



Certified Action of the City of Raleigh Planning Commission

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

Case File / Name: SP-52-09 / Haywood Street

General Location: The site is located on the northeast corner of Haywood Street and Lenoir Street, inside the city limits.

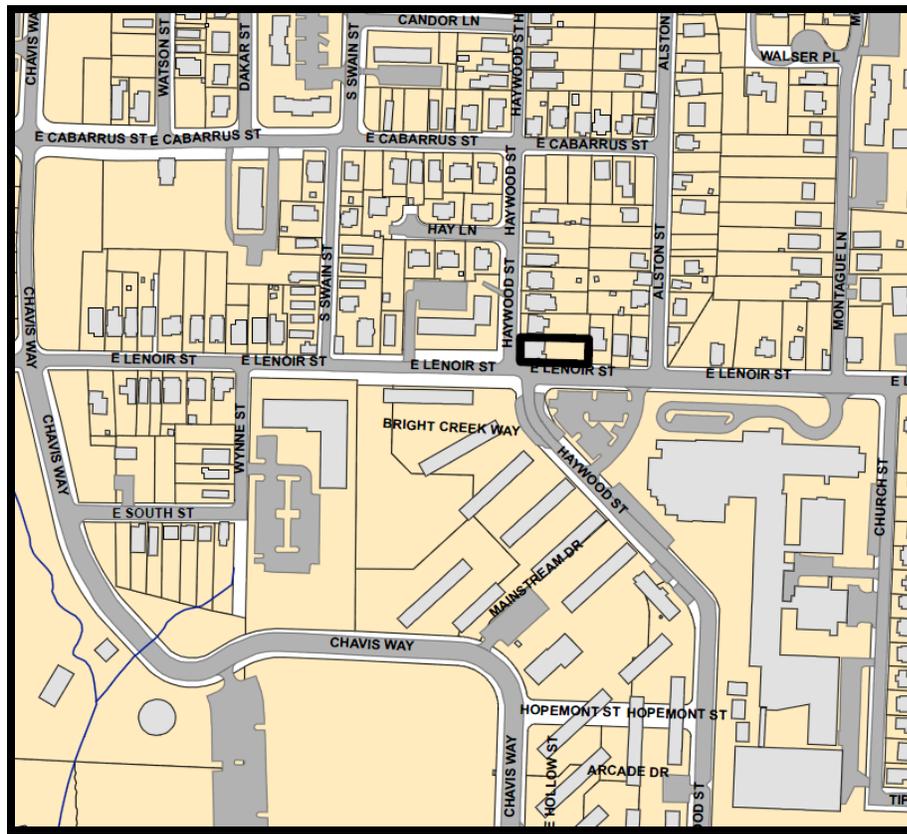
Owner: Jordan Investors, LLC
Designer: Aiken & Yelle Associates

