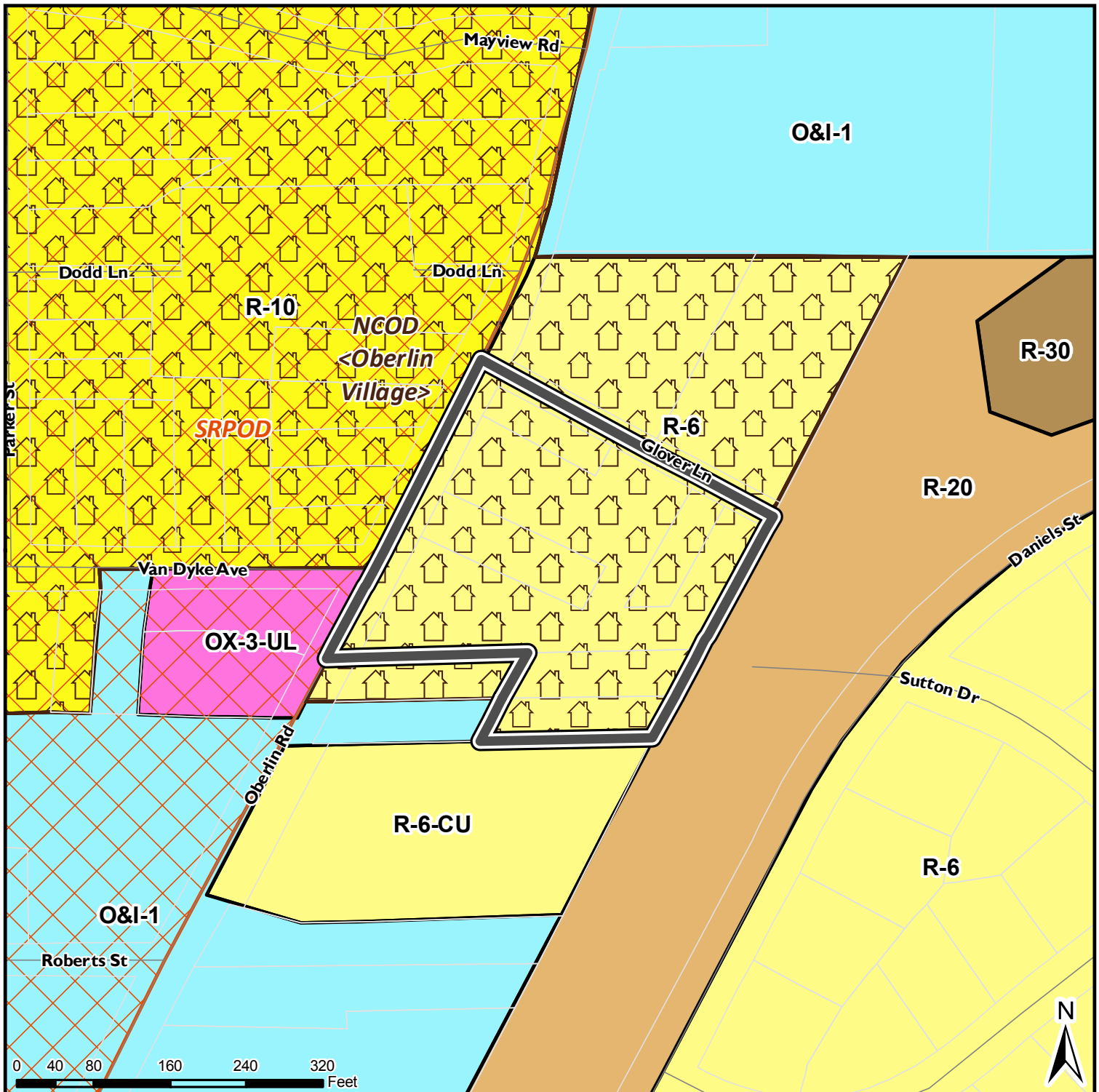


Existing Zoning Map

Z-36-2014



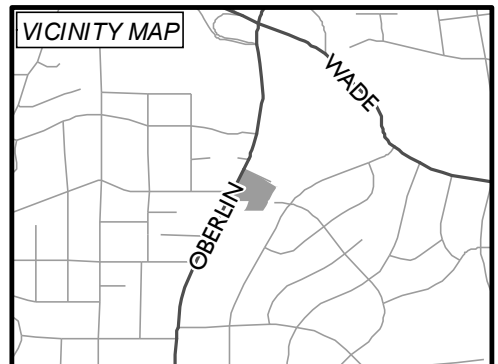
**Submittal
Date**

11/14/2014

Request:

