



**OAK RIDGE PLANNING & ZONING BOARD MEETING
JUNE 26, 2014 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Doug Nodine, Chair
Nancy Stoudemire
Carl Leybourne
Bobbi Baker
Larry Stafford

Staff Present

Sandra Smith, Town Clerk
Bill Bruce, Town Planner

Members Absent

Ron Simpson, Vice Chair
Tammy Gardner
Patti Paslaru, Alternate
Brian Eichlin, Alternate

1. CALL TO ORDER

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

2. APPROVE AGENDA

Nancy Stoudemire made a **motion** to approve the meeting agenda. **Carl Leybourne** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF THE APRIL 24, 2014, AND MAY 22, 2014, MEETINGS

Bobbi Baker made a motion to approve the two sets of meeting minutes. **Carl Leybourne** seconded the motion, and it was passed unanimously (5-0).

4. NEW BUSINESS

Subdivision Case # 14-06-ORPL-02897: River Gate. The property is located on the north side of Haw River Road, approximately 300 feet east of Pepper Road, in Oak Ridge Township. This subdivision consists of 15 lots and road dedication for a total of approximately 17.99 acres. It is Guilford County Tax Parcel 0164838, and is zoned CU-RS-40. The property is owned by Susan D. Teeter. Designer: Hugh Creed Associates, Inc., P.A.

Town Planner Bill Bruce presented the case from the staff report, which is hereby incorporated by reference and made part of the minutes. Bruce said the Planning & Zoning Board had recommended the property be rezoned last

month and the Town Council had agreed. The developers had agreed to conditions that there would be no more than 15 lots and there would be a public trail easement connecting the property to the Cascades Open Space Preserve. He added that the applicant was also requesting a waiver for the length of the cul-de-sac, which can typically be a maximum of 800 feet in length. Bruce said a utility easement is required parallel to the road frontage, and it will be added. Tree preservation requirements have been met, primarily in stream buffers. Review of the project in light of the Jordan Lake Watershed Rules is underway, Bruce said.

In response to a question from Nodine, Bruce recommended the Board make separate motions on the subdivision plan and the waiver.

Stoudemire asked how many lots would have to be eliminated if the waiver is not approved, and Norris Clayton, the project engineer, said probably three or four.

Leybourne asked Bruce if there were any alternatives to meeting the requirements of the ordinance other than granting a waiver on the cul-de-sac length. Bruce said the typical remedy would be to put in a stub street, but in this case there was nowhere to locate one. Leybourne asked which grounds for waiver the applicant was declaring; Clayton said it could be physical hardship because of the configuration and topography of the property and the fact that there is nowhere to create a stub that would ever be extended, or it could be equal or better performance because the density is already well below what could be allowed in the ordinance and that the applicant was not adding extra lots by making the cul-de-sac longer. Leybourne said the applicant needed to state which grounds he was basing the request for waiver on. Leybourne said it was not a hardship to meet the ordinance requirements, but that the applicants just couldn't maximize their investment. He added that the cul-de-sac could be shorter than requested and larger lots placed at the end of the cul-de-sac.

Stoudemire read from the ordinance that addressed grounds for a waiver, which said, "At the time of the waiver, a stub street to the subject property under consideration for waiver must exist;" Stoudemire stated that one does not exist. Bruce responded that what Stoudemire had read was a very specific requirement in the ordinance that deals with more than 50 homes with one access. He said the Board is dealing with a separate section of the ordinance, so the portion that Stoudemire read was not applicable here. She added that she believed any physical hardship would not be the lay of the land on this tract so much as the land surrounding it, and she also commented that every piece of property did not necessarily have to have a house on it.

Buddy Lyons of LTD Equity, the proposed developer, said cul-de-sacs that are 1,100-1,200 feet long are created all the time, and in this case it does not make sense to put a stub road into another piece of property that can never be developed. He said the developers had already proposed the condition that there would be quite a bit less than one lot per acre, and it would be an economic hardship to lose more lots.

Leybourne said Lyons had said that a stub road could not be put in; while he said it might not be practical, he asked if a road stub could be put in going to the Cascades property, and Lyons said yes. He asked if the technical requirements of the ordinance would then be met, and Bruce said yes. Leybourne asked if the Town might be better served by waiving the requirement for a stub road, and Bruce said he thought that was a valid argument.

Stoudemire asked if it would be feasible to put in a small parking area for the Cascades on that side of the property. Bruce said there is already a parking lot on the northern side of the Cascades property, and that the Cascades currently does not have a trail that comes down that far. He said he had not discussed that type of plan with a park planner, and while anything was feasible, he was unsure whether the topography would be suitable in that area. Clayton commented that the property drops off pretty dramatically in that area.

Leybourne asked if there was any precedent on how development had been done beside a public parks and recreation area in terms of connectivity. Bruce said no; he said the property had been reviewed in terms of the Jordan Lake Watershed Rules, and that the streams would be buffered.

Stoudemire asked why there was such a difference in the size of lots 12 and 13. Bruce said the lots needed to be 150 feet wide, so what was being proposed was a creative way to get lots of that size. He said homes on those properties would likely still be relatively parallel, with an offset of perhaps 10 feet. Stoudemire asked if a different type of development – perhaps a Rural Preservation District (RPD) – might give the developer the number of lots desired but situate them closer to the front of the property with a large block of open space. Bruce said he had discussed that type of development with the applicant, but that wasn't what they had chosen to request.

