



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-9-12/ 513 W. Peace Street

General Location: Southeast of the Intersection of Peace Street and Glenwood Avenue.

Owner:
Designer: Blakely Design Group

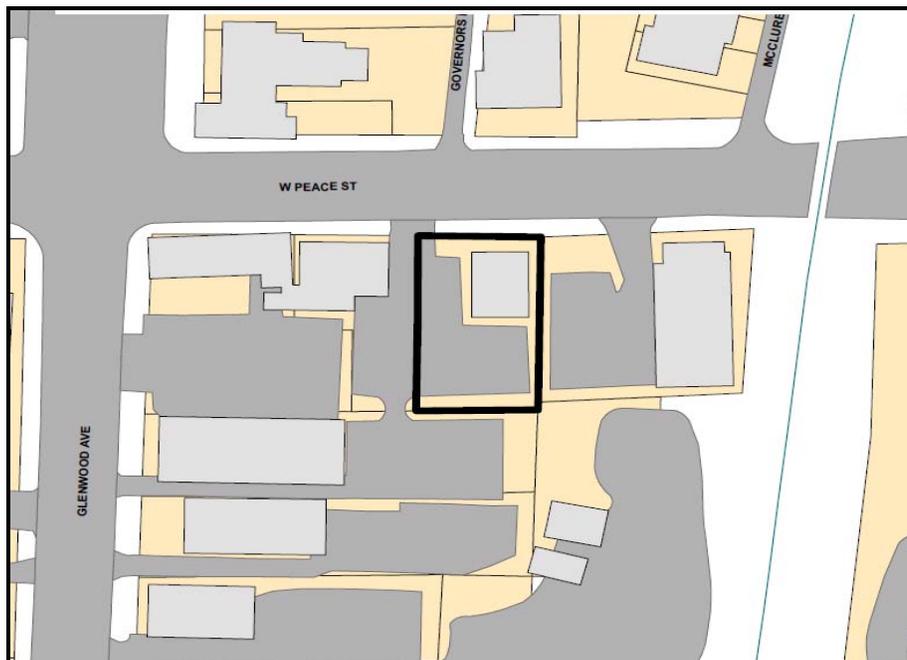
CAC: Hillsborough

Nature of Case: This request is to approve a change of use for a 1,200 square feet, 1-story building into a bar use on a 0.15 acre site zoned Industrial-2 within the Glenwood South Pedestrian Business Overlay District. This site plan requires Planning Commission approval since it is a bar use located within 400 feet of a residential use or zone.

Key Issues:

1. Requested alternate means of compliance for a 10' type D buffer along the east property line.
2. Requested alternate method of compliance for the Glenwood Avenue Streetscape Plan for street trees along Peace Street.
3. Requested variance for providing the 14' sidewalk open space per the Pedestrian Business Overlay District.

Contact: Taylor Blakely



Vicinity Map

SUBJECT: SP-9-12/ 513 W. Peace Street

CROSS-REFERENCE: Not applicable

LOCATION: This site is located southeast of the Intersection of Peace Street and Glenwood Avenue, inside the City Limits.

REQUEST: This request is to approve a change of use for a 1,200 square feet, 1-story building into a bar use on a 0.15 acre site zoned Industrial-2 within the Glenwood South Pedestrian Business Overlay District. This site plan requires Planning Commission approval since it is a bar use located within 400 feet of a residential use or zone.

OFFICIAL ACTION: Approval with conditions

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

FINDINGS: The Planning Commission finds that with the following conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2047, 10-2055, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated Feb 20, 2012, owned by Jamil Saad, submitted by Taylor Blakely Design Group.

