



OAK RIDGE TOWN COUNCIL SPECIAL MEETING
MAY 8, 2014 – 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

Ray Combs, Mayor
Spencer Sullivan, Mayor Pro Tem
George McClellan
Jim Kinneman
Mike Stone

Staff Present

Sandra Smith, Town Clerk
Bill Bruce, Town Planner
Bruce Oakley, Town Manager
J. Michael Thomas, Town Attorney

1. CALL TO ORDER

Mayor Ray Combs called the meeting to order at 7:02 p.m.

A. Invocation

B. Pledge of Allegiance

2. APPROVE AGENDA

Councilman George McClellan made a **motion** to approve the May 8, 2014, meeting agenda. **Councilman Jim Kinneman** seconded the motion, and it was passed unanimously (5-0).

3. PUBLIC HEARINGS

- A. Rezoning Case # 14-03-ORPL-01405:** AG to RS-40. The property is located on the south side of Haw River Road, approximately 950 feet west of Harrell Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0166306 and 0166321, consisting of approximately 50.8 acres. The property is owned by Kevin and DeLana Harvick.

Town Planner Bill Bruce presented the case from the staff report, explaining that the 50-acre tract is where the Harvicks' house is also located. The application asks to rezone the property to RS-40, so there could potentially be around 50 lots. Bruce explained the surrounding uses, said the Future Land Use Plan shows the area to be used for low-density residential, and said the Pedestrian Plan recommends a paved shoulder along Haw River Road. Traffic counts from 2011 show Haw River Road is under capacity and could handle the up to 500 additional trips per day that could be generated from the development. Bruce said the proposal is consistent with the Future Land Use Plan, and staff recommends approval of the request.

Proponents:

Kevan Combs, the developer, said the request is to rezone the property – which had been zoned for a residential subdivision but was rezoned to AG in 2005 – to RS-40. Combs said the plan is to create a gated community with a maximum of 11 lots.

Opponents:
None

With no need for rebuttal, the public hearing was closed.

Council discussion/questions:

Councilman McClellan asked how many homes would be on the property; Kevan Combs said there was already one there, and there would be an additional 10.

Councilman Sullivan asked Bruce how much more traffic Haw River Road could handle, and Bruce said in excess of 10,000 trips per day.

Councilman Sullivan made a **motion** to approve the proposed Rezoning Case # 14-03-ORPL-01405 based on the following:

- 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. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because it is a low density development with significantly less than one house per 40,000 square feet;

AND

- The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:
 - The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
 - The Council further finds that the proposed zoning amendment is reasonable because it is consistent with the Town's ordinances and the Land Use Plan;

AND

- The proposed zoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because:
 - The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.
 - The Council further finds that the proposed zoning amendment is in the public interest because of the low density and the minimum impact it will have on traffic.

Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

Mayor Combs informed those in attendance that, for legal reasons, the Council always has before it legally drawn motions to both accept and reject proposed zoning amendments.

- B. Rezoning Case # 14-03-ORPL-01406:** AG to PD-R. The property is located on the south side of Haw River Road, approximately 800 feet east of Linville Road, in Oak

Ridge Township. It is Guilford County Tax Parcel 0166301, consists of approximately 82.75 acres, and is owned by Kevin and DeLana Harvick. *Sketch plan approval is also required.*

Mayor Combs read the property description and reiterated that approval of a sketch plan is also required in order to approve the rezoning.

Bruce said a copy of the sketch plan was on an easel at the front of the room, and that one was also included in Council's meeting information packet. He said a review of the sketch plan is required to ensure that the proposed plan meets the technical requirements of the development ordinance, and it becomes an attachment to the zoning ordinance if the request is approved. Bruce explained that if the sketch plan is approved, that means the Council is saying that it meets all the requirements of the Town's ordinance.

