

**MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
March 23, 2009
7:00 P.M. Public Hearing**

NOTE: The official minutes are a CD recording of the meeting. The following is a summary of the events of the meeting.

The meeting was called to order at 7:08 pm by chair Nancy Hess.

2. INTRODUCTIONS:

Nancy Hess, Chair

Dick Feulner, Vice-Chair

Trudy Whitacre

Kathy Rooney, Alternate seated

No other alternates present

Michael Brandt, Interim Town Planner

Blair Carr for Town Attorney

Carrie Spencer, Clerk

3. CONSENT AGENDA

Mr. Feulner made a motion to approve the agenda with the addition of New Business Item C: Update to Comprehensive Plan. Ms. Whitacre seconded, and the motion passed unanimously.

Mr. Feulner made a motion to approve the January 26, 2008 minutes with corrections; the motion was seconded by Ms. Hess, and passed 3 to 0, Ms. Rooney abstaining.

Ms. Rooney made a motion to approve the minutes from October 27, 2008 with corrections, and the motion passed 3 to 0 with Ms. Whitacre abstaining.

Mr. Feulner made a motion to approve the minutes from the February 23, 2009 meeting as corrected, Mr. Hess seconded, and it passed 3-0 with Ms. Rooney abstaining.

4. NEW BUSINESS:

A. Southern States Site Plan and Architectural Review

Mr. Brandt introduced the site plan, returned to the zoning board for reconsideration due to changes to the approved plans for a project located in the scenic corridor. Brandt pointed out a few landscape changes, already addressed with the developer.

One of the water cisterns had moved to another area of the building and a shutter moved from where it would have been installed behind a cistern. A shutter on the left side would have been blocked by the outdoor display area and was moved. A handicapped crosswalk was installed.

Brandt explained the more prominent changes which the zoning board should consider.

The front windows were not installed per plan, creating a long blank wall space and causing the cupolas to be installed off balance to the windows. The gable roof that was approved by the zoning board was not built according to the approved architectural drawing, resulting in a parapet that runs along the sides of the building. The developer claims to have installed the parapet wall to protect the roof equipment from sight. Mr. Feulner stated that that was not an issue. The rest of Hillside Village is a hipped roof style, and Southern States was installed as a squared roof.

Mr. Brandt pointed out the board's 3 options:

Approve the as-built site and architectural details and allow the issuance of a Certificate of Occupancy.

Require them to change the building back to meet the original plans.

Require some changes to bring the building closer to the original plans.

In answer to a question from the board, Ms. Carr stated that this is not a case for the Board of Adjustment.

Chuck Winfree, 201 W Market St Suite 410, spoke representing the developer. The client has done nothing to intentionally deceive the board. It is a situation where they made sound engineering decisions to address problems that arose during construction. They regret not having addressed the board sooner with the changes. The side façade of the canopy roof will be covered with green tin as it is along the front. He passed out a picture that indicates the as-built condition. The developer had been concerned that tin on the top of the building could be subject to wind damage, and to provide more support they added the parapet wall which would also hide the air conditioning equipment as they assumed the board would want. There should be a hip roof there to match the other development, so they propose a cantilevered hip on the end of the canopy, extending the roof to the side about 3 feet, as was approved in the original plans. The issues with the double column have been addressed. The windows were changed: each of the side panels were 17' long, but the engineering showed a requirement for a steel post 12' into the panel which would interrupt the uniformity of the window design. The panel is now about 5 feet shorter than the original plan, resulting in an expanse of wall of 26'. The masonry wall would have to be taken down to move the window. They suggest correcting the look of the expanse of wall by adding shutters on either side of the window. Mr. Winfree passed out a drawing which showed the proposed façade change, stating that it would also help to balance the cupolas. The developer stated that the backside of the proposed hip would be flat, and covered with green metal.

Deuard Bowden, DPC Development, stated that the intent was never to deceive the board, but to give them a better product than originally planned. It was his decision to step up the side wall to a parapet, to prevent over half of the canopy from being subject to wind damage, and to hide the HVAC equipment from site.

Michelle Clifton, DPC Development, 340 Kirkleys Rd Winston Salem, reiterated that Southern States is excited about being in Summerfield. They believe this to be the best of their 200 stores. She is asking the board's help in finalizing the building. They apologize for the inconvenience caused. They would like to open the building on April 1. She implored the board to help them move forward by approving an option they have proposed.

Mr. Feulner stated that the board did not approve a flat roof, and thought they were approving a roof like that of Hillsdale Village. He felt like the board was misled to thinking the roof would not be flat, and would like to listen to the tape of the meeting. Mr. Feulner stated that the architectural rendering that showed the roof, was not in their packet when they approved the architectural plan. Ms. Hess stated that she agrees that a flat roof was not expected: the board had requested the roof be like that of Hillsdale Village, and they expected staff would follow through. Mr. Brandt stated that the board would have to produce detailed evidence to prove the roof is not acceptable. Ms. Whitacre stated that the roof is not acceptable as is.

