



DOCKET #: W2843
 (Continued from 3/9/06
 CCPB meeting)

PROPOSED ZONING:
 LO-S (Multiple Office
 Uses)

EXISTING ZONING:
 RS9

PETITIONER:
 Grace H. Calloway and
 Sadie H. Henning for
 property owned by Same

SCALE: 1" represents 200'

STAFF: King

GMA: 3

ACRE(S): 1.45

MAP(S): 606862



May 24, 2006

Doug Stimmel
601 N. Trade Street, Suite 200
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2843

Dear Mr. Stimmel:

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

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Grace H. Calloway, c/o Nancy Sipe, 160 Ridge Gate Court, Lewisville, NC 27023
Sadie H. Henning, Family Ltd. Pr., 8570 Concord Church Road, Lewisville, NC 27023
Martha Meyer, 1544 N. Peacehaven Road, Winston-Salem, NC 27104
Brandt Deal, Attorney, 2990 Bethesda Place, Suite 605-C, Winston-Salem, NC 27103
Gina Spanger, 1544 N. Peacehaven Road, Winston-Salem, NC 27104

ACTION REQUEST FORM

DATE: May 24, 2006
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 Grace H. Calloway and Sadie H. Henning

SUMMARY OF INFORMATION:

Zoning Map Amendment of Grace H. Calloway and Sadie H. Henning from RS-9 to LO-S (Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; and Adult Day Care Center): property is located on the west side of Peace Haven Road south of Robinhood Road (Zoning Docket W-2843).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Grace H. Calloway and Sadie H. Henning, Docket W-2843

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 RS-9 to LO-S (Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; and Adult Day Care Center) the zoning classification of the following described property:

Tax Block 3411 Tax Lots 097, 098, 099, 100, 101, 102, 103, 104, 303, and 304

Section 2. This Ordinance is adopted after approval of the site plan entitled Grace H. Calloway and Sadie H. Henning and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Grace H. Calloway and Sadie H. Henning.

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 Grace H. Calloway and Sadie H. Henning. 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 Grace H. Calloway and Sadie H. Henning, (Zoning Docket W-2843). 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 LO-S (Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; and Adult Day Care Center), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the LO-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:

****Conditions in italics are volunteered by the petitioner.****

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from WSDOT.
 - b. Dedicate 10' of right-of-way along Peace Haven Road
 - c. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. *Building elevations shall be submitted to the Planning Department for review and approval.*
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall complete all requirements of the WSDOT driveway permit.
 - b. Any damaged sidewalk or curb to be replaced or repaired to the requirements of the Public Works Department. Any unused curb cuts shall be closed.
 - c. Install sidewalk along the frontage of Peace Haven Road.
- **OTHER REQUIREMENTS:**
 - a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.

- b. All on site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.
- c. *The building shall have pitched roofs with eaves and/or decorative cornices.*
- d. *The building shall have a façade which fronts on Peace Haven Road with at least one pedestrian entrance on the front façade.*
- e. *The front façade is to have architectural detail and fenestration with windows and doors for a minimum of forty (40) percent of its length. No front façade is to be without a window or door for more than twenty (20) feet.*
- f. *Primary building materials shall be brick, wood, or stone. Decorative concrete block, siding, or efis may be used as accent materials, but not as the primary building material.*
- g. *Cross vehicular access shall be recorded and built when a mutual agreement can be negotiated with the adjoining property owner to the south.*

