



## 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-12-09 / Noir Bar and Lounge

**Owner:** Matt Kenner  
**Designer:** Hager Smith Design PA

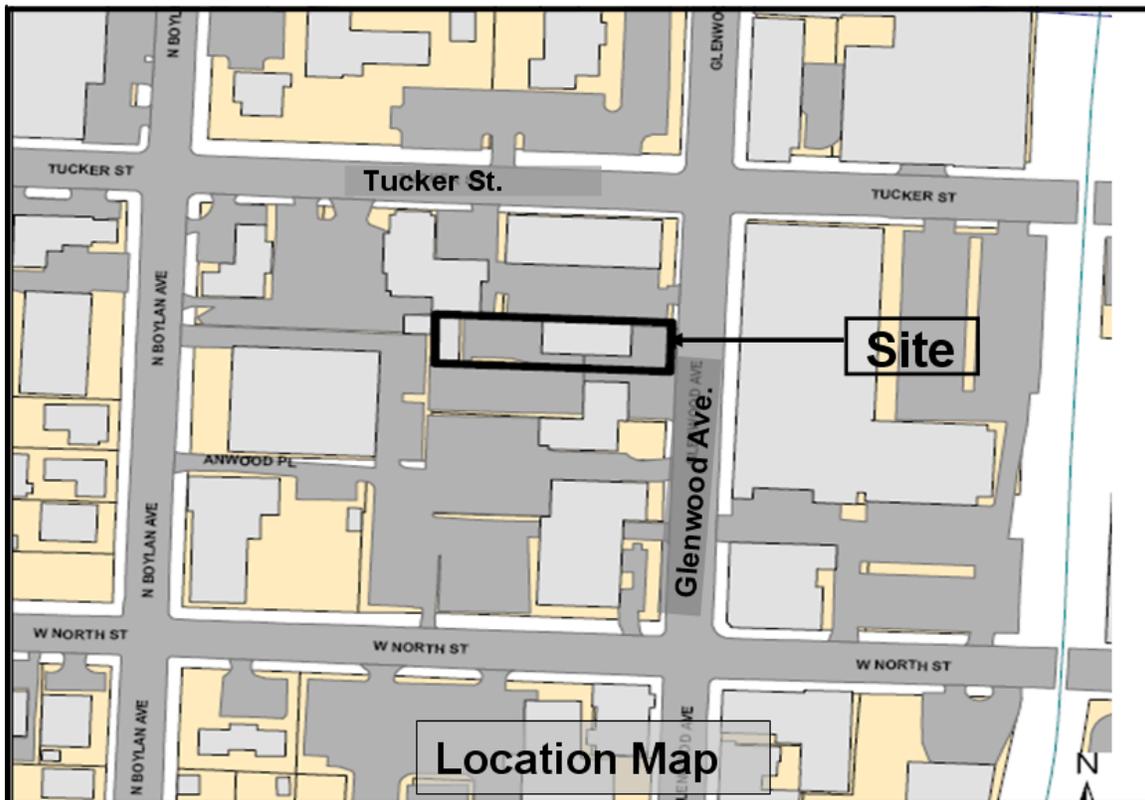
**General Location:** Intersection of Tucker St. and Glenwood Ave.