2.14 acres from
R-6 w/NCOD
to RX-3-CU

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11619

Case Information: Z-36-14 - Oberlin Road and Glover Lane

<i>Location</i>	Oberlin Road, east side, south its intersection with Glover Lane Addresses: 0, 0, 818, 904, & 910 Oberlin Road, 2125 Glover Lane PINs: 1704046518, 1704046655, 1704046787, 1704047531, 1704048636 & 1704047407
<i>Request</i>	Rezone property from Residential-6 with Neighborhood Conservation Overlay District (R-6 w/ NCOD) to Residential Mixed Use-3 stories-Conditional Use (RX-3-CU)
<i>Area of Request</i>	2.14 acres
<i>Property Owners</i>	Oberlin Gardens & Oberlin Road Land Leases LLC Capital Land Investment Company 4412 Delta Lake Drive Raleigh, NC 27612 Catherine H. Wall 1204 Bentley Lane Raleigh, NC 27610
<i>Applicant</i>	Michael Birch, Morningstar Law Group: (919) 590-0388, mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Hillsborough – William A. Allen III: (919) 836-5515, will@allenheuer.com
<i>PC Recommendation Deadline</i>	April 13, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Moderate Density Residential (6 to 14 units/ acre)
<i>URBAN FORM</i>	Center: <i>None designated</i> Corridor: Transit Emphasis (Oberlin Road)
<i>CONSISTENT Policies</i>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 1.3 - Conditional Use District Consistency Policy LU 2.6 - Zoning and Infrastructure Impacts Policy LU 4.7 - Capitalizing on Transit Access Policy UD 1.10 - Frontage Policy UD 6.2 - Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 - Design Guidelines Policy HP 2.4 - Protecting Historic Neighborhoods

	Policy HP 2.7 - Mitigating Impacts on Historic Sites Policy AP-WO 1 - Wade-Oberlin Vision Policy AP-WO 2 - Wade-Oberlin Land Use Compatibility Policy AP-WO 11 - Oberlin Village Land Uses
INCONSISTENT Policies	(None identified.)

Summary of Proposed Conditions

<ol style="list-style-type: none"> Maximum density specified. Certain land uses prohibited. Minimum number of/ placement of buildings specified. Parking prohibited between street and maximum build-to line from street. Maximum building footprint set. Street-facing entrance required within maximum build-to. Transit easement offered. Allowed maximum height & minimum roof pitch within set distance of street specified. Minimum setback from Oberlin Road specified. Minimum setback from Hall house specified. Front stoop or porch required between Oberlin Road and building facades within build-to. Sidewalk to be provided to east boundary, but no public street connection (provided TC-8-15 is adopted). Stucco prohibited as a building siding material. 	-- as amended 11/5/15
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Public Meetings

Neighbor Meeting	CAC	Planning Commission	City Council	Public Hearing
11/8/14	11/20/14; 12/15/14; Y - 13, N - 9	1/13/15 (deferred); 2/24/15 (deferred); 3/10/15 (recommended approval)	3/17/15; 11/17/15	5/5/15 (held open); 7/7/15 (held open); 8/4/15 (held open); 10/7/15 (held open); 10/20/15 (held open); 11/3/15 (closed)

☐ **Valid Statutory Protest Petition**

Attachments:

- Staff Report
- Traffic Study Worksheet

Planning Commission Recommendation

Recommendation	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
Findings & Reasons	<ol style="list-style-type: none"> The proposal is consistent with the Future Land Use Map, Urban Form Map, and pertinent policies of the Comprehensive Plan. The proposed rezoning is reasonable and in the public interest. The proposal will provide opportunity to bring active

	<p>use to vacant land, and new housing proximate to existing goods and services.</p> <p>3. The proposal is compatible with the surrounding area. Conditions provide continuity of design with adjacent and nearby properties.</p>
<i>Motion and Vote</i>	<p>Motion: Swink Second: Braun In Favor: Braun, Buxton, Fleming, Fluhrer, Hicks, Lyle, Schuster, Swink, Terando and Whitsett</p>

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.

			3/10/15
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-36-14

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the site to permit residential development of greater density and height than is permitted under the current zoning. The subject properties, some of which once contained single-family residences, are today vacant; the easternmost lots are mostly wooded. Glover Lane, which borders the site on the north, is an unimproved City right-of-way.

Current site zoning allows up to 6 residences per acre. The maximum density being requested—14 units per acre—is the upper limit of the range supported by the site's Future Land Use designation (Moderate Density Residential).

Within most R-6 districts, the Unified Development Ordinance permits a maximum building height of 3 stories and 40 feet. However, the subject site is located within the Oberlin Village Neighborhood Conservation Overlay District (NCOD), which limits height to a maximum of 2 stories or 25 feet. The NCOD standards also require that each lot be between 5,000 square feet and 12,500 square feet in size, and have a minimum width of 50 feet; setbacks must be within 10% of the median front yard setback established by buildings on the same side of the block face, and all buildings must have a minimum of one entrance facing the public street. With the exception of requiring street-facing entrances for buildings within the UDO-required build-to, the NCOD standards would be removed under the requested rezoning.

The NCOD was adopted in 1998 to conserve the built integrity of the area around Oberlin Village, one of Raleigh's earliest African-American communities. The neighborhood's origins are evidenced in several properties which have been designated Raleigh Historic Landmarks. Two of those properties—the one-story Plummer T. Hall house (built between 1878 & 1893) and the two-story John T. & Mary Turner house (built circa 1900)—stand at either side of the subject site.

Since the NCOD's creation, several properties at the edges of the overlay have been removed from the overlay. The closest to the subject parcels—that of Oberlin Baptist Church, abutting the site on the south—obtained NCOD removal in 2005 (case [Z-63-05](#)). That approval, however, retained in case conditions three of the six NCOD standards verbatim, as well as partially retaining two more. In the end, the only NCOD standard which was fully removed was that pertaining to maximum lot size.

