



**OAK RIDGE PLANNING & ZONING BOARD MEETING
NOVEMBER 19, 2015 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Doug Nodine, Chair
Ron Simpson, Vice Chair
Nancy Stoudemire
Carl Leybourne
Bobbi Baker
Tammy Gardner
Patti Paslaru, Alternate (Sitting)
Steve Wilson, Alternate (Sitting, partial meeting)

Staff Present

Bill Bruce, Planning Director

Members Absent

Larry Stafford
Brian Eichlin, Alternate

1. CALL TO ORDER

The meeting was called to order by Doug Nodine at 7:01 p.m.

2. APPROVE AGENDA

Bobbi Baker made a **motion** to approve the amended agenda after adding discussion of the Land Use Plan Update under New Business. **Patti Paslaru** seconded the motion, and it was passed unanimously (7-0).

3. APPROVE MINUTES OF THE OCTOBER 22, 2015, MEETING

Nancy Stoudemire made a **motion** to approve the meeting minutes. **Ron Simpson** seconded the motion, and it was passed unanimously (7-0).

4. RECOMMENDATION ON APPOINTMENT OF ALTERNATE TO FULL BOARD STATUS

Nancy Stoudemire made a **motion** to recommend the Town Council appoint Patti Paslaru to a full board position to fill the seat that will be vacated by Doug Nodine, who was recently elected to Town Council. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

5. ELECTION OF CHAIR AND VICE CHAIR

Bobbi Baker nominated Ron Simpson to serve as P&Z Board chair. **Carl Leybourne** seconded the motion. There were no other nominations, and the vote in favor was unanimous (7-0).

Ron Simpson nominated Bobbi Baker to serve as P&Z Board vice chair. **Tammy Gardner** seconded the motion. There were no other nominations, and the vote in favor was unanimous (7-0).

Nodine stepped down, and Simpson took over the meeting. Simpson thanked Nodine for his service on the P&Z Board.

6. PUBLIC HEARING

Rezoning Case # RZ-15-06. AG to CU-RPD. The property is located on the west side of Happy Hill Road, approximately 1,200 feet north of Warner Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0164944 and 0164937, consists of approximately 82.76 acres, and is owned by Regina V. Griffin.

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 noted that the applicant had proposed a condition on the rezoning that the maximum number of lots on the property would be 76. He said 50 percent of the property would be set aside as open space, and that lots as small as 20,000 square feet would be permitted if the rezoning is approved. Bruce said the P&Z Board had previously reviewed the sketch plan for the development, and if the rezoning is approved, the sketch plan will become part of the zoning. He added that over 6 acres along Happy Hill Road would be preserved, and that houses would be tucked along the tree line. The developer had contacted adjoining property owners and hosted an open house at Town Hall on November 11. If approved, Bruce said the development would allow smaller lot sizes in exchange for open space, and that the development would have the same overall density as RS-40. He said the rezoning is consistent with the Land Use Plan, and staff recommends approval.

Baker said she had not visited the site and asked about the road's ability to handle the increased traffic. Bruce said it was similar to nearby Warner Road, although the shoulders were not as wide, but it was a paved, state-maintained road.

Simpson opened the public hearing.

Proponents:

David Stone of D. Stone Builders offered a handout to the Board, which is hereby incorporated by reference and made a part of the minutes, to help

illustrate the parts of the property that would remain as open space. Stone said this was the first development the company had done in Oak Ridge, and that he believed it meets or exceeds all the requirements of RPD zoning. He said each lot would be 20,000 square feet or larger, and that 50 percent of the property would remain as open space. He said after working with Town staff, they had moved the heart of the development back about 200 feet from Happy Hill Road and would put the houses behind the tree line. Stone said the topography of the property and a natural berm along Happy Hill Road would also screen the development from the road, and that natural wooded barriers on three sides of the property would be preserved. He noted the meeting held at Town Hall on November 11, and said he had also been contacted by two neighbors who asked for additional information, which he had supplied.

