



**OAK RIDGE PLANNING & ZONING BOARD MEETING
JUNE 25, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Doug Nodine, Chair
Ron Simpson, Vice Chair
Carl Leybourne
Larry Stafford
Patti Paslaru, Alternate (Sitting)
Brian Eichlin, Alternate (Sitting)
Steve Wilson, Alternate (Sitting)

Staff Present

Sandra Smith, Town Clerk
Bill Bruce, Planning Director

Members Absent

Nancy Stoudemire
Bobbi Baker
Tammy Gardner

1. CALL TO ORDER

The meeting was called to order by Doug Nodine at 7:00 p.m.

2. APPROVE AGENDA

Patti Paslaru made a **motion** to approve the meeting agenda. **Larry Stafford** seconded the motion, and it was passed unanimously (7-0).

3. PUBLIC HEARING

REZONING CASE # RZ-15-02: AG to RS-40. The property is located on the north side of Warner Road, approximately 1,300 feet east of Happy Hill Road, in Oak Ridge Township. It is a portion of Guilford County Tax Parcel 0166902, it is made up of approximately 24.6 acres, and is owned by Bryan and Tammy Gardner. The property is located in the Oak Ridge Extra-Territorial Jurisdiction (ETJ).

Planning Director Bill Bruce read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that there is a cell tower on the property, but that it is not included in the rezoning request. Bruce said the Land Use Plan recommends low-density development for the area, and staff believes the request is consistent with that plan. He said there are no available traffic counts, but Warner Road is a fairly low-traveled road. The property fronts a bend in the road, so the driveway would be located in that area, he said. Bruce said the development could produce 240 trips per day based on the national average of 10 trips per day per residence. He said the

property is hilly with some steep slopes, and there is a perennial stream on the boundary of the property. He said the applicant had been asked to reach out to surrounding property owners. Since the request is consistent with the Land Use Plan and additional details will be determined later, Bruce said staff recommends approval of the application.

Nodine opened the public hearing, noting that each side would be given 20 minutes to speak and 5 minutes each for rebuttal, if necessary.

Proponents:

Chris Rohrer of Land Solutions spoke on behalf of the property owner. Rohrer said a driveway permit was submitted to N.C. DOT and had been approved. He asked for the Board's recommendation of support, and said he was available to answer questions.

Opponents:

Mary Ann Williams, a 72-year resident of Warner Road, said there are concerns with the narrow, tar-and-gravel road. She said there are three stump dumps within ¼ mile of the property, and the road has continual traffic by dump trucks from sun up to sun down, six days a week. Since there are no traffic counts for the road, she urged the Town to get them from the state. She said 80 homes are being built at Dawn Acres, 80 homes are planned for Knights Landing, and eight houses are being built at Warner Point, with the owners looking to expand. Each of these houses will have its own well and septic system. Williams said once the Town of Oak Ridge started complaining about twin trailers using N.C. 68, they started using Haw River Road instead. She said her main concern is for water in the area, and that when the Meadow View subdivision was approved several years ago, her mother and uncle both lost their wells. She said when deep wells are dug, it drains the smaller wells in the area. With all the new construction, Williams said she is deeply concerned about the water and traffic, and said she is afraid to walk, ride her bicycle or drive a tractor down the road anymore. She said she was in favor of property owners' rights, but she thought Oak Ridge was growing at a tremendous rate without working on its infrastructure.

Williams asked if the proposed subdivision would have a sidewalk, and Bruce said no.

Rebuttal – proponents:

Bryan Gardner, the property owner, said most of the concerns seemed to be regarding truck traffic. He said he had been told that the Brame LCID Landfill across the road should be full by this time next year. He said his plan was to only develop 18 lots, and that he had been building houses since 1984. He currently builds about two houses per year, and plans to build all the ones in

this subdivision, saying that it would take him about nine years to build it out.

Williams asked about water, and Gardner said each lot would have an individual well and septic system.

Rebuttal – opponents:

None

Nodine closed the public hearing.

Board discussion:

Simpson said the Town is currently updating its Land Use Plan, and he recognized there will be a desire to build subdivisions in Oak Ridge. But he added that water is a persistent concern, and Williams had indicated that her mother's well had gone dry previously. He asked if there was any history of neighbors of this property having water issues. Bruce said such incidents happen in different areas of Oak Ridge from time to time, but the challenge is that it is difficult to tell how much water is underneath any given property. Simpson said an expert that had attended a Land Use Plan update meeting had said that, but he added that there was a concern and there appeared to be some history of water difficulties in the area. Bruce said it could be a localized problem. While draw-down tests are done on community wells to see if there will be any impact on the neighbors, Bruce said he did not believe any similar testing was done when individual wells are dug.