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

VARIANCES / ALTERNATES:

1. **Transitional Protective Yard alternate method of compliance:** Since this project's use is retail adjacent to office use (east) where the proposed use is required to provide a 10' Type D buffer consisting of 6 shade trees per hundred linear feet and 40 evergreen shrubs per hundred linear feet. The Code requires the shrubs to be 18 inches tall when planted with an expected height of 6 feet in five years of planting.
Applicant is proposing: A 6' solid closed wooden fence with an existing variable width concrete strip which ranges from 1'-3' wide.
-Staff does not believe this fence alone provides an equivalent alternate to the standard 10' width buffer with plantings. The plan could be modified to include planting areas for vines along the fence for an approximately 55' length. The remaining portions of the fence south (47') has existing improvements that would preclude additional plantings or modifications which staff supports this alternate due to existing physiographic conditions.
2. **Glenwood Avenue Streetscape Plan alternate method of compliance for landscaping:** This project lies within the Glenwood South Overlay District

which would require one- 2"-2.5" caliper tree every 20-40' which should be an 'Evelyn' hedge maple species.

Applicant is proposing: The applicant is proposing as an alternate to install 2- 3" caliper crape myrtles since the street area is under an existing power line and that the existing conditions preclude planting trees of this size caliper.

- 3. 14' sidewalk Pedestrian Bussiness Overlay District Open Space requirements for a:** Pursuant to Section 10-2051(d) (5) calls for 5% of the site to be set aside as open space which is to be met first and foremost by providing a minimum of a 14' wide sidewalk, where possible. As the proposal includes the rehabilitation of an existing building and site the existing conditions make constructing the 14' sidewalk not feasible without substantially modifying the entire site. Staff supports the applicant's variance to the open space. Additionally, there are no plans for 14' sidewalk widening along this portion of Peace Street with the Capital Improvement Plan. The applicant is providing other types of open space in excess of the City Code 5% requirement.

Applicant is proposing: Requesting full reduction from 14' sidewalk open space.

To PC: June 12, 2012

Case History:

Staff Coordinator: James Marapoti

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

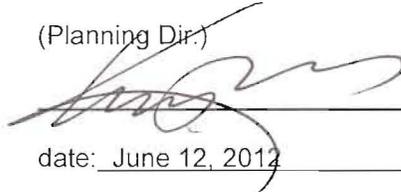
Excused:

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.

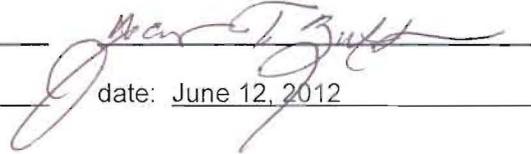
Signatures:

(Planning Dir.)

(PC Chair)



date: June 12, 2012



date: June 12, 2012



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL: Planning Commission Actions:

- (1) That in accordance with 10-2082.4 (Landscaping Alternate Methods of Compliance), the Planning Commission approves an alternate to the spacing, size and location requirements for the Type D transitional protective yard and that the alternate is at least equivalent to the standards specified in terms of quality, effectiveness, durability, hardiness, and performance;
- (2) That in accordance with 10-2082.4 (Landscaping Alternate Methods of Compliance), the Planning Commission approves an alternate to the spacing and location requirements of Glenwood Streetscape Plan Section 10-2082.5 for the frontage of Peace Street where the installation of street trees can not be physically located without major disruption to the site. The proposed street tree alternates are at least equivalent to the standards specified in terms of quality, effectiveness, durability, hardiness, and performance;
- (3) That the Planning Commission approves a full reduction from providing the 14' wide sidewalks pursuant to Code Section 10-2051(d)(5) due to existing site constraints which preclude any construction or installation. The Capital Improvement Project planned for this section of Peace Street has no plans to construct this section width of sidewalk;

Prior to issuance of building permits:

- (4) That an offer of cross access with this lot owned by Raleigh Properties and Realty, Inc. and Beacon Investment Properties, LLC DB 12703 PG 642 be recorded in the Wake County Registry, and that a copy of the recorded offer of cross access easement be provided to the Planning Department prior to building permit issuance;
- (5) That an encroachment agreement for any stoops, walls, 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 shall first be approved by the Urban Forester. The application for encroachment shall be submitted to the City's Encroachment Coordinator in the Public Works Department for review, and that the City Council approves the encroachment request. Following City Council approval of the encroachment, an encroachment agreement, prepared in accordance with Raleigh City Code Sections 12-1001 and 12-1021(a), shall be recorded with the Wake County Register of Deeds and shall be filed with the Public Works Department one day

following its recordation. Maintenance of the encroachment shall be the responsibility of the lot owner;

