



**OAK RIDGE PLANNING & ZONING BOARD MEETING
APRIL 28, 2016 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Bobbi Baker, Vice Chair
Carl Leybourne
Nancy Stoudemire
Patti Paslaru
Steve Wilson, Alternate (Sitting)
Larry Stafford (Arrived at 7:05 p.m.)

Staff Present

Bill Bruce, Planning Director
Sandra Smith, Town Clerk

Members Absent

Ron Simpson, Chair
Tammy Gardner
Brian Eichlin, Alternate
Ed Treacy, Alternate

1. CALL TO ORDER

The meeting was called to order by Vice Chair Bobbi Baker at 7:01 p.m.

2. APPROVE AGENDA

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

3. APPROVE MINUTES OF THE MARCH 24, 2016, MEETING

Nancy Stoudemire made a **motion** to approve the meeting minutes. **Patti Paslaru** seconded the motion, and it was passed unanimously (5-0).

Larry Stafford arrived at the meeting and took his seat on the Board.

4. PUBLIC HEARING

A. Rezoning Case # RZ-16-01: AG to RS-40. The property is located at 1830 Oak Ridge Road, on the south side of Oak Ridge Road approximately 1,100 feet west of Williard Road, in Oak Ridge Township. It is Guilford County Tax Parcel #0165486, consists of approximately 10.12 acres, and is located in the Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone. It is owned by Ann P. Berrier; the applicant is Mark Disney.

Planning Director Bill Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. Bruce said the request is consistent with the Oak Ridge Future Land Use Plan and matches existing zoning and typical lot sizes in the vicinity, and that staff recommended approval of the request.

Baker opened the public hearing.

Proponents:

- Mark Disney, the applicant, said he had grown up in the adjoining Foxbury neighborhood. Although he now lives in Stokesdale, he said his ultimate goal was to give his family the opportunity to get back to Oak Ridge, so he planned to keep one of the lots for his family to build a residence. He said the property is 10.12 acres, and that he plans to divide it into five lots if the property is rezoned RS-40. He said the street that will access the property will be built to state standards so it can be maintained by the state. He said he had done a good deal of research, he felt his request was consistent with the homes around it, and that the subdivision would be a good thing.

Leybourne asked if Disney was requesting conditional use zoning with a five-lot maximum. Bruce said that was not the original request and that change could not be made at this time.

- Chris Rohrer of Land Solutions said he had been working with the applicant. He said the zoning would allow a maximum of 10 units, but given the shape of the property, the access points and restrictions in the ordinance, it was only feasible to create five lots on the property. Rohrer said he felt the request was in harmony with the current Land Use Plan, and he asked for the Board's support.
- Ryan Wilcox, an adjoining property owner, said his house stood to be the most impacted by the rezoning. He said he understood Disney's intention, but he asked if conditions could be added to the request when it comes before the Town Council. He said he would like the property to stay as it is, but he was neither speaking for or against the rezoning.

Baker explained that the Board could only consider what had been requested, which was RS-40 zoning. Leybourne said the number of lots could be addressed at the site plan review. Wilcox asked again if conditions could be added when the case goes before the Town Council; Bruce said the Council may be able to consider conditions if the applicant elected to add them. The case may have to be re-advertised and reheard by the Planning & Zoning Board if the changes were significant, Bruce said. He added that generally the conditions would have to make the request more restrictive than it was initially and be more favorable to the parties opposing it for it not to be re-advertised and reheard by the

Board. Wilcox said he approved of the rezoning and thought most others in attendance did as well, but he would like to see conditions added.

Opponents:

- Richard Cavanaugh spoke in opposition to the straight RS-40 zoning, saying his issues could be solved if the applicant requested CU-RS-40 zoning with the conditions that the lots be 1.7 acres with a maximum of five lots, the road accessing the property curving away from existing back yards in the Foxbury subdivision, and buffers being required to protect the existing mature trees. He also discussed concerns with traffic as well as with destroying scenic vistas and animal habitats.
- Yanfei Yang said he would also like to see conditions added to ensure lots be an average of 1.7 acres, that there be a maximum of five lots, and that the distance from the road to his property be at least 130 feet.
- Drake Parrish said the only thing he opposed was a road that cuts directly across his driveway. He said he had lived in his house for 18 years, and that his understanding of the easement to the property was not where he thought it was.
- Susan Phillips spoke on behalf of herself and her mother. She said the road which would access the property would be directly beside her mother's house, and her concern was how large the right of way would be if the proposed road is state maintained. She said she was not opposed to the rezoning and that Disney's family had always been a class act, but she would prefer to see only five houses in the development, and would also like to see conditions added to the rezoning.
- Sothon Yean said his property also borders this one. He said he was concerned with the road location accessing the property and how close it would be to his back yard, particularly since he has two young children.
- Barry Davis said his major concern was traffic on N.C. 150, and this proposed development would only add to that.
- Amber Davis said she and another neighbor, who was unable to attend the meeting, had concerns about water runoff from the development onto their properties.

Rebuttal – Proponents:

- Chris Rohrer said although this was a 10-acre tract, and with RS-40 zoning there is the ability to have 10 lots, it was not possible to get that many on this tract. He said with such issues as minimum lot length, street location, tree preservation requirements, and well and septic locations, it

was physically impossible to get more than five lots on the tract. He said he and Disney would not show neighbors one thing and construct something else, but he did not think another developer could come in and get more than five lots. He said he hoped that might appease some of those who had spoken in opposition.

Rebuttal – Opponents:

- None

The public hearing was closed.

Board questions/discussion:

Stafford reiterated that the request was strictly for a rezoning, and that was all the Board could consider. He said when a site plan is presented, some of the concerns being presented by opponents could be addressed.

