



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-52-11 / 603 Glenwood Avenue

General Location: The northwest corner of the intersection of Glenwood Avenue and W. Johnson Street

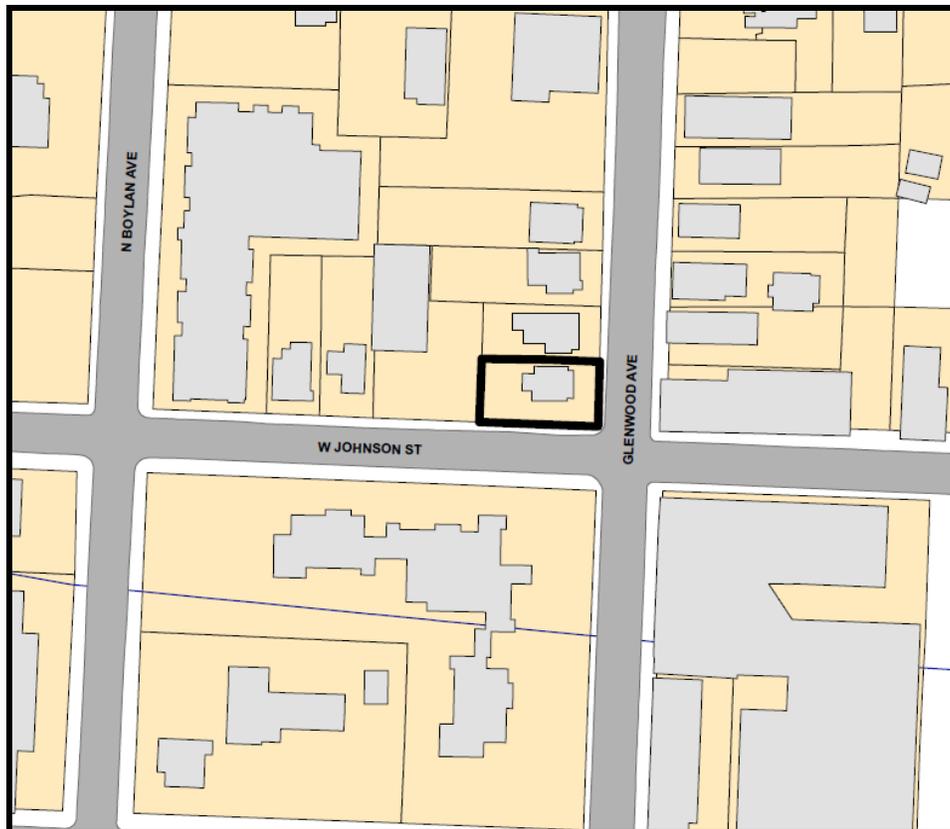
Owner: Beverly Luter
Developer: 603 Glenwood, Inc./Dan Lovenheim
Designer: Red Line Engineering, P.C/ Gary McCabe

CAC: Hillsborough

Nature of Case: The conversion of a 1,030 square foot building into a Bar/Nightclub with outdoor seating areas. The subject property is a 0.15 acre parcel zoned Neighborhood Business and Pedestrian Business Overlay District. As the subject property is within 400 feet of a residential use, preliminary plan approval is required.

Key Issues: Request for alternate method of compliance for the required transitional protective yard located along the western property line.

Contact: Gary McCabe, Red Line Engineering, P.C.



SP-52-11 / 603 Glenwood Avenue – Site Location Map

**ADDITIONAL
NOTES:**

There are no additional notes for this plan.

**VARIANCES /
ALTERNATES:**

The City Council approved a right-of-way variance for this property on 12/6/11 that eliminated the requirement for additional right-of-way along the Glenwood Avenue frontage.

The applicants are also seeking an alternate method of compliance for the transitional protective yard located along the western property line to allow for the installation of a fence in conjunction with $\frac{1}{2}$ of the required width.

