

**MINUTES OF THE
SUMMERFIELD TOWN COUNCIL
SUMMERFIELD COMMUNITY CENTER
May 2, 2006
6:30 P.M.**

NOTE: The official minutes of this meeting 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 6:35 pm by Mayor Mark E. Brown; announcing council will have a second meeting this month, May 17th for Administrative business, committee reports and speakers from the floor at 6:30 pm at the Summerfield Community Center; Tonight's meeting will consist of rezoning cases.

Linda Southard led the invocation, followed by the Pledge of Allegiance, led by Town Council.

INTRODUCTIONS:

Mark E. Brown, Mayor	Michael Brandt, Town Administrator
Dena Barnes, Mayor Pro Tem	Robin Smith, Town Planner
Carolyn Collins	Evon Rumley, Town Clerk
Dwayne Crawford	Dianne Laughlin, Town Clerk
Becky Strickland	William Hill, Town Attorney
Bob Williams	

CONSENT AGENDA:

A motion was made by Dena Barnes to approve the consent agenda which included the minutes of April 4th; the Brockman Lawn Contract; Guilford County Contract and resolution to name Northwest Guilford High School stadium to Roscoe L. Billings Stadium; with the following adjustments; to carry the March 7 minutes to the May 17th meeting. The motion was seconded by Becky Strickland and passed unanimously.

Strickland asked that Speakers from the Floor be added to the agenda since a resident was in attendance just for this item; and wasn't aware that it would not be an agenda item tonight.

SPEAKERS FROM THE FLOOR (limited to 5 min. on non-agenda items):

Ken Yarborough, 6158 Lake Brandt Rd., stated he was speaking on behalf of the home owners on Lake Brandt Road concerning the recent commercial rezoning on said road. He stated that they were disappointed with the rezoning in the local neighborhood and the direction in which the town is headed. He spoke concerning a petition which was signed and presented to the Zoning Board; that they felt they had done what they were told to do to oppose this rezoning. Yarborough stated they thought this rezoning opened the door for commercial development too far down on Lake Brandt Rd.

Smith reported the Zoning Board voted unanimously to deny this request.

Crawford spoke concerning lack of consideration by council of what was said by the community.

Strickland apologized that this was not discussed and reported she was in agreement with the Zoning Board's decision and was the lone dissenter in this vote.

PUBLIC HEARINGS:

NEW BUSINESS:

- A. Rezoning Case #02-06. AG/RS-40 to CU-RS-40. The parcels are located at 3314 Oak Ridge Rd., 3318 Oak Ridge Rd., and 6785 (near) Brookbank Rd. Guilford County tax map # 10-654, Block 983, Parcel 28, and Guilford County tax map 10-654, Blocks 1037 and 984, and Parcels 1 and 2, respectively. The parcels are approximately 116.05 acres and are located in Bruce Township.**

Robin Smith presented the case, reading from the Staff Report. Becky Strickland questioned if a ground water impact study was done, citing the Summerfield Long term plan. Ms. Smith stated that a ground water impact study had not been done, as that it was not required of the Summerfield Development Ordinance. Dwayne Crawford asked for clarification of the RS40 zoning. Robin Smith stated RS40 is for 40,000 square foot lots.

In favor:

Derek Allen, 230 North Elm Street, representing Kevin Combs, the property owner, stated he had met with staff and neighbors early on in this project before filing the zoning request. He reported this property is unique and will be protected environmentally; that the neighbors were supportive of this plan; with support coming from local property owners and some who live in Raleigh, NC.

Mr. and Mrs. Ollie and Rhumell Harrell, 3308 Oak Ridge Rd., stated they own the four and one half acres adjoining the property and are looking forward to seeing it developed.

Mr. and Mrs. Rick and Phyllis Everett, 3318 Oak Road stated they are in favor of this request and feel it will improve property values.

