



Administrative Action Preliminary Subdivision

City of Raleigh
Development Plans Review Center
One Exchange Plaza
Raleigh, NC 27602
(919) 516-2626
www.raleighnc.gov

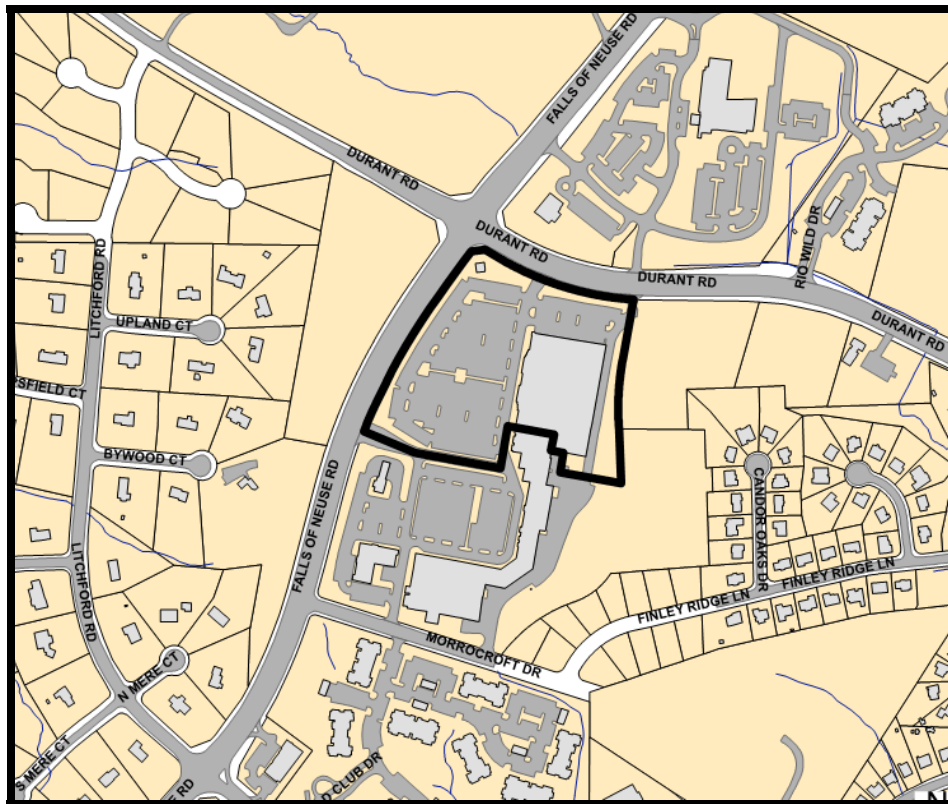
Case File / Name: S-33-2010 / McDonalds at Falls Pointe

General Location: This site is located on the east side of Falls of Neuse Road, south of the intersection of Durant Road, inside the city limits.

