



**OAK RIDGE TOWN COUNCIL MEETING  
FEBRUARY 2, 2012 - 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Ray Combs, Mayor  
Roger Howerton, Mayor Pro-Tem  
Danny Yanusz  
George McClellan  
Spencer Sullivan

**Staff Present**

Bruce Oakley, Town Manager  
J. Michael Thomas, Town Attorney  
Heather Birch, Town Clerk  
Bill Bruce, Town Planner  
Sam Anders, Finance Officer

**1. CALL TO ORDER**

Mayor Ray Combs called the meeting to order at 7:00PM.

**A. Invocation**

Roger Howerton led the group in a moment of silence.

**B. Pledge of Allegiance**

**2. APPROVE AGENDA**

**Roger Howerton** made the **motion** to approve the January 5, 2012 agenda as presented. **George McClellan** seconded the **motion** and it was passed unanimously (5-0).

**3. APPROVE MINUTES OF JANUARY 5, 2012 MEETING**

**Danny Yanusz** made the **motion** to approve the minutes of the January 5, 2012 meeting. **George McClellan** seconded the motion and it passed unanimously (5-0).

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

**Announcements:**

- Combs noted that staff met with American Towers. They failed to construct the cell tower according to our ordinances and the approved site plan and are now working on a plan to remedy the problem.

**6. TOWN MANAGER'S REPORT**

Bruce Oakley Presented:

- Recommended individuals for the Pedestrian Plan Steering Committee

**Roger Howerton** made **motion** to appoint these members to the Pedestrian Planning Committee. **Spencer Sullivan** seconded the motion and it was passed unanimously (5-0).

7. **PUBLIC HEARING**

- **Rezoning Case # 11-12-ORPL-4900:** CU-GO-M to CU-HB. Located at 8000 Linville Road, on the northwest corner of Linville Road and NC Highway 68 North, in Oak Ridge Township. Being Guilford County Tax Parcel 0165814, approximately 1.3 acres. Owned by Bank of North Carolina. Located in the Scenic Corridor Overlay Zone and the Greensboro (WS-III) Watershed.

**STAFF REPORT—**

**REQUEST:**

From: CU-GO-M (Conditional Use- General Office- Moderate Intensity)

To: CU-HB (Conditional Use- Highway Business

**Conditions:**

Uses: All uses allowed in the HB zoning district except: ABC Store; Amusement or Water Parks, Fairgrounds; Athletic Fields; Auditorium, Coliseum or Stadium; Automobile Parking, Commercial; Automobile Repair Services, Major; Automobile Repair Services, Minor; Automotive Towing and Storage Services; Bar; Batting Cages; Beneficial Fill Area; Billiard Parlors; Bingo Games; Boat Repair; Boat Sales; Bookstore, Adult; Bowling Center; Building Supply Sales (with storage yard); Bus Terminal/ Car Wash; Cemetery or Mausoleum; Coin Operated Amusement; Communication or Broadcasting Facility; Concerts, Stage Shows; Construction or Demolition Debris (C-D Landfill, Minor; Convenience Store (with gasoline pumps); Convenience Store (without gasoline pumps); Day Care Center, Adult; Equipment Repair, Light; Fortune Tellers, Astrologers; Fraternity or Sorority; Go Cart Raceway; Golf Course; Golf Course, Miniature; Golf Driving Range; Heliport; Hotel or Motel; Junked Motor Vehicle; Kennels or Grooming; Land Clearing & Inert Debris (LCID Landfill, Minor; Manufactured Home Sales; Motor Vehicle Sales (new and used); Motorcycle Sales; Paint Ball Gaming Facility (outdoor); Pawn Shop or Used Merchandise Store; Pet Store; Psychiatric Hospital; Radio, Television or Communication Tower; Railroad Terminal or Yard; Recreational Vehicle Sales; Recycling Collection Point; Refrigerator or Large Appliance Repair; RV Park or Campsite; Satellite Dish Communication Tower; Service Station, Gasoline; Shelter for the Homeless; Shooting Range, Indoor; Taxi Terminal; Tire Sales; Truck and Utility Trailer Rental and Leasing, Light; Truck Driving School; Truck Stop; Utility Substation; Warehouse (general storage, enclosed); Warehouse (self-storage); Welding Shop; and Massage Parlor, Adult

Development Conditions: Adherence to the Oak Ridge Historic District Guidelines

Summary of Request: What will be allowed? Primarily professional offices, banks, professional services (real estate, financial, doctors, etc.), and a wide array of retail including restaurants. The uses proposed for exclusion are similar to the exclusions at Sixty-Eight Place, and are primarily intended to limit uses with outdoor storage or other aesthetic impacts such as auto service or gasoline pumps.

