



**OAK RIDGE PLANNING & ZONING BOARD MEETING
APRIL 27, 2023 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Board Members Present

Jason Streck, Chair
Nancy Stoudemire, Vice Chair
Patrick Fiorentino
Patti Paslaru
Ron Simpson
Larry Stafford
Tammy Gardner
Tara Tillman, Alternate (Not Sitting)

Staff Present

Sean Taylor, Planning Director
Sandra Smith, Asst. Mgr./Town Clerk

Board Members Absent

Craig Rosenfeld, Alternate
Megan Dyson, Alternate

1. CALL TO ORDER

The meeting was called to order by Chair Jason Streck at 7:00 p.m.

2. APPROVE AGENDA

Patti Paslaru moved to approve the agenda, and Patrick Fiorentino seconded. The motion was passed unanimously (7-0).

3. APPROVE MINUTES

Ron Simpson moved to approve the minutes of the February 23, 2023, regular meeting, and Nancy Stoudemire seconded. The motion was passed unanimously (7-0).

4. PUBLIC HEARINGS

REZONING CASE #RZ-23-01: AG TO CZ-RS-40: The Duggins Family Trust, Vann Duggins Representative, request rezoning of their property from AG (Agricultural) to CZ-RS-40 (Conditional Zoning Residential). The property is located at 1338 Forsyth Road, on the south side of Forsyth Road approximately 630 feet east of the intersection of Forsyth Road and Autumn Harvest Drive, in Oak Ridge Township. It is Guilford County Tax Parcel

#168307, approximately 19.57 acres and is located in the Oak Ridge Extra-territorial Jurisdiction (ETJ) and Greensboro (WS-III) Watershed.

Planning Director Sean Taylor read the property description into the records, and presented the staff report, which is hereby incorporated by reference and made a part of the record.

Taylor corrected the Land Solutions representative present to be Chris Rohrer and not Bill Greco as stated in the report.

Taylor noted that the Town of Oak Ridge as well as the applicant had notified by mail all property owners within five hundred feet of the subject's property of the rezoning request.

Taylor mentioned that the property was previously used for agriculture, harvesting timber, and that its topography is variable and gently rolling. The property is subject to development conditions which require the replacement of four trees per building lot, but the applicant is replacing five trees per building lot with a caliper greater than two-and-one-half inches. Taylor clarified that the property is not in an overlay district and is partly in the Greensboro General Watershed. The property does not include floodplains, but there is a small perennial stream in the rear southwest corner. Taylor said that the tree conservation area will be determined during the subdivision approval process.

Taylor stated that Forsyth Road is classified as a collector with five thousand nine hundred annual average daily traffic volume along Oak Ridge Road as determined by a study taken in 2021. Sidewalks are not required nor is a Traffic Impact Analysis Study by the Town of Oak Ridge Code of Ordinance.

Taylor said that the proposed request is consistent with Oak Ridge Future Land Use Plan, and he recommends the approval of the rezoning application.

Streck opened the public hearing.

Proponents:

Chris Rohrer of Land Solutions, Land Surveying, Design and Planning, 1616 NC Hwy 68 N in Oak Ridge, said that the plan is consistent with the Town's land use plan, dedicated as residential and is consistent with other properties in the area: Harvest Ridge to the north, The Bella and Eden Bridge to the east and Eden Terrace to the south. As the number of affected properties is low, the community outreach describing this effort consisted of mailed letters. Rohrer mentioned that only a few people responded to the letters with general questions, but none spoke in opposition. Rohrer said that his firm believed that the plan is reasonable and consistent with other properties in the area.

Frank Carroll, 1389 Forsyth Road, asked where the water service would come from if the property is rezoned. He said his understanding of regulations dictates that connection is required to nearby public water – of which there are three sources surrounding the property. He noted that the property can develop up to

nineteen homes. Carroll said that Oak Ridge is trying to develop a water system and this property could then be required to connect to this water system.

