

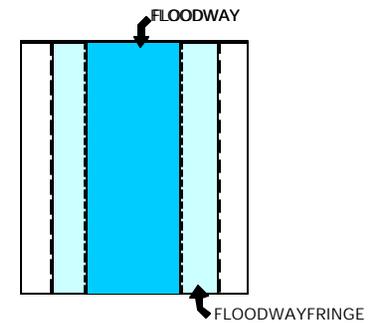


DOCKET #: W2570
 (Continued from 8/8/02
 CCPB meeting)

PROPOSED ZONING:
 LB-S (Multiple Uses)

EXISTING ZONING:
 HB and HB S

PETITIONER:
 Jack Kroustalis and
 Lillian Kroustalis



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 2.38

MAP(S): 618850



September 20, 2002

Jack Kroustalis and Lillian Kroustalis
1251 Yorkshire Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2570

Dear Mr. Kroustalis and Ms. Kroustalis:

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

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Paul Shepard, 8 West Third Street, Suite 245, Winston-Salem, NC 27101
Becky Venable, 706 S. Westview Street, Winston-Salem, NC 27103
Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103
Emmy Lou Raper, 698 Westview Drive, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: September 20, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Jack Kroustalis and Lillian Kroustalis

SUMMARY OF INFORMATION:

Zoning map amendment of Jack Kroustalis and Lillian Kroustalis from HB and HB-S (Warehousing) to LB-S (Furniture and Home Furnishings Store; Motorcycle Dealer, Retail; Store, Specialty or Miscellaneous; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; and Church or Religious Institution, Neighborhood): property is located on the south side of Veda Drive (private) south of Stratford Road and west of Westview Drive and at the eastern terminus of Ashwood Drive (Zoning Docket W-2570).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, CLARK, DOYLE, FOLAN, KING,
NORWOOD
AGAINST: POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jack Kroustalis and Lillian Kroustalis, Docket W-2570

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 Board of Aldermen 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 HB and HB-S (Warehousing) to LB-S (Furniture and Home Furnishings Store; Motorcycle Dealer, Retail; Store, Specialty or Miscellaneous; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; and Church or Religious Institution, Neighborhood) the zoning classification of the following described property:

Tax Block 2422, Tax Lots 2-4, 5A, and 5B

Section 2. This Ordinance is adopted after approval of the site plan entitled Jack Kroustalis and Lillian Kroustalis and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Jack Kroustalis and Lillian Kroustalis.

Section 3. The Board of Aldermen 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 Jack Kroustalis and Lillian Kroustalis. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Jack Kroustalis and Lillian Kroustalis, (Zoning Docket W-2570). 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 LB-S (Furniture and Home Furnishings Store; Motorcycle Dealer, Retail; Store, Specialty or Miscellaneous; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; and Church or Religious Institution, Neighborhood), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the LB-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:

C PRIOR TO THE ISSUANCE OF ANY PERMITS

- a. Developer shall remove existing canopy over dock area since the canopy does not meet the minimum 40-foot setback from a residential zoning district.
- b. Developer shall install a type II bufferyard as required in the UDO or a variance must be approved by the City Zoning Board of Adjustment.
- c. Curb shall be installed along the entire western and southeastern perimeter adjacent to residential properties.
- d. All buffering required by previous zoning change shall be installed and maintained as required on prior site plan.
- e. No repairs, testing, or traveling of motorcycles or other kinds of vehicles outside the site on the rear of the property.

- f. No trucks permitted down the access along the southwest property line.
- g. A sign will be posted prohibiting vehicular traffic down the west side of the building except for emergency vehicles and automobile parking.
- h. The loading dock access will be reoriented to the north rather than the south on the east side of the building.
- i. An undisturbed buffer will be maintained beyond the required parking toward the corner where the northeast line meets the southwest line.

C OTHER REQUIREMENTS

- a. Any new or replacement signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum area of thirty six (36) square feet.

