DOCKET #: W3143

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
GB-S

PETITIONER:
Little Creek LLC (Foremark - Cheddar's - Shoppes at Little Creek) for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRES: 2.75

NEAREST BLDG: 45' west

MAP(S): 606842

Printed: 4/18/2012
May 23, 2012

Little Creek LLC
c/o Jay Luke
1255 Creekshire Way, Unit 200
Winston-Salem, NC 27103

Re: Site Plan Amendment W-3143

Dear Mr. Luke:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Doug Stimmel, 601 North Trade Street, Suite 200, Winston-Salem, NC 27101
Barry Siegal, 3411-D West Wendover Avenue, Greensboro, NC 27407
ACTION REQUEST FORM

DATE: May 23, 2012
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Site Plan Amendment of Little Creek LLC

SUMMARY OF INFORMATION:

Site plan amendment by Little Creek LLC for a GB-S zoned property [Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store; Shopping Center; Wholesale Trade; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-in; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Library, Public; Museum or Art Gallery; and Police or Fire Station]: property is located on the southeast corner of Hanes Mall Boulevard and Fox Trot Court (Zoning Docket W-3143).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: WESLEY CURTIS, ARNOLD KING, CLARENCE LAMBE, DARRYL LITTLE, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER
AGAINST: BARRY LYONS, LYNNE MITCHELL
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of Little Creek LLC,
Docket W-3143

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of
the City of Winston-Salem, N.C. are hereby amended by granting a Site Plan Amendment for
property zoned GB-S [Arts and Crafts Studio; Building Materials Supply; Convenience Store;
Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply
Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through
service); Retail Store; Shopping Center; Wholesale Trade A; Banking and Financial Services;
Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Offices; Services, A;
Services, B; Storage Services, Retail; Testing and Research Lab; Veterinary Services;
Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult
Day Care Center; Child Care, Drop-in; Child Care, Sick Children; Child Day Care Center;
Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices,
Neighborhood Organization, or Post Office; Hospital or Health Center; Library, Public; Museum
or Art Gallery; and Police or Fire Station] - Site Plan Amendment] and described as follows:

Beginning at a point in the intersection of Fox Trot Court (private drive) and Creekshire Way
(private drive) and also being the southwest corner of PIN 6804-75-7835, then extending N 0°
35’ 11” W 349.94 feet to a point in the intersection of Fox Trot Court and the southern right-of-
way line of Hanes Mall Boulevard, then extending S 83° 42’ 30” E 35.37 feet to a point in the
southern right-of-way line of Hanes Mall Boulevard, then extending N 32° 14’ 48” E 45.09 feet
to a point in the southern right-of-way line of Hanes Mall Boulevard, then extending S 87° 57’
55” E 200.27 feet to a point in the southern right-of-way line of Hanes Mall Boulevard also
being the northwest corner of PIN 6804-75-9866, then extending S 81° 54’ 24” E 80.87 feet to a
point in the southern right-of-way line of Hanes Mall Boulevard, then extending S 0° 00' 00" E 301.77 feet to a point in the centerline of Creekshire Way, then extending S 71° 06' 52" W 119.01 feet to a point in the centerline of Creekshire Way also being the southwest corner of PIN 6804-75-9866, then extending S 80° 15' 50" W 145.34 feet to a point in the centerline of Creekshire Way, then extending S 89° 24' 49" W 79.99 feet to the point and place of beginning, property consists of ±2.75 acres and is PIN #6804-75-7835 and a portion of 6804-75-9866 (Zoning Docket W-3143).

Section 2. This Ordinance is adopted after approval of the site plan entitled Cheddar's - Shoppes at Little Creek and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of ____________________, to Little Creek LLC.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to be known as Cheddar’s-Shoppes at Little Creek. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council

of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Little Creek LLC, (Zoning Docket W-3143). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for GB-S [Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store; Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-in; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Library, Public; Museum or Art Gallery; and Police or Fire Station], approved by the Winston-Salem City Council the _____ day of ___________________, 20____ " and signed, provided the property is developed in accordance with requirements of the
GB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

**Note:** The following conditions apply to the overall development. Conditions shown with **bold-strikethrough** are the ones which the petitioner would like to waive for this site only. Conditions shown with **underline** are being volunteered by the developer for this site only. Deletion of the conditions in **bold-strikethrough** do not remove these conditions from the remainder of the overall development. All conditions previously approved by the City Council remain in effect for the remainder of the Shoppes at Little Creek GB-S zoning (W-3106).

**• PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

  a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. This plan must be a master plan for the management of storm water for the entire subject property. Storm water management devices may be installed separately in each development in accordance with the master plan. Developer shall limit post development runoff to pre-development run-off rates for 10-year storm.

  b. The City-County Utilities Commission shall approve a plan to relocate the existing sanitary sewer line on the subject property or any grading over that sewer line. If sewer is relocated, the City-County Utilities Commission, prior to the issuance of any building permits, must approve final construction.

  c. Developer shall flag the field the limits of the 100-year flood fringe.

  d. Developer shall provide a fifty (50) foot “no fill” buffer between the Little Creek tributary located along the southern property line of the subject property between the stream bank and the toe of the fill slope; or provide a twenty (20) foot “no fill” buffer, except where a more narrow buffer is approved by the Erosion Control Officer; and provide an approved phased erosion control plan; and on site erosion control construction management shall be provided by a licensed design professional. The design professional shall, at a minimum, visit the site and produce a sealed report weekly and after each rain event. The report shall be issued within 48 hours after such event.

  e. Developer shall angle the discharge outlet pipe to provide non-erosive discharge towards the creek.

**• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

  a. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.

  b. Developer shall record a vehicular cross-access easement to the property line of the property to the west of the subject property.
c. Developer shall dedicate fifty (50) foot private access easement and associated temporary construction easement of 10’ on each side of the access easement for the construction of a future private access street extending to the south into the adjacent RM-18 property.

d. Building shall be constructed in substantial conformance with the elevations in Exhibit A as verified by Planning staff.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any required storm water management device(s) shall be installed. If above ground storm water management devices are installed on this property, a ten (10) foot streetyard type landscaping area shall be installed where practicable around the perimeter of each facility.
  b. All required fire hydrants shall be installed in accordance with the City Fire Department.
  c. Developer shall install or make payment in lieu to the City of Winston-Salem for a minimum five (5) foot wide sidewalk on Hanes Mall Boulevard through the entire frontage of the subject property. Sidewalk location shall be coordinated with the NC and Winston-Salem DOT.

