

MINUTES OF THE  
SUMMERFIELD ZONING BOARD  
SUMMERFIELD COMMUNITY CENTER  
January 3, 2011

**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 7:02 by Dick Feulner.

**INTRODUCTIONS:**

Dick Feulner, acting Chair  
Rich Lovett  
Kathy Rooney

Trudy Whitacre  
Chris Anderson, Town Planner  
Carrie Spencer, Clerk to the board

Ms. Rooney motioned to approve the agenda, Mr. Feulner seconded, and the motion passed unanimously. Mr. Lovett made a motion to approve the minutes from the November 22, 2010 meeting as corrected, Rooney seconded and the motion passed unanimously.

**OLD BUSINESS:**

**A. Watershed Modification Case #01-10-WM.**

Mr. Anderson reviewed the case briefly, continued from the November meeting.

Mr. Feulner opened the public hearing

Steve Cavanaugh, President Cavanaugh and Associates, spoke about the request. Lovett asked what Cavanaugh had been asked to review, and he stated that he had been requested to review a plot plan from an engineering perspective with current and proposed easements, as well as questions back and forth to the plot applicant. When asked if the new pipe meets or exceeds the existing drainage feature, he stated that it does present a solution in agreement with standard engineering practices, and conveys water properly within a watershed area. Mr. Feulner asked if Cavanaugh had visited the site to observe the existing catch basin and he stated he had not. Mr. Cavanaugh stated that the riprap velocity dissipater at the exit end of the pipe is properly designed, but that he had not inspected it on site. When asked if an excess of silt covering the dissipater would keep it from working properly Cavanaugh stated that erosion control devices have to be maintained in order to work properly but that he could not tell if it were maintained without visiting the site. Mr. Cavanaugh stated that the easement is adequately sized. Mr. Cavanaugh was sworn in by Mr. Feulner.

Mr. Vince Townsend, 609 Stafford Point Ct Oak Ridge, was sworn in by Mr. Feulner to speak on behalf of the applicant. He stated that he agreed with everything Mr. Cavanaugh said. He added that the erosion will be controlled by vegetation once the house is constructed. He also added that the situation with the pipe is a better solution than what was there before, and the location of the house allowed by the pipe location is better suited for erosion control.

Mr. Charles Hayes, sworn in by Mr. Feulner, spoke on behalf of Ms. Carolyn Martin and her concern that there is a great deal of water washing onto her property (located at 4400 US Hwy 220 N).

Mr. Feulner closed the public hearing.

The board reviewed the findings of fact for the case:

1. *There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements.* The engineer stated that the pipe does not line up with the easement.
2. *The modification is in harmony with the general intent and intent of the Ordinance and preserves its spirit.* It was pointed out that the engineer has stated that the designed velocity dissipater adequately meets the intent of the watershed requirements to dissipate water flow.
3. *In the granting of the modification the public safety and welfare has been assured and substantial justice has been done.* It was pointed out that the design of the pipe would satisfy this finding, but it cannot be verified if pipe was installed as designed.

Mr. Anderson pointed out that if the request is not approved, and not approved by council, the developer would either further appeal the decision, or be required to restore the site to its original situation. It was expressed that Ms. Martin's concern over water flow is due to the fact that there is development in the area, rather than a cause of the specific property.

Ms. Rooney made a motion to approve the modification, and due to lack of a second, the motion failed. The modification was not approved.

Trudy Whitacre joined the board after Old Business and before Zoning Case #06-10.

## **NEW BUSINESS:**

### **A. Rezoning Case #06-10.**

Anderson presented the case, reading from the staff report.

Ms. Rooney pointed out that there is a property zoned Heavy Industrial within the public hearing notification area.

Mr. Anderson was asked the maximum size of building that would be allowed on the site, and he stated that there is no limit to the amount of the property that could be covered by a building, but the building would be subject to buffer and setback requirements. He later added that the ordinance would allow a building to be as high as 50 feet.

Mr. Feulner opened the public hearing

Jennie Burchett, 2039 Scalesville Rd, directly in front of the property, spoke in favor of the request. She stated that if the applicant installs the circular drive they say they will, there will be safe access from the road and she is in favor of the proposal.

There were no additional comments in favor of the proposal, and no comments in opposition. Mr. Feulner closed the public hearing.

It was discussed that the size of the building would be addressed at the site plan review, and the board would have to use the current ordinances to approve or deny the request.

