



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-11-2010 / Dragonfly

Owner: Ashe Ave. Ventures, LLC c/o Michael Bolton
Designer: John A. Edwards & Co.

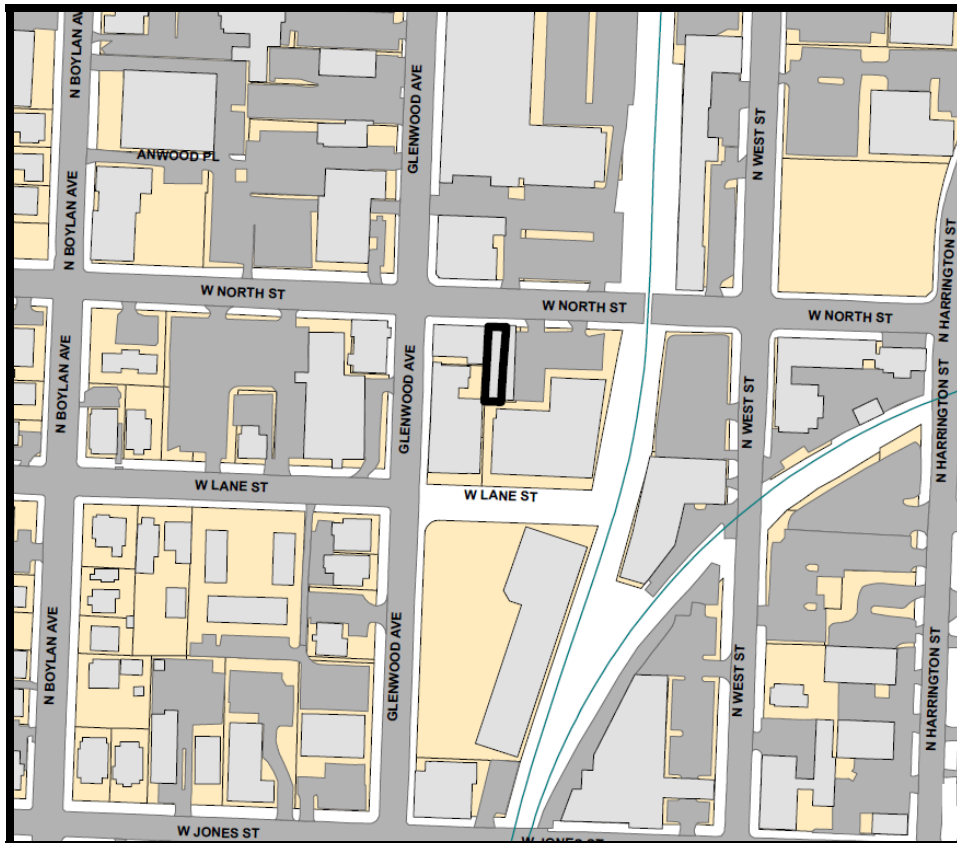
General Location: On the south side of North street just east of its intersection with Glenwood Avenue