Opponents:

Wesley Lemons, 1342 Forsyth Road, expressed his concern for safety along the road feeding into the property, stressing that the road is currently not well maintained by the State. Lemons mentioned that the address on the request is incorrect and should instead be 1340 Forsyth Road as it is to the left of his own property. He pointed out that there are seventeen homes in the La Bella development, making travel on the road passable. He noted, however, that if a large vehicle such as an emergency truck were on this road it would require any oncoming vehicle to get off the road for it to pass. He said that his concern is not with how the property will be used, but with the infrastructure of the roadway and advocated a review of the road prior to a change in zoning is applied.

Rebuttals:

No rebuttals were made in favor of or in opposition to the request.

Streck closed the public hearing.

Board Comments

Ron Simpson remarked that similar issues concerning water service and narrow roads had been considered in past cases. He asked for clarification on the regulations regarding Forsyth County water service in Oak Ridge extraterritorial jurisdiction (ETJ). Taylor replied that if a property is within three hundred feet of available public water, then it must connect if feasible. Simpson asked if this requirement applies to any public water service, and not just Oak Ridge water service specifically, to which Taylor responded yes. To illustrate this point, Taylor pointed to the large portion of the Harvest Ridge development which is in Oak Ridge ETJ and in Guilford County but is serviced by Forsyth County Water. Taylor said that Forsyth County will determine connectivity as more technical details are explored in the subdivision process. He said that Oak Ridge requires developments of thirty or more lots be placed on community wells that are dedicated to the Town's water service, but that because of the shape of this property, only a maximum of fourteen or fifteen houses will be developed.

Simpson continued by asking if NCDOT performs an assessment of roadways when a development is proposed. He referred to the narrow Bridgehead Road where a previous rezoning had been granted. Taylor responded that before a development can proceed, the developer must get a permit from NCDOT to dedicate road access into the development. Streck asked if this permit review by NCDOT would occur after the board's review of the zoning request, and Taylor answered yes.

Patti Paslaru asked if the town would have any input on the property's water service. Taylor responded that the town is currently working on a co-agreement with Forsyth County that would allow Forsyth County to service the property's water needs while the Town is responsible for the billing process. He said, however, the co-agreement is not yet finalized.

Patrick Fiorentino asked if there is an opportunity to put an additional road access into the property. Taylor responded that to add road access, the development would require a stub street. If this street is stubbed towards the south end of the property and that area is developed, then a connection could be made to County Line Road. Fiorentino asked if the street by the property on the north side could be used as access. Taylor explained that Swimming Pool Lane would not be used and that a separate road would be created to directly connect to Forsyth Road.

Tammy Gardner noted that there are two entrances into Harvest Ridge, neither being very wide, but both coming from Forsyth County. She asked if these roads were the responsibility of Forsyth County to maintain. Taylor answered yes.

Fiorentino asked if further development of the property would result in additional road connections. Taylor answered that this is possible.

Nancy Stoudemire asked if Forsyth Road as a collector road meets NCDOT requirements. Taylor answered that it is a public road maintained by NCDOT.

Streck asked if Forsyth Road would be improved as density in the area increases. Taylor explained that NCDOT uses a scale to identify the need for road improvements. Stoudemire asked if this determination was made during or after the development process. Taylor explained that NCDOT would make this determination.

With no further discussion, Patti Paslaru moved to approve the proposed zoning amendment consistent with the adopted plan and with all things referenced as reasonable and in accordance with the staff recommendation. Patrick Fiorentino seconded the motion, and it was passed unanimously (7-0).

5. NEW BUSINESS

- A. SUBDIVISION CASE #SUB-23-02: O'Reilly Flynt:** Property is located on the northeast corner of Stafford Mill Road and Williard Road, in Oak Ridge Township, consisting of approximately 9.6 acres. The proposed subdivision consists of four lots, zoned AG (Agricultural) and is in the Greensboro (GW-III) Watershed. The property is owned by Brenda Rose O'Reilly with John Flynt, representative.

Planning Director Sean Taylor read the property description into the records, and presented the staff report, which is hereby incorporated by reference and made a part of the record.

Taylor noted that both applicants were present. He stated that the property under review is a minor subdivision with all lots meeting the minimum dimensional requirements of the adopted AG zoning. In addition, the preliminary plat meets the requirements of a Minor Subdivision within the Town of Oak Ridge Code of Ordinances. Taylor recommended approval of the subdivision.