CAC: South Central

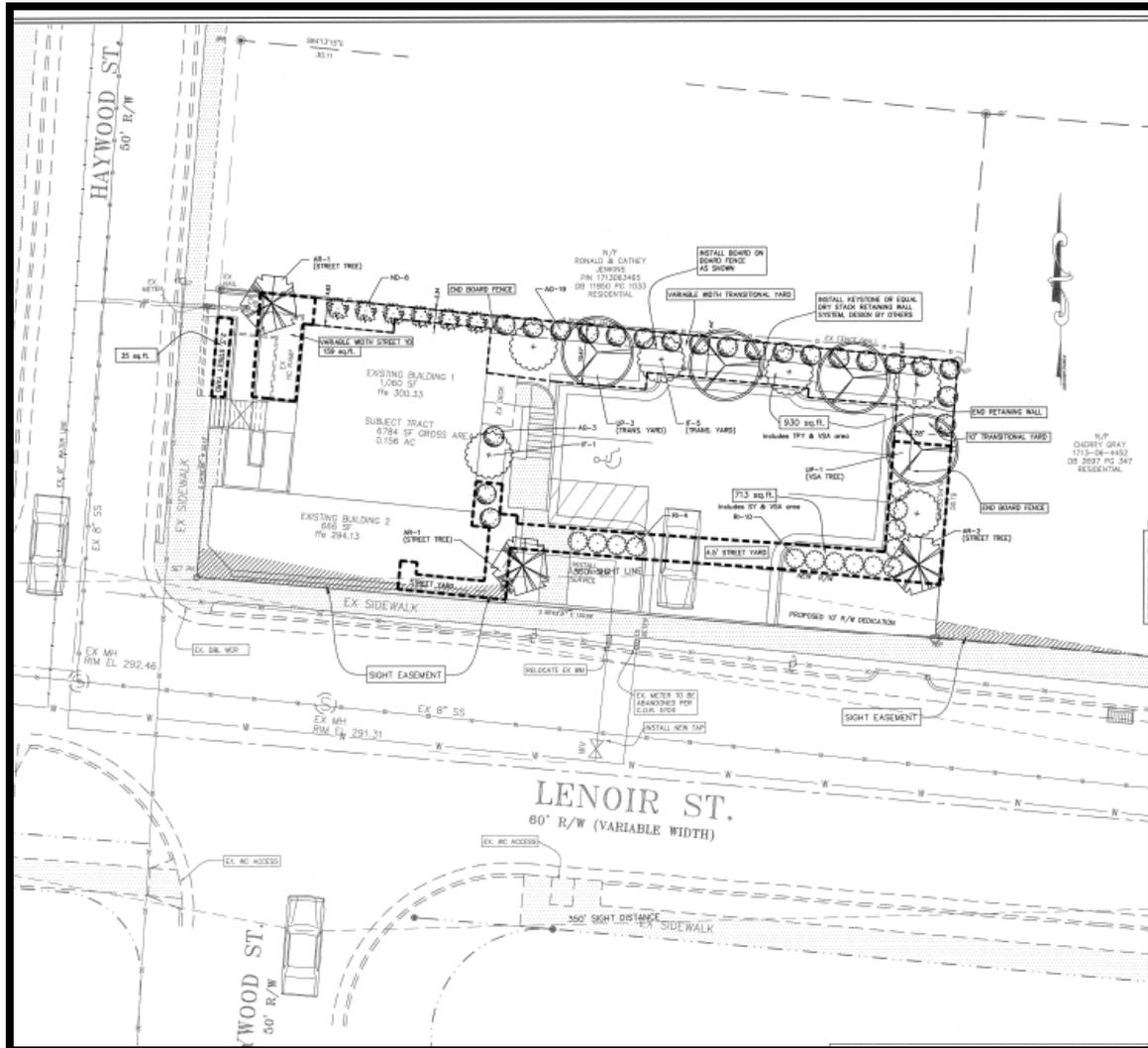
Nature of Case: The proposal is a change of use for a 1,726 square foot building which currently is used as a residence and retail use. The existing residence is to be converted into a retail use and the existing retail use is to be converted into an office.

Key Issues: Planning Commission should evaluate the proposal based on the eight site plan approval standards of code section 10-2132.2 (d).

Contact: Harold Yelle



SP-52-09 – Location Map



SP-52-09 – 527 Haywood Street – Site Plan

SUBJECT: SP-52-09 / Haywood Street

**CROSS-
REFERENCE:** N/A

LOCATION: This site is located on the northeast corner of Lenoir Street and Haywood Street, inside the City Limits.

REQUEST: This request is to approve the change of use of an existing 1,726 square foot building on a 0.156 acre site, zoned Neighborhood Business. The building currently functions as a 1,060 square foot residence with a 666 square foot retail use. The existing residence is to be converted into a retail use and the existing retail use is to be converted into an office. This site plan requires Planning Commission approval because this is a greater than 10% increase in retail square footage on site and it is within 400 feet of a residential use.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that this request, with the following conditions of approval being met, conforms to Chapter 2, Part 10, Sections 10-2042 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6-2-10, owned by Jordan Investors, LLC, submitted by Harold Yelle.