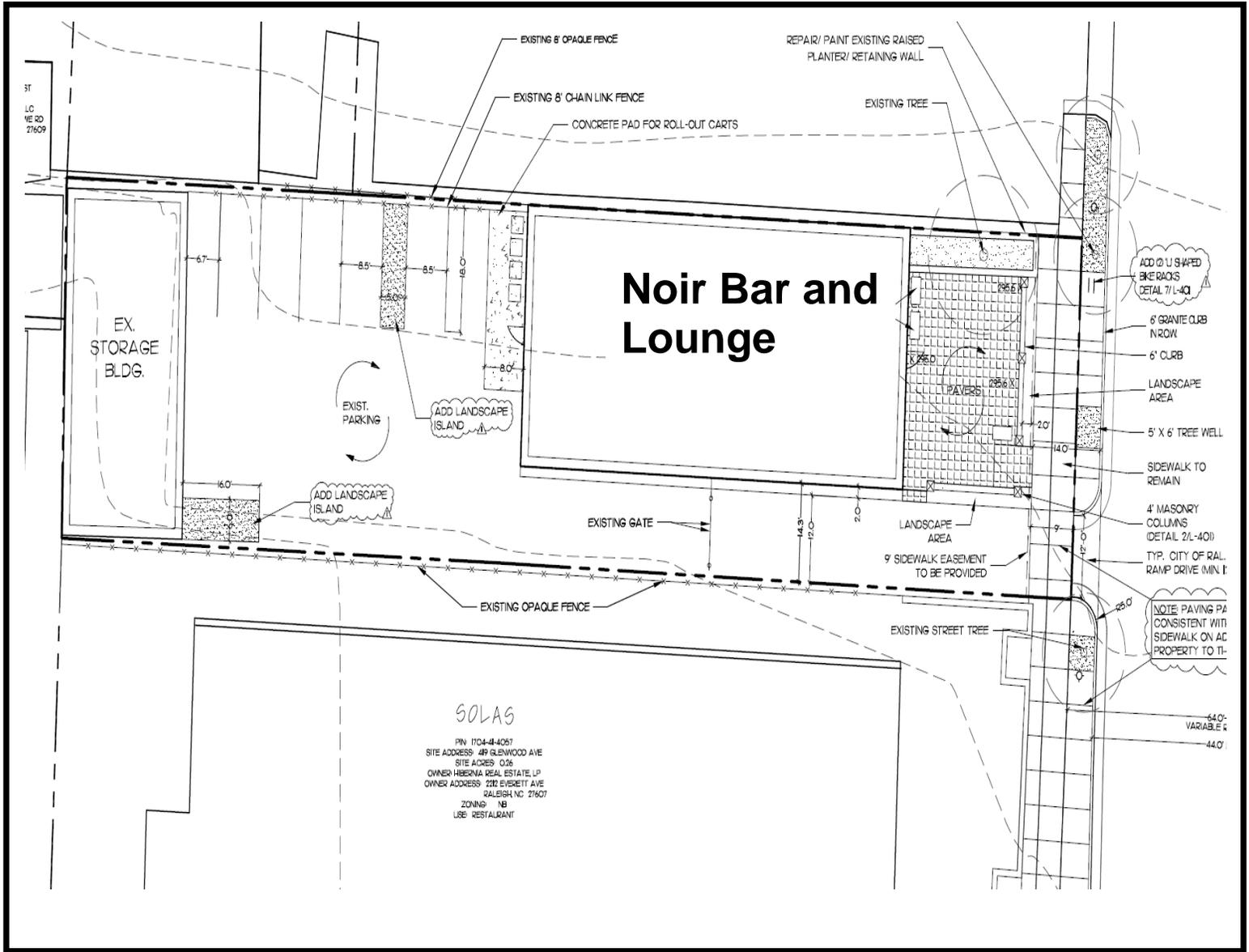
**Planning District  
/ CAC:** University / Hillsborough

**Nature of Case:** The proposed retail use is a change of use from industrial (Electrical contractor), converting a single story building totaling 2,500 square foot, zoned Neighborhood Business with Pedestrian Business Overlay District on a 0.25 acre tract. Additionally, on the western portion of this site is an existing 1,250 square foot storage building. This change of use constitutes Planning Commission approval pursuant to 10-2132.2(i)(2)g additionally, the proposed retail use is located within 400' of a residential zoning district and requires adherence to the Glenwood South Streetscape Plan. Also, a variance is requested by the applicant and supported by staff from required right-of-way dedication and construction requirements for Glenwood Avenue.

**Key Issues:** The applicant is requesting a right of way and infrastructure variance for Glenwood Avenue which is being supported by staff.

**Contact:** Jamie Loyack





Proposed Site Plan

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**SUBJECT:** SP-12-09 / Noir Bar and Lounge

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located on the southwest of its intersection with Tucker St. and Glenwood Ave., inside the City Limits.

**REQUEST:** The proposed retail use is a change of use from industrial (Electrical contractor), converting a single story building totaling 2,500 square foot, zoned Neighborhood Business with Pedestrian Business Overlay District on a 0.25 acre tract. Additionally, on the western portion of this site is an existing 1,250 square foot storage building.

This change of use constitutes Planning Commission approval pursuant to 10-2132.2(i)(2)g additionally, the proposed retail use is located within 400' of a residential zoning district and requires adherence to the Glenwood South Streetscape Plan. Also, a variance is requested by the applicant and supported by staff from required right-of-way dedication and construction requirements for Glenwood Avenue.

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**OFFICIAL ACTION:** Approval with conditions

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

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**FINDINGS:** The Planning Commission finds that this request, with approval of the variance and with the conditions of approval below being met, conforms to Chapter 2, Part 10, Sections 10-2042, 2055, 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 4/16/2009, owned by Matt Kenner, submitted by Hager Smith design PA.

