



Certified Action of the City of Raleigh Planning Commission

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27601
(919) 516-2626
www.raleighnc.gov

Case File / Name: SP-72-11 / 401 Oberlin Road

General Location: West side of Oberlin Road, between Stafford Avenue and Clark Avenue.

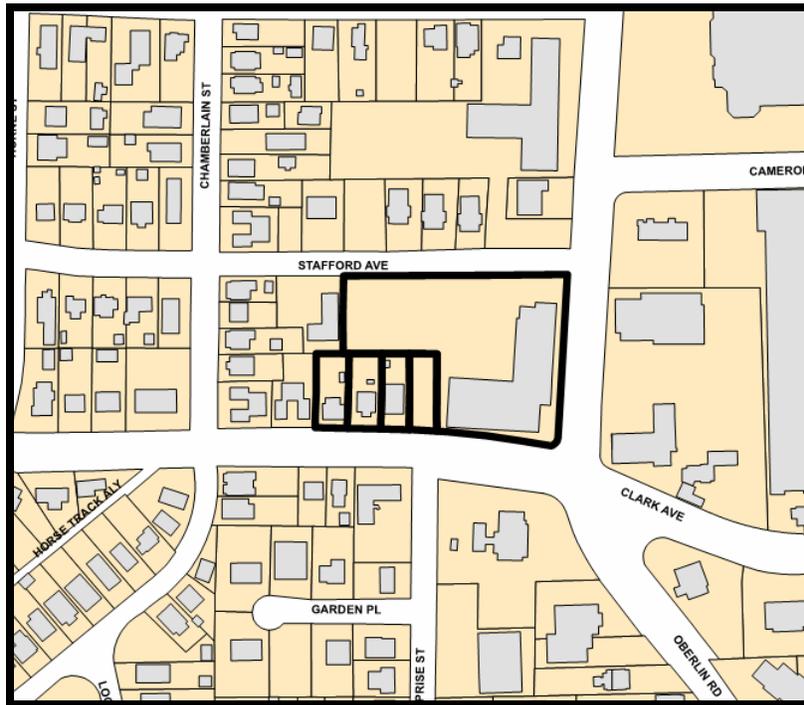
Owner: 401 Oberlin, LLC
Designer: JDavis Architects, PLLC

CAC: Wade

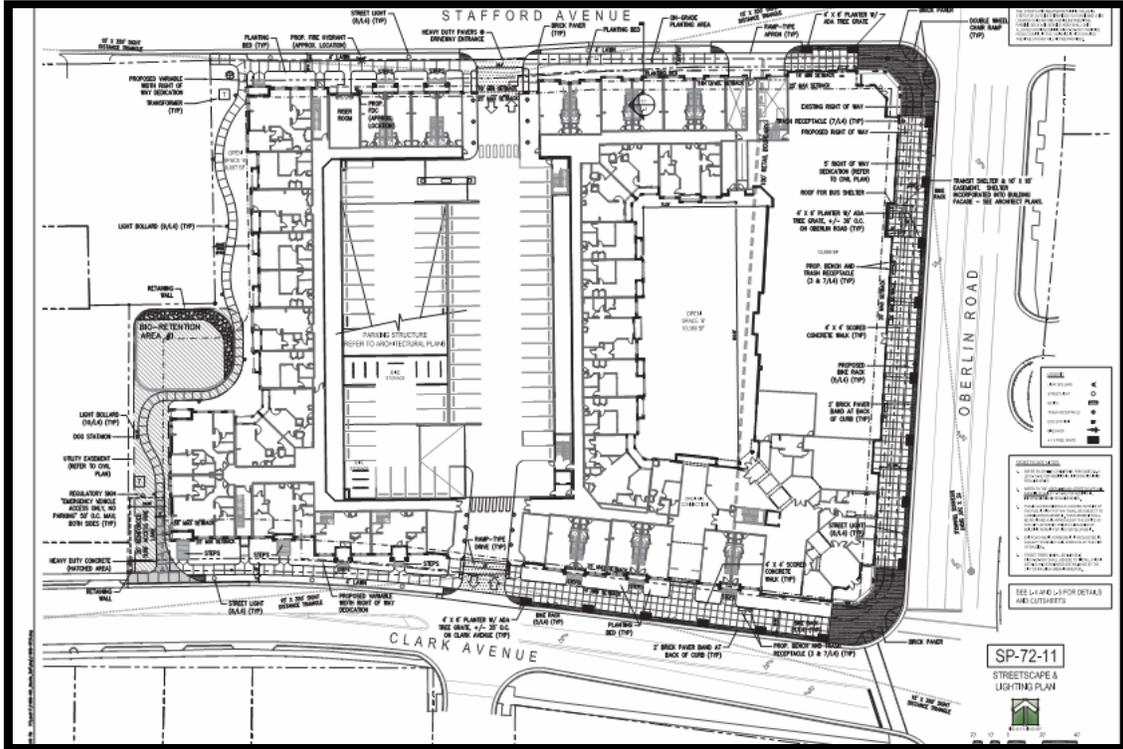
Nature of Case: This request is to approve a 412,000 square foot mixed-use building comprised of 242 dwelling units (82 units per acre), 13,836 square feet of retail uses, and a five level parking deck containing 361 parking spaces on a 2.97 acre site zoned Shopping Center CUD with Pedestrian Business Overlay District. The existing structures on the site will be demolished. As this request is increasing the residential density in the Pedestrian Business Overlay District greater than 40 units an acre, Planning Commission approval is required.