• OTHER REQUIREMENTS:
  a. Only one (1) restaurant which meets the definition in the UDO for “Restaurant (with drive-through service)” and shall be located on either Lots 1, 2, or 3.
  b. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign at the main entrance to the development located near the midpoint of frontage of the site along Hanes Mall Boulevard. One (1) freestanding monument sign five (5) foot tall shall be permitted at the other 2 entrances from Hanes Mall Boulevard.
  c. Only three points of vehicular access shall be provided into the site in accordance with the approved site plan.
  d. Lot 9 shall have only one point of access being off the internal private street.
  e. Any buffer requirements shall be installed on slopes no greater than 2:1.
  f. Any trees utilized to satisfy streetyard planting requirements per the UDO shall be of large variety per UDO 3-4.10 (A).
  g. The Planning staff may approve “Staff Changes” to the original site plan if the proposed changes meet the original intent of the project as approved by the City Council and meet the following volunteered conditions:

• VOLUNTEERED CONDITIONS:
  1. The site layout as shown on the plan is for illustrative purposes only. The developer retains the right to adjust the site layout to accommodate users/purchasers as needed.
     a. Building square footage and footprints, parking lot configurations, and road layouts shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More
substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process. Signage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.

b. Lot layout and location shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.

c. Any changes or adjustments shall continue to retain the design elements described below.

2. Developer will install the private divided road (“main road”) built to City street standards with a minimum 20’ median:
   a. Median to have 5’ wide sidewalk on both sides along the nose of the 60 degree angled parking spaces.
   b. There will be a minimum 7’ wide sidewalk on both sides of the main road along the outside of the on-street parking spaces.
   c. Light fixtures will be installed along the sidewalks at a pedestrian scale with a maximum height of fourteen (14) feet.
   d. The minimum 10’ wide landscaped portion of the median is to have large variety tree plantings at a range of forty (40) to sixty (60) feet on center within the median. Only one tree variety will be used along the entire length of the median.
   e. Trees planted by the developer of individual lots at the back of the sidewalk along the “main road” shall match tree type used in the median per volunteered condition 2(e) and shall, as close as possible, match the tree spacing within the median (as illustrated on the approved site plan).
   f. Any large variety tree used in parking areas and/or streetyards shall be of a variety different from that used for the median and to align the “main road”.
      i. Tree varieties allowed are as follows: Zelkova, Elm, Oak, Red Maple, and Sugar Maple varieties.
      ii. Trees will be a minimum 3” caliper when installed in the median.
   g. Vehicular crossovers with pedestrian crosswalks will be installed along the main road:
      i. Minor adjustments in the location and spacing of crossovers will be allowed. More substantial adjustments related to crossover locations shall be reviewed through the “Staff Change” process.
      ii. Crossovers may provide access to parking lots on both the north and south sides of the main road.
      iii. Crossovers shall be textured, painted, and/or striped.
3. Buildings along the south side of the main road will be oriented towards the main road.
   a. Buildings will be placed within ten (10) feet of the back of the sidewalk.
   b. Buildings will have primary pedestrian entrances facing the main road.

4. No parking will be allowed between the on-street parking spaces and the front face of any buildings along the south side of the main road.

5. **Buildings located on lots on the north side of the “main road” shall be oriented towards the main road.**
   a. Buildings will be placed no more than sixty (60) feet from the back of the sidewalk located adjacent to the on-street parking spaces along the “main road”.
   b. Buildings will have pedestrian entrances facing the “main road”. These entrances shall be visibly connected to the sidewalk along the “main road” via sidewalk connections and/or painted and/or textured pedestrian crossings through any vehicular travel lane and/or parking lot.

6. **Only one bay of parking will be allowed between the on-street parking spaces and the face of any building along the north side of the “main road”.**

7. Parking lot cross access between lots will be provided.
   a. Adjustments in the location access drives will be allowed as long as the overall access path for interconnected parking areas is maintained.

8. Drop-offs and loading spaces will be allowed within the on-street parking spaces locations along the main road.

9. A negative access easement shall be provided where the lots adjoin Hanes Mall Boulevard except for area where the two main and two right-in/right-out entrances are proposed.