**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2843
March 9, 2006**

| PETITION INFORMATION | | | |
|---|---|------------------------|---------------------|
| Docket # | W-2843 | | |
| Staff | Aaron King | | |
| Petitioner(s) | Grace H. Calloway and Sadie H. Henning | | |
| Owner(s) | Same | | |
| Continuance Request | This request was continued from the March 9, 2006 meeting to the May 11, 2006 meeting to allow the petitioners to make site plan revisions and refine their list of requested uses. | | |
| Subject Property | Tax Lots 97-104, 303, and 304 Tax Block 3411 | | |
| Type of Request | Special use rezoning from RS-9 to LO-S for an 18,000 sf office building. | | |
| Proposal | <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to LO-S (Limited Office – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; and Adult Day Care Center | | |
| Zoning District Purpose Statement | The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts. This district is intended for application in Growth Management Areas 2 and 3. | | |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | <p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the requested office building would serve as a good transitional use to the adjacent residential properties.</p> | | |
| GENERAL SITE INFORMATION | | | |
| Location | West side of Peace Haven Road south of Robinhood Road | | |
| Jurisdiction | City of Winston-Salem | | |
| Ward(s) | West | | |
| Site Acreage | Approximately ± 1.45 acres | | |
| Current Land Use | Single family home | | |
| Surrounding Property Zoning and Use | Direction | Zoning District | Use |
| | North | LO-S | Dentist office |
| | East | HB | Shopping center |
| | South | LO-S | Dentist office |
| | West | RS-9 | Single family homes |

| | | | | |
|---|--|-----------------|------------------|-----------------------|
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? | | | |
| | Yes, the LO-S sites to the north and south both contain office buildings. | | | |
| Physical Characteristics | The subject property slopes down gently from the southeast corner (+/- 930 ft) to the northwest corner (+/- 918 ft). | | | |
| Proximity to Water and Sewer | The subject property has access to public water and public sanitary sewer. | | | |
| Stormwater/ Drainage | The site plan indicates that stormwater will be diverted to the northwest corner of the lot where it will be retained in an underground stormwater management system. | | | |
| Watershed and Overlay Districts | The subject property is not located within a water supply watershed. A stormwater study will be required. | | | |
| Analysis of General Site Information | The subject property is +/- 1.45 acres in size and is located on the west side of Peace Haven Road south of Robinhood Road. The site currently contains a single family home and a few associated storage buildings. The topography of the site is gentle, sloping down from the southeast corner to the northwest corner. Stormwater will be directed toward the northwest corner where it will be retained in an underground stormwater system. The site poses no particular physical constraints in placing the proposed development on it. | | | |
| Generalized Recommended Conditions | <u>BRIEF DESCRIPTION OF CONDITION(S):</u> | | | |
| | <ul style="list-style-type: none"> • Developer shall submit stormwater study | | | |
| SITE ACCESS AND TRANSPORTATION INFORMATION | | | | |
| Street Name | Classification | Frontage | ADT Count | Capacity/LOS D |
| Peace Haven Road | Minor Thoroughfare | +/- 201 feet | 17,000 | 18,500 |
| Violet Street | Private Access Drive | +/- 220 feet | NA | NA |
| Proposed Access Point(s) | The site plan proposes one access point onto Violet Drive (private) which intersects with Peace Haven Road at the northeast corner of the subject property and connects to adjoining parking lots on the north and south. Peace Haven Road provides the primary access for this site, as the adjacent parking lots also only have access to Peace Haven Road. Peace Haven Road in this vicinity is in a curve which nears the very congested intersection with Robinhood Road. | | | |
| Planned Road Improvements | The Thoroughfare Plan recommends sidewalks be provided along Peace Haven Road. | | | |