Key Issues: The Planning Commission must find that this site plan meets the standards for approval of a residential development exceeding 40 dwelling units per acre density.

Contact: David Brown, JDavis Architects, PLLC



SP-72-11 401 Oberlin – Site Location Map



SP-72-11 401 Oberlin – Site Plan

SUBJECT: SP-72-11 / 401 Oberlin Road

**CROSS-
REFERENCE:** Z-8-11

LOCATION: This site is located on the west side of Oberlin Road, between its intersection with Clark Avenue and Stafford Avenue, inside the City Limits.

REQUEST: The request is to approve a 412,000 square foot mixed-use building comprised of 242 dwelling units (82 units per acre), 13,836 square feet of retail uses, and a five level parking deck containing 361 parking spaces on a 2.97 acre site zoned Shopping Center CUD with Pedestrian Business Overlay District. As this request is increasing the residential density in the Pedestrian Business Overlay District greater than 40 units an acre, Planning Commission approval is required in accordance with Code Sections 10-2055(d)(1) and 10-2051-(d)(1)c. This proposal utilizes tier 2, providing parking in a deck which meets the standards of 10-2051-(d)(1)c 3.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:** As noted on the Staff Report, attached

FINDINGS: The Planning Commission finds that with the following conditions of approval being met this request conforms to Chapter 2, Part 10, Sections 10-2041, 10-2051, 10-2055, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 3/15/11, owned by 401 Oberlin LLC, submitted by JDavis Architects PLLC.

**ADDITIONAL
NOTES:** There are no additional notes for this plan.

**VARIANCES /
ALTERNATES:** On March 6, 2012, the City Council approved a variance from the requirement that Oberlin Road be widened and constructed to a divided multi-lane roadway with an 80' right-of-way along their property's frontage. The variance was granted.

To PC: April 10, 2012
Case History: N/A
Staff Coordinator: Meade Bradshaw

Motion: Buxton
Second: Harris Edmisten
In Favor: Butler, Buxton, Harris Edmisten, Haq, Fluhrer, Schuster, Sterling Lewis, Terando
Opposed:
Excused: Mattox

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

date: _____

(PC Chair)



date: _____ 4/10/12



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

**CONDITIONS OF
APPROVAL:** Planning Commission Actions:

- (1) That the Planning Commission finds that this site plan meets the standards of 10-2132.2 (d) for additional density in the Pedestrian Business Overlay District, 82 units to the acre in accordance with 10-2132.2(d).
- (2) That the Planning Commission finds that this site plan meets the standards of 10-2055(d)(1) and 2051-(d) (1)c 2132.2 (d) for residential density in excess of 40 units per acre in the Pedestrian Business Overlay District. This sit plan utilizes tier 2, by providing parking in a deck which meets the standards of 10-2051-(d)(1)c 3.

Administrative Actions:

Prior to issuance of a site review permit for the site:

- (3) That demolition permits for the existing structures on site be issued by the City of Raleigh and the demolition permit number appear on the recombination plat;
- (4) That a map recombining the five properties into one be approved by the City of Raleigh and recorded in the Wake County Registry;
- (5) That the plans for permitting show measures to maintain "damp down" of the site to control dust consistent with Zoning Condition Z.1 and that such measures be followed during grading and construction;
- (6) That prior to grading permit issuance, the nitrogen offset payment must be made to a qualifying mitigation bank;
- (7) That the site adhere to the City's sedimentation control ordinance, the owner/contractor shall sweep or clean the streets immediately adjacent to the project as needed to control dust, but no less than once a week consistent with Zoning Condition Z.2;

Prior to approval of construction drawings for public improvements:

- (8) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter 9, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9.

