



# 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-16-2010 / Golden Corral – Capital Boulevard

**General Location:** On the east side of Capital Boulevard between Starmount Drive and Buffalo Road, inside the city limits

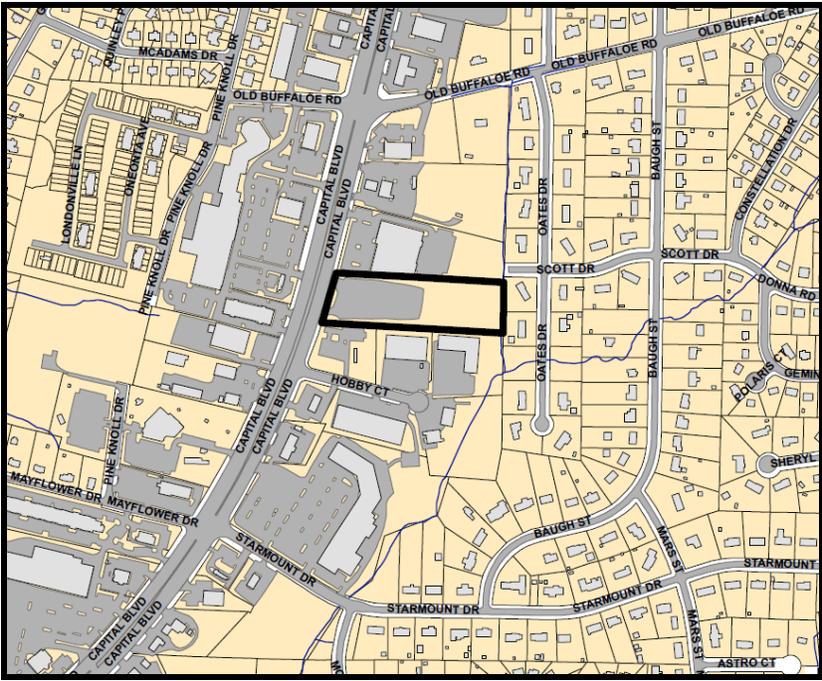
**Owner:** Golden Corral Development Corporation  
**Designer:** Commercial Site Design, PLLC