CAC: Hillsborough

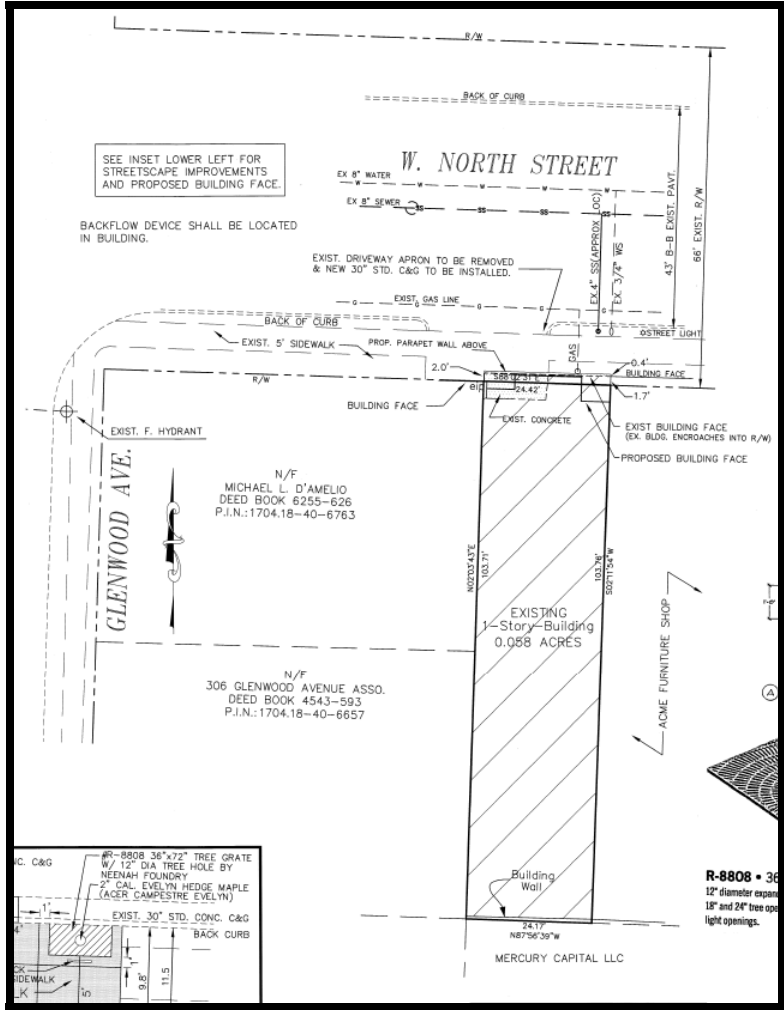
Nature of Case: This request is to approve a preliminary site plan for the conversion of an existing 2,505 square foot building from a bicycle shop to a restaurant on a .058 acre site, zoned Industrial-2 and Pedestrian Business Overlay District. This site is located within 400 feet of a residential use or zone.

Key Issues: As presented, staff finds that this plan conforms to Code standards and adopted land use policies with the exception of open space provisions which staff considers acceptable given the existing constraints of the site.

