



Z O N I N G B O A R D A G E N D A

JULY 27, 2015, 7:00PM, SFD COMMUNITY CENTER

1. Call to order
2. Introductions
3. Consent agenda:
 - A. Approval of agenda
 - B. Approval of 6/22/2015 minutes
4. Preliminary Plat Review and Action: **Farms at Lake Brandt**

An application for a preliminary plat review and action for 132.06 acres located at intersection of Lake Brandt Road and Scalesville Road, zoned CU-RS-40 (Conditional Use Residential). The property is located within the Town of Summerfield, Bruce Township, being Guilford County Parcel 036665.

5. Other business (as needed)
6. Adjourn



ZONING BOARD MINUTES

June 22, 2015, 7:00pm, SFD Community Center

Hess opened the meeting at 7:03pm. The following were present:

Planning and Zoning Board

Nancy Hess, Chair
Dick Feulner
Kathy Rooney
Scott Henson, alternate

Staff

Julie Reid, Town Planner
Bill Hill, Town Attorney
Valarie Halvorsen, Town Clerk

Feulner motioned to formally excuse Trudy Whitacre and Jeff Davis, seconded by Rooney, which carried unanimously.

CONSENT AGENDA

Feulner motioned to approve the consent agenda and the 4/27/15 minutes, seconded by Henson, which carried unanimously.

REZONING CASE 03-15

RZ-03-2015: An application for a Conditional Use Rezoning, to rezone 132.06 Acres located at intersection of Lake Brandt Road and Scalesville Road from AG (Agricultural) to CU-RS-40 (Conditional Use Residential). The property is located within the Town of Summerfield, Bruce Township, being Guilford County Parcel 036665.

Reid described the request, noting four previously proposed conditions:

1. All dwellings will be constructed on a brick foundation with crawl space;
 2. The exterior covering of all dwellings shall be brick, stone, or cementous siding (e.g. Hardiboard); vinyl shall be used only in soffits, porch ceilings and dormers;
 3. There shall be no manufactured or modular dwellings;
 4. Tree clearing will be limited to area reasonably necessary for building envelopes, streets, utilities and areas as required under applicable development statutes, ordinances and regulations;
- and an additional condition offered by the applicant to preserve an existing vegetation buffer on the western property boundary.

Reid discussed adjacent zoning/land use, topographical conditions, historic structures, environmental issues, signage, connectivity/roadways, and compatibility with the comprehensive plan.

Feulner asked about slopes and right-of-way. Reid replied those issues are addressed during the site plan process and explained the process. Reid noted up to 25% of open space can be used for



septic and utilities. Hess suggested condition one be amended to "...brick foundation with crawl space *and basements*."

Hess opened the public hearing at 7:20pm.

Proponents

Attorney Marc Isaacson of 804 Green Valley Rd said the goal was for low density (1 unit per 2 acres), high quality (est. values of \$450,000-\$700,000) housing to be constructed in three phases. He stated the additional condition of the 10ft buffer was to address a concern raised during the open house. Isaacson said the proposals is consistent with the comprehensive plan, meets the plan goals and objectives, and would allow development while preserving the historic structure on the property.

Owner/applicant Nat Hayes of 1112 Briarcliff Rd 27408 said the property had been in his family for decades, stressed the importance to his family of the value and look of the development, and that the proposal meets or exceeds requirements.

Bob Dishinger of Evans Engineering, responding to Feulner's query, stated slopes would be preserved and there would be an additional 20ft of right of way needed.

Opponents

Ernie Shoe of 8123 Lariat Dr stated while the owner should be free to do what he wants with his property, he is concerned about the effect of 69 wells on water availability. He asked the board to consider decreasing the number of homes and increasing the lot sizes.

Kay Scott of 8112 Lariat Dr also expressed concern about water/wells.

Alicia Goots of 8102 Lariat and Glenn Ogden of 6754 Lake Brandt Rd are concerned about traffic and safety.

Proponent Rebuttal

Bob Dishinger stated in the past 5 years there were 8 reported accidents in the area, 4 of which were "angle accidents" and noted traffic/road issues would be addressed with NCDOT during the site plan process. He discussed a study that showed about 1.05 acre lots were needed for sufficient water recharge and the current proposal was less dense.

