PROPOSED ZONING:
GB-S Two-Phase

EXISTING ZONING:
GB-S

PETITIONER:
Lowes Home Center Inc (Hanes Mall Boulevard Retail Center) for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 1.25

NEAREST BLDG: 150' west

MAP(S): 606842
July 25, 2012

Lowes Home Center Inc.
c/o Tim L. Cooksey, Vice President
Box 1111
North Wilkesboro, NC 28656

Re: Zoning Map Amendment W-3146

Dear Mr. Cooksey:

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,

[Signature]
A. Paul Norby, FAICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
    Edward (Bud) Mann, III, 1845 St. Julian Place, Columbia, SC 29204
### ACTION REQUEST FORM

**DATE:** July 25, 2012  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Lowes Home Center Inc.

### SUMMARY OF INFORMATION:

Zoning map amendment of Lowes Home Center Inc. from GB-S (Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail) to GB-S [Offices; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; Shopping Center; Arts and Crafts Studio; Banking and Financial Services; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; and Services A - TWO PHASE]: property is located on the south side of Hanes Mall Boulevard, west of Stratford Road (Zoning Docket W-3146).

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Lowes Home Center Inc., Docket W-3146

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 changing from GB-S (Building
Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings
Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail) to GB-S [Offices;
Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store;
Shopping Center; Arts and Crafts Studio; Banking and Financial Services; Convenience Store;
Food or Drug Store; Furniture and Home Furnishings Store; and Services A - TWO PHASE] the
zoning classification of the following described property:

All that certain piece, parcel or lot of land situate, lying and being in the State of North Carolina,
County of Forsyth and in the City of Winston-Salem, being delineated at “Parcel A and Parcel
B” on a drawing entitled “GB-S Rezoning Special Use Exhibit”, prepared by Hussey, Gay, Bell
& DeYoung, Inc., dated June 4, 2012, said parcels having the following perimeter metes and
bounds to wit:

Commencing at a point located at the intersection of the northwestern property corner of Lowe’s
Home Centers, Inc. (PIN #6814-14-7587.00) and the southern right-of-way line of Hanes Mall
Boulevard thence proceeding southeasterly along the southern right-of-way of Hanes Mall
Boulevard in a direction of a chord bearing S59°01’57”E for a distance of 233′± which has a
curve radius of 5669.58’ to a point which is the northwest property corner of property being
rezoned, this being the Point of Beginning; thence proceeding southeasterly along the southern
right-of-way of Hanes Mall Boulevard in a direction of a chord bearing S56°18’56”E for a
distance of 304.81’ which has a curve radius of 5669.58’ to a point; thence in a direction of
S32°41’56”W for a distance of 20.66’ to a point; thence in a direction of S57°18’04”E for a
distance of 21.46’ to a point; thence in a direction of S24°27’34”W for a distance of 75.90’ to a
point; thence in a direction of N65°32’14”W for a distance of 416.61’ to a point; thence in a
direction of N29°50’28”W for a distance of 33.64’ to a point; thence in a direction of
N60°09’32”E for a distance of 76.33’ to a point; thence in a direction of N70°11’42”E for a
distance of 112.05’ to a point; this being the point of beginning.

This parcel contains 1.249 Acres, 54,421.78 SF (being a portion of PIN #6814-14-7587.00).

Section 2. This Ordinance is adopted after approval of the site plan entitled Hanes Mall
Blvd. Retail Centers and identified as Attachment "A" of the Special Use District Permit issued
by the City Council the ______ day of __________________, 20___ to Lowes Home Center
Inc.