- (9) That 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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the property owner / owners association." Prior to approval of construction drawings for public improvements;
- (10) That an encroachment agreement for landscaping, trash receptacles, benches, light poles, storm water pipes, stairs, bicycle racks and tree grates located in the public rights-of-way along Oberlin Road, Stafford Avenue, and Clark Avenue is approved by the City Council by separate action. An application for encroachment into the public right-of-way for any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approves the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;

Prior to issuance of building permits in the Inspections Department:

- (11) That a 10x20 foot transit easement located on Oberlin Road be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department prior to building permit issuance;
- (12) That a landscape permit is obtained from the urban forester for landscaping in the public right-of-way
- (13) That the City Attorney approve a public sidewalk easement deed for any portion of the public sidewalk along Clark Avenue, Stafford Avenue or Oberlin Road located within private property;
- (14) That prior to issuance of building permits the developer will make a contribution of twenty-four percent (24%) of the initial construction cost of all stormwater control device(s) to the City in accordance with City Code 10-9027;
- (15) That 1/2'-60' in width of right-of-way along Stafford Avenue be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (16) That 1/2'-80' in width of right-of-way along Oberlin Road be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;
- (17) That a 0-7' variable width right-of-way along Clark Avenue be dedicated to the City of Raleigh and a copy of the recorded plat be provided to the Site Review Specialist in the Inspections Department at permit review;

- (18) That infrastructure construction drawings are approved by the City of Raleigh;
- (19) That all conditions of Z-8-11 are satisfied

Prior to issuance of an occupancy permit in the Inspections Department:

- (20) That prior to Issuance of a Certificate of Occupancy an as-built certification for all stormwater control devices as required under Code Section 10-9025(c) shall be provided to the Public Works Department, all stormwater systems shall be in place and functioning, and an original inspection report per Code Section 10-9028; and
- (21) That a covenant is recorded restricting trash and recycling hours of operation to 7:00 am-7:00 pm Monday through Friday;

ZONING:

ZONING DISTRICTS: Shopping Center CUD with Pedestrian Business Overlay District. Ordinance (2011) 965 zc 663, effective November 1, 2011 .

Z-8-11 Conditional Use – Oberlin Road - located on the west side, northwest of its intersection with Clark Avenue, being Wake County PINs 0794927656, 0794926556, 0794926505, 0794925544, and 0794924585. Approximately 2.97 acres to be rezoned from Residential-20 w/NCOD (0.70 acre), Office & Institution- 1 (2.24 acres) to Shopping enter CUD w/PBOD (2.94 acres)

Conditions Dated: 10/19/11

Narrative or conditions being requested:

a. The following uses permitted under the Shopping Center zoning district shall be prohibited:

1. Adult Establishment
2. Automotive Service and Repair Facility
3. Carwash, of all types
4. Electrical Sub-Station
5. Kennel/Cattery
6. Manufacturing, of all types
7. Mini Warehouse and Storage Facility
8. Shopping Center and Shopping Area

The uses proposed are multifamily dwelling units and retail. The types of retail uses will be reviewed prior to certificate of occupancy

b. Trash dumpster/compactor and/or recycle dumpster shall either be enclosed within the

building(s) or within a masonry structure, with the siding material to be compatible with the building material(s) used on the principal building(s); opaque doors shall screen the opening; screening shall not apply to trash and recycle facilities located within a building. No door or gate utilized primarily utilized for access to a trash room or trash enclosure shall be located on the properties where directly across the street from existing residential uses located along Stafford Avenue. This restriction shall apply only to those properties determined to be residential use at time of submittal of these zoning conditions (2204, 2206, and 2208 Stafford Avenue; DB11105/Page 0164). Subsequent additions of residential use shall not engage this condition.

The trash dumpster and recycling dumpster are enclosed within in the building. The location of both of these uses is on the eastern side of the building on Stafford Avenue not directly across from 2204, 2206, or 2208 Stafford Avenue.

c. Hours of operation for service of trash/recycle facilities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday.

A covenant will be recorded prior to the issuance of a Certificate of Occupancy

d. Bicycle parking shall be provided as follows:

1. At least eighteen (18) rack spaces shall be provided within the streetscape sidewalk area of the three public rights-of-way adjoining the subject properties, subject to approval by the City of Raleigh for an Encroachment Agreement. The spaces shall be located so as to be convenient for use by visitors to the properties, especially with regard to proximity to building entrances.

9 bicycle racks, which provide two spaces, are proposed along Clark Avenue, Stafford Avenue, and Oberlin Road

2. At least one (1) bicycle rack space shall for every five (5) dwelling units located on the properties, and shall be in addition to the spaces specified in condition d1 above.

50 bicycles spaces are located in 10-5 loop bicycle racks within the parking deck

3. If the amount of bicycle parking provided in subparagraphs d 1 and 2 above are less than the requirement for City of Raleigh code section 10-2055, additional bicycle parking shall be provided to meet code standard.

