

MINUTES OF THE
SUMMERFIELD BOARD OF ADJUSTMENT
SUMMERFIELD COMMUNITY CENTER
May 26, 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 6:32 pm by Gene Grubb.

2. INTRODUCTIONS:

Gene Grubb, Chair
Ron Willis
Mike Stewart
Jim Brady

Will Rozelle, Town Attorney
Chris Anderson, Town Planner
Carrie Spencer, Clerk to the Board

3. CONSENT AGENDA

Mr. Grubb suggested approval of the consent agenda with the withdrawal case to be heard first, and with no objections the agenda was approved. Mr. Grubb suggested approval of the minutes from the April 28, 2011 meeting, and hearing no objections the minutes were approved.

Mr. Grubb stated that any witnesses that want to speak must be sworn in, that all statements must pertain to the case, and a 4/5 majority of the board is required to approved Variances or Special Use Permits. Mr. Anderson and Mr. Patrick Jenks were sworn in.

4. OLD BUSINESS

A. Withdrawal of Case 01-11-SP.

Mr. Anderson went over the procedure. He reminded the board that they heard the case last month, and instead of having a new case with two separate properties and two separate Special Use Permits, the plan is to withdraw the request from last month, review the Special Use Permit the existing property, and if approved, amend it to add the additional property.

Patrick Jenks, 4404 Liguria Ct, respectfully requested that his application for a Special Use Permit (for the additional property) be withdrawn. Mr. Stewart made a motion to accept, Mr. Willis seconded, and the motion passed unanimously.

NEW BUSINESS

A. Special Use Permit renewal, 01-07-SP, the Gardens at Gray Gables.

Mr. Anderson presented the case, adding that the request was properly noticed to surrounding properties, and no conditions had been added to the original Permit.

Mr. Jenks thanked the board for allowing them to complete this request and read from a prepared statement (copy attached).

Mr. Stewart asked if the one story building was to be removed as noted on the site, and Mr. Jenks stated that the building will not be removed but renovated.

Mr. Grubb asked how he controlled traffic onto Brisbane Dr and Mr. Jenks stated that signs clearly indicate traffic flow.

Mr. Rozelle stated that the board did not have to go through the Findings of Fact.

Mr. Stewart made a motion to approve the renewal with the reasoning stated by Mr. Rozelle, the motion was seconded and it passed unanimously for the Special Use Permit to be renewed.

B. Amendment to 01-07-SP

Mr. Anderson presented the case: to add an additional property to Special Use Permit 01-07-SP, just renewed. Mr. Anderson read the Findings of Fact into the record as follows:

Conditions for Approval: An application for a Special Use Permit shall be approved by the Board of Adjustment if and only if the Board of Adjustment finds that:

- 1) The proposed use is represented by an “S” in the column for the district in which it is located on the Permitted Use Schedule in this Ordinance.

Yes...Under “Recreational Uses” within the Permitted Use Schedule, on page 4-7, Special Events Facility is allowed as a Special Use in zone CU-LB.
- 2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).

Yes...the proposed conditions meet and exceed the development standards for this type of use.

 - no minimum area
 - separation of proposed use at least 400 feet from religious assembly and schools
 - operation of facility, hours of operation, conforms to State alcohol laws, no spotlights
 - by combining the two properties into one Special Use Permit, road access is to a thoroughfare street. For the purposes of the request, for a Special Use Permit, the two individual properties will act as one site, one permit, one development
 - Parking is provided on site, situated away from property lines, and meets occupancy requirements
 - Signs are limited
 - Special Use Permit shall be renewed every year, May 26 of each year, based upon this approval
 - Food preparation meets Guilford County Health Department regulations
- 3) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Board of Adjustment may impose, is consistent with the purposes of the District and compatible with surrounding uses.

Yes...this use, as proposed, is consistent with the purposes of this district and compatible with surrounding uses.
- 4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Board of Adjustment:
 - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;

This proposal will not materially endanger the public health or safety if developed as planned (The structure is already located on the property and the proposed use of the additional property will not impact health or safety).
 - b) That the use meets all required conditions and specifications;

Yes...All conditions and specifications of the Town’s Ordinance have been met.
 - c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use will not substantially injure the value of the adjoining or abutting property.
 - d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

If developed as planned, the use will be in harmony with the area in which it is to be located. And it will conform in general to the plans of development for the Town of Summerfield.

He was not sure if the conditions from the original permit were repeated on the new site plan. He added that the site plan speaks to the findings of Fact and concerns. When asked if the site plan was approved, Mr. Anderson read Ordinance 3-6.1(k) stating the site plan will only be approved with the approval of the Special Use Permit. When asked about the renewal of the SUP Mr. Anderson stated that the applicant is responsible for the renewal, but the town will help them keep track. He added that the application should be submitted by the first of May to make the deadline.