**CAC:** Northeast

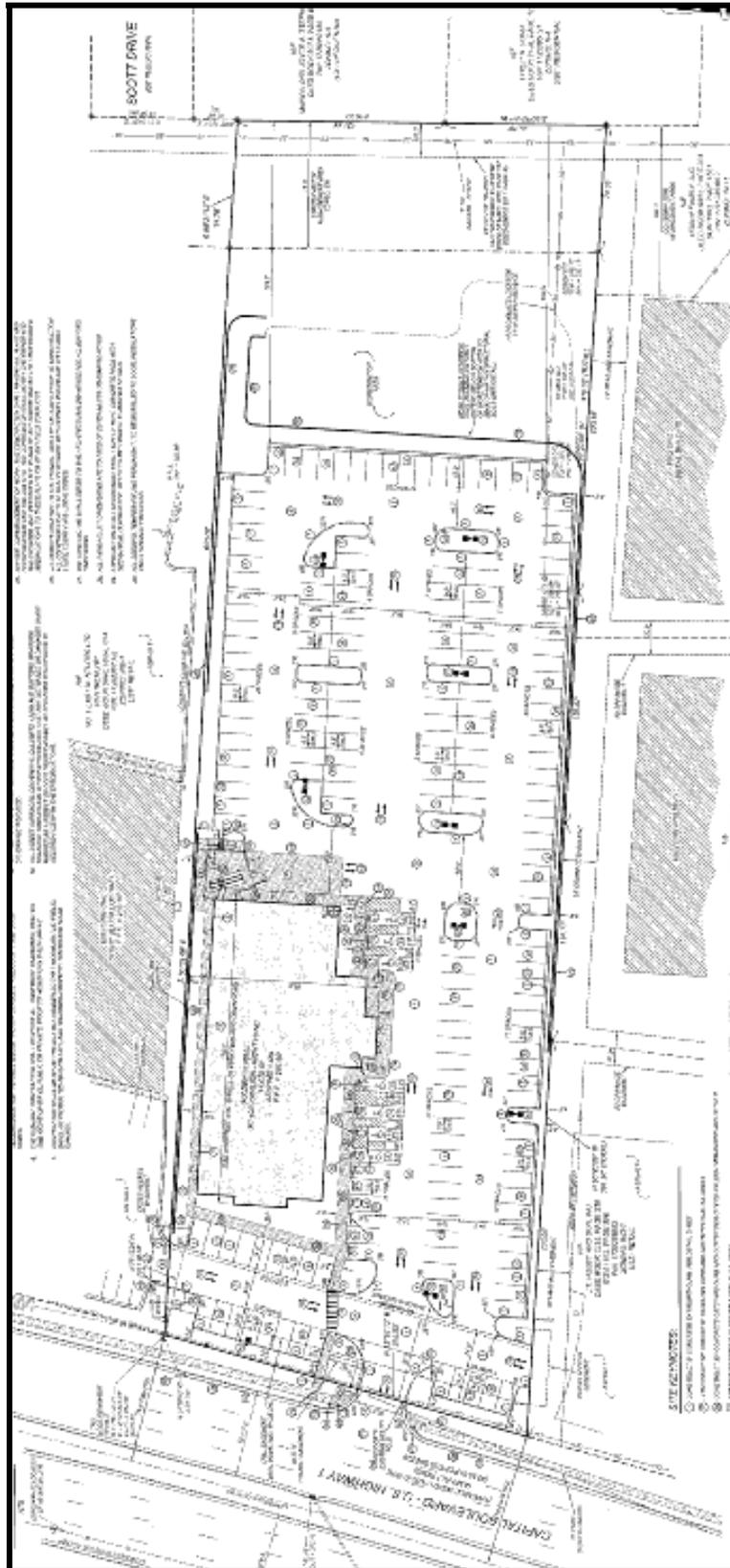
**Nature of Case:** The construction of a 14,107 square foot retail/eating establishment on 3.67 acres zoned Industrial-1 and Conservation Management District.

**Key Issues:** This site plan conforms to the 8 standards of 10-2132.2(d), as amended by TC 1-10.

**Contact:** Michael Hicks, Commercial Site Design



SP-16-10 Golden Corral – Location Map



SP-16-10 Golden Corral – Site Plan

**SUBJECT:** SP-16-10 / Golden Corral – Capital Boulevard

**CROSS-REFERENCE:** N/A

**LOCATION:** This site is located on the east side of Capital Boulevard, north of its intersection with Starmount Drive, inside the City Limits.

**REQUEST:** This request is to approve a 14,107 square foot retail/eating establishment on a 3.67 acre site, zoned Industrial-1 and Conservation Management District. This site is located within 400 feet of a residential use or zone. This is a vacant tract of land with no development proposed on the portion of the site zoned Conservation Management District.

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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 with the conditions of approval below being met, this request conforms to Chapter 2, Part 10, Sections 10-2030, 10-2046, and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 6/30/10, owned by Golden Corral Development Corporation, submitted by Commercial Site Design.

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

**VARIANCES / ALTERNATES:** N/A

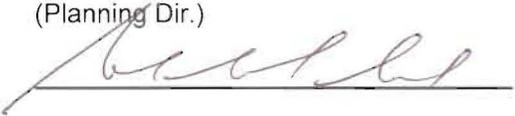
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**To PC:** July 27, 2010  
**Case History:**

**Staff Coordinator:** Meade Bradshaw

**Motion:** Haq  
**Second:** Mullins  
**In Favor:** Anderson, Bartholomew, Batchelor, Butler, Fleming, Harris Edmisten, Haq, 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: 7/27/10 date: 7/27/10



## Staff Report

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

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**CONDITIONS OF  
APPROVAL:**