Outside the NCOD, redevelopment along Oberlin Road has tended toward greater intensification of uses. Most recently, across the street from the subject site on Van Dyke Avenue, a 3-story office building has been approved (per rezoning case [Z-25-13](#) & site plan [SR-2-13](#)). That property was not within the NCOD, though. However, the parcels north and west of it are: directly across Oberlin from the subject site is a line of single-story, early-20th century bungalows; the one-story Community Deli building anchors the northeast corner at Van Dyke Avenue.

The requested rezoning would remove the central block of NCOD properties on the east side of Oberlin Road. The only NCOD properties remaining north of the site would be the Turner house,

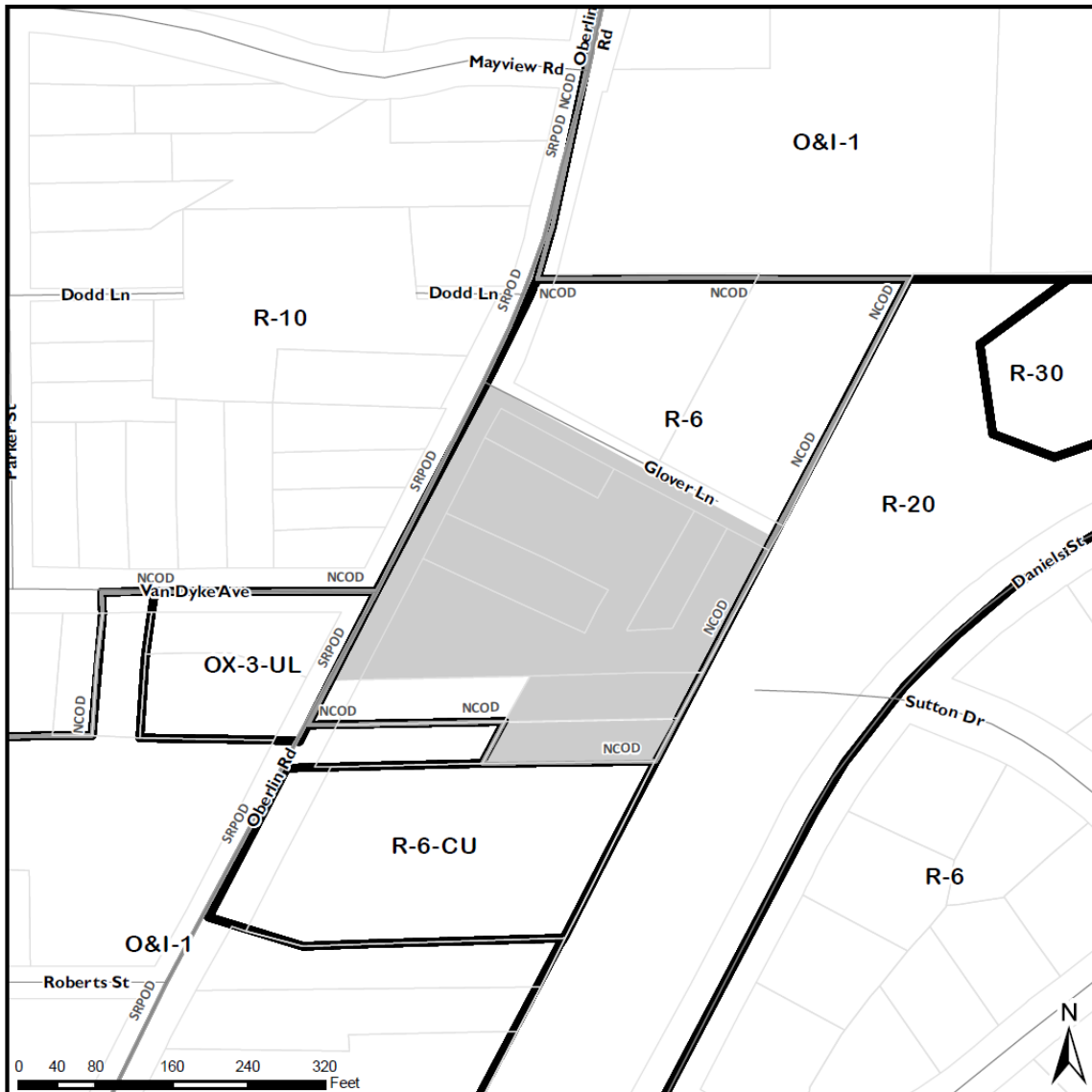
and a back-lot parking area associated with the Interact property (Interact being located outside the NCOD). The Hall house would be the only NCOD parcel left to the south.

