



OAK RIDGE PLANNING & ZONING BOARD MEETING  
APRIL 24, 2014 - 7:00 P.M.  
OAK RIDGE TOWN HALL

MINUTES

**Members Present**

Doug Nodine, Chair  
Ron Simpson, Vice Chair  
Nancy Stoudemire  
Carl Leybourne  
Bobbi Baker  
Larry Stafford  
Tammy Gardner  
Brian Eichlin, Alternate (Not sitting)  
Patti Paslaru, Alternate (Not sitting)

**Staff Present**

Bruce Oakley, Town Manager  
Bill Bruce, Town Planner  
Sandra Smith, Town Clerk

**1. CALL TO ORDER**

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

**2. APPROVE AGENDA**

**Carl Leybourne** made a **motion** to approve the meeting agenda. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

**3. APPROVE MINUTES OF THE MARCH 27, 2014, MEETING**

**Bobbi Baker** made a **motion** to approve the minutes. **Ron Simpson** seconded the motion, and it was passed unanimously (7-0).

**4. PUBLIC HEARINGS**

Nodine said each side would be given 20 minutes to speak, and up to 10 minutes for rebuttal. He asked speakers not to repeat previous speakers in order to give everyone a chance to speak, and asked that they keep comments germane to the matter at hand and refrain from personal attacks.

**A. REZONING CASE # 14-03-ORPL-01405:** AG to RS-40. The property is located on the south side of Haw River Road, approximately 950 feet west of Harrell Road, in Oak Ridge Township. Being Guilford County Tax Parcels

0166306 and 0166321, it contains approximately 50.8 acres and is owned by Kevin and DeLana Harvick.

Town Planner Bill Bruce presented the case, saying this is the first of two rezoning requests from Kevin and DeLana Harvick and the developer, Kevan Combs. The 50.8-acre parcel is currently an estate lot with one house. It is a request for straight RS-40 rezoning, and no conditions have been proposed and no sketch plan or subdivision plat has been submitted. The surrounding uses include Bethel United Methodist Church to the north, a major residential subdivision to the south, a large lot subdivision on the east, and woods and fields that are proposed as a major residential subdivision to the west. The Future Land Use Plan shows the area as low-density residential, and the Oak Ridge Pedestrian Plan recommends a paved shoulder along Haw River Road. Bruce said staff believes the request is consistent with the Land Use Plan. With RS-40 zoning, the tract could contain up to 50 houses. Staff recommends approval of the request.

*Proponents:*

Chris Rohrer, an engineer with Land Solutions, said the request would allow the developer to divide the property into smaller lots, but with none smaller than 40,000 square feet. He said the request meets the requirements of the Land Use Plan. If approved, the applicant would still be required to submit a subdivision plan to the planner and the Planning & Zoning Board for approval. He asked the Board for a recommendation of approval for the rezoning request.

George House, the Harvick's attorney, said the proposed rezoning would allow very low density development with minimum 40,000-square-foot lots. He said it would be consistent with the current neighborhood.

*Opponents:*

None

The public hearing was closed.

*Board questions/comments:*

Ron Simpson asked what would be allowed in RS-40 zoning, and Bruce said this would be a major residential subdivision with minimum lot sizes of 40,000 square feet. While perhaps as many as 50 homes would be allowed, there would most likely be fewer to accommodate wells, septic systems, roads, etc. The zoning would also allow an amenity site on the property.

**Nancy Stoudemire** made a **motion** to approve the rezoning request because it is consistent with the adopted development plan of Oak Ridge. **Ron Simpson** seconded the motion, and it was passed unanimously (7-0).

**B. REZONING CASE # 14-03-ORPL-01406:** AG to PD-R. The property is located on the south side of Haw River Road, approximately 800 feet east of Linville Road, in Oak Ridge Township. Being Guilford County Tax Parcel 0166301, it contains approximately 82.75 acres and is owned by Kevin and DeLana Harvick.

Bruce reiterated that a sketch plan approval is required as part of the rezoning. He suggested the Board first review the sketch plan for consistency with the development ordinance. He explained that approving the sketch plan locks in the proposed uses and densities.

Bruce presented the case, explaining that the applicants, Kevin and DeLana Harvick and developer Kevan Combs, have proposed approximately 80 lots with a minimum lot size of 20,000 square feet. The proposed development includes over 35 acres in common areas that will be used as open space, tree preservation, well sites, and septic easements as needed. An amenity center and network of walking trails were also proposed.

Any major deviations from the sketch plan such as increases in density, changes in use, reductions in open space, or removal of road connections, would require a new rezoning application and public hearing, Bruce said. Although PD-R zoning allows for some neighborhood business use, no business uses are being requested; if the sketch plan is approved, it locks in strictly residential use for the property. Should the property owner want to add commercial or business uses, the request would require a new rezoning request and public hearing before the Board and Town Council for approval.

Bruce read from the staff report, saying surrounding uses include rural residential to the north, a major residential subdivision to the south, a large estate and proposed major residential to the east, and residential to the west. The Land Use Plan shows the property should be used for low-density residential. The Thoroughfare Plan shows a proposed collector road connecting from the Linville Oaks subdivision to Haw River Road through the property. The Pedestrian Transportation Plan identifies a paved shoulder along Haw River Road.

According to Bruce, the rezoning application is consistent with the Future Land Use Plan. The proposed development is consistent with the desire of the Town for low-density development in the area, preservation of open space to the extent practical, and road and trail connectivity. Bruce said staff felt the proposed trail was much safer than a paved shoulder. NCDOT traffic counts show 1,100 trips per day along Linville Road and 3,200 trips per day along Haw River Road, and an 80-lot subdivision would add approximately 800 trips per day. Bruce said staff thinks the sketch plan meets the standards

of the development ordinance, and recommended approval of it and the proposed rezoning.

*Proponents:*

Chris Rohrer of Land Solutions said he had consulted the Land Use Plan and development ordinance when preparing the plan. PD-R zoning had been chosen and although it allows for smaller parcels, the tradeoff is that it creates significantly greater open space. The proposed open space for this development is about 43 percent of the total property or about 35 acres. The plan protects environmentally sensitive areas and puts all tree preservation areas in open space. Rohrer said the request is similar to the Apple Grove subdivision in Oak Ridge, and it meets the requirements of the ordinance and Land Use Plan for use, open space and walkability.