10. Dumpster and/or trash compactors locations can be added as necessary and shall be screened per the UDO section 3-4.6.
   a. Any dumpster and/or trash compactor shall be a minimum of thirty (30) feet from the back of sidewalk (furthest edge from the median) located adjacent to the on-street parking spaces along the “main road”, unless the dumpster is attached to a building and enclosed and gated with similar materials of the building.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
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<tbody>
<tr>
<td><strong>Docket #</strong></td>
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<tr>
<td><strong>Staff</strong></td>
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<tr>
<td><strong>Petitioner(s)</strong></td>
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<tr>
<td><strong>Owner(s)</strong></td>
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<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
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<tr>
<td><strong>Type of Request</strong></td>
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</table>
| **Proposal**             | The petitioner is requesting a Site Plan Amendment for a GB-S zoned property in order to modify condition language relating to building orientation, building setback, pedestrian entrances, single bay of parking and signage. The currently approved uses are:  
- Arts and Crafts Studio;  
- Building Materials Supply;  
- Convenience Store;  
- Food or Drug Store;  
- Furniture and Home Furnishings Store;  
- Nursery, Lawn and Garden Supply Store, Retail;  
- Restaurant (without drive-through service);  
- Restaurant (with drive-through service);  
- Retail Store;  
- Shopping Center;  
- Wholesale Trade A;  
- Banking and Financial Services;  
- Building Contractors, General;  
- Car Wash;  
- Funeral Home;  
- Hotel or Motel;  
- Offices;  
- Services, A;  
- Services, B;  
- Storage Services, Retail;  
- Testing and Research Lab;  
- Veterinary Services;  
- Warehousing;  
- Recreation Services, Indoor;  
- Recreation Services, Outdoor;  
- Theater, Indoor;  
- Adult Day Care Center;  
- Child Care, Drop-in;  
- Child Care, Sick Children;  
- Child Day Care Center;  
- Church or Religious Institution, Neighborhood;  
- Club or Lodge;  
- Government Offices, Neighborhood Organization, or Post Office;  
- Hospital or Health Center;  
- Library, Public;  
- Museum or Art Gallery;  
- and Police or Fire Station  |
<p>| <strong>Neighborhood Contact/Meeting</strong> | The application indicates that at the time of filing, no neighborhood/community meeting had been held. |
| <strong>Zoning District Purpose Statement</strong> | The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs (Growth Management Areas) 1 (Center Cities), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods) and Metro Activity Centers. |</p>
<table>
<thead>
<tr>
<th><strong>GENERAL SITE INFORMATION</strong></th>
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<tbody>
<tr>
<td><strong>Location</strong></td>
<td>Southeast corner of Hanes Mall Boulevard and Fox Trot Court</td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td><strong>Ward(s)</strong></td>
<td>Southwest</td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
<td>± 2.75 acres</td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
<td>The site is currently undeveloped.</td>
</tr>
<tr>
<td><strong>Physical Characteristics</strong></td>
<td>The site has been graded and has a gentle slope downward to the southwest.</td>
</tr>
<tr>
<td><strong>Proximity to Water and Sewer</strong></td>
<td>Public water and sewer are available to the site.</td>
</tr>
<tr>
<td><strong>Stormwater/Drainage</strong></td>
<td>A stormwater study was required as a condition of the original approval.</td>
</tr>
<tr>
<td><strong>Watershed and Overlay Districts</strong></td>
<td>The site is not within a water supply watershed.</td>
</tr>
<tr>
<td><strong>Analysis of General Site Information</strong></td>
<td>The site has no apparent constraints and appears to be suitable for development within the existing GB-S District.</td>
</tr>
</tbody>
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<thead>
<tr>
<th><strong>SITE ACCESS AND TRANSPORTATION INFORMATION</strong></th>
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<tbody>
<tr>
<td><strong>Street Name</strong></td>
<td><strong>Classification</strong></td>
</tr>
<tr>
<td>Hanes Mall Boulevard</td>
<td>Major Thoroughfare</td>
</tr>
<tr>
<td>Creekshire Way</td>
<td>Private Street</td>
</tr>
<tr>
<td>Fox Trot Court</td>
<td>Private Street</td>
</tr>
<tr>
<td><strong>Proposed Access Point(s)</strong></td>
<td>The site would be accessed from Creekshire Way and Fox Trot Court.</td>
</tr>
<tr>
<td><strong>Sidewalks</strong></td>
<td>Sidewalks are located along Hanes Mall Boulevard and are shown to be installed along Creekshire Way and along the frontage of Fox Trot Court.</td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>Route 43 runs along Hanes Mall Boulevard.</td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>The proposed site plan should not result in any transportation related issues.</td>
</tr>
</tbody>
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<thead>
<tr>
<th><strong>CONFORMITY TO PLANS AND PLANNING ISSUES</strong></th>
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<tbody>
<tr>
<td><strong>Legacy GMA</strong></td>
<td>Growth Management Area 3 – Suburban Neighborhoods</td>
</tr>
<tr>
<td><strong>Relevant Legacy Recommendations</strong></td>
<td>• Promote land use patterns and transit-oriented design standards that support public transit, walking and bicycling and reduce the number and length of automobile trips.</td>
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<td></td>
<td>• Encourage compact, pedestrian-oriented neighborhoods that contain a mixture of residential and commercial buildings, public spaces and amenities, and offer a variety of transportation options.</td>
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<td></td>
<td>• Apply traditional neighborhood design principles and standards to existing neighborhoods and neighborhood commercial areas.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>\textit{Southwest Suburban Area Plan (2008)}</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>- The \textit{Southwest Suburban Area Plan} identifies the subject property as part of the Hanes Mall Retail/Residential Mixed-Use Area. This area is recommended for a mixture of retail and multifamily uses. The area currently consists primarily of big-box commercial development, strip centers and outparcel development. The plan recommends developing vacant sites and parking areas as vertically-oriented mixed-use buildings. Redevelopment here should incorporate pedestrian-scaled architectural detailing such as awnings and allow for visual connections between the inside and outside of buildings.</td>
</tr>
<tr>
<td>Addressing</td>
<td>This building is assigned an address of 1615 Fox Trot Court. This address assignment is based on the current orientation of the building and driveway connections on the site plan. If the site plan changes, the address assignment may also change.</td>
</tr>
</tbody>
</table>
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | \textbf{(R)(3) - Have changing conditions substantially affected the area in the petition?}  
Some of the existing buildings within the Shoppes at Little Creek development were being constructed as the area plan was undergoing adoption.  
\textbf{(R)(4) - Is the requested action in conformance with Legacy?}  
See comments below. |
| Analysis of Conformity to Plans and Planning Issues | The subject property is part of the 32.6 acre Shoppes at Little Creek development which was approved in 2004 and labeled on the site plan as a “Lifestyle Center.” The site plan and volunteered conditions, initiated by the petitioners, set up the internal boulevard (Creekshire Way) as the “main street”. On-street parking, sidewalks, large variety street trees, and building placement requirements were specified in the original rezoning in order to create a multi block, pedestrian scaled oasis within this otherwise auto oriented, big box section of the City.  
Streets which are walkable and conducive to strolling are the result of several basic design elements that were part of the original rezoning application working together. Good building placement, whereby buildings are arranged in a manner that relates well to an interactive, pedestrian environment connecting the various uses is primary.  
The Shoppes at Little Creek is off to a very good start in this regard with the four existing buildings being pulled up to the street. In addition, soon to be fronting on Creekshire Way and directly across from the subject property, is a recently approved four-story, 196 unit multifamily building. A restaurant on the subject property would provide an excellent compliment to this needed residential component. |
Unfortunately, the proposed design of this restaurant is not consistent with several of the approved conditions. Specifically, the zoning and site plan conditions state that buildings located on the north side of Creekshire Way are to be set back a maximum of 60’ from the sidewalk with a maximum of one bay of intervening parking. The proposed building placement has two bays of parking between it and the sidewalk and is setback 90’-110’.

Secondly, the conditions also state that buildings must have a pedestrian entrance facing Creekshire Way and not only on Hanes Mall Boulevard as is shown on the site plan. Finally, the site plan proposes almost twice the number of required parking spaces.

This request brings into question the issue of fairness and consistency. Each of the existing developments were expected to and did in fact comply with the approved conditions. Given the amount of build-out that has taken place, staff believes the conditions are reasonable deviating from them now would be inconsistent from the requirements placed on the previously developed parcels. The conditions were included by the developer for the purpose of having all development within the project work together to create an interactive environment that is inviting to people who may move between different uses as pedestrians once they have parked. The subject request would orient the back of the building toward the attractive Creekshire Way streetscape that was the focus of this development. Staff feels very strongly that having the back of a building setback +/- 100’ from the internal boulevard streetscape is completely inconsistent with the existing development pattern within the development.