Outstanding Issues

<i>Outstanding Issues</i>	1. Tree conservation, sewer and fire flow matters may need to be addressed upon development	<i>Suggested Mitigation</i>	1. Address tree conservation, sewer and fire flow at the site plan stage.
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Existing Zoning Map

Z-36-2014



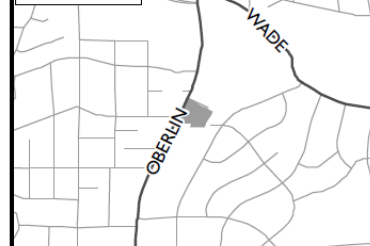
**Submittal
Date**

11/14/2014

Request:

**2.14 acres from
R-6 w/NCOD
to RX-3-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-6	Residential-6	Residential-6	Residential -20	Residential-10; Office Mixed Use-3 Stories- Urban Limited
<i>Additional Overlay</i>	Neighborhood Conservation	Neighborhood Conservation	Neighborhood Conservation	(none)	Special Residential Parking; Neighborhood Conservation (R-10 only)
<i>Future Land Use</i>	Moderate Density Residential	Moderate Density Residential	Moderate Density Residential	Medium Density Residential	Moderate Density Residential; Office & Residential Mixed Use
<i>Current Land Use</i>	Vacant	Single-Family Dwelling (Raleigh Historic Landmark); Parking Lot	Single-Family Dwelling (Raleigh Historic Landmark); Church	Apartments	Single-Family Dwellings; Grocery; Office (under construction)
<i>Urban Form</i>	Transit Emphasis Corridor	Transit Emphasis Corridor	Transit Emphasis Corridor	(none)	Transit Emphasis Corridor

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	6 DUs/ acre (site maximum: 12)	14 DUs/ acre (site maximum: 29)
<i>Setbacks:</i>		
<i>Front:</i>	20' (existing lots; 10' if new lots)	Min. 11'6" from existing Oberlin r/w; <u>If Apartment Building Type:</u> 70% w/n 10' to 30' build-to
<i>Side:</i>	5' (aggregate side yards: 15')	0' 6' (35% w/n 10' to 30' build-to)
<i>Rear:</i>	20'	0' 6'
<i>Retail Intensity Permitted:</i>	(not permitted)	(not permitted, per conditions)
<i>Office Intensity Permitted:</i>	(not permitted)	(not permitted, per conditions)

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	2.14	2.14
<i>Zoning</i>	R-6 w/ NCOD	RX-3-CU
<i>Max. Gross Building SF (if applicable)</i>	n/a	n/a
<i>Max. # of Residential Units</i>	12	29
<i>Max. Gross Office SF</i>	<i>(not permitted)</i>	<i>(not permitted, per conditions)</i>
<i>Max. Gross Retail SF</i>	<i>(not permitted)</i>	<i>(not permitted, per conditions)</i>
<i>Max. Gross Industrial SF</i>	<i>(not permitted)</i>	<i>(not permitted)</i>
<i>Potential F.A.R</i>	n/a	n/a

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

The proposed rezoning is:

☒ **Compatible** with the property and surrounding area.

