

Public hearing/action regarding rezoning case RZ-01-17 (requested change: CU-OSRD to CU-OSRD with a condition change; location: 7508 Strader Rd.; parcel: 0218651)

Attachment(s): yes

MEETING DATE: JUNE 13, 2017

STAFF COMMENTS / RECOMMENDATION:

See attached staff report for full details to be presented.

As a reminder, rezoning decisions must be made based on:

- our current development ordinance;
- our comprehensive plan (per NCGS 160A-383 below); and,
- “any other officially adopted plan that is applicable.”

Council must “approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest.” The statement will be provided to the applicant as formal notification of the rezoning decision.

§ 160A-383. Purposes in view. Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. (1923, c. 250, s. 3; C.S., s. 2776(b); 1971, c. 698, s. 1; 2005-426, s. 7(a); 2006-259, s. 28.)

NOTES:

TOWN COUNCIL COMMENTS / ACTION:



Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldgov.com

TO: Town Council
FROM: Planning Director
DATE: June 13, 2017
RE: Case RZ-01-17 (Strader Road) - Request to rezone approximately 30.24 acres from CU-OSRD (Conditional Use Open Space Residential District) to CU-OSRD (Conditional Use Open Space Residential District) to change a condition.

A. Actions Requested of Town Council and Required Vote to Pass

1. Hold Public Hearing
2. Approve, deny, or deferral request to rezone. A majority vote is needed to recommend approval (or denial) of the requested action.

B. Application and Background

The Zoning Board recommended approval of this request with a unanimous vote at their June 5, 2017 meeting.

The Town Council approved a request to rezone this property to CU-OSRD on September 13, 2016, with the following conditions:

Uses are limited to Single Family Residences

Development conditions:

1. All dwellings shall have a minimum heated area square footage of 2,200 square feet.
2. All dwellings shall have at least two side-loaded garages.
3. All exterior covering shall be of cementous siding, brick, stone, or decorative vinyl such as shake or board and batten. There shall be no lap vinyl.
4. No modular or manufactured dwellings shall be allowed.
5. All new dwellings shall have a brick foundation on a crawl space or basement.
6. Driveways shall be paved in concrete.
7. No above ground pools shall be allowed.
8. If mailboxes can be installed, they shall be of uniform design.
9. All shingles shall be architectural in design.
10. The exterior of all outbuildings shall be constructed aesthetically as is the main dwelling.
11. No chain-link fences shall be allowed.
12. Developer will provide a 20' landscape street buffer for along the lots that front Strader Rd.

The applicant and owner, WY Acquisitions LLC, is requesting to change Condition #2 to apply only to lots along Strader Rd. The revised condition would read:

2. ~~All dwellings~~ **Lots along Strader Rd.** shall have at least two side-loaded garages.



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A change of conditions constitutes a different zoning district that must follow the same process for approval as the original request. Therefore this request is to rezone the property **from CU-OSRD (Conditional Use Open Space Residential District) to CU-OSRD (Conditional Use Open Space Residential District) with a condition change.** The parcel is located at 7508 Strader Road, tax parcel #0218651, on the east side of Strader Road just south of the intersection with Scalesville Road. The applicant is not proposing any change to the number of building lots, roadways, open space, or zoning sketch approved with the original rezoning.

C. Compliance with Adopted Plans and Staff Recommendation

Staff Based on the request's consistency with the Town's Comprehensive Plan and Development Ordinance, staff recommends **approval** of Case RZ-01-17 with the proposed condition change. Key policies of the Comprehensive Plan that apply to this request are Community Character Preservation and Appropriate Housing and Residential Development.

D. Attachments

1. Location Map
2. Rezoning Application
3. Notice
4. Zoning Sketch Plan (same as Case RZ-01-16)
5. Zoning Board Recommendation



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F. Alternative Courses of Action

Motions for zoning amendments must include a decision to adopt or reject the proposal, and must adopt a 2-part Statement of Consistency that addresses Consistency with a Plan, and Public Interest:

APPROVAL: I move that Case RZ-01-17, a request for rezoning from CU-OSRD to CU-OSRD, be approved with the condition change proposed by the applicant and accepted by Council. The request is **consistent with the town's adopted Comprehensive Plan** because: (List): _____; and this approval is reasonable and in the public interest because _____.