Mr. Brandt read the minutes from the May board meeting where the architectural details of the project were approved, and where Mr. Clifton had pointed out that the roof pitch (not height) would be like that of Hillsdale Village. It was agreed that the gable does project out from the roof, but the roof overhang does not match the rest of the Village. All agreed that architectural expertise would be helpful on the board and to the staff. It was stated that the pitch of the canopy roof does match that of Hillsdale Village but the rest of the roof does not. Mr. Brandt stated that this building does not lend itself to a hip roof all the way around the sides. It was suggested that, while the building is too large to be entirely covered with a hip roof, they could install a mansard roof. Ms Carr asked the board if the suggested mansard roof is acceptable.

Ms. Hess suggested the board table the roof for the moment, and discuss the windows and cupolas. It was suggested that the developers' offer to install shutters is an acceptable fix. Mr. Winfree passed around a color photograph that shows the existing (blue) shutters. The developer stated that the

proposed shutters on the front would be 2 feet wide, and black to match Hillsdale Village. It was stated that the drawing shows the shutters to be in proportion to the windows. The board agreed that they forgive the change to the windows provided they are fixed as proposed. The board asked if the cupolas are exactly like those of Hillsdale Village. Mr. Bowden stated they are about half the depth of Hillsdale as those cupolas wrap around the roof ridge while Southern States does not have a complete ridge to wrap around. Ms. Hess suggested that they look shorter than Hillsdale and compared pictures. Mr. Bowden stated that the cupolas will have 24" x 24" windows in them. There was concern that it looks bad if the amount of overhang is shortchanged. Mr. Gonzales, John Stratton, stated that he built Hillsdale Village and the overhang is only 1" or 2" and it is hard to see because of the gutter.

Ms. Hess called a 5 minute recess and the meeting reconvened at 8:38.

The board was shown a photograph to demonstrate the developer's proposal for overhang and trim work. The overhang on the existing building was compared to Southern States' which will have no soffit. The developer stated that the building is 90 feet wide and 127 feet long. Ms Hess reiterated that the board agrees with keeping the windows as they are, provided shutters are installed as shown on sheet 5. The cupolas will be half as wide, 6" narrower and shorter, with double windows in the front and a window on each side. The trim will be identical to Hillsdale Village. The board accepts that, and does not need them to move. Ms. Whitacre suggested that the proposed canopy addition will make the cupolas look different. Ms. Hess suggested that the overall look of the cupolas is squatty. The roof pitch of Hillsdale is 8:12, while the Southern States' pitch is 3:12 and a really large cupola would not look good on the lower pitch. The proposed roof addition will extend 3' beyond the end of the building, and will be hipped. The roof material will exactly match Hillsdale in material, architecture, and color. Ms. Rooney asked for the proposed shutters to be about the size of the first 2 window lights. Mr. Brandt suggested that the developer may not be able to modify the canopy pitch to match the roof pitch of Hillsdale. Ms Hess suggested that the canopy be wrapped around the corner and along the entire length of the building side. Mr. Bowden suggested the hip return back to the first 2 drop- downs on the parapet, roughly 6-8 feet long, which would also conceal the drop, and hip the roof 3 ways. Mr. Bowden stated that they would have to redo the entire canopy roof to install a soffit. There was concern that the board set a precedent for future cases by accepting something built differently than approved. Ms. Carr stated that there would not be a precedent due to the specificity of conditions that will go along with it and in order to set a precedent an applicant would have to come forward with the exact same conditions.

Ms. Hess stated that this is not quite what the board approved and hearing the tape would confirm that, but not change the fact that the board must decide to accept it or not. Mr. Feulner stated that the proposal would make it better than it is.

The board discussed the faux windows installed on the side of the building. Mr. Bowden suggested the installation of black shutters like those at Subway, along the sides. Ms. Carr reminded the board to answer the applicant's request to grant a CO, as well as the proposed changes.

Zoning Board Vote:

1. Mr. Feulner made a motion to agree with staff recommendations to the changes to landscaping, water cistern, and columns. Ms. Hess seconded, and the motion passed unanimously.
2. Mr. Feulner made a motion to adopt the applicant's architectural plan with respect to the front windows: Provide shutters in the front on each side of the windows approximately 2 feet wide. Provide shutters alongside faux windows on the sides to match those at Subway. Kathy Rooney requested a friendly amendment that the shutters be sized so that, if they were closed, they would cover the first

section of window. Mr. Feulner accepted the amendment, Ms. Rooney seconded, and the motion passed unanimously.