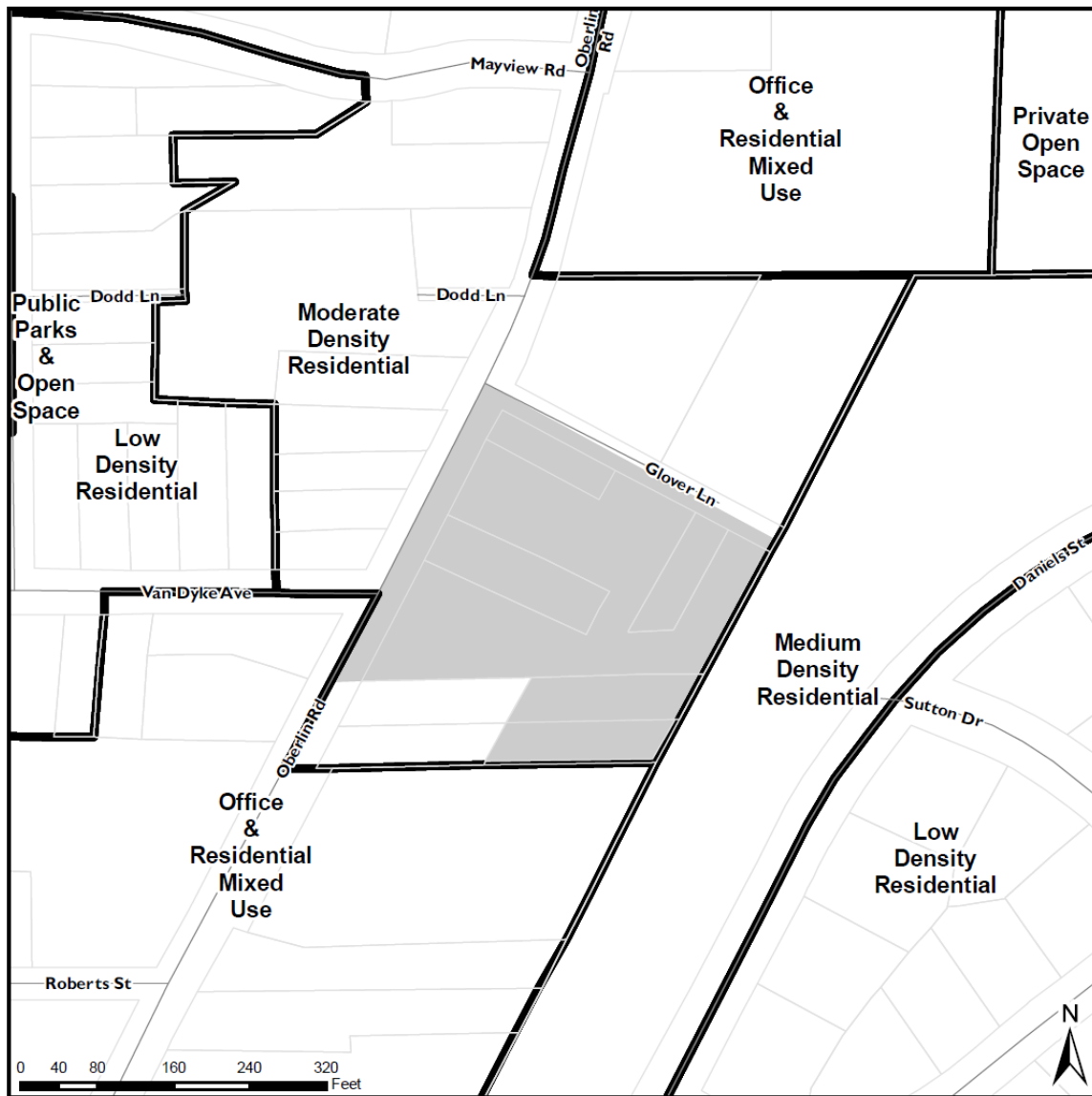
☐ **Incompatible.**

Analysis of Incompatibility:

(N/ A)

Future Land Use Map

Z-36-2014

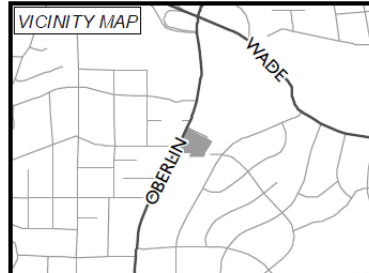


**Submittal
Date**

11/14/2014

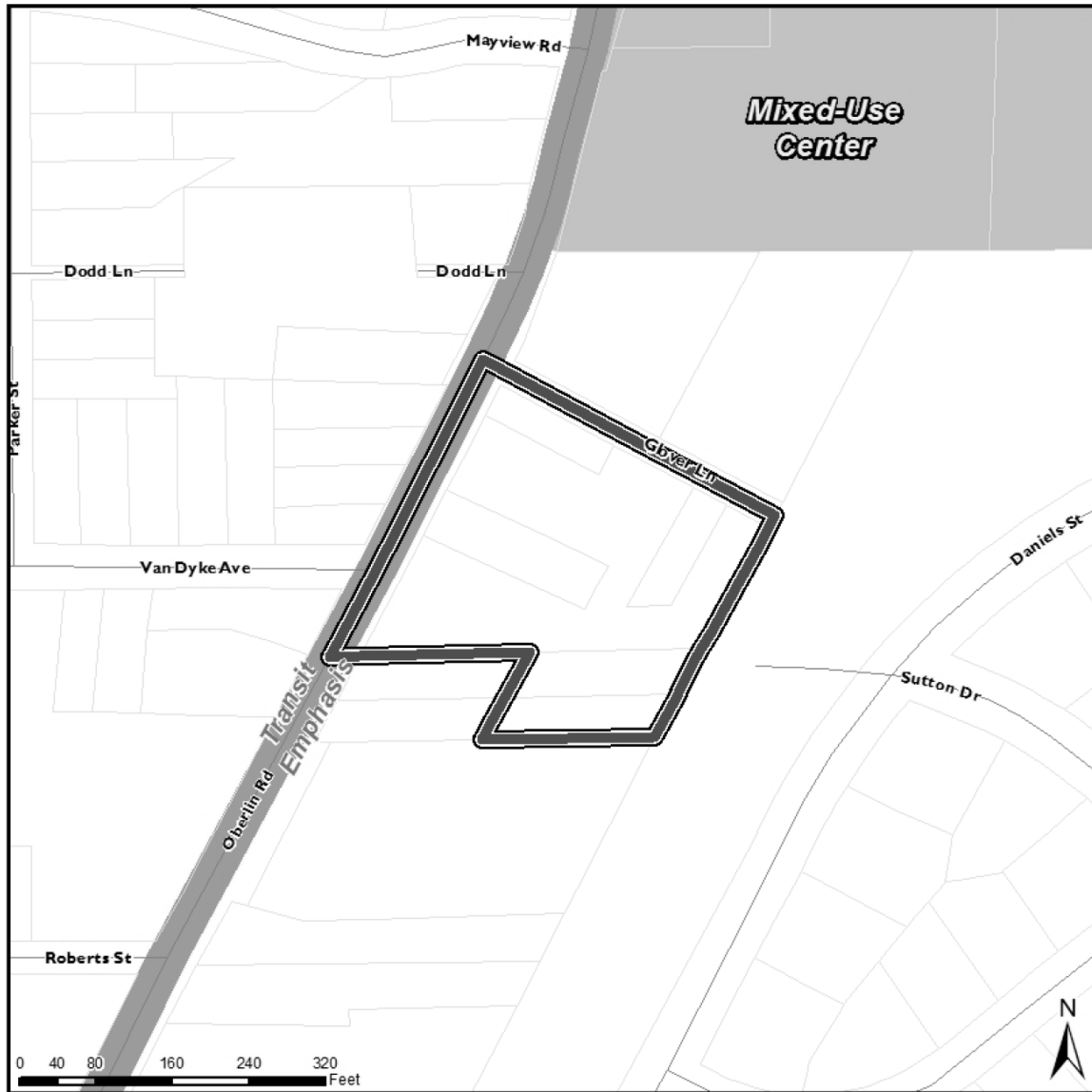
Request:

