



**OAK RIDGE PLANNING & ZONING BOARD MEETING  
JUNE 27, 2024 - 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Board Members Present**

Nancy Stoudemire, Vice Chair  
Patrick Fiorentino  
Patti Paslaru  
Ron Simpson  
Craig Rosenfeld, Alternate (Sitting)

**Staff Present**

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

**Board Members Absent**

Jason Streck, Chair  
Tara Tillman, Alternate

**1. CALL TO ORDER**

The meeting was called to order by Vice Chair Nancy Stoudemire at 7:00 p.m.

**2. APPROVE AGENDA**

*Patti Paslaru moved to approve the agenda, and Ron Simpson seconded. The motion was passed unanimously (5-0).*

**3. APPROVE MINUTES**

*Patti Paslaru moved to approve the minutes of the April 25, 2024, regular meeting, and Patrick Fiorentino seconded. The motion was passed unanimously (5-0).*

**4. PUBLIC HEARINGS**

**A. TEXT AMENDMENT:** Amendment to Section 30-381 of the Oak Ridge Code of Ordinances to allow accessory structures in front of a principal structure on lots equal to or greater than five acres.

Planning Director Sean Taylor explained that properties of five acres or more were restricted from building accessory structures in front of the primary building on the property. He cited two examples of properties in Oak Ridge which had been impacted by the ordinance requirement. Patti Paslaru asked if setback requirements would remain, and if design requirements would apply if the text were amended.

Taylor responded that setback requirements would be unchanged if the text were amended and that design requirements were not applicable to properties outside of the Historic District. He stated that the Town's ordinance was more stringent than that of Guilford County which allowed accessory structures in front of principal buildings in lots of two acres or greater. Vice Chair Nancy Stoudemire asked if a garage was considered an accessory structure, to which Taylor responded affirmatively.

Stoudemire opened the public hearing.

*Proponents*

None.

*Opponents*

Bill Greco, PO Box 347 in Oak Ridge, expressed his opposition to the five-acre or greater lot size requirement in the text amendment. He stated that no evidence of harm to public safety or welfare had been established by having an accessory structure placed in front of a principal structure. He further pointed out that most of the Town was comprised of 40,000 square foot lots which were regulated by Homeowners Associations that would prohibit accessory structures from being set in front of the property, and he added that setback requirements on lots posed further restrictions on allowing accessory structures in front of the property's principal structure. Greco noted that he would instead support the text amendment requirement on lots which are 40,000 square foot or greater.

*Rebuttals*

None

Stoudemire closed the public hearing.

*Board Discussion*

Ron Simpson asked Taylor to clarify the origin of the 600 square foot accessory structure size requirement. Taylor assumed that the requirement derived from Guilford County ordinances which were adopted by the Town in 1998. Simpson asked if a structure larger than 600 square feet would be prohibited from being in front of a principal structure. Taylor explained that a larger structure could be permitted and clarified that the size requirement applied instead to setback requirements on the sides and rear of the property. He specified that according to the ordinance, a 30-foot by 20-foot or smaller structure could be allowed within five-feet of the setback. Simpson restated his understanding that a structure of any size would be permissible in front of the principal structure and Taylor affirmed his understanding. Simpson asked to understand the intent of the ordinance and Taylor explained that the ordinance was designed to preserve an orderly aesthetic in the town. Simpson challenged the absence of size requirements for the accessory structure in the amendment. Patti Paslaru added her concern that if the amendment

did not specify lot size requirements, then 40,000 square-foot properties not managed by Homeowners Associations could construct any structure such as a chicken coop without guidance. Taylor explained that designating the ordinance requirements only to properties which are greater than or equal to five acres was a reasonable size to start with and that the requirements could be reviewed again at a future date.