- (6) That the applicant provide proof of an offsite parking lease, agreement or easement within 800 feet of entrance of this site plan building for customer parking and within 1,200 feet for employee parking to fulfill the required parking pursuant to 10-2055(e)(1) c, and the applicant shall sign agree in writing to provide the required off-street parking as long as the principal use shall continue and shall agree that the principal use shall be discontinued should the required off-street parking no longer be provided on these off-site parcels or their equivalent as required by section 10-2081(c) (3) a, last paragraph;
- (9) That 1/2'-90' width of right of way and 20' slope easement along Peace Street be dedicated to the City of Raleigh. A copy of the recorded plat shall be provided to the Site Review Specialist in the Inspections Department at permit review. A design exception was approved by the Public Works Director to require right-of-way dedication to the face of the existing building with future dedications of right-of-way and slope easement to be required with demolition of the building; the property owner shall prepare, sign and record an option agreement approved by the City Attorney for this future right-of-way and slope easement;

ZONING:

ZONING DISTRICTS: Industrial-2 and Pedestrian Business Overlay District.

SETBACKS / HEIGHT: All setbacks are existing and conform to all minimum zoning standards. Front yard = 11', rear yard = 53', front / rear aggregate = 64', side yard = 2', side yard aggregate = 33'. This plan conforms to maximum height standards in this zoning district. The existing height of the building is 16'

PARKING: Off-street parking conforms to minimum requirements: Since this bar use is within the Glenwood South Streetscape plan and will be operated past 11:00 p.m. and located within 100' of a residential zoning district 1 space per 100 square feet. Therefore 1,200 square feet/100= 12 spaces are required; this plan is providing 8 spaces on-site and will provide 4 off-site spaces with a parking agreement. This plan is also providing bicycle parking pursuant to the overlay district.

LANDSCAPING: Site plan is proposing an alternate for the street yard landscaping due to existing site conditions. This site has topographic/physiographic and utility conflict conditions which preclude compliance with the Glenwood South Streetscape plan. This plan required 1- 2"-2.5" caliper tree every 20-40' which should have been an 'Evelyn' hedge maple species. The applicant is proposing as an alternate to install 2- 3" caliper crape myrtles.
Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Site plan is required to provide a 10' Type D buffer on the east property line, which consists of 6 shade trees & 40 evergreen shrubs per hundred linear feet. The Code requires the shrubs to be 18 inches tall when planted with an expected height of

6 feet in five years of planting. The applicant is submitting for an alternate means of compliance pursuant to 10-2082.4 utilizing a 6' closed wooden fence.

**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. This site plan has physiographic and topographic issues precluding a widening to meet this requirement.

This site plan is achieving open space through the use of any 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. Applicant is meeting this requirement with an outdoor patio/dining space through the following calculations.

Based on the property's acreage of 0.15 acres, the base minimum amount of open space required for the tract or 5% is 327square feet. The applicant's plan includes 340 square feet (or 5.2%) of qualifying open space which is being provided through outdoor patio/dining space.

**DEVELOPMENT
INTENSITY:**

The existing building has a floor area ratio (FAR) is 0.18 and has a lot coverage of 0.18%.

**UNITY OF
DEVELOPMENT:**

Not applicable.

**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.
Peace St.	*1/2 – 90'	N/A	20'

Due to existing site constraints and the impending Peace Street Capital Improvement Project Streetscape Plan; this project will not be required to construct or pay a fee-in-lieu for the road and sidewalk improvements along this frontage.

* The applicant requested a design exception from the Public Works Director for dedication of required right of way and slope easement within the existing building footprint located at 513 W. Peace Street. This design exception was approved on 21 May 2012.