Bruce presented the case from the staff report, saying that the application is for a proposed 80-lot subdivision on approximately 82.75 acres on lot sizes a minimum of 20,000 square feet. Over 35 acres are in common elements that would be used as open space, tree preservation areas, well sites and septic easements. A proposed amenity center and a trail network were also proposed as part of the plan. Bruce said the Future Land Use Plan shows the area used for low-density residential, and the Thoroughfare Plan shows a street connection to the Linville Oaks subdivision. Although the Pedestrian Plan identifies a paved shoulder along Haw River Road, the applicant has proposed trails instead. Bruce said up to 800 trips per day could be generated as a result of the subdivision. He added that the rezoning application is consistent with the Land Use Plan, and the proposed development is consistent with the Town's desire to maintain low-density development, preserve open space, and provide road and trail connectivity. Staff recommended that both the sketch plan and the zoning amendment be approved. The Planning & Zoning Board found the zoning to be inconsistent with the development plan and voted 5-2 to recommend denial.

Proponents:

Bo Rodenbough, an attorney appearing on behalf of the Harvicks and Kevan Combs, gave the background of the property and of the owners and developer. Rodenbough said he believed there was confusion at the Planning & Zoning Board meeting on the application of the Land Use Plan. He cited General Statute 160A-383, which says that the governing board shall adopt a statement saying whether a rezoning action is consistent with an adopted plan, and explain why the board considers the action taken to be reasonable and in the public interest. He noted that the next sentence says, "That statement is not subject to judicial review." Although the Planning & Zoning Board did not think the rezoning conformed to the Land Use Plan, the Town Council makes its own determination, he said.

Rodenbough said that at the Planning & Zoning Board meeting, counsel representing the Linville Oaks subdivision pointed out that the Town's Land Use Plan says single family subdivisions should be on 1-acre lots, but that is a guideline and the Town has consistently applied it as if it said homes at a density of not less than one unit per acre. According to Rodenbough, some 15 subdivisions had been developed with lots either zoned RS-30 or PD-R with lots a minimum of 30,000 or 20,000 square feet. There are also RS-40 zoned areas that have lots smaller than one acre, and even

Linville Oaks has one lot that is .94 acres; if the Land Use Plan language is taken literally, Linville Oaks does not comply with it, Rodenbough said.

Rodenbough showed the Council a GIS map that shows the Linville Oaks subdivision alongside the proposed Knights Landing subdivision. He said the sketch plan for Knights Landing complies with the Land Use Plan in that it calls for low-density development, which at Knights Landing is an average of .94 units per acre. It also complies with other components of the Land Use Plan including walkability by providing walking trails that will be publicly dedicated. The sketch plan shows 20,000-square-foot lots in the center of the property and walking trails around the perimeter. The plan also preserves open space and trees with 35 acres reserved as open space or common elements. Out of the total 82.75-acre property, about 45 percent of it will be open space, Rodenbough said. About 20.5 percent of the trees in the development will be preserved, which meets the Town's tree preservation requirement of 20 percent. While the tree preservation requirement could also be met with RS-40 zoning, some of the trees would be on individual homeowners' properties and would require restrictive covenants to prevent property owners from cutting them. Rodenbough said the PD-R zoning was a much more environmentally sensitive way to develop the property. He said Kevan Combs had met with Linville Oaks residents on at least four occasions and had attempted to allay their concerns by agreeing to changes in the plan. He said the Linville Oaks residents' primary concern was the street connection to Parkchester Place, but it is a requirement of the Land Use Plan to make that connection.

Opponents:

Mike Fox, a Greensboro attorney, handed out materials to the Council, which are hereby incorporated by reference and made a part of these minutes. He called attention to a petition against the rezoning that was signed by 210 people. He said not just Linville Oaks residents were upset about the proposed rezoning, and that his analysis showed 30 percent of those who signed lived in Linville Oaks. He asked those in opposition to the rezoning to stand. Fox said those in attendance are not against development and understand that the Harvicks' property will be developed one day. He said the issue was about appropriate density and adhering to the Land Use Plan. The main concern is the proposed density – which with 80 units is too dense – and also about traffic. He said Linville Road could experience a 40 percent increase in traffic and Haw River Road could experience a 25 percent increase as a result of the rezoning. He also said connectivity was a concern, as were safety and privacy. Fox then pointed out the concerns illustrated in the handout he had given to Council members.

