

TECHNICAL MEMORANDUM

SITE ACCESS FEASIBILITY AND UNRESOLVED NCDOT JURISDICTIONAL QUESTIONS

5000 DURALEIGH ROAD, RALEIGH, NORTH CAROLINA — CASE Z-35-26

Submitted for the record in connection with the proposed rezoning of 5000 Duraleigh Road

Prepared on behalf of the 5000 Duraleigh Road Community Coalition

September 18, 2026



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This memorandum was prepared by members of the surrounding community based on publicly available regulatory records, including the Raleigh Unified Development Ordinance, the Raleigh Street Design Manual, the NCDOT “Policy on Street and Driveway Access to North Carolina Highways,” and the applicant’s own filed rezoning application materials for Case Z-35-26. The authors are not licensed engineers, attorneys, or transportation professionals, and this memorandum does not constitute engineering, legal, or professional certification of any kind. Its purpose is to identify a specific, threshold regulatory question — whether the proposed development’s site access can be lawfully provided under applicable City and State standards — that, in the authors’ view, has not yet been addressed in the administrative record and warrants resolution by qualified professionals and the responsible agencies before further action is taken on the requested rezoning.

Submitted for the consideration of the Raleigh Planning and Development Department, Planning Commission, and City Council in connection with Case Z-35-26.

I. PURPOSE AND SCOPE

This memorandum addresses a single, narrow, and largely fact-based threshold question that is separate from the broader technical and environmental concerns raised elsewhere in the record for this case: whether the subject property’s frontage along Duraleigh Road can lawfully accommodate the number of access points required at the proposed density, under both the City of Raleigh Unified Development Ordinance (“UDO”) and the North Carolina Department of Transportation’s (“NCDOT”) own access standards for the state-maintained highway on which the site fronts.

Unlike issues that turn on engineering judgment or interpretation, this question turns substantially on measurable facts — the site’s available frontage, the applicable spacing standards, and the number of access points the proposed unit count requires — and on the applicant’s own filed representations. The authors submit that the current record does not resolve this question, and that it should be resolved, with input from NCDOT, before the application proceeds further.

II. SITE AND APPLICATION FACTS ⁱ

- Property address: 5000 Duraleigh Road, Raleigh, North Carolina; Property PIN 0786620033; approximately 15.34 acres.
- Applicant: Portman Holdings, c/o Alex Barroso. Property Owner: Heidelberg Materials Southeast Agg LLC (formerly Hanson Aggregates Southeast LLC), the operator of the adjacent quarry.
- Requested rezoning: from Residential-4 (R-4) to Residential Mixed Use, up to 5 stories (RX-5), per the “Existing zoning base district” field of the applicant’s official rezoning application form. (The applicant’s separate, informal neighborhood-meeting notice letter describes the existing zoning as “Residential-2 (R-2)”); the application form itself is treated here as the authoritative figure.)
- Proposed development: approximately 275 apartment units, per the applicant’s own Neighborhood Meeting Report filed with the rezoning application.
- Sole frontage and sole proposed access: Duraleigh Road. The applicant’s Neighborhood Meeting Report states plainly: “Sole access will be via Duraleigh Road (an NCDOT road); no access through Oak Park community is planned.”
- Duraleigh Road cross-section at this location: four travel lanes, divided by a median. Direct field measurement of the corridor, sidewalk edge to sidewalk edge, yields approximately 95 feet — indicating a right-of-way in excess of 80 feet.
- Usable frontage: measured from the northern property line to the Crabtree Creek bridge crossing — a fixed physical constraint that cannot be relocated or negotiated — the site’s frontage along Duraleigh Road is approximately 335 feet.
- No secondary access point, cross-access easement, or alternate frontage is proposed. The applicant has confirmed no connection to the adjacent Oak Park community is planned or desired.

III. APPLICABLE CITY OF RALEIGH STANDARDS

A. Number of Access Points Required

The Raleigh Street Design Manualⁱⁱ sets a minimum number of access points required by unit count for residential development (Table 6, Access Point Requirement per Unit Count): one access point for 0–150 units, two for 151–300 units, and three for 301–450 units. At approximately 275 proposed units, the development falls within the 151–300 unit band and therefore requires two access points. This requirement is not merely advisory: UDO Sec. 8.3.5.C.1ⁱⁱⁱ (“All Driveways”) requires that “all driveway design and construction must comply with the Raleigh Street Design Manual, or the Fire Code^{iv} when conflict exists,” incorporating the Manual’s access-point-count standard into the binding development ordinance — subject to that same Fire Code exception where the two genuinely conflict.