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 Hanes Mall Blvd. Retail Centers. 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 Lowes Home Center Inc., (Zoning Docket W-3146). 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 [Offices; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; Shopping Center; Arts and Crafts Studio; Banking and Financial Services; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; and Services A - TWO PHASE] 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:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall obtain an updated driveway permit from NCDOT and WSDOT; additional improvements may be required prior to issuance of permit.
  b. Developer shall ensure a vehicular cross-access easement between the Lowe’s site and PIN 6814-14-1914 is recorded and record cross access easements to Parcel B and the Lowe’s site, and a negative access easement along Hanes Mall Boulevard.
  c. The proposed building shall be constructed in substantial conformance with the submitted elevations labeled “Exhibit A” as verified by Planning staff.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Connection to PIN 6814-14-1914 shall be completed as shown on site plan.
• OTHER REQUIREMENTS:
  a. The use of Services A shall be further limited to: Photographic Studios, Portrait; Beauty Shops; Barber Shops; Shoe Repair and Shoeshine Parlors; Mailing, Reproduction, Commercial Art and Photography; Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming; Prepackaged Software; and Computer System Design); Watch, Clock, and Jewelry Repair; and Reupholstery and Furniture Repair.
  b. Only one freestanding sign shall be permitted for each of the two parcels. Said signs shall be a monument type with a maximum height of six (6) feet.
  c. Final Development Plans shall be reviewed by the Planning Board.
<table>
<thead>
<tr>
<th>PETITION INFORMATION</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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<td><strong>Petitioner(s)</strong></td>
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<tr>
<td><strong>Owner(s)</strong></td>
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<td><strong>Subject Property</strong></td>
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<td><strong>Address</strong></td>
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<tr>
<td><strong>Type of Request</strong></td>
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<tr>
<td><strong>Proposal</strong></td>
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<tr>
<td><strong>Neighborhood Contact/Meeting</strong></td>
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<tr>
<td><strong>Zoning District Purpose Statement</strong></td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</strong></td>
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<tr>
<td><strong>GENERAL SITE INFORMATION</strong></td>
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<td>-----------------------------</td>
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<tr>
<td><strong>Location</strong></td>
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<td><strong>Jurisdiction</strong></td>
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<td><strong>Ward(s)</strong></td>
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<td><strong>Site Acreage</strong></td>
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<tr>
<td><strong>Current Land Use</strong></td>
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<td><strong>Surrounding Property Zoning and Use</strong></td>
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<tr>
<td><strong>Physical Characteristics</strong></td>
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<tr>
<td><strong>Proximity to Water and Sewer</strong></td>
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<td><strong>Stormwater/Drainage</strong></td>
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<tr>
<td><strong>Watershed and Overlay Districts</strong></td>
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<tr>
<td><strong>Analysis of General Site Information</strong></td>
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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>
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<tr>
<td>Hanes Mall Boulevard</td>
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<tr>
<td>Proposed Access Point(s)</td>
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<tr>
<td>Trip Generation - Existing/Proposed</td>
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<tr>
<td>Sidewalks</td>
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<tr>
<td>Transit</td>
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<tr>
<td>Connectivity</td>
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<tr>
<td>Analysis of Site Access and Transportation Information</td>
</tr>
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**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 3 – Suburban Neighborhoods</th>
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</table>
| Relevant Legacy Recommendations | - Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge all provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings.  
  - Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities.  
  - Encouraging infill, redevelopment, and reuse of vacant or underutilized parcels within developed areas increases densities. Infill and redevelopment also supports the efficient provision and use of transit and promotes walking. |
| Relevant Area Plan(s) | Southwest Suburban Area Plan (2008) |
| Area Plan Recommendations | - The *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. |
| Addressing | There are no address number or street naming concerns. |
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)

(R)(3) - Have changing conditions substantially affected the area in the petition?
No

(R)(4) - Is the requested action in conformance with Legacy?
Yes

Analysis of Conformity to Plans and Planning Issues
The proposed rezoning would add several uses to the existing GB-S zoning including Restaurant (with drive-through) and bank. It would also permit new building construction on more than an acre of what is now excess parking. The tract is divided into two parcels with Parcel A showing a 6,600 sf building to be used for retail and restaurant use. Parcel B would require Final Development Plan approval by the Planning Board.

The subject property is reflective of a national trend whereby excess parking areas within larger commercially developed tracts are being developed with smaller, complimentary commercial uses similar to outparcels. Staff sees an underutilized parking lot as a potential building site and supports this request. The remaining Lowe’s Home Improvement Store site would still have more than 100 parking spaces beyond the minimum requirement. Staff also applauds the petitioner for taking advantage of an adjacent private stub connection to the Babies “R” Us site which should help to balance any increase in traffic resulting from said new building construction. Planning staff would encourage the developer to pull the proposed buildings up closer to Hanes Mall Boulevard similar to the recent Verizon Store and the Jared Jewelry Store and be attentive to minimizing any blank walls.