| | |
|---|---|
| Trip Generation - Existing/Proposed | <p><u>Existing Zoning: RS-9</u> 1.45 acres (RS-9) x 43,560 = 7 units x 9.57 (SFR Trip Rate) = 67 Trips per Day</p> <p><u>Proposed Zoning: LO-S</u> 18,000 / 1,000 x 11.01 (General Office Trip Rate) = 198 Trips per Day</p> |
| Sidewalks | The site plan proposes sidewalks along the frontage of Peace Haven Road. |
| Transit | Route 21 runs along Peace Haven Road |
| Connectivity | The site will share an access drive with properties to the north and south. |
| Traffic Impact Study (TIS) | Yes- a TIS was submitted with this request and is being reviewed by WSDOT. However, when this TIS was submitted, “banking and financial services” was included as a requested use, which triggered a TIS. Since that time, this use has been removed from the list of requested uses. |
| Analysis of Site Access and Transportation Information | The subject request proposes an 18,000 square foot, two-story office building. The site will gain access via a 25’ wide private drive onto Peace Haven Road and will also connect to the adjacent LO-S zoned properties to the north and south. When this proposal was originally submitted in March 2006, staff had concerns about the volume of traffic this request would generate with one of the special uses specified as a bank. This revised version of the site plan has removed the uses of “banking and financial services” from the list of requested uses and is estimated to generate a significantly smaller amount of traffic at +/- 198 trips per day. |
| Generalized Recommended Conditions | <p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain WSDOT driveway permit • Record cross access agreement |
| CONFORMITY TO PLANS AND PLANNING ISSUES | |
| Legacy GMA | GMA 3 (Suburban Neighborhoods) |
| Relevant Legacy Recommendations | <ul style="list-style-type: none"> • Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community. (p.40) |
| Relevant Area Plan(s) | <i>Robinhood Road Area Plan (1986)</i> |
| Area Plan Recommendations | <ul style="list-style-type: none"> • The Plan recommends moderate/low scale office for the subject property as a transitional use between the high intensity commercial establishments along the Robinhood Road and nearby single family and institutional uses. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(3) - Have changing conditions substantially affected the area in the petition? |
| | Yes, adjacent properties to the north and south have converted to LO-S zoning. |
| | (S)(4) - Is the requested action in conformance with Legacy? |
| | No |

| | |
|--|---|
| Analysis of Conformity to Plans and Planning Issues | <p>The subject request is in conformance with the general recommendations of <i>Legacy</i> or the specific recommendations of the <i>Robinhood Road Area Plan</i>. The request for an office building at this location which is consistent with the area plan's recommendation for moderate/low scale office uses for the site. Office uses are appropriate for transitional locations such as this because they are less intense and generally make better neighbors for the surrounding residents. Staff would like to recognize the revisions that the petitioner has made at staff's request:</p> <ul style="list-style-type: none"> • Remove banking and financial services • Pull the building up to Peace Haven Road, consistent with surrounding properties • Provide some assurance that this building will be residential in character |
|--|---|

RELEVANT ZONING HISTORIES

| Case | Request | Decision & Date | Direction from Site | Acreage | Recommendation | |
|--------|-----------------------------|------------------|---------------------|------------|----------------|----------|
| | | | | | Staff | CCPB |
| W-2830 | LO-S to Site Plan Amendment | Approved 2-6-06 | North | 0.99 acres | Approval | Approval |
| W-2679 | RS-9 to RSQ-S | Approved 3-1-04 | Southeast | 1.62 acres | Approval | Approval |
| W-1837 | R-5 to R-1-S | Approved 9-7-93 | South | 0.50 acres | Approval | Approval |
| W-1321 | R-5 to R-1-S | Approved 1-21-86 | North | 0.85 acres | Approval | Denial |

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

| | | | | |
|---|--|-----------------|--------------------------|----------------------|
| Building Square Footage | Square Footage | | Placement on Site | |
| | 18,000 sf | | Approximate middle | |
| Parking | Required | Proposed | | Layout |
| | 72 spaces | 74 spaces | | West of the building |
| Building Height | Maximum | | Proposed | |
| | 40 feet | | 2 story | |
| Impervious Coverage | Maximum | | Proposed | |
| | 75% | | 70% | |
| UDO Sections Relevant to Subject Request | <ul style="list-style-type: none"> • Section 2-1.3(B) LO District • Section 2-5.49 Use Conditions (Medical & Surgical Offices) • Section 2-5.2 Use Conditions (Adult Day Care Center) | | | |
| Complies with Chapter B, Article VII, Section 7-5.3 | (A) Legacy policies: | | Yes | |
| | (B) Environmental Ord. | | Yes | |
| | (C) Subdivision Regulations | | NA | |
| Analysis of Site Plan Compliance with UDO Requirements | <p>The revised version of the site plan proposes an 18,000 sf. office building with parking located on the rear portion of the site. Staff is comfortable with an office building of this size at this location, provided that it is residential in character. The petitioner has volunteered conditions to provide some assurance that staff's concern will be addressed.</p> | | | |