Paslaru asked Stone why he had chosen RPD zoning for this site instead of RS-40. Stone said having minimum 40,000 square foot lots would require them to remove most of the trees on the property.

Cheryl Combs said her property adjoins this property and she had no problems with the plan.

Jaycee Spruill, another neighbor, said he was in favor of the proposal.

Opponents:

Roger Carter said he was representing his wife and her family, who own an adjoining property. Carter said they did not receive notification of a meeting with the developer, and while they were not sure whether they were opposed, they would have liked to have seen the plan and heard about the potential impact.

Stone said he would be more than happy to share the plans. He said he had sent letters to adjoining property owners and as a result, he had met with George Martin. Carter said George Martin was representing the Martin side of the family and not all the eight heirs who jointly own the property. Bruce said the letters would have gone to whoever is listed to receive the tax notifications from Guilford County.

Carl Leybourne made a **motion** at 7:26 p.m. to allow a 5-minute recess so the developer could show Carter and others the plan. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

When the recess ended at 7:31 p.m., Carter thanked the Board for its indulgence and said he and the other property owners were in approval of the proposal.

George Martin asked about runoff, and Bruce said that issue will be reviewed later as part of the subdivision plan to ensure that it meets all local and state regulations.

Mitchell Vermilyea asked about the wildlife on the property. Bruce said wildlife would not be impacted as much with RPD zoning since 50 percent of the property would be set aside as open space; much more of the wildlife habitat around the woods and stream would have been lost with RS-40 zoning, Bruce said.

Rebuttals:

None

Simpson closed the public hearing and turned discussion over to the Board.

Baker thanked Stone for the additional handout, saying it helped clarify the open space. She said when compared to the aerial photo, it appears the development on the property will occur where there are almost no trees; Stone said that was correct. Regarding the question by Vermilyea, Baker said she thought the fact that there would still be wildlife habitats on the property speaks favorably to the developer's planning.

Simpson reminded meeting attendees that the P&Z Board is an advisory board, which will make a recommendation on this case to the Town Council. Leybourne said the public can also go to the Town Council meeting and speak about the plan there.

Steve Wilson made a **motion** to recommend approval of the rezoning. **Carl Leybourne** seconded the motion, and it was passed unanimously (7-0).

7. NEW BUSINESS

Site Plan Case # SP-15-03. Scoggins Road Cell Tower. Verizon Wireless seeks site plan approval for a wireless telecommunications tower located at 8525 Scoggins Road in Oak Ridge Township. The property is Guilford County Tax Parcel 0165631, is zoned RS-30, and is owned by Charlene S. Wilson.

Leybourne said he had a potential conflict of interest, since Verizon has been a customer for about 5 years. Wilson also said he needed to recuse himself, because he was directly involved with the case. Both stepped down from the dais.

Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that this was a technical review only, and that wireless telecommunications facilities are permitted provided

they meet the ordinance requirements. Bruce said he had offered comments on various requirements in the staff report.

Paslaru asked about the exact appearance of the tower, and Bruce said the tower proposed would be identical to the one camouflaged to look like a pine tree that is located on Linville Road.

Stoudemire asked about the height of the tower, and Bruce said it would be 112 feet, which is slightly shorter than the tower on Linville Road.

Simpson said there were several requirements missing that were noted in the staff report. He asked if the Board could approve the plan contingent upon receiving that information. Bruce said yes, and added that much of that information had been received since the staff report was completed. Simpson asked if all the items missing had now been taken care of, and Bruce said yes.

Jim LaPann of Faulk & Foster said he was a zoning specialist retained by Verizon. He explained the items he had submitted as part of the staff report. He discussed issues involving the nearby streams, the appearance of the proposed tower, the balloon tests done to show the height of the tower and its visibility from different locations in Oak Ridge, and the proposed tree preservation area.

Baker asked if the proposed 100-foot tower would be tall enough to be sufficient to provide cell phone coverage in the town, noting that it is difficult to get coverage in some areas of Oak Ridge. LaPann referred Baker to the propagation maps included in the packet that were created by engineers, which shows the coverage area. He said the height of the tower is determined by engineers and is very precise.