**ADDITIONAL
NOTES:**

On March 8, 2010 the Board of Adjustment, A-6-10, approved a parking reduction and a variance request for setback and landscape yard width required for the change of use of these buildings.

The Board of Adjustment granted a variance in the parking requirement reducing the required minimum number of parking spaces to five.

The Board of Adjustment granted a variance in the front and corner yard setback requirements of code section 10-2075 (b) to construct a handicap ramp to access the expansion area of the existing retail use. The required reductions are 27.7 feet on the front yard facing Haywood Street and 13.75' on the Lenoir Street corner yard to bring into compliance the proposed change of use plan.

The Board of Adjustment granted a variance in the transitional protective yard minimum width of 10 feet per requirements of code section 10-2082.9.g.3.a to the widths as shown on the included site plan. The widths vary from 2.3 feet to 10.2 feet.

**VARIANCES /
ALTERNATES:**

The Director of the Public Works Department granted a variance not to dedicate right-of-way within 6' of the east side of the building and behind the sidewalk along Lenoir Street which provides a 1.8' setback as previously requested before the Board of Adjustment. In the future, this right-of-way will be required if the building is being modified.

To PC: September 14, 2010

Case History: N/A

Staff Coordinator: Meade Bradshaw

Motion: Mattox

Second: Batchelor

In Favor: Anderson, Bartholomew, Batchelor, Fleming, Harris Edmisten, Mattox, Mullins, Smith, Sterling

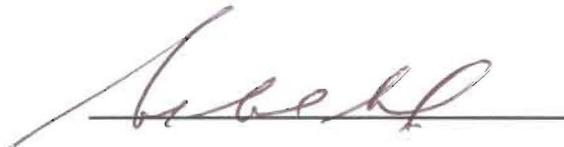
Opposed:

Excused:

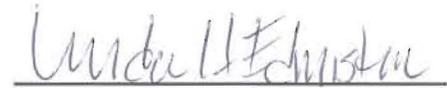
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)

(PC Chair)



date: 9/14/10



date: 9/14/10



Staff Report

**RECOMMENDED
ACTION:** Approval with Conditions

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

- (1) That the Planning Commission finds that this request, with the conditions of approval below being met, conforms to the standards of approval contained in code section 10-2132.2(d).

Administrative Actions:

Prior to issuance of building permits in the Inspections Department:

- (2) That an encroachment agreement for the hand rail to be located within the right-of-way of Haywood Street is approved by the City Council by separate action. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the City's Encroachment Coordinator in the Public Works Department;
- (3) That an encroachment agreement for the landscaping to be located within the right-of-way of Lenoir Street is approved by the City Council by separate action. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the City's Encroachment Coordinator in the Public Works Department. In addition the applicant shall secure a planting permit from the Urban Forester in the Parks and Recreation Department for the proposed tree to be planted in the public right-of-way;
- (4) That 1/2' of 41' in width of right-of-way, except in areas where the building exists and an additional 6' from the east side of the building on Lenoir Street, be dedicated to the City of Raleigh as shown on the preliminary plan and a copy of the recorded plat be provided to the City at permit review; and
- (5) That a fee in fee-in-lieu of construction for 7' of payment along Haywood Street in an amount determined by the City Engineer, is paid in the Public Works Department.

ZONING:

ZONING DISTRICTS: Neighborhood Business

SETBACKS / HEIGHT: The Board of Adjustment granted a variance in the front and corner yard setback requirements of code section 10-2075 (b). The required reductions are 27.7' feet on the front yard and 13.75' on the corner side yard. Front yard = 2.3', rear yard = 2.34', front / rear aggregate = 4.64', corner side yard = 1.25', side yard = 80', side yard aggregate = 81.25'. The proposed height of 28' conforms to maximum height standards of 40' in this zoning district.