TRANSIT:

Not required for this site.

**COMPREHENSIVE
PLAN:**

The site is covered by the 2030 Raleigh Comprehensive Plan, with specific recommendations made in the Downtown Element. The site is located within the Hillsborough CAC, and is designated as Central Business District on the future land use map. The Central Business District category is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. The site is also covered by the Glenwood Avenue Streetscape and Parking Plan. The following policies apply to this site plan:

Policy DT 7.4- Building Entries: Because the site plan is for a change of use and does not involve building renovations, please simply enhance pedestrian connectivity and safety from the sidewalk to the building entry

Policy DT 7.19- Downtown Design Guideline Consistency.

Again, because this project is for a change of use, many of the design guidelines are not directly applicable. However, the intent is to create a pedestrian-friendly high quality design environment. Any exterior or site improvements should further that intent.

Glenwood Avenue Streetscape and Parking Plan standard:

-Exterior building walls- Project has existing windows that break up wall facing the thoroughfare.

-Vehicular Parking- All required parking is located in the rear complying with this standard.

**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:

<u>Comment</u>	<u>Response</u>
1) The Appearance Commission appreciates the efforts of the applicant to amend the proposal, to the visual betterment of the site, and the public realm.	Acknowledged
2) While the proposed trellis, vine plantings, and opening in the upper wall will help to break down wall massing, the wall will still be a predominant feature along the right of way. The commission recommends that paint be applied of an earth-tone color complementary to the building	Applicant complied

**SUBDIVISION
STANDARDS:**

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

- PUBLIC UTILITIES:** City water and sewer services exists.
- SOLID WASTE:** Individual lot service to be provided by private contractor.
- CIRCULATION:** Existing street improvements conform to normal City construction standards.
- PEDESTRIAN:** A 5' sidewalk exists along Peace Street. The Capital Improvement Program has a Peace Street Streetscape Plan between St. Mary's Street and West Street which will improve the existing sidewalk and provide streetscape improvements; therefore the applicant is not required to comply with Pedestrian Overlay District sidewalk requirements.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This project is eligible to claim the exemption to the active stormwater control measures Division of City Code as afforded to them by City Code Part 10 Chapter 9 Section 10-9021 (2) as this site plan is located on a lot less than 0.5 ac in size recorded prior to May 1, 2001.
- 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.

513 W. Peace Street 8 Site Plan Standards

- (1) The site plan protects the public from unsafe or inefficient vehicular circulation, parking, and loading/unloading operations. The site plan considers, among other things:
 - a. The physical character of adjacent and surrounding roads; **Applicant Response: All roads are in place and we are dedicating the necessary r/w for future widening on West Peace Street.**
 - b. Nearby median openings or intersections; **There are no medians in the road frontage.**
 - c. The classification of roads and plans for future improvements; **This block of West Peace Street is designated as a Major Thoroughfare with 90 ft of r/w. We will dedicate the additional r/w with exception of the front building wall.**
 - d. Proximity to pedestrian generators such as schools, transit facilities, parks and greenways; **Schools, transit facilities, parks and greenways are within several blocks of this property.**
 - e. The accident experience near the site; **No abnormal incidence of accidents.**
 - f. Bicycle, pedestrian and transit access and circulation; **All required forms of access are readily available within 200 feet of this property.**
 - g. Traffic volumes existing and projected from approved site plans; **We will not generate additional traffic as the proposal is for a neighborhood bar/tavern.**
 - h. Interference with any other driveway; **We are currently sharing a driveway and have interconnectivity with adjacent parcels.**
 - i. Response time of nearby emergency services such as fire and hospital; and **This project is located in the Downtown service area for all emergency services.**
 - j. The character of the traffic to be generated from the site. **No additional traffic will be generated from this use.**

- (2) The plan is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan, Redevelopment Plans, Streetscape Plans, manuals, handbooks or other *City Council* - adopted plans and standards. If there are conflicts between the plan and Code restrictions, the more stringent shall apply.” **We are trying to comply with the general plans for the area with out reconstruction the building on this site. We are not proposing any physical changes to the exterior of the building.**