George House, the Harvick's attorney, said the applicants had attempted to address the concerns of the neighbors, and asked to submit conditions on the rezoning to address some of those concerns. The conditions had been agreed to by Kevan Combs, who has Power of Attorney for the Harvicks. Bruce explained that this was not a conditional use rezoning, and he would suggest any changes be indicated on the sketch plan. Bruce said he did not believe changes to the sketch plan would carry the same weight as conditions imposed in a conditional use rezoning. House said the applicants were voluntarily agreeing to certain conditions to accommodate the neighbors' concerns. Nodine said the applicants could come back with a conditional use rezoning request. Bruce said he thought it was OK to present the conditions as long as the Board understood the extra conditions would be voluntary and not required; he said the Board's task was to consider what was originally submitted.

House said the original plan showed a street connection to the Linville Oaks subdivision. He said the Town had been asked if instead the proposed subdivision could have a cul-de-sac instead because those homes tend to sell better, but House said the Town does not allow that because it can be problematic for emergency vehicles if the entrance is blocked. He said the proposed plan has a trail that will be dedicated to the Town for public use. There is also proposed connectivity to the Linville Oaks trail, and although Linville Oaks residents object, that is also a dedicated trail. House said trees can be better preserved in PD-R zoning because the Homeowner Association will own the trees, not individual lot owners, which will ensure that they will be preserved in the future.

House continued that the plan meets the requirements of the ordinance. The applicants have listened to the concerns of the neighbors and are willing to put in a roundabout to slow down traffic. In addition, they are willing to increase setbacks on the lots contiguous to Linville Oaks from 5 to 20 feet. In doing so, they calculate the nearest possible house will be over 125 feet away

from Linville Oaks. Although, as Bruce pointed out, the conditions are voluntary and not binding, House said he did not believe Kevin Harvick would back out of them.

In addition, House presented a letter from Bethel United Methodist Church on Haw River Road, which is hereby incorporated by reference and made a part of the minutes. The letter said church representatives had seen the proposed plan and endorsed it without any conditions.

*Opposed:*

Mike Fox, an attorney representing the Linville Oaks Homeowners' Association passed out handouts (which are hereby incorporated by reference and made part of the minutes) and asked Linville Oaks residents to stand. He said the Board is charged with looking at consistency with the Land Use Plan and the Town's ordinances, and he did not think the plan is consistent with them. Fox pointed out that no one had opposed the rezoning of another portion of Harvick's land to RS-40, but the proposed PD-R rezoning is not the same as 1-acre lots and is not consistent with the Land Use Plan. The neighbors' major issues are that the development is too dense, and there are also concerns regarding traffic, safety and property values.

Fox then read from the Town's development ordinance, and said the proposed plan fails to meet a number of requirements, including that it is too dense for this part of Oak Ridge, and that PD-R zoning districts are designed for mixed use; although the applicant does not intend to put any business there, applying for the zoning is simply a loophole to increase density.

Fox said the Town is not required to approve a road connection, and even though one is shown on the Thoroughfare Plan, it can be changed and the Board can recommend to the Town Council that the connection be waived. He also cited safety concerns, which is said is why Combs had offered to install a roundabout and had previously offered to install two roundabouts. While Combs has a fine reputation as a builder, Fox said he might not always be involved with the project, and the neighbors want assurances that anything that goes on the Harvicks' property will not harm the Linville Oaks neighborhood; if neighbors could not say what type of houses will go in the new neighborhood, they do not want to be connected to it.

Fox said crime is greater if there are through streets than on cul-de-sacs, and the estimated traffic counts would mean a 72 percent increase in traffic on Linville Road. He agreed with House that voluntary conditions can be made enforceable, and he encouraged the Board to consider the conditions being offered or to postpone the hearing. He showed an aerial photo of the Linville Oaks subdivision including lot lines as well as the proposed lots on the Harvicks' property, and said it was clear that the proposed zoning with ½-acre lots did not fit in with Linville Oaks subdivision, which has 42 homes on

over 100 acres. He requested the Board recommend denying the request, which he called illegal spot zoning.

David Marshall, representing the Linville Oaks HOA, agreed with Fox's comments and said the rezoning was not just a Linville Oaks matter, but a Town matter. While residents support development, they insist that it be consistent with the Land Use Plan and other developments. He reiterated that Linville Oaks has 42 homes on about 110 acres, and Linville Ridge will be 31 homes on 65 acres – nowhere near the density of one home per acre. Marshall said the town-wide density is approximately one home per 4 acres. Marshall said Linville Oaks residents have a right to protect their property values, and they support the desire for open space. If zoned RS-40, all 82 acres of the property do not have to be developed. Marshall said he and many other residents bought property in the Town because of the Land Use Plan, which showed the Town had vision. In addition, Marshall said the residents do not want the road connection, and they do not like the idea of any potential commercial development. He requested the Board recommend denial of the rezoning.

Ed Treacy said his concern was for his investment and the safety of the community. He said the proposal is not for a PD-R with conditions, but for straight PD-R zoning. He encouraged restriction that no more houses than RS-40 zoning would allow. Treacy also said PD-R allows for multifamily housing, and he had not heard that use would be excluded. Treacy said he did not want the connection to Parkchester Drive, and that there has been no connecting road into Linville Oaks for nearly 9 years. He said Combs had said his development is commanding a higher price per square foot than Linville Oaks, but in the past three years, there have been three distressed sales in the neighborhood, which significantly reduced the average cost per square foot in Linville Oaks.

*Rebuttal – proponents:*

House said since 2002, there have been a number of rezoning in Oak Ridge that interpreted "low density" as has been proposed in this rezoning, and that the applicants were only requesting the same interpretation that has been applied over the last 14 years. He said it would be unfair to change that interpretation for this request. Restrictions would require the homes to be a minimum of 2,800 square feet in size; a similar restriction requires homes in Linville Oaks to be a minimum of 3,200 square feet, and House said he did not believe that difference would cause home values to vary greatly. As shown on the sketch plan, only single-family residences would be allowed. It is possible that some lots won't perk, which is not unusual, and, like in Linville Oaks, offsite septic might be required. House said he thought the open space would augment the entire neighborhood, and only native plants would be used. He said his clients hoped to create a neighborhood as beautiful as Linville Oaks and one that has homes as equally valuable and

expensive as those in Linville Oaks. He said Combs had changed the plan for two roundabouts to just one because of DOT requirements. While his clients would not object to having no street connection into Linville Oaks, he had been advised that the Town wants neighborhoods to connect.

