



OAK RIDGE PLANNING & ZONING BOARD MEETING
JANUARY 28, 2021 - 7:00 P.M.
(Meeting held electronically via the Zoom platform)

This meeting was conducted remotely under N. C. Gen. Stat. § 166A-19.24 by use of simultaneous communication using the Zoom online platform and in which Planning & Zoning Board members participated by simultaneous communication. Planning & Zoning Board members were joined and participated in the entire meeting, unless otherwise noted.

MINUTES

Board Members Present

Ron Simpson, Chair
Nancy Stoudemire, Vice Chair
Patti Paslaru
Jason Streck
Larry Stafford
Maureena Shepherd, Alternate (Sitting)
Patrick Fiorentino, Alternate (Sitting)
Rick Schlaginhaufen (Not sitting)

Staff Present

Sean Taylor, Planning Director
Sandra Smith, Town Clerk

Board Members Absent

Tammy Gardner

1. CALL TO ORDER

The meeting was called to order by Chair Ron Simpson at 7:00 p.m.

2. APPROVE AGENDA

Nancy Stoudemire moved to approve the agenda, and Patti Paslaru seconded the motion. Via roll-call vote, the motion was passed unanimously (7-0).

3. APPROVE MINUTES

Jason Streck moved to approve the minutes of the December 17, 2020 meeting, and Larry Stafford seconded the motion. Via roll-call vote, the motion was passed unanimously (7-0).

4. PUBLIC HEARING

CASE # RZ-21-01: AG (Agricultural) to CZ-RPD (Conditional Zoning-Rural Preservation District). The properties are located on the south side of Bunch Road, approximately 1,460 feet east of Oak Ridge Road, and adjacent to Oak Ridge Lake subdivision, Canter Cove subdivision and Allred Family Trust subdivision, all being in Oak Ridge Township. They are all and portions of Guilford County Tax Parcels # 163077 (approximately 45.46 acres)

owned by Bonnie Mills Trust, # 162726 (approximately 12.5 acres) owned by Albert and Tonia Mills, # 162660 (approximately 28.87 acres) owned by Lisa Faye Honeycutt Joyce, # 163062 (approximately 9.1 acres) owned by Lisa Honeycutt Joyce, and # 163115 (approximately 1.75 acres) owned by Albert Bradley Mills. The properties are located in the Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone.

Planning Director Sean Taylor 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. Taylor stated that an additional condition had been offered, which was for a 20-foot-wide public trail easement dedicated along the entire eastern and southern perimeters of the subdivision.

Stoudemire said that she had a question surrounding the Scenic Corridor piece of this request. She asked Taylor if the common area that is being proposed is enough to meet the Scenic Corridor guidelines for preserving the rural vistas. Taylor said the Scenic Corridor applies more to landscaping requirements.

Streck said he was frustrated with roads that seemed to go to nowhere, but said it appeared that it was not reasonable to connect the subdivision to Gumwood Road.

Paslaru asked how much of the 60 percent of the property that would be left as common space was actually located in the flood plain. Taylor said approximately 4 acres, but the ordinance requires that it be dedicated to the Town. Paslaru asked about the request for RPD zoning, saying that she understood the purpose of it was to preserve historic or other features. She said she did not see anything on the property that needed preserving when she visited the property.

Taylor responded that you can only drive about one-quarter of the way back on the property. He said there are steep slopes and environmental features needed to help protect and preserve the stream at the back of the property. He said the front portion of the property had been timbered, but the open space would meet the environmental requirements of the RPD. Paslaru said she was struggling with the zoning because all she had seen were scrub trees. Taylor said the amount of open space should also be considered.

Paslaru asked who pays the taxes on the areas in the floodplain.

Taylor said if the Town accepts the dedication, no one will pay taxes on that portion of the property. He said the homeowners' association will pay taxes on the open space when the property is developed.

Stafford noted that community wells were proposed and asked if they would be operated by the Town. Taylor said that per the development ordinance, community well systems are to be dedicated to the Town.