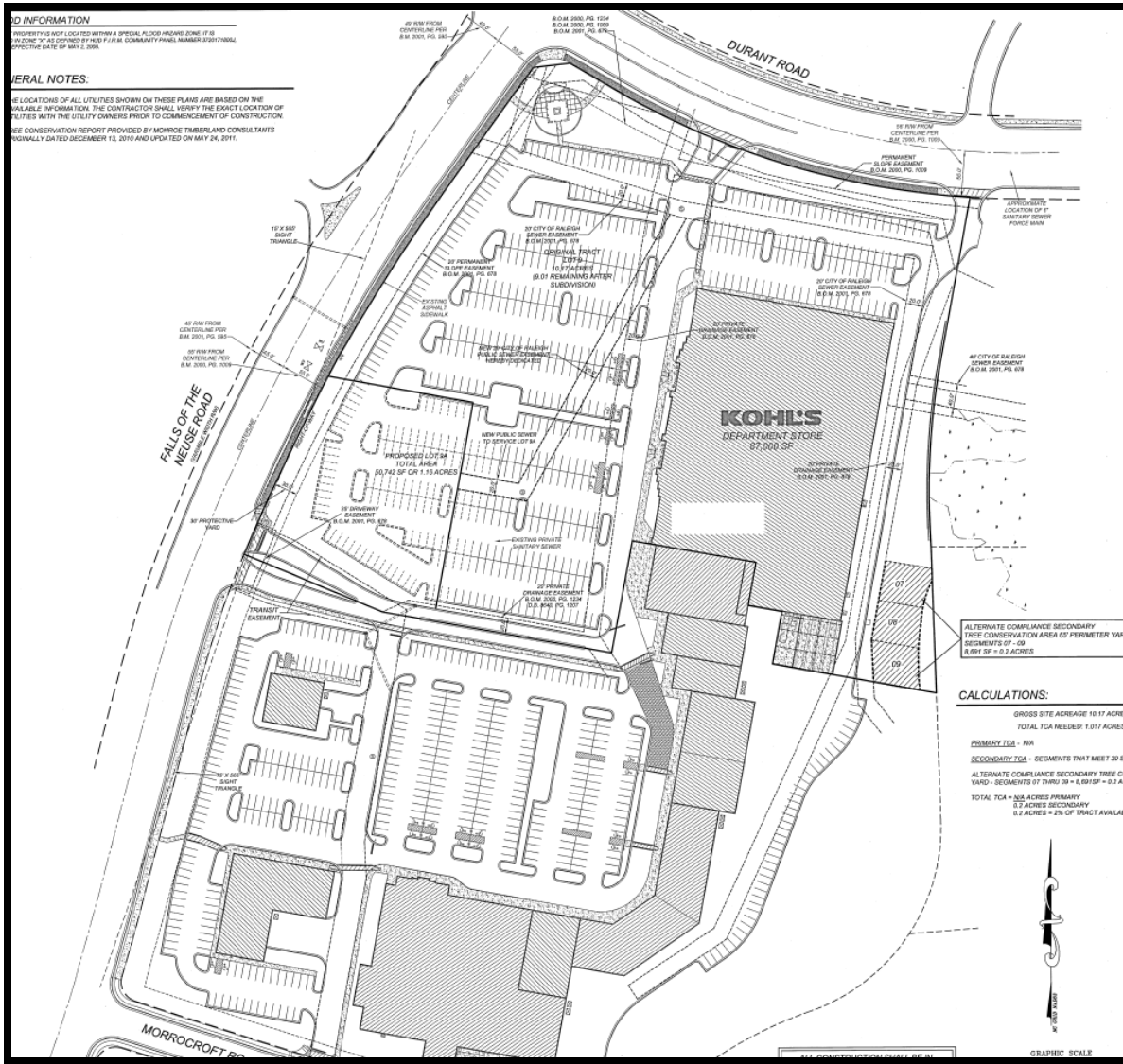
CAC: North

Nature of Case: The subdivision of a 10.17 acre parcel into two lots zoned Shopping Center CUD. Lot 10 will be 1.16 acres and Lot 9 will be 9.01 acres

Contact: Brian Soltz, Commercial Site Design, PLLC



S-33-10 - Location Map



S-33-10 – Subdivision Layout

SUBJECT: S-33-10 / McDonalds at Falls Pointe

**CROSS-
REFERENCE:** Z-9-10

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

REQUEST: The request is to approve the subdivision of a 10.17 acre parcel into two lots. Lot 10 will be 1.16 acres and Lot 9 (parent tract) will be 9.01 acres.

OFFICIAL ACTION: Approval with conditions

**CONDITIONS OF
APPROVAL:**

Prior to issuance of a land disturbing permit for the site:

- (1) That prior to the issuance of a grading permit, the final tree conservation plan must be approved by the Forestry Specialist in the Planning 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 Planning Department. A copy of the approved plan is placed on file in the Planning Department;

Prior to Planning Department authorization to record lots:

- (2) That construction plans for public improvements be approved by the Public Utilities Department;
- (3) That a grant of cross access and shared parking agreements to the property to the east owned by Kohl's Department Stores Inc and described in DB 08640 PG 1236 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; and
- (4) That all zoning conditions from Z-9-10 are fulfilled.

I hereby certify this administrative decision.

Signed:

(Planning Dir.) Mitchell Litch (C. Kay) Date: 6-28-11

Staff Coordinator: Meade Bradshaw

SEE LAST PAGE FOR IMPORTANT INFORMATION ON THE NEXT STEP IN THE SUBDIVISION PROCESS.

