



**OAK RIDGE PLANNING & ZONING BOARD MEETING
JANUARY 26, 2017 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ron Simpson, Chair
Nancy Stoudemire
Patti Paslaru
Larry Stafford
Tammy Gardner
Steve Wilson, Alternate (Sitting)

Staff Present

Bill Bruce, Planning Director
Sandra Smith, Town Clerk

Members Absent

Bobbi Baker, Vice Chair
Carl Leybourne
Ed Treacy, Alternate

1. CALL TO ORDER

The meeting was called to order by Chair Ron Simpson at 6:59 p.m.

2. APPROVE AGENDA

Steve Wilson made a **motion** to approve the meeting agenda after inserting an update on the Tree City USA program as item 3.A. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (6-0).

3. APPROVE MINUTES OF THE DECEMBER 15, 2016, MEETING

Patti Paslaru made a **motion** to approve the meeting minutes. **Tammy Gardner** seconded the motion, and it was passed unanimously (6-0).

A. Tree City USA Update.

Simpson announced that the Town was recently designated as a Tree City USA. He thanked Stoudemire, who led the subcommittee, and Planning Director Bill Bruce, who updated the application and worked with the Arbor Day Foundation to verify that the Town's ordinance meets the requirements. Stoudemire recognized fellow subcommittee members Roy Nydorf, Sharon Dyrkacz and Mickey Aycock.

4. NEW BUSINESS

A. Election of Chair and Vice Chair.

Nancy Stoudemire nominated Ron Simpson as chair. With no other nominations, the vote for Simpson was unanimous (6-0).

Tammy Gardner nominated **Bobbi Baker** as vice chair. **Patti Paslaru** said she was also willing to serve as vice chair. With no other nominations, the vote for Baker was unanimous (6-0).

B. Discussion of Appointment of Tony Cooler as P&Z Board Alternate.

Cooler introduced herself to the Board. Board members agreed by consensus to recommend that Town Council appoint her as a P&Z Board alternate.

C. SKETCH PLAN CASE # 17-01: 2910 Oak Ridge Road RPD. The property is located at 2910 Oak Ridge Road, on the south side of Oak Ridge Road approximately 250 feet east of Misty Hollow Lane, on the east side of Misty Hollow Lane at its terminus, and at the terminus of Grey Fox Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0163027, 0163014, 0167495, 0163300, and 0163038, is comprised of approximately 73.45 acres, and is located in the Greensboro (GW-III) Watershed, and Scenic Corridor Overlay Zone (part). It is owned by James and Florence Burnette. **This is a technical review only. Approval of the sketch plan does not constitute approval of the rezoning.**

Simpson said he had discussed the case with Bruce and although the sketch plan does not require a public hearing, it did not make sense to discuss it in context of not rezoning the land. He suggested discussion be combined with the public hearing on the rezoning.

5. PUBLIC HEARINGS

A. REZONING CASE # RZ-17-01: AG-SP and RS-40 to CU-RPD. The property is located at 2910 Oak Ridge Road, on the south side of Oak Ridge Road approximately 250 feet east of Misty Hollow Lane, on the east side of Misty Hollow Lane at its terminus, and at the terminus of Grey Fox Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0163027, 0163014, 0167495, 0163300, and 0163038, is comprised of approximately 73.45 acres, and is located in the Greensboro (GW-III) Watershed, and Scenic Corridor Overlay Zone (part). It is owned by James and Florence Burnette.

Bruce explained that the Board is reviewing the sketch plan to make sure it adheres to the requirements of the development ordinance. He presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the request included the development condition that the existing trail around the perimeter of parcel #0163014 would remain except at road crossings. He said the request is consistent with the recommendations in the Land Use Plan, and outlined how it helped implement Goal #1 of the plan, which is to balance new residential development with the preservation of environmental, agricultural and historic resources. Bruce said the development would preserve a significant portion of valuable open space. He added that the development would include a system of walking trails that have been well planned and maintained, which would be an asset to the neighborhood. Bruce also noted that if the property were rezoned RS-40, there would be no requirement for any open space dedication.

Simpson outlined the process for the public hearing and opened it.

Proponents:

- Bob Dischinger of Evans Engineering, 4609 Dundas Drive, Greensboro, spoke on behalf of LD Equity, which has the property under contract. He passed out a handout to the Board, which is hereby incorporated by reference and made a part of the minutes. He explained the contents in each section, which included items such as aerial photos, an environmental inventory, the sketch plan, a color illustrative sketch of the property with potential lots lines, and a letter mailed to neighboring property owners from LD Equity, which included information about a meeting to discuss the development and which included the contact information of LD Equity's principals. Dischinger said a few concerns were brought up at that meeting, and he addressed them with the Board. He asked the Board for a favorable recommendation to the Town Council.
- James Burnette, 2910 Oak Ridge Road, said he and his wife had lived at the property for more than 35 years. He said selling the property was bittersweet, but they felt it was the best alternative. Burnette said his parents had passed away, he and his wife were trying to maintain four farms in two different states, and they felt it was time to move back to the family farm in Virginia.
- Danny Yanusz, 7807 Grey Fox Road, said his property abuts the Burnettes. Yanusz said he was in favor of the development. He said he had some questions about water and was concerned about what would happen to Grey Fox Road, since it is not maintained by the state. He said he would like to see the road added to the state maintenance program.