DENIAL: I move that Case RZ-01-17, a request for rezoning from CU-OSRD to CU-OSRD, be denied. The request is **not consistent with the town's adopted Comprehensive Plan** because: (List): _____; and is/is not in the public interest because _____.

Consistent with the towns adopted Comprehensive Plan: *(site specific policies within these Policy Areas):*

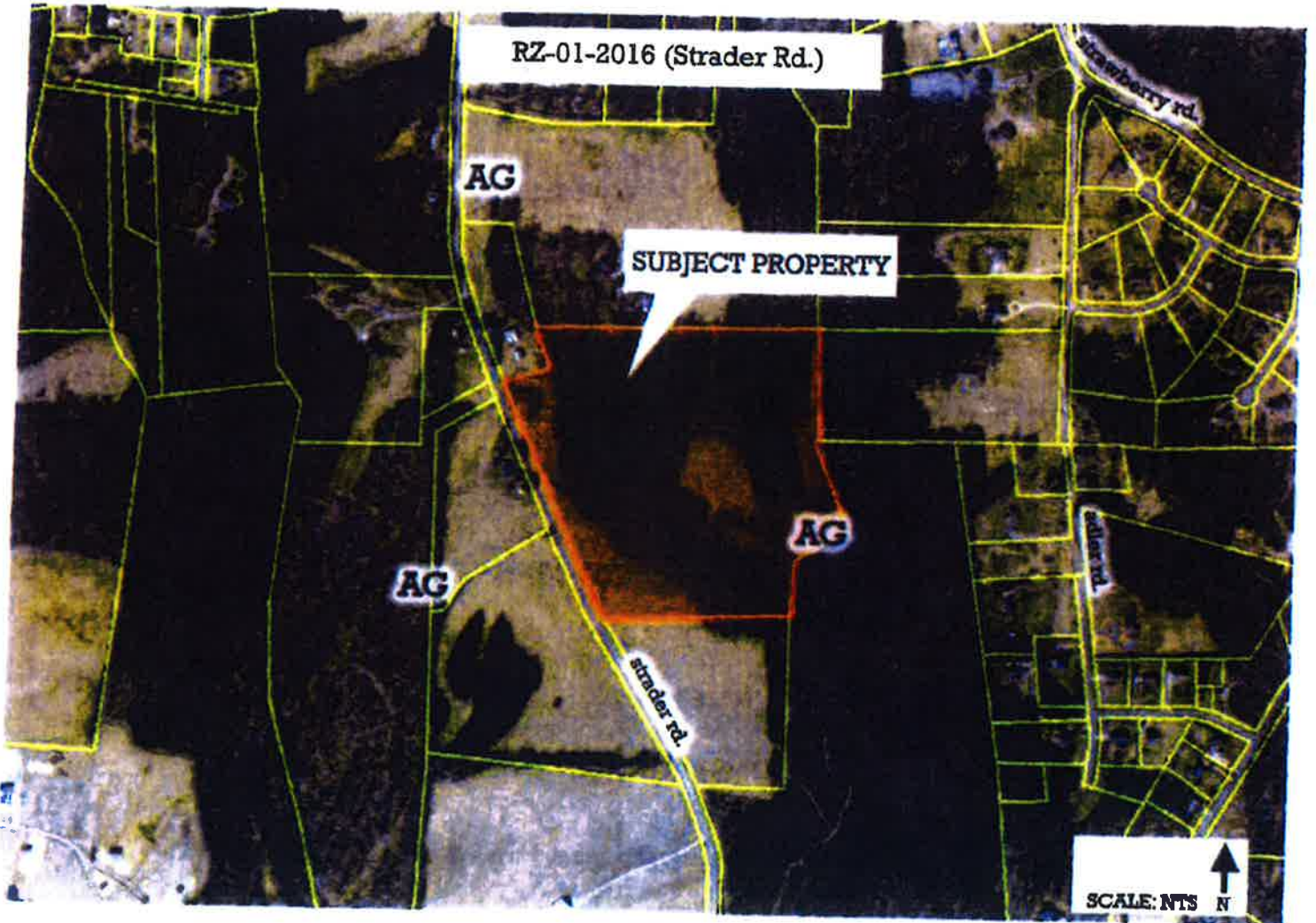
- Appropriate Limited Commercial Development
- Sidewalk, Bikeway and Trail System
- Community Character Preservation
- Transportation Improvements
- Water Supply and Sewage Treatment Options
- Appropriate Housing and Residential Development
- Parks and Recreation Improvements
- Attractive Community Appearance
- Quality School Facilities
- Summerfield Road Focus Area
- Historic Preservation
- Summerfield as a Limited Services Local Government

