

**MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
May 3, 2012**

1. **The meeting was called to order at 7:05 by Chair Nancy Hess.**

2. **INTRODUCTIONS:**

Nancy Hess, Chair

Dick Feulner, Vice Chair

Trudy Whitacre

Jeff Davis

Scott Henson

Bill Hill, Town Attorney

Carrie Spencer, Interim Town Planner

3. **CONSENT AGENDA**

Feulner made a motion to approve the agenda. Davis seconded, and it passed unanimously. Whitacre made a motion to approve the minutes from the April 23, 2012 meeting. Hess seconded, and the motion passed unanimously.

4. **NEW BUSINESS:**

(A) Rezoning Case #01-12 CU-OSRD to CU-AG (continued from April 23, 2012). Spencer presented the case, reminding the Board that they are to determine if the requested zoning is appropriate for just the property in the application. Hill went over procedural issues with the Board.

Public Hearing:

In Favor:

Elizabeth McClellan, 7103 Lentz Ct, added more exempted uses to the list of conditions in the application. Hill mentioned that McClellan's position as a sitting Council member should not influence the Board's decision.

McClellan referenced the Town's Comprehensive Plan Policy 3 and read the section on Farmland Preservation. She added that our community is unique due to its rural character and she intends to use the property for a farm. McClellan respectfully asked the Board to better the community by allowing her to downzone her property, stating that AG zoning best fits her intended use.

John Van Kemp, 7275 Wyatt Dr, spoke in support of the request, stating he owns the house closest to the property. He stated that Ms. McClellan had done an excellent job informing the public of her intent and was confident that she would maintain and/or increase the value of the neighborhood.

Mickey Cook, 6224 McKibbin, spoke in favor of the request and asked about automotive parking as in the ordinance. Spencer stated that parking for AG lots is not intense. He asked about a fence along Wyatt with an entryway and a gate and it was clarified that the fence and gate were not a condition of the rezoning.

Thomas Rososki, 7274 Wyatt, asked Hill about rezoning to OSRD and covenant issues with the neighbors. Hill stated that covenants are Home Owner's Association restriction, and are a matter of contract between private parties and not for the Government to regulate. It was clarified that the rezoning conditions will stay with the land. In answer to a question, McClellan stated that the property would not be included in the Home Owner's Association. When Rososki asked about the applicant's intentions for a private road, Hill stated that it is not germane to the case. Mr. Rososki retracted support due to the uncertainty of the road (he later reinstated his support after Mr. Couch discussed it.)

Shirley Jennings, 5800 Francis Marie Ct, spoke in favor of the request stating that she could not imagine the request being disapproved. She stated that she loves the rural character of the town and believes that it improves value to see green and farms and open space.

David Couch, 6791 Meadowview Dr, spoke in favor of the request. He is the seller for the proposed property and subsequent down zoning. He stated that he had recently purchased the remaining acreage in the Armfield subdivision and afterward realized that the zoning district requires single ownership. When the McClellan's

offered to purchase a portion, a rezoning was necessary. He stated that the alternative to the rezoning is a 20 lot subdivision which is already approved for the property. He stated that the property requested for rezoning is not currently included in the Home Owner's Association since it is not yet platted. He stated that the current plan is to farm the land and not develop, it is a simple case of requesting a zoning district that matches the intended use, and a down zoning is rare. Mr. Couch feels that he has the general support of the Armfield homeowners.

David Gaither, 5101 Bayberry Ln. spoke in favor of the request. He stated that he wanted to purchase the lot across the street, he is not against the proposal, but concerned about future use. Mr. Hill stated that Mr. Gaither does not have a voice as he does not currently own the property.

Ms. Spencer explained the differences between commercial and non commercial agricultural uses as dependant upon the intensity and profit motives for the property.

Rich Lovett, 7812 Spencer Brook Dr. stated that he is not against the rezoning but he was on the Zoning Board when Armfield was rezoned and is concerned about the way the property was viewed in the original zoning, and is not now viewed that way. He added that the property was originally zoned according to the development that was envisioned for the property and now portions of it are being excised for other reasons without considering the impact on the existing homeowners.

Rebuttal:

Ms. McClellan stated that the property was not in the HOA covenants when they bought it. She added that they want to better its use by creating a farm which is a better representation of the community. She added that the idea is heavily supported in the town's Comprehensive Plan.

Mr. Couch stated that the road has been dedicated to the DOT but not accepted. He added that the horse trailer and equipment will be parked behind a fence. He stated that many AG uses are already allowed in the OSRD District but all property in the district has to be in common ownership so a rezoning had to be done.

There were no further speakers in favor or opposition and Mr. Feulner closed the public hearing. He reminded the audience that property values are not germane to the rezoning.

Hess asked is there was adequate open space in the Armfield OSRD district and if a revised Master Sketch is necessary. Hill stated that the open space of the remaining Armfield acreage will meet the requirement but the Board can't consider it. He added that, in his opinion, if a landowner is otherwise in compliance with the ordinance, he should not be prohibited from a rezoning based on what a previous landowner had done. Feulner stated that the remaining Armfield properties are still subject to OSRD zoning should they be platted in future. Feulner added that he is concerned that the public is aware of all future potential uses for the property.

Feulner made a motion to approve the rezoning request based on the Comprehensive Plan policies for Rural Character, Whitacre seconded, and the motion passed unanimously.

5. OTHER BUSINESS:

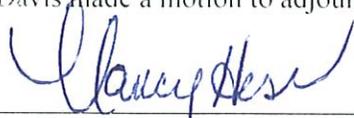
(A) Updates from the Planner: Spencer informed the Board about the proposed noise wall for Hwy 220, the hiring of Scott Whitaker as Town Manager, and that the Sign Ordinance discussion is on hold for now.

The Zoning Board asked to look at the proposed ordinance to become familiar with it since it is their tool to use.

The next meeting is scheduled for June 18 (this date was later changed back to June 25).

6. ADJOURN

Davis made a motion to adjourn, Feulner seconded, and the meeting adjourned at 8:45.



Nancy Heß, Chair



Valarie Halvorsen for:
Carrie Spencer, Clerk to the Board