



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-35-11 / Carolina Ale House – Glenwood South

General Location: The northeast corner of the intersection of Glenwood Avenue and Tucker Street

Owner: L&M Restaurants
Designer: Smith 2 Architecture & Design PLLC / John A. Edwards & Co.

CAC: Hillsborough

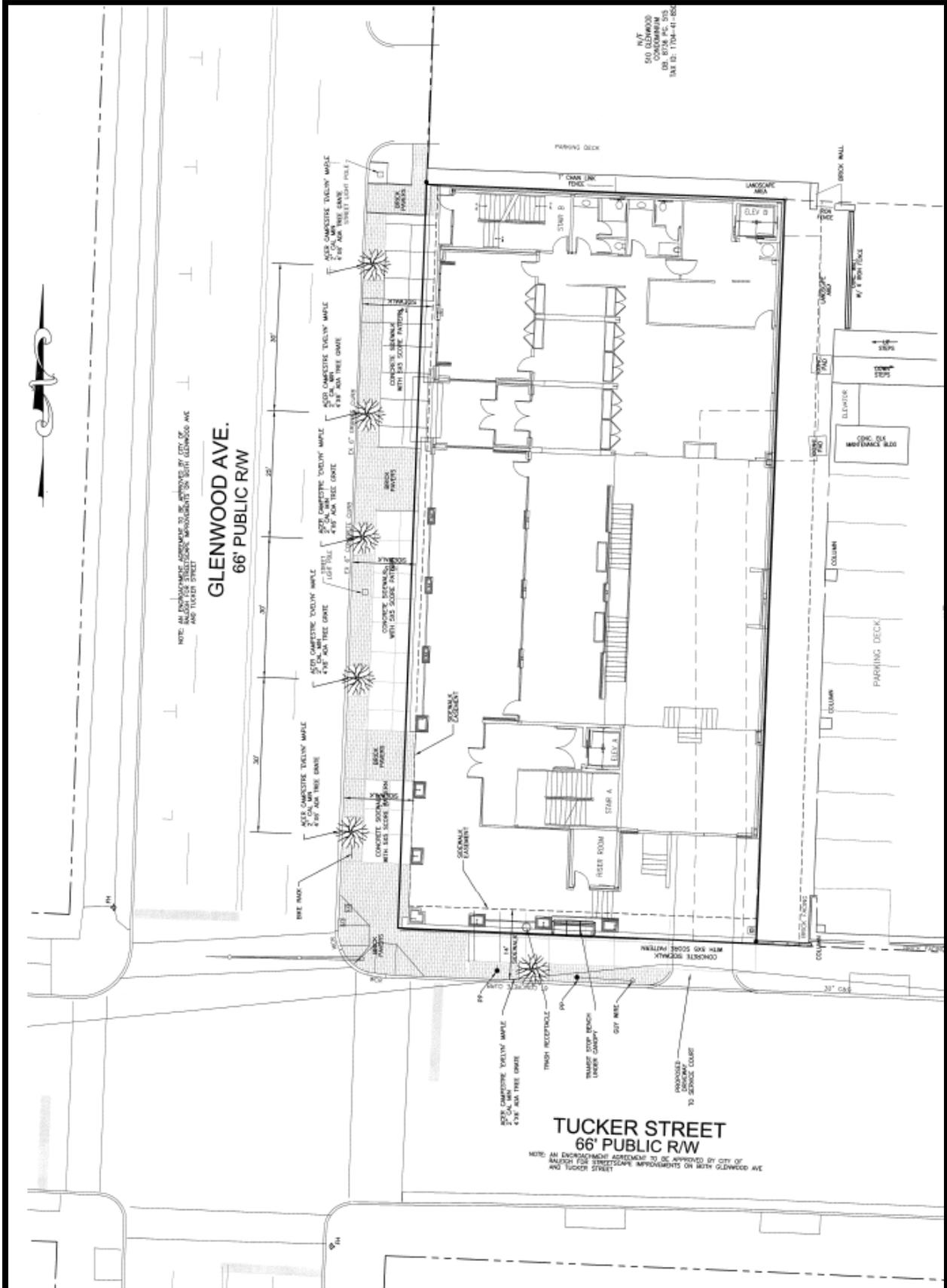
Nature of Case: A 37,048 square foot building with 27,562 square feet of retail space (restaurant) on a 0.25 acre site zoned Industrial-2 and Pedestrian Business Overlay District.

Key Issues: The 14' sidewalk requirement associated with the Pedestrian Business Overlay District is not being fully met along portions of both Glenwood Ave. and Tucker St. The applicants are requesting an alternate to this requirement.

Contact: David Camp – Development Solutions, LLC.