Simpson asked if the Town currently operated any well systems. Taylor said these would be the first under the new ordinance.

Paslaru said that until the Town has a water system, wells would not be dedicated to the Town. Taylor said that the Town would own them, but it would have an agreement with a private operator until a full water utility was developed.

Stafford asked if the Town would be on the hook for the community wells. Taylor responded that it would be a legal agreement, and any impacts to a water system was beyond the purview of the Board.

Patrick Fiorentino noted that the development could contain lots as small as 20,000 square feet. He asked what size houses would be built in the development.

Taylor said the developer could answer that question, but added that it was difficult to find a new house in the Oak Ridge area that cost less than \$350,000, and that the market for houses that cost \$250,000 and under were almost non-existent.

Simpson said that it is valid to preserve animal habitat and pathways for animals to move. He said that the definition for what is eligible for RPD may go beyond whether the property is scenically appealing.

Taylor agreed. He said even land that had been previously timbered often provided good habitat for animals, and that the size of the tract should also be considered.

Simpson opened the public hearing.

Proponents:

- Bill Greco of Land Solutions, PO Box 347, Oak Ridge, spoke on behalf of the property owners, who he said were present at the meeting. He said that Taylor's staff report points out how the proposed rezoning fits the Land Use Plan. He talked about the conditions that had been placed on the rezoning:
 - The maximum number of lots. Greco said since that was a condition of the rezoning, the number of lots would not be greater than 67.
 - The connection to Bunch Road. He said as the plan was being put together, they had been told by several people that it would likely not be approved without a main entrance onto Bunch Road.
 - A 20-foot-wide public trail easement. He said trails on the property could potentially connect to ones at Oak Ridge Lake and Canter Cove.

Greco said that stub roads would be connected into Oak Ridge Lake, but there was a challenge with connecting to Gumwood Road due to the steep slopes and flood plain. He said the plan mirrors what is shown on the Thoroughfare Plan. He said concerns had been expressed by neighbors about the pond in Oak Ridge Lake, and the water should flow as planned through the drainage easements, but they were willing to put added scrutiny on the area. He said the open space would be maintained by the homeowners' association, but there could be some off-site septic located there as well. Greco said the design team had chosen RPD zoning because of its flexibility and that it offered protections not available with RS-40 zoning. He said RS-40 zoning would also not require any open space or trails. He also said the ordinance requires a sketch plan, which cannot be changed without approval and which helps protect environmentally sensitive areas. He said RPD zoning was tailor-made for this property, that the plan meets or

exceeds the requirements of the Land Use Plan. He asked for approval of the rezoning request.

Opponents:

- Shannon Masneri, 6412 Peppermill Road, Oak Ridge, spoke about the increased traffic once the development was opened with 67 additional lots on Bunch Road. She said there was also a new development behind Oak Ridge United Methodist Church. She requested denial, but if it not, she asked that a traffic analysis be done. She also spoke about the impact on local schools that are already overcrowded.
- Jonathan Fondow, 7796 Elizabeth Drive, Oak Ridge, spoke about the 20,000-square-foot lots that we proposed, saying that they were putting many homes into a small area. He said he had lived next to the proposed development when the property was clear-cut, and to say it would be reforested was misleading. He said Greco had tried to address some of the issues, but he was still concerned.
- Jay Mahapatra, 6504 Peppermill Drive, Oak Ridge, said he was against the rezoning. He said it would have a great impact on local schools and wondered how the children would be accommodated. He said he was concerned about traffic, saying that the development would put more traffic on the roads, and that Bunch Road is only a two-lane road. He also said he was concerned about trees being cut.
- Arlene Buaron, P.O. Box 514, Oak Ridge, said she was concerned about water runoff at her house at the end of Peppermill Drive, which had been a problem with all the recent rain. She said allowing the development would produce more flooding.
- Paul Partyka, 6402 Ashton Park Drive, Oak Ridge, said he had several concerns about the subdivision. He said the RPD zoning was supposed to be used to preserve rural character, but he did not see that this development would do that. He said this was a rural area when he first moved here. He also spoke about traffic concerns, saying connecting the roads of the proposed neighborhood would make more drivers cut through the Ashton Park subdivision to avoid the Bunch Road/NC 150 intersection. Partyka also expressed concern about possible stormwater runoff and the addition of students at Oak Ridge Elementary School.