Staff also is concerned with the precedent this request would set for the remainder of the Little Creek development. Approval of this request would not only allow for development on the subject property that is inconsistent with the existing development pattern in Little Creek, but would also serve as a basis for letting the remaining undeveloped outparcels out of said requirements, as well as request to revise the free-standing signage restrictions on all parcels.

Again, Planning staff welcomes a restaurant at this location and fully believes there is a way to place the proposed building on the site in a way complies both with the minimum conditions and appeals to the pedestrians as well as motorists travelling on Hanes Mall Boulevard.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-3106</td>
<td>GB-S Site Plan Amendment</td>
<td>Approved 7-18-11</td>
<td>Included current site</td>
<td>12.31</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2818</td>
<td>GB-S Site Plan Amendment</td>
<td>Approved 1-3-06</td>
<td>Included current site</td>
<td>31.05</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2670</td>
<td>RM18 to GB-S</td>
<td>Approved 2-2-04</td>
<td>Included current site</td>
<td>32.6</td>
<td>Approval with incorporation of NCDOT and WSDOT requirements</td>
</tr>
</tbody>
</table>

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,400 sf</td>
<td>Central portion</td>
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<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>84 spaces</td>
<td>167 spaces</td>
<td>Surrounding all four sides of the building</td>
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<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60’</td>
<td>One story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>74.18%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter B, Article II, Section 2-1.3 (J) General Business District</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7.5.3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies:</td>
<td>No</td>
</tr>
<tr>
<td>(B) Environmental Ord.</td>
<td>NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>As noted above in the Analysis of Conformity to Plans and Planning Issues section, the proposed site plan does not comply with several of the conditions which were volunteered by the developer when the overall master plan was approved by the City Council. These conditions are noted below; however, the site plan does comply with the UDO requirements.</td>
<td></td>
</tr>
</tbody>
</table>

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of the request would permit the construction of a new restaurant.</td>
<td>The request is incompatible with the already installed pedestrian oriented streetscape and approved conditions relating to building placement, orientation and signage.</td>
</tr>
</tbody>
</table>
The request as presented is consistent with development standards along other parts of Hanes Mall Boulevard.

Allowing the back of the building to be oriented toward the interior boulevard works against the development concept of interactive uses focused on an attractive streetscape.

The request would diminish the pedestrian oriented potential of the overall development.

The request would allow this development to ignore conditions that other developers have had to comply with.

Proposed site plan includes almost twice the amount of required parking spaces excluding the 25 on-street spaces which are already provided.

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

**Note:** The following conditions apply to the overall development. Conditions shown with **bold strikethrough** are the ones which the petitioner would like to waive for this site only. Deletion of the conditions in **bold strikethrough** do not remove these conditions from the remainder of the overall development. All conditions previously approved by the City Council remain in effect for the remainder of the Shoppes at Little Creek GB-S zoning (W-3106).

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. This plan must be a master plan for the management of storm water for the entire subject property. Storm water management devices may be installed separately in each development in accordance with the master plan.
  b. Developer shall limit post development runoff to pre-development run-off rates for 10-year storm.
  c. The City-County Utilities Commission shall approve a plan to relocate the existing sanitary sewer line on the subject property or any grading over that sewer line. If sewer is relocated, the City-County Utilities Commission, prior to the issuance of any building permits, must approve final construction.
  d. Developer shall flag in the field the limits of the 100-year flood fringe.
  e. Developer shall provide a fifty (50) foot “no fill” buffer between the Little Creek tributary located along the southern property line of the subject property between the stream bank and the toe of the fill slope; or provide a twenty (20) foot “no fill” buffer, except where a more narrow buffer is approved by the Erosion Control Officer; and provide an approved phased erosion control plan; and on site erosion control construction management shall be provided by a licensed design professional. The design professional shall, at a minimum, visit the site and produce a sealed report weekly and after each rain event. The report shall be issued within 48 hours after such event.
  e. Developer shall angle the discharge outlet pipe to provide non-erosive discharge towards the creek.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
  b. Developer shall record a vehicular cross-access easement to the property line of the property to the west of the subject property.
  c. Developer shall dedicate fifty (50) foot private access easement and associated temporary construction easement of 10’ on each side of the access easement for the construction of a future private access street extending to the south into the adjacent RM-18 property.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any required storm water management device(s) shall be installed. If above ground storm water management devices are installed on this property, a ten (10) foot street yard type landscaping area shall be installed where practicable around the perimeter of each facility.
  b. All required fire hydrants shall be installed in accordance with the City Fire Department.
  c. Developer shall install or make payment in lieu to the City of Winston-Salem for a minimum five (5) foot wide sidewalk on Hanes Mall Boulevard through the entire frontage of the subject property. Sidewalk location shall be coordinated with the NC and Winston-Salem DOT.

• OTHER REQUIREMENTS:
  a. Only one (1) restaurant which meets the definition in the UDO for “Restaurant (with drive-through service)” and shall be located on either Lots 1, 2, or 3.
  b. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign at the main entrance to the development located near the midpoint of frontage of the site along Hanes Mall Boulevard. One (1) freestanding monument sign five (5) foot tall shall be permitted at the other 2 entrances from Hanes Mall Boulevard.
  c. Only three points of vehicular access shall be provided into the site in accordance with the approved site plan.
  d. Lot 9 shall have only one point of access being off the internal private street.
  e. Any buffer requirements shall be installed on slopes no greater than 2:1.
  f. Any trees utilized to satisfy street yard planting requirements per the UDO shall be of large variety per UDO 3-4.10 (A).
  g. The Planning staff may approve “Staff Changes” to the original site plan if the proposed changes meet the original intent of the project as approved by the City Council and meet the following volunteered conditions:
**VOLUNTEERED CONDITIONS:**

1. The site layout as shown on the plan is for illustrative purposes only. The developer retains the right to adjust the site layout to accommodate users/purchasers as needed.
   a. Building square footage and footprints, parking lot configurations, and road layouts shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process. Signage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
   b. Lot layout and location shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
   c. Any changes or adjustments shall continue to retain the design elements described below.

