

MINUTES OF THE
SUMMERFIELD BOARD OF ADJUSTMENT
SUMMERFIELD COMMUNITY CENTER
July 28, 2011

The meeting was called to order at 6:32 pm by Gene Grubb.

2. INTRODUCTIONS:

Gene Grubb, Chair
Lewis Nash
Mike Stewart
Jim Brady
William North

Will Rozelle, Town Attorney
Chris Anderson, Town Planner

3. CONSENT AGENDA

Mr. Grubb suggested approval of the consent agenda and with no objections the agenda was approved. Mr. Grubb suggested approval of the minutes from the May 26, 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 nine audience members were sworn in.

4. NEW BUSINESS

A. Special Use Permit, 02-07-SP, Stillwater Farms.

Mr. Anderson presented the case, adding that the request was properly noticed to surrounding properties, and conditions included that the Special Use Permit was for an Equestrian Facility. Review of the case included the history of the property, mention of the Bona Fide Farm status, issues for the Board of Adjustment members to consider, description of the Comprehensive Plan, definition of the Equestrian Facility, and the building currently being constructed.

Mr. Bill Greco, representing the Smith's, presented the case: He asked to see the hands of supporters, most of the crowd of 60+ people raised their hands. He noted that approval of the Equestrian Facility would allow Town staff to have more control of the property, to insure that the facility abides by the regulations. He also noted the history, that the property has been used in farm related (specifically horse related) activities for at least the past 20 years.

Mr. Greco noted that the boarding of horses comes with the farm nature of the property, as it has existed and as it is proposed to continue. The property has been, and will always be a farm. No new uses are proposed, approval of the Equestrian Facility will continue the current operations, which include boarding and riding horses, parties, the Cowboy Church, the Summer Camp. He reviewed the presented development plan. The plan shows a barn/stable with parking provided, and an indoor riding arena. He stated that the plan meets the requirements of the ordinance.

Regarding concerns about dust Mr. Greco stated that the Smith's have purchased and utilize a water spreader. This internal plan will continue to work to control dust as much as possible. Staff would get

involved if there are issues. The proposed Equestrian Facility represents a business, and it is a local business, that purchases hay from local farmers, helps with other local businesses such as Pergusons, and uses local veterinary services.

Mr. Grubb asked about the potential of increased traffic, parking for the new building, manure storage and dust. Mr. Smith responded they have purchased a water wagon, attempting to control dust, there will be no new parking associated with the riding arena, manure storage is near the center of the property, and has never been a problem. Mr. North noted that the minimum requirement is 25 acres, that the entire property is included. Mr. Greco stated that they included all the property as it would be difficult to separate out areas as not being part of the facility. It was also noted that the potential definition of the Equestrian Facility includes horse shows, and asked about the intention of having shows, Mr. Greco stated that this would involve a temporary event permit, and add some staff input on those requirements.

Mr. Brady asked about the storage of chemicals, such as diesel fuel. Mr. Smith noted that he carries 5 gallon buckets to fill the various machinery, was thinking of getting an on-site gas tank. Mr. Brady noted that there are rules regarding tank storage due to the watershed and the location of the property, Mr. Smith noted that he will continue to provide fuel in gas cans.

Mr. Grubb asked for others to speak in favor of the application. Meg Sternberg spoke, noting the farm is an advocate for children, she has a grandchild with Aspergers Syndrome, and the facility offers the chance to bond with horses. Still Water Farm offers good storage and boarding facilities. They provide a unique facility, they are great with kids, and they offer unique horse treatment. Mr. Rozell pointed out that the Board is to consider testimony, not anecdotal statements.

Mr. Grubb asked for people that wished to speak in opposition to the proposal. Bob Brody spoke, with no real opposition, asking for amendments/conditions to address manure storage, dust control, traffic and noise (limiting noise). Norman Carroll spoke, not for or against, asking to limit rodeo's and amplified sound. Gary Graham also spoke, not necessarily opposed, with concerns about loud noise and limiting competitions. Suzanne McFadden spoke noting a utility easement at the northwest corner, where a connection is to the Vineyards Trail, that the Smith's had in the past used this as a connection and addition to riding options. She asked how riders would get to Bronco Lane?