**Planning Commission Actions:**

- (1) Within 30 days following issuance of its building permit, the developer will be notified in writing by the city if it will be required to construct a transit shelter pursuant to this condition. If required, a transit shelter will be constructed by the developer in the location noted for a future transit easement, prior to issuance of a certificate of occupancy. The design and location of the shelter will require approval by the Public works Transit division. The shelter shall be similar in design and cost to other transit shelters currently serving the City's bus system;

**Administrative Actions:**

***Prior to issuance of a grading permit for the site:***

- (2) That the Transit Division of the City of Raleigh determine if a bus shelter located within the transit easement required by condition number 10 is now desired. If the City determines that a bus shelter should be constructed, then the developer shall install the shelter prior to issuance of a certificate of occupancy. The design of the shelter shall be as determined by the Public Works Transit Division.
- (3) That riparian buffers, located in the portion of the site zoned Conservation Management District, in accordance with the State of North Carolina regulations, shall be shown on plats for recording along with a note stating "The areas shown on the recorded plat identified as Neuse River Riparian Buffer shall be maintained in perpetuity in their natural or mitigated condition, No person or entity shall fill, grade, excavate, or perform any other land-disturbing activities; nor cut, remove, or harm any vegetation; nor construct any structures nor add any additional impervious surface, nor allow animal grazing or water or any other agricultural use on such protected areas without written authorization from NC Division of Water Quality in accordance with the Riparian Buffer Protection Rules (15A NCAC 2B.0233 or .0259).";
- (4) That flood prone areas, alluvial soils located in the portion of the site zoned Conservation Management District, as approved by the City Stormwater Engineer, shall be shown on the recorded map;
- (5) That all blue line features (as shown on the USGS map and the SCS Wake County Soil Survey map) on the property will be required to be shown on all recorded maps. All buffers associated with the blue line features shall be shown on the plat unless evaluation/documentation from DWQ is

provided stating that the feature no longer exists on the site and, therefore, the buffer does not exist;

- (6) 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 and the plats shall contain the following note: "All private storm drainage easements & stormwater measures will be maintained by the property owner or property owners' association;"
- (7) That a stormwater control plan with a stormwater operations and maintenance manual and budget shall be approved by the Stormwater Engineer in compliance with Part 10 Chapter 9, 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;
- (8) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Inspections Department. The plan must show metes and bounds descriptions of all tree conservation areas, and tree protection fence around all tree conservation areas. Tree protection fence must be located in the field and inspected by the Inspections Department. A copy of the approved plan is placed on file in the Planning Department;
- (9) That 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;
- (10) That a final detailed landscape plan removing all trees out of private drainage easements in accordance with 10-2082 *et seq.* be submitted/stamped and approved by the Site Review Specialist in the Inspection Department and a stamped approved copy is placed on file in the Planning Department;

***Prior to approval of construction drawings for public improvements:***

- (11) That a revised site plan showing the construction of the cross access to the property to the south is constructed to the southern property line;

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

- (12) That a 15x20 foot transit easement located on capital Boulevard 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;

- (13) That a grant of cross access to the property to the north owned by NO 1 East Ventures LTD Partnership, described in DB 03440 PG 0664 and an offer of cross access to the south owned by JT Hobby & Son Incorporated, described DB 02225 PG 0230 be recorded in accordance with the City code and in the local County Register of Deeds office, and that a recorded copy of this cross access easement be returned to the Planning Department within 14-days of recording. If a copy of this recorded cross access easement is not provided to the Planning Department within the 14 day period, further plat recordings and building permits authorization may be withheld;
- (14) That a tree conservation map be recorded with metes and bound showing the designated Tree Conservation Areas and shall be in compliance with Code section 10-2082.14;
- (15) That this note is added to all maps to be recorded: Direct access to Capital Boulevard shall be conditioned as "Temporary" by the NCDOT. It shall be subject to closure without compensation as deemed necessary by NCDOT contingent upon alternate access being available. This shall be noted on all recorded plats associated with any site plans, subdivisions or recombination and that the applicant record a restrictive covenant indicated the temporal nature of the driveway; and
- (16) That all NCDOT driveway and/or encroachment permits must be obtained and provided to the City of Raleigh Public Works Department.

