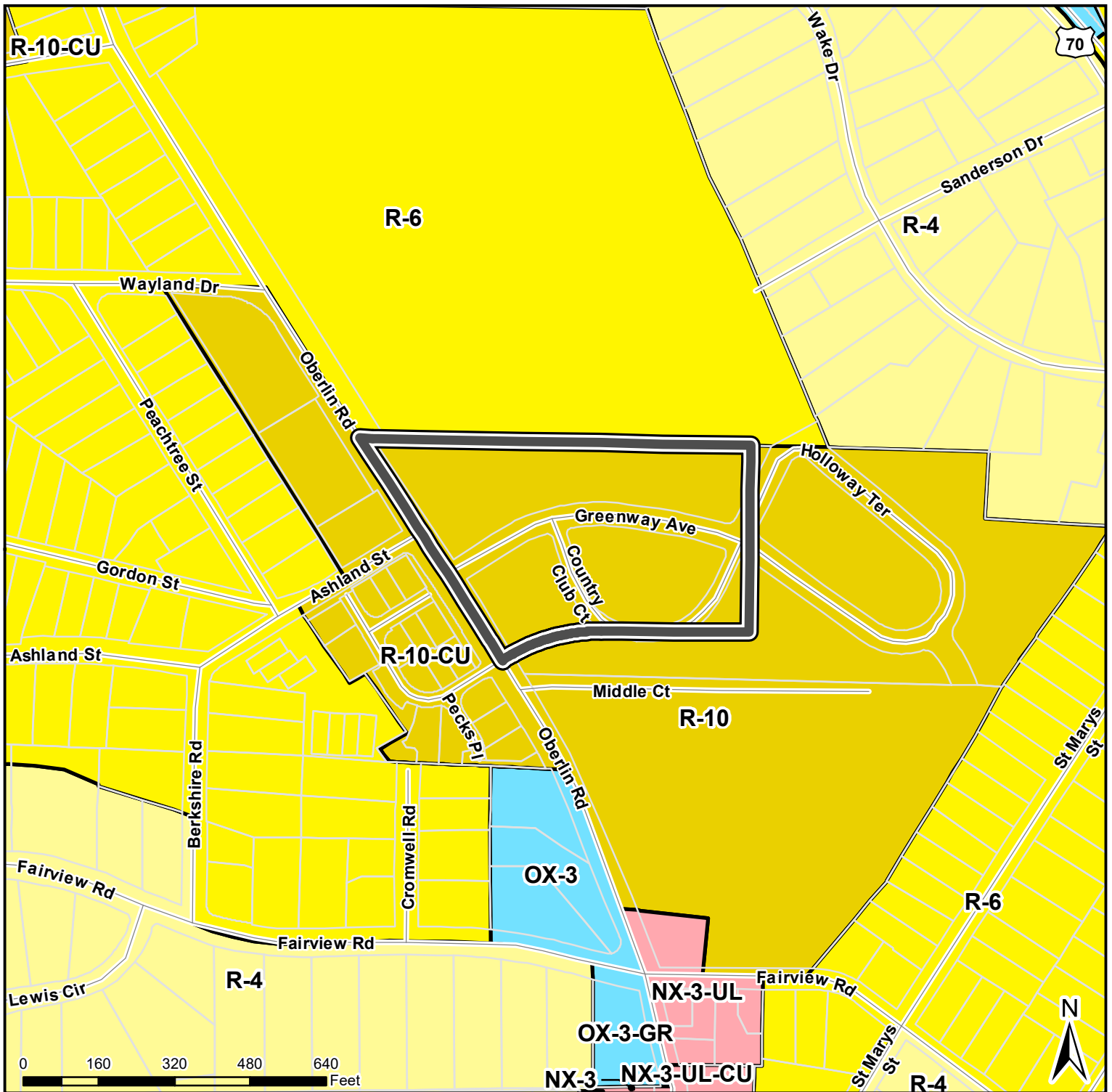
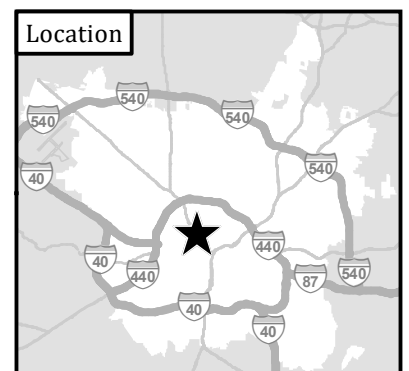


Existing Zoning

Z-1-2020



Property	2634 Oberlin Rd (portion)
Size	6.46 acres
Existing Zoning	R-10
Requested Zoning	RX-7-CU





Raleigh

MEMO

TO: Ruffin L. Hall, City Manager

FROM: Ken Bowers, AICP; Jason Hardin, AICP

DEPARTMENT: Planning and Development

DATE: April 13, 2020

SUBJECT: Public hearing for May 5, 2020 – Rezoning Z-1-20

On April 7, 2020, City Council held open the public hearing for the following item:

Z-1-20 2634 Oberlin Road, on the east side of Oberlin Road on both sides of Greenway Avenue, consisting of the western portion of Wake County PIN 1705-20-2354. Approximately 6.5 acres are requested by Oberlin Fairview Investors LLC to be rezoned.

Current zoning: Residential-10 (R-10)

Requested zoning: Residential Mixed Use-Seven Stories-Conditional Use (RX-7-CU)

Signed zoning conditions submitted on January 3, 2020 limit height to no more than five stories overall; within 60 feet of Oberlin Road, height is limited to three stories, except for the portion that is also within 275 feet of the Daniels Middle School property, where height is limited to four stories. Conditions also prohibit office, retail, restaurant, and most other commercial uses, and limit density for household living uses (uses other than group living uses such as assisted living, retirement community, or rest home) to the existing ten units per acre.

The request is **consistent** with the Future Land Use Map.

The request is **consistent** with the Comprehensive Plan.

The **Planning Commission** voted 6-2 to recommend approval of the request.

The **Five Points CAC** voted against the rezoning (Yes-5, No-7, Abstain-3) on February 24, 2020.

The Hillsborough-Wade CAC voted against the rezoning (Yes-10, No-19) on February 25, 2020.