Paslaru asked if the cell tower property was not included in the subdivision because of access to it. Bruce said when the tower was built, it was a permitted use in AG zoning districts, but not in residentially zoned areas. He said that has changed, with towers now being allowed in residential areas if they are camouflaged. To prevent the tower from becoming a nonconforming use, the owners have decided to retain the current zoning around the tower.

Nodine asked how much access area is required for the cell tower, and Rohrer said an area 150 feet by 150 feet. Paslaru said the road to the tower is already there, and perhaps that area could be incorporated into the subdivision in the future.

Eichlin asked if the applicant had spoken with the neighbors about the proposed plan. Gardner said he had spoken with one neighbor, whose house could be seen from the property. He said the other neighbors' houses are located on Pearman Quarry Road; they are several thousand feet away and there is a creek between them and the Gardner's property, so he did not contact them.

Simpson acknowledged that there is fairly heavy traffic, including truck traffic, on Haw River Road. He asked about concerns with twin trailers and whether they could legally use Haw River Road. Bruce said they were not permitted to use Haw River Road, but that the situation was a difficult one to enforce. He said the Town had contacted FedEx about the situation, and he thought the Town was frustrated by the lack of response from the company. Simpson said perhaps when I-73 opens, trucks will use that route instead.

Steve Wilson expressed concerns about water. He asked if Gardner planned to put 18 units on 24 acres with 18 individual wells, and Gardner said yes. Wilson asked how close this property is to Ms. Williams' house, and if there was any danger in her losing her water. Gardner said Williams house is ¼- to ½-mile away. He said he had planned to talk to Aqua N.C. about the possibility of putting in a community well, but he understood it was not feasible to have one with less than 35-37 houses. Wilson asked if there were any concerns with water; Gardner said he had drilled two wells on his property – one to serve his house and another to serve a house he built for his son – and the Brames across the road have two wells. It said water available seems to vary from property to property. Wilson asked Gardner if he used either of his wells for agricultural purposes. Gardner said he uses water from a lake on his property to irrigate, and that he did not use water from the wells for irrigation purposes. Wilson asked if the lake was on the property Gardner was rezoning, and Gardner said no.

Wilson asked about the process for drilling a well. Bruce said in general each well would be permitted by the health department. He said he did not think any type of draw-down test was required for individual wells. He said one individual well would not likely create a problem, but that continual growth could, and that is why the Town is still pursuing a water system.

Nodine asked how many houses could be built on the property if it is not rezoned, and Bruce said four.

Ron Simpson made a **motion** to recommend approval of the rezoning, saying it is consistent with the adopted development plan of the Town of Oak Ridge, the staff report indicates the plan is consistent with the development plan, and it is reasonable. **Patti Paslaru** seconded the motion, and it was passed unanimously (7-0).

4. PUBLIC COMMENTS

- Simpson said concerns about water had been voiced before, and he did not know how much the issue has been studied. Until stronger evidence is available, he did not see a concern about the availability of groundwater, he said.

- Mary Ann Williams said water is available on U.S. 158, which is probably less than a mile away. She said she thought the Town of Stokesdale would work with Oak Ridge to sell them water, and then Oak Ridge might not need its own system. She said there are huge amounts of rock in this area, which is why rock quarries are located in this area. She said she thought this concern could be addressed.
- Paslaru commented that traffic studies are out of date, and asked if it was possible to get more recent data.
- Eichlin agreed with Paslaru, and also said he thought there should be a way to incorporate consideration of water into the Board's review of a plan. He said a lot of developers in Raleigh and Cary found out after they had purchased property and found out afterwards that they did not have enough water to do what they wanted to do. He said he did not think it would be a huge burden on someone who wanted to develop to require some kind of water evaluation or study, and he thought all parties would benefit from it. Nodine agreed that was a good idea.

5. ADJOURNMENT

Patti Paslaru made a **motion** to adjourn the meeting at 7:34 p.m. **Steve Wilson** seconded the motion, and it was passed unanimously (7-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Doug Nodine, Chair