For clarification, developer Kevan Combs said restrictive covenants in the neighborhood would be 2,400 square feet for a one-story home and 2,800 square feet for a two-story home. He said he had lived in the area his whole life and wanted to be a good neighbor, but he had to be rational in any compromises he makes. Combs said the reason Linville Oaks only has 42 lots is because there were perking issues. If this site had perked well and there were not streams and other topography issues, he would have requested RS-40 zoning for it as well. Although he was requesting a maximum of 80 lots, there would likely be less because some of the property probably wouldn't perk. He showed a map of the soils on the property, but said there is no way to know for sure about the number of lots until Guilford County starts taking soil samples. Combs said he would get as many lots as possible on the property to maximize his investment, and that he did not want to mislead anyone. He had proposed several conditions as a way to compromise with the Linville Oaks neighbors, he said. As Combs continued talking, the rebuttal period ended.

*Rebuttal – opponents:*

Patti Paslaru, said those in opposition kept being referred to as Linville Oaks residents. While she does not live in Linville Oaks, she has some of the same concerns. Paslaru said she thought PD-R zoning was too dense for this property.

Jimmy Adams passed out a handout to the Board, which is hereby incorporated by reference and made a part of the minutes. Adams said his house on 1.21 acres is one of those located on the stub road which would connect the developments. Based on the permitted lot size in PD-R zoning, three homes could be placed on his property. Although the new development would be called Knight's Ridge, it is really Linville Oaks Phase II. He heard it argued that as long as the minimum requirements are being met, the rezoning should be approved; Adams said Oak Ridge is not about just getting by – it is about being better than everyone else. Homes in the new neighborhood would look like duplexes in relation to Linville Oaks, Adams said, and that consistency should be a key factor. Adams referenced the rezoning by Combs several months ago of the Linville Ridge subdivision to RS-40, and said Combs sounds like he is more concerned with rezoning property to fit his situation and what is best for him and his investors, rather than about being consistent.

Fox said it is not the Linville Oaks neighborhood's fault what conditions can and cannot be adopted. He said the rezoning plan had been created in haste

with no organized meeting with the neighbors. He encouraged the Board to recommend denial of the subdivision and asking the applicants to come back with a request for Conditional Use or RS-40 zoning. He said the opposition was not about Combs, because another developer could be involved down the road. Fox said approving the rezoning request would violate the Land Use Plan, and he requested the Board recommend denying the request.

Gil Happel said Bruce and the Board had approved RS-40 zoning for the property directly in front of the Harvicks house, and said this request was not consistent with the area.

*Board discussion/questions:*

In response to a question from Nodine, Bruce said the sketch plan is simply a technical review. Nodine asked if approving the sketch plan meant the Board was also approving the connector street, and Bruce said yes.

Bobbi Baker said the sketch plan shows where pods of development would be located and gives a number of homes to be in that area. Although the sketch plan might show, for sample, six dwellings on three acres, she asked if there might end up being, say, only three homes. Bruce said that was correct; PD-R zoning requires an entire rezoning if changes in use or the maximum number of pods increase. The developer could end up doing fewer units without going through the rezoning process, Bruce said.

Baker asked if there would be three entrances to the subdivision, and Combs said yes. She asked about the second roundabout that had been referenced; Combs said they had been proposed for two interior intersections in the subdivision, but it had been determined that they were too close together, and it would be more aesthetically pleasing to only build one.

Baker asked if the Town Council members decide they do not want the stub road connection, would the process need to start over because the sketch plan would be null and void, and Bruce said yes.

Baker asked if the sketch plan is approved and percolation tests require the lots be configured differently, would the process need to start over. Bruce said minor changes could occur and the exact locations of items might be allowed to be changed somewhat; however, if the developer needs to do a completely different design that was not shown at the public hearing, he would have to come back to the Town for approval.

Baker asked Bruce to comment on the pros and cons of the stub road connection. Bruce said the connection is in conformance with the Collector Street Plan and it is shown on the adopted Thoroughfare Plan. However, recently the Board had waived a road connection in conjunction with a subdivision application. In order to remove the connection, the applicant

would need to prove a physical hardship, equal or better performance or unintentional error not brought on by himself, his agent or staff.

Baker said the last traffic counts by DOT were done in 2011, and asked Bruce if he knew when something more current will be made available. Bruce said no.

Larry Stafford asked why the applicant was asking for part of his property to be rezoned to RS-40 and this portion was requested for PD-R. Combs responded that it has to do with the Harvicks' house that is already on the property requested to be rezoned RS-40. They are planning to leave the fence and gate already in place and create a gated community.

Ron Simpson said the applicant indicated that the rezoning meets the definition of low-density development, but asked if there was something other than allowing 80 homes on 80 acres. Bruce said the Land Use Plan is somewhat subjective and there is more than one way to interpret it. He said he believes it speaks to open space, preserving woodlands, etc. As staff, he considered overall density as well as other components. He said he thought open space dedication was a major element, but he looked at how the issue had been dealt with historically; the nearby Apple Grove subdivision is also zoned PD-R, so he felt it was consistent to recommend approval of the PD-R zoning request. Bruce said the Board is required to provide a statement that says whether they believe the zoning is consistent, but that state statute requires that they also give a reason.

Tammy Gardner asked what other PD-R developments are in Oak Ridge. Bruce said Riverside; although it had been approved for 125 lots on 200 acres, some of the lots are smaller than one acre. Combs said Kensington and Hunter's Mark are also PD-R. Nancy Stoudemire asked about San Siro Farm, and Combs said it is also PD-R.

Carl Leybourne asked Bruce to confirm whether the Linville Oaks trail is public or private. Bruce said a note on the final plat indicates it is a public access trail easement, although HOA documents may state otherwise. Stoudemire said she felt the Board needed to go by the plat.

Nodine asked if the tree protection requirements would be the same if the property were rezoned RS-40. Bruce said the requirements that 20 percent of the trees be preserved were the same, but the applicant was showing them all in open space and tree preservation areas. He said the PD-R zoning gives a little more tree protection because once the developer sells a house, a homeowner could move in and do whatever he wants with the trees.