Attached are the Planning Commission Certified Recommendation (including Staff Report and Traffic Study Worksheet), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#11990

CASE INFORMATION: Z-1-20 2634 OBERLIN ROAD

Location	<p>Oberlin Road, on the east side, at its intersection with Greenway Avenue</p> <p>Address: 2634 Oberlin Road (a portion)</p> <p>PINs:1705-20-2354 (a portion)</p> <p>iMaps, Google Maps, Transit/Driving directions from Municipal Building</p>
Current Zoning	Residential-10
Requested Zoning	Residential Mixed Use-Seven Stories-Conditional Use
Area of Request	6.5 acres
Corporate Limits	The subject site is located within the corporate limits and is surrounded by properties also within corporate limits.
Property Owner	Oberlin Fairview Investors LLC
Applicant	Oberlin Fairview Investors LLC, represented by Michael Birch
Citizens Advisory Council (CAC)	Five Points
PC Recommendation Deadline	June 8, 2020

SUMMARY OF PROPOSED CONDITIONS

1. Height is limited to no more than five stories. Within 60 feet of Oberlin Road, height is limited to three stories, except for the portion along Oberlin Road that is also within 275 feet of the Daniels Middle School property, where height is limited to four stories.
2. Several uses are prohibited, including office, restaurant, retail, personal service, overnight lodging, and outdoor recreation
3. Density for household living uses (uses other than group living uses such as assisted living, retirement community, or rest home) is limited to ten units per acre.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Medium Density Residential
Urban Form	Transit Emphasis Corridor
Consistent Policies	<p>LU 1.2 Future Land Use Map and Zoning Consistency</p> <p>LU 2.2 Compact Development</p> <p>LU 4.9 Corridor Development</p> <p>LU 8.1 Housing Variety</p>

	EP 1.1 Greenhouse Gas Reduction H 1.8 Zoning for Housing H 4.2 Aging in Place
Inconsistent Policies	None

FUTURE LAND USE MAP CONSISTENCY

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

COMPREHENSIVE PLAN CONSISTENCY

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

PUBLIC MEETINGS

Neighborhood Meeting	CAC	Planning Commission	City Council
October 28, 2019 65 attendees	Five Points CAC, Feb. 24 (Yes – 5, No, 7, Abstain – 3) Hillsborough-Wade CAC Feb. 25 (Yes - 10, No – 19)	March 10, 2020 Recommend approval (6-2)	March 17, 2020

PLANNING COMMISSION RECOMMENDATION

The rezoning case is **Consistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval** is reasonable and in the public interest because:

Reasonableness and Public Interest	The proposal is reasonable and in the public interest because it would add housing close to a mixed-use center and along a transit corridor. It also would add to housing diversity while including sensitivity to the neighborhood as well.
Change(s) in Circumstances	N/A
Recommendation	Approve (6-2)
Motion and Vote	Motion: Tomasulo Second: Winters In Favor: Bennett, Lampman, Mann, McIntosh, Tomasulo, Winters Opposed: Hicks, Jeffreys

Reason for Opposed Vote(s)

Those who voted against had suggested delaying a decision to allow time to consider questions such as the potential height of the potential development and the grade of the site. The results of CAC votes also were mentioned.

ATTACHMENTS

- 1. Staff report
- 2. Rezoning Application
- 3. Original conditions

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 attached Staff Report and Comprehensive Plan Amendment Analysis.

_____ 3/10/20
Planning Director Date

_____ 3/10/20
Planning Commission Chair Date

Staff Coordinator: Jason Hardin: (919) 996-2657; Jason.Hardin@raleighnc.gov



ZONING STAFF REPORT – CASE Z-1-20

Conditional Use

OVERVIEW

The proposal seeks to rezone a 6.5-acre portion of a larger parcel on Oberlin Road, roughly a tenth of a mile north of Fairview Drive. The property is immediately south of Daniels Middle School and consists of land on both sides of Greenway Avenue.

The area is currently zoned Residential-10 (R-10); the request is for Residential Mixed Use-Seven Stories-Conditional Use (RX-7-CU) zoning with limitations on height, uses, and density.

Specifically, the requests limits height to no more than five stories overall, and less along Oberlin Road. Within 60 feet of Oberlin Road, height is limited to three stories, except for the portion that is also within 275 feet of the Daniels Middle School property, where height is limited to four stories. In Raleigh, height is measured both in stories and in feet. The request, then, would allow the buildings to potentially be taller than the height limits associated with each floor height, which currently are 50' for three-story buildings, 62' for four-story buildings, and 75' for five-story buildings. A pending text change, however, would increase allowed height in both the four- and five-story categories.

Other conditions address uses and density. The RX zoning district allows 4,000 square feet of commercial space. However, the request prohibits office, retail, restaurant, and most other commercial uses. Finally, density for household living uses (uses other than group living uses such as assisted living, retirement community, or rest home) is limited to ten units per acre.

The property is developed and currently occupied by the Country Club Homes townhouses, which also occupy the eastern portion of the parcel, which not included in the rezoning. Other than the middle school, the area is bordered on all sides by residential uses, including townhouses on the west side of Oberlin Road. A small commercial area exists at the intersection of Oberlin and Fairview Road; a larger one exists north of the school at the intersection of Oberlin and Glenwood Avenue.

The Wake County Transit Plan calls for both Oberlin Road and Glenwood Avenue to be part of the city's frequent transit network, with waits of 15 minutes or less between buses. The service improvements on Glenwood Avenue are planned to take effect in the coming year. Both Oberlin Road and Glenwood Avenue are designated as Transit Emphasis Corridors on the Urban Form Map. That designation supports a higher level of walkability, with buildings generally closer to the street and not fronted by large amounts of parking.

In terms of zoning, the subject property and the remainder of the Country Club Homes development are zoned R-10. Properties to the south of Country Club homes are Neighborhood Mixed Use-Three Stories-Urban Limited. Properties to the west of the subject property are zoned R-10-CU.

The Future Land Use Map designates the subject property and most of the rest of Country Club Homes as Medium Density Residential, which envisions multi-unit housing such as

townhouses and apartments. That category envisions heights of up to five stories in places that front a corridor with frequent bus transit, as is the case here.