2. Developer will install the private divided road (“main road”) built to City street standards with a minimum 20’ median:
   a. Median to have 5’ wide sidewalk on both sides along the nose of the 60 degree angled parking spaces.
   b. There will be a minimum 7’ wide sidewalk on both sides of the main road along the outside of the on-street parking spaces.
   c. Light fixtures will be installed along the sidewalks at a pedestrian scale with a maximum height of fourteen (14) feet.
   d. The minimum 10’ wide landscaped portion of the median is to have large variety tree plantings at a range of forty (40) to sixty (60) feet on center within the median. Only one tree variety will be used along the entire length of the median.
   e. Trees planted by the developer of individual lots at the back of the sidewalk along the “main road” shall match tree type used in the median per volunteered condition 2(e) and shall, as close as possible, match the tree spacing within the median (as illustrated on the approved site plan).
   f. Any large variety tree used in parking areas and/or streetyards shall be of a variety different from that used for the median and to align the “main road”.
      i. Tree varieties allowed are as follows: Zelkova, Elm, Oak, Red Maple, and Sugar Maple varieties.
      ii. Trees will be a minimum 3” caliper when installed in the median.
g. Vehicular crossovers with pedestrian crosswalks will be installed along the main road:
   i. Minor adjustments in the location and spacing of crossovers will be allowed. More substantial adjustments related to crossover locations shall be reviewed through the “Staff Change” process.
   ii. Crossovers may provide access to parking lots on both the north and south sides of the main road.
   iii. Crossovers shall be textured, painted, and/or striped.

3. Buildings along the south side of the main road will be oriented towards the main road.
   a. Buildings will be placed within ten (10) feet of the back of the sidewalk.
   b. Buildings will have primary pedestrian entrances facing the main road.

4. No parking will be allowed between the on-street parking spaces and the front face of any buildings along the south side of the main road.

5. Buildings located on lots on the north side of the “main road” shall be oriented towards the main road.
   a. Buildings will be placed no more than sixty (60) feet from the back of the sidewalk located adjacent to the on-street parking spaces along the “main road”.
   b. Buildings will have pedestrian entrances facing the “main road”. These entrances shall be visibly connected to the sidewalk along the “main road” via sidewalk connections and/or painted and/or textured pedestrian crossings through any vehicular travel lane and/or parking lot.

6. Only one bay of parking will be allowed between the on-street parking spaces and the front of any building along the north side of the “main road”.

7. Parking lot cross access between lots will be provided.
   a. Adjustments in the location access drives will be allowed as long as the overall access path for interconnected parking areas is maintained.

8. Drop-offs and loading spaces will be allowed within the on-street parking spaces locations along the main road.

9. A negative access easement shall be provided where the lots adjoin Hanes Mall Boulevard except for area where the two main and two right-in/right-out entrances are proposed.

10. Dumpster and/or trash compactors locations can be added as necessary and shall be screened per the UDO section 3-4.6.
    a. Any dumpster and/or trash compactor shall be a minimum of thirty (30) feet from the back of sidewalk (furthest edge from the median) located adjacent to the on-street parking spaces along the “main road”, unless the dumpster is attached to a building and enclosed and gated with similar materials of the building.
STAFF RECOMMENDATION: Denial

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade St., Suite 200, Winston-Salem, NC 27101
- We're here because the petitioner cannot meet all the volunteered conditions that were approved in 2004.
- This is the same petitioner from 2004. We volunteered the conditions at that time.
- What has changed is the retail marketplace. Now retailers can be much pickier about which sites they choose and what conditions go with that choice.
- This company makes decisions by committee on a monthly basis. They have 130 stores in 23 states.
- We would love to keep the original conditions because that was the original vision. However, the company's decision is that they cannot live with the conditions specified in the original design.
- They want their building and signage fronting Hanes Mall Boulevard where the 40,000 or 50,000 vehicles per day can see it and will come there.
- After eight years of development on this site, only 50% of it has been leased or sold with their lots and their buildings. They've been taking a tremendous risk with the economy and they're trying to move forward.
- There've been some changes since the staff report was written. We have gotten the client to agree to remove the sign on Hanes Mall Boulevard. That's a big deal.
- We agreed to some architecture that's a last minute change so staff has not had a chance to see those elevations.
- We still feel this is pedestrian oriented development. We've added a sidewalk all along one road. We've also added crosswalks so people can walk from Hanes Mall Boulevard and come in the front door.
- There is a nook placed along the internal road which provides a place for pedestrians to rest and to access the building more easily.
- All the coolers and mechanical equipment take up the entire rear of the building. Access on this side of the building would require a major redo of the prototype they use.
- We've done the pocket park.
• Submitted elevations showing architectural design and materials which will be used.
• One of the good questions staff brought up was fairness to other people in the park. The developer has talked with neighboring businesses and obtained letters from almost everyone in the park in support of the orientation and location of the building. The one signature we didn't get is from a company which has gone out of business. Those letters of support were submitted.

• We began this development in 2004. NCDOT was scheduled to start widening and grading of Hanes Mall Boulevard in June 2004 so we were on the same schedule.
• When NCDOT decided to postpone the grading to October 2005, we already had contracts.
• However, that postponement meant we had no access to our site.
• We invested nearly $16 million. We were fortunate enough to have sold or developed six of the 12 lots rather quickly. However, since then we’ve been sitting on our hands. We were very fortunate to sell the property for apartments.
• We have also been very fortunate to have this opportunity to do Cheddars restaurant.
• The apartments and Cheddars create activity and a sense of vibrancy in this market and they provide density which is the key to our success.
• Density also is the key to making pedestrian features work and operate as we all envisioned.
• Retailers have reemerged but they are slow to reemerge. They have lots of choices and lots of opportunities out there. They are picking the ones that they can do the way they want to and if a site doesn’t work that way they just move on.
• When we talk with people on the phone, their interest in our site ends quickly when we start describing the need for architectural features which are consistent with existing buildings in the development, pedestrian themes, no signage on Hanes Mall Boulevard, etc.
• Over the years there’ve been over $40 million in vertical improvements created out here which is additional tax base for this community. This Cheddars project would generate approximately $5 million tax base and create 100 new jobs. I think we need to support new jobs any way we can.
• We’ve paid over $750,000 in property taxes in the eight years we’ve been out here.
• We had a vision in 2003 when we began developing this. It was for a pedestrian oriented lifestyle development. We volunteered conditions that we thought would work.
• Initially our volunteered conditions worked but they don’t today.
• The point we need to make is that we have the most to lose and the most to gain from this development. We are here supporting this change.
• We initiated the conditions and I think we should have opportunity to suggest changes to those conditions.
• We made our commitment and maintain that commitment. We would ask for some latitude from this board that now we’re asking to change some issues with those conditions.