Stoudemire asked if the AG zoned property is being divided into smaller lots on which each will then have a building. Taylor pointed out that three of the four lots on Stafford Mill Road will be built, but that the fourth lot was in the flood plain and would not have any improvements made to it. Streck stated that the only place to build would be on the other side of the flood plain. Taylor likened the subdivision case to another similar subdivision case on Peeples Road where there were also three buildable lots out of four lots available.

Fiorentino asked if there were only driveways accessing the three lots on Stafford Mill Road. Taylor pointed out that Lot One might also connect to Williard Road depending on which road the developer faced the house. Taylor said that he would address the houses on these lots based on the roads which they fronted.

Paslaru asked why two of the three lots were .93 of an acre instead of a full acre. Taylor answered that the RS-40 zoning designation applies to forty thousand square feet, whereas one-acre measures forty-three thousand five hundred and sixty feet.

With no further discussion Nancy Stoudemire moved to approve Subdivision Case # SUB-23-02. Tammy Gardner seconded, and it was passed unanimously (7-0).

- B. SITE PLAN # SP-23-02: WATER TOWER:** Town of Oak Ridge requests approval of a site plan for a municipal water tower located at 8315 Linville Road, Guilford County Tax Parcel # 0165096, in Oak Ridge Township. The area is zoned PI (Public Institutional), with Historic District Overlay and owned by Town of Oak Ridge.

Town Planner 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 record. Taylor presented the site plan of the first phase of the Town's water system. He indicated that the tower's planned location is behind the Town Hall. He stated that the Historic Preservation Commission had completed its review and approved a Certificate of Appropriateness for the proposed plan.

Gardner asked where the water to fill the tank would be sourced. Taylor replied that the well drilled at the Heritage Farm Park will initially be used to fill the tank at forty gallons per minute. He said that the system's second phase will connect a main water line from Forsyth County to the water tower.

Simpson asked if there was a rendering of the tower available and if there is another forthcoming aspect of the plan to be reviewed. Town Clerk Sandra Smith replied that a rendering is available but that it is not something that the board would be required to review.

Larry Stafford asked if the tower would be camouflaged. Taylor replied that the tower's graphic design will include two acorns, an oak leaf and the words "Oak Ridge" and that the color would be an ivory-tan.

Paslaru indicated the “splash pad” on the plan and asked if it were a children’s activity area. Taylor clarified that the pad was part of the infrastructure of the tower. Paslaru followed up by asking how tall the tower would be, and Taylor indicated the tower would stand one hundred sixty feet tall. For comparison, Simpson asked how tall the cell tower located at Oak Ridge Military Academy stands. Taylor answered that the cell tower is one hundred eighty feet tall, stressing that the proposed water tower will be tall and visible. Paslaru asked how tall the red checkerboard water tower on NC Hwy 68S is and Smith replied that this detail is unknown but that the tower being proposed will not be as big as this tower on NC Hwy 68S.

Paslaru expressed gratitude for having a water option but was concerned about building the tower before an agreement was reached with Forsyth County Water. Taylor offered assurance that the Water Advisory Committee was actively involved in developing the agreement with Forsyth County.

Simpson inquired into the depth of the well. Taylor said that he was uncertain of this, but that several attempts had been made to locate a well and the one drilled turned out to be better than anticipated. He said that the well is deeper than a typical residential well.

Fiorentino asked about the tower’s capacity, to which Smith replied it had a capacity of two hundred fifty thousand gallons. Fiorentino followed with inquiring about how extensively the tower would serve beyond supplying the fire department. Taylor clarified that the purpose of the water tower is to provide pressure for the entire water system, incorporating all water lines in the town. Streck noted that many homes are currently served by community wells. Taylor responded that according to state statute, the Town cannot require all homes to connect to its system. However, he pointed to the long-range planning of the tower as reasonable to adopt now rather than later when costs, along with other issues, will be greater. Fiorentino asked for the cost of the water tower. Taylor specified that cost was not a part of the board’s current review of the site plan and would refer such specific questions to Town Manager Bill Bruce who is more actively involved in the project. He stated that State Grant funding is slated for this project.

