preservation. Chairman Swink questioned how long the park was in place with Mr. Cameron responding 10

years. Chairman Swink questioned whether the property was used with the owners' permission with Mr. Cameron asserting the park has been a community effort for 10 years and Ms. Mattox arguing the property owners had allowed skateboarders to use the parking lot but had contracted

to sell the property and Mr. Cameron countering there was a park there with many thousands of

proposes the trees planted on their property staff may want a maintenance agreement.

wide street and that turnarounds would be alternatives to cul-de-sacs.

water line and no circular line installed especially when the water line is flushed with Mr. Frazier asserting the water and sewer would be designed in accordance with city standards.

Planting strip 6' one side

On the side of any street within the development which does not include a planting strip, Shade Trees (as defined by the UDO) shall be planted within an 8 foot wide landscape easement for the entire length of the road, spaced at 40 feet on center. The landscape easement shall provide that such trees shall be maintained by the private property owner and/or HOA 2. The Applicant/Property Owners have submitted competent, material and substantial evidence to

i. an unnecessary hardship would result from the strict application of UDO Section 8.5.4.B. to

ii. the hardship results from conditions that are peculiar to the Property; iii. the hardship did not result from actions taken by the Property Owners; and

iv. the requested variances are consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the BOA hereby grants the alternative Variance Requests from UDO Section 8.5.4.B., with

This the \_\_\_\_\_ day of February, 2024.

Rodney Swink

conditions, as set forth above.

Senior Associate City Attorney Catherine Hill Planning Supervisor Keegan McDonald Senior Planner Justin Bucher

Zoning Administrator Justin Rametta

Chairman Swink and various Board members welcomed former Raleigh City Council member

Kay Crowder to the Board as the City's newest Alternate Member appointed by the City Council. Deputy City Clerk Ralph Puccini administered the Oath of Office and Ms. Crowder took her place

Chairman Swink noted that with Vice Chairman Michael Rainey opting to not seek reappointment

ENGINEERING

POST OFFICE BOX 91727

RALEIGH, NORTH CAROLINA 27675

PHONE: 919,610,1051

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