TOWN OF Summerfield

Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldgov.com

ZONING BOARD MINUTES

SEPTEMBER 23, 2013, 7:00PM, SFD COMMUNITY CENTER

The meeting was called to order at 7:00pm by Mr. Feulner with the following present:

Zoning Board
Jeff Davis
Dick Feulner
Kathy Rooney
Trudy Whitacre

Staff
Julie Reid, Interim Town Planner
William Hill, Town Attorney
Valarie Halvorsen, Town Clerk

CONSENT AGENDA

A. Approval of agenda: Rooney motioned to approve the agenda, seconded by Davis, which carried unanimously.

B. Approval of minutes: Davis motioned to approve the 2/25/13 minutes, seconded by Whitacre, which carried 3 to 0 (Feulner did not vote as he was not present at the 2/25/13 meeting). Whitacre motioned to approve the 3/7/13 minutes, seconded by Davis, which carried 3 to 0 (Feulner did not vote as he was not present at the 3/7/13 meeting). Davis motioned to approve the 3/25/13 minutes, seconded by Rooney, which carried unanimously.

PUBLIC HEARING FOR REZONING CASE #01-13

The request was to rezone three parcels from RS-40 (Residential Single-Family District) to CU-GB (Conditional Use General Business District). The properties, approximately 34.26 acres, are located at 5920 Khaki Place, 5920 near Khaki Place, and 7631 Deboe Road, being Guilford County Parcels 0149658, 0217566, and 0150130. The parcels are owned by Paul G. and Virginia W. Milam and Henson Village LLC.

Reid presented the case, noting staff recommended the following additional conditions:

- Combine all parcels from the earlier zoning (approximately 45 acres) and the current request (34.28 acres) to allow for comprehensive review of all improvements and requirements of the ordinance and other applicable regulations. This would also include: location of water source and storage, wastewater treatment, and stormwater provisions for the entire combined site.
- Due to site size and complexity, prepare a master plan that would be approved for the entire 80 acres (approximately) using the site plan's requirements for required submittals.
- Prepare a comprehensive traffic analysis and submit it with the master plan to identify appropriate access points, any necessary improvements, or traffic controls to minimize negative impacts on the community.
- Prepare and submit a master sign plan with the master plan for approval.

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- Per the Comprehensive Plan's "Community Character Preservation" objective, increase the front setback from existing road(s) from 15 feet to 30 feet to allow for planting and preservation of shade trees.
- Prohibit the clear-cutting of trees per the previously-mentioned Policy 3.5.

The applicant agreed with these recommended conditions with the following adjustments:

- A *phased* master plan will be prepared and submitted for approval for the entire 80 acres (approximately) using the site plan's requirement for required submittals.
- A comprehensive traffic analysis will be submitted with the *phased* master plan to identify appropriate access points and necessary improvements or traffic controls to minimize impacts to the community.
- A master sign plan will be prepared and submitted with the *phased* master plan for approval.
- The front setback from existing road(s) will be increased from 15 feet to 30 feet to allow for planting and preservation of shade trees, provided no additional right-of-way dedication is required.
- Tree preservation will be addressed as a part of the phased master plan.

Charlie Melvin (applicant's attorney from 300 N. Greene Street, Greensboro) stated that people want attractive, well-designed places to shop; the applicant wishes to combine this property with the approximately 45-acre parcel already zoned CU-GB; and this is the property's highest and best use.

John Davenport (applicant's traffic engineer from 305 W. Fourth Street, Winston-Salem) noted a traffic study will be conducted following completion of a master plan. Feulner asked about traffic counts and capacity on Highway 150 and Davenport responded with 4,900 and 12,000 vehicles per day, respectively.

Chuck Truby (applicant's project engineer from 502 Waycross Drive, Greensboro) discussed the concept of a village-type shopping area that could potentially house commercial, medical, and other services. He said the benefit of combining the properties would be to have a master plan designed for the whole acreage, rather than a piecemeal development approach.

David Couch (project developer from 6791 Meadowview Drive, Summerfield) felt the proposal is an opportunity to carefully design something that will be used by Summerfield citizens and will offer an array of uses in one location, thereby reducing sprawl.

Public hearing recessed at 7:44pm.

Feulner re-opened the public hearing at 7:55pm.

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PROPONENTS*

**The following speakers stated they were neither proponents nor opponents; they were neutral:*

Don Wendelken, 3406 Windswept Drive, felt traffic needs should be carefully considered and the site plan should address public safety issues such as water supply and should involve the fire department and other appropriate entities.

Shirley Jennings, 5800 Francis Marie Court, asked about the site plan approval process. Feulner replied that it requires the Zoning Board to approve the site plan with a super majority vote.

Sam Angel, 7620 Deboe Road, did not want any more houses on Deboe Road and did not want to see a large sewage system. He was concerned with light egress and hoped that additional traffic would be confined to Khaki Place and that a landscape buffer would be installed.

Cynthia Sudermann, 7642 Henson Forest Drive, was concerned about the impact on water supplies, what Mr. Milam plans to do with his house, and wanted to see a more concrete plan.

OPPONENTS

Deloris Smith, 7665 Deboe Road, stated the septic system from a previous rezoning is beside her house and felt it had reduced her property value.