Patrick Fiorentino asked what the property owners intended to build, and Taylor replied that the owners of the property formerly owned by Chris Daughtry intended to build a second, larger home where the existing garage is located, and add an additional garage or barn. The existing principal structure would be converted into an accessory dwelling unit. Fiorentino asked if approval could be given to individual requests if the text amendment were not revised. Taylor explained that the request would require review by the Board of Adjustment and would not likely meet the hardship requirement for approval. Fiorentino expressed concern that the revision to the ordinance could broaden the scope of allowable structures and asked if the requirements could instead be restricted to specific structures such as garages. Taylor explained that restrictions could not be limited to types of structures outside of the Historic District, making the ordinance all inclusive, but added that the five-acre lot size requirement would automatically minimize the probability of aesthetically conflicting structures from being erected.

Craig Rosenfeld asked how many people owned properties greater than or equal to five acres. Taylor responded that many people owned three-, five-, and ten-acre lots but that lots greater than 10-acres were few. He added that ten-acre lots can be qualified as bona fide farms which have few construction limitations.

Nancy Stoudemire asked if screens such as fences could be required between the road and the accessory structure. Taylor noted that screening requirements can be imposed on commercial or subdivision lots, but not on individual residential lots.

Stoudemire asked if the 600 square-foot size requirement for side and rear setbacks would remain in the ordinance and Taylor confirmed that it would, noting that an exception existed for structures greater than twelve-feet in length which were subject to larger setback requirements. Stoudemire asked if a storage pod would be considered an accessory structure and Taylor replied that it would not.

Fiorentino asked if requirements were made of entryways on the structure and Taylor explained that any requirements in the ordinance regarding entryways were nebulous, but fence requirements were specific. Fiorentino noted that a gate at the entry would be permissible, and Taylor responded that a gated entrance was already present on the property.

Bill Greco, PO Box 347 in Oak Ridge, asked if discussion of the amendment could be tabled to allow for further consideration of the revision being proposed. He suggested that imposing the five-acre lot size requirement should be reconsidered to include smaller 40,000 square-foot lots to allow property owners greater flexibility in adding structures in front of the front line of their homes to improve or enhance their livability. He noted that many homes were built on the rear end of the

property, and the ordinance would prohibit any structures such as carports from being added to the open space in front of the home. He asked that thoughtful consideration be given to the revision being proposed.

Applicant Joe Gonzales, 2904 Lawndale Drive in Greensboro, pointed out that the owner intended to move the garage to the left side of the property so as to be removed from sight from the road and that existing trees in the area would remain.

Simpson expressed that he found no issues with the application submitted, but that his concern resided in revising an ordinance that would bear impact on future applications.

*Patti Paslaru made a motion to approve an amendment to Section 30-381 of the Oak Ridge Code of Ordinances to allow accessory structures to be placed in front of principal structures on lots equal to or greater than five acres. Craig Rosenfeld seconded the motion.*

Stoudemire noted that even if the discussion were to be tabled, voting could still proceed.

*The motion passed unanimously (5-0).*

- B. TEXT AMENDMENT:** Amendment to Section 30-331 (Permitted Uses) of the Town of Oak Ridge Code of Ordinances to allow a Dance School as a use by right in the GO-M (General Office – Medium Intensity) district.

Taylor explained that the amendment would allow a dance school to be located in a General Office zoned district for institutional use. Paslaru asked if the dance school was already included, but Taylor pointed out that the dance school was not included as a use in General Office but was included in the Shopping Center zoning.

*Proponents*

Bill Greco, PO Box 347 in Oak Ridge, expressed his support for the amendment.

*Opponents*

None.

*Rebuttals*

None.

Stoudemire closed the public hearing

*Ron Simpson made a motion to approve the amendment to Article 7 of Section 30-331 allowing a dance school as an acceptable use in the GO-M zoning district. Patti Paslaru seconded, and the motion was passed unanimously (5-0).*

- C. REZONING CASE #RZ-24-02:** Request to rezone property located at 8525 Linville Road from PD-R (Planned Unit Development Residential) to Amended PD-R (addition of 1 lot) in Oak Ridge Township, Guilford County Tax Parcel 238184 owned by Combs LLC.

