



Z O N I N G B O A R D M I N U T E S

DECEMBER 18, 2013, 7:00PM, SFD COMMUNITY CENTER

Hess reopened the 11/25 recessed meeting at 7:06pm. The following were present:

Zoning Board

- Nancy Hess, Chair
- Dick Feulner
- Scott Henson
- Kathy Rooney
- Trudy Whitacre

Staff

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

CONSENT AGENDA

Trudy Whitacre motioned to approve the consent agenda as amended, including the meeting agenda and approval of the 9/23 and 11/25 minutes. The motion was seconded by Henson and carried 4 to 0 (Rooney abstained).

PRELIMINARY PLAT APPROVAL: BIRKHAVEN PHASE 6

Reid presented the subdivision report. There was discussion about soils and potential road alignments.

Reid noted that a corrected soils map and chart were included in the packet and asked the board to look at the soils map, noting that approximately one-third of the soils shown for the site had severe restrictions for the installation of septic tank systems. The remaining soils had moderate restriction for the installation of septic tank systems. She noted that the developer had indicated that he had a report from a professional soils engineer, but that it had not been submitted.

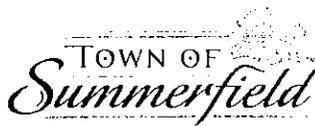
Reid noted that the zoning board could require road access to adjacent parcels and may determine what alignment would be in the best interest of the community. She presented an alternate road alignment for the proposed development that would provide access to all adjacent properties, not require a stream crossing, and prevent an offset intersection on Oak Ridge Road.

Hess asked about the required open space and Reid replied that 2.5 acres were required and the preliminary plat indicated 4.104 acres of open space, most of which includes primary conservation area. The proposed open space did not encompass the entire primary conservation area, which contained slopes of greater than 15% and poor soils with trees and undergrowth stabilizing the slopes. Two additional parcels (1.082 acres and 1.143 acres) are designated as open space and common area. These two parcels do not protect anything. Reid reported the following regarding primary conservation areas:

The Summerfield Development Ordinance states “(E) Disturbance Limitations: Subdivisions should be *designed to prohibit disturbance*, other than previous trails not to exceed 5’ in width,

Council: Mayor Tim Sessoms, Dena Barnes, Mike Adams, Alicia Fickers, Dianne Laughlin, Elizabeth McClellan

Zoning Board: Nancy Hess (Chair), Jeff Davis, Dick Feulner, Kathy Rooney, Trudy Whitacre, and alternate Scott Henson



within all required primary conservation area open space dedication and to avoid or limit disturbance in secondary area.”

“1) Primary Conservation Areas. Because they represent sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense, Primary Conservation Areas are the first type of open space designated on a subdivision plan to satisfy the minimum open space requirements. Because of their sensitive nature, there is to be no observable disturbance of any area designated as a Primary Conservation Area on a Master Sketch, Subdivision Plat, or Site Plan.”

Reid also noted Section 7-3.4 Protection of Fragile Areas from the Watershed Protection Provisions in the Development Ordinance that spell out the mandatory actions that must be taken in areas with slopes exceeding 15 percent.

Reid explained that homeowners associations and individual property owners generally do not understand the purpose of restricting development in conservation areas and can do considerable harm to these areas. She stated the prudence of placing all primary conservation areas in a dedicated open space classification, that soil-disturbing activities such as home building should not be allowed in primary conservation areas, and that primary conservation areas should not be included within individual lots.

Trudy Whitacre asked if there were other cases in Summerfield where disturbance of primary conservation areas was not allowed; Reid replied affirmatively, referring to a recent subdivision that was reduced from 12 lots to 4 lots for that reason. Reid also explained that not every piece of land was capable of being developed or developed to a desired level. She offered that much of the prime land in Summerfield had already been developed and that land developed in the future will have to recognize the natural limitations of the geography and soils.

Additional comments/deficiencies were presented from reviewing agencies. There was discussion of density and average minimum lot sizes. Feulner noted the land would speak for itself regarding the number of lots that would logically fit on the property.

The following concerns were discussed by the board: not allowing disturbance of primary conservation areas per ordinance requirements; moving lot lines out of the primary conservation areas; the proposed alignment of roads within the subdivision and to adjacent parcels; discouraging the use of off-site septic drainage lines as a common practice; limited allowed uses within power-line easements; and the possible protection of existing stands of trees within the subdivision.

The surveyor indicated that a more accurate survey might disclose different elevations, which would allow an adjustment to the lot lines in either direction.

Feulner noted that 50-75% or more of the area of two of the lots was primary conservation area. Feulner recommended that the applicant work with staff to amend the proposal to move the lots out of the primary conservation area, to do a more detailed assessment, to re-assess the design of the subdivision based on those concerns, and bring the plan back to the board after such amendments are made.

Feulner made a motion to table the item, giving the applicant time to work with staff to amend the proposal. The motion was seconded by Rooney and carried unanimously.

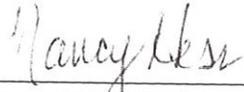
CONTINUED PUBLIC HEARING

Abandoned, Nuisance, and Junked Vehicle Ordinance

Code Enforcement Officer John Ganus of N-Focus in Kannapolis, NC stated the draft ordinance granted enforcement powers, would allow abatement of violations, and outlined definitions and the process for abatement. He stated it is consistent with North Carolina General Statutes and further explained how it would provide the town with police powers regarding abatement.

Following much discussion about the statutory definition of an "abandoned vehicle," enforcement actions against such a vehicle, and other aspects of the proposed ordinance, Hess motioned to recommend approval the ordinance omitting all references to abandoned vehicles. The motion was seconded by Feulner and carried 3 to 2 with Henson and Trudy Whitacre opposed.

With no further business before the board, the meeting was adjourned at 9:13pm.



Nancy Hess, Chair



Valarie Halvorsen, Town Clerk