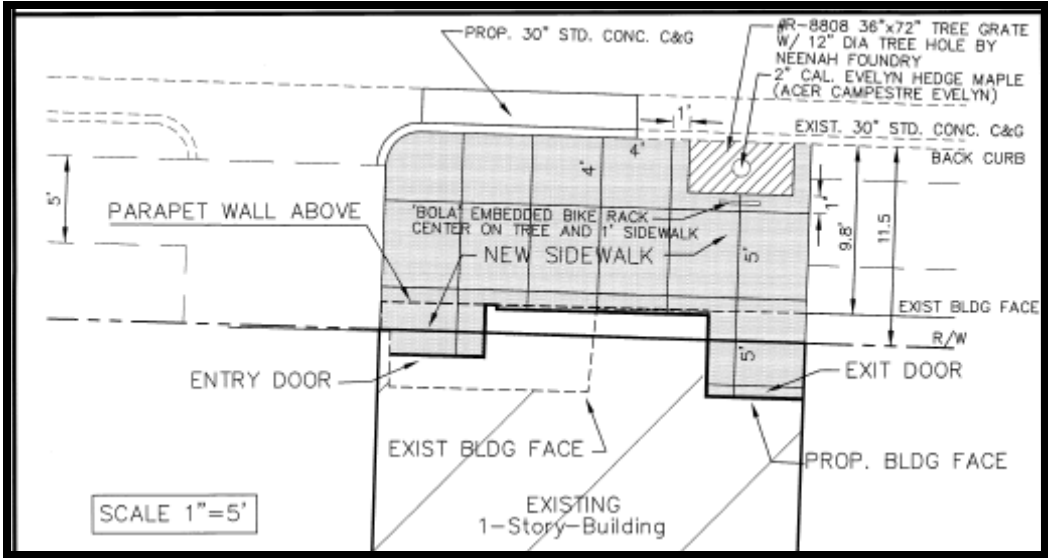
Contact: John A. Edwards



SP-11-2010 / Dragonfly – Site Location Map



SP-11-2010 / Dragonfly – Preliminary Site Plan



SP-11-2010 / Dragonfly – Proposed Streetscape Improvements

SUBJECT: SP-11-2010 / Dragonfly

CROSS-REFERENCE: N/A

LOCATION: This site is located on the south side of North Street, east of its intersection with Glenwood Avenue, inside the City Limits.

REQUEST: This request is to approve a preliminary site plan for the conversion of an existing 2,505 square foot building from a bicycle shop to a restaurant on a .058 acre site, zoned Industrial-2 and Pedestrian Business Overlay District. This site is 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 this request with the following conditions of approval 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 4-15-2010, owned by Ashe Ave Ventures, LLC, submitted by John A. Edwards and Co.

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

VARIANCES / ALTERNATES: North Street is a designated as a minor thoroughfare in the Comprehensive Plan. The applicant would normally be required to provide ½ of an 80 foot right of way which in this case would necessitate the dedication of an additional 7' of right of way given the existing 66' right-of-way. In cases where dedicated right of way will result in an existing use to be located in the future right of way, Section 3.1 of the *City of Raleigh Streets, Sidewalk, and Driveway Access Handbook*, grants the Public Works Director the authority to grant such a variance. The applicants received a variance from this additional right-of-way dedication from the Public Works Director (see attached letter) given the existing conditions of the site (the building face already encroaches slightly into the right-of-way) and other existing conditions in the vicinity as well as the fact that this street is an extension of a street set forth in the original Christmas Plan of the City and the 66' right-of-way is consistent with that plan.

An alternate method of compliance with the Pedestrian Business Overlay District's open space requirement of 5% of the site being set aside for open space, including wider public sidewalks, is being requested given the existing building's site constraints. For rehabilitation of buildings for commercial uses, the Code allows the approving body to reduce the required open space down below the standard 5% of the site and allows for alternate methods of compliance. The applicants are recessing the doorways slightly to provide for 20 square feet of open space through widened sidewalks at the doorways and are proposing an aluminum and glass garage door that can be rolled up when the weather is nice and allowing the front central interior of the space to function like a low balcony.

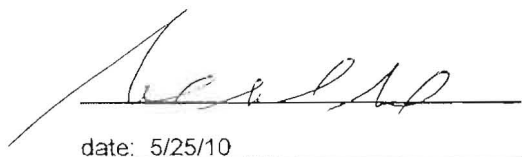
To PC: 5/25/10
Case History:

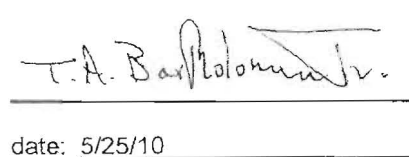
Staff Coordinator: Eric Hodge, AICP

Motion: Mullins
Second: Haq
In Favor: Anderson, Bartholomew, Batchelor, Butler, Haq, 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: 5/25/10


date: 5/25/10



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL:

Planning Commission Actions:

- (1) That in accordance with 10-2055(d)(4), the Planning Commission approves an alternate to the required open space provisions of the City Code to reduce the required open space down below the standard 5% of the site and allow for an alternate methods of compliance by finding that such reduction in open space is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan and the site plan meets the standards of City Code Section 10-2132.2(d).