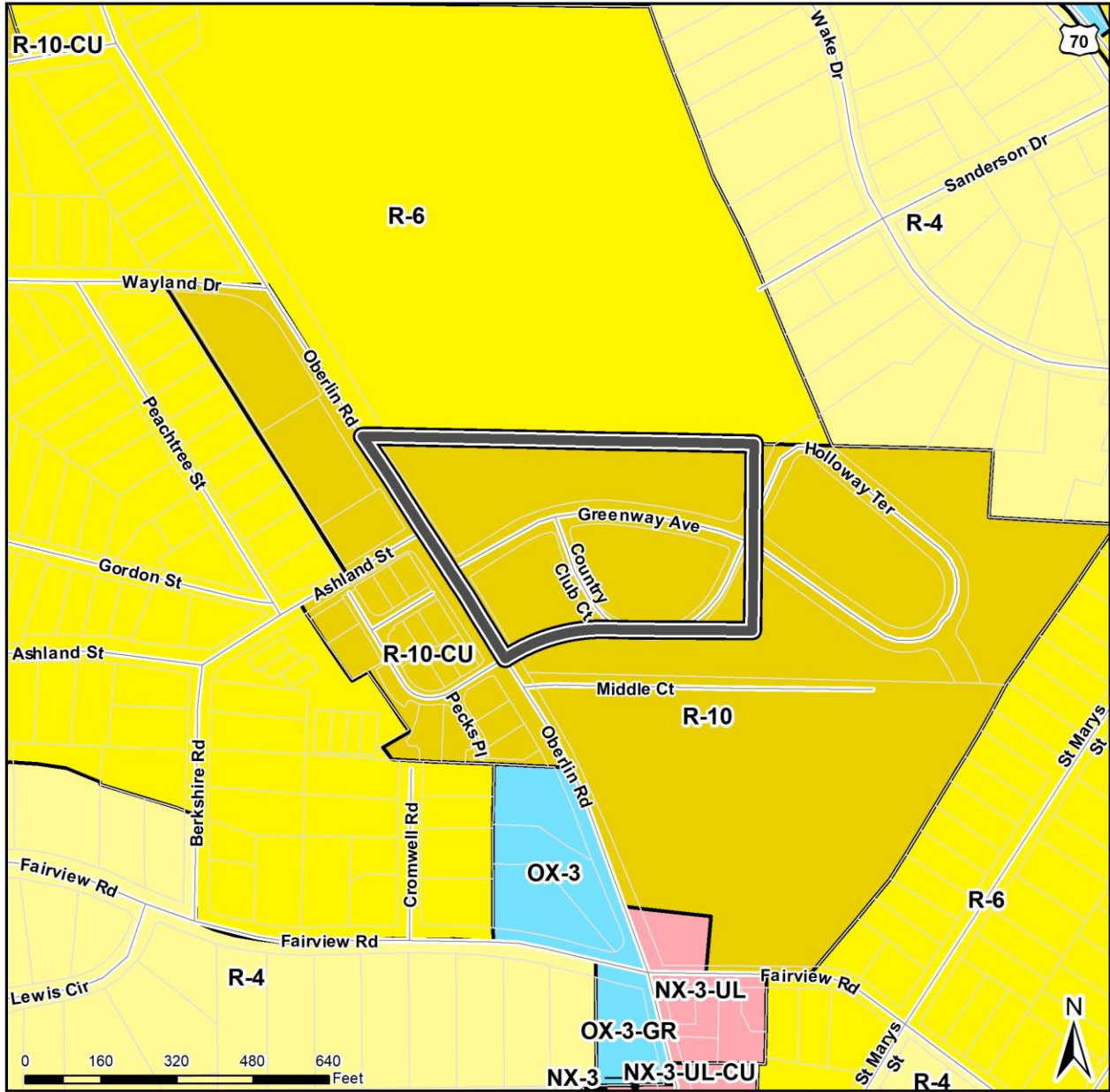
The zoning request would allow additional density only in a few forms. For residential uses other than “Group Living” uses, density is limited to the existing density of 10 units per acre. Group Living uses that would be possible on the site include assisted living and independent living uses for residents at least 62 years old and their spouses. For these uses, the rezoning would permit higher densities than R-10 and permit building heights up to three, four, or five stories as outlined above.

OUTSTANDING ISSUES

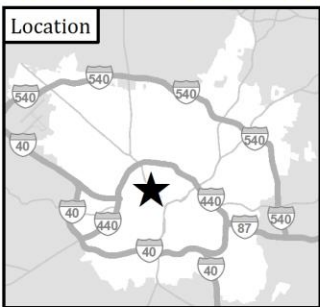
Outstanding Issues	1. None	Suggested Mitigation	1. N/A

Existing Zoning

Z-1-2020



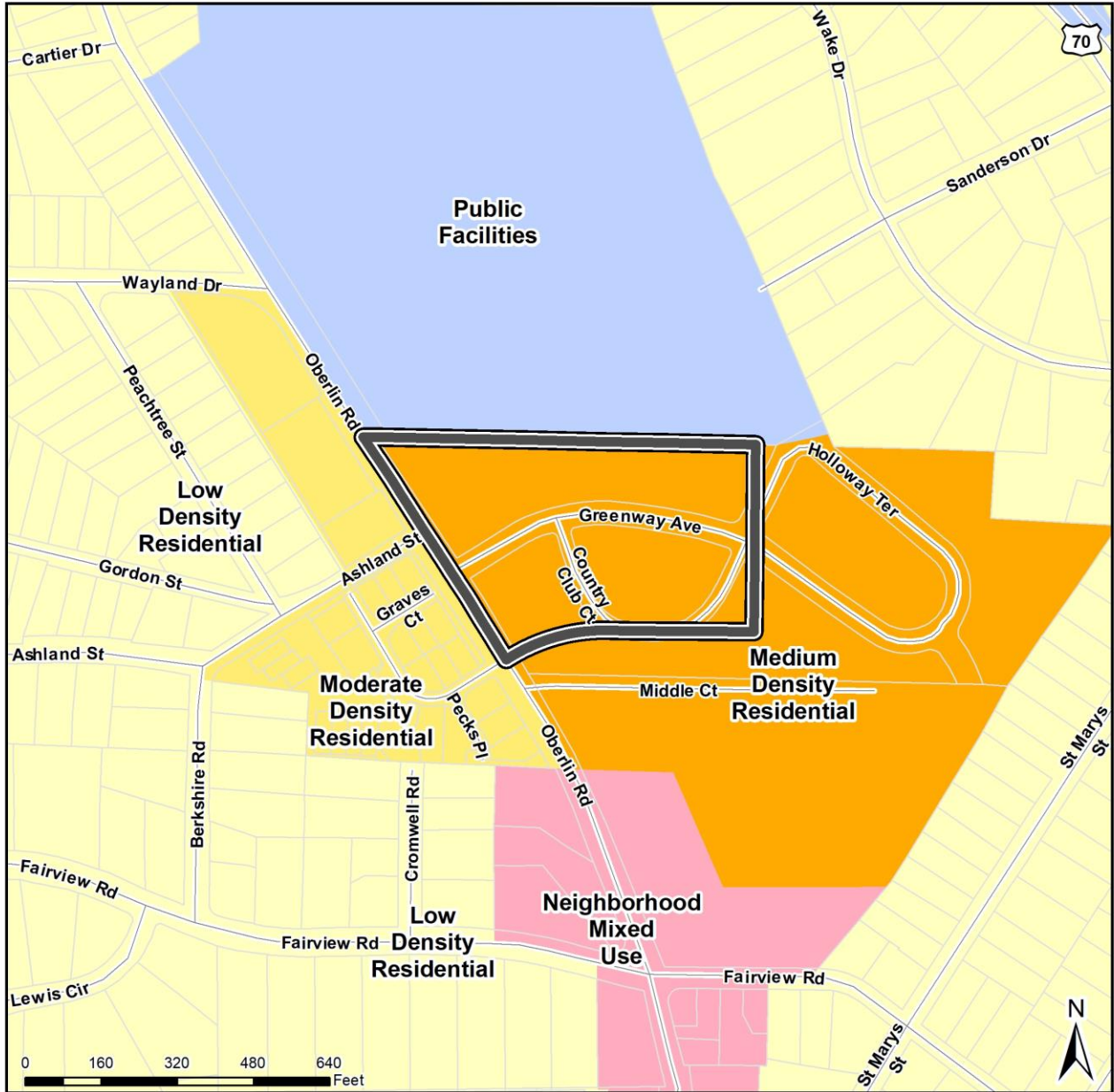
Property	2634 Oberlin Rd (portion)
Size	6.46 acres
Existing Zoning	R-10
Requested Zoning	RX-7-CU