Nancy Stoudemire made a **motion** to deny the request for waiver based on the fact that there was not undue physical hardship, that she did not believe the plan would provide equal or better performance, and that there was no unintentional error. The motion died for lack of a second.

Doug Nodine made a **motion** to approve the waiver based on physical hardship. **Larry Stafford** seconded the motion, and it was passed 3-2 (Nodine, Stafford and Baker voting in favor, Leybourne and Stoudemire against).

In response to a question, Bruce said the request for waiver would now go to the Town Council since a unanimous decision had not been reached.

Doug Nodine then made a **motion** to approve the subdivision. **Larry Stafford** seconded the motion, and it was passed unanimously (5-0).

5. PUBLIC COMMENTS

None

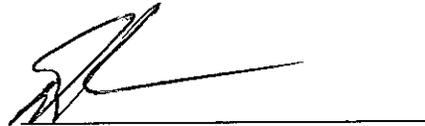
6. ADJOURNMENT

Carl Leybourne made a **motion** to adjourn the meeting at 7:25 p.m. **Bobbi Baker** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Doug Nodine, Chair

**SUBDIVISION CASE #14-06-ORPL-02897: RIVER
GATE**

Subdivision Case # 14-06-ORPL-02897: River Gate. Located on the north side of Haw River Road, approximately 300 feet east of Pepper Road, in Oak Ridge Township. This subdivision consists of 15 lots and road dedication for a total of approximately 17.99 acres. Being Guilford County Tax parcel 0164838, zoned CU-RS-40. Owned by Susan D. Teeter. Designer: Hugh Creed Associates, Inc., P.A.

Staff comments:

1. The applicant has requested a waiver to Section 30-860(j) for cul-de-sac maximum length. Please see the attached letter for the applicant's proposed justification. Grounds for granting waivers are also attached.
2. A 20' utility easement must be provided along the street frontage of all proposed lots.
3. All lots meet the minimum dimensional requirements of the RS-40 zoning district, and all zoning conditions are accommodated by this preliminary plat.
4. Tree preservation meets the minimum required (20% of the site).
5. The preliminary plat is currently under review for compliance with the adopted Jordan Lake Rules.

Pending compliance with the Jordan Lake Rules and the addition of the required utility easement, staff recommends **approval**.

Hugh Creed Associates, Inc. P.A.

Consulting Engineers & Land Surveyors

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June 20, 2014

Town of Oak Ridge
P.O. Box 374
Oak Ridge, NC 27310

Subject: River Gate Subdivision
Cul-De-Sac Length Waiver Request

Dear Board Members,

This letter is written on behalf of Ms. Susan D. Teeter, present owner, and LTD Equity, Inc., proposed developer, to request a waiver of the maximum cul-de-sac length for River Gate Court from 800 feet as per the Development Ordinance Section 30-860(j) to $\pm 1,100$ feet. This request is made due to the shape of the property, its topographic features and surrounding development.

Shape of Property:

The property is approximately 1,350 feet deep by 640 feet wide, which only supports a single street with lots along each side.

Topographic Features:

There are two existing streams on the southwest side of the property and another stream within the park side on the north side. These topographic features further restrict development of the lots onto the flatter slopes.

Surrounding Properties:

- The existing development on the south of the site has no access point for a stub street connection.
- The property on the west and north is existing Guilford County parkland and needs no street access from this site.
- The remaining two tracts along the north of the site are existing developed lots with access to Haw River Road. These lots do not require access from this site.

These surrounding properties allow no stub street extensions from this subdivision.

We appreciate your consideration of this request.

Sincerely,
Hugh Creed Associates, Inc., P.A.



Norris Z. Clayton, P.E., P.L.S.

Secs. 30-804—30-829. Reserved.

DIVISION 8. WAIVERS

Sec. 30-830. Approval authority.

The planning and zoning board may approve waivers to the standards of this article following a unanimous vote. Less than a unanimous vote shall constitute a recommendation with final action required from the town council.

(Ord. of 1-6-2000, § 5-12.1)

Sec. 30-831. Grounds for waivers.

The plan approval agency may waive standards in this article under one of the following circumstances:

- (1) *Physical hardship.* Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this article would cause unusual and unnecessary hardship on the subdivider.
- (2) *Equal or better performance.* Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this chapter.
- (3) *Unintentional error.* Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

(Ord. of 1-6-2000, § 5-12.2)

Sec. 30-832. Grounds for waivers to section 30-860(f).

(a) At the time of the waiver, a stub street to the subject property under consideration for waiver must exist. A new stub street to the subject property cannot be created for purposes of granting requested waiver herein.

(b) The subject property must be completely land locked without any other means of access at the time of application and request for waiver.

(c) That the granting of such waivers will not be of substantial or material harm to the intent, nor be prejudicial or contravene the intent of section 30-860(f) which is to limit single entrance residential subdivision streets to no more than 500 trips per day.

(Ord. of 1-6-2000, § 5-12.3)

Sec. 30-833. Conditions.

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

(Ord. of 1-6-2000, § 5-12.4)