Stoudemire asked if PD-R and RS-40 zoning would provide the same view from the main road, and Bruce said they would strive to achieve the same

thing. She commented that a trail is safer for pedestrians, but asked if the developer would still install a paved shoulder for cyclists. Bruce said one had not been offered.

Gardner asked Combs realistically how many lots he expected to get, and Combs said 60-70.

Leybourne asked why Combs would include the road connection if he could eliminate it. Combs said he was simply following the requirements of the development ordinance and that he didn't think the reason for eliminating the connection met the requirements for hardship.

Simpson said his chief concern was that despite all that had been heard, he didn't think that the density being proposed was consistent with the Land Use Plan, even though Bruce disagreed. Simpson said it seemed the houses in Apple Grove are very close together; although it seems out of place, it appeared a precedent had been set. Simpson added that he didn't think two wrongs make a right.

Stoudemire said she thought the PD-R zoning could be more environmentally friendly because, although there are smaller lots, there can be larger, more vast open spaces.

Leybourne asked for a definition of illegal spot zoning. Bruce said the term was applicable when there is a standalone zoning that is clearly inconsistent with what is around it. That would typically be something like a commercial or industrial zone in the middle of residential zoning. Bruce pointed out that in this case, both types of zoning are residential.

Stoudemire clarified that the Board was just considering the sketch plan at that time, not whether the number of homes or density is appropriate. She asked if that type of comment was more appropriate to say during the rezoning rather than during the sketch plan review, and Bruce said yes.

Nodine asked if it is conceivable that the sketch plan meets the requirements of the ordinance, but that the density does not, and Bruce said yes. Baker asked if Board members could be OK with the sketch plan but then, during the rezoning, say they do not think ½-acre lots are appropriate, and Bruce said yes. Bruce said if the sketch plan – which is purely a technical review – is not approved, it goes back to the applicant; however, if it meets the PD-R requirements of the ordinance, it needs to be approved.

**Carl Leybourne** made a **motion** to adopt the sketch plan because it meets the technical requirements of the Oak Ridge Development Ordinance. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (7-0).

**Ron Simpson** made a **motion** to recommend denial of the rezoning because it is inconsistent with the development plan of the Town of Oak Ridge. **Doug Nodine** seconded the motion, and it was passed 6-1 (Stoudemire against).

Bruce reiterated that the Board's action was a recommendation, and the case would be heard by the Town Council at a special meeting on May 8, 2014.

**C. TEXT AMENDMENT CASE # 14-04-ORPL-01448:** Proposed amendment to Section 30-353(b)(5)(b) and Table 4-4-5 of the Oak Ridge Development Ordinance to increase the maximum development size and maximum building size in the SC (Shopping Center) zoning district. Applicant: Philip Cooke. Full text on file at the Guilford County Planning Department and Oak Ridge Town Hall.

Bruce presented the case, saying that the proposed text amendment was submitted by Philip Cooke. Bruce said the Town had passed an ordinance restricting any commercial building to a maximum of 30,000 square feet. Oak Ridge Commons currently exceeds that maximum and is considered a legal, nonconforming use. The text amendment would allow for a one-time expansion of up to 25 percent of the existing floor area, and would increase the maximum development size in the SC (Shopping Center) zoning district from 100,000 square feet to 130,000 square feet. Bruce said staff had offered no recommendation, since the request is from the applicant.

*Proponents:*

Jay DeVaney, an attorney, spoke on behalf of the applicant. DeVaney said the Oak Ridge Commons shopping center had been approved by Guilford County prior to the adoption of the Oak Ridge Development Ordinance. Because the Town adopted an ordinance more restrictive than the County's, the shopping center was deemed a nonconforming use. He said Lowes Foods wants to expand its store, but it cannot do so unless the ordinance is amended. At 41,000 square feet, Lowes is already a legal, nonconforming use. DeVaney said there are consequences for buildings that are considered nonconforming; for example, if the building burns or is damaged more than 50 percent, it cannot be rebuilt. He said his client was trying to ameliorate some of the consequences as well as work with what Lowes already has. The one-time expansion to what is considered a nonconforming use would allow Lowes to expand by about 25 percent and would allow Lowes to expand roughly an additional 6,000 square feet. Because the development ordinance currently says 100,000 square feet is the maximum size allowed for a Shopping Center district, and because Lowes is already around 125,000 square feet, this would allow them to expand to 130,000 square feet. DeVaney said he and Cooke had worked with Bruce and this was the best solution they could come up with in view of the existing constrictions and what currently exists.

In response to a question from Nodine, Cooke said Lowes would expand by taking about 6,000 existing floor space and by adding about 2,000 square feet on the back of the building.

*Opponents:*

None

*Board discussion/questions:*

Leybourne asked if it was DeVaney's opinion that what Lowes Foods wanted could only be accomplished through this process rather than applying for a waiver. DeVaney said he and Bruce had gone through a number of possible alternatives and this was the only way they could think of to resolve the issue. Bruce said the only way real alternative was with a variance, but it would have been hard to prove hardship.

Although a change to a building in the Historic District would typically have to go before the Historic Preservation Commission for approval, Simpson said it may not have to if the only exterior changes were on the back of the building. Cook responded that they would also like to do some aesthetic changes that would affect the front of the building that would have to be approved by HPC.

Since the expansion would change Oak Ridge Commons, Stoudemire asked if it would require the owners to be a sidewalk along N.C. 150 along that side of the road. Bruce said he was not sure without looking at a site plan. Stoudemire asked about the bridge built by a Boy Scout joining the park with Oak Ridge Commons; Cooke said he had tried to work with the Town but the attorneys involved could not work out something that would work for all parties, and the now the bridge will likely be removed. Stoudemire said that would make the sidewalk seem even better.

Leybourne said he could see how the text amendment would benefit Cooke, but asked how it would benefit the community. Cooke responded that Lowes wanted to do a \$5-6 million improvement to the store, which he thought would be a benefit to the Town. He said he also planned to refresh the look of the shopping center, and that would benefit the Town as well.

Simpson asked if Bruce was satisfied the text amendment would not affect any other structure. Bruce said it would apply to any building that was over 30,000 square feet and would allow a one-time expansion up to 25 percent. Cooke said he thought the only building that might be affected was Tractor Supply, but there are currently no plans for them to do any expansion.

In response to a question from Nodine, Cooke said when Oak Ridge Commons was built, the Lowes was a new prototype. The store in Clemmons

recently went through a similar expansion, which included a complete inside and outside remodeling.