Ernie Shoe asked about individual driveway location; Reid stated all would be internal to the subdivision. Hill and Reid reminded all that the issue at hand was land use only and specifics would be addressed during the site plan process.

Hess closed the public hearing at 7:50pm.

Responding to a query from Rooney about the 10ft vegetation buffer, Reid stated the buffer would be established through deed restrictions. Feulner asked about basements; Hill recommended amending condition 1 to include. There was discussion about the proposed walking trail, well draw-back testing and if the conditions would be on the plat (yes).

Feulner motioned to approve as follows:



"I move that a recommendation for conditional approval of the request for rezoning from AG (Agricultural) to CU-RS-40 (Conditional Use Residential) be forwarded to the Town Council. The uses listed in this request include only one permitted use, single family detached housing. The request is consistent with the town's adopted comprehensive plan Policy 6 regarding appropriate housing and residential development, and stated condition 1 would be amended to add "and/or basements". Conditions recommended for approved are:

1. All dwellings will be constructed on a brick foundation with crawl space **and/or basements**.
2. The exterior covering of all dwellings shall be brick, stone, or cementous siding (e.g. Hardiboard). Vinyl shall be used only in soffits, porch ceilings and dormers.
3. There shall be no manufactured or modular dwellings.
4. Tree clearing will be limited to area reasonably necessary for building envelopes, streets, utilities and areas as required under applicable development statutes, ordinances and regulations.
5. Along the western boundary line of the subject property, applicant shall preserve a buffer of existing vegetation at a minimum width of ten feet, except where limited by governmental or utility company requirements.

The motion was seconded by Henson and carried unanimously. The Town Council will hear the case on July 14, 2015.

Recess from 8:01pm-8:08pm.

REZONING CASE 04-15

RZ-04-2015: An application to rezone the front portion of a 2.758 acre parcel from RS-40 (Residential) to AG (Agricultural) to permit both portions of the lot to have the same zoning. The property is located at 811 Highway 150 West, Bruce Township, being Guilford County Parcel 0138408.

Reid described the request, noting the front portion of the lot was zoned RS-40, and the back portion was zoned AG, making it difficult for the property owner as he was subject to two sets of standards.

Hess opened the public hearing at 8:12pm.

Owner Joey Bolen of 811 150 West stated the goal was to get one zoning standard for the parcel.

Hess closed the public hearing at 8:12pm.

Henson asked Reid if there were other properties with the same situation; Reid replied affirmatively and stated the issue would be addressed town-wide in the fall in concurrence with the implementation of the updated development ordinance and zoning map corrections. Feulner asked if the lot would conform to AG zoning; Reid replied affirmatively.

Henson motioned to approve as follows:

*"I move that a recommendation for approval of the request for rezoning from **RS-40 (Residential) to AG - Agricultural** be forwarded to the Town Council. The request is consistent with the town's adopted comprehensive plan Policy area 6 and is in the public interest because brings the property into conformance.*



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The motion was seconded by Feulner and carried unanimously.

With no other business before the board, Rooney motioned to adjourn at 8:19pm, seconded by Henson, which carried unanimously.

Memorandum to: The Planning and Zoning Members

From: Julie A. Reid, Town Planner

Regarding: Farms at Lake Brandt Subdivision

LOCATION: The subject site is located at 1831 Scalesville Road, the intersection of Lake Brandt Road and Scalesville Road within the Town of Summerfield, Bruce Township and being Guilford County Parcel 036665.

OWNER(S): Hayes Summerfield Farm LLC, 1112 Briarcliff Road, Greensboro, NC 27408.

TOTAL ACREAGE: The property contains 132.06 acres of which 10.35 acres are proposed public right-of-way and 43.97 acres are proposed common area.

ZONING: CU-RS-40

REQUEST: A preliminary plat is attached for your review and approval. Attached are the review comments submitted by the reviewing agencies.

OBSERVATIONS:

This site is a predominantly tree covered property with two perennial streams and an existing pond with dam. This topography includes areas with slopes exceeding 15%. The natural beauty of this site comes with difficulties for development. The zoning would permit 40,000 square foot lots with 25% required open space. The restrictions of this site preclude this type of density. Original estimates of the potential yield for this tract were between 60-65 lots.