Strickland questioned if the ground water test has been done and it was reported that no ground water study had been done, but that Guilford County Environmental Health would have to approve any new wells. There was much discussion about the Long Range Plan and Hill reported that it was not adopted as an Ordinance but is a plan or a guideline. Strickland asked who the partners of RBK Development were in order to determine that there is no conflict of interest with members of council. Mr. Combs indicated who the partners were, and there was no conflict of interest with any council member.

In Opposition:

No one spoke against the rezoning request

Council Discussion:

Collins stated the long range plan needs to be updated.

After some discussion, Strickland motioned to deny Case # 02-06 based on non-compliance of Section 8 of the Long Range Plan; that 60 homes would adversely affect the schools; and public safety concerns. The motion failed for lack of a second.

Dena Barnes motioned to approve Case #02-06 based on general compliance with the zoning ordinance; that scenic areas and vistas are consistent with the Land Use Plan. The motion was seconded by Bob Williams and passed 4 to 1. Strickland voted no for reasons previously stated.

B. Rezoning Case #03-06. HB/SC/TCM to HB/SC (removal of Town Core-Mixed Overlay). The parcels are located at 4548 and 4568 US Highway 220 North, being tax map number 1-35, Block 852, Parcels 21 and 59, located in Bruce Township. This property, approximately 17.4 acres, is owned by Kotis Properties, Inc.

Robin Smith presented the case, reading from the Staff Report. Staff recommends approval of the request and the Zoning Board recommended approval (4-1).

Strickland questioned ground water impact from increased impervious surface in this zoning area.

Smith stated Food Lion was built 10 years ago, and at that time Guilford County approved a watershed modification to allow a higher, built-upon density, that what is normally allowed in the watershed critical area. Crawford asked if the new tenant would share well and septic with the Food Lion, Smith stated that would be determined at a later date. Strickland commented on Walgreens coming into area and Smith stated applicant would need to be asked.

In favor:

Bob Dischinger, 4609 Dundas Drive, engineer for the owner, stated that Kotis has owned this property for over 30 years. Food Lion is a non-conforming use. This area will keep scenic corridor overlay, controlling scenic views and providing landscape buffers. Kotis will not build anything that would adversely impact the community. He stated that the original plan intended for an out parcel; and the water and sewer system was designed to meet these additions.

In Opposition:

No one spoke in opposition

Council Discussion:

Strickland asked if the Town Core Overlay was removed for CVS and staff responded that the Town Core Overlay did not exist at the time the CVS was developed.

Strickland motioned to deny the request based on non-compliance of Section 8 of long range plan (water impact) and Section 4 incompatibility with small-town character. Crawford seconded the motion. The motion to deny failed 2-3; two council members in favor of motion and three opposed.

Carolyn Collins made a motion to approve the rezoning based on the precedent, set over 10 years ago, when Food Lion was originally approved. The motion was seconded by Bob Williams. Crawford noted the other parcels that had the Town Core Overlay removed were different, because they were on a stretch of US 220, not at a major intersection.

The motion passed 3 to 2; Crawford and Strickland voted no.

C. Rezoning Case #04-06. AG/RS-40 to CU-RS-40. The parcels are located at 3718, 3818, and 3820 Oak Ridge Rd., being tax map number 13-01-370, Block 917, Parcels 125, 35, and 16. This property, located in Bruce Township, is owned by Waynick Enterprises, LLC and totals 32.48 acres.

Robin Smith presented the case reading from the Staff Report. Becky Strickland asked about a ground water impact study and was told that no study was required of the development ordinance. Staff recommended approval of the rezoning, the Zoning Board recommended denial (4-0).

In favor:

Tom Terrell, 300 North Green St, Greensboro, NC, attorney for the applicant, stated that the proposal is for 22 homes on 32 acres. This area needs a driveway connection to Henson Farms for emergency access.

Bob Bates, High Point, NC, vice-president of K. Hovnanian Homes, spoke about number of lots, water runoff and erosion control. Mr. Bates stated the road connection to Henson Farms is needed, but if the council requested, the connection could be removed.

Paul Stimpson, West Market St, Greensboro, NC engineer for the project addressed well sitting issues and erosion control.