David Marshall, a Linville Oaks resident, handed out a sheet to the Council, which is hereby incorporated by reference and made a part of these minutes. Marshall said he echoed the sentiments of Fox. He said Linville Oaks residents are in favor of development in Oak Ridge, but want to make sure it is done in a manner respectful to the Land Use Plan and its intentions. He noted the rural appearances to which others had referred, and said that was the reason many people had moved to Oak Ridge. Marshall told the Council that 80 lots on 80 acres is not the same as what Linville Oaks has, which is 42 lots on 110 acres. He said Linville Oaks residents all understand the spirit of the Land Use Plan and would not resist RS-40 zoning on the Harvicks' property. Although he is not a planner, Marshall said he did not see how the type of zoning proposed could be environmentally sound. In addition, the private, gated community the Harvicks intend to create near their house is not

connected to other subdivisions, and instead creates an isolated island. He asked that Kevan Combs compromise on the rezoning request and provide something more compatible with their homes.

Jimmy Adams, who lives on the stub road in Linville Oaks, said he was on the front line of the battle. He said Oak Ridge had never been a place about simply doing the minimum required to get by, and that 80 lots on 80 acres is just getting by. Adams said several months ago when Kevan Combs had the property for Linville Ridge rezoned, he said Linville Oaks residents didn't have anything to worry about because it was the same zoning as they had and there is no connection between Linville Oaks and Linville Ridge. Now Kevan Combs says he wants a different zoning at Knights Landing and to connect to Linville Oaks, he but is again telling Linville Oaks residents they have nothing to worry about. Adams said when he was considering buying his house, he knew it was on a stub road but he was told that Kevin Harvick had promised not to develop his land.

Rebuttal – proponents:

Kevan Combs said the Land Use Plan also referred to property owners' rights and was structured to give land owners the right to develop or sell their property. The Land Use Plan also says zoning will be used to determine the uses of property, but that no property is considered off limits. He said that right is very important to any property owner and should not be taken away. Combs said he had help developing the proposed plan from the appropriate people, which included Bill Bruce and Town Manager Bruce Oakley telling him whether the proposal met the Town's ordinance. When the Jordan Lake Watershed Rules are implemented, Combs said this type of zoning will become more common because it takes the liability off the Town. He referred to the photos in the handout by Fox, and said they also show the Apple Grove and Pepper Ridge subdivisions, and that those people are also part of Oak Ridge. Combs said not all citizens want to live on 40,000-square-foot lots. He also noted that there are no "for sale" signs in the photos of Apple Grove and Pepper Ridge.

Rebuttal – opponents:

Mike Fox said his clients are not against property owners' rights, but Oak Ridge has a zoning ordinance and the Land Use Plan to guide how development occurs. While the Harvicks have the right to do some development, the question is how much and whether it is consistent with the Land Use Plan. Regarding Rodenbough's comments about meetings with the neighbors, Fox said no one met with the nearby property owners before the plan was submitted and the rezoning requested. Fox also said it was possible to reduce the density in PD-R developments, and Kevan Combs could develop 40 or 50 lots on the property. It is also possible to request conditional-use zoning in order to make conditions that make the proposed development more acceptable to others, but Combs did not do that. Fox said the photos he showed earlier tell the story better than anything, because they illustrate that some zoning districts are too dense. While Linville Oaks residents are not asking Kevan Combs to develop something that looks just like Linville Oaks, he needs to be consistent with the surrounding area. Fox said residents living in Stafford Farms, Foxbury, and Heron's Nest as well as Linville Road and County Line Road also supported denial of the rezoning request.

Gil Happel said although there are other PD-R zoned areas, none of them are totally surrounded by RS-40 properties. The Harvicks' property is surrounded by

developments like Linville Ridge and Mountain View, and this property should be consistent with that. Happel added that Riverside was the first PD-R zoned development in Oak Ridge, but that the new owners were reducing the density in that subdivision.

With the time for proponents and opponents and rebuttal for each having run out, Mayor Combs ended the public hearing.

Council questions/comments:

Mayor Combs said for the record that he was not related to Kevan Combs. He asked Combs or Rodenbough for a brief description of house sizes proposed, and Combs said restrictive covenants would require a minimum of 2,800-square-foot homes made of brick, rock or natural material. The first lots would sell at around \$80,000, so the houses would likely start at about \$450,000 and up. Mayor Combs asked about a timeline, and Kevan Combs said there will likely be six to eight builders who will begin by building spec houses. Once those have sold, the market will begin to determine other factors such as the timeline. He added that Knights Landing will be built in phases, and while they likely won't get 80 lots due to soil conditions, they are required to show the maximum. Mayor Combs asked if the homes will all be custom homes except for the spec houses, and Kevan Combs said yes, because a custom home builder is one who does not build houses in mass and, in general, is present on the job site and provides nicer touches. Regarding the number of lots realistically expected, Combs said he would get as many as possible, but he estimated it would probably be around 70 or less.