| | |
|--|---|
| Generalized Recommended Conditions | <u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Replace any damaged sidewalk or curb & gutter • Signage condition • Lighting condition • Five conditions, volunteered by the petitioner, that address building design |
| CONCLUSIONS TO ASSIST WITH RECOMMENDATION | |
| Positive Aspects of Proposal | Negative Aspects of Proposal |
| The request is in conformance with the recommendations of <i>Legacy</i> or the <i>Robinhood Road Area Plan</i> . | The request, if granted, would generate more traffic than is likely under its current zoning, adding to an already congested area. |
| The request is consistent with the LO purpose statement, in that the intensity of this site can function as a transitional use. | |
| The petitioner has addressed staff concerns about the intensity of this site if developed as a bank, along with compatibility issues with adjacent LO-S sites. | |
| The request will generate a relatively low amount of traffic. | |
| SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL | |
| <p>***<i>Conditions in italics are volunteered by the petitioner.</i>***</p> | |
| <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> | |
| <ol style="list-style-type: none"> a. Developer shall obtain a driveway permit from WSDOT. b. Dedicate 10’ of right-of-way along Peace Haven Road c. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. | |
| <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> | |
| <ol style="list-style-type: none"> a. <i>Building elevations shall be submitted to the Planning Department for review and approval.</i> | |
| <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> | |
| <ol style="list-style-type: none"> a. Developer shall complete all requirements of the WSDOT driveway permit. b. Any damaged sidewalk or curb to be replaced or repaired to the requirements of the Public Works Department. Any unused curb cuts shall be closed. c. Install sidewalk along the frontage of Peace Haven Road. | |
| <u>OTHER REQUIREMENTS:</u> | |
| <ol style="list-style-type: none"> a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. b. All on site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties. c. <i>The building shall have pitched roofs with eaves and/or decorative cornices.</i> d. <i>The building shall have a façade which fronts on Peace Haven Road with at least one pedestrian entrance on the front façade.</i> | |

- e. *The front façade is to have architectural detail and fenestration with windows and doors for a minimum of forty (40) percent of its length. No front façade is to be without a window or door for more than twenty (20) feet.*
- f. *Primary building materials shall be brick, wood, or stone. Decorative concrete block, siding, or efis may be used as accent materials, but not as the primary building material.*
- g. *Cross vehicular access shall be recorded and built when a mutual agreement can be negotiated with the adjoining property owner to the south.*

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.**

PUBLIC HEARING - March 9, 2006

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved continuance of the zoning map amendment and site plan to May 11, 2006.

SECOND: Clarence Lambe

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - May 11, 2006

Gary Roberts presented the staff report.

FOR:

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

- We are complying with *Legacy* and the *Robinhood Area Plan*.
- We dropped the use of banking because we agreed that was too intense for the site and we wanted to be more in line with what was on either side of us.
- Our neighbors to the north and south are zoned LO and we are the last remaining RS-9 piece.
- We think we are a good transitional use, comparable to what is on either side of us.

- Our site is only 1.45 acres, but it's about three times larger than our neighbor to the south. We would have about the same amount of building per lot size as our neighbor to the south.
- We've gone to great lengths to do everything that Planning staff wanted relative to design. We've pulled the building up to the street, put the parking to the rear. We have a front-door access on the street. We've tried to maintain residential character and have the building designed so it breaks up visually rather than being one long monolithic shape.
- We held a neighborhood meeting on February 20th. We invited all the neighbors to the west (the single family neighbors) and only one of those folks showed up. They were pleased. There's an existing fence and a good buffer there.
- Representative from the doctor's office were there and they can describe what their concerns might be. I believe they were concerned about the cross-access easement and they need more parking. We do have cross access and a shared drive. We can live with or without the cross-access easement. Either way is fine with us.
- We put some architectural elements in the conditions. It's meant to be brick or stone, have a pitched roof, etc.