Map by Raleigh Department of City Planning (mansolf); 1/6/2020

Future Land Use

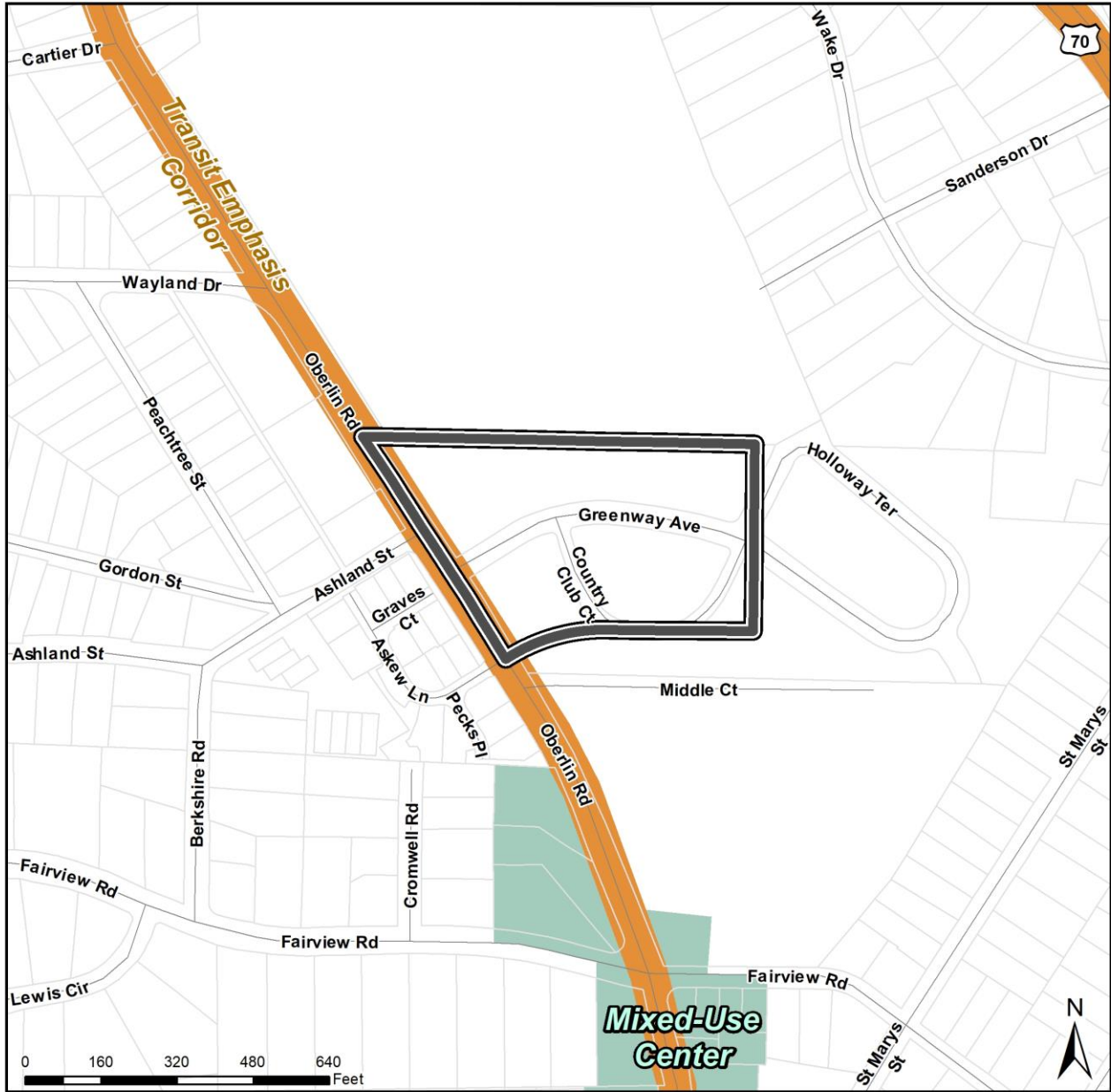
Z-1-2020



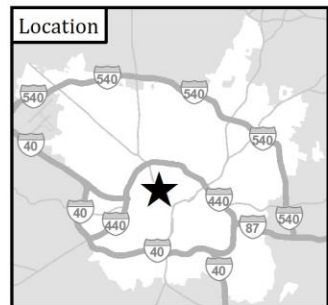
Property	2634 Oberlin Rd (portion)
Size	6.46 acres
Existing Zoning	R-10
Requested Zoning	RX-7-CU



Map by Raleigh Department of City Planning (mansolfj): 1/6/2020



Property	2634 Oberlin Rd (portion)
Size	6.46 acres
Existing Zoning	R-10
Requested Zoning	RX-7-CU



Map by Raleigh Department of City Planning (mansolf); 1/6/2020

COMPREHENSIVE PLAN

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?

Yes. The request, which would allow more housing in an area where frequent transit services is planned, is consistent with several themes of the plan, including Expanding Housing Choices, Coordinating Land Use and Transportation, and Greenprint Raleigh—Sustainable Development.

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

Yes. The Future Land Use Map's designation of Medium Density Residential envisions residential uses in the area, which aligns with the request for RX-7-CU. In terms of height, the Plan envisions up to five stories in Medium Density Residential in places that front a corridor with frequent bus transit, which is planned along both Oberlin Road and Glenwood Avenue.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

The use is specifically designated on the FLUM.

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

Existing infrastructure is sufficient to serve the use.

Future Land Use

Future Land Use designation: Medium Density Residential

The rezoning request is

Consistent with the Future Land Use Map.

Inconsistent

The Future Land Use Map designates the area as Medium Density Residential, which envisions multifamily housing types such as townhouses and apartments. In terms of height, the FLUM envisions up to five stories in the Medium Density Residential category in places that front a corridor with frequent bus transit, which is planned along both Oberlin Road and Glenwood Avenue. The request, which would allow up to five stories, with lower heights along Oberlin Road, is consistent with this guidance.

Urban Form

Urban Form designation: Transit Emphasis Corridor

The rezoning request is

Consistent with the Urban Form Map.

Inconsistent

Oberlin Road is designated as a Transit Emphasis Corridor on the Urban Form Map. To support transit use and walkability, buildings should support a higher level of pedestrian safety and comfort by not being set back far from the street or fronting the street with large amounts of parking. The request allows building types, such as Apartment, that include build-to areas that ensure the buildings have a presence on the street, although it also permits the Civic building type, which has no build-to but allows a 10' setback. The rezoning does not permit retail uses, which generally are the uses associated with larger setbacks and large amounts of parking between a building and the street.

Compatibility

The proposed rezoning is

Compatible with the property and surrounding area.

Incompatible.

The property is developed and occupied by residential uses, and the current zoning permits three-story buildings. The rezoning would continue to allow residential uses.

Public Benefits of the Proposed Rezoning

- The proposal would provide more opportunities for housing in a place that is walkable and well-served by transit.
- The proposal would allow for additional housing choice for residents who do not want to live in a detached house.
- The proposal would allow older residents in the area to move to a more supportive residential environment without having to move to a new part of the region.