Mayor Combs then asked Fox if the proposed plan is consistent with the surrounding area, and Fox said he thought that was part of a larger question, which is whether the zoning requested is appropriate. Regarding the street connection, Mayor Combs said it was not fair to blame Kevan Combs for that because the Land Use Plan adopted in 2003 shows a stub road and a street connection at Linville Oaks. Mayor Combs referred to the last sentence on the Land Use Plan, which explicitly says the Thoroughfare Plan should be considered a part of the Land Use Plan. Fox said he thought the Town Council was authorized to make that call based on the development ordinance. Fox said he knew staff had required the connection be included, but he said he was asking the Council not to make that connection and the ordinance leaves that to Council's discretion. He added that the Thoroughfare Plan can be changed.

Regarding the surrounding development, Mayor Combs said it had been indicated that everything around the property is zoned RS-40, but Council's investigation showed that was not necessarily the case. He said one subdivision has minimum 5,000-square-foot lots and another has minimum 12,500-square-foot lots, and both are nice subdivisions. He said there is also a PD-R-zoned development right across the road from this property, and across Haw River Road, Chris Daughtry's property is zoned RS-30-MH (Mobile Homes). He asked how Fox could say rezoning this property PD-R would be inconsistent with the surrounding area when the development ordinance actually allows much smaller than 1 acre lots.

Fox responded that not all lots are 40,000 square feet, but that zoning for some date back to before the Town was incorporated and developed its Land Use Plan. He said he and his clients thought this was inconsistent with the surrounding area because nothing nearby is zoned for 20,000-square-foot lots. In looking at the Guilford

County GIS map, Fox said it shows some areas that are one home per acre, while others are a little less at one home per .9-, .8- or .7-acre. With the exception of the ones pointed out, Fox said he didn't see neighborhoods with 20,000-square-foot lots, and that is why he believes 80 lots on 20,000-square-foot lots is too dense.

Mayor Combs said the Jordan Lake Watershed Rules have been mentioned, and added that Oak Ridge is the only Town along the Haw River that voted to adopt and implement the Jordan Lake Watershed Rules as part of its planning process. Regarding the Jordan Lake Watershed Rules, Mayor Combs asked what would be in the best interest of the Town and the taxpayers when it came to adequate planning and zoning. Oakley said having preserved open space within developments could save the Town money in the future; otherwise it might have to retrofit subdivisions with watershed devices such as retention ponds. Oakley said he understood preserving large areas of open space would help to offset the impervious surfaces and developed areas.

Councilman McClellan discussed the following concerns:

- The closeness of Knights Landing to the homes on the street connection to Linville Oaks. He asked Kevan Combs if he had considered changing the setbacks or moving the homes back. Combs said he was willing to remove the two lots along Parkchester Place from the sketch plan.
- Other concessions. McClellan asked Kevan Combs about other possible concessions, and Combs said he had to be careful of contract zoning. Rodenbough said Combs had offered a list of concessions.
- Setbacks/planting yards between developments. McClellan asked Kevan Combs if he would be willing to consider increasing setbacks and including berms and plantings between the developments, and Combs said yes.
- Traffic concerns. McClellan asked Kevan Combs if he would consider a roundabout along the street that connects the two subdivisions, and Combs said he was willing install one at the main intersection in the Knights Landing subdivision.
- Trail crossing. McClellan asked if Combs would be willing to put signs at the trail crossing; Combs responded that the topic had been a huge hot button with neighbors and he would be willing to work with the parties involved, but it was ultimately the Town's decision about where the trails would be placed and whether they would be public or private.