PARKING: Off-street parking conforms to minimum requirements: 9 spaces required, based on 6 parking spaces per 200 square feet of retail use and 3 parking spaces based on 300 square feet of office use. 5 spaces are provided. The Board of Adjustment granted a variance in the parking requirement reducing the required minimum number of parking spaces to 5.

LANDSCAPING: Street yard landscaping is in conformity with Section 10-2082.10. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown.

The Board of Adjustment granted a variance from code sections 10-2082.9.g.3.a and 10-2082.9.h. approving the widths of the transitional protective yards along the northern and eastern property lines. This is a medium impact use under Section 10-2082.9. Transitional protective yards required would be a 30' Type B:

Location	Yard type required	Width proposed
Northern property line	Type B	2.3'-10' with 6' wooden fence
Eastern property line	Type B	2.3'-10' with 6' wooden fence

TREE CONSERVATION: The plan is exempt from tree conservation due to it being a non residential property less than 2 acres in size with no trees adjacent to Lenoir Street, a thoroughfare.

DEVELOPMENT INTENSITY: There is no floor area ratio or building lot coverage limitations in the Neighborhood Business Zoning District.

PHASING: There is one phase in this development.

UNITY OF DEVELOPMENT: Unity of development does not apply with this site.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

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

Street	ROW	Construct	Slope Esmt.
Lenoir Street	10'	N/A	N/A
Haywood Street	N/A	widen sidewalk to 5'	N/A

Additional right-of-way to be dedicated is reimbursable under the facility fees program. A fee-in-lieu will be paid for 7' of pavement along Haywood Street.

The Director of the Public Works Department granted a variance not to dedicated right-of-way within 6' of the east side of the building and behind the sidewalk along Lenoir Street which provides a 1.8' setback as previously requested before the Board of Adjustment. In the future, this right-of-way will be required if the building is being modified.

TRANSIT: Capital Area Transit's Routes 5 and 32 have a stop on the site, but due to site constraints, a transit easement is not being required.

URBAN FORM: This site is located in the South Central Citizen Advisory Council and within the Downtown Regional Intensity Area where mixed uses and higher densities are encouraged; however, the subject property is also a part of the Olde East Raleigh Small Area Plan. The Olde East Raleigh Small Area Plan recommends Medium Density Residential development for this property; however, this structure was built in 1950 and retail uses have remained on the site since that time in conformance with the Neighborhood Business Zoning District.

Note this plan was submitted before the new Comprehensive Plan was adopted on November 1, 2009 and was evaluated based on Comprehensive Plan guidelines in effect at the time of submittal.

**HISTORIC /
DISTRICTS:**

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

**APPEARANCE
COMMISSION:**

The Appearance Commission has made the following comments on this preliminary plan. Shown below are comments and applicant responses:

Comment	Response
1. The committee recommends that the roof form above the proposed handicap ramp be removed, as having a negative impact on the house's architectural form and character.	The roof has been removed over the handicapped ramp

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.

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

SOLID WASTE: Individual lot service to be provided by private contractor.

CIRCULATION: Proposed street improvements shall conform to normal City construction standards.

PEDESTRIAN: Sidewalks currently exist on both Lenoir Street and Haywood Street. Sidewalks on Haywood Street are currently 4' in width and will be widen to 5'. Private sidewalks connect both entrances on Haywood Street and Lenoir Street to the public sidewalks.

FLOOD HAZARD: There are no flood hazard areas on this site.

**STORMWATER
MANAGEMENT:** This project, as a lot less than 1/2 acre in size recorded prior to the application of the stormwater regulations, is exercising the exemption to stormwater runoff control afforded by City Code Section 10-9021 (2) and exemption to nitrogen reduction per Section 10-9022 (a).

**WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.

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