Detriments of the Proposed Rezoning

- Some existing trees likely would be removed.

Policy Guidance

*The rezoning request is **consistent** with the following policies:*

LU 1.2 Future Land Use Map and Zoning Consistency - The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

- *The proposal is consistent with the Moderate Density Residential category on the FLUM.*

LU 2.2 Compact Development - New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

- *The proposal would allow a more compact form of development in an area that has already been developed and that is served by public services and infrastructure, minimizing the need to expand services and infrastructure on the city's fringes.*

LU 4.9 Corridor Development - Promote pedestrian-friendly and transit-supportive development patterns along multimodal corridors designated on the Growth Framework Map, and any corridor programmed for "transit intensive" investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

- *Oberlin Road is designated on the Growth Framework Map as a frequent bus corridor. The proposal would create a more transit-supportive pattern by allowing more residential units on the site.*

LU 8.1 Housing Variety - Accommodate growth in newly developing or redeveloping areas of the city through mixed-use neighborhoods with a variety of housing types.

- While the existing R-10 zoning allows a range of building types, the proposal would allow more units in a range of building types than the current zoning.

EP 1.1 Greenhouse Gas Reduction - Promote best practices for reducing greenhouse gas emissions as documented through the U.S. Mayors' Climate Protection Agreement.

- *The proposal would allow for carbon reduction in two ways that the city has the power to control. The proposal would allow additional homes in a walkable location served by high-frequency transit, which reduces vehicle miles traveled and associated carbon emissions. It also permits more density within the Apartment building type, which is the most energy-efficient residential building type.*

H 1.8 Zoning for Housing - Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well-supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses,

accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- The proposal would expand the housing supply and provide more housing diversity.

H 4.2 Aging in Place - Promote universal design and lifecycle housing to facilitate the ability of homeowners and neighborhood residents to age in place in their homes and neighborhoods.

- The proposal would allow assisted living, potentially providing the opportunity for residents to live in a location with more support without having to move out of their neighborhood.

*The rezoning request is **inconsistent** with the following policies:*

None

Area Plan Policy Guidance

N/A

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site*	Notes
Transit Score	30	51	Transit service here is higher than the city average, with significant improvements planned.
Walk Score	30	39	The walkability of the site is higher than the city average.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. The scores also correlate with shorter vehicle trips, which also produce less carbon. The city has a wide range of scores. Raleigh Municipal Building, for instance, has a Walk Score of 92, meaning the area is highly pedestrian-friendly and that many destinations are within a short walk. Some areas in the city have scores in single digits, indicating that few if any destinations are within walking distance, so nearly all trips are made by car.

* Score measured from Oberlin Road.

Summary: The area is more walkable and served by transit than the city as a whole, meaning trips are less likely to be in cars than in other areas of the city, and that vehicle trips are likely to be shorter distances. This means development here is likely to produce less transportation-related carbon than development in a place where driving is more likely.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

Summary: The proposal would allow more units in more energy-efficient building types, which produce less carbon.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	Would allow more units if in the form of assisted/independent living
Does it include any subsidized units?	No	
Does it permit a variety of housing types other than detached?	Yes	Permits all housing types
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	
Is it within walking distance of transit?	Yes	Transit is available in front of the site on Oberlin Road

**The average lot size for detached residential homes in Raleigh is 0.28 acres.*

Summary: The proposal allows more units in building types such as apartments that tend to be relatively more affordable than new units in detached houses.

IMPACT ANALYSIS

Historic Resources

The site is not located within or adjacent to a Raleigh Historic Overlay District. It is located adjacent to the Bloomsbury National Register Historic District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.

Impact Identified: None

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Windemere Beaver Dam Park (1.2 miles) and Jaycee Park (1.4 miles).
3. Nearest existing greenway trail access if provided by Crabtree Creek Greenway Trail (1.6 miles).
4. Current park access level of service in this area is graded a B letter grade.

Impact Identified: Increased use of nearby parks.

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	32,250	32,250	106,000
Waste Water	32,250	32,250	106,000

The proposed rezoning would add approximately 106,000 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: Increase water and wastewater use.

Stormwater

Floodplain	n/a
Drainage Basin	Beaverdam - SW
Stormwater Management	UDO 9.2

Overlay District

n/a

Impact Identified: No downstream structural impacts identified.

Transportation

Site Location and Context

Location

The Z-1-2020 site is located in northwest Raleigh on Oberlin Road between Fairview Road and Glenwood Avenue

Area Plans

The Z-1-2020 site is not located within any existing or active area or corridor plans.

Existing and Planned Infrastructure

Streets

Oberlin Road is a 2-lane divided avenue in Map T-1 of the Comprehensive Plan; it is maintained by the City of Raleigh. The site also includes existing local city streets: Greenway Avenue, Holloway Terrace, and Country Club Court.

In accordance with UDO section 8.3.2, the maximum block perimeter for RX-7 zoning districts is 2,500 feet, and the maximum length for a dead-end street is 300 feet. The current block perimeter for this site is approximately 7,900 feet. To the south of the site, a street stub and a large apartment community create opportunities to meet block perimeter standards. North of this site, block perimeter is limited by the Daniels Middle School campus.

Pedestrian Facilities

Sidewalks are complete on the site's Oberlin Road frontage and along the existing internal streets.

Bicycle Facilities and Greenways

In the vicinity of the Z-1-20 site, there are shared lane markings and limited bicycle lanes on Oberlin Road. A complete bicycle lane is planned in Map T-3 of the Comprehensive Plan. Access to the Crabtree Creek Greenway Trail is available approximately a mile from the site on Lassiter Mill Road.

Transit

GoRaleigh Route 16 currently operates on Oberlin Road between Downtown Raleigh and Crabtree Valley Mall. The Wake Transit Plan includes frequent service along this corridor between North Hills and Centennial Campus. This service addition is currently planned for FY2024.

There is also nearby service on Glenwood Avenue (Route 6). GoRaleigh proposes to implement frequent service on this route in FY2021 as a step to implement the Wake Transit Plan. The public comment period on this change is currently underway.

Access

Access to the subject site is via Oberlin Road and existing or new internal streets.

Other Projects in the Area

There are three sidewalk projects within a mile of the site:

- City Council has recently approved a street and sidewalk petition on Lake Boone Trail, between Glenwood Avenue and Edenburgh Road.
- A sidewalk on Wade Avenue between Hobson Court and Daniels Street is in design.
- A street and sidewalk improvement project on Scotland Street from Beaufort Street to Lassiter Mill Road/St. Marys Street is in design.

There are no other programmed transportation projects within a mile of the site.

TIA Determination

Based on the Envision results, approval of case Z-1-20 would increase the amount of projected vehicular trips for the site. The projected increase from the current entitlements to the Proposed Zoning Maximums would be 24 more trips in the AM Peak Hour and 27 more trips in the PM Peak Hour. These values do not trigger a Traffic Impact Analysis based on the thresholds in the Raleigh Street Design Manual.