AGAINST: None
WORK SESSION

During discussion by the Planning Board, the following points were made:

Allan Younger noted that he wasn't around in 2004 and asked staff to help him understand the orientation and placement concern. Gary Roberts explained that the conditions were volunteered by the petitioners with the same concept as Birkdale Village in Charlotte. The proximity of buildings to sidewalk is really key to defining an active people-oriented space. To some degree that is weakened by the original condition allowing the building to be back 60 feet but that was what they asked for and we felt that was better than what is being proposed now which is 110 feet back and two rows of parking. Having a one-story building set back so far really weakens this streetscape, especially since this is a corner lot, a pivotal lot.

Clarence Lambe: We've got the developers here asking for relief from conditions they volunteered which went beyond the UDO. They've hit a problem in the market with their original design plans. Although all the signage in this development faces Creekshire, the businesses south of Creekshire face toward Hanes Mall Boulevard and therefore their signage is visible from Hanes Mall Boulevard. I hate to see us not be able to provide some relief for a developer of a progressive plan. Paul Norby noted that all buildings are allowed to have wall signs fronting Hanes Mall Boulevard and Gary Roberts noted that there is a master tenant sign at the main entrance on Hanes Mall Boulevard. Aside from that there is no free-standing signage on Hanes Mall Boulevard. Clarence Lambe: I think when developers come in and try to do something really nice and then the market doesn't want it, I don't think we should penalize them by insisting on keeping conditions when the original design philosophy appears to be failing. In my opinion it's probably a failure not having signs facing Hanes Mall Boulevard. A lot of us are greatly influenced by the neighbors thoughts and every neighbor in this development (except the neighbor who is now out of business) supports this, including the developer himself who has a lot to lose.

Allan Younger asked if the steak house was part of the development? Aaron King: The steak house is part of Little Creek development but the boulevard and main street doesn't start until you get further west from that site,. However, staff was able to work with the petitioner for that site regarding placement of the sign because the entrance to the steak house does face Hanes Mall Boulevard.

Lynne Mitchell: We do have two emails in opposition to this. Sometimes I feel we're so desperate and I don't feel that's a good place to be when you look at development because I try to look at the long-term big picture of what will bring people to the community. Developments like this with a really nice main street are destinations for me. I will go there just for that experience and feel. If you start messing it up I'm not going to go there. It bothers me to see developments we've done where we could have done better. I realize this company is out of Texas, but I'm concerned about this community right here. I hear everything the petitioners are saying and I know the market is slow and it isn't good for you, but I'm looking at the big picture. I think we could do better and I think it will serve our community better in the long run.
Arnold King asked Jay Luke, "If this doesn't comply with the conditions you originally volunteered, how does that impact your ability to sell those adjacent lots?" Jay Luke: Until we have a user for those lots I can't answer that question. We like the pedestrian feel. We like the conditions that we volunteered. We still think they're good conditions and we're not proposing them for all the other lots out there. We're asking for latitude on this one. That's not to say we won't come back with another change, but all we're asking you to change is this one site plan for this one user. The next user could build a building identical to one that is already there. Until we have that opportunity I can't answer your question.

Arnold King asked the developer of the apartments how he feels about the orientation of this building being toward Hanes Mall Boulevard instead of toward his apartments.

Barry Siegal, 3411-D West Wendover Avenue, Greensboro, NC 27407 responded. We are moving rapidly to build 170 apartment units on the adjoining site. We fully support it. Frankly in many regards we think it's a real plus. Our initial concern is that we didn't want to see the back of the building. The developers and Cheddars have been very accommodating in considering variations to the back of the building to give us a prettier facade. From a practical point of view, I think our residents would prefer to have the front entrance facing Hanes Mall so they won't be seeing the gathering of folks you typically see at the front of a restaurant. We appreciate the building being set back a little bit further and having the entrance facing Hanes Mall.

Wesley Curtis: I think the petitioner could have come back and asked for a change for the entire site so it gives him the flexibility to do what he can do. Pretty much all the lots could be switched around. I certainly appreciate the initial concepts of what he was seeking to achieve because I think one of the things we've always talked about is providing the best pedestrian access. The concept of this development does the best job possible knowing all the traffic in this area. I agree with Lynne. Even if we're in a bad economy, does that hold us hostage to anything we want to do for the sake of the whole for the long term? We all want development to come and to come tomorrow. But we all know that doesn't happen. We have to think long-term. We should think about planning long-term. Initially my mindset was to support staff's recommendation for denial simply because so many of the other persons who have built here had bought into this concept and idea. Hearing the support of business currently located in the development and the opinion of the developer of the apartments weighs a lot in my mind. If the neighbors are happy with this one site, I'm a little more inclined to say this is something we can give in on. What I don't want to do on every case we review coming up because someone has some particular reason they don't want to do what we have approved to happen, we always bend and say "Fine. Do what you want to do." That's always where we seem to fall. That's troubling to me.

Brenda Smith: If I were someone coming to this area to shop there or eat there, I don't think the orientation of the building is going to make me go one way or the other. This still retains its pedestrian-friendly design which to me is one of the overreaching things we are looking for. Since it's on the corner it gives the opportunity for the pedestrian coming in from Hanes Mall Boulevard also. Regardless of the economics, I see the design change as being consistent with the main purpose of consistency and view. The initial design probably would be better, but the overall improvements to what we normally do with the architectural design, the pedestrian friendliness, I think we should support it.
Barry Lyons: I think consistency is a very good thing. The conditions, whether volunteered or otherwise, are good conditions. They are in line with what people have determined in Legacy for what we'd like to see for our community. I sometimes feel the down economy is being used as a bludgeon to get us and the Elected Boards to compromise standards. I can't support this.

Paul Mullican: This started in 2004 and the developer presented this plan. Eight years later there's been a change. Whether you like the plan or not, I don't see why anyone would have a problem with this. I don't think we need to be so close-minded to say we won't make any changes and drive a nail in this thing. I think good planning is seeing what you have before you and the opportunities that lie ahead. I agree that there are structures in this town which aren't what we would like to see here. But that's history and there isn't anything we can do about it. We know exactly what is going here, where it will be and what it will look like. To me that is a huge plus. I think this is something we should support. This is a win-win situation. I see the negative if we turn it down but it's a plus and an opportunity for all of us to make something happen.

