
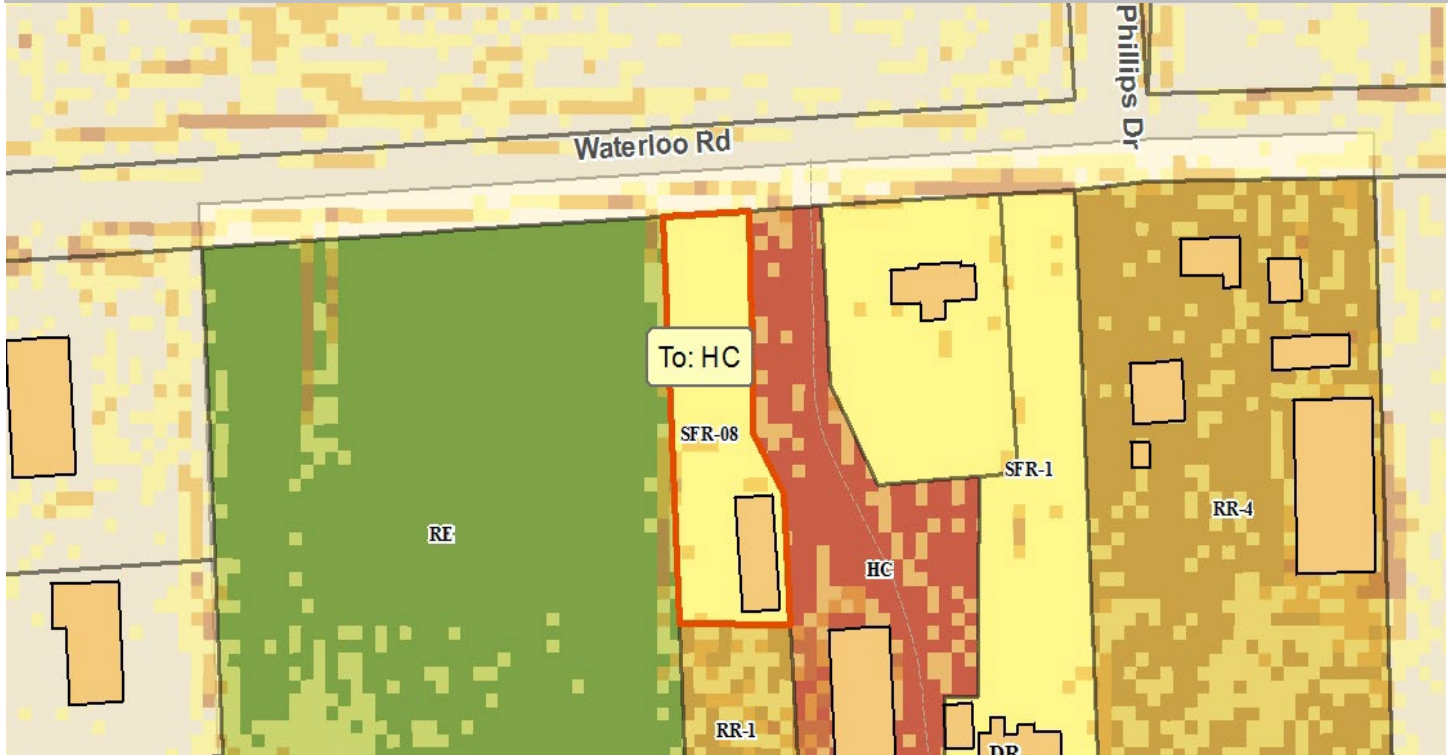


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>January 25, 2022</b>	<b>Petition 11791</b>	
	<i>Zoning Amendment Requested:</i> <b>SFR-08 Single Family Residential District TO HC Heavy Commercial District</b>		<i>Town/Section:</i> <b>MEDINA, Section 15</b>
	<i>Size:</i> <b>0.62 Acres</b>	<i>Survey Required:</i> <b>No</b>	<i>Applicant:</i> <b>SIMPLY HOMES PROPERTY MANAGEMENT LLC</b>
	<i>Reason for the request:</i> <b>Change zoning to allow for vehicle sales and repair.</b>		<i>Address:</i> <b>533 WATERLOO ROAD</b>



**DESCRIPTION:** Applicant is requesting approval of HC (Heavy Commercial) zoning for the ~0.6 acre property to allow an auto sales and repair business. The auto sales would be for up to 34 vehicles. Proposed hours of operation for the business are 9am-5pm, Monday – Saturday. The applicant indicates that approximately twenty vehicles would be delivered to the site by truck weekly for auto repair work. These vehicles would be temporarily stored prior to servicing in a secured lot to the rear of the building. There is a ~2,500 square foot open-sided shed that would be enclosed and converted for use as an office and repair shop.

