MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
August 23, 2010

NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.

The meeting was called to order at 7:04 by Nancy Hess

INTRODUCTIONS:

Nancy Hess, Chair
Dick Feulner, Vice-Chair
Trudy Whitacre
Rich Lovett
Kathy Rooney

Will Rozelle, for Town Attorney
Chris Anderson, Planner
Carrie Spencer, Clerk to the Board

Hess welcomed Kathy Rooney as a permanent member to the Zoning Board. She made a statement to address recent articles and emails concerning the Zoning Board (copy attached).

CONSENT AGENDA:

Hess made a motion to move OLD BUSINESS A to the end of the agenda, Feulner seconded and the motion passed unanimously.
Hess made a motion to approve the minutes as corrected and the motion passed 4 to 1 with Rooney abstaining as she was not seated on the board that meeting.

NEW BUSINESS:

A. Rezoning Case #04-10 AG, RS-30, SR to CU-HB, SR.

Anderson introduced the case, reading from the staff report and pointing out the property on an aerial map display. He added that he did not know why the various traffic counts are so different.
Hess clarified that the only permitted use that has been requested to be prohibited is ABC Store.
Anderson addressed a resolution that limited development on Hwy 220N and stated that it does not apply to the requested case as it relates to the Comprehensive Plan. Hess asked Anderson to discuss the resolution with the Town Council.

Public Hearing:

In Favor:

Jim Beeson, 5401 Thacker Dairy Rd, spoke in favor of the rezoning, representing Jane Nunn. He stated that they do not have intentions to sell the property at this time, and do not have a specific site plan for the property.
Anderson displayed a map that showed the Hwy 220N widening plan at the property and stated that the project would impact the property by taking about .6 acres.

Opposed:

Gail Dunham, 5805 Snowhill Dr, spoke against the rezoning. She objected to the fact that there was no map at the Open House. She added that there is not a clear picture of the acreage that the DOT will take, acreage the town may buy for a road, and what would then be left for commercial development. She

added that the high concentration of children at the nearby Athletic Park may not be compatible with commercial uses that would be allowed at the property.

With no more comments in favor or against the rezoning, Hess closed the public hearing.

In response to questions about entrances to the Athletic Park, Anderson pointed out the current entrance to the park and stated that every plan he's seen does include a second entrance but there are still several options for where the entrance could go.
He stated that there will be a barrier on Hwy220 dividing the highway at the current entrance. The widening project includes rerouting Summerfield Rd to create an intersection with the highway and a break in the barrier, a potentially good location for a second park entrance.

Gail Dunham stated that Mr. Brandt has said that the current entrance is "right in right out", but that the town always wanted to purchase property to create a second entrance using the new intersection. Rozelle reminded the board not to accept evidence that is hearsay.

The question of the property's worth following rezoning was deemed to be irrelevant.
Rooney suggested adding a condition to exclude Coin Operated Amusements from permitted uses. Mr. Beeson asked if a batting cage that cost money would be prohibited and the board looked up the SIC code. Lovett looked up the SIC codes for Coin Operated Amusements and quoted the definition of amusements as: establishments primarily engaged in operating coin operated amusement devices in their own or other places of business such as amusement devices including juke boxes, pinball machines, mechanical games, electronic games, pool tables, shuffle alleys, electronic darts, video games, kiddie rides, prize dispensing machines, and slot machines. He added that there are three NASIC codes under that: Amusement Arcades, Other Gambling Industries, and All Other Amusement and Recreational Industries. Feulner suggested it could be unfair to prohibit such uses when the adjacent Gas Town property is already zoned HB and would be allowed the uses.

Feulner made a motion to approve the rezoning request based on individual property rights and consistency with the recently adopted Comprehensive Plan as it encourages development to be limited to certain areas and this is one of those areas. Lovett seconded and the motion passed unanimously.

B. Rezoning Case #05-10
Anderson presented the case, reading from the staff report. He clarified that the applicant has requested allowed uses to be Administrative or Management Services, and Stock or Commodity Broker. He referred to an aerial map display that indicated the planned route of I73 near the property. He stated that the applicant has addressed concerns expressed by attendees of the Open House.
Anderson emphasized the fact that the applicant's site plan should not be considered in the rezoning request. He added that the uses requested for the site are "incredibly" limited and may not be completely appropriate for the interchange.
Anderson confirmed that the correct conditions are reflected in the corrected staff report. The question of how to monitor allowed uses came up and Anderson stated that the town planner, as zoning administrator, is responsible for it. Changes are caught when there is a change of use permit. Rozelle clarified that the board is not discussing the proposed building at this time, just the rezoning.