Stoudemire asked if the text amendment is changed and Lowes is allowed to expand by 25 percent, did that mean the rest of Oak Ridge Commons could not expand. Cooke said Lowes would be about 129,500 square feet, so theoretically someone could expand by 500 square feet. Stoudemire also asked about the changes to the store, and Cooke said it would not be like a Harris Teeter or Fresh Market, but it would be expanded to include a sausage station, floral section, fruit and vegetables could be prepared there in the store, the width of the aisles would be increased and the height of the aisles decreased.

Simpson expressed concern about the possibility of setting a precedent. Bruce said the text amendment affords some flexibility to marginally increase an existing building, but that it would not affect any new buildings. Nodine urged the Board to be careful of doing things to put buildings into nonconformance; he said it hurts the property owners if they try to refinance or attract more tenants.

Leybourne said he did not have an appreciation for what the applicant was trying to accomplish or what they are doing for the community. He said he was extremely uncomfortable doing a text amendment that would benefit only one client.

Stoudemire asked if a site plan would be required. Bruce said yes, and that it would come before the Board and HPC for review.

**Larry Stafford** made a **motion** to approve the text amendment. **Tammy Gardner** seconded the motion, and it was approved 5-2 (Leybourne and Stoudemire against).

## 5. CITIZEN COMMENTS

Ed Treacy thanked the Board for having open minds.

Dawn Treacy said in the Linville Oaks subdivision, trees cannot be removed without approval, there are a lot of natural areas, and every plant must be approved.

David Marshall said there had been great discussion that night. He asked if there could be conditions requiring additional open space under CU-RS-40 zoning. Bruce said conditions can be applied, but the applicant must be the one to request them.

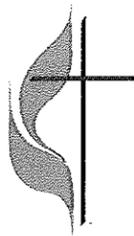
6. ADJOURNMENT

**Carl Leybourne** made a **motion** to adjourn the meeting at 9:25 p.m. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

Respectfully Submitted:

  
Sandra B. Smith, Town Clerk

  
Doug Nodine, Chair



*Bethel United Methodist Church*

8424 Haw River Road, Oak Ridge, NC 27310

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bethelunite5632@bellsouth.net

www.bethelumcoakridge.com

Presented by  
George House  
to P&Z Board  
4/04/14

April 14, 2014

Kevan Combs  
Combs Custom Homes  
P.O. Box 790  
Oak Ridge, NC 27310

Dear Kevan,

The Administrative Council of Bethel United Methodist Church met today to discuss the proposed housing development on Haw River Road (Kevin Harvick land) and its potential impact on the neighborhood. After some conversation, we are decidedly enthusiastic about welcoming new neighbors into the area. We hope to invite them into the fellowship at BUMC.

We wish you well and hope that you are able to move forward with the plans for the developments.

Blessings,

Dana Brady  
Pastor

Commie Johnson  
Administrative Council Chair

**NORTH CAROLINA POWER OF ATTORNEY**

Prepared by and mail after recording to: S. Leigh Rodenbough IV  
Brooks Pierce McLendon Humphrey & Leonard, L.L.P., P O Box 26000, Greensboro, NC 27420

THIS POWER OF ATTORNEY made this 23<sup>rd</sup> day of April, 2014, by and between:

Principal: KEVIN HARVICK

Attorneys in Fact: KEVAN R. COMBS  
S. LEIGH RODENBOUGH IV  
GEORGE W. HOUSE

I, the above-named Principal, hereby appoint the above named, and each of them, with full power to act without the other, to be my Attorneys-in-Fact, to act in my name in any way which I could act for myself, with respect to the following matter (as defined in Chapter 32A of the North Carolina General Statutes): the REAL PROPERTY TRANSACTION, described below:

To offer or agree to any conditions to, changes in or amendments of the Rezoning Sketch Plans or Applications for the PD-R Rezoning of Parcel #0166301 comprised of approximately 82.75 acres by the Town of Oak Ridge (*Case Number 14-03-ORPL-01406 - Knights Landing*) and for the RS-40 Rezoning of Parcel #0166306 and Parcel #0166321 comprised of approximately 50.81 acres in the aggregate by the Town of Oak Ridge (*Case Number 14-03-ORPL-01405 - Knights Court*) submitted by the Principal to the Town of Oak Ridge on March 27, 2014, and to execute in my name, place and stead any and all documents with respect to the same.

I hereby ratify and confirm all that my Attorneys-in-Fact, Kevan R. Combs, S. Leigh Rodenbough IV and George W. House, shall do or cause to be done by virtue of the powers herein conferred upon them. This Power of Attorney shall expire on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 23 day of April, 2014.

  
\_\_\_\_\_(Seal)  
Kevin Harvick

NORTH CAROLINA  
COUNTY OF Quilford

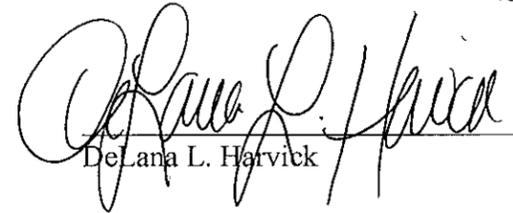
I, Cynthia K. Windsor, a Notary Public of the County and State aforesaid, certify that KEVIN HARVICK personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this 23 day of April, 2014.



Cynthia K. Windsor  
Notary Public  
My Commission Expires: 11-28-2015

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 23 day of April, 2014.

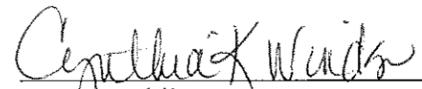
 (Seal)  
Delana L. Harvick

NORTH CAROLINA  
COUNTY OF Guilford

I, Cynthia K. Windsor, a Notary Public of the County and State aforesaid, certify that DELANA L. HARVICK personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this 23 day of April, 2014.



  
Notary Public

My Commission Expires: 11/28/2015

STATEMENT OF ADDITIONAL ZONING CONDITIONS  
SUBMITTED BY OWNER IN CASE NO. 14-03-ORPL-01406-  
KNIGHT'S LANDING (PD-R)

TOWN OF OAK RIDGE

PLANNING BOARD MEETING  
APRIL 24, 2014

The Owner, Kevin and DeLana Harvick, offer the following additional conditions to be binding on their application for rezoning of their 81.464-acre tract (per deed) from zoning classification AG to zoning classification PD-R in Case No. 14-03-ORPL-01406-Knight's Landing (PD-R):

1. Excluded Uses: Any multifamily residential or neighborhood business or limited office uses otherwise permitted in the PD-R zoning classification.