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

**VARIANCES / ALTERNATES:** A variance is requested by the applicant pursuant to 10-3004 and supported by staff from required right-of-way dedication and construction requirements for Glenwood Avenue. This section of Glenwood Ave. is classified as a major thoroughfare with a standard of ½ of a 90-foot width right-of-way with and 1/2 65-foot width back-to-back street. Currently, Glenwood Avenue exists as a 44' back-to-back street section on 64 feet of right-of-way in this location. Dedication of additional right-of-way would normally be required per the City's Comprehensive Plan. However, the existing right-of-way is consistent with the Glenwood South Streetscape Plan. Additionally, the City Council has granted prior variances for this portion of Glenwood Avenue within the Glenwood South area which prevent any future widening of the roadway.

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**To PC:** 26 May 2009  
**Case History:**

**Staff Coordinator:** James Marapoti

**Motion:** Haq  
**Second:** Harris Edmisten  
**In Favor:** Bartholomew, Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten,  
Mullins, Smith, Vance  
**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: 5/27/09

date: 5/27/09



## Staff Report

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**RECOMMENDED  
ACTION:** Approval with Conditions

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**CONDITIONS OF  
APPROVAL:**

**Planning Commission Actions:**

- 1) That the Planning Commission, in consideration of recommendations of the Comprehensive Plan, the Glenwood South Streetscape Plan, for this location, approves a variance pursuant to 10-3004 from right-of-way dedication and construction along Glenwood Avenue as required by Code Section 10-3041. This section of Glenwood Ave. is classified as a major thoroughfare with a standard of ½ of a 90-foot width right-of-way with and 1/2 65-foot width back-to-back street. Currently Glenwood Avenue exists as a 44' back-to-back street section on 64 feet of right-of-way in this location. No additional right-of-way dedication or roadway construction is proposed with this site plan and City staff supports this variance to any additional right of way and construction;

**Administrative Actions:**

***Prior to issuance of building permits in the Inspections Department:***

- (1) That all the requirements of the Glenwood South Streetscape plan are shown in compliance as indicated on the preliminary site plan;
- (2) That an application for an encroachment agreement for landscaping located within the public right-of-way, as indicated on the preliminary plan, is submitted to the City's Encroachment Coordinator in the Inspections 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 12-1022(a), shall be filed with the Inspections Department, and that the encroachment agreement is to be recorded with the Wake County Register of Deeds;
- (3) That a lane closure permit be obtained by the City of Raleigh Public Works Department;
- (4) That the City Attorney approve a public sidewalk easement (approx. 35') for any portion of the public sidewalk along Glenwood Avenue located within private property;

***Prior to issuance of an occupancy permit in the Inspections Department:***

- (5) That all the improvements to street right of ways be completed prior to the issuance of a building occupancy certificate;

**Prior to issuance of building permits in the Inspections Department:**

- (6) That the existing storage building on the western portion of the site is verified an accessory use to the primary use;

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**ZONING:**

**ZONING  
DISTRICTS:**

**Neighborhood Business with Pedestrian Business Overlay District.**

Pursuant to the Pedestrian Business Overlay District this plan conforms to the standards found in 10-2055 (e) (4)-(9);

(4) All signage will comply with 10-2083 and the Glenwood Ave. Streetscape plan and Parking plan.

(5) Pedestrian Ways:

The minimum width of pedestrian ways from the curb to the building line for all new building and uses shall be 18' wide. **This plan is proposing a minimum width of the Pedestrian way from the building to the curb at 35' wide, this includes the 14' sidewalk.**

(6) Bicycle Parking:

Bicycle parking shall be provided for all new uses, new building. **This building is providing a bike rack on site.**

(7) Exterior Building Walls:

Fifteen(15) feet shall be the maximum length of a "blank exterior building wall plane" facing a thoroughfare for any new building and for any existing building that is either replaced or undergoes. **The exterior building facing the thoroughfare is broken up with; opaque openings with window and a door and raised planters with shrubs are utilized to break up the wall plane.**

(8) Thoroughfare Driveway Widths:

The maximum length of any curb cut made to a thoroughfare after application of the Pedestrian Business Overlay District shall be fifteen (15') for one-way driveways. **Plan proposes to reduce driveway width to 12'**

(9) "Streetscape Plan" and "Streetscape and Parking Plan:

No improvements to street rights-of-way, to vehicular surface areas and to the sides of any building that face a thoroughfare or a collector street shall be made within a Pedestrian Business Overlay District except in conformity with the adopted Streetscape Plan or Streetscape and Parking Plan.