District Description:

The GO-M, general office moderate intensity district is primarily intended to accommodate moderate intensity office and institutional uses, and supporting service and retail uses.

The HB, highway business district is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares.

**APPLICANT(S)/PROPERTY OWNER(S):** Bank of North Carolina

**PROPERTY LOCATION AND DESCRIPTION:** The property is located at 8000 Linville Road, on the northwest corner of Linville Road and NC Highway 68 North, in Oak Ridge Township. Being Guilford County Tax Parcel 0165814, approximately 1.3 acres. Owned by Bank of North Carolina. Located in the Scenic Corridor Overlay Zone and the Greensboro (WS-III) Watershed.

**LAND USE:**

Existing land use: vacant bank

Requested land use: commercial/retail

Zoning history of denied cases: none

Surrounding uses: North: office

South: rural residential

East: office

West: office

**RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN:** The Oak Ridge Land Use Plan identifies this area as the Commercial Town Core, defined as “the heart of the Town Core, where all new commercial development should be located.” There are no floodplains or proposed trails located on the property.

The Plan also recommends that architectural elements within the Town Core should conform to the Oak Ridge Historic District Guidelines. Even though this property is outside the Historic District, the applicant has proposed a condition that new development will conform with the District guidelines.

Staff opinion: The request as presented is consistent with the adopted Oak Ridge Land Use Plan.

**CONDITIONAL USE DISTRICT REZONING ANALYSIS:** The petition for rezoning has been made by the owners of all the property to be included in the rezoning request.

The conditions and site-specific standards proposed by the applicant for mutual approval by the Town of Oak Ridge are limited to those that address: (a) the conformance of the development and use of the property to Town ordinances and the Town’s officially adopted Comprehensive Land Use Plan; and, (b) the impacts reasonably expected to be generated by the development or use of the property.

**HISTORIC PROPERTIES:** There are no inventoried historic properties located on this site.

**UTILITIES AND COMMUNITY SERVICES:**

Availability of Public Water and Sewer: Yes \_\_\_ No X

Fire Protection District: Oak Ridge  
Distance from Fire Station: Approximately ¾ mile  
Schools: N/A

**TRANSPORTATION:**

Existing Conditions: Traffic counts from 2009 show approximately 17,000 trips per day on NC Highway 68 at this location and 3000 trips per day on Linville Road.

Proposed Improvements: None at this time. The current driveway location and any associated improvements will be reviewed by NCDOT when a site plan is submitted.

Projected Traffic Generation: Unknown at this time.

**PHYSICAL CHARACTERISTICS:**

Topography: A graded, developed site

Regulated Floodplain and Wetlands: No Regulated Floodplain exists upon the property.

Stream Location and Classification: No streams are located on the property.

Watershed: Greensboro (GW-III) Watershed

Bill Bruce Presented:

- Essentially opens the area for retail and restaurant uses
- NCDOT will review the traffic this site may add
- P&Z Board voted unanimously to approve this

**Public Hearing—**

Those in Favor:

Phillip Cooke took the podium—

- Site will be required to meet historical guidelines
- Hopes to use the building and the current services for the site
  - Water and sewer can be extended if needed
- Office buildings on Linville Rd allow for a buffer for residents

Those Against:

Jeff Myers took the podium—

- Represents a small community on Linville Rd that is against restaurant and drive-thru
- Increase traffic if a restaurant or drive-thru was built there
- We ask that business is conducted during regular business hours
- Cooke family has built nice developments
- Like to keep it like it was 30 years ago

Rebuttal Period—

Those in Favor:

Phillip Cooke took the podium—

- Felt confident that there was a buffer area for this particular site

Those Against:

Jeff Myers took the podium—

- Many people have kids and there are older people on Linville Road
- More problems if we have a restaurant there
- Expects Council to keep its word that business would be limited to daytime hours

Council discussion:

- Howerton responded by saying that he has always “kept his word” and has never made any promise in reference to this site
  - The Town Council has been careful to recommend and make it mandatory to build businesses in the Town Core.
  - The Town Core was drawn around the businesses that were already there
  - NCDOT is going to have a major decision on the Highway 68 entrance
- Yanusz asked if the overall goal is for the current building to be used
  - Cooke indicated that he was approximately 75% sure that the building will not be reused and 25% possibility it will be used
- McClellan that HPC as an advisory committee to determine in the new structure will meet the Historic Guidelines Combs asked Cooke to take into consideration some type of beautification of that corner of Linville Road and Highway 68
  - Cooke said he would be glad to work with the Council but could make no promises

**Spencer Sullivan** made a **motion** that the proposed text amendment be approved based on the following:

1. *The proposed zoning amendment is consistent with the adopted development plan of the Town of Oak Ridge.* The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference.

