

**MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
May 24, 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 7:01 pm by Nancy Hess.

INTRODUCTIONS:

Nancy Hess, Chair

Dick Feulner, Vice-Chair

Trudy Whitacre

Rich Lovett

Ken Dunham

Alternates present: Kathy Rooney

Chris Anderson, Town Planner

Will Rozelle, Town Attorney

Valarie Halvorsen, Clerk

CONSENT AGENDA:

Lovett made a motion to approve the consent agenda. Feulner recommended changing 4A. Rezoning Case #03-10 from New Business to Old Business. Lovett accepted the amendment. The motion was seconded by Feulner and passed unanimously.

Feulner made a motion to approve the minutes of the April 26, 2010 meeting. The motion was seconded by Hess and carried with 4 in favor. Dunham did not vote as he was not present for that meeting.

OLD BUSINESS:

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

Anderson summarized the case. Dunham noted that the board must make its decision based on what is allowable and not on the word of the applicant, as the property could be sold, or the current owners could change their minds about usage. Anderson noted the applicant was adding the condition that ABC store would be removed from the list of permitted uses.

Hess opened the Public Hearing at 7:15 pm.

Proponents

Mike Markham, 6932 Maynard Rd stated he had been renting the current location of his business for 10 years and had been unsuccessful in his endeavors to buy the property, therefore he wanted to move to the location currently under rezoning consideration. He noted the majority of his business is offsite, but he needs office space to meet NC state licensing requirements.

Dora Rose, property owner made reference to a car dealership close by, noting they could also decide to sell or change the nature of their business to sell many more cars. When asked by Dunham why she was seeking rezoning on both pieces of property, she responded that when the day care center was no longer operating, she would have an opportunity to rent the property to another general business tenant.

Opponents

Garland Vandergrift, 7305 Shadyside Dr, feels that storing used cars is not in keeping with the character and feel of a small town. He asked about improvements to the fencing and landscaping and wants to see something nicer than a used car lot.

Rebuttal

Mike Markham said there will not be a lot of cars and was not aware of any aesthetic problems with the property. He says the property will look as good or better than it has in the last 25 years, that his business was not a junk yard or salvage yard, just a few cars for sale.

Hess closed the Public Hearing at 7:27 pm.

Following discussion of potential conditions, and conditions of similar businesses, there was a recess from 7:50 to 7:59 pm.

Anderson stated that the applicant was offering the following conditions: 10 ft sidewalk easement along property that fronts Summerfield Rd, a limitation on the number of cars parked overnight in the sales lot to 2 per property, and removal of the barbed wire from the top of the fence *if* it was not required by state or county regulations. Feulner made a motion to approve Rezoning Case #03-10, with the additional conditions added by the applicant, based on preserving individual property rights. The motion was seconded by Dunham and carried unanimously.

NEW BUSINESS:

A. Subdivision Case #2010-1-S

Rooney replaced Whitaker on the board for this case, as Whitaker recused herself.

Anderson described the case, noting the proposal meets the 7 maximum lot condition and the landscaping requirements. Feulner asked if the open space was offered as a public dedication and Anderson replied 10% open space was required, but there was no directive about dedications. Feulner asked if Years was willing to do a conservation easement and he replied affirmatively.

Yeans described the proposal, including how he addressed concerns that were brought up during the rezoning process. Feulner made a motion to approve Subdivision Case #2010-1-S with a conservation easement on the open space. Dunham asked for a friendly amendment to remove the fence in the open space. Feulner accepted the amendment, and Yeans agreed to remove the fence, if there is indeed one present. The motion was seconded by Rooney and carried unanimously.

OTHER BUSINESS:

Whitaker returned to her seat on the board.

There was discussion about the adoption of the Comprehensive Plan. There was much discussion about the sign ordinance, particularly about changes requested by a local business owner.

Lovett made a motion to adjourn at 9:21 pm. The motion was seconded by Dunham and carried unanimously.

Nancy Hess, Chair

Carrie Spencer, Clerk to the Board