Wesley Curtis: The restaurant needs 83 parking spaces according to the UDO. Staff showed where the parking for the site will be. They will provide 167 spaces the company feels they need. He and staff discussed guidance for pedestrians from the parking areas to the front entrance of the building. We're saying we want it to be pedestrian-friendly. Let's do something more than just putting a sidewalk there. We need something to direct pedestrians to the front door.

Clarence Lambe: Does the developer have a problem putting a sign on Creekshire? Of course not. The sign ordinance might prohibit it.

Wesley Curtis: All I'm saying is the main goal of what we were trying to achieve is to have it be pedestrian-friendly. The goal was to enable people to walk along the boulevard and see the entrance. Is there a way to compromise and tell the pedestrian walking along the boulevard that this is the restaurant and this is the way in?

Doug Stimmel explained that the seating area with benches was designed to direct people toward the front of the building and was placed in its proposed location for the safety of the pedestrians. The location of the door actually invites pedestrians from Hanes Mall Boulevard.

Wesley Curtis: I'm wondering why not do something offering verbal directions on both sides of the site?

Doug Stimmel: We'd be happy to put a monument sign on that side if you'd like us to do that.

Wesley Curtis: I don't know that's what it is, but just something to say to pedestrians, "Here's where I go."

Arnold King: Don't you figure most pedestrians will have already seen the entrance when they get in here?

Clarence Lambe: I think they'll find the door just fine.
Allan Younger: I'm trying to look at this from a couple of different perspectives. As someone who does drive by here from time to time, it wouldn't bother me if the sign was facing Hanes Mall. In fact it might be a good thing because I might not know it was there unless the sign was facing Hanes Mall. If I was in there walking around I would either see a restaurant - either I would know it is there or I would notice it was a restaurant. I see it as a possible deal killer if it can't face Hanes Mall. I don't think we're desperate but we do want development throughout Forsyth County. If we see a restaurant is particularly interested, we should take that into serious consideration. We should adhere to the plans and guidelines we have in place whenever possible. But when we have a deal in play we should remain open-minded and not necessarily say no to something that is not something we are requiring for everything else on Hanes Mall. Most of the businesses along Hanes Mall have signage facing the street. In this particular development we put a condition in place that all development should front on Creekside and yet have an issue eight years later where we can't move forward unless we change that condition, we need to be very cautious about not adhering to the request.

Lynne Mitchell: From another point of view, if I were living in the apartments I'd want to look out my window and see how many people were waiting in line there.

Arnold King: We placed a lot of emphasis on the developer when we designed this eight years ago so I'm inclined to give him the same consideration too.

MOTION: Clarence Lambe moved approval of the zoning map amendment and certified that the site plan meets all code requirements and recommends staff conditions including the submitted elevations.
SECOND: Darryl Little

Paul Norby asked the petitioner if they were attaching the elevation to the site plan and Doug Stimmel answered affirmatively, with the stipulation that minor changes would be allowable.

Wesley Curtis: I would normally vote no in this case but since the developers have talked to all the other tenants and they understand what is happening and I don't want the developer to come back and ask to change all the conditions for the rest of the development I will support it.

Lynne Mitchell: I think as a community we have standards. That is what sets us aside from everybody else and it makes me sad if this gets approved.

VOTE:
FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: Barry Lyons, Lynne Mitchell
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: W-3143

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT CASE NUMBER: W-3143 PROJECT TITLE: Cheddar’s DATE: April 25, 2012

PROJECT DESCRIPTION: Southeast corner of Hanes Mall Boulevard and Fox Trot Court

NCDOT- Phone # - 336.703.6600 Email: skjones@ncdot.gov
“No Comment. Internal Connection”
(per email from Steven Jones)

Signature

WSDOT- Phone # - 336.747.6872 Email: conniec@cityofws.org
“Provide sidewalk along private drive to connect to existing sidewalk on Hanes Mall Blvd. Provide a pedestrian connection from the sidewalk on Hanes Mall Blvd. to the proposed restaurant.”
(per email from Connie Curtis)

Signature

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
No Comment

Signature

City Streets Division- Phone # - 336.734.1550 Email: robbys@cityofws.org
“No comments. Adjacent streets are NCDOT maintained or private.”
(per email from Robby Stone)

Signature

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
“Remove 12 spaces and show 12’ X 65’ loading/unloading space. All trees must meet conditions of original rezoning.”
(per email from Jeff Vaughn)

Signature

Inspections (Erosion Control)- Phone # - 336.727.2388 Email: williamv@cityofws.org
“An Environmental Grading/Erosion Control Permit will be required if more than 10,000 sq.ft of area is disturbed during construction (This site appears to be 2.75 Acres). All measures will need to be designed for the peak flow of the 10 year storm. All areas to receive vegetation should be delineated on the plan to show areas to be seeded within 7 days of final grading versus areas to be seeded within 14 days of final grading. The NPDES Stormwater Permit for Construction cannot be provided with the Erosion Control Permit until this is submitted unless the applicant has an Individual Stormwater Permit.”
(per email from Toby Vinson)

Signature
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3143

Stormwater Division- Phone # - 336.747.6961 Email: josephp@cityofws.org
“Stormwater Study Required. Note: The development is exempt from the current Post Construction
Stormwater Management Ordinance but must meet prior stormwater standards.”
(per email from Joe Fogarty)

Signature

Fire (City)- Phone # - 336. 734.1290 Email: jone@cityofwsfire.org
“Show hydrants within 500 feet of most remote corner of building as measured by the way in which hose
would come off back of the fire truck as it drives in from the hydrant location. Occupancy may require fire
sprinkler system. FDC’s required within 100 feet of public hydrants.”
(per email from Jon Canupp)

Signature

Utilities- Phone # - 336.747.7499 Email: courtneyd@cityofws.org
“Subject to Utilities plan review for permits and/or authorization to construct”
(per email from Courtney Driver)

Signature

Sanitation- Phone # - 336.748.3080 Email: chrisc@cityofws.org

Signature

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
“Request is not consistent with conditions of approval: (1) conditions prohibit individual outparcels from
having freestanding signage; (2) conditions require buildings on the north side of Creekshire Way to have their
main entrance oriented toward Creekshire, not Hanes Mall Blvd; (3) building must be placed within 60’ of the
sidewalk on Creekshire and have a primary entrance on Creekshire; (4) only one bay of parking spaces
allowed between parallel spaces and building wall; (5) sidewalk along Creekshire needs to be 7’ in width.
Parking provided is double what is required.”
(per email from Aaron King)