AGAINST:

Martha Meyer, 1544 N. Peacehaven Road, Winston-Salem, NC 27104

- Our property is immediately to the south of this site.
- I have much respect for the Planning staff members. They are very helpful.
- This new site plan has not been shared with any of the neighbors.
- Many more people would be here if this rezoning request was made public.
- Read letter from adjoining property owner (copy on file).
- Our *Legacy* plan clearly defines the goal of transitional areas between heavy commercial businesses and neighborhoods.
- The proposed rezoning is in a very nice neighborhood. It sits on a block where houses sell for over \$200,000.
- The *Legacy* plan wants to keep this balance. The neighbors want to keep this balance.
- We know this will become business property, but it must be transitional business property.
- In a neighborhood, you want to balance families, flowers, and recreation. There should be peace in your home. You want to have a quiet place to come home to where you can rest after a long hard day at work.
- This must be balanced with the commercial businesses that want to make a profit so they can support these lifestyles.
- When a building is too large, like an 18,000 square foot building on a lot just over an acre, it's going to generate too much traffic when the neighbors already are having tremendous traffic problems. Then it becomes out of balance.
- What is supposed to happen in the middle where the property's usage falls half way between RS-9 and heavy commercial is a blending of use for everyone.
- This proposed building is more than twice the size of the two adjacent buildings combined.
- The commercial developers here are focused on the dollars that can only come from a huge office building. It is too big, has too many cars, and too much traffic for a limited office space.

- The proposed site plan must be scaled back to provide balance and to give everyone a transition.

Brandt Deal, Attorney, 2990 Bethesda Place, Suite 605-C, Winston-Salem, NC 27103

- I was prepared to speak about the condition that was dropped from the proposal, so I don't have a whole lot to say other than the Traffic Study Report offered by the developer, his assumption was that this cross-access easement would be part of the traffic plan. To dump all the traffic down Peace Haven between Dr. Chirmack's office who is very concerned and was unaware of this meeting today. He is very concerned that all this traffic will be on his driveway on Violet Street.
- The developer had one discussion with us early on in this process.
- We're not against working out a cross access easement. It's just that nothing has been done on it.
- It was interesting to us that no one had talked to us about the cross-access easement which was required prior to building permits if it was such an integral part of the plan.
- We'd like to talk to them but they've refused to speak to us or have not spoken to us. Refuse is probably a strong term, but they've not spoken to us.
- Arnold King noted that he's heard the petitioners say they would do it either way. They could live with it or without it. He asked Mr. Deal which way they wanted it.
- Mr. Deal indicated he did not know without talking with the petitioner.

WORK SESSION

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

1. What's the quality of the buffer between the RS-9 on the west? A 15-foot type II bufferyard is required.
2. Lighting would be 18' maximum height shoebox style. There is no limit as to how close to the adjacent property the lights can be, but there is the standard condition that no light can spill over to the adjacent property.
3. The distance of the closest paving to the western boundary is just under 20'.
4. The existing fence along the western boundary line is a six-foot high privacy fence. It is a private fence. There is no fence required with the vegetative buffer.
5. Is it possible to move the dumpster closer to the building and further from the adjoining property? Mr. Stimmel indicated they would be happy to move the dumpster closer to the building.
6. Mr. Stimmel noted that cut-offs are put on the light fixtures to prevent the light from coming across the property.
7. One of the adjoining buildings is one and a half stories in height. The proposed building is longer and higher than the current buildings surrounding it. Paul Mullican expressed the opinion that having a variety of styles and sizes is more appealing than every building looking the same.

8. There are already businesses adjoining this site on both sides along the road.
9. The petitioner has put a lot of work into this plan and worked with staff to make it the most suitable for this area.
10. In response to a question from a Board member, Mr. Stimmel stated that there were multiple conversations between themselves and the neighbors to the south. He personally went to their office twice. Today is the first time I knew Mr. Deal was involved so I haven't had any meetings with him.
11. Letters were sent to all adjoining property owners, so everyone whose property adjoins this site should have received notification. Letters are sent at the beginning of the case and not resent if a case is continued.
12. A one-story might be a better transition, but this will work.
13. Moving the dumpster closer to the building will address one issue the neighbors have.
14. Being willing to let the neighbors decide whether or not there will be a cross-access is a good thing.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the change in language about the cross-access easement and moving the dumpster closer to the building.

SECOND: Paul Mullican

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