AND

2. *The proposed zoning amendment is reasonable.* The Council considers the proposed zoning amendment to be reasonable because:

A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.

AND

3. The *proposed zoning amendment is in the public interest*. The Council considers the proposed zoning amendment to be in the public interest because:

A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.

**George McClellan** seconded the motion and it was passed unanimously (5-0).

7. **OLD BUSINESS**

- Solid Waste Franchise Agreement

**Roger Howerton** made the **motion** to adopt the franchise agreement. **George McClellan** seconded the motion and it was passed unanimously (5-0).

8. **CITIZEN COMMENTS**

Randy Floss took the podium:

- On behalf of JPC Monroe and the owners of the shopping center (Oak Ridge Commons) there will be a cruise-in every Tuesday of the month starting April 3<sup>rd</sup> and will continue through September

Mark Zajac took the podium:

- 3<sup>rd</sup> annual Meet the Merchants will take place May 1<sup>st</sup> from 4-7PM at the Oak Ridge Central Baptist Church

9. **MONTHLY FINANCIAL REPORT**

Sam Anders Presented:

- Strong cash position
- Liabilities are low
- Collections on property taxes were strong
- Revenue \$118K for January
- ABC revenues are above budgeted
- Annual payment on the park loan was paid during January
- Very good stable position

Combs thanked ABC representatives that were present at the meeting.

**Roger Howerton** made the **motion** to accept the financial report. **George McClellan** seconded the motion and it was passed unanimously (5-0).

10. **COMMUNITY UPDATES**

- **Parks & Recreation**

Bill Edwards Presented:

- Asked Council to approve \$50.00 refundable deposit to add to the fee structure for horseshoe rentals

**George McClellan** made the **motion** to add refundable \$50.00 deposit to the Parks & Recreation fee schedule. **Spencer Sullivan** seconded the motion and it was passed unanimously (5-0).

- **Walkability Subcommittee**

No Report

- **Planning & Zoning**

Doug Nodine Presented:

- P&Z heard the rezoning request that was before Town Council and single lot subdivision

- **Historic Preservation Commission**

No Report

- **Fire Department**

No Report

- **Finance Committee**

- First Finance Committee meeting is on February 7<sup>th</sup>, 2012

- **Board of Adjustment**

- Anticipate a meeting in March

## 11. **CITIZEN COMMENTS**

Sam Anders took the podium:

- On Feb. 12<sup>th</sup> at 2:30PM there will be a "Roll In" ceremony for the new Fire truck
- This is a new tradition for Oak Ridge
- BBQ date is Saturday, March 17<sup>th</sup> and will begin at 9:00AM

## 12. **COUNCIL COMMENTS**

- Howerton thanked the community for good attendance
- Yanusz commented that he went to an event in Downtown Greensboro and could not see any stars in night sky due to light pollution. When he arrived back in Oak Ridge he could see the stars in the sky, mainly due to the lighting ordinance.
  - Several businesses in town that have added new lighting are in noncompliance and the Town needs to bring businesses back into compliance
- McClellan thanked Rep. John Blust (in audience) and encouraged everyone to volunteer
- Sullivan thanked P&RC Commission and Terry Lannon for his work at the Town Park

- Combs recognized the Boy Scouts in the audience

**13. CLOSED SESSION**

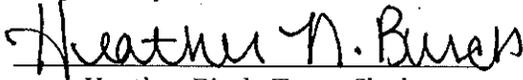
**George McClellan** made the **motion** to go into closed session to discuss a legal matter. **Roger Howerton** seconded the **motion** and it was passed unanimously (5-0).

**Danny Yanusz** made the motion to go come out of closed session. **Roger Howerton** seconded the motion and it was passed unanimously (5-0).

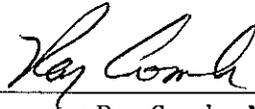
**14. ADJOURNMENT**

**Roger Howerton** made the **motion** to adjourn at 8:12PM. **Danny Yanusz** seconded the motion and it was passed unanimously (5-0).

Respectfully Submitted:



Heather Birch, Town Clerk



Ray Combs, Mayor