FINDINGS: City Administration finds that this request, with the above conditions being met, conforms to Chapter 2, Part 10, Sections 10-2041, Chapter 3, Part 10, Sections 10-3001-3059. This approval is based on a preliminary plan dated 5/18/11, owned by McDonalds USA, LLC, submitted by Commercial Site Design, PLLC.

ZONING:

ZONING DISTRICTS: Z-9-10 Ordinance 2010 741 ZC 647 Effective June 1, 2010.

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			42" (@ 3 yrs.)	3'0" on center
Shrubs				
Non-Hedge			42" (@ 3 yrs.)	1 per 50 linear ft.
Evergreen Shrubs				
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).

LANDSCAPING: Will be reviewed at the time of site approval.

**TREE
CONSERVATION:** Total tree conservation of this site is 0.2 acres or 2% of the site.

Primary Tree Conservation - 0 acres

Secondary Tree Conservation – 0.2 acres consisting of an alternate compliance 65' wide perimeter yard adjacent to portion along the east boundary.

**UNITY OF
DEVELOPMENT:** Unity of development criteria is required in this subdivision.

PHASING: There is one phase in this development.

**COMPREHENSIVE
PLAN:**

GREENWAY: There is no greenway on this site.

**THOROUGHFARE
/ COLLECTOR
PLAN:**

Sufficient right-of-way and road improvements exist on Falls of Neuse Road.

TRANSIT: This site is presently served by the existing transit system, therefore a transit easement is not required.

URBAN FORM: This site is located in the Northeast Citizen Advisory Council, in an area designated neighborhood mixed-use.

**SUBDIVISION
STANDARDS:**

LOT LAYOUT: Lots in this development conform to the minimum 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, Sidewalk and Driveway Access Manual. No dead end street in this development exceeds 800 feet in length.

PUBLIC UTILITIES: City water and sewer services are available. The subdivider is responsible for installation of all lines necessary to provide service to this site.

SOLID WASTE: Individual lot service will be provided by a private contractor.

- CIRCULATION:** Proposed street improvements shall conform to normal City construction standards. This layout indicates a stream crossing that is to be shared with an adjacent property owner. The developer of this property will construct the entire stream crossing, and will be reimbursed by the City for 1/2 the cost of construction.
- PEDESTRIAN:** Existing sidewalk locations conform to City regulations.
- FLOOD HAZARD:** There are no flood hazard areas on this site.
- STORMWATER
MANAGEMENT:** This site is subject to stormwater and nitrogen reduction requirements of part 10 chapter 9. All proposed lots exceed one acre in size. Stormwater management measures will be required at the time of site plan submittal for each lot or at the time of further subdivision.
- WETLANDS
/ RIPARIAN
BUFFERS:** No wetland areas or Neuse River riparian buffers are required on this site.
- STREET NAMES:** No new street names are required for this development.
- 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.

SUNSET DATES: If significant lot recording has not taken place on a project after preliminary subdivision approval, that approval may "sunset" and be declared void, requiring re-approval before permits may be issued. To avoid allowing this preliminary approval to "sunset", the following must take place by the following dates:

3-Year Sunset Date: 6/28/2015
Record at least ½ of the land area approved.

5-Year Sunset Date: 6/28/2016
Record entire subdivision.

WHAT NEXT?:

- MEET ALL CONDITIONS OF APPROVAL.
- COMPLETE CONSTRUCTION DRAWINGS FOR ANY PUBLIC IMPROVEMENTS Streets, Utility lines to be owned and maintained by the City. and submit them to the Development Plans Review Center for approval.
- HAVE A REGISTERED SURVEYOR PREPARE FINAL PLATS FOR RECORDING. These also must be submitted to the Development Plans Review Center for authorization signature prior to recording with the Wake County Register of Deeds.
- MEET THE REQUIREMENTS OF THE SUNSET THRESHOLDS AS NOTED ABOVE.

**FACILITY FEES
REIMBURSEMENT:**

If oversized street construction takes place, or greenway or oversized public street right-of-way is conveyed to the public, the owner is responsible for application to the City for reimbursement allowed by Code. Reimbursement takes place twice a year in January and July; a written request must be filed with the Planning Department for greenway and street right-of-way; and in the Engineering Department for street construction; by the first working day in November and May each year.