The topography also defines the layout of the subdivision and access between portions of the subdivision. Road locations will be largely determined by the slopes and appropriate land for development. Stream locations along with the required 50 foot buffers on each side of the streams and ponds further limit the possibilities.

Approximately 16 acres were previously used as for crops and an additional 20 acres that are fairly clear of major tree stands.

The developer has incorporated the existing historic McMichael Log House into the subdivision within an open space common area. There are other farm structures located in close proximity to the historic home establishing the setting for the home. The disposition of these additional buildings is unknown at this time.

The development will be served by private wells and septic tank systems. The Preliminary Plat for the subdivision indicate seven offsite septic systems, six in a communal field at the northwest corner of the site. The ownership of these communal fields will reside with a homeowner's association. Access to this area for construction and maintenance will have to be planned carefully to minimize damage to environmentally sensitive areas. This location would require the removal of most trees and vegetation from this area.

A number of lots on the preliminary plat are irregularly shaped. This is part due to the unusual topography of the site. House orientations, driveway locations in relationship to intersections, locations of various easements need to be reviewed at the subdivision phase of the development.

Signage will be restricted to entrance signs and temporary real estate signs.

The existing site has numerous mature trees that should be preserved and incorporated into the development. The trees and their root structure would have to be protected during construction. The following policies such be considered.

The zoning conditions proposed and approved for this development are:

1. All dwellings will be constructed on a brick foundation with crawl space or basement.
2. The exterior covering of all dwellings shall be brick, stone, or cementous siding (e.g. Hardiboard). Vinyl shall be used only in soffits, porch ceilings and dormers.
3. There shall be no manufactured or modular dwellings.
4. Tree clearing will be limited to area reasonably necessary for building envelopes, streets, utilities and areas as required under applicable development statutes, ordinances and regulations.
5. Along the western boundary line of the subject property, applicant shall preserve a buffer of existing vegetation at a minimum of ten feet, except where limited by governmental or utility company requirements.

PLANNING BOARD RECOMMENDATION

"I move that Farms at Lake Brandt Preliminary Plat (conditionally approved) (denied) (continued to the next regularly scheduled meeting of the Planning Board)

Preliminary Plat approval shall be conditioned upon:

1. *Review and approval of a septic disposal system for each lot.*
2. _____
3. _____

**Memorandum of Understanding
Farms at Lake Brandt**

The following comments have been submitted regarding the proposed Preliminary Plat for Farms at Lake Brant Subdivision. Please modify the proposed plat accordingly. Some comments are for informational purposes only.

Planning Department

The following comments are developed based on the Uniform Development Ordinance and its attached appendixes.

1. Maps submitted shall not exceed 24" x 36".
2. The adjacent subdivision to the west is Circle M Estates. It is not necessary to add it as all other information has been provided, however, it is sometimes helpful.
3. Please show the municipal boundary line to the east of this parcel.
4. Please add an "N" to the vicinity map and the main map.
5. Please add the source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect or engineer.
6. Please tie the parcel to the nearest street intersection or monument.
7. Please add the dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines. Please indicate the disposition of all buildings.
8. Please indicate all areas of open space. Please label as open space. Between lots 39 and 40, lots 32 and 33, lots 27 and 28, behind lot 30, behind lot 24, and behind lots 9-10. Please revise all references to calculations or area of open space to the term open space.
9. Please dimension each lot.
10. Please label the area behind lot 61 as a special lot and label it 43A.
11. Please indicate access to offsite easement for lots 27, 28, 29, 30, 33, 34. Please revise or remove note relating to a future determination of access.
12. Please show all existing wells and septic systems on the parcel.
13. Please indicate existing pavement on Lake Brandt and Scalesville Road and dimension pavement width.
14. Please indicate areas to remain undisturbed with number of acres and percent noted.
15. Please show location of existing utilities on Lake Brandt and Scalesville Road.
16. Please indicate phases on erosion and sedimentation plan.
17. Please indicate the location and dimensions of the Street Planting Yard(s).
18. Please indicate the location of any existing or proposed lighting. Note: please refer to the dark sky provisions within the lighting regulations of the Unified Development Ordinance.
19. Please indicate what existing or proposed vegetation will remain or be planted in common areas.