Z-1-20 Existing Land Use Garden Apartments	Daily	AM	PM
	512	32	39
Z-1-20 Current Zoning Entitlements R-10 (Household Living)	Daily	AM	PM
	604	47	63
Z-1-20 Proposed Zoning Maximums RX-7-CU (Congregant Care)	Daily	AM	PM
	856	71	90
Z-1-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	252	24	27

Impact Identified: Increased vehicular trips. An additional 24 trips in the morning peak hour (one every 2.5 minutes) and 27 in the evening peak. Existing infrastructure is sufficient.

Urban Forestry

The site is larger than two acres, so tree conservation could be required. Whether any eligible areas exist is determined during site plan review.

Impact Identified: Some existing trees may be removed, although that is the case under current zoning as well.

Impacts Summary

The transportation impact of the rezoning is minimal, as the uses for which additional density would be allowed tend to produce far fewer trips than other residential uses. The rezoning would tend to add a similarly modest demand for transit, park space, and other city services and infrastructure.

Mitigation of Impacts

No impacts requiring additional mitigation beyond code or existing plans for transit and other improvements.

CONCLUSION

The rezoning is fully consistent with the Future Land Use Map, which sees this area as a reasonable place for additional residential density. The height requested is consistent with guidance for the area, which envisions up to five stories.

The transportation impact is minimal, as the uses for which more density would be allowed produce significantly fewer trips than other residential uses. The site also is more walkable and transit-served than the city as a whole, meaning more non-car trips would tend to take place here than elsewhere. That, along with the fact that the rezoning would facilitate building types such as apartments that are more energy efficient than detached houses, means the rezoning likely would facilitate a smaller per-person carbon footprint.

The proposal would add to the housing supply generally. It also would provide an additional option for residents who wish to “age in place.” The request is consistent with Comprehensive Plan policies about housing supply and housing for older residents.

Overall, the request is consistent with the Comprehensive Plan.

CASE TIMELINE

Date	Action	Notes
October 28, 2019	Neighborhood meeting	65 attendees
January 3, 2020	Petition filed	
March 10	PC review begins	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

	SUBJECT PROPERTY	NORTH	SOUTH	EAST	WEST
Existing Zoning	R-10	R-6	R-10	R-10	R-10-CU
Additional Overlay	-	-	-	-	-
Future Land Use	Medium Density Residential	Public Facilities	Medium Density Residential	Medium Density Residential	Moderate Density Residential
Current Land Use	Residential	School	Residential	Residential	Residential
Urban Form	Transit Emphasis	Transit Emphasis	Transit Emphasis	None	Transit Emphasis

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-10	RX-7-CU
Total Acreage	6.46	6.46
Setbacks:		
Front	10'-55' build-to (if Apartment)	10'-55' build-to (if Apt.)' 10' setback (if Civic)
Side	0' or 6'	0' or 6'
Rear	20'	0' or 6'
Residential Density:	10 units/acre	
Max. # of Residential Units	64 (or 129 with Congregate Care)	424
Max. Gross Office SF	-	-
Max. Gross Retail SF	-	-
Max. Gross Industrial SF	-	-

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

Relevant Planning Commission Minutes March 10, 2020: Z-1-20

AGENDA ITEM (E) 2: Z-1-20 – 2634 Oberlin Road

This case is located on Oberlin Road on both side of Greenway Avenue.

This is a request to rezone approximately 6.5 acres are requested by Oberlin Fairview Investors LLC to be rezoned from Residential-10 (R-4) to Residential-Seven Stories-Conditional Use (RX-7-CU).

Conditions limit height to no more than five stories overall. Within 60 feet of Oberlin Road, height is limited to three stories, except for the portion that is also within 275 feet of the Daniels Middle School property, where height is limited to four stories. Conditions also prohibit office, retail, restaurant, and most other commercial uses, and limit density for household living uses (uses other than group living uses such as assisted living, retirement community, or rest home) to the existing ten units per acre.

Planner Hardin presented the case.

Michael Birch representing the applicant gave a brief overview of the case.

There was discussion regarding proposed use; congregate care; assisted living and memory care units and what qualifies for tree conservation.

Mr. Birch spoke regarding speaking with the principal from Daniels Middle School and the removal of trees and addition of new tree plantings.

There was further discussion regarding plans to address traffic on Oberlin Road near Fairview Road.

Deirdre Denechaud concerned with proposed height and stated it is not consistent with the area. She also spoke regarding concern of traffic with regard of kids walking in the area.

There was further discussion regarding topography and getting a better understanding of what is envisioned for the site; the current product regarding affordable housing not necessarily contributing to the neighborhood; the density and the intensity this will bring to the area and massing toward the street.

Mr. Tomasulo made a motion to approve. Ms. Winters seconded the motion. The vote was not unanimous, 6-2. Ms. Jeffreys and Ms. Hicks were opposed.

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST					
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan				OFFICE USE ONLY Transaction # Rezoning Case #	
Existing Zoning Base District	R-10	Height	Frontage		Overlay(s) _____
Proposed Zoning Base District	RX	Height 7	Frontage		Overlay(s)
Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.					
If the property has been previously rezoned, provide the rezoning case number:					
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:					

GENERAL INFORMATION			
Date	1.2.20	Date Amended (1)	Date Amended (2)
Property Address	2634 Oberlin Road (portion of)		
Property PIN	1705-20-2354	Deed Reference (book/page)	12146 / 1834
Nearest Intersection	Oberlin Road and Fairview Road		
Property Size (acres)	6.458 acres	For Planned Development Applications Only:	
Total Units	N/A	Total Square Footage	N/A
Total Parcels	N/A	Total Buildings	N/A
Property Owner/Address	Oberlin Fairview Investors LLC 3700 Glenwood Avenue, Suite 330 Raleigh, NC 27612		Phone _____ Fax _____
Project Contact Person/Address	Michael Birch, Longleaf Law Partners 2235 Gateway Access Point, Suite 201 Raleigh, NC 27607		Phone 919.645.4317 Fax _____
Owner/Registered Agent Signature	<i>[Signature]</i>		Email <i>ggrubb@grubbventures.com</i>

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number	OFFICE USE ONLY Transaction # Rezoning Case #
Date Submitted	
Existing Zoning R-10 Proposed Zoning RX-7-CU	

Narrative of Zoning Conditions Offered

1. The following principal uses as set forth in UDO section 6.1.4. Allowed Principal Use Table shall be prohibited: office; outdoor recreation; overnight lodging; personal service; eating establishment; retail sales.
2. Within 60 feet of the existing right-of-way of Oberlin Road, building height shall be limited to 3 stories, except for that portion of the property that is both within 60 feet of the existing right-of-way of Oberlin Road and also within 275 feet of the Daniels Middle School property (Lot 1, Book of Maps 2004, Page 564), where building height shall be limited to 4 stories. The rest of the property subject to this rezoning ordinance shall be limited to five stories.
3. Residential density for household living uses as listed in UDO section 6.1.4. Allowed Principal Use Table shall be limited to ten (10) units per acre.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Registered Agent Signature *R Gordon Gruhl* Print Name R Gordon Gruhl