Stoudemire said she had been unable to find coverage maps from other providers, and asked if the coverage problem only affected Verizon customers. LaPann said the proposed tower would only be used by Verizon at this time, although there would be space that could be used by other providers on it. Stoudemire asked why Verizon wasn't just adding its equipment to one of the four towers located in Oak Ridge now, and LaPann said Verizon needed additional support at this particular area, and adding to an existing tower may not work for the company. He said a letter from Verizon in the packet said the company had looked at other locations and was unable to use them. LaPann said it was true that each company likes to build their own towers, but the other question here is does the tower proposed technically and scientifically fit the requirements. He said there is room on the tower for a co-provider, and the matter was studied by an engineer and the results were very well researched and scientific.

Stoudemire asked what would happen to the tower if it is no longer needed. Bruce said the Town is holding a bond for the tower on Linville Road so the Town could remove it if it is no longer being used.

Stoudemire asked if the proposed tower was in the Historic District or the Scenic Corridor overlay zones. Bruce said the location was just outside the Historic District, and while it was in the Scenic Corridor, there were no additional stipulations required.

Stoudemire asked about removal of trees, and LaPann said the tree preservation area was shown on the plan. He said Verizon's intention was to install a monopine structure, and the property owner understands that he cannot remove trees and has indicated that he has no intention to do so. Stoudemire asked about lighting, and LaPann said the structure proposed was less than 200 feet tall, so no lighting is required.

Simpson asked about the service road to the tower, and LaPann said it would be a gravel road, which will be maintained. Simpson asked if there would be a gate or way to prevent someone from entering the area. LaPann said an 8-foot chain link fence would be installed around the tower with three strands of barbed wire on top.

Bobbi Baker made a **motion** to approve the plan with the condition that the additional information required is provided. **Patti Paslaru** seconded the motion, and it was passed unanimously (5-0).

Wilson and Leybourne rejoined the Board

Discussion of Land Use Plan Update.

Leybourne asked to discuss the process for approving the Land Use Plan Update. Bruce said the steering committee would meet again on December 3 to discuss any possible revisions based on comments and feedback received at and since the open house. If no major changes are requested, the committee will bring the draft plan to the P&Z Board at a public hearing on December 17.

Leybourne said as he understood it, the intent of the Land Use Plan was to guide the P&Z Board's decisions, and with all due respect to the committee, he found the draft plan to be disappointing. He discussed some of the concerns he had, particularly with the verbiage in the plan creating more ambiguity for the Board.

As a member of the Land Use Plan Update committee, Simpson said it would help him to see Leybourne's comments in writing so he could bring them to the committee to consider; Leybourne agreed to provide comments to Simpson. Bruce explained that the intent of the plan is to not only guide P&Z and Town Council's decisions, but to also be used with other entities such as the N.C.

Department of Transportation. While much of the plan has to do with land use, Bruce said the plan is designed to be more of a comprehensive plan to address issues the Town might face in the future.

8. PUBLIC COMMENTS

Stoudemire said she had voted in favor of the cell phone tower because she felt it met the criteria, although she did not think it was needed. She said she had talked to perhaps two people who said they had problem with cell phone coverage. Baker said she lived on the northwest end of Oak Ridge, and the cell phone coverage in that area is terrible. She said neighbors have boosters in their homes, but still lose calls all the time. She said it was not unusual to see people out in the street near her home trying to get a signal so they could use their cell phones.

Wilson said the tower was on his property, and at first all he could think about was the tower on Linville Road and how he did not want to see something like that in his yard. He said the cell phone tower company had been diligent in its plans, and that he owned 13 acres and would not be able to see the tower from his house. He said he also has to go outside to receive cell phone calls, and he thought the tower was something the community needs. Wilson said he had no intention of ever cutting down the trees around it, and that it would be hidden from the road.

9. ADJOURNMENT

Patti Paslaru made a **motion** to adjourn the meeting at 8:29 p.m. **Tammy Gardner** seconded the motion, and it was passed unanimously (7-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ron Simpson, Chair