B. Minimum Spacing Between Access Points

UDO Sec. 8.3.5.C.3.c — which independently duplicates Street Design Manual Sec. 9.5.2(c) — provides: “Driveways accessing up to 80-foot wide street rights-of-way must be spaced 200 feet apart centerline to centerline and driveways accessing more than an 80-foot wide street right-of-way must be spaced 300 feet

apart centerline to centerline.” Given the site’s field-measured 95-foot corridor width, the 300-foot standard applies.

C. The Design Alternate Process — the Only Mechanism for Relief

UDO Sec. 8.3.6^v permits deviation from the access and spacing standards of Sec. 8.3.5 only through a “Design Alternate,” approved by the Planning Commission or Design Review Commission sitting in a quasi-judicial capacity, following a duly noticed evidentiary hearing. Approval requires findings, on the record, that:

- the design alternate is consistent with the intent of the relevant UDO sections;
- the design alternate does not increase congestion or compromise safety;
- the design alternate does not conflict with an approved or built roadway project in the vicinity; and
- the design alternate is reasonable because one or more of the following applies: (a) given the existing physical environment, compliance is not physically feasible; (b) compliance would not meaningfully improve connectivity; (c) compliance is not compatible with adjacent uses; or (d) the burden of compliance is not reasonable given the size or intensity of the development.

No application for a Design Alternate, and no findings under Sec. 8.3.6, appear anywhere in the record currently available for Case Z-35-26.

IV. APPLICABLE NCDOT STANDARDS

A. Concurrent, Independent Jurisdiction

NCDOT’s authority to regulate the location, design, and number of driveway connections onto a state-maintained road derives from the North Carolina General Assembly’s legislation statute G.S. 136-18(29)^{vi}, and applies within municipal limits as well as outside them. The City’s own authority to regulate driveway connections derives separately from G.S. 160A-307^{vii}, which remains independently in force and is cited alongside — not superseded by — the City’s subdivision-regulation authority under G.S. 160D-804^{viii}, which separately empowers the City to regulate street layout and connections within a subdivision or site plan of this scale. Where, as here, a state road passes through a city, both the state and municipal regulatory regimes apply concurrently. NCDOT’s own administrative rule provides that “within local governments having local ordinances affecting driveways, the more restrictive ordinance, municipal, county or state, shall apply to driveways connecting into state system streets and roads” (19A NCAC 02B .0601(c))^{ix} — a rule the NCDOT policy itself repeats (“if local government agency regulations are more restrictive than NCDOT requirements, the local regulations will govern”). Critically, however, NCDOT’s own policy makes equally clear that City approval does not bind NCDOT’s independent determination: “Approval of site specific development plans by local government does not confer any obligation on NCDOT to allow the number, location, or design of any access or traffic control measure shown on that plan.”

B. NCDOT’s Default Position Is One Access Point, Not Two

The NCDOT “Policy on Street and Driveway Access to North Carolina Highways”^{xx} (July 2003, and to the authors’ knowledge still the current edition of that policy as of this writing) states: “Normally, one driveway

connection will be permitted for a single property or commercial site. However, the NCDOT may consider additional entrances or exits as justified and if such access does not negatively impact traffic operations and public safety.” A second access point is therefore a discretionary allowance that must be affirmatively justified to NCDOT — not an entitlement that follows from the City’s own Table 6 requirement, and not a matter the City can resolve on NCDOT’s behalf.

C. Minimum Edge Clearance and Driveway Width

The same policy establishes fixed “control dimensions” for any driveway connecting to a state highway. “Edge Clearance (E)” — the distance from the property’s frontage boundary line to the nearest edge of a driveway — must be “a minimum of 20 feet.” Driveway width for two-way operation must be a minimum of 20 feet (maximum 36 feet); for one-way or right-in/right-out operation, a minimum of 12 feet (maximum 24 feet).

D. Functional Area of Intersection and Limited-Movement Access

NCDOT policy directs that “every effort shall be taken to prevent access connections and median breaks within the functional area of an intersection,” and that where limited property frontage forces an access point into that functional area, “the NCDOT may restrict access to ‘right-in/right-out’ or other limited movement treatments.” This independently corroborates — as a matter of NCDOT policy, not merely City design guidance — the right-in/right-out configuration already documented for this site.

E. Median Crossovers and Traffic Impact Study

NCDOT policy separately provides that “where a divided highway has been constructed with a median, no new crossovers in the median for driveways shall be permitted unless it is in conformance with” NCDOT’s Median Crossover Guidelines^{xi}, reviewed case-by-case. The applicant has separately confirmed, in the Neighborhood Meeting Report, that “a TIA will be required by the city and reviewed by NCDOT; the curb cut onto Durableigh Road (an NCDOT road) will also require NCDOT approval.”