Code Section 10-2055(e)(6) requires 1 bicycle space per 20 automobile parking spaces. The parking structure proposes 361 automobile spaces which would require 19 bicycle parking spaces. The zoning condition is more restrictive, requiring 67 bicycle spaces.

e. All outdoor pole-mounted lighting fixtures shall be cut-off design and the light source directed away from adjacent residential properties.

All proposed lighting is full cut off.

f. All building mounted light fixtures visible from properties abutting the western property boundary [Pappas Tract (Deed Book 12090; Page 2503); Walton Tract (Deed Book 8919; Page 986)] shall be full-cutoff design.

All proposed lighting is full cut off.

g. Light Level at the perimeter property line adjacent to a residential use property shall be no

more than four-tenths (4/10's) of a foot candle. This condition shall not apply to property lines adjoining Oberlin Road, Clark Avenue, and Stafford Street.

Will be reviewed at building permit issuance.

h. Retail use(s) shall adhere to the following:

1. Shall be primarily oriented to the Oberlin Road streetscape; retail storefront(s) and customer door(s) shall not extend greater than one hundred feet (100') along Stafford and Clark Avenues, measured from the eastern right-of-way line of Oberlin Road.

Retail uses are oriented to Oberlin Road. No retail use extends farther than 100' along Stafford Avenue or Clark Avenue.

2. Retail use(s) shall only be allowed as part of a mixed-use development that includes either residential dwellings and/or office use(s). Retail use shall not be located in a building without another land use.

The proposed development is a mixed-use building. The retail uses are incorporated in the building with the multifamily units.

3. Retail use(s) shall not exceed a total of fourteen thousand square feet (14000 SF) gross, nor be less than two thousand, five hundred square feet (2500 SF). Within sixty (60) days following the adoption of this rezoning, a retail allocation covenant approved by the Raleigh City Attorney or his deputy shall be recorded with the Wake County Register of Deeds.

13,836 square feet of retail is proposed.

i. No drive-thru window shall be permitted.

No drive-thru facilities are proposed.

j. Non-residential uses shall be prohibited west of the line formed by the extension of the eastern boundary of Lot 66/Harris/Chamberlain Subdivision (Deed Book 8148; Page 2420), refer to "Exhibit A". Shared parking facilities utilized by non-residential uses located on the properties shall be excluded from this condition.

Non-residential facilities front Oberlin Road and do not extend past the 100' retail boundary

k. Residential use shall not exceed two-hundred and fifty (250) dwelling units.

242 dwelling units are proposed.

l. If visible from adjoining properties and/or public right of way, structured parking (parking deck) shall be clad in building materials similar and compatible to the principal building(s) located on the property. When a parking structure is taller than a principal building and visible from ground level of adjacent properties, either a pitched roof or parapet wall [four foot (4') minimum height] shall be provided on that portion of the principal building adjacent to the parking structure in order to reduce visual impact of the parking structure, complete screening of the parking by the roof feature is not required.

The parking deck is clad in the building materials. The parking deck is not visible from the ground level of adjacent properties.

m. Where building facades adjoin any public right of way, major architectural features, including but not limited to projecting bays, footprint setback (1'-0" minimum), and

balconies, shall be implemented no less than every fifty feet (50').

The building is recessed at a minimum every 50'.

n. Prior to recording lots or obtaining building permit(s) for new development, a 10 x 20' Transit Easement shall be provided to the City of Raleigh and recorded with Wake County Register of Deeds. Prior to recordation, the location of the easement shall be approved by the Public Works Department and the easement documents approved by the City Attorney's Office. Transit Easement shall be coordinated with Public Access Sidewalk Easement. Prior to issuance of Certificate of Occupancy for rezoned property, a transit waiting shelter (may be free-standing or an element incorporated into a building façade), with construction plans approved by the Public Works Department, shall be constructed by the property owner or his authorized agent.

A transit easement is shown on the plans.

o. HVAC equipment shall be regulated in accord with the following;

1. No HVAC units shall be ground-mounted within fifty feet (50') of the western boundary of the subject properties, where adjacent to the following parcels: Pappas Tract (Deed Book 12090; Page 2503) and Walton Tract (Deed Book 8919; Page 986)

HVAC units are mounted on the roof

2. Individual exterior HVAC equipment shall be primarily (85%) be located on the roof of building(s) or behind buildings. If ground-mounted HVAC equipment is utilized, it shall be located within masonry enclosures, and pierced openings within the enclosures to allow air movement are permitted.