Mayor Pro Tem Sullivan said it sounded like Combs had offered several concessions. Rodenbough passed out handouts, which are hereby incorporated by reference and made a part of these minutes, to the Council addressing several issues:

- Concern about commercial or multifamily zoning, Rodenbough said that would not be allowed unless the property went back through the rezoning process. As an added level of security, the stipulation that no commercial or multifamily uses would be permitted would be added to the Unified Development Plan.
- Increased traffic. Rodenbough said Combs would be willing to install a roundabout to slow down traffic and decrease possible cut-through traffic. Rodenbough pointed out that while Combs had agreed to propose a cul-de-sac instead of the connection to Parkchester Place, the Town said the street connection was a requirement.
- Proximity of Linville Oaks homes to Knights Landing. Combs had agreed to remove the first two lots at the Parkchester Place access into Knights Landing, to move the pod of homes back, plant a Type B planting yard, and increase the

setbacks to address the issue of how close the Linville Oaks homes on Parkchester Place are to Knights Landing.

- Property values. Rodenbough said restrictive covenants would allow no lot for any purpose other than single family residential use, and homes would be a minimum of 2,800 square feet and made of brick or rock. Linville Oaks also allows Hardie Board, but Knights Landing would not. These restrictive covenants would be written so they could not be amended, Rodenbough said.

Councilman Kinneman addressed the issue of connectivity, and said research he had done had shown street connections are better than cul-de-sacs because crime is less apt to occur, cul-de-sacs are difficult for emergency vehicles to maneuver, and they are difficult to plow, etc. He asked how the street connection would adversely affect Linville Oaks. Fox said emergency vehicle access had not been a problem thus far, that the Council had the authority to not require the street connection, and that not all street connectivity is good. He added that safety issues are not only about crime, but about increased traffic on streets, including where the Linville Oaks trail is located. Kinneman asked if DOT could set the speed limit in a subdivision at 25 mph; Oakley responded that the streets would need to be under the state maintenance program first, and that when the streets are turned over to the state, the Council could do a resolution requesting the 25-mph speed limit.

Councilman Stone asked David Marshall if, on the Density Snapshot sheet he handed out, Knights Landing complies with the Oak Ridge development ordinance. Marshall said his contention was that it was not consistent. Marshall added that he thinks 1-acre lots are stipulated, and that in RS-40 zoning some land for roads, streams, etc. would not be developable, creating lower density. Marshall also said while Linville Oaks residents knew the stub road might connect one day, they thought it would be to something similar to their development – not 80 homes as well as cut-through traffic. Regarding studies cited by Kinneman, Marshall said for any study found, he could likely find one on the same subject with different results.

Stone asked Fox if 80 homes on 82 acres complies with the development ordinance; Fox said the proposed PD-R development would allow 20,000-square-foot lots, which they contend are inconsistent with the Land Use Plan, which clearly says one home per acre – not an average of one home per acre. Stone again asked if it met the ordinance requirements, and Fox said he was confident it met the technical requirements or it would not have been approved by staff. Stone then asked if there was really anticipation from Linville Oaks residents that the roads through Knights Landing into Linville Oaks would be used as a cut-through from Haw River Road to Linville Road. Fox said that was a concern, as was the increased traffic through Linville Oaks from residents who would live in Knights Landing. As traffic continues to increase in Oak Ridge, Fox said there would be a tendency for drivers to avoid the Haw River/Linville Road intersection.

Stone asked Kevan Combs to explain the soil map of the property. Combs explained what it meant, and how because there is no sewer system, Guilford County determines how much land is required for septic before a house can be constructed. Unsuitable soils often cause developers to put in fewer lots that requested. Stone asked Kevan Combs about road construction; Combs said the main entrance to Knights Landing would be from Haw River Road, and the road from that main entrance that connects to Linville Oaks will be built first. Because of market conditions as well as crossing streams and permits that would be required, it would

take some time to be able to create the entrance directly into Knights Landing from Linville Road, Combs said. Stone asked how long Combs anticipated it would take for build-out of the subdivision, and Combs said around five years in the current market, but three to four years minimum.

Stone asked Bruce about the next step, and Bruce said it would be approval of the Unified Development Plan, which was somewhat like the sketch plan but would include more details. Stone asked Bruce what would happen if Kevan Combs were no longer associated with the development, and Bruce said the new developer would be required to adhere to the same conditions; once a Unified Development Plan is approved, it gives the Town more authority to ensure that the elements on it are completed as presented, Bruce said.

