

**MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
June 22, 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 7:03 pm by Chair Nancy Hess

2. INTRODUCTIONS:

Nancy Hess, Chair

Dick Feulner, Vice-Chair

Ken Dunham

Rick Burguieres

Alternates Present: Kathy Rooney and Carrie Reeves

Lisa Kim

Michael Brandt, Interim Town Planner

Will Rozell for Town Attorney

Carrie Spencer, Clerk

3. CONSENT AGENDA

Mr. Brandt asked to remove Item 5(A) from the agenda due to Ms. Blair's absence, and discuss planned renovations for the Summerfield Elementary school instead. Mr. Feulner made a motion to approve the agenda as amended, Mr. Dunham seconded, and it passed unanimously.

Mr. Feulner made a motion to approve the minutes from the May 18, 2009 meeting, Mr. Dunham seconded, and the motion passed 3 to 0. Mr. Burguieres and Ms. Kim abstained from the vote as they had not been in attendance.

4. NEW BUSINESS:

A. Site Plan Permit # To Be Assigned. Shoppes at 4420

Mr. Brandt presented the case from the staff report, reading the conditions of the zoning district as follows:

The zoning conditions placed on this property as a part of Zoning Case #04-05 include:

1. All uses permitted in the HB zoning district except for the following: All uses listed under the categories of Agricultural, Residential, Mining, Accessory Uses & Structures, Wholesale Trade, Transportation, Warehousing & Utilities, and Manufacturing & Industrial in the Summerfield Development Ordinance, except for Accessory Uses & Structures, Customary; Emergency Shelters; and Utility Lines & Related Appurtenances. The following additional uses shall not be allowed: all uses prohibited within the Watershed Critical Area, Amusement or Water Parks, Fairgrounds, Auditorium, Coliseum, or Stadium, Batting Cages, Bingo Games, Coin Operated Amusement, Country Club with Golf Course, Fortune tellers, Astrologers, Paint Ball Gaming Facility, Motion Picture Production, Skating Rink, Go-Cart Raceway, Golf Course, Golf Driving Range, Shooting Range, Fraternity or Sorority (university or college related), Refrigerator or Large Appliance Repair, Psychiatric Hospital, Commercial Automobile Parking, Truck Driving School, Manufactured Home Sales, and Billboards.

2. No buildings shall be constructed to the east of the limits of the development line shown on the attached site map and legal description, provided the foregoing shall not preclude the disturbance of such area beyond this line for the purpose of installing and maintaining utilities serving the property.

3. Pedestrian Movement and Access will be provided as required by the Summerfield Development Ordinance Section 4-11.4 Town Core Overlay District item B-2. Item B-2 states "Adjacent non-residential uses will be linked by pedestrian access. New Development shall include sidewalks along all existing and new roads."

He pointed out that the DOT has required that all properties on Hwy 220 have only one access point, and the final location of access points will be determined at the final design of the highway. In answer to a question from the board, Mr. Brandt stated that he hopes DOT will have the Shell Station close one of

their access points, opening up the opportunity to have cross access to the proposed project. Mr. Brandt noted that sight distance easements will be required along the highway to ensure nothing is planted there. He pointed out that the building is sited as far north as possible, and is limited by the location of the septic area and topography to the east. He added that they will be required to do a Type C planting yard as the project is in the scenic corridor.

Mr. Brandt confirmed that the applicant can use the area to the east if needed for septic requirements. It was suggested that the boundary discrepancy to the east be noted on a plat or deed for the property. The question of additional parking spaces was raised in the case that the applicant increases the restaurant size and subsequent need for increased parking. It was calculated that an additional 10 – 15 spaces would likely be allowed within watershed built upon restrictions. There was concern about screening the dumpster.

In response to a concern about the separation of sidewalk to highway, the applicant stated that they would install a curb or a 3 foot grass separation, depending on final driveway location. There was concern about the location of the sidewalk as it enters adjacent properties, and it was suggested that site plan approval include a comment to ensure the connections are efficiently located in the field.

In answer to a question about the timing of the Hwy 220 widening, Mr. Brandt stated that DOT should be making right of way acquisitions this year, and the applicant stated that they had already been contacted by DOT. Mr. Brandt added that DOT could still make changes to the design. In response to questions about signage, Mr. Brandt stated that the frontage allows 2 signs, which would allow them to mark the entrance with a separate sign.