V. APPLICATION OF THESE STANDARDS TO THE SITE’S FRONTAGE

Applying the cited City standard alone: two access points, spaced a minimum of 300 feet apart centerline to centerline, must fit within approximately 335 feet of usable frontage. This leaves approximately 35 feet of undifferentiated margin for corner clearance, driveway apron width, and any additional setback near the Crabtree Creek bridge — before any NCDOT standard is applied.

Applying NCDOT’s own mandatory Edge Clearance standard sharpens this considerably. A driveway placed at the minimum 20-foot clearance from the northern property line, of minimum one-way width (12 feet), centers at approximately 26 feet from that property line. The City’s 300-foot minimum spacing places a second driveway’s centerline at approximately 326 feet; at minimum one-way width, that driveway’s far edge falls at approximately 332 feet — within the 335-foot frontage by only about 3 feet, with no NCDOT edge clearance applied to the bridge side of the site at all, and no allowance for any wider, two-way driveway configuration. Under any driveway width greater than the absolute minimum — including the 20–to 36-foot two-way width NCDOT’s own policy contemplates as the norm — this configuration does not fit within the available frontage.

The authors offer this calculation as an application of the cited numeric standards to the cited, independently measured frontage figure — approximate, and pending confirmation by a licensed survey or a formal NCDOT frontage determination — not as a substitute for a certified engineering analysis. It is offered to show that the question is not a matter of degree or professional judgment calls, but one where the cited standards, applied to the cited facts, leave at most a de minimis and likely negative margin — which the applicant has not addressed with any analysis of its own.

VI. THE APPLICANT’S OWN RECORD REFLECTS THIS UNRESOLVED QUESTION

The applicant’s Neighborhood Meeting Report, filed with the rezoning application, documents the following exchange from the July 14, 2026 neighborhood meeting:

“Q: Is there a question of whether the city will allow one access with this many units? A: Yes, that is a good question. As long as we maintain the required turning radius for emergency vehicles it should be allowed. This will certainly be a question during the rezoning.”

Emergency-vehicle turning radius is a genuine and separate requirement — UDO Sec. 8.3.5.C.1 itself provides that the Fire Code controls where it conflicts with Street Design Manual standards — but it is not a substitute for the UDO’s Table 6 access-point-count standard, the UDO’s Sec. 8.3.5.C.3 spacing standard, or the NCDOT standards identified above, each of which governs this question independently of emergency-vehicle access. The applicant’s own record thus confirms both that this is a recognized open question and that it has not yet been analyzed against the standards that actually control it.

The same report separately forecloses the most straightforward cure. Asked whether the applicant would consider fewer units if access proved to be a problem, the report states:

“Q: If this is an issue would the developers consider less density? A: This is really not very dense given the 15 acres. Anything less would make the project not feasible.”

The applicant has thus represented, on the record, that reducing the unit count — which would place the development within the single-access-point band and remove the issue — is not something it is willing to do.

VII. UNRESOLVED PROCEDURAL QUESTIONS FOR THE RECORD

- No application for a UDO Sec. 8.3.6 Design Alternate, and no findings responsive to that section’s required showings, currently appear in the record.
- No documented NCDOT preliminary determination, correspondence, or driveway permit application addressing the number, location, or spacing of access points for this frontage currently appears in the record — notwithstanding NCDOT’s express, independent authority over that determination.
- Because NCDOT’s default policy favors a single access point per site while the City’s Table 6 requires two at this unit count, the record does not show how this conflict between the two

governing agencies is to be resolved, or which agency’s determination would control if they diverge.

- The Traffic Impact Study/Traffic Impact Analysis referenced by the applicant has not yet been produced or reviewed; the record does not show that it has been scoped against a final, NCDOT-concurred access configuration rather than a conceptual one.

VIII. RELEVANCE TO THE STATUTORY REASONABLENESS STANDARD

Under NCGS § 160D-604^{xii}, proposed zoning amendments must be referred to the Planning Board, which must provide written comments on the amendment’s consistency with the comprehensive plan. Under NCGS § 160D-605^{xiii}, the governing body must, before adopting or rejecting a zoning map amendment, approve both a plan-consistency statement and a statement of reasonableness; the reasonableness statement may consider factors including “the size, physical conditions, and other attributes of the area proposed to be rezoned” and “why the action taken is in the public interest.” Site access that cannot be shown to be achievable under the standards that actually govern it is squarely a physical-conditions and public-interest factor under Sec. 605(b) — not a technicality collateral to the rezoning decision. A reasonableness statement adopted without addressing an access configuration left this unresolved would not reflect the kind of considered analysis these statutes require. At present, the administrative record contains an unresolved conflict between a City requirement (two access points) and an NCDOT default policy (one access point, discretionary beyond that), applied to a fixed frontage that the cited standards, on their own terms, leave with little to no room to accommodate a second, code-compliant access point.

