



# 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-21-11 / McDonalds at Falls Pointe

**General Location:** The site is located on the east side of Falls of Neuse Road, between its intersection with Durant Road and Morrocroft Road.

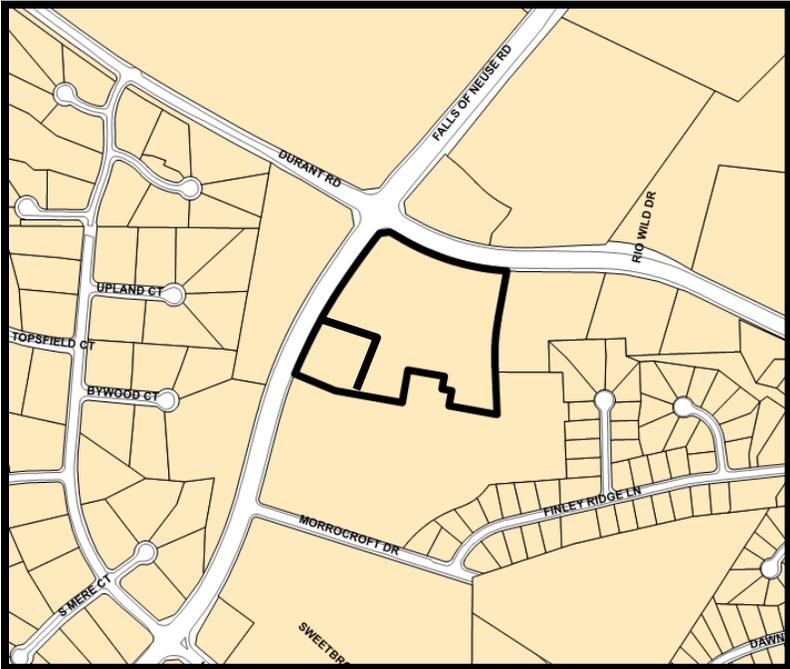
**Owner:** McDonald's USA, LLC  
**Designer:** Commercial Site Design, PLLC

**CAC:** North

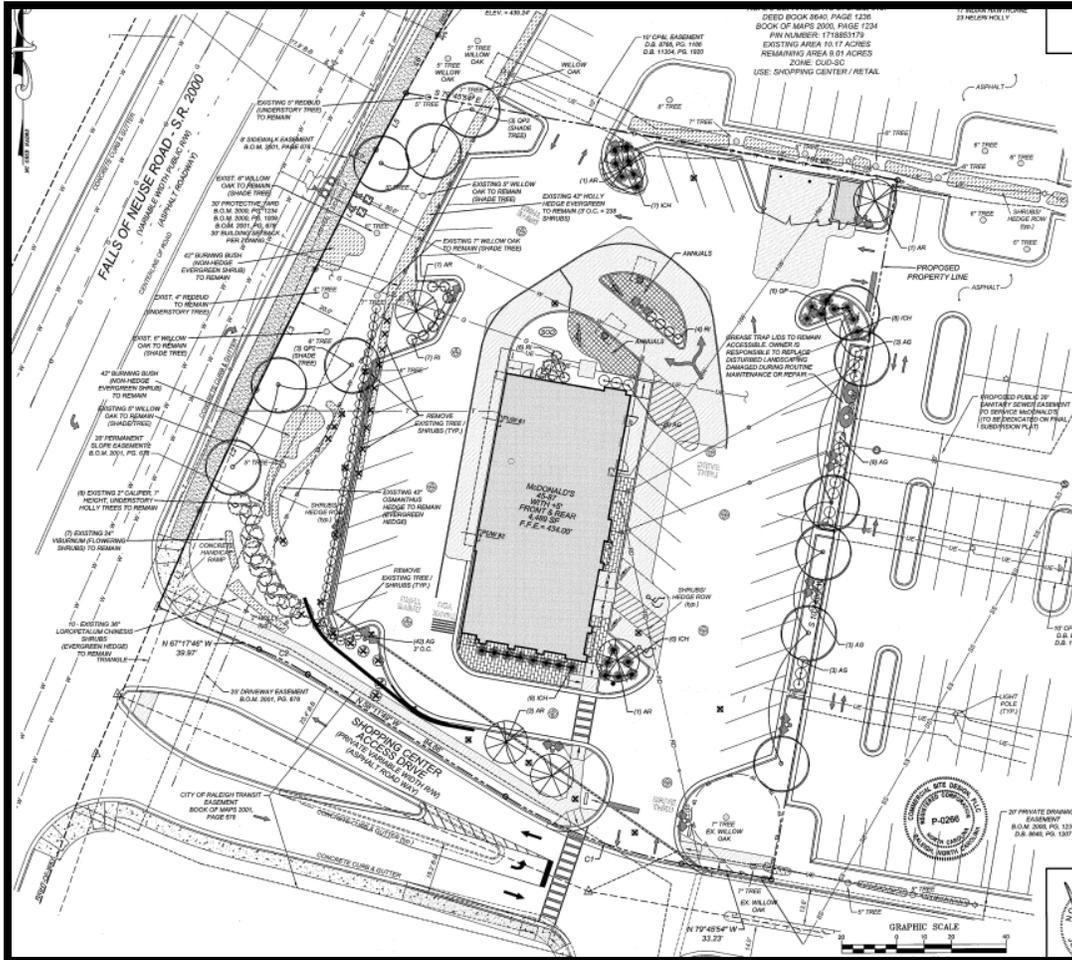
**Nature of Case:** The construction of a 4,500 square foot eating establishment within an existing shopping center on a 1.16 acre parcel zoned Shopping Center CUD. This property was rezoned to Shopping Center CUD as part of case Z-9-10. Zoning Condition #10 requires the non-administrative site plan approval process shall be required for development of the property.