Gail Dunham, 5805 Snow Hill Drive, was concerned with the process and stated the board needed to approve or deny the rezoning based on permitted uses, not on a "pretty picture" (referring to a rendering provided by the applicant). She felt that the proposal does not comply with the Summerfield Comprehensive Plan.

Ken Dunham, 5805 Snow Hill Drive, felt wastewater and stormwater provisions needed to be addressed and that traffic on Brookbank Road would be heavily impacted.

Sarah Wimbish, 3700 Oak Ridge Road, was concerned with noise, traffic, water, and septic impacts.

REBUTTAL

Applicant Paul Milam, 5920 Khaki Place, said the intent was for a village where community members can meet and interact. He has had considerable interest in the property from outside developers, but felt it best to collaborate with local developer David Couch to keep with the vision his (Milam's) father-in-law had for the property. He noted the sewage drainage fields Ms. Smith described were under the control of a homeowners association.

Chuck Truby stated all stormwater ordinances and regulations would be carefully followed. There are two existing wells. Draw-down tests would be performed to determine water pressure and volume for the development and any adjacent wells could be monitored to determine effects of the draw-down tests.

Shirley Jennings asked if more uses (from those permitted) could be removed.

John Davenport stated NCDOT regulations would necessitate a study of potential traffic impacts, which would be addressed either with improvements to Highway 150 or a reduction in the intensity of the proposed development.

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Don Wendelken said there were lots of unknowns and questions from citizens that should be addressed prior to a board decision.

Gail Dunham reminded all that approval of the rezoning would result in allowing all uses in the GB zoning that were not conditioned out. She requested that traffic and septic issues be addressed prior to approval of the rezoning.

David Couch introduced himself as the developer and stated he wanted to provide what the citizens want in this development.

Feulner closed the public hearing at 8:45pm.

BOARD DISCUSSION

Feulner asked why the 2004 rezoning listed 33 exclusions and this one only listed 21. Milam stated the difference was due to the uses being ambiguous in nature. Couch stated the uses were not offensive and he wanted them to remain on the remote possibility of having those types of tenants. As an example, Milam stated disallowing "Ambulance Service" could potentially disallow a medical tenant, as it is unclear what is encompassed by the term.

When asked about maximum building height, Reid stated the base allowable height is 50 feet, with additional height allowable with additional road setback. Regarding stormwater concerns, Reid noted stormwater and watershed regulations are very strict, and the site planning process was comprehensive, addressing all aspects of development.

Whitacre asked Reid for her opinion on how the proposal fits with Summerfield's vision and what affect this may have on other "town center" areas. Reid replied that the location is in an area identified by a 2003 "Market Analysis and Commercial Needs Assessment" document as a major node, which is appropriate for heavier uses such as what is being proposed, whereas the town core is a minor node, suited for the current uses including a post office, school, and fire station. She felt the proposal fits with Summerfield's planning documents that include the 2000 Long-Range Plan, the 2003 Market Analysis, and the 2010 Comprehensive Plan.

Whitacre asked about the potential for a "domino effect" and Hill stated that could not be considered. Whitacre stated there is prime farmland on the site and the importance of farmland preservation is stated in a document approved by the county. Her concern is that people feel they are not a part of the decision-making process.

Whitacre asked about the Saunders Inn; Milam stated it was beyond repair and dangerous to enter; however, as much as possible, artifacts would be removed from the inn and displayed somehow, perhaps by integrating a "story wall" within the proposed development.

Whitacre reiterated her concern about the lack of citizen input; Reid stated if the site plan meets all technical requirements, including those mandated by state law and local ordinance, then it cannot be denied. Hill stated there was no requirement for a public hearing on the site plan.

There was discussion about the difference in wording of the last additional condition requested by the applicant, "Tree preservation will be addressed as a part of the phased master plan" versus the wording in the staff report "Prohibit the clear-cutting of trees per the previously-mentioned Policy 3.5." Couch said he would agree to the language in the staff report, provided he would be given a

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clear definition of "clear-cutting." Hill stated the definition was ambiguous, noting if it is not addressed in the Development Ordinance, the applicant could not be held to a standard higher than that contained in state code. Hill cited the applicable state statute as NCGC160A-458.5 and recommended using it to clarify the term; it was decided by consensus to address this issue prior to the 10/8/13 Town Council public hearing.

Feulner asked if the rezoning could be conditioned on approval of the site plan; Hill said that was not possible.

Rooney said that while intentions may be good, things could change resulting in promises not being upheld regarding development. Couch stated that he stands by his word, that the board must have confidence in its ordinance, and he will solicit input of citizens who will shop at the proposed site.

Returning to the excluded uses, Feulner asked if the current request would change the exclusions approved in the 2004 rezoning; Hill stated it would not.

With no more discussion, Davis, citing compliance with the Development Ordinance and the Comprehensive Plan, made a motion to approve rezoning case #01-13, RS-40 (Residential District) to CU-GB (Conditional Use General Business District), with the conditions agreed to by the applicant and the board, including the provision to clarify the term "clear-cutting" prior to the 10/8/13 Town Council meeting. The motion was seconded by Whitacre and carried unanimously.

Following a brief recess, and with no further business before the board, Whitacre made a motion to adjourn at 9:37pm, seconded by Feulner, which carried unanimously.

Dick Feulner, Acting Chair

Valarie Halvorsen, Town Clerk