Public Hearing:

In Favor:
Bill Greco 7622 Bentley Rd, GSO, spoke on behalf of the applicant. He stated that the narrow list of uses is a result of discussions with neighbors as well as a proposed buyer for the property regardless of

the I73 proposal or timing. He added that the layout provides access to adjacent parcels in order to address controlled access for I73, to help adjacent properties that will be cut off from access and to reduce the number of driveway cuts along Hwy 150. He added that typical uses for an interstate intersection are not compatible with the residential areas in the vicinity.

Opposed: none

With no additional comments in favor or against the rezoning, Hess closed the public hearing.

Rozelle reminded the board that the presence of a buyer is not relevant to the case.
When asked if all property owners on the Henson Farm Way cul-de-sac had been consulted, the applicant stated that most had been consulted, with one property owner in the audience tonight.
Whitacre had reviewed other properties along the road in the vicinity of the property and felt that the size of the proposed building would not be in harmony with the area. Rozelle reminded the board again that the proposed building cannot be considered in the rezoning. Lovett reminded her that the property across the street has already been rezoned.
Hess expressed frustration that the timeline for I73 keeps changing and there were comments that the project is currently planned for the year 2014.
Rooney stated that the previous rezoning that included the property was met with a lot of opposition from the public due to the variety of uses that would have been permitted.
Anderson stated that some residents that attended the open house were concerned with security lighting and those concerns were addressed with the dark sky lighting ordinance.

Feulner made a motion to approve the rezoning request based on comments tonight and based on the Comprehensive Plan, Rooney seconded, and the motion passed 4 to 1 with Whitacre opposed.

C. Site Plan and Architectural Review Permit # to be assigned: 15,666 sf building with 66 parking spaces.
Anderson presented the case, referring to a map on display. He pointed out the road that would provide shared access with the parcel to the west.
Some architectural questions were clarified to the board by the applicant. The applicant confirmed existing hardwood trees that would remain, except for some Lelands in the front of the building, which would have to be removed for DOT right of way anyway.
Greco clarified some details about the bio-retention pond, adding that they are in compliance with Jordan Lake Rules, and adding that the overflow flows across the gradual topography on the back of the property. Greco stated that a neighbor had asked him about runoff onto their property so they are aware of the concerns as they design and build the property. The % of built upon area is 60%, under the allowed 70%. There was a question about the cubic capacity of the retention pond vs. water produced by a rain event. There was concern that retention ponds can look dismal and asked the applicant to consider an example of a retention pond that is beautiful off New Garden Rd. The applicant stated that this pond is not intended to hold water regularly like the one off New Garden Rd is. The applicant reminded the board that a lot of the details will have to be worked out through the application to Guilford County for a grading permit.
Hess questioned the size of the building and number of parking spaces and expressed concern that the design is not in keeping with the area. The client currently has an office in Greensboro, lives in Henson Farms, and has been careful to emulate architecture typical of the neighborhoods in the area.
Hess suggested that additional requirements for LO (like those for other zoning districts) be incorporated into the ordinance rewrite.
It was suggested that the parking be reduced, building a smaller number at first and adding to it if needed. The board asked if the client feels the need for 66 spaces, and the applicant stated they built it

to the standards for the ordinance, and did not know if they would need less. The applicant added that the ordinance calculates the parking need from total square footage, including halls and common areas and not just occupied space. There was discussion about how to allow fewer parking spaces. Rozelle stated that the board could not ask the applicant to design fewer spaces than required. Staff will look into the parking ordinance.
There was a question as to what the building would be used for in future and Combs stated that the building includes 20 offices and a single conference room, with no large common space that might be used for gatherings.
Lovett made a motion to approve the site plan as presented; Feulner requested a friendly amendment to ask staff to work with the applicant to see if it is possible to lower the parking spaces as an interim solution. The amendment was accepted by Lovett, the motion was seconded by Rooney, and the motion passed unanimously.
Hess called a 5 minutes recess and the meeting resumed at 9:07.
Hess explained to the board that the adjacent property to the east as been purchased by a dentist and she expects a ripple effect to happen. She stressed the importance of more requirements for the LO district, suggesting that standards were omitted.
Lovett suggested the ordinance reflect NASIC codes. Hess suggested staff bring plans of the I73 and Hwy 220N plans to meetings.