Reasonable and in the public interest: *(explain why, using one or more of the following reasons)*

- Maintains or promotes the **public health, safety, and general welfare** *(reasons related to location, design, function and operation);*
- Complies with all **regulations and standards** of this ordinance and other applicable regulations;
- Does not **substantially hurt adjoining or abutting property value** *(reasons related to location, design, function and operation),* and is a public necessity;
- Will be **in harmony with the area** in which it is to be located and **with the general plans for the land use and development of the Town of Summerfield and its environs**

Council: Mayor Mark Brown, Mayor Pro-tem Dena Barnes, Mike Adams, Dianne Laughlin, John O'Day, Reece Walker Manager: Scott Whitaker

Staff: Jeff Goard (P&R Mgr.), Cheryl Gore (Mgr. Asst./Events Coord.), Dee Hall (Finance Ofc.), Valarie Halvorsen (Clerk), Carrie Spencer (Planning Dir.)



RZ-01-2016 (Strader Rd.)

AG

SUBJECT PROPERTY

AG

AG

strader rd.

strawberry rd.

SCALE: NTS





Town of Summerfield
Development Bulletin
Effective January 7, 2005
www.summerfieldgov.com

Summerfield Application for
Conditional Use Rezoning

Date Submitted: 1/11/17 Fee/Receipt #: 5500 Case Number: R2-01-17

Provide the required information as indicated below. Pursuant to the Town of Summerfield Development Ordinance, this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references, signature blocks and conditions are available upon request.

Pursuant to Section 3-12 of the Town of Summerfield Development Ordinance, the undersigned hereby request Town of Summerfield to rezone the property described below from the CU-OSRD zoning district to the CU-OSRD zoning district. Said property is located 7508 Stacker Rd.

in Brace Township; Being a total of: 2.83 acres.

Further referenced on the Guilford County Tax Maps as (additional tax reference sheets available upon request):

Parcel Number 0218651

Parcel Number _____

Parcel Number _____

Parcel Number _____

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and a map are attached.

Check One:

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease is attached (financial figures may be deleted).
- The applicant has no connection to the property owner and is requesting a third party rezoning.

Conditional Use Rezoning Requirements:

- Zoning Development Plan. A development plan illustrating proposed conditions and other pertinent information is required for all residential conditional use rezoning requests. Development Plan elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Town of Summerfield Development Ordinance.
- Zoning Conditions. Use and/or development conditions must be provided. Complete Part Two of this application. Refer to uses as listed in Table 4-3-1 of the Town of Summerfield Development Ordinance.

Application materials checklist:

Filing for a rezoning or conditional use rezoning requires:

- ❖ A completed and signed Application Form;
- ❖ Application fee;
- ❖ A Development Plan for residential rezonings;
- ❖ legal description of the property;
- ❖ Environmental Inventory for residential rezoning and non-residential rezoning over 5 acres (check with Planning Staff for specific requirements)

**Conditional Use Rezoning
Application, Part II**

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article IV, Table 4-3-1 of the Town of Summerfield Development Ordinance:

- 1) Remove Condition: "All Dwellings shall have at least
Two side-loaded garages" except for lots
along Strader Rd.
- 2) _____
- 3) _____
- 4) _____

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Town of Summerfield Development Ordinance:

- 1) _____
- 2) _____
- 3) _____
- 4) _____

Case # RZ-01-17

Additional rezoning questions:

1. Type of use and improvement proposed:

The property has been rezoned such that it will be developed into a residential subdivision with a maximum of 21 lots. Among several conditions offered at the rezoning meeting was the requirement that all dwellings have a 2-car, side-loaded garage. Because of the added clearing that the 2-car side-load garage requires to accommodate a 25' driveway radius and the topographic challenges that exist on certain portions of this property, applicant wishes to allow 2-car, **front**-loaded garages. This will substantially reduce the overall impervious surface area, reduce the overall area that is disturbed, minimize the overall impact on the environment, including drainage features, and allow trees to remain between houses to enhance the aesthetics of the neighborhood and privacy for the residents.

2. Do substantial reasons exist which prevent the subject property from being used in accord with the current zoning classification?

N/A

3. State the way in which the proposed change will be appropriate and desirable to the Town of Summerfield and what effect the proposed change will have upon the immediate neighborhood.

As explained in Item 1 above.

4. What changing conditions make the passage of this proposed amendment necessary?

As the Preliminary Plat and grading plan were being developed, it became apparent that front-loaded garages make more sense on this particular site, given the constraints caused by topography, drainage features, and usable soils for septic systems.

5. Are there circumstances that justify the proposed change? If so, state them.

As per the points made above in items 1 and 4 above.

6. How does the proposed zoning change affirm the policy(ies) of the Town of Summerfield Comprehensive Plan?

N/A



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**ATTENTION: SUMMERFIELD RESIDENTS
RESCHEDULING OF PUBLIC HEARING for ZONING CASE RZ-01-17**

You are receiving this notice because a public hearing scheduled for a property near you has been rescheduled from May 22 to **June 5**. The hearing was not properly advertised for May 22 and it is of the utmost importance that rezoning cases follow correct processes. Please accept our apology for any inconvenience this causes.

Hearing dates are:

ZONING BOARD PUBLIC HEARING: Monday, June 5, 2017 TIME: 7:00 PM (was May 22)
TOWN COUNCIL PUBLIC HEARING: Tuesday, June 13, 2017 TIME: 6:30 PM (unchanged)

Both hearings are located at the **Summerfield Community Center (5404 Centerfield Road)**

The rezoning request subject to these hearings is described below:



Proposal: To rezone +/- 30.24 Acres located at 7508 Strader Road from CU-OSRD (Conditional Use Open Space Residential) to CU-OSRD with a changed condition. The property is located within the Town of Summerfield, Bruce Township, being Guilford County Parcel 0218651.

Location: 7508 Strader Road

Applicant: WY Acquisitions, LLC

Contact: Bill Yearn, 336-442-1021

The condition requested for change is: "All dwellings shall have at least two side-loaded garages." The applicant is requesting removal of that condition except for lots along Strader Road.

Please contact the Town of Summerfield Planning Department at (336) 643-8681 with any questions. You may also contact the applicant's contact person listed above for information about the request.

PROJECT: DEERWOOD SUBDIVISION
OWNER: [Name]
DATE: [Date]

DEERWOOD SUBDIVISION
1508 STRADER ROAD
TOWNSHIP OF BURLINGTON, NORTH CAROLINA

ENGINEER AND ARCHITECT
[Firm Name]
[Address]
[Phone]

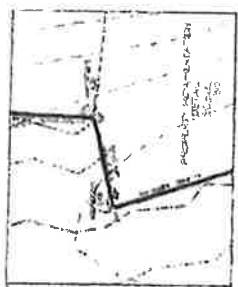
REVISIONS
[Table with columns for No., Description, and Date]