**OBSERVATIONS:** Current use of the .63 acre property at 533 Waterloo Rd is open space / storage. Neighboring land uses are residential, commercial, agriculture, and a cemetery. No sensitive environmental features observed.



**TOWN PLAN:** The property is in the Agricultural Preservation area of the town plan. This property and many in the surrounding area of the town are not in agricultural use, as has been the case for many years. The current town comprehensive plan was adopted in 2008. The town is currently in the process of updating the plan.

**PUBLIC CONCERNS:** The Village of Marshall is concerned that this use is not compatible with those existing in the Village and with those identified in the Village comprehensive plan, namely residential. *Please see the letter of opposition from the Village of Marshall.*

**RESOURCE PROTECTION:** No resource protection areas located on the property.

**STAFF:** This property and several adjoining properties are a combination of commercial and residential uses in various conditions. The 2+ acre neighboring property is zoned HC (heavy commercial). This area, as well as a few others in the town, are being acknowledged as areas already in non-agricultural use and in some cases may be in need of improvement and/or redevelopment. Written opposition has been submitted for the proposal, and additional opposition is anticipated at the ZLR public hearing.

In accordance with the ZLR Committee's Rules and Procedures, staff recommends postponement of the petition to allow for consideration of public testimony at the hearing.

**STAFF UPDATE 3/3/22:** The petition was postponed at the January 25, 2022 ZLR Committee public hearing due to public opposition. Opponents expressed concerns that the proposed auto sales and repair would be incompatible with existing and planned land uses in the neighborhood, including a condominium development on property in the village of Marshall north of Waterloo Road. Other concerns included the potential for increased traffic, light pollution, and disruption to nearby residents during the construction phase.

Staff provided feedback to the applicant regarding the numerous concerns and issues raised with the proposal. The applicant has provided additional information and details regarding plans for lighting, landscaping, operations, screening, signage, and stormwater management. See attached revised plans.

The applicant provided the following summary of the changes:

1. The lighting was too bright and has been reworked as illustrated in the plan attached with a more neighborly light level.
2. It was not shown on the general site plan (it has been added) but there is a retaining wall under the western edge of the parking area. The parking lot has been narrowed a foot increasing the set back from 5' to 6' to allow construction of this wall.
3. Actually the grading one moves to the north and south of the garage the garage floor elevation remains unchanged at 854.6 (see C-100 & C-200).
4. The plan has been revised to show (10) stalls immediately adjacent to the garage and an additional (2) to the north.
5. On average 3 cars are brought on site per each of the six working days - most will be driven in and the remainder are delivered by truck. They brought into the shop and inspected on arrival (this takes approximately 30 minutes) and determination is made to prepare them for sale on location, sell to a wholesaler or dispose of them. Historically a third are repaired, detailed etc (three day process) and put on the lot for sale. Typical turnover is 7 days. Three cars come in per day, two are sold offsite in short order and one is prepped and then sold within a week. Of the 34 cars for sale maybe 20 will be retail and the remainder awaiting pickup by a wholesaler.
6. The concept is to place the broad relatively low juniper in front (30" high when planted & 48" when mature) and taller cedar to the rear (8' when planted & 20'+ mature). This is now noted on the plan.
7. The privacy fences are now shown as 8' tall. The base of wood fence sits on the new elevated grade and can stay at 6'.
8. There is no longer a sign at the entry. A 4'x8' wall sign is proposed on the garage.
9. Accessible parking is per the general plan.

The updated operations plan indicates the following:

The business will be conducted between the hours of 9:00 AM and 5:00 PM Monday through Saturday. It is anticipated that there will be four or six customer visits per day and one or two full time employees on site at one time in addition to the owner.

Two parking lots are proposed. There will be a sales lot between Waterloo and the shop sized for 38 vehicles of which three spaces one accessible are for customers and a second secured lot behind the sales/service building for the storage of vehicles being serviced.

New site lighting will be installed. The sales lot will have four pole mounted fixtures and the storage lot three additional three building mounted wall packs. The driveway will be lighted a single pole mounted fixture All fixtures will be LED sharp cut off. Please see attached Lighting Plan and fixture cut sheets.

The business will be screened from the residences to the east with a new decorative concrete block wall and the residentially zoned property to the south with a privacy fence. The two parking lots will also be screened from the Cemetery property to the west by eight-foot privacy fences. The two refuse dumpsters will be enclosed with a six-foot wood fence. New trees will be planted to the north of the sales lot to provide screening from Waterloo. Please see the Screening Plan attached.

A four by eight-foot sign will be mounted on the north side of the sales/service building.

The business will deal exclusively with late model intact vehicles. Other than a small number of batteries which will be stored inside and recycled, there will be no hazardous materials on site.