ZONING STAFF REPORT

DOCKET # W-2570
STAFF: Gary Roberts

Petitioner(s): Jack Kroustalis and Lillian Kroustalis
Ownership: Same

CONTINUANCE HISTORY

The zoning petition was continued from the August 8, 2002 Planning Board meeting in order to allow for continued discussion between the petitioner and the adjoining property owners.

REQUEST

From: HB and HB-S Highway Business District (Warehousing)
To: LB-S Limited Business District (Furniture and Home Furnishings Store; Motorcycle Dealer, Retail; Store, Specialty or Miscellaneous; Offices, Miscellaneous; Professional Office; Services Business A; Services, Personal; and Church or Religious Institution, Neighborhood)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 2.38 acres

LOCATION

Street: South side of Veda Drive (private), south of Stratford Road.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Multiple Business Uses.
Square Footage: 43,425 square feet (existing).
Building Height: One commercial story.
Parking: Required: 53 spaces; proposed: 54 spaces.
Bufferyard Requirements: Type II bufferyard, (variance will be necessary in some locations).
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Large commercial building housing a motorcycle dealership and a furniture

store.

Adjacent Uses:

- North - Multiple commercial uses zoned HB.
- East - Single family home zoned RS-9 and commercial properties zoned HB.
- Southeast - Single family homes zoned RS-9.
- South - Single family homes zoned RS-9.
- West - Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: Heavy commercial activity along frontage on Stratford Road and well maintained single family residential uses located to the side and rear.

Development Pace: Moderate to rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No building expansions proposed on site plan.

Topography: Site slopes gently downward toward the southwest and southeast.

Vegetation/habitat: The subject property is currently developed.

Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Veda Drive (private) via Stratford Road and Best Lane.

Street Classification: Stratford Road - major thoroughfare; Best Lane - local.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Stratford Road between Knollwood Street and Bethesda Road = 24,000 / 26,900

Trip Generation/Existing Zoning: HB & HB-S

Not available (portion of site is zoned general use).

Trip Generation/Proposed Zoning: LB-S

$43,425/1,000 \times 40.67$ (Specialty Store Trip Rate) = 1,766 Trips per Day.

Sidewalks: North side of Stratford Road.

Transit: Routes 19 and 20 along Stratford Road.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. W-2389; HB and LI-S to PB-S; approved May 15, 2000; northwest corner of Stratford Road and Mission Road, 300 feet northwest of current site; 1.43 acres; Planning Board and staff recommended approval.

2. W-1082; R-4 to B-2-S (Wholesale Storage and Sales); approved December 5, 1983; rear portion of 599 South Stratford Road, portion of current site; 0.82 acre; Planning Board and staff recommended approval.
3. W-974; R-4 to B-3-S (Wholesale Storage, or Sales or Storage Services); denied October 4, 1982; rear portion of 599 South Stratford Road, portion of current site; 0.33 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Urban Neighborhoods (GMA 2).

Relevant Comprehensive Plan Recommendation(s): Rehabilitation and reuse of existing structures are encouraged. Promote economic development that is compatible with existing residential neighborhoods and other business developments. Protect residential areas from inappropriate commercial and industrial encroachment.

Area Plan/Development Guide: *Ardmore Area Plan* (1984/1985).

Relevant Development Guide Recommendation(s): The *Ardmore Area Plan* considered the subject property 'developed' when written and did not consider/propose any alternative land uses. The narrative of the plan recommends:

Consolidate commercial uses at existing locations.

Buffer existing single-family residential areas from more intensive land uses by requiring screening and increased setbacks through the site plan design process.

Improve the visual environment of commercial areas.

ANALYSIS

The request is to rezone 2.38 acres located at the end of Veda Drive from HB and HB-S to LB-S. The site currently includes the Furniture Consignment Emporium and the rear portion of the adjacent Honda Motorcycle dealership. The majority of said dealership is not included in the petition and would remain zoned HB.