SP-35-11 Carolina Ale House – Glenwood South – Site Location Map



SP-35-11 Carolina Ale House – Glenwood South – Preliminary Site Plan

SUBJECT: SP-35-11 / Carolina Ale House – Glenwood South

CROSS-REFERENCE: Glenwood South Streetscape and Parking Plan, BOA Case A-84-11

LOCATION: This site is located on the east side of Glenwood, north of its intersection with Tucker Street, inside the City Limits. The site currently houses an office building that will be demolished if this project is developed as proposed.

REQUEST: This request is to approve a 37,048 square foot building with 27,562 square feet of retail space (restaurant) on a .25 acre site zoned Industrial-2 and Pedestrian Business Overlay District. This plan requires Planning Commission approval because it includes a retail use within 400 feet of a property containing residential dwellings.

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 October, 2011, owned by L& M Restaurant submitted by Development Solutions LLC.

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

VARIANCES / ALTERNATES: The applicants are requesting the Planning Commission approve an alternate to the required open space called for in the Pedestrian Business Overlay District which specifies all public sidewalks be a minimum 14' in width. The applicants are requesting an alternate to reduce the minimum width down to 12.5' for a span of 60' where an existing retaining wall is proposed to remain.

A variance (A-84-11) from the requirements of Section 10-2082 was granted by the Board of Adjustment on 11/14/11 to relieve the applicants from the requirement to install a Transitional Protective Yard adjacent to the 510 Glenwood mixed-use building and parking deck.

The applicants have received a variance from the requirements for Glenwood Avenue to be constructed to a divided multi-lane roadway with a 90' right-of-way. Given the existing context of the Glenwood South area, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by an action of City Council on 11/15/11.

To PC: 4/10/12

Case History:

Staff Coordinator: Eric Hodge, AICP

Motion: Schuster

Second: Haq

In Favor: Butler, Harris Edmisten, Haq, Fluhrer, Schuster, Sterling Lewis, Terando

Opposed: Buxton

Excused: Mattox

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: _____

date: _____ 4/10/12



Staff Report

RECOMMENDED ACTION: Approval with Conditions

CONDITIONS OF APPROVAL:

Planning Commission Actions:

- (1) That the Planning Commission finds that this site plan meets the standards for approval of a preliminary site plan, Code Section 10-2132.2(d);
- (2) That in accordance with Code Section 10-2055(d) (4), last paragraph, the Planning Commission approves a reduction to the 14' wide sidewalk along portions of Glenwood Avenue for the existing retaining wall to remain and portions of Tucker Street to allow for a transit amenity and a transition to neighboring sidewalk widths;
- (3) That the plan be revised to move the proposed steps internal to the building footprint facing Glenwood Avenue such that they do not project beyond the face of the building, thereby allowing the 14' sidewalk section to be met in that approximately 15' wide section;

Administrative Actions:

Prior to issuance of a grading permit for the site:

- (4) That a demolition permit is obtained through the City of Raleigh Development Services Customer Service Center;
- (5) That an encroachment agreement for any proposed improvements to extend into the Glenwood Avenue and Tucker Street right-of-way and for any landscaping, 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 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 filed with the Public Works 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;

Prior to issuance of building permits in the Inspections Department:

- (6) That the applicant shall submit with the application for building permit a description of all off-site parcels used to meet off-street parking requirements, together with an attested copy of the leasing agreement or recorded cross-parking easement with 510 Glenwood Avenue. All off-site parking areas shall conform to the City Code. The applicant shall also agree in writing that he, or his successors or assigns, shall provide the required off-street parking on these parcels or their equivalent, so long as

the proposed use shall continue, and shall agree that the proposed use shall be discontinued, should the required off-street parking no longer be provided on these off-site parcels or their equivalent;