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**ZONING:**

**ZONING DISTRICTS:** Industrial-1 and Conservation Management District.

**SETBACKS / HEIGHT:** This plan conforms to all minimum setback standards. Front yard = 90', rear yard = 465', front / rear aggregate = 555', side yard = 12', and 100' side yard aggregate = 112'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 29'-4"

**PARKING:** Off-street parking conforms to minimum requirements: 149 spaces required, based on 1 parking space per 50 square feet of floor area gross of building for public use. 199 spaces are 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. Transitional protective yards are not provided due to uses classified as the same type impact use to the north and south. A type B transitional protective yard is required on the eastern property line, but due to the distance between the single-family residences and the proposed use (189') there is enough distance not to require additional plantings (150').

**TREE  
CONSERVATION:**

Total tree conservation of this site is 0.371 acres or 10.1% of the site. 100% of the site zoned Conservation Management District is protected tree conservation area.

Primary Tree Conservation - 0.259 acres - consisting of the 50' wide swath of the site zoned Conservation Management District across the east side of the property.

Secondary Tree Conservation - .112 acres consisting of an alternate compliance 65' wide perimeter yard adjacent to portion of the site zoned Conservation Management.

**DEVELOPMENT  
INTENSITY:**

There are no floor area ratio and building lot coverage limitations in the Industrial-1 zoning district. Development is not occurring in the area zoned Conservation Management District.

**PHASING:**

There is one phase in this project.

**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:**

The right-of-way on Capital Boulevard is sufficient for the required roadway section as required by the Thoroughfare and Collector Street Plan:

<u>Street</u>	<u>ROW</u>	<u>Construct</u>	<u>Slope Esmt.</u>
Capital Boulevard/ US Highway 1	N/A **	N/A	N/A

\*\*The right-of-way standard for a principal arterial facility varies from 130 feet to 300 feet.

**TRANSIT:**

The following transit-oriented features of this site are incorporated into the proposed plan: 15' X 20' transit easement on Capital Blvd.

**URBAN FORM:**

This site is located in the Northeast Citizen Advisory Council. Capital Boulevard is a multi-modal corridor. The site proposes cross access to the north and south consistent with policy LU 4.5 in the Comprehensive Plan.

**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. Since the northwest corner of the building will be visible to the public, the committee recommends that the masonry wainscoting treatment on the west side of the building (which will face Capital Boulevard) be continued around the north side of the building, at least as far back as the third door from the northwest corner.	2. The masonry wainscoting treatment on the west side of the building (facing Capital Boulevard) will be continued around the north side of the building as far back as the third door from the northwest corner.

**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:** The proposed street layout conforms to City Code, providing for efficient circulation of traffic within the entire neighborhood area. The maximum block length in this development meets the 1500-foot standard as noted in the Streets, Sidewalks and Driveway Access Handbook. No dead end street in this development exceeds 800 feet in length.

**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. The private sanitary sewer line in the Conservation Management District will be abandoned in place.

**SOLID WASTE:** Individual lot service to be provided by private contractor.

**CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. The site plan requires cross access to be constructed to the north and south property lines and an offer of cross access and easement is being recorded.

**PEDESTRIAN:** Proposed sidewalk locations conform to City regulations. Private sidewalks connect the building to the public sidewalk along Capital Boulevard.

**FLOOD HAZARD:** There are flood hazard areas, alluvial soils, on the eastern portion of the site zoned Conservation Management District and are identified on the site plan.

**STORMWATER  
MANAGEMENT:**

This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. This project proposes to utilize an open sand filter and a one time buydown payment to the NCEEP or private mitigation bank for nitrogen reduction. This project proposes to use an underground pipe detention system in addition to the open sand filter to ensure post development runoff rates do not exceed pre-development runoff rates for the 2 & 10 year design storms. There is an alluvial soil flood hazard and Neuse riparian buffer located within the previously recorded Conservation Management Area Zone CM. No unauthorized impacts are proposed within this area.