Opposition:

- Cecil Garlington, 7806 Grey Fox Road, asked for clarification on whether there would be new houses built on Grey Fox Road.
- Carol Collins, 7897 Misty Hollow Lane, expressed concerns about how the property drains onto her property, if the development will affect her well, who will be responsible for maintaining the trails, and how many actual homes could be built if the property were zoned RS-40.
- Betty Washburn, 4611 Adonica Lane, Greensboro, asked that the plan be modified. She said that the wooded area was not part of the original farm, and that it was unbuildable and would never be developed anyway. She said all the surrounding property owners use it, and it is an asset to the area between N.C. 150 and Brookbank Road. She said the open space/trail was being used to leverage destruction of the original farm, including the open fields where the houses will be built.
- Radka Heineman, 5809 Henson Farm Drive, Summerfield, said she boarded her horses on the property, and she had approached the developers with a

plan she had to preserve about 9 acres for horses and only build about 30 homes on the property, but her plan was not well received. She said the property was very special and should be preserved, and that no one asked for the opinions of any of the people who board their horses on the property. She said she did not understand keeping the barn, riding ring and trails but not letting horses stay on the property. She said building 50 houses and calling it preservation of a farm was not what she would call the greatest idea.

- Glenn Kerley, 7024 Carriage Cove Drive, said he was not really opposed to the rezoning, but he had concerns about the entrance to the development from Carriage Cove Drive. He said his road was not state maintained, and that several elementary school-age children live on it. He said the Burnettes had allowed them to use the trails, and asked if the trails would be able to be used by the public.

Rebuttal – Proponents:

- Bob Dischinger addressed several of the concerns expressed by speakers. He said he was surprised Grey Fox Road was not on the state maintenance system and that he would look into that. He said there was already one plotted lot on Grey Fox, and that they hoped to build on it as well as one other lot on Grey Fox Road. He said the property requested for rezoning naturally drains onto the Collins' property, but said he would meet with them to see if something could be done to mitigate drainage concerns. He also talked about the procedure that must be followed to drill and test a community well, and how neighbors can have their wells monitored during a draw-down test. He said the HOA will maintain the trails.

Rebuttal – Opponents:

- A woman from Greensboro who boards her horse on the property said she hoped everyone saw the development plan as a gimmick. She said the barn was not historic and there was no reason to keep it if there were no animals in it.
- Betty Washburn said she was not opposed to rezoning the property, just this plan. She said she had a problem with the intent of the zoning – which is to preserve a farm – when the open part of the farm would be destroyed. She asked the Board to delay the rezoning until another plan could be submitted.
- Carol Collins said Dischinger had agreed to meet with she and her husband to discuss the drainage issues the following week. She said she was concerned that, with the development, the drainage issues on her property would only become worse.
- Joe Morris, 6727 Brookbank Road, Summerfield, said he had seen Guilford County allow property to be rezoned with conditions; when the property was sold years later, the conditions were not kept. He asked who would make sure that the open space/tree preservation area on the property would never be developed.

- Justine Garlington, 7806 Grey Fox Road, said she recognized the right of property owners to sell or develop their property, but that she also had rights. She asked for more information on what whether additional houses would be built on Grey Fox Road or if the property could be accessed from there.
- Radka Heineman said drainage on the property is already an issue, with some areas remaining very wet after it rains.

With no one else wishing to speak, the public hearing was closed.

Board questions/comments:

- Paslaru asked who would have access to the trails, and Dischinger said those living in the development. Paslaru said that the house was not historic and the barn was only being kept for looks. She said property zoned RPD was supposed to be preserving something, but she questioned what was being preserved here, since the 20 percent tree preservation requirement would be required in RS-40 as well. Dischinger said RPD zoning was intended to preserve rural character, significant man-made features, environmentally sensitive areas, and scenic views. He said in this case, the 30 acres at the rear were environmentally sensitive and were very important to the RPD zoning. He said the pastures are also part of the area's rural character, and the manmade features include the pond and riding ring. Paslaru asked if development residents would be able to keep their horses there, and Dischinger said that would be up to the homeowners' association. Paslaru said there was no way to access the trails from the pasture, and Dischinger said the idea now is for the trail around the perimeter to be for pedestrians, and the trails on the back portion of the property could be used by both pedestrians and horses.
- Wilson said he needed more specifics. He said if the HOA would be in control of and maintain the trails and if residents were the only ones who could use the them, he could not imagine what their dues would be. He asked if people could board their horses on the property, and asked about Ms. Collins concern about drainage on her property; Wilson said he could not accept the answers that those issues would be discussed later. Dischinger said the property naturally drained onto Collins' property, and when Collins' lot was subdivided, Guilford County did not require drainage to be put in. He said he would look to see if the issue could be mitigated, but the natural flow of water is toward Collins property. Wilson said he wanted reassurance that neighbors' wells would not be affected, and Dischinger again explained the process for siting the well and the draw-down test. Wilson said Dischinger had told the Board the same thing regarding the Whitaker Estates property owners and a development that will abut them, and he asked how that was working out. Dischinger said the well beside Whitaker Estates had not been tested yet because of weather issues.

- Gardner asked whether the soil had been tested, specifically on Grey Fox Road, and Dischinger said the Grey Fox Road properties would need to be reevaluated. On the main portion of the property, Dischinger said some areas might have poor soils, which was why some two-bedroom houses were being considered. He said there would probably be a small area that needs offsite septic. Gardner said prohibiting construction traffic from using Carriage Cove Lane would probably alleviate some of the angst of those residents. She asked about the possibility that the rear 30 acres would ever be developed. Dischinger said the zoning map submitted said that portion of the property must remain undeveloped.
- Stoudemire said she liked the layout of the development, but said she wished there were fewer lots around the perimeter of the pasture. She asked about the smaller lot at the end of Grey Fox, and Dischinger said because of the distance between houses at the end of the cul-de-sac and the adjoining open space, he did not think a house would look crowded onto the small lot. Stoudemire expressed concern about the trail maintenance, and Dischinger said a rigorous HOA would be set up to ensure the trails were properly maintained. He said all the property maintenance would be under the control of the HOA. Stoudemire said she hoped the neighboring property owners could continue to use the trails as they had in the past. She said she also liked the idea of having construction traffic use the new road instead of going through the Carriage Cove development.
- Simpson asked Burnette if they had tried to sell the property as a horse farm. Burnette said it had been on the market for three years, and that they had tried to sell it internationally for the first two years as a horse farm. Simpson encouraged Dischinger to either develop an equine community or not sell that illusion. He said he felt sorry for those boarding their horses, but said the Burnettes have every right to sell their property. Simpson said he shared the concern expressed regarding the Carriage Cove resident about traffic on their street, and he encouraged Dischinger to try to get construction traffic to use the other entrance. Simpson also said he hoped the trails might be able to be kept open for neighboring property owners to continue using. Simpson said runoff seemed to be an existing issue, and while it was not of the developer's making, he hoped they could help find a solution. He also expressed concern about wells, and said the state had regulations to make sure the process works.
- Paslaru asked if the developer would consider leaving the trails open to the public, and Buddy Lyons of LD Equity said they were willing to consider that.

Steve Wilson made a **motion** to approve the sketch plan. **Tammy Gardner** seconded the motion, and it was passed unanimously (6-0).

Nancy Stoudemire made a **motion** to approve the rezoning. **Tammy Gardner** seconded the motion, and it was passed by a 5-1 vote (Wilson against).

B. TEXT AMENDMENT. Amendments proposed to Chapter 30 and Chapter 35 of the Oak Code of Ordinances to ensure compliance with state statutes, to amend portions

of the public street standards in the subdivision ordinance, to amend approval authority for minor subdivisions and site plans, and to update the Town's addressing ordinance. Proposed amendments include but are not exclusive of Article I- In General; Article II- Administration and Enforcement; Article IV- Boards and Commissions; Article VI- Permits and Procedures; Article VII- Zoning; Article VIII- Subdivisions; Article IX- Development Standards; Article X- Environmental Regulations; and Appendices.

Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. Several of the proposed text amendments are required by state law; some of the others would streamline current procedures.

Paslaru said she had several concerns, including that the proposed text amendment would not require the Board to see one- or two-lot subdivision plans. Several Board members expressed concern about how the Town Council felt and whether the Council wanted them to recommend approval of the text amendments. Simpson said he could informally talk to Council members and get guidance from them.

Patti Paslaru made a **motion** to continue discussion of the proposed text amendments until the Board's February meeting. **Steve Wilson** seconded the motion, and it was passed unanimously (6-0).

6. PUBLIC COMMENTS

- None

7. ADJOURNMENT

Tammy Gardner made a **motion** to adjourn the meeting at 9:27 p.m. **Patti Paslaru** seconded the motion, and it was passed unanimously (6-0).