2. A Roundabout<sup>main</sup> to be installed at the ~~two interior~~<sup>main</sup> intersections of the street proposed on the Rezoning Sketch Plan extending from Haw River Road on the north to a connection with Parkchester Place in the Linville Oaks Subdivision on the south, with other subdivision streets proposed for Knight's Landing to approval of the design for ~~those~~<sup>that</sup> roundabouts by the Town of Oak Ridge in the site planning process. *APR 4-24-14*

3. A maximum building line will be imposed on the southern (side) lot lines of the two southernmost lots in Knight's Landing flanking the street proposed on the Rezoning Sketch Plan extending from Haw River Road on the north to a connection with Parkchester Place in the Linville Oaks Subdivision on the south such that no dwelling or other structure may be constructed on those two lots unless set back at least 20 feet from their southern (side) lot lines. *APR 4-25-14*

4. The two southernmost groupings of single family residential lots flanking the extension of Parkchester Place through Knight's Landing will be reengineered further to the north along that street such that they bind on and connect to the next groupings of single family residential lots to the north around the curve in that proposed street, thereby eliminating the wedges of Common Elements between those single family residential lot groupings but affording greater separation between those southernmost groupings of single family residential lots in Knight's Landing and the northernmost homes on either side of Parkchester Place in the Linville Oaks Subdivision.

5. The Developer of Knight's Landing shall be required to plant, and the owners association formed to maintain the Common Elements in Knight's Landing shall be required to maintain, at least a Type C planting yard (2 canopy trees, 3 understory trees and 17 shrubs per 100 feet, as defined in the Town's Land Development Ordinances) as a buffer between the existing homes constructed on the northernmost lots on either side of Parkchester Place in the Linville Oaks Subdivision and the southern (or side) lot lines of the southernmost single family residential lots proposed in Knight's Landing on either side of the proposed extension of

Parkchester Place through Knight's Landing, which planting yards shall have a lateral extent at least equal to the length of the southern (or side) lot lines of those southernmost single family residential lots in Knight's Landing on either side of the proposed extension of Parkchester Place through Knight's Landing – that is, approximately 200 feet on either side of the proposed extension of Parkchester Place through Knight's Landing.

6. The single-family residential lots proposed on the Rezoning Sketch Plan shall be made subject, at plat recordation for the Subdivision, to a Declaration of Covenants, Conditions and Restrictions for Knight's Landing that includes the following use restrictions:

(a) No lot shall be used except for single-family residential purposes;

(b) No dwelling shall be erected or allowed to remain on any lot if the total heated floor area of the main structure, exclusive of basement area and one story open porches, decks and garages, is less than 2,800 square feet, as measured from the outside wall lines; and

(c) All exterior coverings of the dwellings shall be brick, stone, Hardy Board or equivalent or a combination of these materials, but vinyl soffits, including aluminum wrapped boxing, shall be permitted and decorative vinyl or dormers shall be permitted with the approval before installation of an architectural control committee for Knight's Landing.

Respectfully submitted, this the 24<sup>th</sup> day of April, 2014.



Kevin Harvick,  
By his Attorney-in-Fact, Kevan R. Combs



DeLana Harvick,  
By her Attorney-in-Fact, Kevan R. Combs

Presented by  
Mike Fox to  
P&Z Board  
4/24/14

# OAK RIDGE LAND USE PLAN

## INTRODUCTION

In April 2002 the Town of Oak Ridge formed a committee composed of citizens who expressed interest in the future development of the town. The committee met on a regular basis for eight months and formulated a plan that was forwarded to the Planning and Zoning Board and Town Council for adoption. The Land Use Plan map is shown on the reverse side. The plan document below explains how the map will be used.

## GUIDING PRINCIPLES

A variety of principles were expressed during the committee meetings. These are stated explicitly in order to provide a framework and rationale for the plan and its recommended development pattern.

- **Property Rights** – The plan is structured to give all property owners in the town an opportunity to develop their land, or to sell their land with reasonable expectations that some level of development will be approved. While zoning will continue to be used to determine what uses are permitted, no area of the town will be considered “off limits”.
- **Town Traditions** – Oak Ridge has been in existence since the mid-1800s. It has an identity, history and appearance that were studied in depth prior to adoption of the Historic District in 1995. These assets should be protected and enhanced as the town grows.
- **Agricultural Traditions** – In addition to the historic center of Oak Ridge, the town limits contain many large tracts of land that have been farmed for over 150 years. Although farming has become less viable economically, the open fields and pastures are a significant part of what makes Oak Ridge a desirable place to live.
- **Walkability** – Oak Ridge has been part of a building boom in northwest Guilford County that began in the mid 1980s and continues today. Developers have purchased large tracts of farmland and converted them to low-density subdivisions whose residents generally work in Greensboro, High Point or Winston-Salem. Traffic on the town’s road network has increased tremendously, making it difficult and dangerous to walk, bike or even take a leisurely drive around town. The committee expressed a strong desire to establish pedestrian links as a way to pull the town together.

## LAND USE CATEGORIES

The following describes the land use categories used in the plan:

- **Low Density Residential** – Areas in which the principal use of the land is for single-family subdivisions on one-acre lots served by individual septic tanks and individual or community wells.
- **Town Core** – The central area of Oak Ridge in which there is a mixture of homes, churches, schools, and businesses.
- **Commercial Town Core** – The heart of the Town Core, where all new commercial development should be located.
- **Open Space** – Floodplain areas along major streams that are required to remain open as land is developed.