- (7) That a landscape permit is obtained from the urban forester for landscaping in the public right-of-way;
- (8) That a 4x10 foot transit easement located on Tucker Street in the location of the proposed covered bench be approved by the Transit Planner in the Public Works Transportation Department, be shown on all maps for recording, and that a transit easement deed approved by the City Attorney is recorded with the local County Register of Deeds. That the recorded copy of this transit easement be provided to the Planning Department within 14 days of authorization of lot recording. If a recorded copy of this easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (9) That the City Attorney approve a public sidewalk easement deed for any portion of the proposed 14' wide pedestrian ways on private property adjacent to public right of way along Glenwood Avenue and Tucker Street;
- (10) That at time of permitting, the owner is to show how the sand filter complies with all major design criteria of the NCDENR BMP manual;
- (11) That as the developer has chosen to offset a portion of nitrogen export load limitation by paying monies to the North Carolina Ecosystem Enhancement Program (NCEEP), in accordance with Nitrogen reduction requirements of Section 10-9022, this payment shall be made to NCEEP and verification of the amount of payment shall be provided to the City of Raleigh Stormwater Engineer;
- (12) That a stormwater control plan with a site specific stormwater operations and maintenance manual and budget, shall be approved by the Stormwater Engineer in compliance with Part 10, Chapter, including the designation of buffer areas and open space areas for stormwater purposes prior to grading or the approval of construction drawings, whichever event comes first. The operations and maintenance manual is to include all construction costs for the proposed stormwater devices used for compliance with Part 10, Chapter 9.
- (13) That all stormwater control measures and means of transporting stormwater runoff to and from any nitrogen and stormwater runoff control measures shall be shown on all plats for recording as private drainage easements. The private drainage easement is to tie to a public right of way;
- (14) Payment in the amount of 24% of the total construction costs for the stormwater device is to be paid to the City of Raleigh prior to building permit approval. The operations and maintenance manual is to note the amount of the 24% payment;
- (15) That the owner is proposing access to and improvements on adjacent property(s). Of these improvements it appears a portion of the pipe system is included. Recorded private drainage easements will be required on the stormwater drainage system. In addition, temporary construction

easements and or notarized permission will be required from impacted owner(s) as well.

ZONING:

ZONING DISTRICTS: Industrial-2 and Pedestrian Business Overlay District (Glenwood South).

SETBACKS / HEIGHT: This plan conforms to all minimum setback standards. Front yard = 2', rear yard = 0', front / rear aggregate = 2', corner side yard = 1', side yard aggregate = 1'. This plan conforms to maximum height standards in the Glenwood South Pedestrian Business Overlay District's Streetscape and Parking Plan. Proposed height of the building is 54' at the top of the parapet and 80' to the top of the tower.

PARKING: Off-street parking conforms to minimum requirements: 44 parking spaces required, based on an exemption of 10,000 SF of retail per site in a Pedestrian Business Overlay District and one parking space per 400 SF of remaining retail (17,562 SF). The applicants propose to meet the parking requirements by leasing off-site parking within the adjacent deck located on the 510 Glenwood parcel. There are excess spaces within that deck that are not required for the 510 Glenwood building's parking requirement or other businesses leasing parking in that deck. The applicants will be leasing their required parking spaces from this excess of parking spaces. The 510 Glenwood property's underlying zoning district is Industrial-1 which allows for commercial parking.

A minimum of 3 bicycle spaces are provided in keeping with the PBOD requirement of one bicycle space per 20 automobile spaces provided

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. No transitional protective yards are provided as a variance (A-84-11) from the requirements of Section 10-2082 was granted by the Board of Adjustment on 11/14/11.

TREE CONSERVATION: As this site is less than 2 acres in size and there are no wooded areas along the thoroughfare thus no tree conservation areas are required.

OPEN SPACE: The Pedestrian Business Overlay District requires that a minimum of 5% of the total land area of the development be set aside as open space. "Open space" includes greenways and 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 .25 acres, the base minimum amount of open space required for the tract is 545 square feet. The applicant's plan for a minimum of 1,743 square feet of qualifying open space to be provided through 14' wide sidewalks (with the exception of a 60' span where the sidewalk width is reduced to 12.5' to allow for an existing retaining wall

to be used), a qualifying courtyard near the southwest corner of the site and rooftop deck areas. The proposed open space exceeds the minimum 5% requirement by 1,198 square feet.

The applicants are seeking an alternate approval, in accordance with Code Section 10-2055(d)(4), to allow an existing retaining wall on-site to remain in place and for proposed stairs in the 14' wide sidewalk area. The retaining wall reduces the required 14 foot wide sidewalk width by 1.5' in some places thereby rendering the sidewalk down to a width of 12.5' for an approximately 60' long sidewalk section. Approximately 79' of the Glenwood Avenue frontage meets the 14' wide standard. The applicants are proposing this alternate because they wish to utilize the existing retaining wall in the construction of the proposed building. The applicant also proposes to reduce the required width of the sidewalk down to 9' to 10' for a 44' long portion of Tucker Street, though 27' of the Tucker Street frontage's proposed sidewalk is compliant with the 14' wide sidewalk requirement. To offset the reduction in width along Tucker Street, the applicants propose to incorporate a covered transit stop with a bench into the proposed design of their building. The reduction in width also transitions the sidewalk down to match the existing sidewalk in front of the adjacent parking deck. The approving body is allowed to make this reduction if it finds that the reduction is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan. Planning Staff suggests that the project be designed such that the retaining wall could be utilized as a seat wall and thereby provide an amenity to the Pedestrian Business Overlay District. Planning Staff also recommends that the proposed steps be oriented internal to the building so the sidewalk width reduction along Glenwood Avenue is limited to only maintaining the existing retaining wall. By doing so, the area subject to the reduction in required sidewalk width along Glenwood Avenue would be lessened by a length of approximately 15'.