Administrative Actions:

Prior to issuance of building permits in the Inspections Department:

- (2) That an encroachment agreement for any proposed improvements to extend over the North Street right-of-way and for any landscaping, steps, etc. 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 any of the items indicated on the preliminary plan shall be submitted to the City's Encroachment Coordinator in the Inspections 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 filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds. Maintenance of the encroachment shall be the responsibility of the owner;
- (3) That the applicants provide the City with a security [letter of credit] in the amount of 1.5 times the cost of all public street & sidewalk improvements;
- (4) That a landscape permit is obtained from the urban forester for landscaping in the public right-of-way;

ZONING:

ZONING DISTRICTS: Industrial-2 and Pedestrian Business Overlay District

SETBACKS / HEIGHT: The Industrial-2 zoning district allows for zero setbacks and the PBOD allows for that as well except for areas where the existing right-of-way is inadequate to provide for a 14' wide sidewalk. Given that this is a rehabilitation of an existing building, there was no ability to set the building back. The existing building has

zero setbacks on all for sides. The height of the existing building is 18', 1 & 1/2" tall and no additional height is proposed.

PARKING: Off-street parking conforms to minimum requirements: Zero parking spaces required, based on the zero parking spaces for eating establishments up to 10,000 square feet as allowed for in the Glenwood South Streetscape and Parking Plan and the Pedestrian Business Overlay District for facilities greater than 100 feet from a residential zoning district, for which this site qualifies. Zero parking spaces are being proposed.

LANDSCAPING: Street yard landscaping in conformity with Section 10-2082.5 is shown with the addition of one street tree to be located in the right-of-way set within the sidewalk and the planting area covered with an ADA-accessible tree grate. Vehicular surface area landscaping is not required as now vehicular surface areas are being proposed. This is a medium impact use under Section 10-2082.9. No transitional protective yards are required given adjacent uses.

TREE CONSERVATION: As the entire site is developed with a building and sidewalk areas, no Tree Conservation Areas were required.

DEVELOPMENT INTENSITY: Existing and proposed floor area ratio (FAR) is 1 and the existing and proposed lot coverage is 100%.

PHASING: This is a single phased 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 streets are required by the Thoroughfare and Collector Street Plan:

Street	ROW	Construct	Slope Esmt.
North Street	80'	N/A	N/A

North Street is a designated as a minor thoroughfare in the Comprehensive Plan. The applicant would normally be required to provide ½ of an 80 foot right of way which in this case would necessitate the dedication of an additional 7' of right of way given the existing 66' right-of-way. In cases where dedicated right of way will result in an existing use to be located in the future right of way, Section 3.1 of the *City of Raleigh Streets, Sidewalk, and Driveway Access Handbook*, grants the Public Works Director the authority to grant such a variance. The applicants received a variance from this additional right-of-way dedication from the Public Works Director (see attached letter) given the existing conditions of the site (the building face already encroaches slightly into the right-of-way) and other existing conditions in the vicinity as well as the fact that this street is an extension of a street set forth in the original Christmas Plan of the City and the 66' right-of-way is consistent with that plan.

TRANSIT: No transit-oriented features of this site are incorporated into the proposed plan: This site is presently served by the existing transit system just around the corner along Glenwood Avenue.

PLAN ELEMENTS: The site plan is consistent with the following policies in the 2030 Comprehensive Plan:

LU 5.1 Reinforcing the Urban Pattern: *New development should be visually integrated with adjacent buildings, and more generally with the surrounding area...*

The proposed project adaptively reuses an existing structure that is in keeping with the low scale and orientation to the street of surrounding buildings.

DT 1.3 Underutilized sites in Downtown: *Encourage the redevelopment of underutilized sites in Downtown, included but not limited to vacant sites, surface parking lots, and brownfield sites.*

The proposed project adaptively reuses an existing structure that has been vacant for some time.

DT 3.2 Ground Floor Uses on Secondary Retail Streets: *New development should dedicate at least 50 percent of its linear frontage along the public right-of-way of Secondary Retail Streets as identified on Map DT-6 for ground-floor space designed and constructed for the uses encouraged on primary streets or service retail and professional services including but not limited to: fitness centers, dry cleaners, shoe repair, and medical offices.*

The proposed project increases ground floor transparency and is intended to house a nightlife establishment, one of the uses called for on Primary Retail Streets.