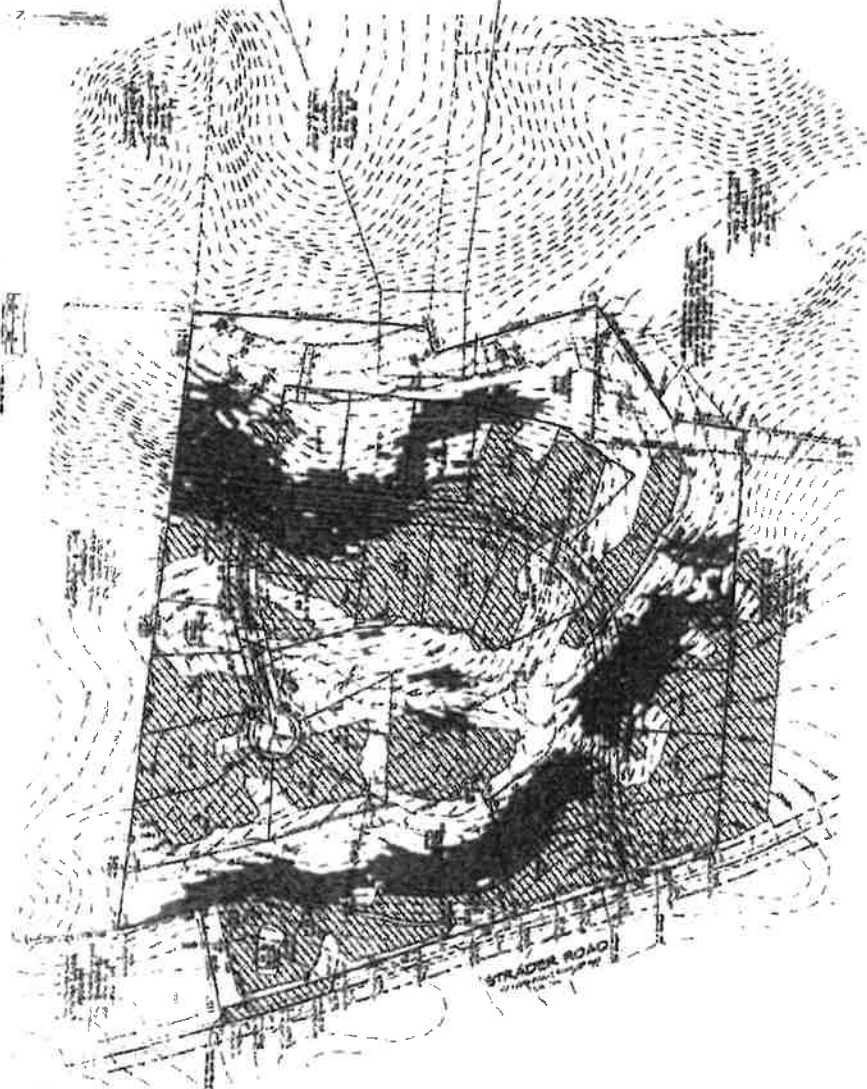
GENERAL NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF NORTH CAROLINA.
3. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF NORTH CAROLINA.
4. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF NORTH CAROLINA.

ADDITIONAL NOTES:
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ORDINANCE NO. [Number]
APPROVED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BURLINGTON, NORTH CAROLINA, ON [Date].



SYMMETRICAL CURB-DE-SAC
NO CURB & GUTTER



SYMMETRICAL CURB-DE-SAC
NO CURB & GUTTER



SYMMETRICAL CURB-DE-SAC
NO CURB & GUTTER

SYMMETRICAL CURB-DE-SAC
NO CURB & GUTTER




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ZONING BOARD RECOMMENDATION RZ-01-17

JUNE 5, 2017

During the special called Zoning Board meeting held on June 5th, 2017 at the Summerfield Community Center, a public hearing regarding rezoning case RZ-01-17 (applicants: WY Acquisitions, LLC; property location: 7508 Strader Rd.) was conducted. The Zoning Board voted as follows:

Ryan Moates made a motion to recommend approval of rezoning case #01-17, CU-OSRD to CU-OSRD (to change a condition of the original rezoning) being consistent with sections 3 and 6 of the Town of Summerfield's Comprehensive Plan and Development Ordinance and considers the action to be reasonable and in the public interest. The motion was seconded by Kathy Rooney and carried unanimously.


Scott Henson, Acting Chair


Mary Gant, Acting Town Clerk