OLD BUSINESS:

A. Ordinance Text Amendment #2010-01-TA

Anderson confirmed that the text amendment would go to Town Council in Sept if approved by the Zoning Board tonight.
Anderson stated that a number of people came to the Open House, including 4 from the Comp Plan committee and the rest were business owners from the "Old Food Lion" shopping center that generated the request to modify the ordinance.
He added that council did not really request staff fix the ordinance, but rather to review it. Signs in the town are at 50% compliance with the ordinance now, and even the property that has asked to change the ordinance, has never presented a sign design that meets the current regulation.
The board referred to the sign design proposed by Golden Antiques (like the one across from the Brassfield Shopping Center) as being unattractive.
There was a question about how the additional 25% bonus is calculated and it was agreed that it is 25% of the original area, and only applies to the scenic corridor.
Anderson clarified that the scenic corridors are currently Hwy 150 and Hwy 220.
There was discussion about standard sign designs and the idea of creating a board or committee to review sign requests against it. Hess asked what Anderson was thinking about the sign ordinance, and he stated that is has been assumed that the town is going to change the sign ordinance but there is still an option to recommend against it. There was discussion about changing sign copy, and Anderson informed the board that he has allowed temporary signs.
Feulner suggested that the owners of the antique mall have tried to improve the area, but thinks the business may be struggling and they are using signage as a reason. He agrees with the proposed text amendment (except for the arbitrary bonus associated with overall site design) as a good compromise.
Rooney suggested that if the ordinance is changed, all the existing conforming signs could be larger and higher. There was confusion about the area computation based on linear feet of property and it was confirmed that all existing commercial properties likely have at least 80lf now.
There was a question as to whether we are currently enforcing the sign ordinance and staff said we are, but do not know why the Food Lion sign was allowed to be built.
Bill Gordon, sitting in the audience, suggested the board make a suggestion to council that a committee with zoning board, historical committee member, etc be formed to study a signage plan for the town. He

has visited a lot of small towns and observed signage and thinks there are a lot of examples to follow. The town should also be sure to be realistic to support business owners. He would like to see the Dollar General shopping center be successful. He added that signage on Summerfield Rd should be no larger than the Oak Ridge Bank sign. He had suggested that, during the construction of Hwy 220, the owner of Golden Antiques put up a sign on Summerfield Rd to catch diverted traffic.
Whitacre suggested the importance of the ordinances to help ensure businesses are successful.
There was concern that we don't even know what Hwy 220 will look like at this point and it's difficult to know how signs will look.
Rooney made a suggestion that would allow new signs to be larger than currently allowed, but not enough of a difference to have an affect on existing signs. She suggested a maximum area of 50sf, Rooney made a motion to change footnote f 1) replace 25% by 50% f 2) replace 25% by 50%. Delete footnote f 3). Hess seconded the motion and it passed unanimously.
Board recommends forming a committee to study signage as part of the ordinance rewrite.

OTHER BUSINESS:
Anderson asked for board members that would be interested in serving on committees to work on the ordinance rewrite, and on a Small Area Plan. Rooney would like to be on the Small Area Plan as long as it doesn't meet on Tuesday. Hess would like to help on the UDO committee or sign committee.

Whitacre asked why Mr. Dunham was not reappointed to the Zoning Board and why the Zoning Board wasn't informed. Rozelle stated that it was a decision of the council. Hess expressed her disappointment with the article in the Northwest Observer that included negative remarks about the board.
There was a request to get read ahead packages out as soon as possible for board review, and that having the package a week ahead of time would be helpful. Anderson stated we would plan to mail the packages out the Friday before.
Rooney and Whitacre will not be available for the October meeting.
It was agreed that the September board will not be held if there is no agenda.
Feulner made a motion to adjourn, Lovett seconded, and the meeting adjourned at 10:35.

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Nancy Hess, Chair Carrie Spencer, Clerk to the Board