DT 2.5 Widen Sidewalks: *In new streetscape designs, provide expansive sidewalks and widen existing sidewalks to a 14-foot minimum where there is available right-of-way.*

The proposed project increases sidewalk width by extending the sidewalk from back of curb to building face.

Table DT-1 Downtown Urban Design and Façade Grant Guidelines.

The project is generally consistent with the following guidelines:

6. The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.

15. Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront...

16. A minimum of 2/3 of the first story façade should be windows...

44. Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment.

**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
Consider using a more durable material than hardipanel for the egress door and surrounding surfaces, to reduce impacts to appearance from eventual wear and tear.	This is an out-swinging exit-only door and with no exterior hardware, used as a secondary means of emergency egress for the building. Hardipanel is a cementitious material which we feel should stand up better than a painted hollow metal door. We feel it will be more maintenance free and the reveal system allows for the panels to be easily replaced in the unlikely chance they become damaged.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: No new streets are proposed.

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: Refuse Collection will be handled by a private contractor. No new refuse collection facilities are proposed as part of this site plan.

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

**PEDESTRIAN/
OPEN SPACE:**

Proposed sidewalk locations conform to City regulations. Currently, a 5' wide sidewalk is located along this property's frontage along with some unpaved utility strips. A sidewalk is required along both sides of North Street and the Pedestrian Business Overlay District calls for this to be a minimum of 14' wide where possible. However, the existing face of the building is only 9.8' from the back of the curb. City Code Section 10-2055(d)(4) allows for the sidewalk width to be reduced below the 14' minimum for rehabilitation of existing buildings where the existing site conditions preclude the full 14' widening. The applicants are installing a 9.8' wide sidewalk along the property's frontage, the maximum width that could be installed given the location of the face of the existing building.

An alternate method of compliance with the Pedestrian Business Overlay District's open space requirement of 5% of the site being set aside for open space, including wider public sidewalks, is being requested given the existing building's site constraints. For rehabilitation of buildings for commercial uses, City Code Section 10-2055(d)(4) allows the Planning Commission to reduce the required open space down below the standard 5% of the site and allows for

alternate methods of compliance after a finding that such reduction in open space is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan and the site plan meets the standards of City Code Section 10-2132.2(d). The applicants are recessing the doorways slightly to provide for 20 square feet of open space through widened sidewalks at the doorways and are proposing an aluminum and glass garage door that can be rolled up when the weather is nice and allowing the front central interior of the space to function like a low balcony.

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

**STORMWATER
MANAGEMENT:** This site is exempt from stormwater management controls in accordance with Chapter 9 of Part 10 of the Raleigh City Code as set forth in section 10-9021 (2) because the lot is less than ½ acre in size and was platted 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.



City Of Raleigh
North Carolina

MEMORANDUM

From: Daniel King, Civil Engineer I
To: Carl Dawson, PE – Public Works Director
Subject: Request for Design Exception Date: 5/20/2010
Case Number: SP-11-2010 Date of Receipt: Insert Date
Project Name: Dragonfly (519 W. North St.)
Applicant: Michael Bolton
P.O. Box 10156
Raleigh, NC 27605

Design Exception(s) Applied For: **Reduced Right-of-Way due to location of existing building.**

From COR Streets, Sidewalks, and Driveway Access Handbook, Section 3.1 Public Street Right-of-Way Conveyance: Pg 9 "The Public Works Director may reduce the required minimum right-of-way width shown in Table 1 due to the location of an existing building or use in the proposed new right-of-way, upon finding that the reduced right-of-way, shall be able to accommodate the planned future street cross section."

Staff Recommendation(s): **Approval of design exception.**

Staff recommendation – Staff recommends approval of design exception of the required minimum right of way due to the location of the existing building and the unlikely future widening of North Street from its current section.

Approved

Denied

Carl R. Dawson, Jr.

Public Works Director

Date