100% of the HVAC units are mounted on the roof.

p. Building Height and Setback;

1. Building height shall be in accord with Exhibit "A" and as described below:

a. Maximum height shall be measured in accord with City of Raleigh code section 10-2076 with an exception for measurement at top of building shall be taken in two locations: at top of roof truss for a pitch roof and from the top of the roof deck for a "flat roof (see heights published on 'Exhibit A"). The second height measurement shall be taken at the top of either roof peak and/or parapet wall, provided the maximum height at the second point of measurement shall be no greater than twelve feet (12') when measured from top of roof truss/roof deck elevation. The dual measurement is in acknowledgement of pending UDO text modification under review at time of this submittal. Maximum height shall never include access and mechanical features, including but not limited to: HVAC equipment/screens, chimneys, vents and stair/elevator enclosures and similar features.

The building height is consistent with Exhibit A with no parapet wall exceeding 12'. The building heights range from 42'-69'.

b. Where structured parking is provided internal to a building, the maximum number of stories shall not apply.

The parking structure is a 5-level parking structure.

c. Maximum building height shall not exclude ground level parking podium

located on ground (street) level where habitable space is provided above the parking

The maximum building height allowed on-site is 70' with an additional 12' allowance for a roof-top screen. No building height exceeds 69'.

2. Principal building setbacks shall be in accord with Exhibit "A" and as described below:

Oberlin Road: No less than sixteen feet (16'), and no greater than twenty-five feet (25') from the existing back of curb for Oberlin Road where it abuts the properties.

Oberlin Road Setback is 19' measured from existing back of curb.

a) Stafford Avenue: No less than fourteen feet (14'), and no greater than twenty-five feet (25') from the existing back of curb for Stafford Avenue where it abuts the properties, except for a portion of building on Stafford Avenue, and as shown on Exhibit A, where the minimum setback shall be nineteen feet (19').

Stafford Avenue setback is 17', except where specified as a 19' minimum in Exhibit A

b) Clark Avenue: No less than fourteen feet (14') and no greater than twenty-five feet (25') from the existing back of curb for Clark Avenue where it abuts the properties. An exception to this requirement is for the southwestern corner of the property, in that location (see Exhibit "A") the building setback shall be no less than twenty five (25') and no greater than thirty-five (35') from the existing back of curb for Clark Avenue where it abuts the properties.

Clark Avenue Setback is 14', except where specified as a 25' minimum in Exhibit A

c) Western Boundary: The building setback adjacent for the western boundary of the properties, where adjacent to the Walton (Deed Book 8919; Page 986) and Pappas (Deed Book 12090; Page 2503) tracts shall be no less than twenty feet (20').

The western building elevation maintains a 20' setback.

q. The following building standards shall apply:

1. Subject to the requirements of the North Carolina Building Code, each commercial use [retail, office, residential service (leasing office/fitness club/conference room)] shall have at least one (1) direct, handicapped accessible, pedestrian access (door) to a public right-of-way sidewalk.

All entrances to the retail uses are accessed at adjacent grade of the public rights-of-way.

2. Where residential dwellings are located on a ground floor adjacent to a public right-of-way sidewalk, at least fifty percent (50%) of those units shall have a pedestrian access (door) to a public right of way sidewalk if features such as steps and landings are allowed to encroach on the sidewalk zone.

21 dwelling units are on the ground level, adjacent to a public right-of-way. 15 of the units, 71%, provide pedestrian access to the sidewalk within the public right-of-way

3. That portion of the ground floor of a building(s) fronting directly onto Oberlin Road shall be composed {primarily (60%)} of non-residential habitable uses, including but not limited to the following uses: retail, office, support services (leasing office/fitness

club/conference room) for dwellings located in the building(s). Residential dwellings in this portion of the building(s) shall not need to adhere to commercial store front criteria. Subject to application of life safety, fire and building code requirements, these commercial uses shall have "store front" architectural treatment that shall provide the following:

100% of the ground floor area fronting directly on Oberlin Road is retail uses.

a. Visual transparency, provide 50% glazing in store front zone; not to include set aside areas for uses that typically do not have store front (including but not limited to: sprinkler riser room, utility room, transit shelter, fire-rated exit corridors). Non-store front uses shall comprise no greater than 20% of the ground floor elevation along Oberlin Road.

50% glazing in store front has been met

b. Incorporate setbacks in the footprint so that no section of elevation is greater than two hundred feet (200').

No setback is greater than 200'

4. If a single building, or a series of connected buildings is proposed along Clark Avenue, a minimum of two (2) setbacks (1'-0" min.) shall be provided along the Clark Avenue frontage.

A 14' setback is required on the eastern end of the building and a minimum 25' setback is provided at the western end of the building.

r. Unless otherwise provided in the rezoning ordinance, the conditions ("a" through "z") shall not apply to the existing improvements and uses located on the properties, nor prevent the continued use of the property in its current state of development, and shall only apply upon redevelopment (demolition and/or change of use to existing buildings) of the property. If redevelopment occurs to only portion of site, remaining property(s) shall continue in operation as described above.