### RELEVANT ZONING HISTORIES

<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-2388</td>
<td>RS9 to GB-S</td>
<td>Approved 6-19-00</td>
<td>150' west</td>
<td>35.77</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1824</td>
<td>R5 to B3-S (GB-S)</td>
<td>Approved 6-7-93</td>
<td>Included current site</td>
<td>15.56</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage (Parcel A only)</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000 sf retail space</td>
<td>2,600 sf restaurant</td>
<td>To the rear of the site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Impervious Coverage</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>Maximum</td>
<td>Required</td>
</tr>
<tr>
<td>60'</td>
<td>NA</td>
<td>39 spaces</td>
</tr>
</tbody>
</table>

| | | |
| | | |

Recommended Plan:
- Approval
- Approval
- Proposed
- Proposed
- Proposed
- 92.82%
**UDO Sections Relevant to Subject Request**
- Chapter B, Article II, Section 2-1.3 (J) General Business District
- Chapter B, Article II, Section 2-5 Various Use Conditions

**Complies with Chapter B, Article VII, Section 7-5.3**
- (A) Legacy policies: Yes
- (B) Environmental Ord. NA
- (C) Subdivision Regulations NA

**Analysis of Site Plan Compliance with UDO Requirements**
The site plan complies with the requirements of the UDO.

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
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<tbody>
<tr>
<td>The request is consistent with the recommendations of Legacy in regard to infill.</td>
<td>The request would generate additional traffic.</td>
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<tr>
<td>The request includes a connection to an adjacent developed site.</td>
<td>The proposed new building is not pulled up to Hanes Mall Boulevard.</td>
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<tr>
<td>The request would permit new commercial development.</td>
<td></td>
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<tr>
<td>The request is consistent with the proposed GB purpose statement.</td>
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</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall obtain an updated driveway permit from NCDOT and WSDOT; additional improvements may be required prior to issuance of permit.
  b. Developer shall ensure a vehicular cross-access easement between the Lowe's site and PIN 6814-14-1914 is recorded and record cross access easements to Parcel B and the Lowe's site, and a negative access easement along Hanes Mall Boulevard.
  c. The proposed building shall be constructed in substantial conformance with the submitted elevations labeled "Exhibit A" as verified by Planning staff.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Connection to PIN 6814-14-1914 shall be completed as shown on site plan.

- **OTHER REQUIREMENTS:**
  a. The use of Services A shall be further limited to: Photographic Studios, Portrait; Beauty Shops; Barber Shops; Shoe Repair and Shoeshine Parlors; Mailing, Reproduction, Commercial Art and Photography; Computer Programming, Data
Processing and other Computer Related Services (Except Computer Programming; Prepackaged Software; and Computer System Design); Watch, Clock, and Jewelry Repair; and Reupholstery and Furniture Repair.

b. Only one freestanding sign shall be permitted for each of the two parcels. Said signs shall be a monument type with a maximum height of six (6) feet.

c. Final Development Plans shall be reviewed by the Planning Board.

**STAFF RECOMMENDATION:** Approval

**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.
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3146
JULY 12, 2012

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

The applicants looked at moving the building closer to the street but weren't able to come up with something which would meet their needs.

To have that cross access is very good. Thank you.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Wesley Curtis

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

A. Paul Norby, FAICP
Director of Planning
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3146

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-3146  PROJECT TITLE: Hanes Mall Blvd, Retail Center
DATE: June 27, 2012

PROJECT DESCRIPTION: South side of Hanes Mall Boulevard, west of Stratford Road

NCDOT- Phone # - 336.703.6600 Email: skjones@ncdot.gov
"Submit an updated driveway permit showing the additional uses."
(per email from Steven Jones)