**WETLANDS  
/ RIPARIAN  
BUFFERS:**

Neuse riparian buffer are located within the Conservation Management District. No unauthorized impacts are proposed within this area.

**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.



## COMMERCIAL SITE DESIGN

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919.848.6121 Telephone 919.848.3741 Fax

1755 The Exchange, Ste.110, Atlanta, GA 30339  
678.888.0777 Telephone 678.888.0778 Fax

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July 22, 2010

Meade Bradshaw  
City of Raleigh Planning  
One Exchange Plaza 3<sup>rd</sup> Floor  
Raleigh, NC 27601

RE: Golden Corral – 3424 Capital Blvd. Raleigh, NC

Dear Mr. Bradshaw:

Please find our response to comments for the above-referenced project.

(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;

***Response:*** *Site Plan provides for one access full access driveway to Capital Blvd. As well a cross access connection to the north adjacent property and future cross access connection to south adjacent property.*

b. Nearby median openings or intersections;

***Response:*** *The site is not near to or proposes any median openings into Capital Blvd. As well the site is not located at an intersection.*

c. The classification of roads and plans for future improvements;

***Response:*** *Capital Blvd classification and level of service is capable of supporting the proposed use. No offsite improvements are necessary with the proposed use.*

d. Proximity to pedestrian generators such as schools, transit facilities, parks and greenways;

**Response:** *The subject property is not located within 1,000ft of any major pedestrian transit generators such as parks, schools, or greenways.*

e. The accident experience near the site;

**Response:** *To my knowledge no significant amount of accident experience has been documented in front of the subject property.*

f. Bicycle, pedestrian and transit access and circulation;

**Response:** *The proposed use provides for a new transit easement as well as a sidewalk (ADA) access connection to the public R/W.*

g. Traffic volumes existing and projected from approved site plans;

**Response:** *Site is currently vacant thus no existing traffic volumes. Proposed use will generate approximately 1,800 trips per weekday based on ITE Manual. Capital Blvd is capable of supporting the additional traffic that will be generated with approved Site Plan.*

h. Interference with any other driveway;

**Response:** *The proposed driveway is located near the front center of the property and doesn't provide any interference with any other driveways.*

i. Response time of nearby emergency services such as fire and hospital; and

**Response:** *The proposed use is located on a major thoroughfare and is easily accessible by various emergency service providers. Response time for nearby emergency services should be no issue of concern.*

j. The character of the traffic to be generated from the site.

**Response:** *The traffic generated from the site will be generally from typical vehicles such as cars, trucks, and SUV's. There is no recreational vehicle or semi-trucking parking spaces proposed.*



- (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.”

**Response:** *Yes, the plan conforms to the new Comprehensive Plan by providing the service aspect to support an office and institutional environment. A restaurant use provides for the needs of the employees that may work in nearby office areas that would frequent the restaurant for either lunch or dinner.*

- (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;

**Response:** *The proposed use complies with the rules and regulations that are set forth in Chapter 10 Part 9 of the City of Raleigh Ordinance for stormwater management.*

- b. Air or water pollutant discharges,

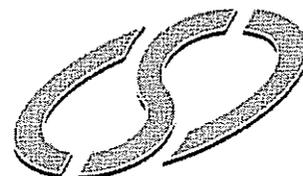
**Response:** *There are no air or water pollutant discharges that will be attributed with the proposed use.*

- c. Noise, light and odor;

**Response:** *No noise or odors will be attributed with the proposed use. In regards to the proposed parking lot lighting it complies with the standards set forth in the City of Raleigh ordinance.*

- d. Access to air and light;

**Response:** *The proposed use will not attribute to blocking any significant levels of access to air or light on the adjoining properties. The building height is approximately 30ft tall.*



- e. On and off-street parking;

**Response:** *The proposed use only has off-street parking proposed all of which is on-site. 199 parking spaces are proposed.*

- f. Dust, smoke and vibration;

**Response:** *No dust, smoke or vibration will be attributed with the proposed use.*

- g. Hours of operation; and

**Response:** *Monday through Friday 11am to 10pm. Weekends 7Am to 11pm.*

- h. Site conditions that may foster unsafe or unlawful activities.