There was discussion about the conditions, and how large a small event hall would be. Mr. Anderson pointed out that some of the conditions were not part of the permitted use schedule and had no development standards.

There was discussion about the fact that there is no development plan submitted with the request.

There was a question about the design of the building being compatible with the area. Ms. Whitacre felt that if the design is compatible with the rural feel and character of the area, she does not have a problem with the rezoning. Mr. Feulner expressed concern that the property is removed from other commercial

zoning districts. Mr. Lovett stated that the conditions requested do not line up with the permitted use schedule.

Lovett made a motion to continue the case for staff and applicant to determine additional conditions to address the board's concern with architectural details. The motion failed for lack of a second.

Mr. Feulner reopened the public hearing to hear from the applicant. Donnie Wright, 6812 River Hills Dr Greensboro, stated that they are looking at a company to manufacture a 70-75 feet wide, 90-100 feet long, and 28 feet high building. There would be only one building, divided inside for various uses and studios, to include a caretaker apartment. They want to include a Cyprus tree line along the road, leaving the front 2 acres of the property clear for a future house. He stated that the property slopes up no more than 6 or 7 feet from the road, and is flat from there. He stated that he has been working with the manufacturer for a while, and would start construction planning as soon as the rezoning is passed (5-6 months total construction depending on the manufacturer's timeline). He stated that he is looking at a stone surface for the building. He presented a picture of a Morton building, adding that he would include stone facing along the whole wall, and pointing out where they would add tree lines. He presented evidence from a property owner who had written a letter in favor of the request.

Ms. Rooney stated that, given the fact that there is a heavy industrial property within a quarter mile, it is not a completely rural area. Ms. Whitacre pointed out that the location is not good from a smart growth community planning viewpoint as there is no walkability or bicycle access to the location such as there would be in the center of town. Mr. Lovett pointed out that he looks at the worst case scenario when considering a property for rezoning, and the board should address that now. Mr. Anderson suggested that the board propose a condition to describe the building they would be comfortable with. There was discussion about a maximum building size of 10,000 sf, at the rear of the property.

Mr. Lovett made a motion to approve the request with the additional condition, accepted by the applicant, that the building be a maximum of 10,000 sf and located on the back 2 acres of the property. Mr. Feulner made a friendly amendment, accepted by Lovett and accepted by the applicant, that only one home site be built on the property. Rooney seconded the motion, and it passed unanimously.

Mr. Feulner called for a 5 minute break, and the meeting resumed at 8:30.

#### **B. Rezoning Case #07-10 RS40, SR to CU-LB, SR**

Mr. Anderson presented the case, reading from the staff report. He added that the proposal involves the use of the existing structure, and that the property would not change much with the proposed use. There was concern about standards associated with an equestrian facility, and Mr. Anderson stated that the applicant would have fewer than 10 horses so they would not qualify as an equestrian facility.

Mr. Feulner opened the public hearing.

Lisa Kim, 3818 Oak Ridge Rd, spoke in favor of the request. She stated that her neighbor, Tracy Friddle, has asked to be heard and she distributed her comments. She stated that the riding academy proposed for the property would involve mostly children, and would include a lot of charity events. She presented a rendering of the front of the property.

Parker Lovell, Cash Lovell Stables & Riding Academy, spoke in favor of the request. She owns a riding academy in Winston Salem and has been part of the community since 1940, first as a private training facility for American Saddle Bred horses and then as a public riding school. She stated that the riding school is geared at helping influence the lives of young children. She stated that she serves on many

boards and addresses other operations on how to run a children's riding academy. She added that their non-profit has been very successful in raising funds for various charities. She stated that she wants to replicate a smaller version of their operation in Winston Salem and loves the proposed property for its rural character, homes and nearby trails. She has been teaching 20 lessons a week at the Leland property in Oak Ridge with 3 horses. Her goal is to teach 80-100 children a week. Her horses ride for a maximum of 15 lessons per week, and do not jump. She would expect to use 5 or 6 horses. She stated that the pasture area at the back of the property would be used for turn out. She would use the Quonset hut for a small lunge area. She added that if the venture is successful, they would add a small indoor riding arena in the future. When asked, she stated that the facility in Winston teaches 270 – 300 riders a week (mostly non show riders who only use lesson horses). Ms. Lovell stated that she would not do shows at the Summerfield location. Feulner asked what the USDA recommended acreage for horses is, and she stated that her horses would not be pasture fed so there is not a required acreage. She added that she thought the USDA typically suggests about 5 acres per horse for horses that are range fed. They would be fed hay and grain and kept in stalls. Lovell stated that in Winston, they are adjacent to a residential development, and they keep a manure pile in the middle of the pasture which is removed occasionally. She keeps fly predators to control flies.