Mr. Grubb allowed the Smith's a period of rebuttal to the previous comments and concerns. Mr. Greco spoke, noting that granting the permit allows the Town further enforcement opportunities to ensure compliance. The Smith's noted that trail riding would be allowed only where riding is allowed.

Mr. Grubb closed the public comment portion of the meeting. Mr. Stewart asked about the hours of operation, Mr. Smith noted that there were currently no limits. Mr. Brady added a clarification to the application, that there is included a letter of correction, reducing the proposed uses to just an Equestrian Facility. Mr. North asked the applicant to address the specific concerns, the Smith's noted that traffic is already on Strawberry Road, that this will not increase traffic, that noise concerns centered around a previous event from a neighbor, that they do not make excessive noise, that there might be a PA system inside the riding arena, sounds would be kept low, that they are trying to maintain dust levels low with the water wagon, that the manure storage is far from any property lines and was located there at least 6 years ago, and that if there are other concerns, that they will attempt to address them when they hear about them (please let them know there is an issue). Any event would require additional permit for the specific event.

Mr. Grubb asked for the question, Mr. Stewart made a motion to approve the request, agreeing with the staff report, repeated below. Mr. Nash seconded the motion, with all members voting in favor of the request.

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, Equestrian Facility is allowed as a Special Use in zone AG.

- 2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).

The development standards for Equestrian Facility include:

- Permitted in AG, RS-40, and PI Districts
- Minimum Area: Minimum area required for an equestrian facility to be established is twenty-five acres. The proposed location contains three parcels of land, totaling 38.884 acres.
- Use separation: there shall be a minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
- Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties. The applicant will need to address a dust maintenance program.

- 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.

The proposed use, subject to additional conditions that the Board might consider, appears to incorporate many of the ideals discussed in the Comprehensive Plan. See further discussion referring to the Comprehensive Plan below.

The location of the property is within an area zoned AG, with larger lot sizes and private horse farms, as well as several established residential subdivisions. Polo Farms, across Strawberry Road, has an 8.65 acre tract of property that was approved for a special use permit for neighborhood amenities. Additional subdivisions include Hillsdale Lake, Stable Ridge, Lochmere, and the Vineyards.

- 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 (Most of the structures are already located on the property and one is currently being constructed. The proposed use of the property as an Equestrian Facility appears that it will not impact health or safety).

- b) That the use meets all required conditions and specifications;

Yes...provided that the applicant demonstrates all the above 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 subject property has been utilized in some sort of equine based function for many years. The adjoining and abutting properties have also been long established. Aerial photography from 2002 and 1995 show land cover that is essentially unchanged to today. The proposed use of the property is more intense than is currently permitted. The Special Use Permit will afford the Town greater

options for regulation and expected standards. The proposed use is supported by the fact that the business has been expanding over the past few years.

- 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. The applicant seems willing to mitigate concerns of neighbors as much as is reasonably possible. And it will conform in general to the plans of development for the Town of Summerfield. See Comprehensive Plan comments below.

There has been concern mentioned about the indoor riding ring that is being constructed on the property. The building is permitted by right on the property. Incorporating the building into the Equestrian Facility will only be permitted with the approval of the Special Use Permit, but it can be used currently for private use by the property owners. There are no design standards currently in place for this location. There will be mandatory modifications needed (commercial building standards – ie. ADA compatibility, provision of rest rooms) if the building is to be incorporated into the Equestrian Facility.

5. OTHER BUSINESS

Mr. Anderson presented other business before the Board. Mr. Gene Grubb had offered his resignation due to his moving and selling his property. Staff presented to Mr. Grubb an Appreciation for extended service. The Board of Adjustment will have to revisit the election of officers at their next meeting. The Board restated its need for members, especially with no alternates currently (assuming Mr. North will be promoted to a sitting position with Mr. Grubb's resignation).

By-laws were introduced by Mr. Anderson, asking for direction on residency, conduct of meeting, and any other areas that should be included. These will be further considered at the next meeting. Mr. Brady noted that terms of officers should be clarified, and required voting should be spelled out or examples provided.

Mr. Nash made a motion to adjourn, Mr. North seconded, and the meeting adjourned at 7:45 pm.

Gene Grubb, Chair

Chris Anderson, Clerk to the Board