The surrounding properties are a combination of highway business uses and single family residences. Eleven residences within the Knollwood Manor neighborhood directly abut the subject property along the southeastern and southwestern property lines. To the north and northwest are the motorcycle dealership and multiple commercial uses located on the opposite side of Stratford Road.

The HB-S portion of the site consists of 0.82 acre which was rezoned from single family residential in 1983 for wholesale storage and sales (Zoning docket W-1082). Approval of that petition enabled Foodcraft Equipment Company, the tenant at that time, to add a 12,800 square foot addition onto the back of the existing building. The addition was constructed under the previous B-2 twenty (20) foot setback as opposed to the currently required forty (40) foot building setback. The space within the twenty (20) foot setback was noted as a fire lane and has been used for tractor trailer access to the rear loading dock. A subsequent site plan amendment permitted the property owner to meet some of the bufferyard requirements by installing plantings on two of the adjacent residential properties. There

is no room for any additional buffering on either side of the building. Foodcraft Equipment Company was later replaced by the existing furniture sales operation.

While the LB district is generally less intensive than the HB district, the current request would broaden the list of permitted uses to include: Furniture and Home Furnishings Store; Motorcycle Dealer; Retail Store, Specialty or Miscellaneous; Offices, Miscellaneous; Professional Office; Services Business A; Services, Personal; and Church or Religious Institution, Neighborhood.

Because the subject property is wedged between two residential areas, staff is concerned about the impact the proposed uses will have on the adjoining eleven single family homes. Staff sees the request as an intensification in permitted uses on an already very compact site and therefore recommends denial.

Staff has met separately with representatives of the petitioner and the adjacent property owners. However, no amendments to the site plan or overall request have been volunteered as of this writing and staff's recommendation for denial remains.

FINDINGS

1. *Legacy* recommends protection of residential areas from inappropriate commercial and industrial encroachment.
2. The *Ardmore Area Plan* recommends buffering existing single-family residential areas from more intensive land uses by requiring screening and increased setbacks through the site plan design process and to improve the visual environment of commercial areas.
3. The proposed request would allow an intensification of the existing land use on an already very compact site with an increased impact on the neighboring residential properties.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

C PRIOR TO THE ISSUANCE OF ANY PERMITS

- a. Developer shall remove existing canopy over dock area since the canopy does not meet the minimum 40 foot setback from a residential zoning district.
- b. Developer shall install a Type II bufferyard as required in the UDO or a variance must be approved by the City Board of Adjustment.

C OTHER REQUIREMENTS

- a. Any new or replacement signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum area of thirty six (36) square feet.

PUBLIC HEARING - August 8, 2002

Gary Roberts presented the staff report.

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Explained that one lot is owned by Lewis Hubbard. The triangle under petition is owned by Jack Kroustalis. The Hubbard property is leased to Honda of Winston-Salem. The frontage of the Kroustalis property back to a loading dock is leased to Consignment Furniture of Winston-Salem. The remainder of the building is also leased to Honda of Winston-Salem, Rick and Dick Chapell who are here. The way this came about was that the renters wanted to enclose the building on the northeast side where there is a "U" shaped indentation. They couldn't get a permit without rezoning. There's no reason for going to LB-S except that the uses they desire are allowed in LB-S and it's a less intensive use than HB-S. Another reason this came about is that this was originally (1983 and before that) zoned under B-2 and had a 20-foot setback which is why the south west side has a twenty-foot setback.

The only thing that is not up to status is the bufferzone where some of the bushes and trees are not as healthy as they once were. Everyone understands that if anyone calls Mr. Smith's crowd (Inspections Division), he tells somebody to go tell them they got to go put the bushes back and if they don't go to do it, they go to court.

The back of the building will primarily be their storage room where they stack these vehicles on top of each other.