Bob Jones, 5704 Snow Hill Dr, which backs up to the property, spoke on behalf of the proposal. He felt that the proposal would be an asset to the area. He expressed concern about the small size of the property, and wondered what is planned for the larger acreage behind it. He expressed concern for future facilities, feeling that the applicant is likely to need to add to the Quonset hut.

Kevin Pusch, 5706 Snow Hill Dr., lives behind the property and owns an adjacent property, spoke about the proposal. He expressed concern that the retail condition associated with the request could potentially result in a clothing store if the riding venture does not work.

The applicant offered to remove the retail condition, stating that it is only there to be able to sell helmets and boots privately to her students. She added that the amount of acreage is enough for her to make it work, as she does not want to have a massive riding academy. Her horses are older and do not need pasture, and plans to build stalls in the Quonset hut.

With no additional comments in favor or against the proposal, Mr. Feulner closed the public hearing.

Ms. Whitacre expressed concern over 9 horses on 2 acres. Ms. Lovell stated that most of the exercise her horses get would be from lessons. Whitacre asked how much room would be left for manure and turn out after the building of the outdoor arena and parking, and Lovell stated probably  $\frac{3}{4}$  acre. Lovell pointed out an area at the back of the property for pasture that would be shielded by trees, with the manure pile in the middle of it along with the horses. They do not remove manure from the pasture, just from the stalls.

There was discussion about the retail function as a separate use vs. a part of the riding academy. Lovell stated that her current tack shop is the size of a closet and would be comfortable with a maximum retail space of 100sf. The applicant agreed with the proposed additional condition that the retail portion of the facility would not exceed 100sf.

To address concerns over the potential damage to the property from the horses, Lovell stated that the unsightly portion would be buffered from sight at the back of the property. She stated that she would protect the horses from lameness due to thrush and hoof rot that would come from standing in water. In answer to a question, Ms. Kim stated that there is an area in the Quonset hut where there could be a bathroom, and there is a bathroom in the structure next door.

Mr. Anderson stated that Guilford County would be involved with any permitting for renovations, to include bathrooms.

Ms. Rooney made a motion to approve the rezoning with the additional condition that the retail area be limited to 100sf, Lovett seconded, and the motion passed unanimously.

Mr. Feulner called a 5 min recess and the meeting resumed at 9:45.

**OTHER BUSINESS:**

Mr. Anderson stated that the next meeting of the Ordinance Advisory Group will be Jan 20.

Ms. Rooney stated that the public meeting for the Summerfield Rd Special Area Plan will be at the Summerfield Elementary School on Jan 13 at 7pm.

The Guilford County Open Space Committee did not meet in December.

John Stratton presented the board with a request to discuss the zoning condition that excludes Bars for Hillsdale Village. He wants to add a Wine Bar to the facility, and handed out a sheet with definitions. He asked the Zoning Board to make a ruling as to whether a Wine Bar would be excluded as a "Bar", in which case they would request a rezoning, or if it would be allowed with current zoning. Mr. Stratton distributed a handout with information about a similar wine bar to help the board understand what he is asking for.

Mr. Feulner suggested that an interpretation by legal counsel is required to determine if a Wine Bar is allowed. Mr. Anderson will consult with the town attorney about what process would be required.

Mr. Feulner asked Mr. Stratton about the holding tanks at Hillsdale Village, suggesting that the tanks are always full and do not seem to be discharging as quickly as approved. Stratton stated that the tanks are not always full, the slow rate of discharge is what causes the tanks to have a lot of water, and they are never full to capacity. Feulner asked Stratton to produce data about the tanks. It was pointed out that the tanks and their function with water collection and control is a condition of the site plan approval.

Whitacre made a motion to approve the 2011 submission calendar, Lovett seconded, and motion passed unanimously.

Feulner made a motion to adjourn, Lovett seconded and the meeting adjourned at 10:25.

Rich stated that he will not be present for the January meeting, and may not be for February.