Becky Strickland asked about the two ponds on the site and Bates said they would remain, but did not know for certain what would need to be done to them.

Carolyn Collins asked if either of the ponds had a dam and Bates said they both did.

Dwayne Crawford said he has asked the town to develop a formal policy in opposition to hiring of illegal immigrants and asked if K. Hovnanian had a policy. Bates responded that his company follows all state and federal laws.

In Opposition:

Tom Perkinson, 5804 Snow Hill Drive from Henson Farms Home Owner’s Association voiced concerns of traffic on Highway 150 into the major development intersection. Pictures of erosion were presented. The HOA is requesting a complete storm water runoff plan before rezoning is approved.

Bob Jones 5704 Snow Hill Drive spoke regarding Summerfield land rezoning and the town should preserve the farming area. Mr. Jones has concern regarding the water resources, slopes in land, location of wells, water quantity, and removing stumps. Jones also stated concerns about public safety connecting to Highway 150, speeding school buses and turns into highways, and the over crowded schools. Mr. Jones is asking for denial for this rezoning.

Rebuttal in Favor:

Mr. Terrell stated K Hovnanian will do well tests, storm water plans, and fix any problems with erosion and safety issues, as required by the Summerfield Development Ordinance.

Mr. Bates stated that the road does not have to connect to Henson Farms if the council decided against the connection.

Rebuttal in Opposition:

Tom Perkinson was still concerned about erosion.

Council Discussion:

Becky Strickland moved to deny the rezoning of public safety concerns, environmental concerns, no groundwater impact study and the negative impact on overcrowded schools. Dwayne Crawford seconded the motion. Motion to deny rezoning passed unanimously.

D. Rezoning Case # 05-06. AG/RS-40 to CU-RS-40. The parcels are located at 2613 and 2615 Pleasant Ridge Road, and 5419 Saddlewood Drive in Bruce Township; Guilford County Tax Map 1-33, Block 922, Parcel 5; 1-33, Block 921, Parcel 17; and 10-650, Block 967, Parcel 12; owned by Mathias P. Hunoval, approximately 54.21 acres.

Robin Smith presented the case reading from the Staff Report. Becky Strickland asked about ground water impact study from Section 8 of the long term plan and Smith stated no study was done, because it is not required of the development ordinance. Dena Barnes confirmed a member of her family used to own this property, but has no monetary interest.

In Favor:

Tom Terrell, 300 North Green St; Smith/Moore Law Firm, attorney for K. Hovnanian, stated several changes have been made from the proposal since last fall, in response to neighbors concerns. The well has been moved to upper portion; road moved at requests of Faye Dr. residents. Cul de sac was removed; in addition to ordinance requirements there will be a 20 ft buffer along Pleasant Ridge Rd. The Saddlewood connection would not be opened until the last home is sold. Terrell spoke to primary conservation area and displayed aerial photo of area. They will make it low-density, single family homes.

Bob Bates, 4310 Regency Dr.; vice-president of K. Hovnanian Homes, stated that his company listened to neighbors from the previous rezoning request and tried to address their concerns by lowering the number of lots, changing the street layout and providing buffers along Pleasant Ridge Road.

Jim Lawrence, 5414 Saddlewood Dr., stated that he can live with the development, as compared to what happened on the other side of White Blossom Drive (tree clearing).

Paul Simpson 8642 West Market St, engineer for the developer, indicated that the layout was environmentally friendly and preserves natural resources. Right and left turn lanes will mitigate increase in traffic along Pleasant Ridge Rd.

In Opposition:

Roy Bossenbar, 5510 Faye Dr., stated three times this rezoning had been turned down. Members of the Zoning Board did walk the area and confirmed there are wetland areas. Concerns about traffic and open space areas were raised.

Carl Cekczzu 5514 Faye Drive opposed staff recommendation. Mr. Cekczzu stated this was swamp land, wrong for industrial, gas lines, congestion in area, and blind spot for traffic. Cekczzu wanted this denied.