Rebuttal – Proponents:

- Bill Greco of Land Solutions spoke about the traffic, saying the development would be required to get a driveway permit from NCDOT, who could also have other requirements. He said Bunch Road did not have a critical mass of traffic, that perception and capacity are different things, and the neighbors' concerns are not unique to Oak Ridge. Regarding drivers cutting through Oak Ridge Lake and Ashton Park, he said there was no advantage to doing that, but the advantage was to connect the roads for emergency services vehicles. He said road connections were considered sound planning. On the RPD zoning request, Greco said the owners did have other options, and with RS-40 zoning, there would be no open space or public trails so RPD was considered the best option. He said he thought the zoning request was appropriate.

Rebuttal – Opponents:

- Jay Mahapatra, 6504 Peppermill Drive, Oak Ridge, spoke again in opposition, citing overcrowded school conditions, runoff, and traffic concerns.
- Ron Cowman, 5921 Crutchfield Farm Road, Oak Ridge, said his property was located to the southeast of the proposed subdivision with a portion in the floodplain. He asked how mitigation plans are put in place, saying he thought allowing the subdivision would add to runoff problems.
- Arlene Buaron, PO Box 514, Oak Ridge, expressed concerns about the lake at Oak Ridge Lake, saying it would overflow more and she had concerns about garbage and pet waste, people trespassing, security and maintenance.

Board questions:

- Stoudemire asked about the square footage of the proposed houses, and Greco replied that houses would be around 2,500 square feet. She asked about the existing residences on the property, and Greco said the one in the northern property would remain there until they wanted to leave. He said that a new home would eventually be built in that location.
- Streck said he had questions about the best use of the property in determining RS-40 zoning versus RPD. He asked how many residences could be built on the property with each type of zoning. Planning Director Taylor said there could be up to 99 lots with RS-40 zoning, He said that was the de facto type of zoning in Oak Ridge and it would be difficult not to approve that option. He added that no sketch plan would be required with the rezoning request. With RPD zoning, Taylor said the minimum lot size was 15,000 square feet, and the developer could likely get around 70 lots. He said the current request specified a condition of a maximum of 67 lots. Streck said he thought the impact on roads and schools was less with the RPD zoning.
- Maureena Shepherd asked about what environmental studies would be required regarding water and drainage. Taylor said such studies were outside of the scope of the rezoning process. He said during the subdivision approval phase, erosion and sediment control and stormwater engineering would be required. Shepherd asked what this Board could do about the potential impact the requested rezoning would have on local schools. Taylor replied this question comes up a lot with the increased development within the northwest part of the county. He said Board members should not take potential school overcrowding issues into account when reviewing rezoning cases. Taylor said that these types of questions and concerns should be addressed to the Guilford County Commissioners and the Guilford County School Board.

Board discussion:

- Simpson told audience members that the Planning and Zoning Board acts as an advisory body and do not make final determinations for rezoning. He said that this Board will make a recommendation to Town Council and that a final determination would be made by them.
- Stoudemire said that she was leaning in favor of supporting this rezoning request. She said that she believed that the community would be better off

with 67 houses being built as opposed to 90 houses. Stoudemire said that she felt like it would be an advantage that this proposed development would offer public trials to the community. She responded to a comment made by Mr. Partyka concerning clearcutting the land years ago. Stoudemire said that there is a tree ordinance that has a look back period so that people are not able to clear-cut land and then try to sell it right away. She reassured citizens that we cannot tell the NCDOT what to do and that stormwater engineers will do whatever they can to mitigate stormwater runoff.