- (3) The plan contains adequate measures to protect the development and other properties, including public corridors and facilities, from adverse effects expected from the proposed development or expansions to the existing development, including without limitation those associated with:
- a. Stormwater; **We are not proposing any changes to the physical exterior of the building/site. We are exempt from the stormwater code because the lot is less than .5 acre.**
 - b. Air or water pollutant discharges, **We will not discharge any items to pollute the air or water.**
 - c. Noise, light and odor; **We will not pollute with odor or light. We will obtain permits for music as typical of a bar/tavern.**
 - d. Access to air and light; **We are not asking for any changes that would prevent access to air or light.**
 - e. On and off-street parking; **We have an agreement for additional parking from our adjacent neighbor.**
 - f. Dust, smoke and vibration; **There will be not dust, smoke or vibration from this use.**
 - g. Hours of operation; and **Hours of operation will be 7:00 pm until 2:00 am.**
 - h. Site conditions that may foster unsafe or unlawful activities. **Our proposed use is lawful.**
- (4) The plan contains adequate measures to mitigate the impact of the development on nearby residential neighborhoods from incompatible characteristics such as:
- a. Building scale; **We are not changing the physical building**
 - b. Architectural character; **We are not changing the building.**
 - c. Landscaping; **We will proposed a couple of small flowering on the patio in front of the building in view of the Peace Street right of way. We are proposing a 6' high privacy fence on one site of the property where there is not adequate room for landscape buffer.**
 - d. Amount and placement of impervious surfaces; **We do not propose any changes in the impervious surface.**
 - e. Placement of structures and vehicular surface areas; and **We do not proposed any changes in the structures or vehicular surface.**

- f. Orientation of uses and entranceways. **We do not proposed any change in the orientation or entranceway.**
- (5) The site plan coordinates with existing and planned public facilities such as:
- a. Stormwater drainage structures; **There are no stormwater drainage facilities on this property**
 - b. Public utilities; **We do not propose any changes in the utilities.**
 - c. Streets, sidewalks and on-street parking; **We do not proposed any changes in streets, sidewalk and there is no on-street parking allowed.**
 - d. Parks, greenways and recreational facilities; **There are parks and recreational facilities within a couple of blocks on Glenwood Avenue.**
 - e. Fire stations and community service facilities; **There is a fire station within a few blocks.**
 - f. Schools; **There are schools within two – three blocks**
 - g. Trash collection; and **Trash collection will be by the City of Raleigh.**
 - h. Transit facilities. **There is a transit stop at the intersection of Glenwood Avenue and Peace Street – 200’.**
- (6) The plan provides for a unified development within the site and with adjoining properties when such properties are either:
- a. Under similar ownership as the site, **There are no physical changes proposed in the site.**
 - b. Are being developed in a coordinated manner with the site, or, **No physical changes are being proposed.**
 - c. The site shares a common relationship with surrounding properties, where establishing similar architectural elements, landscaping, shared access or signage will promote good order, convenience and safety. **There are no proposed changes that will affect the mentioned elements of surrounding properties.**

Situations a, b, and c may consist, among other things, of shared driveways, definitive streetscape character or block face, similar topography, both properties are located within a previously approved concept or master plan or within the same conditional use zoning ordinance)

- (7) The plan complies with all street, sidewalk, open space, drainage, greenway, transit, utility and other public facility dedication and improvement requirements of Part 10, chapter 3 and

applicable conditional use zoning ordinances. **We will comply as best we can with the ordinance, we will dedicate additional right of way for W. Peace Street as requested by the Public Works Director. No physical changes are proposed to the exterior of the building.**

- (8) The plan conforms to previously approved subdivision plans for the site. The site plan meets all applicable Code requirements, and if there are conflicts between Code provisions the more restrictive shall be met. **The building has existed since constructed in 1979 when it was built to the code of that day.**