What they sell at Honda of Winston-Salem are Honda cycles, scooters, off-road bikes, ATVs, Honda lawn and garden equipment, Honda generators, scooters, Kawasaki personal water crafts, Kawasaki mule utility vehicles, Kawasaki generators, SeaDoo personal water crafts, Bomadeer ATVs, youth carts, parts and sales and service, and clothing for people who ride these vehicles. They also do the service for the Winston-Salem police squadron.

If you talk about Stratford Road, there's every kind of business, industry, lights, noise, traffic, everything that you can imagine, everything that we have in the book is located out there.

The subdivision has been here since the seventies and eighties.

The building is not going away and we are trying to make the best of the situation at hand. No matter what you do to the zoning, the uses will probably remain the same.

There's a vineyard with grass that is shown on the site plan to be maintained.

They can use the warehouse by going around the building, but it seems preferable to rezone it, build a loading dock here, and not have to go around the building every time you want to take something out.

AGAINST:

Paul Shepard, 8 West Third Street, Suite 245, Winston-Salem, NC 27101

I am the attorney for the residents who encircle this site. They have been there for 50-60 years.

Many of them were involved back in 1983 and a part of their feelings today is a feeling that some of the conditions and assurances that were made back in 1983 were never carried out.

Mr. Calaway mentioned that sometimes buffering will die out when you're talking about vegetation. Certainly we understand that. But some of the things, like the water drainage areas, there was an earth swale that was required, appears to have never been built.

There were supposed to be some white pines on the northwest section and they were apparently never planted either. Of course, this is not a presentation to the Zoning Board. This is a presentation to the Planning Board, so I do want to address the zoning that's required here. If all that was really wished here was to connect those two buildings was to connect those two buildings, he could do that today.

The area where they want to build a connection between the two buildings is totally off-site, so that can be done today without doing anything here. The reason the residents oppose this is that when you come right down to it, what you are talking about is an expansion of a motor cycle dealership with all the attendant noise and intensification of activity that occurs naturally from a motorcycle dealership. They understand there's a motorcycle dealership where it is right now. And they even understand that it could be expanded off-site. But this zoning today would enable to use what is now only for warehouse use to also be for the motorcycle use, the furniture shop use, or any of the other plethora of activities that were listed as possible uses. Another problem this neighborhood has had all the while is an area that, the present zoning and the proposed zoning show as being parking for vehicles. But what is actually being done back here is to use this area for these great big trucks to come back here, turn around here, park here, and unload here. So the tractor-trailers and trucks coming down in this area have a very profound noise impact on the neighborhood properties. So it is more than just a question of getting the visual buffer enlarged. That would be just a minimum. There would also be severe concerns in regard to noise. It's interesting, I think, in this case, since the tenants are tenants of Mr. Hubbard, they could have joined together to make an overall special use request for the entire site and then shown the buffering and then everything that is really needed to shield out a motorcycle use from the neighboring properties, but even if this zoning is approved, you're still going to have a zoning line go right down the middle of a building. Right now it's right down the middle of a building, but even after this is done it would be right down the middle of the building. So this doesn't really solve the problem.

It is for this reason that the neighborhood and the residents in the neighborhood, many of whom are here today, are opposed to this rezoning. They agree with the staff that this zoning request should be denied. I've also asked them to make some

suggestions with regard to the site plan because you all have to recommend not only as to whether you think the zoning ought to be approved or not, but what conditions you think ought to be imposed on the site plan in the event that the property is ever zoned. I have faxed a copy of that to Mr. Calaway this morning, I gave a copy to staff. Just briefly, some of the site plan requests we would have in this matter are that, since the earth swale was never really constructed last time to control the water, it is that you have a concrete curb going all the way up from the Railroad right-of-way clear to the corner and back this way because that would keep the water from draining on the adjacent properties. There's been a severe problem with water drainage.