Taylor stated that the rezoning request from PD-R to Amended PD-R was being made by applicant Kevan Combs who was being represented by Bill Greco. He explained that the applicant wished to revise the existing master development plan by converting a lot originally designated as open space to one that would be zoned single-family residence. He added that the lot met and exceeded the acreage requirement for the zone at 1.36 acres. Taylor pointed out on the map that the overall open space dedication was larger than required by ordinance, and that it met all regulatory and technical requirements.

Stoudemire opened the public hearing.

*Proponents*

Bill Greco, PO Box 347 in Oak Ridge pointed out that the Riverside Subdivision had been in development for 17 years and had experienced three owners and three design firms during its development. He stated that a preliminary plat had been approved and that the lot had been listed as open space in the original Unified Development Plan (hereafter referred to as UDP). He noted that the subdivision was nearing completion and that the rezoning request would not change any other zoning conditions.

*Opponents*

None

Stoudemire closed the public hearing.

*Board Discussion*

Rosenfeld asked if the property to the left of the applicant was zoned as RS-40. Taylor noted that it was along with all the property along Linville Ridge.

Fiorentino asked why the area was originally designated as common area. Greco answered that although he did not develop the original UDP, he believed that the intent was to designate the lot as open space. Paslaru added that she served on the Planning & Zoning Board at the time when the original UDP was presented and clarified that the UDP was approved because it preserved the existing wetlands and it proposed Mountains-to-Sea (MST) trails in the open space. Greco emphasized that the intent of the original UDP had been upheld and enhanced with the addition of multiple public access points to MST trails in Phase Four of the subdivision's development. Fiorentino asked if the Riverside community utilized the common area. Paslaru responded that the area directly behind the property was a septic field which was the sole connection to the subdivision and that it was not suitable to

cross. Greco added that the lot was not active open space but that it was passive common area that is minimally maintained.

Fiorentino asked if the request was for one house on the lot accessible off Linville Road and Greco responded affirmatively.

Simpson asked if the PD-R zone was still active, and Taylor answered that the PD-R zone designation was still in use although only in the Town core, and the Town core's over run as defined by the last update of the Town's Land Use Plan.

Simpson pointed out that the number of lots and their layout were typically uncertain in a development plan, but that once an agreement on dedicated open space is made, the agreement becomes binding as in a contract and it lays out allowances within the development with greater certainty. Taylor corrected Simpson's understanding stating that the agreement was a tenet of zoning and not a contract. Taylor explained that PD-R development required an UDP as part of the rezoning process, which made agreements of dedications conditional zoning rather than contracts. Greco noted that significant areas of the UDP were not fully developed. Simpson asked if lots were lost off the original UDP during development and Taylor confirmed that two lots had been lost due to various reasons. Greco explained that a Rural Preservation District required a specific percentage of dedicated open space, however a Planned Development-Residential zone did not. He stressed that the UDP was more of an illustration of a multi-year project in development to give interested parties an understanding of the intended development. He pointed out that development of the subdivision had already departed from the UDP in Phase Two of development.

Taylor explained that the original UDP had dedicated the open space to Riverside Homeowners Association (HOA) and not to the Town. He added that Blue Ridge Companies had redirected the dedication to the town four years ago. Greco pointed out that additional property had also been dedicated for a Boy Scout viewing station.

Stoudemire noted that the 1.3-acre lot did not appear to be part of the subdivision which posed a concern to her. Rosenfeld asked if the property was deemed a part of the HOA and Taylor responded affirmatively.

*Patti Paslaru made a motion to disapprove the rezoning request based on the property's location separate from the subdivision, based on its inconsistency with the adopted plan and that it was not a reasonable request in the public's best interests. Nancy Stoudemire seconded the motion, and it failed (2-3, Fiorentino, Simpson and Rosenfeld voted against ).*

*Patrick Fiorentino made a motion to approve and recommend approval to Town Council Case #RZ-24-02 based on its consistency with the Land Use Plan and based on it being reasonable and in the public interest. Craig Rosenfeld seconded the motion, and it passed (3-2, Stoudemire and Paslaru voted against).*

- D. REZONING CASE #RZ-24-03:** Request to rezone portions of property at 2101 Oak Ridge Road from RS-30 (Residential) to LB (Limited Business) in the Oak Ridge

Township, Guilford County Tax Parcel 165108 located in the NPDES Watershed and owned by SKA Properties LLC.