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 for the following streets are required by the Thoroughfare and Collector Street Plan:

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

The applicants have received a variance from the requirements for Glenwood Avenue to be constructed to a divided multi-lane roadway with a 90' right-of-way. Given the existing context of the Glenwood South area, the existing 66' right-of-way width has been found to be adequate by the Development Plans Review Group. The right-of-way variance was approved by a separate action of City Council on 11/15/11.

TRANSIT: The applicants have incorporated a covered waiting bench into the design of their building for riders awaiting the R-Line which stops along Tucker Street near its intersection with Glenwood Avenue. This site is presently served by the existing transit system along both Glenwood Avenue and Tucker Street.

URBAN FORM: Because the site is located within the boundaries of the Downtown Element of the 2030 Comprehensive Plan, the Downtown Urban Design Guidelines, as well as the policies of the Downtown Element and Urban Design Element apply to the site. These elements call for pedestrian-oriented urban buildings, and identify Glenwood Avenue as a primary retail street and Tucker Street as a secondary retail street. The site plan features a commercial storefront/dining space along the entirety of the Glenwood Avenue Façade, and a corner entry feature at the corner of the building where it also boards Tucker Street. The Downtown Element and Downtown Urban Design Guidelines call for parking sharing and screening of parking. The site plan features no on-site parking, rather it uses an existing deck facility located on the east side of the site. Service and delivery will utilize only one curb cut for the project, resulting in a site plan that contains pedestrian-friendly elements: wide sidewalks (for a portion of the site), minimal curb cuts, active ground floor uses, and high quality building materials. In addition the site plan meets the design requirements of the Glenwood South Streetscape and Parking Plan.

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

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 is proposed for a site that has a 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 hotel and retail spaces.

T3.2 Redefining Road Classification: *Develop a comprehensive roadway network that categorizes streets according to function and type while considering all of the potential users and the surrounding land use context.*

This is relevant to the variance request needed by the City Council when the staff determines additional right of way is needed based on the road classification and not the existing context. Staff currently does not have the authority to grant right of way exceptions in these cases.

The site plan is somewhat inconsistent with the following policy in the 2030 Comprehensive Plan:

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.*

While the proposed project increases sidewalk width by extending the sidewalk from back of curb to building face for a minimum width of 14' for a portion of the site, there is a 60' span where the sidewalk width is interrupted by a retaining

wall and reduced down to only 12.5'. Staff recommends that the project be designed such that the retaining wall can be used to provide a seating amenity to patrons of the Pedestrian Business Overlay District.

**HISTORIC /
DISTRICTS:**

The existing buildings on site are not designated historic structures. 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 commends the team on the sensitivity of the building design to the larger urban context, and the use of high quality exterior materials.	Acknowledged
2) Since the east elevation of the building will be visible from the nearby parking deck, the space between the subject building and the deck, and obliquely from Tucker Street, the committee recommends that elements of visual interest (pilasters, soldier courses, etc.) be incorporated into that façade's design [commensurate with Code Sec. 10-2132.2(d)(2) & (4)].	The east elevation has been revised and includes elements of visual interest. Previously this was essentially a solid brick wall.

**SUBDIVISION
STANDARDS:**

BLOCK LAYOUT: The existing street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area.

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: A 14' wide sidewalk is required along the property's frontage on Glenwood Avenue and Tucker Street and is being provided by the applicants along much of the site with the exception of a 60' span of Glenwood Avenue where an existing retaining wall is proposed to remain and proposed steps encroach in the area. (This reduces the sidewalk width down to 12.5' in width on that section of Glenwood Avenue.) and with the exception along a 44' portion of Tucker Street

where a transit amenity and a transition down to the neighboring sidewalk width is being provided that reduces the sidewalk width down to 9'-10' in width. The reduction in sidewalk width is authorized by section 10-2155(d)(4) , last paragraph ,provided the Planning Commission finds that the reduction is in accordance with the general plans for the physical development of the City as embodied in the Comprehensive Plan and the Commission finds that the site plan complies with section 10-2132,3 subsections (c) and (d). Planning Staff opposes the introduction of steps into the 14' wide sidewalk and recommends that the plan be revised such that the stairs are moved internal to the face of the proposed building.

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

STORMWATER MANAGEMENT: This site is subject to stormwater management regulations of Part 10, Chapter 9. Stormwater nitrogen reduction and stormwater runoff control are required for this site by City code Part 10, Chapter 9. Stormwater runoff control compliance has been met by analysis showing the increase in flows is less than 10 percent per point of discharge. A sand filter and one time buy down to NCEEP are proposed to satisfy water quality requirements.

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.