- Streck said that development projects do raise concerns regarding increased traffic and overcrowded schools, but that landowners have the right to sell their property for the highest and best use. He said that after walking this property, talking with Taylor, and hearing the comments and questions tonight that he believed that RPD is a much better answer than RS-40 would have been. Streck said that he was in favor of this project.
- Fiorentino said that he was in favor of this project but said that he struggled a little with the house size vs. the lot size.
- Simpson said that he felt like this is the right zoning for this property. He said that he had been on this Board for twelve years and had seen a lot of big farms subdivided. Simpson said that he recognized that this is the way of the future and that the Town had tried to be fair with rezoning requests.

Simpson asked Taylor to review the development conditions for this rezoning request, and Taylor replied that they include:

- Maximum number of lots shall be sixty-seven (67)
- Entrance to Bunch Road shall be required.
- There shall be a 20-foot wide public trail easement dedicated along the entire eastern and southern perimeters of the proposed sketch plan.

Jason Streck made a motion to approve RZ-21-01 from AG (Agricultural) to CZ-RPD (Conditional-Zoning-Rural Preservation District) to include the conditions that the maximum number of lots will be sixty-seven, that there will be an entrance on Bunch Road and that there will be easements on the southern and eastern boarders of the proposed sketch plan. Nancy Stoudemire seconded the motion. Via roll-call vote, the motion was passed unanimously (7-0).

5. NEW BUSINESS

Annual election of Chair and Vice Chair

Ron Simpson said that after many years of being the Board chair that he would not be standing for chair going forward. He said that he had been an honor to be the chair and that he was pleased that the Board had been fair and consistent with applicants.

Simpson said going forward that Town Council had decided to identify people who they considered qualified to fill alternate vacancies who could eventually become a member of the Board. He said that alternates who are serving will be elevated at the discretion of Town Council to fill Board vacancies.

Ron Simpson nominated Nancy Stoudemire to serve as chair. With no other nominations, the vote in favor of Nancy Stoudemire for chair was unanimous (7-0).

Patti Paslaru nominated Jason Streck to serve as vice chair. With no other nominations, the vote in favor of Jason Streck for vice chair was unanimous (7-0).

Taylor asked that the agenda be amended to add the discussion of the animal ordinance.

Patti Paslaru made a motion to amend the agenda by adding the discussion of the animal ordinance. Ron Simpson seconded the motion and via a roll-call vote, the motion was passed unanimously (7-0).

Taylor said that he had recently received complaints regarding backyard chickens on residential lots. He said that this is not an issue with having chickens as a hobby, but with having up to fifty chickens on lots that create noise and mess. Taylor said that chickens are allowed on agricultural zoned property, but the topic of residential chickens is something that other towns are addressing now as having chickens has become a popular hobby. Taylor said that the City of Greensboro allowed backyard chickens on residential lots but have limits on the number of chickens that are permissible. Taylor said that other complaints pertain to large breeder kennel facilities and that the Town does not have strict enough ordinances to address these multiple concerns.

Simpson asked Taylor if he knew what the Town of Summerfield's animal ordinance was like, and Taylor replied that the Town of Summerfield has the same animal ordinance that Oak Ridge does.

Paslaru said that she believed that having up to ten chickens was reasonable, but having thirty to forty chickens on less than an acre of land was unmanageable.

Taylor said that he wanted to introduce this topic to the Board now and that further discussions would occur during future meetings.

6. PUBLIC COMMENTS

- Mike Stone, 8112 Hunting Cog Road, said that Ron Simpson had been on the Planning & Zoning Board for twelve years and that the Town was better because of Ron's service and leadership. Stone also suggested that restricting chickens should be added into homeowners' association bylaws.

7. ADJOURNMENT

Patti Paslaru moved to adjourn the meeting at 9:06 p.m., and Larry Stafford seconded the motion. Via roll-call vote, the motion was passed unanimously (7-0).