Mr. Brandt summarized the board's concerns as:

Include a cross access easement to the adjacent property to the north

Include sight distance easements for future right of way along Hwy 220 at the access point.

Correct the boundary discrepancy to the rear of the property.

Separate the sidewalk to the north be separated from the highway by curb or space

Southern access shown on the DOT map be removed

Dumpster should be screened with similar materials as the building.

The board was invited to comment on the architectural drawing presented by the applicant.

Ms. Hess opened the meeting to public comment. She asked about delivery access and the applicant stated that there is access near the dumpsters, with no vehicles to the rear of the building due to limitations in built upon and septic areas. The applicant stated that they are in negotiations with a local restaurant owner who currently has 2 restaurants in Greensboro. He added that the plan includes 6 retail spaces, with the flexibility of leasers to have more than one space. One of the end units is approximately 40 feet across its frontage. The applicant stated that he welcomes feedback from the board on the building design, and that the Windsor Commercial office building at the New Garden design center was an inspiration for the design. He added that the design will include a patio that will look out over the 12 acre landscape at the rear of the building, a small bar at the front, a meeting room, and natural lighting through the roof. He added that it will be sized as a small, quaint space.

Ms. Hess closed the meeting to public comment.

Mr. Dunham made a motion to approve the site plan with the following conditions:

1. Include a cross access easement to the property to the north
2. Include sight distance easements for future right of way along Hwy 220 at the access point.
3. Clean up the easement along the rear property line by plat or similar instrument.
4. Provide separation between the sidewalk to the property to the north, and the drive: by curb or by land.
5. Remove the southern access point shown on the DOT US 220 corridor map during driveway permitting.
6. Screen the dumpster with material similar to the building.

Mr. Feulner seconded the motion, and it passed unanimously.

B. Subdivision Waiver #2009-4S Carolina Mechanical Contractors Inc. Mr. Feulner made a motion to continue Item 4(B) to the next meeting due to the absence of an applicant to answer questions, as well as missing submittals. The motion was seconded by Ms. Hess, and passed unanimously.

Mr. Brandt explained that the lot with road frontage is not included in the calculations of the number of properties served by the same easement. The fact that the front lot uses the easement for a driveway is a desirable safety issue. The applicant will have to re-record the deed to include the changed nature of the easement, with signatures from involved property owners.

5. OTHER BUSINESS:

A. Summerfield Elementary School Discussion

Mr. Brandt presented the plans for the Summerfield Elementary School, showing the existing and proposed site layouts and indicating the general changes proposed, which include relocating the well to a site in the town park. He stated that they propose the opening up and improvement of Shadyside Dr to connect it to Greenlawn for a temporary entrance. He has been discussing the final proposed traffic route with the school, and they are willing to work with the town on details such as access to the park, and architecture that mimics the gym.

Ms. Hess suggested that children playing in the front of the school near the street are unsupervised and should be separated from the road with a fence.

Mr. Brandt stated that the proposal includes a new soccer field, and new parking which should replace the existing gravel lot behind the cafeteria. The baseball field is proposed to stay as is. He stated that the school is looking at four potential well sites in the park, one of which would involve the shared use of a well near the amphitheatre. The school would close the well drilled by the town there, and build a larger one to share with the town. The project is bond funded, and is proposed to start this summer with some building removal and temporary driveways. New construction is scheduled to begin in January. The school will continue to use Laughlin School as needed.

B. Updates from Town Planner

Mr. Brandt listed the many places where the planner position is posted for recruitment and that he expects a lot of applications. The job closes at the end of July, with expected hiring in September. He will ask for zoning board volunteers to help with the interview process.

Mr. Brandt stated that budgets were passed to include money for training and conferences. He reminded the board and informed new members that there is a planning library in town hall.

Next month's agenda will include the continued subdivision case, as well as training.

Mr. Rozell informed the board that they are protected by immunity as a whole board, but if an individual acts outside the board they can be opened up to personal liability. Individual board members should not answer questions from council members outside a convened board.

It was suggested that individual reasons for a vote can be expressed for the record. Mr. Rozell pointed out that those reasons can then be used by an applicant to appeal a board decision.

Mr. Dunham made a motion to adjourn, Mr. Feulner seconded, and the meeting adjourned at 8:35.

Nancy Hess, Chair

Carrie Spencer, Clerk to the Board