

**MINUTES OF THE  
SUMMERFIELD ZONING BOARD  
SUMMERFIELD COMMUNITY CENTER  
April 26, 2010, 2010  
7:00 P.M. Public Hearing**

**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.

**2. INTRODUCTIONS:**

Nancy Hess, Chair

Dick Feulner, Vice-Chair

Trudy Whitacre

Rich Lovett

Alternates present: Carrie Reeves

Chris Anderson, Town Planner

Will Rozelle, Town Attorney

Carrie Spencer, Clerk

**3. CONSENT AGENDA:**

Mr. Feulner made a motion to approve the consent agenda, Mr. Lovett seconded, and the motion passed unanimously.

Ms. Whitacre made a motion to approve the minutes with corrections, Mr. Lovett seconded, and the motion passed unanimously with Ms. Hess voting in favor of the section for which she had been present.

**4. NEW BUSINESS:**

**A. Rezoning Case #03-10 LB, TCD-M to CU-GB, TCD-M**

Mr. Anderson introduced the case, reading from the staff report and pointing out that the property is currently occupied by Children's Choice Daycare as well as a second vacant building. It was confirmed that the proposed zoning district would allow for all uses permitted in the district except those excluded by condition. Ms. Hess pointed out that the TCDM is more limiting than LB or GB in the uses it allows.

The board took a recess to review the permitted use schedule.

The meeting reconvened at 7:25. There was a feeling that the proposed use conditions would not be permitted in the TCDM anyway, and are therefore not valid conditions. There was concern over the validity of the public notice since the conditions were not clear and it was agreed that the notice is valid since the permitted use schedule was not mailed with it. Mr. Feulner made a motion to continue the case due to the confusion with the conditions, the fact that the staff report does not correctly reflect the limitations of the town core, and the fact that the applicant may not be aware of the limitations of the town core. The motion failed for lack of a second.

Ms. Spencer pointed out that the applicant is asking for a rezoning to 2 districts: the underlying district as well as the overlay district, and that the applicant was asking for the underlying district to be limited by the proposed conditions.

Ms. Hess called for a recess for the board to review the permitted use schedule again.

The meeting reconvened at 8:02. Ms. Hess made a motion to continue the hearing to the next zoning board meeting, May 24, 7:00 pm to ensure the applicant and public fully understand the differences in permitted uses between the current and proposed zoning districts. Ms. Whitacre seconded the motion and it passed unanimously. It was suggested that the applicant meet with the town planner to discuss the case. Ms. Hess apologized to the applicant for the confusion and the delay. She pointed out that the

public hearing was never opened tonight and any testimony presented will not be considered at the May hearing.

Mr. Anderson stated that he would include the list of permitted uses in the subsequent notice of public hearing, revise his staff report, and meet with the applicant to discuss the case in greater detail.

There was additional discussion by the board about the differences between the current and proposed districts.

## **5. OTHER BUSINESS:**

Mr. Anderson reported the status of the last rezoning case to the board, explaining the town council's comments. Mr. Yearns had made a proposal to town council that incorporated the zoning board's comments, and proposed a development similar to Caleb's Place, and with a landscape buffer. There was concern from the board that the council had seen a different proposal, and Mr. Anderson pointed out that the council did not remand the case back to the board since it was considered a minor change that should better be addressed during the subdivision review. Mr. Anderson clarified the fact that the rezoning sketch must show roads and open space. There was concern that the nature of the houses that will be built there will damage the rural character of the area. There was a feeling that the board is also a planning board, responsible for listening to what the citizens want. There was concern that with the unanimous approval of the case by the council, they do not seem to be familiar with all of the true issues associated with such rezoning cases and that the board feels irrelevant and should have a greater influence. Mr. Anderson pointed out that the council did consider the board's vote, adding that there was public support but no public opposition at the hearing.

There was a suggestion to review the roadways in the town to determine if additional gateway roads should be included as scenic corridors. Mr. Anderson expressed concern that the current scenic corridor overlays are sometimes too large and not appropriate (much of the Town Core district is within the Hwy 220 Scenic Corridor, yet is not visible from Hwy 220)

Mr. Anderson informed the board that they would review the subdivision case for the Yearns rezoning at their next meeting. Mr. Feulner asked if the board could request a conservation easement over the open space to protect it from encroachment, and requested an answer before the meeting.

There was a question as to whether only tonight's board members could hear the case at the next meeting, and the board was reminded that the record reflects that tonight's issues could not be considered since the hearing was never opened.

Mr. Lovett asked if there had been feedback from Jordan Lake and Mr. Anderson stated that some changes had been made (which changes)

Mr. Lovett asked for a status of properties that had been offered to the town but not accepted. Mr. Anderson stated that Mr. Hill is working with the attorney for Jacob's Creek, currently in bankruptcy, to request a release for the section that the town is considering. There was discussion about the railroad bridge and the fact that it is under review by an engineering study and has thus far passed a load test. Mr. Anderson stated that there should be an inventory of the properties that have been offered for dedication. There was concern that the board has been approving offers of dedication with no action being taken. There was concern that HOA's can liquidate their assets and gift open space to a variety of entities, and it was conversely pointed out that common area can be gifted but open space cannot.

Mr. Feulner made a motion to adjourn, Ms. Whitacre seconded, and the meeting adjourned at 9:07.