The sites are removing existing structures and the site is being redeveloped

s. No vehicular driveway shall be permitted from the Oberlin Road right-of-way. For Stafford and Clark Avenues, no more than two (2) driveways for each street shall be permitted.

There are no driveways proposed on Oberlin Road, one driveway on Clark Avenue, and two driveways proposed on Stafford Avenue.

t. All parking structure light fixture(s) visible from off-site view shall be shielded/located so that the lamp source is not seen from offsite view. For the top level of a parking structure, the light fixture(s) shall be screened from ground level off-site view. No pole-mounted fixture shall be allowed on top level of parking structure.

The parking structure is enclosed within the residential building. No pole-mounted fixture are proposed on top level of parking structure.

u. Prior to application for Preliminary Site Plan Approval, the developer and/or owner of the subject properties shall conduct an information meeting regarding the application with immediate residents [within one-hundred feet (100') exclusive of any right-of-way] of the subject properties. In addition, the meeting invitation shall include the elected leaders and residents of University Park, Cameron Village and Cameron Park Neighborhood Associations, and the elected leaders of both the Wade and Hillsborough Citizen Advisory Councils. In order to provide reasonable notice and documentation of the meeting to the public, the notification

shall be in accord with City Code section 10-2165(b) (3).

A letter was mailed out on November 28, 2011 notifying property owners within 100' of the site that a preliminary site plan, residents of University Park, Cameron Park, and Cameron Village Neighborhood Associations, elected leader of the Wade CAC and Hillsborough CAC was submitted to the City of Raleigh for preliminary review.

v. The owner shall provide a "Dog Waste Station" within the western open space shown on Exhibit "A", and maintain a stock of dog waste collection bags available to the residents of the building and provide and maintain a trash can for disposal of dog waste.

A dog waste station is shown on the plans and located in the open space along the western property line.

w. For multi-family residential projects, a parking structure shall be required, and the parking spaces shall be screened by the residential building(s) so that no more than 15% of the side elevations are exposed, and those remaining areas shall comply with condition "l".

The entire parking deck is screened by the residential building.

x. Open Space shall be no less than 12% of the net land area of the project. Of the 12% required Open Space, no less than 5% shall be accessible to the public in accord with Oberlin Streetscape and Parking Plan regulations. Open Space in excess of code requirement can include public/private sidewalks, utilities, and landscaped stormwater features (limited to bio-retention, rain garden, or similar BMP). Minimum Open Space calculation shall not include private balcony of a dwelling unit.

15% of the site is designated as open space.

y. Upon redevelopment of the property, the developer shall make reasonable efforts to retain the "Stafford Oak" (26" DBH willow oak located in the northwest corner of the site). Preservation/protection of critical root zone is not required, however a certified arborist shall provide a report with mitigation recommendations directing care and protection of the tree during construction. If the City Planning Director determines the tree is not viable, replacement trees to be located in Open Space and equaling 26" DBH caliper may be utilized in lieu of retaining the Stafford Oak. In addition to the arborist's report, and prior to issuance of Certificate of Occupancy the developer shall assume responsibility to relocate or place underground a portion (+/- 80 LF) of the overhead electric service line on the south side of Stafford Avenue in area of the Stafford Oak.

The "Stafford Oak" is shown on the plans as protected at this time.

z. During a demolition and/or grading process on the subject properties, the following shall be provided following:

1. Maintain "damp down" of the site to control dust
2. In addition to adhering to the City's sedimentation control ordinance, the owner/contractor shall sweep or clean the streets immediately adjacent to the project as needed to control dust, but no less than once a week.

This process will be handled prior to the issuance of a grading permit

**SETBACKS /
HEIGHT:**

This plan conforms to all minimum setback standards. The building setbacks specified in Z-8-11 measure setbacks from the existing back of curb of the referenced streets. Front yard (Clark Avenue) = 14', rear yard (Stafford Avenue) = 14', front / rear aggregate = 14', Side yard (Oberlin Road) = 19', Side yard

(western property line) = 22', side yard aggregate = 41'. This plan conforms to maximum height standards in this zoning district and the 401 Oberlin Streetscape and Parking Plan specified in Z-8-11. Proposed height of the building ranges from 42'-69'.

PARKING: Off-street parking conforms to minimum requirements: 252 spaces required, based on 1 parking space per unit within the PBOD exempting the first 16 units and 1 parking space per 400 square feet of retail exempting the first 10,000 square feet of retail. 361 spaces are provided. Requisite bicycle parking required by 10-2055(e)(6) and Z-8-11 (d)(2) has been provided in the parking deck and on the public sidewalk along Stafford Avenue, Clark Avenue, and Oberlin Road.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 and the 401 Oberlin Streetscape and Parking Plan is shown. Vehicular surface area landscaping is not required as all parking is within a structure. Transitional protective yards are not required for this high density residential use given the adjacent uses are high density residential and an office use.

