



C O U N C I L M I N U T E S – S P E C I A L C A L L E D M E E T I N G

DECEMBER 17, 2014, 6:30PM, SFD TOWN HALL

The meeting was called to order at 6:30pm by Tim Sessoms. The invocation was followed by the Pledge of Allegiance. The following were present:

Council

- Tim Sessoms, Mayor
- Dena Barnes
- Mike Adams
- Dianne Laughlin

Staff

- Scott Whitaker, Town Manager
- William Rozell for William Hill, Town Attorney
- Julie Reid, Interim Town Planner
- Valarie Halvorsen, Town Clerk

Laughlin motioned to approve the consent agenda, consisting of the meeting agenda as amended (addition of invocation and Pledge of Allegiance, seconded by Barnes, which carried unanimously).

Barnes motioned to formally excuse Alicia Flowers and Elizabeth McClellan, seconded by Adams, which carried unanimously.

PUBLIC HEARING

Rezoning Case RZ-02-13 (applicant: Combs, Incorporated; location: approximately one half mile south on Birkhaven Drive Road from Oak Ridge Road, then right on Braelands Drive, then right on Briardenn Drive. The current road deadends into the subject property. Guilford County Tax Parcel 0149857).

Reid presented the case, noting the applicant is requesting a rezoning from AG, Agricultural District in a Watershed III Protection Area to RS-40, Residential Single Family District in a Watershed III Protection Area. Both the watershed regulations and the zoning regulations of the Development Ordinance apply to this parcel. Where the provisions differ, the most restrictive regulation applies.

She noted that this rezoning would be better accomplished with a Conditional Use District that would allow a mechanism to reduce the minimum lot size to 40,000 square feet and the approval could be tied to additional conditions and a specific subdivision plan.

Primary Conservation Areas were discussed. The use of these areas is restricted to trails. No use is permitted that disturbs the soil and natural vegetation. The construction of houses or installation of septic tank systems is not allowed in a Primary Conservation Area. The entire primary conservation area should be included in the designated open space. Homeowner associations (HOAs) and individual property owners often do not understand the purpose of restricting activities in these areas and can do irreversible damage; therefore, no portion of the Primary Conservation Area should be included in individual lots.

Reid also noted two additional lots are designated as Common Area/Open Space and these do not contain any conservation areas. This would not be appropriate if the intended purpose of these lots is off-site sewage disposal systems. These would be considered "special lots."

Council: Mayor Tim Sessoms, Mayor Pro-tem Dena Barnes, Mike Adams, Alicia Flowers, Dianne Laughlin, Elizabeth McClellan

Staff: Scott Whitaker (Manager), Jeff Goard (P&R Manager), Valarie Halvorsen (Clerk), Katrina Whitt (Finance Officer), (Planner position vacant)



The staff report is summarized as follows:

- There is some discrepancy in the interpretation of "average minimum lot size" in the Watershed Regulations of the Development Ordinance. Prior to the adoption of the zoning request, a determination will need to be made regarding this interpretation.
- The proposed rezoning complies with some portions of the Comprehensive Plan and not others. Additional policies could be met with application of the Development Ordinance regulation.
- The inclusion of part of the Primary Conservation Area in individual lots would allow disturbance of these areas.
- This rezoning should be accomplished under a Conditional Use District. This would allow the reduction in lot size (within the watershed protection area) and would allow approval to be tied directly to a specific and proposed subdivision plan.
- The Zoning Board asked that the local fire department, EMS, and sheriff's office review the number of homes accessing the subdivision road. The Fire Chief expressed no concern over the addition of this subdivision, but was glad that another connection would be made in the future.

Sessoms opened the public hearing at 6:55pm.

Proponents

Chris Rohrer of Land Solutions, 200 S. Regional Road in Greensboro, felt the request for rezoning met the requirements of the Development Ordinance and the Comprehensive Plan, and interpreted the average minimum lot size as they did for the previous development of Birkhaven. Protecting natural resources was noted as important and the proposed open space dedication exceeded the requirement. The proposed density is 0.68. Rohrer felt the proposal was consistent with and similar to nearby projects, noted there was no one in opposition at the open house, and requested approval.

Kevan Combs, 8006 Linville Road in Oak Ridge, spoke about soils – bad soils do not provide buildable lots and they don't rely on Guilford County for its database records; they use a soil scientist. He felt the project was in compliance with the Development Ordinance and proposed approval would be consistent with what the town has done in the past in similar situations. (*Note: The actual soils report prepared for the subdivision has not been submitted.*)

Dwayne Crawford, 1106 NC Hwy 150 West, said that RS-40 was put there to ensure adequate space for well and septic. He spoke in support because of it would have lower density than required.

Opponents: (none)

Sessoms closed the public hearing at 7:06pm.

Council Discussion

Adams asked about a proposed condition during the Zoning Board hearing requiring all slopes of 15% or greater to be part of a Primary Conservation Area, which was objected to by Combs and withdrawn by consensus.

Combs noted 15%-grade lots are great basement lots and 100% developable. A requirement of this kind would severely limit Summerfield development. The 15% language was quoted from the Development Ordinance and it was made clear that it is part of the Ordinance as a requirement and not an option. There was further brief discussion about slopes, stabilizing soils, and erosion concerns.

Laughlin asked why RS-40 was selected when previous phases of Birkhaven development were zoned RS-40 by Conditional Use. Combs gave his opinion that RS-40 would be the best fit for the proposed development.

There was discussion of connectivity, roadways, streams, NCDENR and Army Corp of Engineer requirements and monitoring, and slopes.

Barnes motioned that the application for rezoning (RZ-02-13) from AG, Agricultural District in a Watershed III Protection Area to RS-40 Residential Single Family District in a Watershed III Protection Area be approved. The request was stated as consistent with the town's adopted Comprehensive Plan because it met Policy 6.1, it met the Zoning Board's condition to acquire feedback from the fire department, EMS, and sheriff's office, and that the approval was reasonable and in the public interest because of aforementioned reasons. Laughlin seconded it.

Adams stated he that there appeared to be a conflict with Objective 3 of the Comprehensive Plan and most specifically Policy 3.5—the rezoning and development would likely require a lot of clear-cutting. He preferred a commitment to not clear-cut, but understood the enforceability issue. Combs said the locations for septic systems and replacement fields have not been submitted to the Guilford County Health Department, and these locations would be necessary prior to addressing tree removal. He stated that he needed the rezoning approval in order to move forward. He stated he could not commit to tree preservation without more project certainty.

Rozelle reminded that the rezoning did not have to meet every aspect of the Comprehensive Plan in order to approve. Crawford added that it is a rezoning and applies to the use of the land; specific development standards would be addressed in the subdivision process. Sessoms called for the vote and it carried unanimously.

COUNCIL BUDGET AMENDMENT #5 FOR UNEMPLOYMENT (FY13-14)

Whitaker stated the budget amendment is needed for unemployment benefits for two former employees.

Barnes motioned to approved Town Council budget amendment #5 (FY13-14) for unemployment. The motion was seconded by Adams and carried unanimously.

With no further business, a motion was made at 7:54pm by Barnes to adjourn. The motion was seconded by Laughlin and carried unanimously.



Tim Sessoms, Mayor



Valarie R. Halvorsen, Town Clerk