2.14 acres from
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Urban Form Map

Z-36-2014

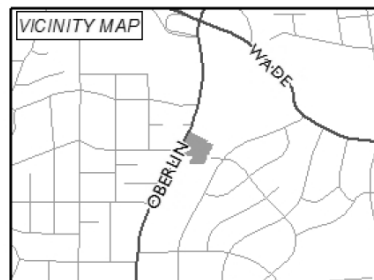


**Submittal
Date**

11/14/2014

Request:

**2.14 acres from
R-6 w/NCOD
to RX-3-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- 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?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal, as conditioned, is consistent with the Comprehensive Plan. The Future Land Use designates the site for Moderate Density Residential development; the proposal caps site density at 14 units per acre, the upper limit for the Future Land Use designation, but commensurate with the site's location on a designated Transit Emphasis Corridor.

While the proposal does not include a Frontage designation, it is conditioned such that site form and features support the transit-friendly design called for by the Corridor designation.

City utilities and streets should be adequate to serve the site, although Glover Lane is currently unimproved.

2.2 Future Land Use

Future Land Use designation: Moderate Density Residential

The rezoning request is:

☒ **Consistent** with the Future Land Use Map.

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.3 Urban Form

Urban Form designation: Transit Emphasis Corridor

☐ **Not applicable** (no Urban Form designation)

The rezoning request is:

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

2.4 Policy Guidance

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

(None identified.)

2.5 Area Plan Policy Guidance

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

(None identified.)

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Opportunity to bring active use to vacant land.
- Potential provision of new residences and types of housing proximate to existing goods and services.

3.2 Detriments of the Proposed Rezoning

- Regulatory isolation of adjacent properties north and south (which will remain subject to NCOD provisions), due to removal the subject site from the overlay.

4. Impact Analysis

4.1 Transportation

There are no Capital Improvement Program projects slated for this area. Cross access to the adjacent properties will be determined during site plan review. The block perimeter for the proposed site is greater than 3,000 feet. Section 8.3.2 of the Unified Development Ordinance identifies a maximum block perimeter of 3,000 feet for development up to four stories under the Residential Mixed Use zoning classification. New public streets may be required to maintain a well-connected street network. A traffic impact study is not recommended for case Z-36-14.

Impact Identified: None.

4.2 Transit

This property is currently served by CAT Route 16 Oberlin. Both the City of Raleigh Short Range Transit Plan and the Wake County 2040 Transit Study anticipate continued transit service along Oberlin Road. Oberlin Road is identified as a Transit Emphasis Corridor. An outbound transit stop is located in front of this property and the inbound stop is opposite it on the corner of Oberlin Road/Van Dyke Avenue.

A 15'x20' transit easement is conditioned along Oberlin Road. Construction of an ADA-accessible transit shelter on the easement would advance Policy T 4.15. In lieu of a deeded transit easement, with the consent of the Public Works Department and wholly at the expense of the property owner, a transit shelter may be incorporated into the face of the building or constructed within the right-of way.

Impact Identified: None. Development will increase demand for transit in this area but should not create capacity issues on the current system. The inclusion of the transit stop will help mitigate impact.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	SW Beaver and Pigeon House
<i>Stormwater Management</i>	Subject Article 9.2 of UDO
<i>Overlay District</i>	none

Site is located on the divide between two Drainage Basins. Site will be subject to stormwater control regulations under Article 9.2 of the UDO. No floodplain or Neuse Buffers exist on the site.

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	3,000 gpd	7,250 gpd
<i>Waste Water</i>	3,000 gpd	7,250 gpd

The proposed rezoning would add an estimated demand of an additional 4,250 gallons per day to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the property.

Impact Identified: The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

Site is not adjacent to existing or planning greenway corridor, trail, or connector. The nearest greenway trail is 0.5 miles. Park services are provided by Jaycee Park and Community Center.

Impact Identified: None.

4.6 Urban Forestry

UDO Article 9.1 applies to subdivisions and site plans 2 acres or more in size.

Impact Identified: Tree conservation areas will need to be identified in accordance with UDO Article 9.1 if a subdivision or site plan is submitted for parcels of 2 acres or more in size.

4.7 Designated Historic Resources

The subject properties lie next to or in close proximity to multiple Raleigh historic resources. The site is between two Raleigh Historic Landmarks: the one-story Plummer T. Hall house (built between 1878 & 1893) and the two-story John T. & Mary Turner house (built ca. 1900). These are also individually listed in the National Register of Historic Places.

Within 1,000 feet of the subject site are six other Raleigh Historic Landmarks: the Latta House & University Site, James S. Morgan House, Wilson Temple United Methodist Church, Oberlin Cemetery, Willis Graves House (also National Register listed), and Occidental Life Insurance Building (also National Register listed).

Additionally, the National Register-listed Cameron Village Historic District abuts the entire eastern boundary of the site.

Impact Identified: The careful massing and scale of any proposed development, especially along the street front, is important to maintaining the character and setting of these historic resources.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

Tree conservation, and sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

Address tree conservation, sewer and fire flow at the site plan stage.