TREE CONSERVATION: As this site is less than 2 acres in size and there are no wooded areas with a basal area of 30 along the thoroughfare, no tree conservation is required; however, Z-8-11(y) requires the reasonable effort to protect the "Stafford Oak" near the northwest property corner. The plans show the preservation of the "Stafford Oak."

DEVELOPMENT INTENSITY: A density of 82 units per acre is proposed. The applicants are allowed increases in residential densities in excess of 40 units per acre through the Pedestrian Business Overlay District. For each standard articulated in the Pedestrian Business Overlay District the Planning Commission finds the plan compliant with, an increase in density of 60 units per acre is allowed. At the proposed density of 82 units per acre, the plan would have to meet 1 standard to achieve the desired density. The applicants denote that their plan meets one of these standards.

Parking Deck: At least eighty (80) per cent of the off-street parking spaces provided are contained in a multilevel parking structure. Parking decks shall be visually integrated into the principle building. Parking decks shall be designed to be compatible with other buildings on the site by using compatible building materials and architectural designs, as reflected in scale, color, texture, fenestration, width, height, roof lines, and other similar architectural gauges. However, parking decks located within the interior of the property and not visible from any public street, private street, common open space area or adjacent property shall be exempt from this provision. No more than seventy-five (75) feet total of the ground level of the sides of the building or parking deck (measured twenty (20) feet deep from the facade of the building) located on the sides of the lot fronting a public street, private street or common open space area shall be devoted to parking, driveways and/or loading areas. The proposed parking deck has been evaluated by staff and was found to be compliant with these standards.

OPEN SPACE: The Pedestrian Business Overlay District requires that a minimum of 5% of the total land area of the development to be set aside as open space. "Open space" is defined to include: greenways; any common outdoor landscaped and

recreation spaces; outdoor decks; roof gardens and other similar outdoor community space accessible to and available for use by visitors of the development.” The Code calls for open space first to be met by widening the sidewalks to a minimum of 14’ in width. After that is achieved, any deficit in open space can be met with courtyards, roof gardens, outside dining and recreation space so long as ½ of the required open space shall be in one continuous part with a minimum length and width dimension of 20 feet.

In addition, Z-8-11 (x) requires that a minimum of 12% of the total land area of the development to be set aside as open space.

Based on the property’s acreage of 2.97 acres, the base minimum amount of open space required for the tract is 15,525 square feet. The applicant’s plan for a minimum of 15,525 square feet of qualifying open space is to be provided through 20’ buffer on western property line that includes a walking trail connecting Stafford Avenue and Clark Avenue (9,087 square feet) and the pool /courtyard area (10,380 square feet). The proposed open space exceeds the minimum 12% requirement by 3,942 square feet (15% open space is provided).

In addition to meeting the 12% open space, the proposed sidewalk widths are consistent with the 401 Oberlin Streetscape Plan. On the portions along Oberlin Road there will be 4x6’ ADA compliant tree grates with landscaping planted 36’ on center and a 15’ sidewalk. Clark Avenue and Stafford Avenue have two types of streetscapes, urban and transition. The urban streetscape will have 4x6’ ADA compliant tree grates with landscaping planted 35’ on center with a 10’ sidewalk. The transition streetscape is a 4’ tree lawn along the street, 6’-8’ sidewalk, and a 4’ planting are on the opposite side of the sidewalk. Portions of the sidewalks will be located on private property and will be subject to a public sidewalk easement.

PHASING: This is a one phase development.

UNITY OF DEVELOPMENT: Unity of development and sign criteria are not required in this development.

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

Dedication of right-of-way and construction of the following streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
Stafford Avenue	½ 60’	N/A	N/A
Oberlin Road	½ 80’	N/A	N/A
Clark Avenue	0-7’	N/A	N/A

On March 6, 2012, the City Council approved a variance from the requirement that Clark Avenue be widened and constructed to a divided multi-lane roadway with an 80' right-of-way along their property's frontage. Given the existing context of the Clark Avenue area, the proposed variable right-of-way width, 0'-7' was found to be adequate.

TRANSIT: The following transit-oriented features of this site are incorporated into the proposed plan: The preliminary site plan shows a 10'x18' transit easement; however, zoning condition (n) requires a 10'x20'.