## IMPLEMENTATION

The plan is very simple, but must be implemented carefully in order to achieve the goals expressed by the Land Use Committee. The following policies will aid the implementation process, provided they are consistently followed:

- **Focus development in the Town Core** – All new commercial development and all public/institutional development should be located in the Commercial Town Core. Commercial rezoning outside the Commercial Town Core should be strongly discouraged. Development within the Town Core should adhere to the following principles:
  - 1) Structures should be located close to the road to promote a “village street” atmosphere.
  - 2) Sidewalks should be constructed along all street frontages.
  - 3) Architectural elements should conform to the Oak Ridge Historic District Guidelines.
- **Maintain rural appearance in the Low Density Residential area** – Outside the Town Core, residential development should be as unobtrusive as possible. To the extent feasible, houses in new subdivisions should not be visible from adjacent roadways. Development within the Low Density Residential area should adhere to the following principles:
  - 1) Leave existing pastures and fields open. Tuck new homes behind treelines or use topography to make them less visible.
  - 2) Protect existing woodlands, particularly along adjacent roadways. Clear-cutting and area grading should never be used.
  - 3) Do not “enhance” the appearance of the development with non-native plantings, berms, or fences, unless the fence material is traditional and appropriate (no vinyl or solid masonry).
- **Continue to require open space dedication and walking trail connections as part of the development process** – The Land Use Plan recommends a pattern of permanent open space and walking trails for the town. These public amenities should be acquired as development takes place.

## THOROUGHFARE PLANS

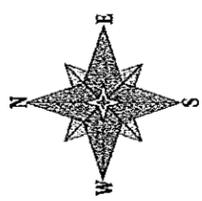
Oak Ridge has an adopted Thoroughfare Plan that places all of the roads in the town into one of the following categories: Major Thoroughfare, Minor Thoroughfare, Collector, or Local. The plan also shows future extensions to the road system that should be made as development takes place. The Thoroughfare Plan is displayed on a separate map for clarity, but should be considered as part of the Land Use Plan.

# Future Land Use

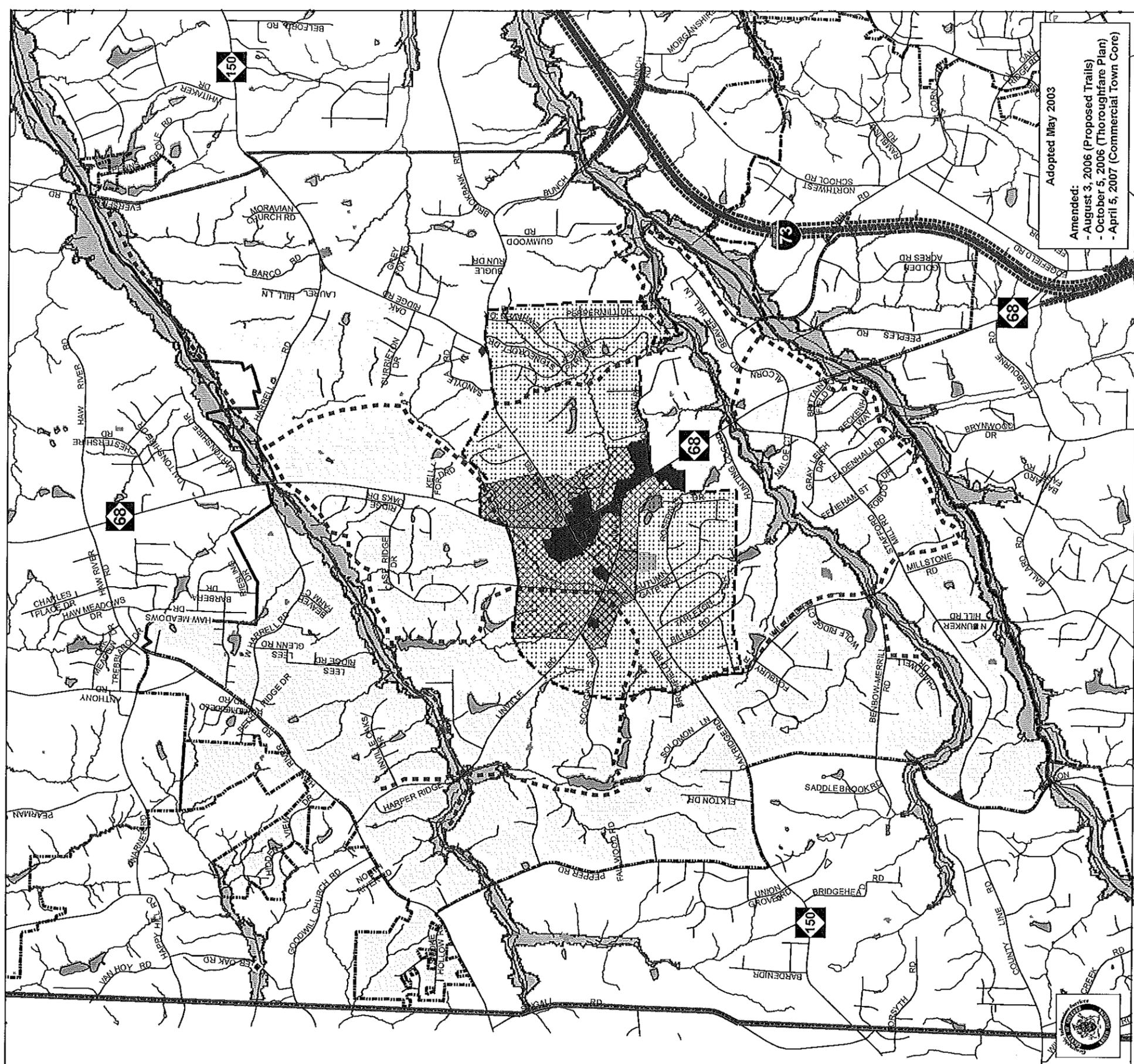


## Legend

	Commercial		Commercial Town Core		Water
	Industrial		Town Core		Streets
	Low Density Residential		Floodplain		Proposed I-73
	Public/Institutional		Piedmont Greenway		City Limits
			Proposed Trail		County Line



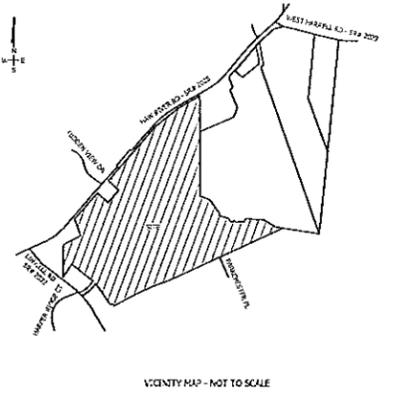
Produced by C. Short, Guilford County GIS — December 1, 2009



Adopted May 2003  
 Amended:  
 - August 3, 2006 (Proposed Trails)  
 - October 5, 2006 (Thoroughfare Plan)  
 - April 5, 2007 (Commercial Town Core)