Signature

Forsyth County Health Department - 336.703-3110 Email: rakescd@forsyth.cc

Signature

Street Names/Addresses-336.747.7048 Email: benfs@cityofws.org
“This building is assigned an address of 1615 Fox Trot Ct. This address assignment is based on the current
orientation of the building and driveway connections on the site plan. If the site plan changes the address
assignment may also change.”
(per email from Ben Stamey)

Signature
The proposed site plan amendment for GB-S zoned property with the requested modifications in condition language relating to building orientation, building setback, pedestrian entrances, single bay of parking and signage is not entirely consistent with the Legacy Comprehensive Plan, or the Southwest Suburban Area Plan; however, approval of the request is reasonable and in the public interest because:

1. The request would permit construction of a new restaurant; and
2. The request as presented is consistent with development standards along other parts of Hanes Mall Boulevard.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3143
(LITTLE CREEK, LLC)

The proposed site plan amendment for GB-S zoned property with the requested modifications in condition language relating to building orientation, building setback, pedestrian entrances, single bay of parking and signage is not entirely consistent with the Legacy Comprehensive Plan, or the Southwest Suburban Area Plan; therefore, denial of the request is reasonable and in the public interest because:

1. The request is incompatible with the already installed pedestrian oriented streetscape and approved conditions relating to building placement and orientation;

2. The request would diminish the pedestrian oriented potential of the overall development; and

3. The request would allow this development to ignore conditions that other developers in the same zoning parcel have had to comply with.
Susan Melillo
Ethan Allen
1140 Creekshire Way
Winston-Salem, NC 27103

Winston-Salem Planning Board
Winston-Salem City Council
101 N Main Street, Suite 140
Winston-Salem, NC 27102-2511

Re: Support of New Cheddars Restaurant, Zoning Docket W3143
Located within the Little Creek Development, Lot 3 and part of Lot 4 in Block 6549

To the Winston-Salem Planning Board and City Council Members;

I am the Director and Manager of the Ethan Allen Store at 1140 Creekshire Way located in the Little Creek development off of Hanes Mall Boulevard. I understand the Winston-Salem Planning Staff may oppose the Cheddars Restaurant Site Plan filed above because the building is located too far off of Creekshire Way, the building is oriented towards Hanes Mall Boulevard and the location of the Cheddars entrance is facing Hanes Mall Boulevard.

We will benefit from the retail traffic this new business activity within the Shoppes on Little Creek development will bring. Our Ethan Allen clients need the service that Cheddars will provide at Little Creek. Our economic environment remains challenging and Cheddars will bring nearly 100 new jobs and will significantly increase the Winston-Salem Tax base. The new Cheddars Restaurant will be heavily landscaped and will remain very pedestrian friendly!

I pledge my full support for the Cheddars site plan as filed. I respectfully request the Winston-Salem Planning Board and the Winston-Salem City Council please support and approve the new Cheddars Restaurant site plan as filed for the Shoppes on Little Creek development!

Sincerely,

Susan Melillo
Ethan Allen
336-768-8334
Alpesh Patel  
Kana Hotel Group  
308 N. Peters Road  
Knoxville, TN 37922

Winston-Salem Planning Board  
Winston-Salem City Council  
101 N Main Street, Suite 140  
Winston-Salem, NC 27102-2511

Re: Support of New Cheddars Restaurant, Zoning Docket W3143  
Located within the Little Creek Development, Lot 3 and part of Lot 4 in Block 6549

To the Winston-Salem Planning Board and City Council Members;

I am the developer and owner of the Hilton Garden Inn, 1325 Creekshire Way located in the Little Creek development off of Hanes Mall Boulevard. I understand the Winston-Salem Planning Staff may oppose the Cheddars Restaurant Site Plan filed above because the building is located too far off of Creekshire Way, the building is oriented towards Hanes Mall Boulevard and the location of the Cheddars entrance is facing Hanes Mall Boulevard.

Our hotel clients need the service that Cheddars will provide at Little Creek. Our economic environment remains challenging and we need this new business activity within the Shoppes on Little Creek development. Cheddars will bring nearly 100 new jobs and will significantly increase the Winston-Salem Tax base. The new Cheddars Restaurant will be heavily landscaped and will remain very pedestrian friendly!

I pledge my full support for the Cheddars site plan as filed. I respectfully request the Winston-Salem Planning Board and the Winston-Salem City Council to please support and approve the new Cheddars Restaurant site plan as filed for the Shoppes on Little Creek development!

Sincerely,

[Signature]

Alpesh Patel  
Kana Hotel Group  
865.560.5102
Shelly Stewart

From: Eric Bushnell <Eric.Bushnell@ieee.org>
Sent: Thursday, May 10, 2012 8:57 AM
To: Shelly Stewart
Subject: zoning case W-3143

Shelly,

I hope there's time today to furnish the following statement to the Planning Board from the Winston Salem Neighborhood Alliance regarding zoning case W-3143 on this afternoon's agenda.

Thanks!

Message to Planning Board members follows:

The Winston Salem Neighborhood Alliance examined zoning case W-3143 during our recent meeting. WSNA's neighborhood delegates concur with the Planning Department staff analysis of this case, and we urge Planning Board members to deny this request as currently presented.

As staff have described in their analysis, the original plan for the Shoppes at Little Creek and the development there so far demonstrate a desirable, pedestrian-friendly city environment. It's a fine start, and WSNA members would like to see that desirable design preserved. Discarding the parameters of the original design now would diminish the appeal of the Shoppes. Moreover, as staff note, discarding the original design parameters now would be unfair to the businesses already there. The site plan has established a good beginning, and WSNA members would look forward to supporting businesses that support the pedestrian-friendly neighborhood envisioned in the original design.

WSNA members urge Planning Board members to deny this request as currently presented. A revised request that uses the existing design parameters seems like a clear path to gain support to continue construction at the Shoppes at Little Creek.

Thank you, Planning Board members, for your commitment to uphold architectural standards that improve our community.

Eric Bushnell
President, Winston Salem Neighborhood Alliance
Members of City-County Planning Board:

I just happened to be reading the Staff report online for Case W3143 and hope you'll support the concerns and recommendations of the Planning Staff. I am familiar with this particular development, as we have patronized the many restaurants and hotel within it.

The development, in its' current layout and design is great! It truly is "an oasis" as referred to by Planning Staff, off of busy and conventional Hanes Mall Blvd.

Jon Mack
Lewisville, NC