Taylor introduced the application to rezone by reading from the Staff report which is hereby incorporated by reference and made a part of the record. Taylor noted that the property was a split zone parcel with the rear portion zoned RS-30 and the front area zoned for Limited Business. He stated that the tract size of the area under consideration for rezoning was 2.03 acres, and that it was in the Historic District Overlay and Town Core. He added that construction of the property would be subject to applicable requirements of the Historic District Design Standards, future Land Use Compatibility, Pedestrian Transportation Plan and policy 3.3.2. Taylor reported that the application was consistent with the adopted land use plan and recommended its approval.

Stoudemire opened the public hearing.

*Proponents*

Nido Creed, 304 South Piedmont in Greensboro, representative of Hugh Creed Associates, Inc. PA consulting engineering and land surveying, stated that the site plan had been approved and that remaining work was focused on cleaning up the site to meet rezoning requirements.

*Opponents*

None.

Stoudemire closed the public hearing.

*Board Discussion*

Rosenfeld asked if the application pertained to the residence and the former lawn mower shop on the property. Taylor responded that the request to rezone applied to the rear half of the property and that the residence and former lawn mower shop had both already been zoned. Simpson sought clarification of the request's applicability to the remainder of the property with existing structures and Taylor replied that the area affected by the request was the northeast corner facing the barn and that the remainder of the property would be unaffected.

Simpson asked where the main entrance would be located, and Taylor answered that the entrance would be off Linville Road. He explained that the creek located near the western boundary of the property would eventually be reserved as open space because a fifty-foot buffer between the creek and the adjoining property prevented future development from taking place in that location. Fiorentino recalled that the area around the creek was originally designated to be dedicated to the town to prevent future development, but that the dedication did not occur. Creed explained that dedication would be enacted when development took place. Taylor added that the owner intended to apply for an easement dedication to construct a foot path across the creek which would lead to the crosswalk across Lisa Drive to

the Town Park set away from the intersection of Linville Road and Lisa Drive. He explained that the area would not sustain a sidewalk, but that a gravel path would be possible.

*Ron Simpson made a motion to approve the rezoning request from RS-30 to LB based on the request being consistent with the Town's adopted Comprehensive Plan and based on staff's recommendation that it is reasonable and in the public interest. Patrick Fiorentino seconded the motion, and it was passed unanimously (5-0).*

## 5. PUBLIC COMMENTS

Frank Carroll, 1389 Forsyth Road, expressed concern regarding the apparent perception that zoning, and subdivision processes erroneously interact with voluntary annexation processes. To illustrate his concern, Carroll cited an incident during a Town Council meeting when a council member had asked if an applicant had been offered an opportunity to be annexed. This incident was followed by a Planning & Zoning Board meeting with the applicant where a voluntary annexation application was included in the meeting packet. Carroll advocated separating the processes to avoid the perception of services being reciprocated without authorization. Simpson remarked that the Board had not considered appeals for annexation. Taylor added that he had added an application for voluntary annexation in a meeting packet for information at the meeting cited by Carroll. Bill Greco, PO Box 347 in Oak Ridge, attempted to clarify the misconception that subdivision cases and annexation requests were correlated by explaining that he had requested to be placed on the same Town Council meeting agenda as the appeal for annexation only for convenience. Carroll emphasized that the Planning and Zoning Board should not have knowledge of appeals for annexation in cases placed before them for review.

Taylor presented a preliminary draft of the Town Code of Ordinances which was currently being reorganized by the Piedmont Triad Regional Council. He described the ongoing project as an attempt to update and simplify the Town's Code of Ordinances for both internal and public ease of use.

## 6. ADJOURNMENT

*Patti Paslaru made a motion to adjourn the meeting at 8:31pm and Craig Rosenfeld seconded. The motion was passed unanimously (5-0).*

Respectfully Submitted:

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

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Nancy Stoudemire  
Vice Chair