Secondly, we would request that all the buffering that wasn't completed or up-to-snuff from the previous zoning application be done on this one and in addition to that, the area where the motor cycle dealership would be would also have a sound buffer. I looked at the site. At this time there are railroad ties going down there. You could make a brick wall eight-foot high which would act as a sound buffer to try and sound out the noise of the motorcycles.

That no trucks be permitted in the southernmost corner.

That there be no repairs, storage, starting, or testing of motorcycles or boats outside the building on site.

The area where the grapevines are right now should remain as a totally undisturbed buffer to remain in its vegetative state. That's right at the corner.

I'm not sure staff would agree to this one, but the business could operate no earlier than eight o'clock in the morning and no later than 6 p.m. at night. I know sometimes you'll have problems with enforceability, but I would like to suggest that. I think that is something that the residents could keep an eye on and if it was violated it could be reported.

I would like to ask the residents who came here, who are adjacent to this property, to stand. About 13 people stood.

Becky Venable, 706 S. Westview Street, Winston-Salem, NC 27103

I've lived here since 1978.

I am definitely opposed to this.

In the past, when we complained to the owner about the noise, he parked tractor trailers as close to our fence as possible.

When I talked to him about the trees that he didn't plant and the red-tips, he told me he planted them, but he wasn't responsible if they died.

Finally, we planted our own trees and red-tips.

There should be absolutely no business activity allowed in this triangular section including the storage of junked motorized vehicles.

The rezoning would require a variance in the bufferyard requirements. I think that should not be permitted.

The current site is an extremely compact site that really is not suited for a business use in the residential area.

I don't have a problem with the store fronts on Stratford Road. My problem is with the business use of the wedge shape parcel at the very back that is right at my back yard. Now tractor-tractor trucks circle the building. This is just not compatible with a residential neighborhood.

It is my understanding that *Legacy* and the *Ardmore Area Plan* recommend the protection of residential areas as well as buffering and setbacks.

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103

I am vice-president of the Ardmore Neighborhood Association. The ANA Board voted unanimously last night to support the residents last night based on two conditions: The original conditions were not met. If these conditions were revisited and met or revised, it would be easier to move ahead. If a sound barrier is put up, since a buffer is obviously an issue, it would go a long way toward eliminating enforcement issues in the future. It would be a good overall solution to help the business come into compliance, get what they want and need, and create the buffer that is not possible right now in the neighborhood.

If the conditions were all met, the ANA Board would consider support the petitioner.

Emmy Lou Raper, 698 Westview Drive, Winston-Salem, NC 27103

Noise is still there even with my newly installed privacy fence.

WORK SESSION

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

1. If the petitioners are willing to come into compliance with previous agreements, and entertain some of the suggestions of the residents, a continuance may resolve some of these issues.
2. Mr. Calaway - we haven't had any chance to get a cost on brick walls and sound barriers. We can agree on hours of operation of 8am to 8pm, although I understand that Mr. Smith doesn't like to legislate that. They don't work 24-hour shifts, but they do respond to complaints. We aren't prepared to agree on the wall at this point, but whatever the statutory buffering is now or was when they got the '83 zoning, they agree to do exactly.

MOTION: John Bost moved continuance of the zoning map amendment and site plan to September 12, 2002.

SECOND: Arnold King

The Board noted that their expectation for the continuance is that the proponents and opponents get together and see if they can come up with an agreement, the results of which would be brought to staff. Issues which should be addressed include the technical part of the zoning (HB, HB-S, LB-S, or whatever), a better attempt at compliance with 1983 conditions

and new site plan conditions especially for the vineyard area, and acceptance by the residents of the new conditions.

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 12, 2002

Gary Roberts reviewed the case, noting that the public hearing had been held and closed and the Planning Board was in work session when the continuance request was approved.

Although the public hearing was held and closed at the August 8, 2002 meeting, the Planning Board offered the attorney for each side up to three minutes to summarize the status of the case at this point.