Two clarifications on scope. First, UDO Sec. 8.3.5.C.1 provides that “nothing in this section shall prevent all site access to any property” — this memorandum does not suggest the site could be left with no access at all, only that the specific number of access points the proposed density requires has not been shown to be achievable. Second, the Coalition recognizes that the rezoning decision is legislative and that NCDOT driveway permitting formally follows at the site-plan stage; this memorandum does not ask the governing body to treat rezoning approval as legally foreclosed until NCDOT issues a permit. It asks that the unresolved access question be treated as the physical-conditions and public-interest factor that NCGS § 160D-605(b) already makes relevant to the reasonableness statement, and that the record reflect NCDOT’s input before that statement is adopted.

IX. REQUESTED ACTION

The Coalition respectfully requests that, before this application proceeds further — including before any Planning Commission recommendation — the administrative record be required to include:

1. A documented NCDOT determination, or written correspondence from the appropriate NCDOT District Engineer, addressing the number, location, and permissible spacing of access points for this specific frontage on Duraleigh Road.
2. If the applicable UDO and/or NCDOT standards cannot be satisfied within the available frontage: either (a) a completed Design Alternate application under UDO Sec. 8.3.6, supported by the findings that section requires and prepared by a licensed professional engineer, or (b) a revised unit count consistent with the single-access-point band under Street Design Manual Table 6.

3. Confirmation that the Traffic Impact Study or Traffic Impact Analysis required by both the City and NCDOT has been, or will be, scoped and reviewed against the final access configuration actually approved by NCDOT — not a conceptual or preliminary one.

X. CONCLUSION

This is a narrow, largely factual question with a wide-reaching consequence: if the site cannot lawfully be provided the access its own proposed density requires, the density itself — not merely the site plan — is in question. The applicant's own filed record already acknowledges this as an open question and has not yet answered it against the standards that control it. The Coalition asks that this question be resolved, with the participation of NCDOT, before the requested rezoning is considered for approval.

END NOTES/REFERENCES

ⁱ**Rezoning Application and Checklist; First Neighborhood Meeting Report (p. 17)**
<https://cityofraleigh0drupal.blob.core.usgovcloudapi.net/drupal-prod/COR22/Z-035-26.pdf>

ⁱⁱ**Raleigh Street Design Manual**
<https://user-2081353526.cld.bz/StreetDesignManual/70/>

Raleigh Unified Development Ordinance: Site Access
ⁱⁱⁱ <https://udo.raleighnc.gov/sec-835-site-access>

North Carolina State Building Codes: Fire Prevention
^{iv} https://codes.iccsafe.org/content/NCFC2024V1.0/chapter-5-fire-service-features#NCFC2024V1.0_Pt03_Ch05_Sec503

^v**Raleigh Unified Development Ordinance: Design Alternates**
<https://udo.raleighnc.gov/sec-836-design-alternates-relating-blocks-lots-and-access>

^{vi}**North Carolina General Assembly's Legislation Statutes**
https://www.ncleg.gov/enactedlegislation/statutes/html/bysection/chapter_136/gs_136-18.html

^{vii} https://www.ncleg.gov/enactedlegislation/statutes/html/bysection/chapter_160a/gs_160a-307.html

^{viii} https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-804.html

^{ix}**North Carolina Administrative Code**
<http://ncrules.state.nc.us/ncac/title%2019a%20-%20transportation/chapter%2002%20-%20division%20of%20highways/subchapter%20b/19a%20ncac%2002b%20.0601.pdf>

^x**NCDOT Policy on Street and Driveway Access to North Carolina Highways**
<https://connect.ncdot.gov/projects/Roadway/RoadwayDesignAdministrativeDocuments/Policy%20on%20Street%20and%20Driveway%20Access.pdf>

NCDOT Median Crossover Guideline Statement
^{xi} https://connect.ncdot.gov/resources/safety/Teppl/TEPPL%20All%20Documents%20Library/M-10_pr.pdf

^{xii}**North Carolina General Assembly's Legislation Statutes**
https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-604.html

^{xiii} https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-605.html