Fiorentino asked about the purpose of the gravel pad on the plan. Taylor responded that the pad is being built to support equipment for a cell phone tower. This, he pointed out, would allow the Town the option to lease space on the water tower for cell phone service.

Stoudemire asked if the tower’s capacity could sustain future development in the Town. Taylor answered yes.

With no further discussion, Ron Simpson moved to approve Site Plan # SP-23-02 as it meets all the applicable requirements and ordinances. Patrick Fiorentino seconded the motion, and it was passed unanimously (7-0).

C. Introduction of ETJ representation on Planning & Zoning Board

Taylor pointed out that Tammy Gardner's impending retirement as ETJ representative on the Planning & Zoning Board prompted an investigation into what is required representation as mandated by the state. He said that due to the previous two years of voluntary annexations into the Town, the expanse and thereby the population of the ETJ have decreased. The two current ETJ representatives had each served approximately six hundred citizens, however, the current total population of the ETJ is only one thousand one hundred citizens. Taylor clarified that based on this population, only one representative is required by state statute. He proposed reducing the number of ETJ representatives to one and adjusting the number of board seats to a total of six seats.

Smith pointed out that a review of ETJ representation is supposed to be conducted every ten years with a census. She noted that it has been difficult to find a citizen willing to serve as this representative. Taylor emphasized Gardner is willing to continue serving until the amended board representation is formalized. He expressed gratitude to Gardner for her service.

Streck asked if discussion and a vote is required on this issue. Taylor responded that an ordinance reflecting the change is required first. This revised ordinance will be discussed and voted on in a public hearing at the board's next meeting in May, after which Town Council will consider approval of the revised ordinance.

6. PUBLIC COMMENTS

Ann Schneider, 8506 Rosedale Drive, addressed some of the questions previously posed during the discussion of the water tower. She said that the proposed water tower will initially serve the Heritage Farm Park, the fire department, and its training facility. She noted that one hundred twenty thousand gallons of water is estimated to serve these areas. Due to this capacity, the tower would initially be filled halfway. An outreach to the community will be made once the water main is being designed. She said that individual neighborhoods or homes will have the option to connect to the Town's water system. She said that new construction along the lines will be required to connect once developed. Schneider said that the size and style of the water tower recommended was the result of an in-depth engineering study performed by The Wooten Company. She noted that the construction cost of the water tower will be \$2.8 million. Redirected Guilford County ARPA funds totaling \$3.265 million will cover this cost and some of the cost of the construction of the water main. She said that a promising sum of State grant money may be awarded for this project as well. Simpson asked about a target date on the water tower project. Schneider answered that the Town will seek bids for the project this summer and construction will be completed next summer, 2024. She repeated that the well will serve the park, fill the tower, and irrigate the new fields as well as serve the fire department. She feels that the water tower will be a landmark for the Town.

George McClellan, 2806 Oak Ridge Road, thanked the board for approving the water tower. He stated that the construction cost of \$2.68 million for the tower will be fully funded by grant money along with the \$235,000 cost for engineering studies of the water main. The purpose of the water tower is to assist in fire suppression by giving the fire department a reliable source of water. He believed that this could help lower homeowner insurance premiums. He asserted that efforts continue to raise funding of the project.

Taylor referred to the state legislation currently being proposed to remove all extraterritorial jurisdiction from municipalities. If passed, he said that these areas would revert to county jurisdiction making them amenable to annexation by other adjacent municipalities. He stressed that forced annexation is prohibited in North Carolina, and Town Council is proactively seeking support from organizations such as the League of Municipalities to lobby against the current legislation to dissolve ETJs. Simpson asked about any other attempts being made in legislation which adversely affect local planning and zoning efforts. In response, Taylor referenced the Workforce Housing Plan which seeks to circumnavigate local zoning ordinances in favor of large development projects to provide affordable housing. Smith encouraged board members to study the resolution against government overreach passed by Town Council in its last meeting and to actively reach out to state legislators to discourage such movement.

7. ADJOURNMENT

Patti Paslaru moved to adjourn the meeting at 7:58 p.m., and Tammy Gardner seconded. The motion was passed unanimously (7-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Asst. Town Manager/Town Clerk

Jason Streck
Chair