5. Conclusions

The proposed rezoning could bring currently-vacant land back to active use. The presence of Raleigh Historic Landmarks on either side of the site, and the National Register Historic District on the east, underscores the need for a contextual approach to zoning and eventual site development. While most design provisions of the Oberlin Village Neighborhood Conservation Overlay District would be removed with rezoning, conditions are being offered to mitigate matters of form and scale. The proposed Mixed Use zoning, in tandem with the street's Transit Emphasis Corridor designation, requires that Frontage be addressed; provisions offered by case conditions support the pedestrian-accessible design the Corridor designation mandates. The potential increase in density merits possible need for sewer and fire flow improvements, which may be addressed upon development (along with tree conservation, as applicable).



Planning & Development



Development Services
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DEC 19 2014

CITY OF RALEIGH
PLANNING DEPT.

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification: Residential-6 with NCOD (Oberlin Village) Proposed Zoning Classification Base District: RX Height: -3 Frontage: N/A If the property has been previously rezoned, provide the rezoning case number: Z-83-95 (NCOD) Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 414255	Transaction Number

GENERAL INFORMATION		
Property Address: 0, 0, 818, 904 and 910 Oberlin Road and 2125 Glover Lane		Date: December 19, 2014
Property PIN: 1704-04-6518, 1704-04-6655, 1704-04-6787, 1704-04-7531, 1704-04-8636 and 1704-04-7407	Deed Reference (Book/Page): Book 15390, Page 833; Book 13858, Page 1202; Book 1475, Page 036	
Nearest Intersection: Oberlin Road and Glover Lane		Property size (in acres): 2.14 ac
Property Owner/Address: Oberlin Gardens & Oberlin Road Land Leases LLC Capital Land Investment Company 4412 Delta Lake Drive Raleigh, NC 27612 Catherine H. Wall 1204 Bentley Lane Raleigh, NC 27610	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email	

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



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Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-36-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: Residential-6 with NCOD	Proposed Zoning: RX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The maximum residential density on the property shall be fourteen (14) units per acre.
2.	The following principal uses listed in Allowed Principal Use Table (UDO Section 6.1.4) shall be prohibited: medical – all types; office – all types; personal service – all types; eating establishment; retail sales – all types.
3.	There shall be a minimum of three buildings on the property, and the front façade of at least two of these buildings shall be located within the area between the Oberlin Road public right-of-way and the maximum build-to line along Oberlin Road.
4.	There shall be no parking area located between the Oberlin Road public right-of-way and the front facade of those buildings located within that area between the Oberlin Road public right-of-way and the maximum build-to line along Oberlin Road.
5.	The maximum building footprint for any single building shall be 8,000 square feet, as defined as the gross floor area of the first above-grade story of the building.
6.	Each building with a front façade located within that area between the Oberlin Road public right-of-way and the maximum build-to along Oberlin Road shall have a primary entrance on the front façade of the building facing Oberlin Road.
7.	Prior to the issuance of a building permit for new development or the recordation of any subdivided lot, whichever event first occurs, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Oberlin Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office.

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/Agent Signature	Print Name



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Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-36-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: Residential-6 with NCOD	Proposed Zoning: RX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED

8.	This condition shall apply only to those new buildings with a front façade located within that area between the Oberlin Road public right-of-way and the maximum build-to along Oberlin Road. The maximum roof eave height as measured along the front façade of the building shall be twenty-five (25) feet, and the building shall have a pitched roof with a minimum pitch of 8:12 and a maximum pitch of 12:12. This maximum roof eave height of twenty-five (25) feet shall also apply to each side façade of the building, extending for a depth of at least fifteen (15) from the front façade, but in no event to a point less than thirty-five (35) feet from the Oberlin Road public right-of-way line existing as of the date of this rezoning ordinance. So long as the minimum depth of at least fifteen (15) feet along the side facades is met, this condition shall not apply to those portions of a building located beyond that area measuring thirty-five (35) feet in depth adjacent to the Oberlin Road public right-of-way line existing as of the date of this rezoning ordinance. However, in no event shall the buildings subject to this condition exceed two stories in height and thirty-four (34) feet in height.
9.	No principal building shall be constructed any closer to the Oberlin Road public right-of-way line existing as of the date of this rezoning ordinance than eleven feet and six inches (11' 6").
10.	The minimum distance between the Plummer T. Hall house structure (located on the property described in that deed recorded in Book 15420, Page 2241, Wake County Registry) and any new building with a front façade located within that area between the Oberlin Road public right-of-way and the maximum build-to area along Oberlin Road shall be sixty (60) feet. The distance between such new building and the Plummer T. Hall house shall be determined at the time of building permit issuance for the new building, and any subsequent movement of the Plummer T. Hall house shall not render the building on the property subject to this zoning condition nonconforming.
11.	Each building with a front façade located within that area between the Oberlin Road public right-of-way and the maximum build-to along Oberlin Road shall incorporate a porch or stoop on the front façade of the building.