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

We have submitted a revised site plan to make the buffering more intense. The site is pretty well surrounded against the residential area.

Mr. Shepard and I have had several discussions. Where we are not in agreement is a sound wall down this line. There's not much room considering this is a fire lane going around the building from the prior cases. If you start building a wall you have to take out what vegetation is there and we'd probably lose the sound baffles that are there now.

We have to remember this was built under the prior zoning when the side and rear yard requirements were different than they are now. The building hasn't changed, but some of the requirements have. That's why it's tight in those areas.

I think these are honorable businesses. The Honda dealership has about \$1,750,000 in inventory and a lot of employees. Remember if they get the zoning they're requesting, they will be able to access from the loading dock area to the rest of the dealership without having to have to go around the building one way or the other. As it is now, they unload at the rear, the only way they can get to the show room is to go around the building to the front. They can't go through the building. If they get the zoning they can cut their doors and they can go through.

AGAINST:

Paul Shepard, 8 West Third Street, Suite 245, Winston-Salem, NC 27101

Of the requests we made last month, they have gone back and complied with what they were required to do twenty years ago.

The problem we have right now, and Mr. Calaway did state one thing accurately, and that is one of the biggest problems is that the trucks coming down this side to access the loading dock. One of our biggest concerns is the fact that trucks, motorcycles, four-

wheelers, motorscooters, and everything else uses the back area and makes lots of noise for these houses along here.

What we'd really like is to not have trucks, four-wheelers, and those kinds of things come down that side. What we were hoping for is the loading dock to be reoriented to have all of the loading and unloading come down this side and have some sort of sign there that is enforced. "Automobiles only. No motorcycles. No trucks. No four-wheelers." The staff recognized this noise problem last month when they recommended this be denied because this was too much of an intensification of a business use. At this time, the HB-S area is for warehouse only. What we're talking about is going to permit this motorcycle dealership to expand into this area. That is the concern of the neighborhood. They realize it is all zoned business right now and if we can work something out that would be better. That is why we put all these conditions down and asked for what we did. Just briefly, what they've come back with is they've addressed numbers one and two of what we've set forth and perhaps number six, but all the other things, they have not addressed.

In summary, what we would like this board to do is, given the fact that they are not willing to put a noise buffer along just these three houses along here (northeastern side) where all the noise would be, where right now there are some railroad ties, wouldn't disturb the present vegetation, and to reorient the loading docks so all the trucks come here and there aren't other vehicles allowed back there. Thank you.

WORK SESSION

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

1. One of the concerns is enforcement regarding the use of the southernmost tip of this property.
2. The neighbors realize this request replaces the HB-S zoning which legally limits use of the southernmost portion of the site to warehouse uses with LB-S zoning which allows motorcycle dealership uses all the way back to their property lines with minimal buffering. They want some guarantees that conditions won't grow worse than they already are.
3. Expansion of the business is probably going to be within the facility and this rezoning request will allow better flow of inventory within the facility.
4. Inspections can monitor the situation through complaints and if the situation were not resolved could ultimately cite civil penalties or go to court.

MOTION: John Bost moved approval of the zoning map amendment, certified that the site plan meets all code requirements, and includes recommended staff conditions, with the following added conditions:

- C Curb shall be installed along the entire western and southeastern perimeter adjacent to residential properties.
- C All buffering required by previous zoning change shall be installed and maintained as required on prior site plan.
- C No repairs, testing, or traveling of motorcycles or other kinds of vehicles outside the site on the rear of the property.
- C No vehicles other than emergency vehicles permitted down the access along the southwest property line.
- C A sign will be posted prohibiting vehicular traffic down the west side of the building except for emergency vehicles.
- C The loading dock access will be reoriented to the north rather than the south on the east side of the building.
- C An undisturbed buffer will be maintained beyond the required parking toward the corner where the northeast line meets the southwest line.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning