

**DOCKET #:** W3011  
(continued from 12/11/2008)

**PROPOSED ZONING:**  
HB-S

**EXISTING ZONING:**  
PB-S

**PETITIONER:**  
Zeb V. Norton and  
Clara R. Norton for  
property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 1.60

**NEAREST  
BLDG:** 18' west

**MAP(S):** 642846

**F**

**CITY-COUNTY PLANNING BOARD DRAFT  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3011
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Zeb V. Norton, Jr. and Clara R. Norton
<b>Owner(s)</b>	Same
<b>Subject Property</b>	Tax PIN# 6844-78-2028
<b>Type of Request</b>	Special use rezoning
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> PB-S Pedestrian Business District (Motor Vehicles, Repair and Maintenance; and Services, Personal) <b>to</b> HB-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Outdoor Display, Retail; Storage Services, Retail; Convenience Store; Retail Store, Specialty or Miscellaneous; General Merchandise Store; Restaurant without Drive Through Service; Offices, Miscellaneous; Professional Office; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Services, Business A; Services, Business B; and Services, Personal</li> </ul>
<b>Continuance History</b>	The request was continued from the November 13, 2008 Planning Board meeting to the December 11 and from the December 11 meeting to the January 8, 2009 Planning Board meeting.
<b>Zoning District Purpose Statement</b>	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<p><b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>The request is generally consistent with the HB District purpose statement; however, it could lead to further strip commercial development.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Northwest corner of Waughtown Street and Norton Street
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	Southeast
<b>Site Acreage</b>	Approximately ± 1.6 acres
<b>Current Land Use</b>	Waughtown Automotive is currently located on the site.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS-9	Undeveloped and single family residential
	East	LB-S	Day care and beauty salon
	South	RS-9	Single family homes
	West	RS-9	Single family homes
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>		
	Some of the newly proposed uses such as: Outdoor Display, Retail; Storage Services, Retail; Convenience Store; General Merchandise Store; Restaurant without Drive Through Service; and Motor Vehicle, Rental or Leasing are intense uses that are not generally compatible with the adjacent single family homes.		
<b>Physical Characteristics</b>	The site has a gentle slope downward to the northwest.		
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.		
<b>Stormwater/ Drainage</b>	A stormwater study will be required prior to the issuance of a grading permit.		
<b>Watershed and Overlay Districts</b>	The site is not within a water supply watershed.		
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	<p>The site is located within the Waughtown/Belview National Register Historic District and the building is listed as a contributing structure. It is an excellent and highly intact example of an early 20<sup>th</sup> century gas station. These building types are increasingly disappearing from the urban landscape. Historic Resources staff does not support an intensification of use for this property. Conditions should be that the building be retained and that any changes to the building or site meet the <i>Secretary of the Interior's Standards for Rehabilitation</i>.</p> <p>Following is the National Register entry for the property:  2341 Waughtown Street, Filling Station, c.1920 Contributing  One story; hip roof; brick; pressed tin shingles; six-over-six double-hung sash; three-light transom at central entry; hip-roof (with pipe columns) service bay; 2-bay garage addition with replacement roof; small end addition. This station was a favorite gathering place for community men (First United Church of Christ history). 1950 CD: (2343) Zeb Norton Filling Station.</p>		
<b>Analysis of General Site Information</b>	The building on the subject property is listed as a contributing structure within the Waughtown/Belview National Register Historic District. A condition regarding compliance with the <i>Secretary of the Interior's Standards for Rehabilitation</i> is recommended.		

<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>			
	<ul style="list-style-type: none"> <li>Condition regarding the <i>Secretary of the Interior's Standards for Rehabilitation</i>.</li> </ul>			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Waughtown Street	Major Thoroughfare	237'	10,000	15,600
Norton Street	Platted unopened street	296'	NA	NA
<b>Proposed Access Point(s)</b>	The site plan shows two driveways onto Waughtown Street and two onto Norton Street.			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: PB-S</u>  <math>2,296 / 1,000 \times 15.86</math> (Automobile Care Center Trip Rate) = 36 Trips per Day.</p> <p><u>Proposed Zoning: HB-S</u>  <math>40 \text{ Trips} \times 3 \text{ bays}</math> (Quick Lubrication Vehicle Shop Trip Rate) = 120 Trips per Day + <math>589\text{sf} / 1,000 \times 11.57</math> (Single Tenant Office Building Trip Rate) = 7 Trips per Day = 127 Total Trips per Day</p>			
<b>Sidewalks</b>	Currently there are no sidewalks along this portion of the Waughtown Street; however, the Sidewalk and Pedestrian Facilities Plan requires sidewalks along Waughtown Street.			
<b>Transit</b>	Route 29 along Waughtown Street			
<b>Analysis of Site Access and Transportation Information</b>	<p>The site plan shows the removal of one of the three driveway entrances to the site on Waughtown Street. The site plan also illustrates the continued use of Norton Street for access. As noted previously, Norton Street has been determined by the City Attorney's office, to be a dedicated, unimproved, unopened right-of-way. Although it is used to serve the subject property and other single family homes, it has never been accepted by the City of Winston-Salem for public maintenance. The petitioner will therefore need to either: ensure the proper dedication of right-of-way and improve the street to City standards; or petition the City Council to close the street. A third option would be to revise the site plan so that Norton Street is not used for access and therefore no further action to open (improve) or close said street would be needed. If the applicant petitions to close Norton Street, a Special Use Permit would be needed if it is used for access.</p>			
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>			
	<ul style="list-style-type: none"> <li>Obtain driveway permit from NCDOT &amp; WSDOT</li> </ul>			

<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy GMA</b>	Growth Management Area 2 - Urban Neighborhoods
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>Legacy promotes economic development which is compatible with existing residential neighborhoods and other business developments. It recommends protecting residential areas from inappropriate commercial encroachment.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Southeast Winston-Salem Area Plan (SEAP) 2002</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The area, characterized by a mixture of residential and nonresidential uses, is designated in the adopted Plan for office/commercial use. The Plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use.</li> </ul>
<b>Other Applicable Plans and Planning Issues</b>	<p>The site is within the Sprague/Waughtown Rehabilitation, Conditioning and Reconditioning Area, certified by the City-County Planning Board in 1987. Low interest loans were provided for residential rehabilitation activities in this area.</p> <p>A loan was made to the Chambers, who operate Waughtown Automotive on the subject property, for \$50,000 from the City's Economic Development Revolving Loan program in February 1999. The purpose of the loan was for job creation or retention. To date they have paid off approximately \$45,000. In 2008 the Chambers applied for and were approved for another loan of \$50,000 to assist them in making the necessary improvements to the business to comply with zoning requirements both from the 1998 rezoning and from this current petition. That loan is contingent on a successful rezoning petition.</p>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(S)(4) - Is the requested action in conformance with Legacy?</b>
No	
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The subject structure is a commercial building built for and historically used primarily as an automotive garage. The site was rezoned to PB-S to accommodate said use in 1998. Not all of the improvements shown on the 1998 site plan were implemented. In 2002, the <i>Southeast Winston-Salem Area Plan</i> was adopted. Recognizing the subject property as commercial, the plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use. The subject request from PB-S to HB-S would permit: an additional 11 uses; 766 sf of building expansion; and ±1/4 acre of additional parking and motor vehicle display area.</p> <p>This degree of intensification is inconsistent with the area plan's intent for this predominantly residential section of Waughtown Street. Staff has not observed any changes in the area which would result in the need to revisit</p>

	<p>the recommendations of the plan. The request is also inconsistent with <i>Legacy</i> which recommends protecting residential areas from inappropriate commercial encroachment. As is evidenced below in the Analysis of Site Plan Compliance with UDO Requirements section, the current operation has outgrown the original 1998 approval and would be more suitably located in a commercial corridor.</p> <p>Staff is also concerned with intensifying the development of a National Register Historic Property (see Analysis of General Site Information section above). One way to address this is to comply with the <i>Secretary of the Interior's Standards for Rehabilitation</i> which is recommended as a condition. This matter has been previously mentioned to the petitioner during two separate sketch plan review meetings. Staff anticipates that compliance with this condition would not add significant costs to the project.</p>					
<b>Generalized Recommended Conditions</b>	<p><b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b></p> <ul style="list-style-type: none"> <li>Lighting condition</li> </ul>					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
W-2233	RS-9 to LB-S	Approved 7-6-98	Directly east	1.66	Approval	Approval
W-2218	RS-9 to PB-S	Approved 5-4-98	Current site	1.75	Denial	Approval
W-575	R-4 to B3-S (LB-S)	Approved 2-21-77	200' southeast	.45	Denial	Approval
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>						
<b>Building Square Footage</b>		<b>Square Footage</b>		<b>Placement on Site</b>		
		3,062 sf		Southeastern portion of site		
<b>Parking</b>		<b>Required</b>	<b>Proposed</b>	<b>Layout</b>		
		15 spaces	15 spaces	Surrounding building		
<b>Building Height</b>		<b>Maximum</b>		<b>Proposed</b>		
		60'		1 story		
<b>Impervious Coverage</b>		<b>Maximum</b>		<b>Proposed</b>		
		85%		43.7%		
<b>UDO Sections Relevant to Subject Request</b>		<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.3 (I) HB District</li> </ul>				

<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy policies:</b>	No
	<b>(B) Environmental Ord.</b>	NA
	<b>(C) Subdivision Regulations</b>	NA
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	<p>The subject property was rezoned to PB-S in 1998; however, because the petitioner never requested a building or occupancy permit, Inspections staff did not inspect the site for compliance with the conditions of approval, and subsequently the landscaping and screening requirements were never installed. Additionally, a 28' x 14' addition was constructed without a permit and two unapproved uses have been conducted on the site, Motor Vehicle, Rental or Leasing; and; Motor Vehicle, Storage Yard.</p> <p>Specifically, the property owner was cited on 2-28-08 for the following:</p> <ul style="list-style-type: none"> <li>• Failure to comply with Special Use Site Plan W-2218 to wit: Drive Path, Parking/Display Areas, Signage, Motor Vehicle Storage Yard, Street and Buffer Yards.</li> <li>• Erecting a Sign without first obtaining a zoning permit.</li> <li>• Motor Vehicle Rental and Leasing is not a permitted use under your approved site plan and conditions (W-2218).</li> <li>• Erecting/Alteration of a structure is not permitted without first obtaining a site plan change (W-2218) and a building permit.</li> <li>• Any change of use of any building or land requires a Zoning/Building Permit.</li> </ul> <p>On 10-28-08 the site was reinspected and said violations were still present and the buffer/street yards and wooden fencing were still not installed.</p> <p>If the subject request is approved, some of these issues will no longer be in violation. The remaining site plan issues are noted below. It is anticipated that a revised site plan will be submitted which complies with the requirements of the UDO.</p>	
<b>Generalized Recommended Conditions</b>	<p><b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b></p> <ul style="list-style-type: none"> <li>• Sign removal condition</li> </ul>	
<b>REMAINING SITE PLAN ISSUES</b>		
<b>Issue</b>		<b>Status</b>
Relocate 2 parking spaces adjacent to Norton Street		Awaiting revised site plan.
Show existing sign in right-of-way to be removed		

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
Request would allow for the expansion of an existing business.	The request is inconsistent with the recommendations of the <i>SEAP</i> and <i>Legacy</i> .
	Provides negative visual impact to the single family residential homes in the general area.
	The proposed use of Restaurant without Drive Through Service is a much higher traffic generating use than Motor Vehicles, Repair and Maintenance.
	May signal that HB zoning is appropriate for other properties in this area.
	Ten years after the original rezoning approval, the petitioner has still not complied with minimal UDO requirements.

**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 GRADING PERMITS:**

- a. Developer shall obtain driveway permits from the City of Winston-Salem Public Works Department and NCDOT. Required improvements include but are not limited to:
  - Sidewalk along Waughtown Street.
- b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department.
- c. All outstanding zoning violations shall be resolved.

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

- a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.

**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Lighting shall be installed per approved lighting plan and certified by an engineer.
- b. All required improvements of the City of Winston-Salem and NCDOT driveway permits shall be completed.
- c. Developer shall remove the sign located within the Waughtown Street right-of-way as shown on site plan.

**OTHER REQUIREMENTS:**

- a. The Zeb Norton Filling Station shall be retained in its original, existing location on the site. The building shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by the

Historical Resources Staff of the CCPB. Any exterior work to the property, including the site of Tax PIN# 6844-78-2028 must meet the *Secretary of the Interior's Standards for Rehabilitation* (see Exhibit A) as determined by the Historical Resources Staff of the CCPB.

**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.**

**PUBLIC HEARING** regarding continuance request - November 13, 2008

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved continuance of the zoning map amendment and site plan to December 11, 2008.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell; Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** regarding continuance request - December 11, 2008

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to January 8, 2009.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** - January 8, 2009

David Reed presented the staff report.

FOR:

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103

- I'm here on behalf of the Chambers. We worked with them in preparation of the site plan.
- The Chambers operate a motor vehicle sales and all the other vehicles you heard David allude to. They've been operating that business since the rezoning was approved in 1998.
- They'll be up here in a minute to explain more about their operations and their business.
- David was right. There were a lot of complicated issues. We do have some problems and have done some things wrong. We're trying to fix them.
- Some problems we knew about and some we didn't. This Norton Street has complicated a lot of our decision making process. Properties they thought they owned or were purchasing, I guess they're currently occupying the properties or lease to own contract. They've been operating this business thinking they were buying more property than they probably actually were, which turns out to be public ROW.
- Some accesses to the properties that they thought they had and could continue use of have changed the way the site lays out, how they operate and function so it's been difficult to try to make decisions on how to revise the site plan and still maintain the sense of operation. At the same time add the uses and tried to come closer with compliance with the business they need to conduct out there.
- The U-Haul is Motor Vehicle Rental and Leasing. If I'm not mistaken, the use is allowed in PB, but it was not an originally approved use. Hopefully that is an easy issue to clean up if we can find a place to park them.
- The Chambers do sell used vehicles which requires the HB zoning. David is correct that we worked diligently with staff. We've held numerous meetings and they have been very helpful in exchanges back and forth. We've tried to come up with what we think is the most workable solution for the Chambers. Obviously the zoning is a little bit intense.
- I guess when you try to address the Norton Street ROW issue, and through no fault of Planning staff. It's our own fault for probably getting the revised plan in last Friday because of the holidays. We anticipated the some of the phrasing of the initial conditions to either be improve Norton Street or discontinue the use. We thought we'd be going forward with that option. The conditions today state that Norton Street be improved.
- The Chambers have agreed to discontinue the use of that Norton Street ROW, the removal of gravel or asphalt as required to extend the buffer going down to Waughtown. We can get into that a little bit more if we need to. There was a misunderstanding, probably on my part in the effort to meet the last minute deadlines.
- David is right in that setting aside the other issues, it is probably a pretty simple issue of the land use plan in conformance with area plans.
- I think Ms. Chambers may present to you some evidence or photos going as far back as 1947, 1966, and 1975 that clearly document the use of this property as multiple automotive related uses and would document the history of its use as a more intensive automotive uses.

- There's some vehicles parked up along the right-of-way that look like they're for sale. I wasn't around at the time, but they sure look like that was the use at the time.
- That is the issue at heart. We're at a fundamental difference at what the zoning should be.
- We were sensitive to the outdoor display areas. We tried to keep those as far off Waughtown as we could. We put the parking in the rear as best we could. The vehicle leasing storage is kind of to the right beyond the front façade of the building. Again, most of the outdoor display retail we tried to keep at least beyond the front point of the building. We tried to demonstrate and illustrate that on the plan as best we could.
- We did listen to what they said. I also had to listen to what our clients wanted and how they needed to operate.
- We tried to come up with a solution; I won't say it's the best.

Patti Chambers, 275 Hastings Hill Road, Kernersville, NC 27284

- Submitted pictures to which Mr. Causey had referred.
- Thank you for your time and attention on this matter.
- We're here today to tell you why we need to rezone.
- We need Outdoor Display Retail to enable us to continue U-Haul. U-Haul represents half our income. We are a U-Haul repair facility. It allows us to rent and sell their equipment. People moving into the community drop off their equipment at this location and present us with the opportunity to make a good impression for the community as well as advise customers of other local businesses.
- This is a reliable source of income for us. With the economy the way it is, we are not repairing as many cars, but people are still moving. Without U-Haul we could not continue to operate.
- As far as the sale of used cars goes, we've had to sell cars under mechanics liens. This is a very expensive and time-consuming process. If we could sell them through a dealer's license, it would save a lot of time and money.
- All auto facilities end up with customers who don't pay for the work or storage of the vehicle. The only recourse you have as a mechanic is to file a mechanic's lien and resell the vehicle to try to recoup your losses.
- We have several of these vehicles a year and when we talk about selling vehicles, that's what we mean – the ones we would retain through mechanics liens, not like a big car lot.
- The other uses that were put on there such as restaurant, we were just advised by someone and it seemed reasonable at the time that if there's any use you could think of in the future that you might need, do it now so you don't have to rezone again for the third time.
- Listings like that are just there for that simple reason. What we're after is our Outdoor Display Retail.

Neal Chambers, 275 Hastings Hill Road, Kernersville, NC 27284

- Showed photographs and explained what was shown in the photographs.
- We live approximately eight minutes away from this site.
- I have no intentions whatsoever making my car lot look like this.
- The U-Haul outdoor display will be on the right hand side of the building. It won't be nowhere near the road. It will be recessed. I've got pictures to show you. This is the outdoor display of the U-Hauls on the right-hand side.

- We will be putting a buffer down the right side of the building that will keep us from using Norton Street although I didn't know until today that we could gravel it. I thought we had to curb and gutter and pave it. There may be something we can do with that.
- I'd love to be able to use Norton Street. The pictures show that Mr. Norton has used it since 1924. He dedicated it.
- There's probably 10-15 acres back there which are wooded except for this one little house which is not occupied.

#### AGAINST:

John Contos, 5420 Styers Ferry Road, Clemmons, NC 27012

- I'm here representing Waughtown Business Association as Vice-President.
- I have owned a business at 653 Waughtown Street for the last 30 years.
- The Waughtown Business Association is dedicated to making the Waughtown neighborhood a safe, clean, vibrant place to live and do business.
- The Waughtown Business Association board members have looked over this proposed rezoning. We strongly oppose this rezoning, bringing another car/truck lot into a mostly residential area of Waughtown Street.
- Our goal at the Waughtown Business Association is to help existing businesses upgrade to a better look and fit more into the business residential mix along the Waughtown Street corridor. Adding another car truck sales lot would only downgrade this area of Waughtown.
- We have had a lot of dealings with the used car lots and repair places up and down Waughtown Street. We're trying to get the City to enact some type of moratorium on them because they just keep multiplying and multiplying.
- I noticed the petitioner said they were going to keep their vehicles back off the road, but we at the Waughtown Business Association have seen what these car lot dealers can do. Their cars actually move on their own up until a lot of times they're on the sidewalk. So what people say and what people do are two different things.
- Thank you for this time to speak.

Angelo Franceschina, 301 N. Main, Suite 2216, Winston-Salem, NC 27101

- I'm here also on behalf of the Waughtown Business Association. I do work for them since we run the commercial revitalization project in the Waughtown area.
- I agree with what John has said, but we have left the door open for some discussions with the petitioner.
- I even spoke to Steve Causey that we were willing to talk with them and to come back and talk with us about some alternatives to what he was proposing.
- There are several concerns that we have. We know the building was used as an auto repair and gas station. We want to respect the integrity of the building. It is a contributing building to the National Register of Historic District for that area. Two, we want to de-intensify the use of that lot. We wanted to see some buffers and we were encouraging them to come back with a plan that addressed those issues. We knew he had some uses that Inspections thought were illegal and we agree with that but we were also willing to support some uses that possibly he needed to operate his business, to support his business activity.

- He didn't come back to us. There was no response, so I think there was a little bit of a distrust.....John's comments.
- As it is proposed right now, we oppose it.
- In response to a question from Arnold King about what uses would be appropriate, Mr. Franceschina stated that he didn't want to speak for the Waughtown Business Association since the petitioners did not come back to them. However, the Waughtown Business Association understood that the U-Haul was important to them. The Waughtown Business Association was not happy with the used car sales or with where they were located or the visibility of the U-Haul and no buffer. Of course he left us hanging with none of those issues being addressed.
- He's putting too many other uses in those buildings.
- I've been through those buildings and you're putting a lot of activity within two small buildings.
- I'm also concerned about his renovation, whether it's City funds. I'm not sure that renovation is going to respect the integrity of the building. Now it's been stressed by a lot of the neighbors who live close to the building.

Chairman King noted that he agreed with Mr. Franceschina that there were too many uses being requested for this site, but that the petitioners had stated that they would be willing to delete some of the uses. Chairman King then asked what uses the Waughtown Business Association would consider to be appropriate for this site. In response to that question Mr. Contos stated that Waughtown Business Association opposes all new auto truck sales, leasing, repair yards on Waughtown Street. We need help out there. It's getting ridiculous and there's only so much we can do. We've come to you for help. I hope you can give it to us. We're trying to work to clean the neighborhood up, we've done a lot of business revitalization through there. It's looking positive, it's looking up, but if people can come in and change rezoning and downgrade our neighborhood, we just can't do what we want to do with it. The U-Haul operation is a mess. The whole operation is a mess. It's very unsightly. That area of Waughtown Street is mainly older residential homes. You have a few scattered businesses, but it's not really concentrated. All from the west side to the east side of Waughtown Street there's single family homes all through there. It's a place we'd rather not have in our Waughtown Street neighborhood.

## **WORK SESSION**

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

1. Wesley Curtis: I'll start by saying the photographs bring an interesting light to the whole project. I would agree that a lot of old neighborhoods start to get the creep of small businesses like auto repairs and those things grow and grow. They sort of happen and become headaches for neighborhoods. To me the difference here is that the man has been there since 1947 as a gas station and selling cars and other things. To me it provides a unique opportunity to preserve some historic value there but it has to be done in the right way. I think that's sort of the key. Is there some way we could keep this nice historic building the way it was but at the same time provide some sort of screening or limited use of those vehicles for the neighbors so the petitioner could do what they need to do but at the same time visually maintain what has always been there for the past 60-70 years? That's sort

of the dilemma for me. I am disappointed that if there were certain problems here from staff and there were violations that never were actually, if there were violations on the site that's disappointing. If at this point we're trying to move forward, if there was a way to preserve the character of the building and its use which has been automotive and the selling of cars, but at the same time limit that use which is what PB-S was originally trying to do, it sounds like the only caveat is the selling. It sounds like that is the issue that triggered the concern was just the selling of cars. What I heard from the owner was their goal was not to put a car lot out there, but as they make repairs sometimes people won't pay and they have to try to sell it and to try to provide an avenue for that to happen. I wish there was a way that we could to some degree accomplish all of everyone's goals by a little bit of selling, maintaining an existing building and the character that's there but at the same time revising screening so it doesn't visually negatively impact the surrounding neighbors. When you look at the existing houses along the LB-S zoning, I would agree they have done a wonderful job of turning those into office use but at the same time you would almost never guess that by looking at them.

2. Arnold King: The two uses that are allowed are Motor Vehicle Repair and Maintenance and Services, Personal which I guess was the barber shop. So that's all that's really allowed. Obviously the Convenience Store needs to come out, Retail Store, General Merchandise, Restaurant and that sort of thing. I think the petitioner would probably agree to that. I don't have any problem with the U-Haul operation being there if it's done right. If they'd clean the place up and they said it was 50% of the business. It seems to me that there's an acre and a half lot there with a limited amount of space being used. The U-Haul truck probably provides a service to the neighborhood, but all these other uses need to come out. And of course I'm upset that they're in violation and have been for ten years.
3. Carol Eickmeyer: Rental is allowed in PB-S, right? I mean you'd have to add that use, but you wouldn't have to go to HB for it. David Reed answered that apparently the petitioners sell U-Haul trucks as well. Carol Eickmeyer: Right. Sales is a whole different thing. I guess when I look at the surrounding blocks, there is a strong residential character there that a car lot, however historical, doesn't fit today. I also don't have a serious problem with the rental of the moving vans, trucks and things, and I'm wondering if there's some way a person could sell a limited number of cars or any kind vehicle per year within PB-S that's somehow monitorable. I mean like people are allowed three yard sales a year, or something. If you think about mechanics liens, we're not talking about one a day. We're probably talking about a few a year. I don't know what percent sales of used truck are to the business, but I suspect rental is more important than sales. Therefore, if there's some kind of way to work an occasional sale in...
4. Arnold King: You could probably control it with a site plan that limited it to so many spaces. If you can only park four or five there, they aren't going to have a lot of sales there. I don't want it to look like the picture they showed us with cars lined all the way down the street.

5. Carol Eickmeyer: It's the use of sales. I mean today it's four cars and in two years when it's a whole different economy it could be a hundred cars and you've already opened the door. You'd have to come back and do site plans.
6. Arnold King: Yeah, I understand what you're saying about monitoring. I don't think there's any way in the world that we can monitor how many they can sell per years.
7. Carol Eickmeyer: That's why if we didn't have to change it to Highway Business, if there was some loophole in the ability to sell an occasional car that made it legal then they'd know, I mean they're already on somebody's bad side because someone turned them in for not keeping to the site plan. Whoever that is will probably do the complaint based monitor. I don't know. I realize I'm probably having a pipe dream here.
8. Brenda Smith: For the retail sales, is there a license requirement that triggers that definition? Is there a way to get a more detailed definition of sales? David Reed: To get licensed to sell cars, you have to prove that you have zoning which allows it, so you need HB. You can't do it in PB zoning to sell cars in PB zoning. Brenda Smith: To do the kind of sales they want to, do they have to be a licensed dealer or something? In response to Ms. Smith's question, Mr. Chambers came to the microphone and said that to be a used car dealer you do have to go to school and take a course which I've already done. That's what brought all this about. No one ever come to my site and said, "You're not in compliance." What happened is that I went to school because I thought I was under the impression that I could sell used cars because in the beginning, back in 1988, we received a letter from Planning staff at that time saying you could sell cars and even increase by 25% but if you want to repair cars you're going to have to rezone. Me and my wife was under the impression that we were adding, not just doing the repair, we thought we were adding, but we don't know anything about how this works so here we are. I went to school, I passed the course, and I got everything I needed, the DMV came out and said, "Okay I'm going to need you to go downtown and get a letter from the Planning staff that it's okay to sell cars in this area." Well, there it was. We opened the door. Next thing we know, here they come. You're not in compliance. You haven't done this. The Norton sign you've taken it down. You've put up an AC Delco sign and it's over the right-of-way. It's got to come down. That sign post has been there forever. Somebody threw a ball through it and destroyed the old sign. I was given a new sign. We hung it up. Yes, I understand now that we should have had a permit. It did not have one, so yes I'm guilty. The ten foot bufferyard that should have went across part of the grass no, we did not do that. The funding that we was given at that time, we were having problems with the landowners trying to come to an agreement to get everything settled, so we were advised not to be spending money on the property at that time until we came up with a settlement. Yes, this has drug on. It has drug on so long that we have got a settlement. Everybody's happy now, so we're going to put this place in our name, we're going to put everything into our compliance. If you'll

look at the site plan, it doesn't show a lot of outdoor display, at all. It shows parking for all the customers in the rear, it shows very little outdoor display on the side of the building and a little bit down the side where the buffer already exists. Yes, the buffer will have to be more intense than it is now. It'll have to be 15 feet wide and a whole lot more trees and bushes planted down through there and we do understand that.

Arnold King: Are you buying the property now?

Mr. Chambers: Yes, sir, we are.

Arnold King: So, when is that taking place.

Mr. Chambers: Well, we've had an agreement from the very beginning.

Arnold King: So you don't have the closing imminent now? You're making payments on it, I guess.

Mr. Chambers: We have a written agreement that we are leasing it to own, so every payment we give them it's going towards payment for the property. We've got maybe 11 years left and it'll be paid in full.

Arnold King: Tell me exactly what uses you really do need out there. You want the Motor Vehicle, Repair & Maintenance, right?

Mr. Chambers: Yes sir.

Steve Causey: Let me remind you what David just went through - what the more intense uses are. Being a historic building creates some interesting dilemmas anyway. The cost and expense of maintaining and adding and improving to this building. One way to offset that of course is leasing and that's what we were trying to create is some leasable space for the services of personal and possibly small restaurant, like a hot dog/hamburger place. It is a very small building and there's not a lot that could go in there. One we would be willing to volunteer would be...

Arnold King: Let's go through the whole list: Mr. King read the list of uses and Mr. Causey and Mr. Chambers responded according to whether or not they needed that particular use.

Outdoor Display, Retail - Keep, but would be willing to limit the site plan

Storage Services, Retail - Remove

Convenience Store - Remove

Retail Store, Specialty or Miscellaneous - Remove

General Merchandise Store - Remove

Restaurant (without drive-through service) - Keep

Offices, Miscellaneous - Keep

Professional Office - Remove

Motor Vehicle, Rental or Leasing - Keep  
Motor Vehicle, Repair and Maintenance - Keep  
Services, Business A - Keep  
Services, Business B - Keep  
Services, Personal - Keep

Arnold King: We still have several uses. Let's talk about the site plan. Comments, questions? Board members?

Brenda Smith: The site plan now would give more buffering and would actually approve the appearance of it towards the community with this site plan as opposed to what it is now.

Arnold King: If it gets done. There was a site plan 10 years ago and it didn't get done.

Brenda Smith: Right and that's an issue.

Arnold King: How long would it take to get the site plan in compliance? Not here, on the ground?

Mr. Causey: This is all contingent on the City giving us this loan. If we get approval, then they will loan us the money. It's just a matter of getting bids.

Arnold King : Yeah, but see you need our approval before they're going to loan you the money. We're not going to give you approval unless we know you're going to get this work done. We could give you approval with a COA contingent upon the work being done.

Board members agreed.

Lynne Mitchell: Between the Outdoor Display Area and the parking spaces in the back, it looks like there is a fair amount of cars. That looks like a fairly large number of cars in your Outdoor Display and then what's to keep you from selling cars out there in those parking spaces? It looks like a lot of cars could fit in there.

Carol Eickmeyer: How many cars are for sale out there today? When I drove by it this morning, it looked like there were maybe 15-20 cars on one side and four trucks on the other. How many of those were for sale and how many were for rent or repairs?

Mr. Chambers noted there were probably eight there now just mechanics lien. There's a total of 10 cars there. Two of them is waiting to be repaired.

Carol Eickmeyer: What's typical for your repair business? A couple a day or ten a week or ... just an average.

Mr. Chambers: I try to get the car out the same day, within two days. We're standing around waiting on customers.

Paul Mullican: Do you do all types of repairs? Like transmissions, rear ends?

Mr. Chambers: We do not rebuild transmissions. We do rebuild engines. We do just about anything.

Paul Mullican: The reason I ask is that if you're going to rebuild engines you can't do that in two days.

Mr. Chambers: No, sir. Something like that is intense. If I'm rebuilding, that would be two weeks to three weeks.

Paul Mullican: You know the way I feel about this, and you know me - I want to see business grow because that helps the economy. I think what we need to come out of here, I think this is the way we're headed. We've gone through this list, because my first intention was to deny this because of the intensity. If we're going to work with this, I want these homeowners to say, they did a great job on making them put up these buffers so that when they look at it, it will look nice and it will be something that they'll be proud of. The worst thing we can do on this thing, as we know, is to come in here and approve this and then it look like a junk yard. In all fairness, I think you'll do it, Mr. Chambers. Car repairs can look like a junk yard. They have their wheels of, engines taken out, and it can look terrible. I think if you're going to pursue this like it seems we're headed here, let's make darn sure that when he goes, that's it's going to be something that these people over here in the Waughtown Association can say it looks a lot better than it does right now.

Mr. Chambers: I do have a petition from those around us who support us. Everybody surrounding us signed in support.

Arnold King: I was thinking about continuing it again, but we're at the end of our continuance. It could be withdrawn and refiled, right? And it could be refiled with reduced uses and after a meeting with the business folks and get some sort of agreement, right? Could we apply some of the fees to the renewed filing? Mr. Mullican has a good point. If it's done right, the use could probably work with that.

Angelo Franceschina: One of our concerns when the gentleman didn't come back to us is the issue of trust because we saw the history. I've spoken with Inspections about the history and with Planning. Yes, we were open to see some changes. Mr. Douglas was trying to do what you are trying to do today. We were hoping the gentleman would come back and talk to us about that. I would like to see it resubmitted. I'm uncomfortable about it going to council because I know what our council person feels. There's a distrust issue. If it happens, we're going to see

a lot of cars out there. We've had that problem. John (Cantos) expressed that to you. That's where we're coming from. I'd like to see it resubmitted so we can see a site plan and everyone can review it.

Arnold King: If it came back with a site plan, it would be very specific regarding the number of cars that could be in the Outdoor Display area, and screening, reduce the uses, I think we could look at it more favorably. There's no assurance that's going to happen, but staff can't support this. At least with HB-S we would have a site plan.

Wesley Curtis: I would normally never, ever support using HB in a case like this, but the thing that triggers it is just the history of it. The history adds a little more weight to say it was that, so I think it could be a sense of that now if it's just better controlled.

Arthur King: I agree with that and the other thing that makes it tenable for this kind of approach is the size of this parcel. It's a fairly good size parcel and if one were to spend the time to think through screening it correctly and organizing the use of it correctly, it seems to me that this might be workable. I would like for one to see it work if we can get it to work. Of course, I am disappointed that there was an approval that wasn't followed through on.

Arnold King: Mr. Chambers, do you have any deadlines to meet, any reason that if this got delayed two or three months till you came back through that it would create any problems? You can go ahead and talk to your neighbors and Inspections. Is there any reason you can't wait?

Mr. Chambers: We are going to get started on this just as soon as we get approval on it. I promise. You have my word on it.

Arnold King: But I mean there are no contractual reasons that prevent withdrawing this today and resubmitting?

Chris Murphy: We can always take a hard-line approach, but our practice has been to work with folks and try to bring it into compliance through whatever method that is. I know there have been some questions about why this has dragged on so long and I can elaborate on that if you prefer. As far as withdrawing and bring it in within a few months, we would stay the enforcement action. We found out about the violation in the middle of January, sent out the violation in February. At the middle or end of February they had already gotten in touch with the City's Economic Development department about securing a loan and been before them for consideration of that. In order for the loan committee to approve it, they had to get an environmental abatement, in other words to say it wasn't contaminated because the City can't loan money on properties that aren't environmentally clean. That determination didn't come until the beginning of July. We contacted them around that point and they had already secured the services of Allied who was

working on the site plan and we were working with them. That brings you into the fall. They submitted the plan in October after going through some Friday morning meetings so they have been working with us on this, so I don't see any problem with granting them a stay while they continue to work on a site plan to try to please all parties.

Arnold King: Mr. Causey, can you get this refiled within sixty days?

Steve Causey: This means Mr. Chambers can make some much quicker decisions now, but we can certainly do that.

Arnold King: Mr. Chambers, would you be open to withdrawing this and refileing? The additional fees would simply be advertising costs. There would not be a filing fee. Please meet with the Waughtown Business Association before you come back.

Carol Eickmeyer: I do have a cautionary statement: If he's got 10 cars and 8 of them are for sale, it appears this is more like a used car lot than a repair place.

Clarence Lambe: I'd suggest checking with the City Attorney as to whether you might have the legal right to sell items with mechanics liens. I suspect you might have that right since you have "Motor Vehicle, Repair and Maintenance".

MOTION: Arthur King moved withdrawal of the zoning map amendment. If within 60 days the zoning map amendment is refiled, with a revised list of uses, and after meeting with the Waughtown Business Association, all fees shall be waived except the advertising costs.

SECOND: Paul Mullican

VOTE:

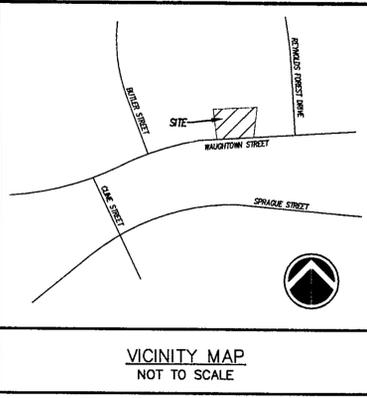
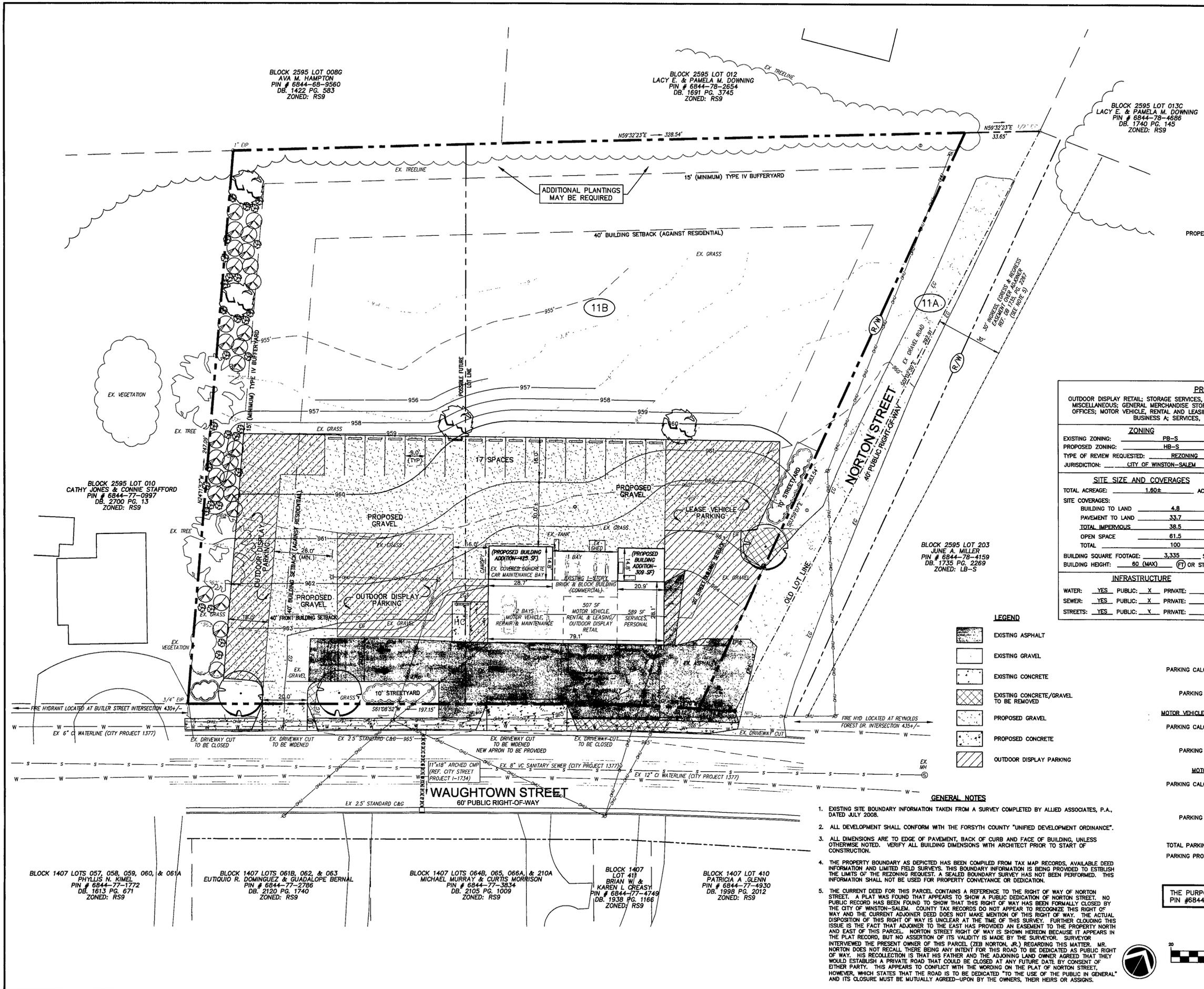
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning



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 WINSTON-SALEM, NORTH CAROLINA 27103  
 Phone: (336) 765-2377  
 Fax: (336) 760-8886  
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**SITE DATA**  
 PROPERTY OWNER: TAX BLOCK 2595 LOTS 011A & 011B  
 PIN # 6844-78-2028  
 ZEB V. & CLARA R. NORTON, JR.  
 4359 GLENN HIGH ROAD  
 WINSTON-SALEM, NC 27107

DEVELOPER: WAUGHTOWN AUTOMOTIVE  
 2341 WAUGHTOWN STREET  
 WINSTON-SALEM, NC 27107  
 PHONE: (336) 784-5288  
 CONTACT: NEAL CHAMBERS  
 EMAIL: nchambers1@triod.com

ENGINEER: ALLIED DESIGN, INC.  
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**PRELIMINARY PLANS**  
 NOT RELEASED FOR CONSTRUCTION

PROPOSED USES	
OUTDOOR DISPLAY RETAIL; STORAGE SERVICES; RETAIL; CONVENIENCE STORE; RETAIL STORE, SPECIALTY OR MISCELLANEOUS; GENERAL MERCHANDISE STORE; RESTAURANT; OFFICES, MISCELLANEOUS; PROFESSIONAL OFFICES; MOTOR VEHICLE, RENTAL AND LEASING; MOTOR VEHICLE, REPAIR AND MAINTENANCE; SERVICES, BUSINESS A; SERVICES, BUSINESS B; & SERVICES, PERSONAL.	
<b>ZONING</b>	<b>OFF-STREET PARKING</b>
EXISTING ZONING: PB-S	PROPOSED USE(S): SEE PARKING CALCULATIONS
PROPOSED ZONING: HB-S	PARKING CALCULATION: SEE PARKING CALCULATIONS
TYPE OF REVIEW REQUESTED: REZONING	REQUIRED PARKING: SEE PARKING CALCULATIONS
JURISDICTION: CITY OF WINSTON-SALEM	PROVIDED PARKING: SEE PARKING CALCULATIONS
<b>SITE SIZE AND COVERAGES</b>	<b>BUFFERYARDS</b>
TOTAL ACREAGE: 1.80± ACRES(S)	ADJOINING ZONING: RS9 & LB-S
SITE COVERAGES:	TYPE REQUIRED: TYPE IV (ADJACENT TO RS9)
BUILDING TO LAND: 4.8 %	WIDTH PROVIDED: 15' TYPE IV
PAVEMENT TO LAND: 33.7 %	FENCE OPTION: YES X NO
TOTAL IMPERVIOUS: 38.5 %	
OPEN SPACE: 61.5 %	<b>BUILDING SETBACKS</b>
TOTAL: 100 %	FRONT: 40'
BUILDING SQUARE FOOTAGE: 3,335 SQ FT	REAR: 20' (40' AGAINST RESIDENTIAL)
BUILDING HEIGHT: 60 (MAX) (T) OR STORIES	SIDE: 0.5'/12' (40' AGAINST RESIDENTIAL)
	STREET: 20'
<b>INFRASTRUCTURE</b>	<b>DENSITY CALCULATIONS</b>
WATER: YES PUBLIC: X PRIVATE: _____	NUMBER OF UNITS OR LOTS: X UNITS/LOTS
SEWER: YES PUBLIC: X PRIVATE: _____	DENSITY: X UNITS/ACRE OR LOTS/ACRE
STREETS: YES PUBLIC: X PRIVATE: _____	

**LEGEND**

- EXISTING ASPHALT
- EXISTING GRAVEL
- EXISTING CONCRETE
- EXISTING CONCRETE/GRAVEL TO BE REMOVED
- PROPOSED GRAVEL
- PROPOSED CONCRETE
- OUTDOOR DISPLAY PARKING

**PARKING CALCULATIONS**

**SERVICES, PERSONAL**

PARKING CALCULATION: 1 SPACE/400 SF GFA  
 1 SPACE \* 599 SF/400 SF GFA  
 PARKING REQUIRED: 1.47 SPACES

**MOTOR VEHICLE, RENTAL AND LEASING/OUTDOOR DISPLAY RETAIL**

PARKING CALCULATION: 1 SPACE/400 SF GFA  
 1 SPACE \* 507 SF/400 SF GFA  
 PARKING REQUIRED: 1.27 SPACES

**MOTOR VEHICLE, REPAIR AND MAINTENANCE**

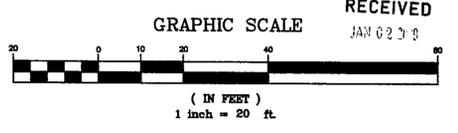
PARKING CALCULATION: 3 SPACES/SERVICE BAY +  
 1 SPACE/500 SF GFA FOR PART SALES  
 5 BAYS \* 3 + 0 (NO PART SALES)  
 PARKING REQUIRED: 15 SPACES

TOTAL PARKING REQUIRED: 18 SPACES (INCL. 1 HC SPACE)  
 PARKING PROVIDED: 18 SPACES (INCL. 1 HC SPACE)

**GENERAL NOTES**

- EXISTING SITE BOUNDARY INFORMATION TAKEN FROM A SURVEY COMPLETED BY ALLIED ASSOCIATES, P.A., DATED JULY 2008.
- ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
- ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, BACK OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
- THE PROPERTY BOUNDARY AS DEPICTED HAS BEEN COMPILED FROM TAX MAP RECORDS, AVAILABLE DEED INFORMATION AND LIMITED FIELD SURVEYS. THIS BOUNDARY INFORMATION IS BEING PROVIDED TO ESTABLISH THE LIMITS OF THE REZONING REQUEST. A SEALED BOUNDARY SURVEY HAS NOT BEEN PERFORMED. THIS INFORMATION SHALL NOT BE USED FOR PROPERTY CONVEYANCE OR DEDICATION.
- THE CURRENT DEED FOR THIS PARCEL CONTAINS A REFERENCE TO THE RIGHT OF WAY OF NORTON STREET. A PLAT WAS FOUND THAT APPEARS TO SHOW A PUBLIC DEDICATION OF NORTON STREET. NO PUBLIC RECORD HAS BEEN FOUND TO SHOW THAT THIS RIGHT OF WAY HAS BEEN FORMALLY CLOSED BY THE CITY OF WINSTON-SALEM. COUNTY TAX RECORDS DO NOT APPEAR TO RECOGNIZE THIS RIGHT OF WAY AND THE CURRENT ADJOINER DEED DOES NOT MAKE MENTION OF THIS RIGHT OF WAY. THE ACTUAL DISPOSITION OF THIS RIGHT OF WAY IS UNCLEAR AT THE TIME OF THIS SURVEY. FURTHER CLOUDING THIS ISSUE IS THE FACT THAT ADJONER TO THE EAST HAS PROVIDED AN EASEMENT TO THE PROPERTY NORTH AND EAST OF THIS PARCEL. NORTON STREET RIGHT OF WAY IS SHOWN HEREON BECAUSE IT APPEARS IN THE PLAT RECORD, BUT NO ASSERTION OF ITS VALIDITY IS MADE BY THE SURVEYOR. SURVEYOR INTERVIEWED THE PRESENT OWNER OF THIS PARCEL (ZEB NORTON, JR.) REGARDING THIS MATTER. MR. NORTON DOES NOT RECALL THERE BEING ANY INTENT FOR THIS ROAD TO BE DEDICATED AS PUBLIC RIGHT OF WAY. HIS RECOLLECTION IS THAT HIS FATHER AND THE ADJOINING LAND OWNER AGREED THAT THEY WOULD ESTABLISH A PRIVATE ROAD THAT COULD BE CLOSED AT ANY FUTURE DATE BY CONSENT OF EITHER PARTY. THIS APPEARS TO CONFLICT WITH THE WORDING ON THE PLAT OF NORTON STREET, HOWEVER, WHICH STATES THAT THE ROAD IS TO BE DEDICATED TO THE USE OF THE PUBLIC IN GENERAL AND ITS CLOSURE MUST BE MUTUALLY AGREED-UPON BY THE OWNERS, THEIR HEIRS OR ASSIGNS.

THE PURPOSE OF THIS SUBMITTAL IS TO REZONE  
 PIN #6844-78-2028 FROM PB-S TO HB-S.



**PRELIMINARY SITE AND REZONING PLAN**

PROJECT NO.: 08-03/PW00716  
 DRAWN BY: JMN  
 CHECKED BY: SMC  
 DATE: 08/18/08

NO.	DATE	DESCRIPTION
A	08/18/08	ISSUED FOR SKETCH PLAN REVIEW
B	10/07/08	ISSUED FOR PRELIMINARY REVIEW
C	10/15/08	ISSUED FOR PLANNING BOARD REVIEW
D	01/02/09	REVISED PER PLANNING SURFITEMENTS

**PRELIMINARY SITE AND REZONING PLAN**

SHEET

**C1**

OF 1

W-3011 "Revised" File Copy