**This plan shows conformance with the streetscape plan as to sidewalk pattern, building facing the thoroughfare (as in standard 7 above), landscaping, and lighting requirements set forth in the Streetscape plan. These improvements must be completed prior to issuance of a building occupancy certificate.**

(10) Existing Structures and Lots:

A structure existing at the time that the Pedestrian Business Overlay District is first applied to the property shall not be deemed a zoning nonconformity solely because of this Overlay District. All additions, changes, expansions, and alterations must comply with the Streetscape Plan or Streetscape and Parking Plan. **Existing property and structure is complying with the adopted Glenwood South Streetscape and Parking Plan.**

**SETBACKS /  
HEIGHT:**

This plan conforms to all minimum setback standards. Existing setbacks are the following: Front yard = 35, rear yard = 0', front / rear aggregate = 35, side yard = 0, side yard aggregate = 14. Within the Glenwood South Small Area Plan developments (on the West side) should blend with adjacent building setbacks. This site plan meets the general setbacks of adjacent buildings. Side and rear yard setbacks shall be the same as the underlying zoning district. The maximum height standards are 40', this plan conforms to maximum height standards in this zoning district. The existing building is 15' tall.

**PARKING:**

This plan is not required to provide parking since the retail use is less than 10,000 square feet pursuant to 10-2055 (e) 1b. However, this plan is proposing 6 parking spaces for staff and valet in the rear of the site.

**LANDSCAPING:**

Street yard landscaping in conformity with Section 10-2082.5 is shown complying with the Glenwood south streetscape plan. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This is a medium impact use under Section 10-2082.9. Typically, a 10' type D buffer yard would have been required on the west property line. However since the previous use was high impact (and an existing storage building exists on the property line), greater than use proposed, no transitional protective yard is required per 10-2082.10 (d). No other transitional protective yards are required. An encroachment agreement is required for the installation of the street trees along Glenwood Avenue pursuant to the Glenwood South Streetscape Plan.

**TREE  
CONSERVATION:**

This is a commercial site less than 2 acres in size, adjacent to a thoroughfare, however, there are no basal areas of 30 present within the 50 ft. thoroughfare yard. Therefore, compliance with the Tree Conservation ordinance section 10-2132.2(c)(1) j is not required.

**DEVELOPMENT  
INTENSITY:**

Not applicable.

**UNITY OF  
DEVELOPMENT:**

Not applicable.

**COMPREHENSIVE  
PLAN:**

**GREENWAY:**

There is no greenway on this site.

**THOROUGHFARE  
/ COLLECTOR  
PLAN:**

Glenwood Avenue is classified as a major thoroughfare and exists as a 44-foot back-to-back curb & gutter section on 65 feet of right-of-way. Dedication of additional right-of-way would normally be required per the City's Comprehensive Plan of a 90' right of way with a 65-foot width back-to-back street. However, the existing right-of-way is consistent with the Glenwood South Streetscape Plan. Additionally, the City Council has granted prior variances for this portion of Glenwood Avenue within the Glenwood South area which prevent any future widening of the roadway. No additional right-of-way dedication or roadway construction is proposed with this plan and city staff supports this variance for any additional right of way dedication.

**TRANSIT:** Not applicable, existing transit stops already serve this location.

**URBAN FORM:** The site is located in the University Planning District with specific recommendations made in the Glenwood South Streetscape and Parking Plan. The following are standards found within the Glenwood South Streetscape and Parking plan; staff finds that this site plan conforms to all standards.

**Glenwood South Streetscape and Parking Plan Requirements and Standards**  
**How the applicant is addressing each standard:**

**Sidewalk Paving** – We are meeting the West Side Sidewalk Paving requirements by:

- 1) Closing the existing driveway to 12' wide.
- 2) Adding a 14' concrete sidewalk from the back of curb per PBOD requirement. Our project will match the existing 5'x 5' pattern located on the adjacent property to the south, so it is a continuous pattern along our frontage.

**Curbing** – We are meeting the Curbing requirements by:

- 1) Using granite curbing to enclose the existing driveway cut to a minimum 12' dimension.

**Street Trees** – We are meeting the Street Trees requirements by:

- 1) Adding an Evelyn Maple in the midway point between the two existing Maples on the adjacent properties. The tree well will be 5' x 6' to match the existing conditions of the property to the south.