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/Agent Signature	Print Name



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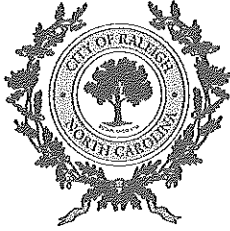
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Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-36-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: Residential-6 with NCOD	Proposed Zoning: RX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
12.	In the event text change TC-8-15 is adopted, this condition shall apply: (i) The property shall not be subject to the block perimeter requirements of UDO section 8.3.2 or any other provision of UDO Article 8 that would require a public street within the property that would provide a future public street connection between Oberlin Road and Daniels Street; and (ii) A sidewalk a minimum eight (8) feet in width shall be provided on or along the property that connects the sidewalk along Oberlin Road with the property's eastern boundary line adjacent to the Cameron Village Condominiums II property (described in Exhibit A to that Declaration recorded in Book 3426, Page 286, Wake County Registry, with Wake County PIN 1704-04-9530).
13.	Stucco shall be prohibited as a building siding material.

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/Agent Signature	Print Name



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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
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.	Transaction Number
	Zoning Case Number 2-36-14

STATEMENT OF CONSISTENCY

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.

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| 1. | The property is designated "Moderate Density Residential" on the Future Land Use Map, which recommends residential density between six to fourteen units per acre. The rezoning request conditions density to a maximum of fourteen units per acre, consistent with the Future Land Use Map guidance. |
| 2. | The property fronts along Oberlin Road, which is designated a transit emphasis corridor. The proposed zoning district of RX permits the apartment building type, which is subject to a front yard setback between ten and thirty feet. This setback brings buildings close to the primary street and limits the amount of parking between the road and buildings, all consistent with this Urban Form Map guidance. |
| 3. | The property is within the area designated "Lower Intensity" in the Wade/Oberlin Area Plan, although the area plan provides no guidance on what qualifies as "Lower Intensity." Other properties within the Area Plan that are designated "Lower Intensity" are zoned R-15, R-20 and R-30, developed for multifamily uses, and permit up to three stories in height. The rezoning request permits density, uses and height similar to these properties designated "Lower Intensity," and is therefore consistent with the Area Plan guidance. |
| 4. | The rezoning request is consistent with the following Comprehensive Plan and Wade/Oberlin Area Plan policies: LU 1.2, LU 1.3, LU 7.3, LU 8.10, LU 8.11, LU 8.12, AP-WO 1, AP-WO 2, and AP-WO 3. |

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

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| 1. | The rezoning request provides a public benefit by rezoning property in accordance with the Future Land Use Map. |
| 2. | The rezoning request provides a public benefit by permitting additional housing options and additional residences in close proximity to pedestrian-oriented retail uses. |

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<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> Response: The property provides additional housing options in close proximity to office and retail uses.
2.	<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> Response: The rezoning request limits height to three stories, consistent with the maximum height of surrounding properties.
3.	<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> Response: No new streets are proposed as part of this rezoning request, although the property does front along and will likely gain access from a minor street.
4.	<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> Response: The exterior lot lines of the property offer no practical alternatives for connection or through traffic, although Glover Lane is stubbed to adjacent development.
5.	<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> Response: The property is located at the intersection of two public streets; however, the block face exceeds the recommended length with no opportunity for interconnectivity.
6.	<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> Response: The apartment building type permitted by the RX district imposes a maximum setback of thirty feet, consistent with this guideline.
7.	<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> Response: The apartment building type permitted by the RX district imposes a maximum setback of thirty feet, consistent with this guideline.
8.	<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> Response: The maximum setback associated with the apartment building type in the RX district is not sufficient to accommodate parking between the building and the road, and it is anticipated that a building will be located at the corner of Oberlin Road and Glover Lane, all consistent with this guideline.
9.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
10.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
11.	<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> Response: It is anticipated that the outdoor amenity area will be located in close proximity to the residential buildings.
12.	<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> Response: It is anticipated that the outdoor amenity area will be located in close proximity to the residential buildings.
13.	<i>New public spaces should provide seating opportunities.</i> Response: An outdoor amenity area will be provided in accordance with the UDO.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: The apartment building type in the RX district imposes a maximum setback that is not sufficient to accommodate any parking between the building and the road.

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></p> <p>Response: The apartment building type in the RX district imposes a maximum setback that is not sufficient to accommodate any parking between the building and the road.</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></p> <p>Response: No parking structures are anticipated as part of this development.</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></p> <p>Response: The property is located within walking distance of transit stops and retail and office uses.</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></p> <p>Response: There is a sidewalk existing in the right-of-way of Oberlin Road, providing access to the transit stops.</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></p> <p>Response: There are no known environmentally sensitive areas 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: No new streets are anticipated as part of this rezoning.</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: 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: Streets, sidewalks and streetscape 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: The building type in RX requires building coverage within the primary build-to line, 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: The primary building façade will likely face Oberlin Road and that entrances will provide access to Oberlin Road.</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: The building types will be constructed in accordance with the UDO.</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: The proposed buildings in RX must address the primary street, consistent with this guideline.</p>

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Thursday, November 6, 2014, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. Below is a list of items discussed at the meeting:

1. Proposed uses
2. Potential for office uses
3. Number of dwelling units
4. Type of residential development
5. Allowable height
6. History of property and surrounding area
7. Traffic on Oberlin Road
8. Character of Oberlin Village area
9. Connectivity with surrounding development
10. Improvements to Glover Lane
11. Access to property
12. Status of Plummer T. Hall house
13. Oberlin streetscape study

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. Allen and Geraldine Crooms
2. Mable Patterson
3. Jeffrey Burton
4. Brad Lindsley
5. Kelly Edwards
6. Robbie Troxler
7. Mike Davis
8. Kerrick Wilson