**Key Issues:** This plan is inconsistent with Comprehensive Plan Policy UD 7.3 - Design guidelines. The proposed building is not oriented toward the main thoroughfare, Falls of Neuse Road.

**Contact:** Brian Soltz, Commercial Site Design, PLLC



**SP-21-11 McDonalds at Falls Pointe – Site Plan**



SP-21-11 McDonalds at Falls Pointe – Site Plan

**SUBJECT:** SP-21-11 / McDonald's at Falls Pointe

**CROSS-  
REFERENCE:** S-33-10; Z-9-10

**LOCATION:** This site is located on the east side of Falls of Neuse Road, south of its intersection with Durant Road, inside the City Limits.

**REQUEST:** This request is to approve a 4,500 square foot eating establishment on a 1.16 acre site, zoned Shopping Center CUD. This site was part of zoning case Z-9-10 which requires preliminary plan approval.

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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 following conditions of approval being met, this request conforms to Chapter 2, Part 10, Sections 10-2041 and 10-2132.2, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 9/20/11; owned by McDonalds USA, LLC; submitted by Commercial Site Design, PLLC.

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

**VARIANCES /  
ALTERNATES:** n/a

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To PC: October 25, 2011

**Case History:**

**Staff Coordinator:** Meade Bradshaw

**Motion:** Haq  
**Second:** Fleming  
**In Favor:** Batchelor, Butler, Buxton, Fleming, Haq, Harris Edmisten, Lyle, Mattox,  
Sterling Lewis

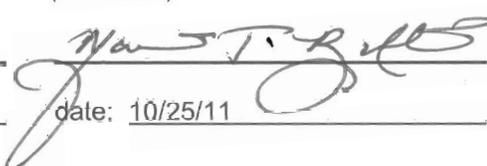
**Opposed:**

**Excused:** xxxxx

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: 10/25/11



## Staff Report

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**RECOMMENDED ACTION:** Approval with Conditions

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**CONDITIONS OF APPROVAL:** Administrative Actions:

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

- (1) That building materials and sign criteria are consistent with the approved unity of development guidelines on file with the City of Raleigh;
- (2) That final building construction plans show conformance with all zoning conditions of case Z-9-10; and

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

- (3) That the building has a system that will employ disposable pleated panel filters for both particulate and odor absorption for food preparation consistent with Z-9-10 condition #9.
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**ZONING:**

**ZONING DISTRICTS:** Z-9-10. Ordinance (2009) 741 ZC 647 Effective 6/1/10.

**Z-9-10 Conditional Use – Falls of Neuse Road** - located on the east side, south of its intersection with Durant Road, being Wake County PIN 1718-85-3179 (portion). Approximately 1.16 acres to amend conditions associated with Shopping Center Conditional Use District zoning.

**Conditions Dated: 05/20/10**

**Narrative of conditions being requested:**

For purposes of the following conditions, the area proposed for rezoning shall be referred to as the "Property."

(1) Vehicular Access. Vehicular access (with ingress and egress) to the Property shall be limited to the existing (a) full movement curbcut on Falls of the Neuse Road and (b) a right in/right out curbcut and a full movement curbcut on Durant Road. Both such curbcuts serve the remaining portion of PIN 1718-85-3179 and shall be available to serve the Property via easements or other legal interests.

(2) Height Limit. No building shall exceed two stories and thirty-five (35 feet in height) as calculated under Section 10-2076(b) of the City Code.

(3) Pedestrian Connectivity. A sidewalk or clearly designated, paved pedestrian walkway shall connect the primary entrance of all buildings constructed upon the Property and the existing sidewalk or multipurpose path along Falls of the Neuse Road.

(4) Exterior Lighting. Exterior lighting upon the Property shall not exceed eighteen (18) feet in height and shall be aimed downward and shielded so as to prevent direct view of the light source from any residential parcel. Perimeter pole mounted area lights shall not be positioned inside of the transitional protective yards.

(5) Sale of Gasoline. No convenience store or establishment offering the sale of gasoline or dispensing petroleum products into motor vehicles shall be permitted upon the Property.

(6) Prohibited Uses. The following uses shall not be allowed upon the Property:

1. Agricultural uses, except nursery or garden supply store;
2. Transitional housing, except supportive housing residence;
3. Cemetery, crematory;
4. Correctional facility;
5. Outdoor kennel or cattery;
6. Radio and television studio;
7. Telecommunications Tower;
8. Landfill, airfield, taxi cab stand;
9. Power plant, electric utility substation;
10. Home building supply store (except for hardware);
11. Vehicle sales, rental, auto body; auto painting; auto repair,
12. Adult establishment, nightclub, lounge, bar, tavern;
13. Pool halls;
14. Establishments selling alcohol for consumption on premises which do not conform to the requirements of Alcoholic Beverage Control Law 18B-1000(6).

(7) Street Yard; Landscaping. The following shall be provided with respect to the Property:

1. A street protective yard along Falls or the Neuse Road not less than thirty (30) feet in width.
2. A street protective yard along Falls of the Neuse Road shall be planted according to the following schedule:

	<u>Caliper</u>	<u>Circumference</u>	<u>Height</u>	<u>Rate</u>
Shade Tree	3.5"	10.99"	9.0'**	2 per 40 linear ft.
Understory Tree	2.0"	6.38"	7.0'**	1 per 60 linear ft.
Hedge Evergreen Shrubs			42" (@ 3 yrs.)	3'0" on center
Non-Hedge Evergreen Shrubs			42" (@ 3 yrs.)	1 per 50 linear ft.
Flowering Shrubs			24"	1 per 30 linear ft.

\*\*at installation

3. An evergreen hedge to screen the view of cars shall be placed within the street protective yard when the yard is adjacent to parking spaces. The hedge shall run the entire length of all parking spaces, except when the hedge reaches the intersections of public streets or the intersection of a private driveway with a public street. Such intersections shall be constructed and landscaped in accordance with this condition and Raleigh City Code Section 10-2082.6(b), whichever is more restrictive.

4. The street protective yard may contain berms, walls, fences, sidewalks, driveway crossings, utility services and utility service areas.

(8) Truck Deliveries. No truck deliveries to the Property shall occur between the hours of 11:00 p.m. and 7:00 a.m.