HAZARD ZONING MAP  
 10/10/2014



**SKETCH PLAN INFORMATION**

ZONING DISTRICT	AS (PDR) Proposed
ACREAGE IN TOTAL TRACT	81.454 Acres (Per Deed)
DEED REFERENCE(S)	Deed Book 6574, Page 2451
TAX PARCEL NUMBER	166501 (Major Parcel)
TOTAL NUMBER OF LOTS	60 Building Lots
UPPER/LOWER LOT SIZE	29,000 SF
ACREAGE IN COMMON ELEMENTS	15,119 ± Acres
ACREAGE IN SINGLE FAMILY	33,813 ± Acres
ACREAGE IN NEW R/W DEDICATION	8,572 ± Acres
LINEAR FT. OF NEW STREETS	5,102 ±
REQUIRED FRONT SETBACK	20'
REQUIRED SIDE SETBACK	5'
REQUIRED REAR SETBACK	15'
MAXIMUM BUILDING HEIGHT	35'
WATER	COMMUNITY
SEWER	PRIVATE SEPTIC

- GENERAL SITE NOTES:**
- No portion of this tract is located within a Flood Zone, refer to F994 Community Parcel No. 37010750903, Dated June 15, 2007.
  - No portion of this tract is located within a designated Watershed.
  - Topography is shown per Guilford County GIS.
- REZONING/SKETCH PLAN NOTES:**
- Overall gross density for this proposed site is 60 units per 81.454 acres (0.99 DU/AC).
  - Total Open Space and Common Element Areas for this site is 35,719 acres (43.84%).
  - All Open Space and Common Element Areas shall be owned and maintained by the same owner/association.
  - Lands not suitable for development (Ponds and Stream Buffer Areas) is 6,777 acres.
- TRAFFIC DATA:**
- Traffic data is calculated using MCDOT standard rate which is ten (10) trips per day per dwelling unit. Eighty (80) lots x ten (10) = 800 trips per day to and from the development.
- TREE COVERAGE/PRESERVATION NOTES:**
- Required tree coverage/preservation areas is 20% of the site.
  - 81.454 Acres (outside R/W) x 20% = 16,291 Acres (Required).
  - Total tree coverage/preservation provided: 15,455 Acres (23.5%).
  - Tree coverage/preservation areas are shown to illustrate ability to conform to Oak Ridge Development Ordinance. Final areas to be determined, but will still be required to meet the Development Ordinance.

**OWNER:**  
 Keith Harvick and  
 Debra Harvick  
 203 Park Lawn Court  
 Kernersville, NC 27284

**DEVELOPER:**  
 Combs, Inc.  
 c/o Kevin Combs  
 P.O. Box 593  
 Oak Ridge, NC 27311  
 Ph. 336.656.3279

0 100 200 400 600  
 One Inch = Two Hundred Feet

PROJECT NO.	14110014
DRAWING No.	Master
DRAWN BY	CHW/JWG
SHEET	One of One
CASE No.	XXXXXX00000X

**KNIGHT'S LANDING**

**OAK RIDGE TOWNSHIP - GUILFORD COUNTY**

**TOWN of OAK RIDGE - NORTH CAROLINA**

**MASTER PRELIMINARY PLAT**



**PRELIMINARY;  
 NOT FOR RECORDATION,  
 CONVEYANCE or SALES  
 PRELIMINARY; NOT FOR CONSTRUCTION**

**GENERAL NOTES AND LEGEND**

- The plot is subject to the easements, appurtenances or rights of record, prior to the date of this plot, which were not shown on the title of record. This survey was prepared without the benefit of a title report.
- The method of computation for acreage and ratio of provision is coordinate calculation.
- All distances shown on this plot are horizontal distances, unless otherwise noted.
- The plot and any accompanying documents are furnished to the parties to this deed and no warranty of use is made by the drafter other than the accuracy of the information contained in this deed.

EDR: Existing lot line      CHW: Change in Easement      HSP: Horizontal Control Line  
 ER: Existing lot line      CHW: Change in Easement      HSP: Horizontal Control Line  
 K: New lot line      CHW: Change in Easement      HSP: Horizontal Control Line  
 P: Right of way      CHW: Change in Easement      HSP: Horizontal Control Line  
 DE: Drainage Easement      CHW: Change in Easement      HSP: Horizontal Control Line  
 SE: Septic Easement      CHW: Change in Easement      HSP: Horizontal Control Line  
 LP: Light Pole      CHW: Change in Easement      HSP: Horizontal Control Line  
 CP: Centerline      CHW: Change in Easement      HSP: Horizontal Control Line

Telephone: 336.605.0328

Fax: 336.605.0329

www.landsolutionsofnc.com

NC Firm No. P-1190

200 South Regional Road, Suite 104, Greensboro, NC 27409  
 Post Office Box 347, Oak Ridge, NC 27310-0347

April 17, 2014	Revised per Planning comments
April 8, 2014	Revised per meeting with Town of Oak Ridge Planner
March 25, 2014	Released for review

GIS Data Viewer Search Here All Fields Applications Tools Print Sign In

Maps Layers Legend Transparency

County Home - GIS Home - Reg of Deeds Search - Tax Listings/Appr. - Tax Collections - Powered by WebGIS-Solutions - Map Coords: [Lat/Long DM] [Get X,Y] 36° 11.502' N, 80° 0.122' W

Overview

# Oak Ridge, NC - Density - Snapshot

Presented by  
Jimmy Adams  
to P+Z Board  
4/24/14

	Acres	Homes	Population*	Population Per <del>Home</del> <sup>ACRE</sup>	Acres Per Home
Town of Oak Ridge	9,408	2,295	6,710	0.71	4.10
Linville Oaks	110	42	122	1.11	2.62
Linville Ridge	65	31	90	1.38	2.10
<b>Knights Landing - Proposed</b>	<b>82.75</b>	<b>80</b>	<b>232</b>	<b>2.80</b>	<b>1.03</b>

\* Source - for Town of Oak Ridge population - 2010 U.S. Census

\* Source - for Linville Oaks and Linville Ridge population is based on the 2010 U.S. Census of 2.9 residents per household in the town of Oak Ridge

## In Comparison, Proposed Knights Landing Home Density Is:

- 103% greater than Linville Ridge
- 153% greater than Linville Oaks
- 296% greater than the Town of Oak Ridge