**COMPREHENSIVE
PLAN:**

This site is located in the Wade Citizen Advisory Council, in an area designated as Neighborhood Mixed-Use. The site plan is consistent with the general policy guidance provided by the Comprehensive Plan. The following Comprehensive Plan Policies apply:

- Policy LU 2.6 Zoning and Infrastructure Impacts
- Policy LU 4.4 Reducing VMT through Mixed Use
- Policy LU 4.5 Connectivity
- Policy LU 5.1 Reinforcing the Urban Pattern
- Policy LU 5.2 Managing Commercial Development Impacts
- Policy LU 5.4 Density Transitions
- Policy LU 5.5 Transitional and Buffer Zone Districts
- Policy LU 5.6 Buffering Requirements
- Policy LU 6.4 Bus Stop Dedication
- Policy LU 7.1 Encouraging Nodal Development
- Policy LU 7.4 Scale and Design of New Commercial Uses
- Policy LU 7.5 High-Impact Commercial Uses
- Policy LU 7.6 Pedestrian-Friendly Development
- Policy LU 10.1 Mixed-Use Retail
- Policy LU 10.6 Retail Nodes
- Policy T 1.2 ROW Reservation
- Policy T 4.4 ROW Reservation for Transit
- Policy ED 5.3 Creating Attractive Development Sites
- Policy ED 5.5 Retrofitting Older Office Environment
- Policy UD 2.1 Building Orientation
- Policy UD 2.3 Activating the Street
- Policy UD 2.4 Transitions in Building Density
- Policy UD 2.6 Parking Location and Design
- Policy UD 3.5 Visually Cohesive Streetscape
- Policy UD 3.8 Screening of Unsightly Uses
- Policy UD 3.11 Parking Structures
- Policy UD 4.3 Improving Streetscape Design
- Policy UD 4.5 Improving the Street Environment
- Policy UD 5.1 Contextual Design
- Policy UD 5.4 Neighborhood Character and Identity
- Policy UD 6.1 Encouraging Pedestrian-Oriented Uses
- Policy UD 6.2 Ensuring Pedestrian Comfort and Convenience
- Policy UD 7.3 Design Guidelines (1-26 policies)
- Policy AP-WO 1 Wade-Oberlin Vision
- Policy AP-WO 2 Wade-Oberlin Land Use Compatibility
- Policy AP-WO3 Protecting Wade-Oberlin's Neighborhood Character
- Policy AP-WO 5 Wade-Oberlin Retail
- Policy AP-WO 6 Wade-Oberlin Transition
- Policy AP-WO 7 Oberlin Road Main Street
- Policy AP-WO 8 Wade-Oberlin Auto-Oriented Retail

- Policy AP-WO 9 Wade-Oberlin Street Continuity
- Policy AP-WO 11 Oberlin Village Land Uses
- Policy AP-WO 13 Oberlin Road Corridor

**HISTORIC /
DISTRICTS:**

This site is not located in or adjacent to a designated Historic District.

**APPEARANCE
COMMISSION:**

No Comments

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT:

The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

PUBLIC UTILITIES:

City water and sewer services are available. The developer is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE:

Individual lot service to be provided by private contractor.

CIRCULATION:

Proposed street improvements shall conform to normal City construction standards. The parking structure can be accessed from Clark Avenue and Stafford Avenue. The eastern most driveway on Stafford Avenue is for the solid waste services contractor only.

PEDESTRIAN:

Sidewalks exist along Oberlin Road, Stafford Avenue, and Clark Avenue; however they do not conform to the width standards of the Pedestrian Business Overlay District nor the 401 Oberlin Streetscape Plan. The proposed sidewalk widths are consistent with the 401 Oberlin Streetscape Plan. On the portions along Oberlin Road there will be 4x6' ADA compliant tree grates with landscaping planted 36' on center and a 15' sidewalk. Clark Avenue and Stafford Avenue have two types of streetscapes, urban and transition. The urban streetscape will have 4x6' ADA compliant tree grates with landscaping planted 35' on center with a 10' sidewalk. The transition streetscape is a 4' tree lawn along the street, 6'-8' sidewalk, and a 4' planting area on the opposite side of the sidewalk. Portions of the sidewalks will be located on private property and will be subject to a public sidewalk easement.

FLOOD HAZARD:

There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:**

This site is subject to stormwater management nitrogen reduction and stormwater runoff control requirements of Part 10 Chapter 9. Nitrogen loads are proposed to meet the targeted loading rate of 3.6 lbs./ac./yr. by utilizing a bioretention area and a mitigation payment to the NCEEP. An underground detention device along with bioretention will control peak stormwater runoff rates to the predevelopment rates for the 2 year and 10 year storm events.

**WETLANDS
/ RIPARIAN
BUFFERS:**

No wetland areas or Neuse River riparian buffers are required on this site.

OTHER

REGULATIONS: Developer shall meet all City requirements, including underground utility service (§10-3059), flood protection measures (Part 10, Chapter 4), and the soil erosion ordinance (Part 10, Chapter 5), unless specifically varied by this approval.