(9) Filtration. Any restaurant which utilizes an open flame for cooking shall have an air filtration system designed to minimize or eliminate food odors. At a minimum this system shall employ disposable pleated panel filters for both particulate and odor absorption for food preparation. The specific nature of the air filtration system shall be addressed at the time of site plan approval.

(10) Site Plan Approval. The non-administrative site plan approval process shall be required for development of the Property.

(11) Delivery Entrances. All deliveries of inventory, food, and supplies to all buildings constructed upon the Property shall be to entrances on the side of the building facing the Kohl's Department Store (that is, the side of the building opposite Falls of the Neuse Road).

**SETBACKS /**

**HEIGHT:** This plan conforms to all minimum setback standards. Front yard = 45', rear yard = 93', front / rear aggregate = 138', side yards = 82', side yard aggregate = 164'. This plan conforms to maximum height standards in this zoning district. Proposed height of the building is 21'.

**PARKING:** Off-street parking conforms to minimum requirements: 18 spaces required, based on 1 parking space per 250' square feet of gross floor area. 42 spaces are provided. Drive-through facility contains stacking for vehicles, in compliance with Section 10-2081.

**LANDSCAPING:** Street yard landscaping in conformity with Section 10-2082.5 and zoning condition #7 is shown. Vehicular surface area landscaping in conformity with Section 10-2082.6 is shown. This site is within a shopping center; therefore a transitional protective yard is not required.

**TREE CONSERVATION:** Tree conservation has been met through previous subdivision of the site, case S-33-10.

**DEVELOPMENT INTENSITY:** There is no floor area ratio or building lot coverage maximums in the Shopping Center Zoning District.

**PHASING:** There is one phase with this development.

**UNITY OF DEVELOPMENT:** Unity of development and sign criteria are required in this development.

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**COMPREHENSIVE  
PLAN:**

**GREENWAY:** There is no greenway on this site.

**THOROUGHFARE  
/ COLLECTOR**

**PLAN:** Sufficient right-of-way and roadway improvements exist along this portion of Falls of Neuse Road.

**TRANSIT:** This site is presently served by Capital Area Transit Route 25c. A transit easement is not needed.

**URBAN FORM:** This site is located in the North Citizen Advisory Council.

***Policy AP-540F 1***

***Development Character on Falls of the Neuse Road***

Development along Falls of the Neuse Road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.

***Policy UD 7.3***

***Design Guidelines***

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Orientation: The site's primary street is the shopping center access road. The property abuts Falls of Neuse Road, however, a designated secondary arterial. Of the three existing shopping center structures closest to Falls of Neuse Road (the multi-tenant building at the southwest corner, the bank, and even the gazebo at the northwest corner), all exhibit orientation to the main thoroughfare (including pedestrian-accessible doorways). The bank features five drive-through bays—likewise accessed from the shopping center access road—and yet that building is oriented to the main road, not the access road. The orientation proposed for the building would be unique among those and all other commercial properties on the east side of Falls of Neuse Road between Litchford and Durant roads.

***Policy LU 1.3***

***Conditional Use District Consistency***

All conditions proposed as part of a conditional use district (CUD) should be consistent with 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. The committee recommends that the façade treatment of the west and north elevations, which are visible from Falls of Neuse Road, exhibit the same degree of detail and materials as the east and south facades, which face the shopping center access road and parking areas [commensurate with Code Sec. 10-2132.2(d)(2)&(6)].	The stone arcade has been added to the west and north elevations.

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**SUBDIVISION  
STANDARDS:**

**BLOCK LAYOUT:**

The proposed 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:**

Access to the site will be from the shopping center access drive which has access on Falls of Neuse Road. A left turn lane will be constructed on the shopping center access road.

**PEDESTRIAN:**

Proposed sidewalk locations conform to City regulations. A sidewalk exists along Falls of Neuse Road. A sidewalk will be constructed on the southern portion of the site along the shopping center access drive.

**FLOOD HAZARD:**

There are no flood hazard areas on this site.

**STORMWATER  
MANAGEMENT:**

This site plan will not increase impervious surface areas and therefore no stormwater facilities are required.

**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.