Mr. Jenks expressed appreciation for the approval of the original SUP.

Mr. Stewart noted that the site plan looks to be in conformance, with the exception of the one structure is going to stay. Mr. Grubb stated that the plan is certainly more complete than last month. Upon suggestion from Mr. Rozelle the board referenced Mr. Anderson's Findings of fact and Mr. Stewart made a motion to approve. Mr. Brady seconded, and the motion passed unanimously.

5. OTHER BUSINESS

Mr. Grubb had asked Mr. Anderson if he had to be a resident of the town since he has just moved. Mr. Anderson stated that he cannot find anything in the bylaws referring to residency. There was some discussion that the town did have policy prohibiting board members from living outside the town limits.

Mr. Anderson stated that Stillwater Farm on Strawberry Rd will have to apply for a Special Use Permit. They are in the process of building a riding arena and would like to use the building for business but Mr. Anderson wants to withhold the CO until the SUP is approved. He suggested the process could be expedited if they make application tomorrow, and the board could hear the case at their regular June meeting. The downside could limit the applicant to the timeframe they have to prepare an accurate development plan. Another option could be to hold a special call meeting in early July to give them a little more time. The board was in agreement as long as legal process is followed. Mr. Rozelle stated that Case Law dictates that Development Ordinance be strictly followed.

Mr. Brady recommend the board ask the council to appoint another alternate to avoid potential quorum issues and Mr. Anderson stated he would start the process.

Mr. Brady made a motion to adjourn, Mr. Willis seconded, and the meeting adjourned at 7:09pm.

Attachments:

Prepared statement from Patrick Jenks

Prepared statement from Patrick Jenks:

Thank you for allowing us to finalize this rezoning. The Gardens at Gray Gables has been a jewel for the town of Summerfield and community since 2006, when your board allowed us to become an outdoor event facility. Since 2006 we have had close to 120 events, most of which are weddings.

Tonight we respectfully request for our annual permit to be renewed along with the addition of the Stantliff Bridal Cottage and Office

Once again, all of us at GGG feel we are a special entity to Summerfield and have always in the past and will continue into the future, to strive to provide an elegant and beautiful facility that we as a community can be proud of.

Our business is to make dreams come true and we accomplish this in many ways

- We produced and financed the largest Toys for Tots program in the Triad. We had over 400 children and families come to have a meet and greet with Santa which raised over 500 toys for children, who otherwise, would have received nothing for Christmas.
- We support and encouraging the new Trail System that touches our property and have an event scheduled for June 11th 2011
- We Employ several members of the Summerfield Community.
- Trying to always utilize vendors in Summerfield for our projects around the office, such as: The Summerfield Feed, Oak Ridge Bank, Oak Ridge Florist, The Gardens Outlet, Gaulden and Longs Trucking, Turner Homes, Rains Gallery, etc.
- Along with being the top rated wedding venue in Guilford County. Countless brides have had their dreams come true at Gray Gables due to our amazing staff and beautiful garden setting.

At the GGG we have a clear and well understood position that our facility is located close to residential housing. We have always worked closely with our neighbors and have never had a negative experience with anyone in the community. We are very appreciative of Linda Southard, the Heaths, the Ayers, the Hutsons, and the Stantliffs families. In fact, Tommy Ayers son is looking to have his wedding at Gray Gables in August of 2012. I know today that they consider us to be a strong, stable, and considerate corporate neighbor.

Our direct plans for the new facility is of a very limited scope in that we plan on doing some internal upgrades to the house such as:

- Adding updated bathrooms
- Installing handi-cap ramps
- Updating the kitchen to a break room
- Installing new parking places

Regarding the outside we have already planted a hedge row of red tips along the entire property line and have plans on installing a privacy fence along the north side boarder along with a continuous flower bed that will far exceed the minimum plantings required.

This facility will serve as a possible office location for Danielle and any other GGG staff member along with serving as a bridal dressing room on the weekends

As you can see from the new diagram submitted the primary access to this new facility will be via hwy 150 and the GGG current traffic flow pattern

Parking at this facility during the weekday will be minimal with no more than 1-3 vehicles expected, and during the weekend we plan on using it as an overflow lot which we have done with considerable ease over the past month.

Once again my family and entire staff at GGG thank you for what you have allowed us to create and will only strive harder in the future to produce what we think is a true jewel to the town of Summerfield

If you have any further questions or need any further clarification on any of these points I would be more than happy to answer them at this time.