WSDOT- Phone # - 336.747.6872 Email: connie@cityofws.org
No Comments

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

City Streets Division- Phone # - 336.734.1550 Email: robbys@cityofws.org
"No comments. Hanes Mall Blvd. is a NCDOT maintained street."
(per email from Robby Stone)

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
"Label typical parking widths; Outdoor dining? Per Melanie Bagley, an agent representing Noodles and Company – they typically have outdoor dining areas. If so, show where outdoor dining is planned and show in parking calcs; Note on plan: The streetyard is considered non-conforming because it was originally planted on the developers site, but through the dedication of additional right-of-way for the widening of Hanes Mall Blvd., streetyard is all or is in part of that right-of-way. The 12'X65' loading/unloading space only scales to 12'X55' at closest points. Change sizes and note that it will accommodate any size delivery vehicle. Label on plan Deed Book and Page Number of access easements or condition of approval that A/E to be recorded in the Register of Deeds Office prior to the issuance of any permits. Take appropriate parking reductions to save confusion in the future. 30% for GB zoning, 5% for Transit, and 3% for sidewalk."
(per email from Jeff Vaughn)

Signature
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3146

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. If the disturbed area stays below 10,000 sq.ft. a plan and permit will not be required but you will still be required to meet the standards to prevent any offsite sedimentation pollution onto adjoining property or into any stormdrain."
(per email from Toby Vinson)

Signature

Stormwater Division- Phone # - 336.747.6961 Email: josephf@cityofws.org
No comments

Signature

Fire (City)- Phone # - 336.734.1290 Email: douglase@cityofwsfire.org
"Need hydrant within 500' of all portions of the building."
(per email from Doug Coble)

Signature

Utilities- Phone # - 336.747.7499 Email: courtneyvd@cityofws.org
"Subject to Utilities plan review for permits and/or authorization to construct. Installation of Hydrant is considered a public extension and will have to be permitted through our office and will require a $500.00 review fee"
(per email from Courtney Driver)

Signature

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
"Provide DB/PG reference for cross access easement to Babies R Us property on plan; staff will include a condition that no CO’s will be issued for this site until the vehicular connection to the Babies R Us site has been completed; Staff recommends a negative access easement along the site’s frontage on Hanes Mall Blvd; Freestanding signage for each parcel shall be restricted to one 6’ high/36 sf monument sign; Install streetyard along Hanes Mall Blvd; Condition to record cross access easements to Parcel B and to the Lowes site; potential to better align the drive aisle connection with Babies R Us? Staff recommends considering re-orienting the building to be pulled up closer to HMB with the parking oriented internally; staff is also concerned about the possibility of blank walls on the sides and rear of building."
(per email from Aaron King)

Signature

Vegetation Management -336.748.3020 Email: keithf@cityofws.org

Signature

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
"No addressing or street naming concerns."
(per email from Ben Stamey)

Signature
APPROVAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3146
(LOWES HOME CENTER, INC.)

The proposed special use zoning map amendment from GB-S (General Business - Special Use District) to GB-S TWO-PHASE (General Business-Special Use District) with its added conditions is consistent with the Legacy Comprehensive Plan and the Southwest Suburban Area Plan and is reasonable and in the public interest because:

1. The request is consistent with the recommendations of I in regards to infill;
2. The site has no apparent constraints and appears to be suitable for development within the proposed GB-S TWO-PHASE District;
3. The request includes a connection to an adjacent developed site;
4. The request would permit new commercial development; and
5. The request is consistent with the proposed GB District purpose statement.
DENIAL

STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN

W-3146

(LOWES HOME CENTER, INC.)

Although the proposed special use zoning map amendment from GB-S (General Business - Special Use District) to GB-S TWO PHASE (General Business-Special Use District) with its added conditions is consistent with the Legacy Comprehensive Plan and the Southwest Suburban Area Plan, approval of the request is not reasonable and in the public interest because the request would generate additional traffic and the proposed new building is not pulled up to Hanes Mall Boulevard.
HANES MALL BOULEVARD RETAIL DEVELOPMENT
WEST ELEVATION
Hanes Mall Boulevard Retail Development
East Elevation
HANES MALL BOULEVARD RETAIL DEVELOPMENT
REAR ELEVATION