Elizabeth Edmonds, 5405 White Blossom Drive stated the development is too large and does not fit. There are Safety issues and concerns for environment, wetlands, wildlife and property. NW area traffic is horrendous and has school concerns; K. Hovnanian Homes doesn't fit with the neighborhood. Requests that the rezoning be denied.

Bruce Zawadski, 5517 Faye Drive explained concerns of more traffic, wetlands, water tables, and condition of the soils in this area. This agriculture area has environmental hazards and the rezoning needs to be denied.

Beth Baldwin, 5512 Faye Drive stated concerns about the environment and requested that rezoning be denied. Vito Alimese, Faye Drive has lived in the area 11 ½ years, had concerns about the wetlands and water in his backyard. . Also had concerns about the Septic tanks, due to the high water in this area. Paul Weiss, 5409 White Blossom Dr explained this land needs to be preserved because water is running all the time in the streams; they are perennial streams, and doubts accuracy of reports. Weiss spoke about traffic accident in that area and the need for a true long term plan.

Hart Wheaton, 5848 Deer Meadow Lane is concerned about environmental issues, cars, down streams, wildlife and watershed.

Ginger Rains stated if we develop we can not go back, we can't get agricultural land back.

REBUTTAL in Favor:

Tom Terrell stated that this development was environmentally friendly and that surrounding properties were RS-40; much more dense than what is in this area. There will be a 3% increase in traffic, and this is not a large increase in traffic.

Bob Bates has worked with the neighborhood, offered buffers, and confirmed this meets every condition and requirement of the development ordinance.

Rebuttal for Opposition:

Tom Currey, Faye Drive stated streams are running constantly, and adding additional homes will destroy ecosystem

Beth Baldwin, 5512 Faye Drive wants this turn down because Summerfield is unique.

Carl Celazzi said this is wetlands and against this rezoning project.

Roy Burgess stated we are not a subdivision, we are individual homeowners, and feel that this land should not be developed.

Peter Rotermier stated his house shouldn't have been build where it is located. Water has been in the yard for 11 ½ years and it is a wetland.

Art Wheaton, 5848 Deer Meadow Lane would like to keep Summerfield as it is and stated we needed balance.

Council Discussion:

Carolyn Collins made a motion to deny due to public safety and preserving natural resources and scenic areas, Becky Strickland 2nd motion. Dena Barnes confirmed water on her property, wetlands, and wildlife needs to be preserved. The motion passed unanimously, 5-0.

Text Amendment-

Junked Motor Vehicles

Amend Table 4-3-1: (Permitted Use Schedule) by requiring development standards for junked motor vehicles in the AG zone. Amend Section 6-4.49: Junked Motor Vehicles, subsection (B) 1: screening in the AG District. “All junked motor vehicles must be located 200 feet from the road or be located in a permanent structure.”

Robin Smith presented text amendment changes to amend Table 4-3-1. Currently junked motor vehicles are a permitted use in the Agricultural (AG) zoning district. The proposed text amendment would change this to require development standards in the AG zone. Vehicles would not need to be removed; they would have to be stored in a permanent structure or be located behind a 200-foot buffer zone from street right-of-way.

After discussion Council requested staff to develop standards for a buffer area from all lot lines, not just right-of-way. Council requested Zoning Board to study and recommend new standards.

Text Amendments to Summerfield Development Ordinance mandated by 2006 North Carolina Legislative Changes-NCSL 2005-418, “An Act to Clarify and Make Technical Changes to City and County Planning” and NCSL 2005-426, “An Act to Modernize and Simplify City and County Planning and Land Use Management Statutes.”

Robin Smith presented the case reading from the Staff Report. Staff reported that these changes were required by state law. The Zoning Board and Town Attorney have reviewed the amendments and recommends that they be adopted. Dena Barnes made motion to accept the changes, seconded by Dwayne Crawford. Motion to approve changes passed unanimously, 5-0.

OTHER BUSINESS:

With no further business before Town Council a motion was made to adjourn by Carolyn Collins at 11:40 PM The motion was seconded by Dena Barnes and carried unanimously.

Mark E. Brown, Mayor

Evon Rumley, Town Clerk