20. Please indicate the location and size of any signage for the development. Note: please recall that no off-site signage is permitted. The land under such signs is generally an easement or owned by the HOA.
21. Any changes to the lot delineations will require a revision to the preliminary plat and requires approval by the Town of Summerfield. Please revise or delete note relating to this issue.
22. Please revise current zoning to CU-RS-40. Please delete proposed zoning.
23. Please label areas to remain undisturbed on the Grading and Storm Drainage Plan.
24. Please place a notice regarding the limitation of tree removal and grading on individual lots to that which is necessary for the building envelope, septic system and driveway.
25. How will the water from the roads on the Society Drive cul-de-sac be disbursed?
26. Is it necessary to pipe stormwater from lot 57 to lot 49?
27. There is a note that "modification of the plan may be necessary if working outside the proposed disturbed limits shown on this plan". Please revise this note to say "Modification of this plan and approval for any work outside the proposed disturbed limits is required prior to commencement of such work."
28. A quick reminder that the NCDOT approves any medians in the public right of way (in this case, at the entrances). Be sure to include in your future road improvement plans.
29. The proposed cul-de-sac (Hayes Farm Road) is approximately 1600 feet long. The maximum allowed under the UDO is 800 feet. An approval of a waiver to this requirement will be necessary.
30. A temporary cul-de-sac will be required at the end of Aragon Way to enable emergency vehicle to turn around without backing up.
31. The common element along Lake Brandt Road is discontinued at the septic system for 43 lot. Was this intentional?
32. Drainage easements are permitted within the side or rear yard setback of a lot only. Lots 24, 25, 26 and 47 will need to be adjusted.
33. Please show MBL line for lots 4, 5, 7, 15, 25, 29, 30, 31. Please check lot 5 and 61. It appears that these lots do not meet the minimum lot width.
34. Lot 15 is a double frontage lot. A non-access easement should be placed along the Hayes Farm Road frontage.
35. Driveway access to lots 13, 14, 69 and 61 will not provide a safe ingress/egress from decelerating traffic off Lake Brandt Road and Scalesville Road.

Engineering comments (Town of Summerfield Consulting Engineer)

1. Sheet No. C1.1

At the end of Aragon Way there needs to be a temporary turn around shown.

In the table showing Watershed Data, the watershed is Jordan Lake Watershed.

Lot numbers 25, 29, 30, 31 need MBL shown.

The Phases I, II or III need to be shown in the buffer zones.

2. Sheet No. C2.1

A swale needs to be shown, downstream before pipe no. 6 outlet. It should be approximately 430 ft in length.

A swale needs to be shown, downstream from pipe no. 2 outlet. It should be approximately 420 ft in length.

At the mail kiosk between Lot 9 and 10, there can be no grading into the 30' drainage easement.

In the Outlet Protection Table, Class 2 Rip-Rap is called for, but in the diagram it's Class1?

3. Sheet No. C3.1

The Legend shows no symbol for "Disturbed Area Limits".

In the table showing Watershed Data, the distance to nearest floodway, should state map where the information was acquired.

After construction, the Temporary Sediment Basins should be replaced with Swales. This should be stated on the plan and design information for the swales included in the plan.

The Fire Department

The Fire Department would like to see a 10' wide all weather access road to the pond so we can use this as a water point. This will be a tremendous help in case a fire happens in or around this neighborhood. The only other limitation will be a vertical lift of less than 15' and we need to be able to get within 20' of the pond with a truck. We would also like to see something like this happen on any future developments. (Staff is researching the possibility of using dry hydrants or similar devices that would not involve the disturbance of the buffer areas, but would provide immediate access to water).

Soil and Erosion Control – will address specific comments on the proposed plan, but asked that the developer be reminded that a grading permit is required before any clearing activities commence.

NCDOT – will address specific comments on the improvement plans, but also asked that a temporary cul-de-sac be provided for emergency vehicles and NCDOT trucks.