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis	OFFICE USE ONLY Transaction # Rezoning Case #
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	
STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>1. The Future Land Use Map (FLUM) designates the property for Medium Density Residential, which recommends a variety of housing types, including the apartment building type. Medium Density Residential recommends residential density in excess of 14 units per acre. The proposed rezoning seeks an RX zoning district with heights between 3-5 stories for a continuing care retirement community. Because the RX district allows for a variety of housing types and residential density in excess of 14 units per acre, the rezoning is consistent with the FLUM.</p>	
<p>2. The property fronts along Oberlin Road, which is designated as a Transit Emphasis Corridor by the Urban Form Map. These corridors are major streets and programmed for higher levels of bus service; there are currently 3 routes along or near the property (the 6, 16 and 8). A portion of the property falls within the Core/Transit area, while the remainder is categorized as General or Edge areas. The proposed rezoning seeks to utilize the bus services through additional density, as well as zoning conditions that match the maximum building height with the Recommended Height Designations in UDO Table LU-2. Thus, the rezoning is consistent with the Urban Form Map.</p>	
<p>3. The proposed rezoning is consistent with the following Comprehensive Plan policies: LU 1.3 "Conditional Use District Consistency"; Place LU 2.1 "Placemaking"; LU 2.6 "Zoning and Infrastructure Impacts"; LU 4.7 "Capitalizing on Transit Access"; LU 5.5 "Transitional and Buffer Zone Districts"; LU 8.1 "Housing Variety"; and H 4.2 "Aging in Place".</p>	
<p>4.</p>	
PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>1. The proposed rezoning would accommodate a continuing care retirement community with appropriately scaled heights, and in a walkable location to neighborhood retail uses.</p>	
<p>2. The proposed rezoning would spur redevelopment along a Transit Emphasis Corridor and promote multi-modal transportation.</p>	
<p>3. The proposed rezoning would introduce senior living facilities not currently found in the surrounding community.</p>	
<p>4.</p>	

REZONING APPLICATION ADDENDUM #2

Impact on Historic Resources

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

OFFICE USE ONLY

Transaction #

Rezoning Case #

INVENTORY OF HISTORIC RESOURCES

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

There are no known historic resources located on the property.

PROPOSED MITIGATION

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

Not applicable.

URBAN DESIGN GUIDELINES

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation Transit Emphasis Corridor Click [here](#) to view the Urban Form Map.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Response:</p> <p>The proposed development, a senior living facility, would provide dining, amenities and other services to its residents.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>Response:</p> <p>The proposed rezoning transitions from 5 stories down to 3 stories closer to Oberlin Road.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>Response:</p> <p>The proposed development would offer direct access to Oberlin Road and provide safe and efficient pedestrian pathways for residents.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>Response:</p> <p>The existing single-family homes to the east, as well as Daniels Middle School to the north, prevent cross-access to abutting lots.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>Response:</p> <p>The proposed development would consist of private streets and pedestrian pathways within the facility.</p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>Response:</p> <p>The development is cognizant of the residential character of the surrounding area, and offers a condition of a maximum 3-story height limit along Oberlin Road.</p>

7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>Response:</p> <p>The proposed rezoning anticipates placing buildings close to the Oberlin Road right-of-way, consistent with this guideline.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>Response:</p> <p>The site is not located at a street intersection.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p>Response:</p> <p>Outdoor amenity areas will be provided consistent with the UDO.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>Response:</p> <p>Outdoor amenity area will be provided consistent with this UDO.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>Response:</p> <p>Sidewalks and outdoor amenity areas will be provided consistent with the UDO, consistent with this guideline.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Response:</p> <p>The proposed development intends to provide open space that is comfortable for its residents and guests.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i> Response: Outdoor amenity area will be provided consistent with this UDO.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: The development anticipates placing parking lots within the site so as not to impact the surrounding residential community, consistent with this guideline.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Response: The development anticipates placing parking lots within the site so as not to impact the surrounding residential community, consistent with this guideline.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> Response: Any parking structures on the property will be developed with high-quality materials, consistent with this guideline.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> Response: A stop for GoRaleigh route 16 is located near the property along Oberlin Road, consistent with this guideline.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response: The development will provide convenient, comfortable pedestrian access between the building entrance and any transit stop, consistent with this guideline.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> Response: There are no known sensitive natural resources on the property.</p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>Response:</p> <p>Sidewalks and driveways will be provided in accordance with the UDO.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Response:</p> <p>Sidewalks will be provided in accordance with the UDO.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Response:</p> <p>Street trees will be provided in accordance with the UDO.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Response:</p> <p>The project anticipates placing building(s) near the Oberlin right-of-way, consistent with this guideline.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>Response:</p> <p>The proposed development anticipates consistency with this guideline.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>Response:</p> <p>The proposed development is a senior living facility, and anticipates creating a visually attractive home for its residents.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Response:</p> <p>Sidewalks will comply with the applicable UDO standards, consistent with this guideline.</p>

Country Club Homes-Zoning Boundary Metes and Bounds Legal Description

Beginning at a calculated point in the North west corner of Oberlin Fairview investors, LLC and Wake County Board of Education property, said point also having NC localized coordinates of (NAD 83 – 2011) N=750,783.56, E=2,101,546.26, thence south 88°54'19" east 799.33 feet to a point, thence South 00°31'21" West 394.65 feet to a point, thence North 89°33'18" West 312.24 feet to a point, thence along a curve to the left having a radius of 375.00 feet, an arc length of 221.06 feet, and a chord bearing and distance of South 73°33'27" West 217.87 feet, to a point in the centerline of Oberlin Road, thence along the centerline of Oberlin Road, North 31°52'16" West 48.97 feet to a point, thence North 31°24'31" West 49.88 feet to a point, thence North 32°10'07" West 51.12 feet to a point, thence North 32°33'57" West 40.91 feet to a point, thence North 32°56'37" West 49.00 feet to a point, thence North 32°42'16" West 43.54 feet to a point, thence North 33°24'36" West 51.39 feet to a point, thence North 32°48'08" West 47.83 feet to a point, thence North 33°02'43" West 32.80 feet to a point, thence North 31°35'16" West 33.64 feet to a point, thence North 34°04'32" West 42.65 feet to a point, thence North 33°15'31" West 32.83 feet to a point, thence North 33°15'31" West 33.43 feet to a point, thence leaving the centerline of Oberlin Road, South 88°54'19" East 26.82 feet to a point, the point and place of beginning containing 281298 sq. ft. or 6.458 acres more or less.