**Response:** *None. The parking lot and building is well lit and is within in view of employees. The company employees continually monitor interior (building) and exterior (parking lot) throughout the business day. As well the site will be under video surveillance.*

- 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;

**Response:** *The new restaurant building is placed toward the front of the property and more than 400ft from any existing residential building. There will be no detrimental effect to nearby residential use in terms of building scale.*

- b. Architectural character;

**Response:** *The exterior of the building is composed of quality durable materials that consists of a variety of features such as window treatments around three sides of the building, parapet to block any rooftop equipment, as well as many other features.*

- c. Landscaping;

**Response:** *Landscaping is proposed throughout the site to comply with City of Raleigh code. As well tree conservation areas are proposed along rear of the property between proposed improvements and adjacent residential*



- d. Amount and placement of impervious surfaces;

**Response:** *All proposed impervious areas will be treated and detained by the on-site stormwater management system to be installed near and within the rear parking lot. Careful thought and planning to ensure that no excess amounts of unnecessary impervious areas are proposed. For example, internal landscaping islands were used in lieu of wider drive aisles, etc.*

- e. Placement of structures and vehicular surface areas; and

**Response:** *Again, all proposed structures and vehicular surface areas are as far away as possible from adjacent residential to the rear of the site. The closest point to the proposed parking spaces to rear property line (adjacent residential) is approximately 190ft.*

- f. Orientation of uses and entranceways.

**Response:** *The main entrance into the restaurant is parallel with the main drive aisles which serves the site and parking lot. The building is perpendicular to Capital Blvd given the length of the property is much greater than the properties width. The main entrance of the building does not face toward the rear of the site or the adjacent residential.*

- (5) The site plan coordinates with existing and planned public facilities such as:

- a. Stormwater drainage structures;

**Response:** *The site conforms to requirements set forth in Ch 10 Part 9. No public storm improvements are required in conjunction with proposed use.*

- b. Public utilities;

**Response:** *The restaurant will be using existing public utilities that are within the R/W of Capital Blvd to serve the site. No public utility improvements are required in conjunction with proposed use.*

- c. Streets, sidewalks and on-street parking;



**Response:** *Site Plan coordinates with the existing improvements that in place within Capital Blvd. It will include re-use of existing sidewalk. No road improvements are necessary along Capital Blvd. And site will incorporate all parking on-site with no on-street or off-site parking necessary.*

- d. Parks, greenways and recreational facilities;

**Response:** *There are no existing or planned facilities within general area of the subject property.*

- e. Fire stations and community service facilities;

**Response:** *There are no existing or planned facilities within general area of the subject property. The property is currently served by fire and police services.*

- f. Schools;

**Response:** *There is no impact on schools as proposed use is a non-residential use.*

- g. Trash collection; and

**Response:** *Trash collection will be provided by private refuse collection. Thus, no burden upon city wastes collection services.*

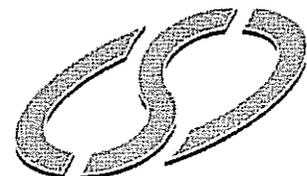
- h. Transit facilities.

**Response:** *A new transit easement is proposed with the development of the site to allow for possible new transit/bus stop in the future.*

- (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,

**Response:** *There is no unified development in place or required. This is single entity individual development.*



- b. Are being developed in a coordinated manner with the site, or,

*Response: N/A.*

- 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.

*Response: N/A.*

- (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.

*Response: The plan complies with any development standards that are applicable to the project, which are set forth in City of Raleigh Development Regulations City Code Part 10.*

- (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.

*Response: No approved subdivision plan was necessary for the development of the site. The site plan does meet all applicable code requirements and there are no conflicts with any code requirements and furthermore the plan does not request for any alternate means of compliance.*

If you have any questions, please feel free to ask.

Sincerely,

**COMMERCIAL SITE DESIGN, PLLC**



Michael Hicks  
Project Manager