3. Ms. Rooney made a motion to acknowledge that the cupolas are smaller (6" narrower and 6" shorter), will be trimmed the same as the existing cupolas at Hillsdale Village, and will have double windows in the front and one on each side. Mr. Feulner seconded. Trudy Whitacre requested a friendly amendment that the applicant's architect perform an architectural review of cupola placement in light of the new roof design. Ms. Rooney accepted, and the motion passed unanimously.

4. Ms. Rooney made a motion that there will be a cantilevered hip on the canopy roof, that will extend 3' from the end of the building, would extend back to the first 2 drop downs (enough to cover them), and be a 3 sided hip with the same pitch of the existing canopy. Ms. Whitacre seconded and the motion passed unanimously.

Mr. Brandt explained that a temporary Certificate of Occupancy (CO) is used for cases where there is some deficiency that can be corrected within 30 to 60 days, as long as health and safety issues are met. Ms. Hess asked how long it will take to complete the changes. Mr. Bowden stated that the additional metal will take longer than a week, but framing for the canopy addition can be done right away and the front canopy can be started tomorrow.

Ms. Carr suggested that the board condition the temporary CO to a time which allows for more meetings of the board, and for staff to update them on progress. Ms Carr pointed out that, assuming the May minutes accurately reflect what was previously approved, they have now chosen to accept changes. She added that the board is requesting staff to initiate procedural changes to ensure such an issue does not happen again.

The board expressed concern over the safety of the public in using the building before the roof work is completed. Mr. Brandt suggested that the work be done only when the building is not open. Ms. Clifton stated that everything will be complete in about 3 days, except for the wrap around metal on the canopy addition. She stated that it could take as much as 3 weeks to receive the metal, and that the remaining roof work could be done before or after hours.

5. Mr. Feulner made a motion to grant a temporary (90 day) CO upon completion of the structural work with respect to the roof changes (as verified by town staff) with the proviso that the additional work be done before or after store opening hours. The motion was seconded by Ms. Whitacre, and passed 3 to 1 with Ms. Rooney voting against.

In answer to a question from the board, Mr. Gonzales stated that the additional 2,500sf building planned for the Hillsdale Village site would look identical to the existing Hillsdale Village buildings.

B. Training Session

Mr. Brandt suggested the training session be continued to the next meeting since there are no cases planned for the agenda.

Mr. Brandt expressed his concern over the fact that there is no architect on the board. Ms. Carr expressed concern over material misunderstandings of fact: where both sides were talking about a certain word or concept, each with their own understanding of its meaning. Brandt asked the board to let staff know ahead of time exactly what their issues are so he can understand their concerns. He did not understand that the board had expected a full roof as in Hillsdale Village. All agreed that having an architect on the board or as a hire would help with architectural review. Ms. Carr expressed concern over a board member expressing a professional opinion, when they should normally express a colloquial opinion as a board member.

The board expressed regret over the design of the building in what is otherwise a nice looking shopping center.

Ms. Carr suggested that if the board listened to the minutes it would still not be clear without visual exhibits.

The board expressed concern over applicants bringing exhibits to meetings, which they did not see beforehand. Staff can express that concern to applicants.

B. Update on Comprehensive Plan

Mr. Brandt went over the progress of the Comprehensive Plan. He did an overview of the comprehensive Plan committee: 26 members who accomplish work through consensus. He went over the process, from the town meeting summary to the consultant suggesting policies that best address the summary, and tasks that best address the policies that the committee discusses. The committee spent 3 meetings on the (highly contentious) commercial section. The consultant also interviews key people in the community to help him learn about subject matter before writing policies. Those people do not have undue influence on the plan. The consultant met with people with experience in equestrian, hiking, and pedestrian issues, including a representative from Greensboro trail planning. Next we'll set up discussions about transportation, soils, and water and septic issues. Brandt added that, while the council did not request a smart growth plan, all the elements of "smart growth" are incorporated by the town meeting comments.

Ms. Hess stated that she feels the committee is being rushed to stay on task, and that plans do not get changed over time, contrary to what Glen keeps saying. She was also disappointed over committee members having a discussion that lasted almost an hour. She added that many committee members have not been to a public meeting and do not understand the public process e.g. zoning procedures. Mr. Brandt expressed the hope that this plan will be used, and suggested that the existing long range plan has produced a lot of good things in Summerfield like open space. Ms. Whitacre suggested the idea of a facilitator to keep meetings on track.

5. OTHER BUSINESS

It was agreed to continue the appointment of chair and vice chair to the next meeting.

Ms. Hess made a motion to adjourn, Ms. Whitacre seconded, and the meeting adjourned at 10:41.

Nancy Hess, Zoning Board Chair

Carrie Spencer, Clerk to the Board