**Building Façade** – We are meeting the Building Façade requirements by:

- 1) Leaving existing storefront/transom elements and door in place as they break up the exterior building walls not exceeding the 15 requirement.
- 2) Along the driveway or south elevation, we are utilizing new tree plantings and landscaping will break up the brick façade.
- 3) New outdoor patio with outdoor seating and new vegetation will establish a strong connection between pedestrians and the building entrance.

**Building Setback**

- 1) This is an existing building with an existing front yard setback.
- 2) A new patio area with outdoor seating and new vegetation will establish a connection between the pedestrians and the building entrance.

**Vehicular Parking Areas** – We are meeting the requirements of the Vehicular Parking Areas by:

- 1) Existing building and use meets the parking requirements for the Glenwood South Parking and Streetscape Plan.
- 2) There is some area at the rear of the site for employee and valet parking.

**Building Height** – We are meeting the Building Height requirements by:

- 1) Existing building height of 15' compliments and is in proportion to the adjacent uses and structures.

**Signage** – We are meeting the Signage requirements by:

- 1) Placing a new wall mounted sign on the storefront transom that is oriented to the pedestrian traffic on Glenwood Ave. Gooseneck wall mounted downlights will illuminate the sign.
- 2) All proposed signage will need to be permitted separately by Inspections Dept.

**Awnings** - We are addressing the Awning requirements by the following:

- 1) Visual interest between the sidewalk and building is being addressed with a new outdoor patio, signage, incorporating pavers, seating and additional vegetation.

**Overhead Utilities**

- 1) Overhead utilities are not along Glenwood Avenue.

**Street Lighting**

- 1) Existing street lighting in this area of Glenwood Avenue is sufficient and will not be required. Wall mounted, gooseneck downlights will illuminate the wall mounted sign. Uplighting of existing tree in patio and integral surface lights at masonry piers will provide additional lighting.

**Banners**

- 1) N/A

**Street Furniture**

- 1) There is an existing litter receptacle adjacent to the site.
- 2) A black U-shaped bicycle rack will be provided in the sidewalk to accommodate 4 bicycles.

**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. Add at least two shade trees in the parking lot.	Applicant complied

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**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** Not applicable

**PUBLIC UTILITIES:** City water and sewer services are available.

**SOLID WASTE:** Individual lot service by private contractor utilizing roll out bins.

**CIRCULATION:** No street improvements required due to variance request along Glenwood Ave.

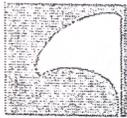
**PEDESTRIAN:** Proposed sidewalk locations conform to the Glenwood Ave. Streetscape and Parking Plan. A 14' wide sidewalk is proposed along the frontage of subject site plan.

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

**STORMWATER  
MANAGEMENT:** This project will have a net reduction in impervious area and as such is exempt from stormwater controls under Code section 10-9021 (6) and nitrogen reduction under section 10-9022(a). No stormwater conditions apply.

**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.



**HagerSmith**  
Design PA

Architecture  
Landscape Architecture  
Planning  
Business Interiors  
Construction Management

City of Raleigh  
222 West Hargett Street  
Raleigh, NC 27602

May 18, 2009

Re: Request for Variance - 425 Glenwood Avenue (SP-12-09)

Members of the Planning Commission,

We are requesting relief from dedication of additional right-of-way and roadway improvements for the subject property at 425 Glenwood Avenue. This section of Glenwood Ave. is classified as a major thoroughfare with a standard of a 90-foot width right-of-way with a 65-foot width back-to-back street. Currently Glenwood Avenue exists as a 44' back-to-back street section on 64 feet of right-of-way in this location. This request is relative to the conditions as outlined in section 10-3004 of the City of Raleigh Zoning Ordinance.

We believe that for several reasons these requirements should not apply to this site. If it is required to meet the standard of a major thoroughfare, the project would not meet the requirements set forth in the Comprehensive Plan, the Glenwood South Streetscape Plan or the PBOD Open Space -14' sidewalk requirement established in City of Raleigh ordinance section 10-2055 (D)4a. In addition, some of the existing structures that currently existing along the west side of Glenwood Avenue would fall within the overall dedication. Lastly, the City of Raleigh has recently completed streetscape and road improvements in the Glenwood South area and we are not aware that the City has any plans to widen this section of Glenwood Avenue.

The project does propose a 14' wide sidewalk and easement to meet the standards set forth in the Glenwood South Streetscape Plan and section 10-2055 (D)4a of the City of Raleigh Code of Ordinances. We thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Loyack".

Jamie Loyack, RLA