REZONING OF PROPERTY CONSISTING OF +/- 6.458 ACRES
LOCATED EAST OF OBERLIN ROAD, SOUTH OF DANIELS MIDDLE SCHOOL AND
NORTH OF MIDDLE COURT, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON
OCTOBER 28, 2019

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Monday, October 28, 2019, at 5:30 p.m. The property considered for this potential rezoning totals approximately 6.458 acres, and is located east of Oberlin Road, south of Daniels Middle School and north of Middle Court, in the City of Raleigh, having Wake County Parcel Identification Number 1705-20-2354. This meeting was held in the fellowship hall of Hayes Barton United Methodist Church, located at 2209 Fairview Road, Raleigh, NC 27608. All owners of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



Michael Birch
Email: mbirch@longleaflp.com
Direct: (919) 645-4317

2235 Gateway Access Point, Ste 201
Raleigh, NC 27607
Tel: (919) 645-4300
Fax: (919) 510-6802
longleaflp.com

October 17, 2019

Neighboring Property Owner:

An open house neighborhood meeting will be held Monday, October 28, 2019 from 5:30 PM to 8:00 PM in the fellowship hall of Hayes Barton United Methodist Church located at 2209 Fairview Road, Raleigh, NC 27608. The purpose of this meeting is to discuss the rezoning of a portion of the property located on the east of Oberlin Road, south of Daniels Middle School and north of Middle Court, with the address 2634 Oberlin Road, Raleigh, NC 27608. A map identifying the entire property and that portion being considered for rezoning is provided on the back of this letter.

The rezoning is for a project led by Liberty Senior Living, a company with deep North Carolina roots and a reputation for delivering high-quality senior housing projects across the southeast. The rezoning seeks a change from the Residential-10 zoning district to the Residential Mixed-Use district with conditions limiting building height to five stories (RX-5-CU or RX-7-CU). At this meeting representatives of Liberty Senior Living will be available from 5:30 PM until 8:00 PM to provide information about the proposed project and answer questions and receive comments from neighbors.

The City of Raleigh requires a neighborhood meeting involving the owners of property within 500 feet of the Property prior to filing a rezoning application. Anyone interested in learning more about this rezoning is encouraged to attend.

If you have any questions, please contact Michael Birch at (919) 645-4317 or mbirch@longleaflp.com. Also, for more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh Department of City Planning at (919) 996-2622 or rezoning@raleighnc.gov.

Sincerely,

Michael Birch

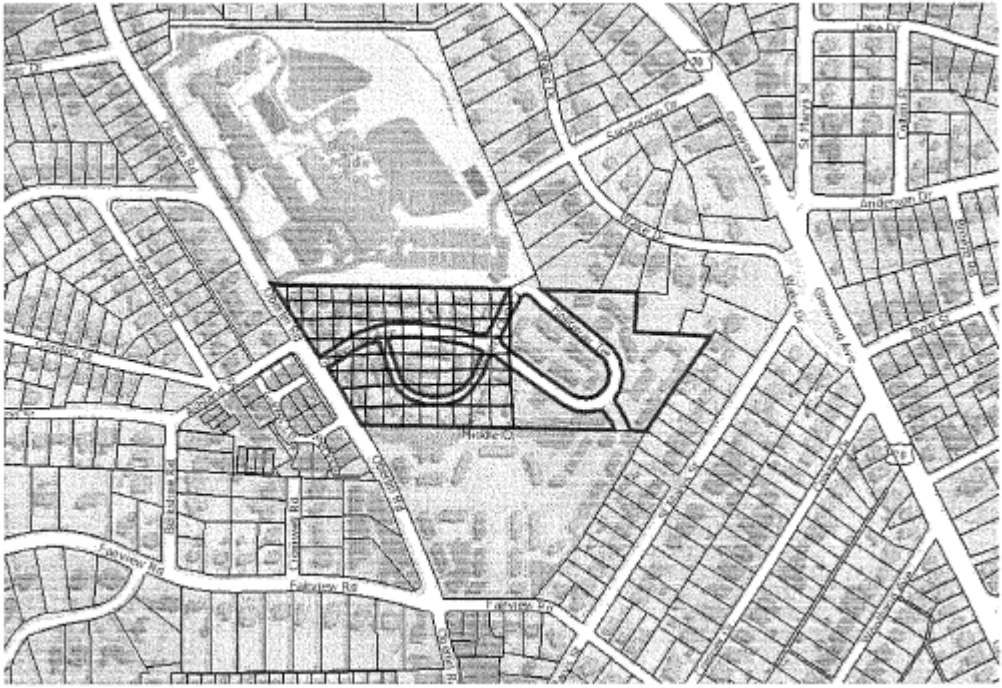


EXHIBIT B – NOTICE LIST

EXHIBIT C – ITEMS DISCUSSED

1. Current zoning
2. Proposed zoning district
3. Scope of property subject to re-zoning
4. Propose use of continuing care retirement community
5. Traffic associated with his proposed use
6. Location of building height
7. Distance from surrounding properties
8. Relationship to Current zoning
9. Proposed zoning districts
10. Scope of property subject to re-zoning
11. Proposed use of continuing care retirement community
12. Traffic associated with his proposed use
13. Location of building height
14. distance from surrounding properties
15. Relationship to Middle school
16. Location of proposed driveways
17. Number of units in CCRC
18. Operation of CCRC
19. Occupancy of units in CCRC
20. View of building from Oberlin Road
21. View of building properties along St. Mary's Street
22. Timeline for development, plan for residents of existing units
23. Plans for the portion of the property not subject to the rezoning
24. Number of existing units on portion of property subject to rezoning
25. Proposed location of parking
26. Proposed landscaping
27. Proposed building materials
28. Proposed location of Stormwater detention areas
29. Impact on existing trees
30. Required road improvements
31. Future land-use map guidance
32. Urban form map guidance
33. History and experience of rezoning applicant
34. Similar developments by applicant

EXHIBIT D – MEETING ATTENDEES

1. John Harris
2. Pam Davis
3. Rob Hamilton
4. Peggy Mulqueen
5. Francois Malassnet
6. Robbie Troxler
7. Sally Hawfield
8. Cecil Smith
9. Charlotte Grant
10. Mary and Cliff Baggett
11. Charles Upshaw
12. Carolyn Wilson
13. Todd Poston
14. Frank King
15. Jim McGimsey
16. John and Molly Watters
17. Anna Hattaway
18. Billy and Sally Garrett
19. Colin Perry
20. Norfleet Hoggard
21. Joe Trostel
22. Julie Woosley
23. Sue Johnson
24. Miriam Dorsy
25. Stephanie Suski
26. Eileen Hancox
27. Charles and Joann Warner
28. Elizabeth Fentress
29. Elizabeth McOwen
30. Craig and Maria Tierney
31. Sean Fowler
32. Jim Scott
33. Suzanne Martin
34. Jim and Adria Walker
35. Neal and Duden Hunt
36. Amy Perry
37. Cheri Kivisto
38. Henry Campen
39. Dan and Judy McConnell
40. Jay Boyette
41. Annette McLean
42. Martha Walston
43. Tricia Willoughby
44. Blake and Jennifer Thomas

45. Tim Clancy
46. Colin and Hannah Kelly
47. Aaron Sanchez-Guerra
48. David James
49. Leilani Walker
50. Ann McIver
51. Keith Coltrain
52. John Merritt
53. Deidre Denechaud
54. Nicole Dworsky
55. Laura Prewitt