Councilman Kinneman made a **motion** to approve the sketch plan because it meets the technical requirements of the Town ordinance. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

Mayor Pro Tem Sullivan made a **motion** that the proposed rezoning be approved and that Council adopt the following statement required by N.C. Gen. Stat. 160A-383:

- The proposed zoning amendment is consistent with the adopted development plan of the Town of Oak Ridge. The report of the Town staff, finding the proposed zoning amendment to be consistent with the Oak Ridge Land Use Plan, is adopted by reference. The proposal's consistency with the Oak Ridge Land Use Plan is particularly demonstrated by the following:
 - The current zoning allows for low-density residential use, with agricultural use. The proposed Planned Unit Development rezoning continues to allow for low-density residential use, with no provision for any commercial use.
 - The surrounding uses of the applicant's property are rural residential, major residential subdivision, large estate/proposed major residential subdivision, and residential. Included in the surrounding and nearby properties are two PD-R zones and multiple RS-30 zones, establishing a neighborhood consisting of a variety of low-density residential zones. Therefore the proposed Planned Unit Development rezoning allowing for low-density residential use, with no provision for any commercial use, is consistent with and complementary to all the surrounding uses.
 - The proposed Planned Unit Development rezoning will tend to preserve and retain both tree coverage and open space, which are priority factors under the Oak Ridge Land Use Plan.
 - The proposed Planned Unit Development rezoning will provide a walking trail or easement that will link with existing or planned walking trails, which is also a priority factor under the Oak Ridge Land Use Plan, the Town's walkability policy, and the Town's adopted Pedestrian Plan.
 - The foregoing is graphically and sufficiently demonstrated in the applicant's sketch plan.
 - The Planning and Zoning Board's vote against the proposed rezoning is unaccompanied with persuasive reasons supporting the Board's negative recommendation, or such reasons as have been brought forward are outweighed by the benefit to the community of the proposed rezoning; therefore, the negative recommendation of the P&Z Board is not accepted.

AND

- The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:
 - The report of the Town staff finding the proposed zoning amendment to be consistent with the Oak Ridge Land Use Plan, adopted by reference above, demonstrating that the proposed rezoning proposal is reasonable.
 - The additional factors noted above, demonstrated that the proposed rezoning is consistent with the Oak Ridge Land Use Plan, likewise demonstrate that the proposal is reasonable.
 - The applicant's property is a relatively large tract of 82.75 acres, and its development as one residential tract will significantly affect its immediately surrounding area as well as the Town as a whole. Surrounding residential development includes tracts and parcels of varying sizes from 30,000 to 40,000 minimum square foot lots. The proposed Planned Unit Development with a proposed minimum lot size of 20,000 square feet is found by the council to be appropriate and beneficial to the community, and not significantly different from neighboring residential uses on larger lots, because the more than 35 acres in resulting common elements will be used for open space, tree preservation, well sites, and septic easements. The resulting residential area will not therefore present a noticeable difference from surrounding residential development, and the retained natural and open areas will contribute to the Town's goal of preserving its rural appearance and feel.
 - The applicant will not be significantly benefited nor the owners of neighboring surrounding properties harmed by the Planned Unit Development rezoning, because the applicant's actual marketing opportunities, based on smaller lots and significant preservation of open space and tree coverage, will not unduly advantage the applicant, and there is no credible or persuasive evidence before this Council that a Planned Unit Development as noted above will lower the property values of the surrounding properties.

AND

- The proposed rezoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because:
 - The applicant's proposed rezoning as stated above represents a proposed use of private property that is consistent with the Oak Ridge Land Use Plan and is reasonable, and such development is encouraged under the public policy of the laws of North Carolina and the development ordinance of the Town of Oak Ridge.
 - The additional factors noted above demonstrate that the proposed rezoning will result in additional high-value housing stock, increased tax values, permanent open space, permanent tree preservation and additional trail footage, all of which tend to benefit the entire community.

Councilman Kinneman seconded the motion. After additional lengthy conversation and comments by Council, it was passed unanimously (5-0).

Mayor Combs called for a 5-minute recess at 9:46 p.m., and called the meeting back to order at 9:51 p.m.

4. CITIZEN COMMENTS

Jimmy Adams, Cathy Satchell and David Marshall made comments about the rezoning.

5. **ADJOURNMENT**

Councilman Kinneman made a **motion** to adjourn the meeting at 9:59 p.m. **Mayor Pro Tem Sullivan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Ray Combs, Mayor