To PC: 12/13/11

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Fleming

Second: Mattox

In Favor: Batchelor, Butler, Buxton, Fleming, Harris Edmisten, Mattox, Schuster,
Sterling Lewis, Terando

Opposed:

Excused:

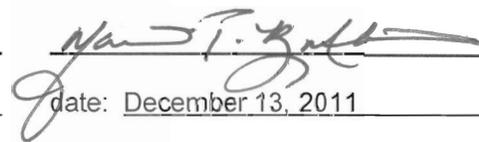
This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

Signatures: (Planning Dir.)



date: December 13, 2011

(PC Chair)



date: December 13, 2011



Staff Report

**RECOMMENDED
ACTION:** **Approval with Conditions**

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

- (1) That in accordance with City Code Section 10-2082.9(g), an alternate method of compliance is approved for the Transitional Protective Yard located along the western property line which includes a 6' closed wooden fence and a ½ reduction in width (reduction from 10' to 5' width);

Prior to issuance of building permits in the Inspections Department:

- (2) That the City Attorney approves a sidewalk easement for the portion of the proposed pedestrian ways on private property adjacent to public right of way;
- (3) That an encroachment agreement for any stoops, steps, plantings, planters or awnings to be located within the public right-of-way is approved by the City Council by separate action. An application for encroachment into the public right-of-way for the landscaping located within the right-of-way as indicated on the preliminary plan, shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approve the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be filed with the Public Works Department, and the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the developer;
- (4) That a landscape permit is obtained from the urban forester in the Parks and Recreation Department for landscaping in the public right-of-way;
- (5) That in the event that the existing street trees proposed to be saved die, that they are replaced and their replacements be located in tree pits utilizing 4'x6' ADA grates;
- (6) That a fee-in-lieu for ½ of a 41' b-b commercial street along the frontage of Johnson Street is required to be paid prior issuance of a building permit;
- (7) That the proposed site improvements shall preserve the existing drainage patterns. The proposed concrete shall be installed at grade and shall be sloped toward W. Johnson Street with design approved by the Public Works Department;
- (8) That the plans are revised to include a bicycle rack. The location of the bicycle rack should be coordinated with the City's Urban Design Center before submitting the plans for building permit review.

ZONING:

ZONING DISTRICTS: Neighborhood Business and Pedestrian Business Overlay District

SETBACKS / HEIGHT: The existing building is proposed to remain and no additions are proposed as part of this plan. The height of the building is approximately 24'.

PARKING: No off-street parking is required for use as the Pedestrian Business Overlay District exempts each development from the first 10,000 square feet of retail use per development. As this use is a bar/nightclub and located beyond 100' of a residential zoning district, it is also covered under that exemption.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Transitional protective yards are shown in compliance with City standards in the following locations:

<u>Location</u>	<u>Yard type required</u>	<u>Width proposed</u>
West	10' Type	5' Type D w/ a closed 6' Fence

The applicants are seeking an alternate method of compliance for the Transitional Protective Yard located along the western property line to allow for the installation of a fence in conjunction with 1/2 of the required width as allowed by 10-2082.9(g). The alternate to include a fence is being proposed as part of an effort to provide noise abatement to address concerns brought forward by some of the nearby residents.

TREE CONSERVATION: As this site is less than 2 acres in size and there are no wooded areas with a basal area of 30 along the thoroughfare, no tree conservation areas were required.

OPEN SPACE: The Pedestrian Business Overlay District requires that a minimum of 5% of the total land area of the development to be set aside as open space. "Open space" is defined to include: greenways; any common outdoor landscaped and recreation spaces; outdoor decks; roof gardens and other similar outdoor community space accessible to and available for use by visitors of the development." The Code calls for open space first to be met by widening the sidewalks to a minimum of 14' in width. After that is achieved, any deficit in open space can be met with courtyards, roof gardens, outside dining and recreation space so long as 1/2 of the required open space shall be in one continuous part with a minimum length and width dimension of 20 feet.