Stoudemire thanked all those who attended the meeting, but agreed with Stafford. She asked Disney if each property would have an individual well, and Disney said yes. She asked about the historic home of the property; Disney said the structure was beyond repair, but he was willing to offer a workday and allow interested people to come remove whatever materials they would like. Stoudemire asked if he was willing to advertise that in the Northwest Observer, and Disney said yes, once he owns the property; He said he would prefer it only be one day because of the liability involved.

Susan Phillips said the log cabin part was not original to the structure and agreed that it was a liability. Stoudemire said she understood the structure was not in usable condition and that it would be destroyed, she just wanted it done in a respectful manner so at least portions of it could be reused. She said she thought Disney's offer would be acceptable.

Leybourne said there had been a lot of talk about conditions, but that had nothing to do with the rezoning in front of the Board. He said the best rezoning Oak Ridge could get here would be RS-40, and he would be in favor of that.

Paslaru said her pet peeve was that traffic counts were from 2013, which she said were pretty much useless at this point. She asked when more up-to-date traffic figures would be available, and Bruce said that was up to the DOT.

Baker also thanked all those who attended for their involvement. She asked Bruce if there was any discussion before the application was submitted of CU-RS-40 and why that was not requested. Bruce said he thought the applicant's desire was to request RS-40, which is consistent with the Land Use Plan. Disney said he was new to the development process and honestly did not know any better. He said he had shared his plans with neighbors, who wanted a way to ensure that was what he constructed, and he understood

that. Disney agreed with Rohrer that they had studied the property extensively and, at best, he might be able to squeeze in one more lot, but he had no desire to do that. Baker asked if Disney had any comments about changing the land and how that might affect adjoining properties. Disney said he planned to build the road to NCDOT standards, and he would install whatever erosion control measures were required by Guilford County.

Wilson said it was admirable that Disney had tried to talk to as many neighboring property owners as possible. Disney said he did not speak to all of them, but he had tried to contact as many as possible.

Nancy Stoudemire made a **motion** to approve the rezoning from AG to RS-40. **Carl Leybourne** seconded the motion, and it was passed unanimously (6-0).

B. Text Amendment. Amendments proposed to Chapter 30 of the Oak Ridge Code of Ordinances to implement recommendations of the adopted Oak Ridge Future Land Use Plan Update, to ensure compliance with state statutes, and to modernize and correct inconsistencies. Proposed amendments include but are not exclusive of Article IV Division 2 Planning and Zoning Board, Article V Enforcement, Article VII Zoning (to revise Rural Preservation District and Rural Multifamily District, and create a new Town Core-Residential District), Section 30-111 Establishment of Official Zoning Map, Section 30-301 Zoning map and text amendments, Section 30-302 Conditional use districts and special use permits, and Section 30-700 Assurance of completion of improvements.

Bruce presented the Board with two documents, which are hereby incorporated by reference and made a part of the minutes – one with the proposed changes to the ordinance, and the other one with staff comments. Some of the proposed changes included:

- Notifying more neighbors of a proposed rezoning
- Allowing the Town to keep the official zoning map in digital form
- Allowing special use permits to go directly to Town Council
- Changing prosecution of an ordinance violation from a criminal offense, per advice of the Town Attorney
- Requiring an environmental inventory to ensure RPD zoning preserves some element that is environmentally or historically important
- Removing the ability to submit a protest petition on a rezoning request due to the legislature removing that option
- Changing RPD developments to allow lots as small as 15,000 square feet without changing the overall density allowed
- Clarifying responsibility for trail maintenance
- Allowing the Planning & Zoning Board authority to approve UDPs

- Removing RM zoning and creating TC-R zoning in the town core to allow for up to two units per acre

The Board then discussed the changes being proposed.

Patti Paslaru made a **motion** to keep the minimum lot size in RPD zoning at 20,000 square feet. **Steve Wilson** seconded the motion, and it was passed by a 5-1 vote (Stoudemire voting in opposition).

After additional discussion, **Patti Paslaru** made a **motion** to recommend approval of the proposed ordinance changes with the condition that minimum lot sizes in RPD zoning remain at 20,000 square feet. **Carl Leybourne** seconded the motion, and it was passed unanimously (6-0).

5. NEW BUSINESS

Discussion of Tree Board/Tree City USA application.

Bruce said the Town Council had recently tasked the Board with applying to the Arbor Day Foundation for the Tree City USA designation. He said he had sent Board members a link to the Arbor Day Foundation website explaining the process, and said applications are accepted annually in December. Bruce said he thinks the Town meets most of the requirements, and if the text amendment is approved by Town Council, the Board will also become the Town's Tree Board. In answer to questions by the Board, Bruce said the Board's duties would primarily be to oversee landscaping and tree preservation, which are duties it already handles for new development. He said he thought the existing tree preservation ordinance will suffice as far as what the Arbor Day Foundation requires. Bruce said he would have more information in the future, and Baker suggested any questions be directed to Bruce.

6. PUBLIC COMMENTS

None

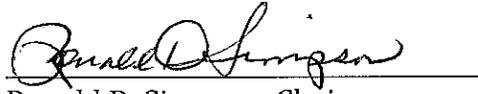
7. ADJOURNMENT

Carl Leybourne made a **motion** to adjourn the meeting at 8:83 p.m. **Patti Paslaru** seconded the motion, and it was passed unanimously (6-0).

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Sandra B. Smith", written over a horizontal line.

Sandra B. Smith, CMC, Town Clerk

A handwritten signature in cursive script, appearing to read "Ronald D. Simpson", written over a horizontal line.

Ronald D. Simpson, Chair