

MINUTES OF THE  
SUMMERFIELD ZONING BOARD  
SUMMERFIELD TOWN HALL  
August 22, 2011

The meeting was called to order at 7:02 pm by Nancy Hess.

**2. INTRODUCTIONS:**

Nancy Hess, Chair  
Trudy Whitacre  
Rich Lovett  
Kathy Rooney  
Jeff Davis

Scott Henson  
Will Rozelle, Town Attorney  
Chris Anderson, Town Planner  
Carrie Spencer, Clerk to the Board

**3. CONSENT AGENDA**

Mr. Davis made a motion to approve the agenda, Ms. Rooney seconded, and the motion passed unanimously. Mr. Henson made a motion to approve the minutes for the March 28, 2011 meeting with corrections, Ms. Whitacre seconded, and the motion passed 4 to 0 with Mr. Lovett and Ms. Rooney abstaining as they had not attended the meeting.

**4. NEW BUSINESS**

**A. Discussion of By Laws**

Mr. Anderson presented current and revised By Laws for the zoning Board, adding that staff wanted to ensure they agree with BOA and other committee rules. He stated that he wanted to be comprehensive and that he had used reference material, but tried not to repeat what is in the ordinance.

There was a question about the concept of removal for cause and the sentence was removed.

There was a question about the absentee policy and it was suggested the language be changed to say "Zoning Board members are expected to attend at least (number or percentage to be determined) regular and special meetings of the board."

Mr. Rozelle stated that board members should attend meetings if there is not a financial or property interest. When asked if an applicant can request recusal, Mr. Rozelle stated that they really can't without a legal basis. He added that it is best for members not to attend meetings, and certainly not to speak, when they feel a conflict is under question.

When asked about attorney requests for members to recues, Mr. Rozelle stated that board members should not speak about a case when it is going to be on an agenda, including during the Updates from the Planner section of the agenda.

Mr. Rozelle reminded the board that they may attend Town Council meetings but should not speak about cases they have heard. The Conflicts of Interest section will include the sentence: "Board members should not publically discuss a case until the case is decided by council in order to reduce potential future conflicts should a case be remanded back to the zoning board." Mr. Rozelle will ask Mr. Hill for further advice.

Board members should continue to refrain from attending Open House meetings.

Board members attending board meetings as an alternate should not ask questions of clarification from the audience.

It was agreed that the board would make an effort to ensure alternates are seated occasionally. Informal meetings and training sessions also help to keep alternates more involved.

Mr. Anderson informed the board that political signs will be allowed within the public right of way. Discussion will be continued at the next Zoning Board meeting.

## **B. Planning for Sign Ordinance Community Meeting**

Mr. Anderson suggested a community meeting on Mon Oct 3, since the Summerfield Rd Special Area Plan community meeting will be moved to Oct 4. He stated that the meeting would be held at the Community Center. He outlined a meeting strategy taken from Glen Harbeck's methods used for other community meetings which includes a "Power of Ten" method where each board member personally invites 10 people to attend, advertising in the newspaper, and advertising to HOA's as suggested by Mr. Lovett.

Ms. Hess asked if a sign committee had been appointed as outlined in the Comprehensive Plan, and Mr. Anderson stated that Mr. Brandt had suggested the Zoning Board be the sign committee.

There were questions about notification and Mr. Anderson stated that he'd let sign companies know. He stated that sign size and height need to be increased due to the fencing that will be installed as part of the Hwy 220 widening, and displayed pictures of the fence types DOT has offered. He added that another potential exists for fencing coated with green or black vinyl, or to install horse pasture type fencing. There was a suggestion to wait to revise the sign ordinance until after the Hwy 220 widening and Mr. Lovett suggested that business owners need to know what they will be able to rebuild, before the highway is widened. Mr. Anderson added that the sign ordinance needs to be accomplished in time to be adopted soon after the new Development Ordinance is adopted. Mr. Anderson stated that he would be leading the process, as it is not included in Mr. Harbeck's contract. When asked how long Mr. Anderson needs to get ready for a community meeting, it was suggested that he already has a lot of pictures.

Mr. Anderson stated that Mr. Harbeck's process normally includes dividing attendees into small groups for input, followed by a walk around survey where they vote on that input. It was suggested that the board create their own walk around survey with pictures and invite participants to "like" or "dislike" images and add comments. It was suggested we ask sign companies for examples, and Ms. Hess told the board about a similar exercise where sign companies brought actual signs to demonstrate how big they are.

Mr. Anderson explained that since he doesn't work on the weekends there are a lot of signs that go up on weekends and come down before Monday.

Mr. Anderson reminded the board that the town can only regulate sign size, height, material, and lighting but not content.

It was suggested that Oct 3 is too soon for a community meeting, as it would create two large meetings back to back. It was suggested that the sign meeting be held on the regularly scheduled October board meeting date, 6-8pm, with a regular agenda starting at 8. The regular agenda would include discussion of the community meeting. Mr. Anderson said the community meeting doors would open at 6 followed by 15-30 minutes of comment.

## **5. OTHER BUSINESS**

### **A. Updates from committee members:**

Ms. Rooney told the board that Mr. Harbeck had submitted a good looking plan for the Summerfield Road Special Area Plan with an Open House scheduled for early October, another committee meeting October 17, and presentation to the Town Council at their November meeting.

There was nothing to report from other committee representatives.

### **B. Updates from Town Planner:**

Mr. Anderson stated that the Town Council has approved the Jordan Lake Rules program with the Zoning Board's comments. Ms. Whitacre asked about Stillwater Farms and what the process is now that their Special Use Permit is approved, and when the Zoning Board will see a site plan. Mr. Anderson stated that staff was working on the process and that a Development Plan had been submitted and

approved with the Special Use Permit. He said that a Development Plan is not the same as a Site Plan so the zoning board does not see it. He added that it is his opinion that the board does not need to see the Site Plan. Ms. Whitacre wondered why since there is so much activity to be developed such as parking, bathrooms, handicapped access, dust control, manure placement, and the Cowboy Church permit. She felt that a site Plan would ensure future use of the property is regulated and fair. Mr. Anderson stated that a lot of the issues like parking are handled at the staff level, and building code issues are handled by the county. Ms. Whitacre felt that all those issues should be reflected on one site plan to ensure enforceability. Mr. Anderson stated that there are some changes in the process since Fiore Farms was approved, to include the fact that the zoning board used to see Development Plans that were part of Special Use Permit applications.

Ms. Hess asked what would happen if Stillwater came in with a subdivision request and Mr. Anderson stated that the first step would be to nullify the Special Use Permit. There was concern that, at that point, the new barn would already be in place.

It was suggested that we don't want to allow developers a way to circumvent the zoning board. Mr. Anderson agreed that anything in the agritourism category would not come before the board. Ms. Hess suggested that a lot of commercial activity could potentially occur without board approval and Mr. Anderson agreed. Ms. Whitacre asked when staff would know how they were to proceed and Mr. Anderson said he would know this week.

Ms. Spencer said that there are no cases for a September agenda, and the board requested an educational session to learn more about sign ordinances, to include a presentation by a sign company, links to sample ordinances, and links to sign pictures. Mr. Rozelle suggested that an attorney is not necessary for that meeting.

Ms. Rooney made a motion to adjourn, Ms. Whitacre seconded, and the meeting adjourned at 9:07.

---

Nancy Hess, Chair

---

Carrie Spencer, Clerk to the Board