Based on the property's acreage of .15 acres, the base minimum amount of open space required for the tract is 322 square feet. The applicant's plan includes 1,307 square feet of qualifying open space which is being provided through 14' wide sidewalks and qualifying outdoor patios.

DEVELOPMENT INTENSITY: The existing building has a floor area ratio (FAR) is .19 and has a lot coverage of 19%.

PHASING: This is a one phase development.

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

COMPREHENSIVE PLAN:

GREENWAY: There is no greenway on this site.

THOROUGHFARE / COLLECTOR PLAN:

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

Street	ROW	Construct	Slope Esmt.
Glenwood Avenue	90'	N/A	N/A

The requirement for additional right-of-way to be dedicated was waived by a variance from the City Council granted on 12/6/11.

TRANSIT: No transit-oriented features are incorporated into the proposed plan because there is an existing transit stop with a shelter less than one block from the site. This site is served by the existing transit system.

COMPREHENSIVE PLAN:

The site is located in the Glenwood South PBOD with specific recommendations made in the Downtown Element of the 2030 Comprehensive Plan. Both plans call for the creation of pedestrian-friendly spaces, including wide sidewalks, street trees, and buildings and sites with a strong connection to the street. The Future Land Use map found within 2030 Comprehensive Plan designates this area as part of the Central Business District which is intended to enhance Downtown Raleigh as a vibrant mixed use urban center.

HISTORIC / DISTRICTS:

The existing building is not a designated Historic Structure. 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
To enhance the pedestrian experience, provide immediate shade for future site patrons, and reduce hardscape heat retention, the committee supports conservation of the existing pecan tree on the south edge of the site, preserving the tree's Critical Root Zone in subsequent site and sidewalk construction	To accommodate the 14 ft. wide sidewalks required as part of the streetscape improvements for the Glenwood South PBOD, the existing pecan tree unfortunately cannot be salvaged. The construction surrounding the pecan tree will likely damage and kill the pecan tree in a short time. However, measures have been taken to preserve the existing street trees and to add more street trees,

per the approved plans. The street trees are intended to provide shade and enhance the pedestrian experience. In addition, several planters have been proposed within the site and along the perimeter of the site which are commensurate with the surrounding properties/developments along Glenwood Avenue.

The Committee also recommends that greater efforts be made within the site to increase green space, for both visual and environmental purposes, and to be more consistent with building and site character. At the least, continuous solid pavement should be avoided adjacent to the building (and the pecan tree's Critical Root Zone).

The Committee supports a vegetated bank along West Johnson Street rather than a retaining wall; but, if a wall is installed, it should consist of smaller masonry units (e.g., brick matching the building foundation) rather than keystone-style units or poured concrete

As recommended and discussed during the appearance commission meeting on November 10th, 2011, the plans have been revised to increase green space through the provision of a planting bed adjacent to the building along W. Johnson Street along with above-ground planters throughout the patio area.

As discussed in the November 10th, 2011 Appearance Commission meeting, the developer also desires a vegetated bank along W. Johnson Street. However, in order to accommodate the 14 ft. wide sidewalks required in the Glenwood South Streetscape and Parking Plan and provide adequate pedestrian access to the surrounding developments, a small retaining wall is required along W. Johnson Street and along a portion of Glenwood Ave. If economically feasible, the developer has agreed to consider the use of a brick retaining wall to match the foundation brick or the use of a smaller compact modular block unit for the construction of the retaining wall. The developer desires to select a retaining wall that blends the urban density intended by the code with the existing features of the building and site.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: No new streets are required or proposed with this development.

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:** Existing street improvements conform to normal City construction standards.
- PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. A 14' sidewalk is required along both Glenwood Avenue and W. Johnson Street.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This site is currently not subject to stormwater management of Part 10 Chapter 9 per section 10-9021 (2). The exemption is as follows: Any plot plan and site plan, including their accessory uses, situated on any lot of one-half acre or less in size which was either recorded at the time of application of part 10, chapter 9. The owner has shown the lot to have been recorded prior to the application of part 10, chapter 9.
- 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.