



**OAK RIDGE PLANNING & ZONING BOARD MEETING
MARCH 24, 2016 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ron Simpson, Chair
Bobbi Baker, Vice Chair
Carl Leybourne
Nancy Stoudemire
Patti Paslaru
Larry Stafford
Tammy Gardner
Ed Treacy, Alternate (Not sitting)

Staff Present

Bill Bruce, Planning Director
Sandra Smith, Town Clerk

Members Absent

Brian Eichlin, Alternate
Steve Wilson, Alternate

1. CALL TO ORDER

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

2. APPROVE AGENDA

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

3. APPROVE MINUTES OF THE JANUARY 28, 2016, MEETING

Patti Paslaru made a **motion** to approve the meeting minutes. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (7-0).

4. NEW BUSINESS

Rezoning Case # RZ-15-07: CU-RPD to Amended CU-RPD. The property is located on Grove Park Drive, Sedwick Way, and Union Grove Road, consisting of the entire Kensington Place subdivision, in Oak Ridge Township, approximately 23.9 acres.

Planning Director Bill Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes, and explained that this is a rezoning request because conditions were approved in 2007 as part

of the zoning approval. Any changes require an amendment to the zoning district, he said. The request was for rezoning from CU-RPD to Amended CU-RPD and had to do with creating a public walking trail instead of a public sidewalk. Bruce said the developer does have the right to request a change. The rezoning was approved in 2007 by Guilford County, prior to the Oak Ridge Extraterritorial Jurisdiction (ETJ) being created. The original rezoning included the conditions that a sidewalk would be built and that the majority of open space would remain wooded. The development adjoins the Pepper Ridge subdivision, which has sidewalks, Bruce said. The developer posted a surety bond, which is often done so that when the sidewalk is built, the letter of credit is released. The developer had requested an amendment in 2015, saying that many homeowners were not aware that the sidewalk was required and it would be difficult to add a sidewalk to streets without curb and gutter. The developer said the walking trail would be more favorable, and all homeowners in the subdivision have signed a letter requesting the change. Bruce said the map in the packet shows the proposed location of the trail. Although a short portion of the trail that would allow a loop to be created was on a neighboring property, that property is not a part of the subdivision and was not shown on the map. Bruce said he recommended approval of the request.

Simpson opened the public hearing. He said it was not necessary for all those in support of the proposed plan to repeat the same thing.

Kevin Payne, a resident of the subdivision and its developer, said it would be difficult to put in the sidewalks due to the size of the lots, the setbacks, and because of the ditch and utility easement, most of the sidewalks would end up going through the middle of front yards. In answer to questions from the Board, he said that the adjoining Pepper Ridge subdivision does have sidewalks, but the North Grove subdivision, which also adjoins Kensington Place, does not. He said the ditch was a DOT requirement, and although some houses had a larger front yard than others, that was because the septic area was in the front of the house instead of behind it. He said the trail would be public and all the homeowners are aware of that.

Rebecca Root, whose family owns adjoining property, said they do not live in the neighborhood. She said because the proposed trail would be in the backs of the houses in the neighborhood, people would wander onto her family's property. She said they would prefer not to have trespassers on their land.

Rebuttal:

In response to Root's comments, Payne pointed out that much of the property that adjoins the trail belongs to Lonnie Bray. He said Bray was in support of the trail.

Simpson then closed the public hearing.

Board questions/discussion:

Paslaru said she sympathized with the residents, but thought the Board would be setting a precedent if it allowed the change. She said this was not an issue for homeowners' associations to decide, and the sidewalks should have been put in initially before the houses were built. She said she thought the Board would be going down a slippery slope if it allowed plats to be changed once the developments were built.

Baker asked for clarification on the ETJ, since the sidewalk was approved as a zoning condition before it came under Oak Ridge's jurisdiction. Bruce explained that when the Town adopted the ETJ, which goes from the town limits to the Forsyth County line, it had also adopted the zoning that was in place at the time. He said nothing changed, and the only difference is that the property is now under the jurisdiction of Oak Ridge.

Leybourne pointed out that a substantial amount of property in Oak Ridge was accepted with its current zoning when Oak Ridge became a town. Baker said she understood some property was in the town that does not comply with our ordinance, but that it had complied at the time it was zoned. Leybourne said he understood that the change being requested meets the Town's ordinance, and Bruce said yes and it was not unusual for someone to request the addition or removal of a zoning condition.

Tammy Gardner said the Board is in place to make decisions. She said if the homeowners all agree to the change and it meets the Town's requirements, it would be in compliance. She said she thought in this case the sidewalks would be too close to the houses and would make the development look too crowded, and point out that in the future, the sidewalks would be required to be installed in the beginning. She said she did not think approving the request would be opening a can of worms.

Larry Stafford said he agreed it would put the Town on a slippery slope. He said the developer had agreed to put in the sidewalks, so there should not be a problem. He said he understood the homeowners did not want the sidewalks, and he would not want one going through his front yard either. He said he did not know whether the developer had disclosed to the property owners about the sidewalk or not. He said he was struggling with a decision on the issue.

Stoudemire said she was also torn. She said she was a rule follower and felt like the developer had initially agreed to install the sidewalks. On the other hand, she said she was much more fond of natural trails than she was of sidewalks. She said she was very concerned about the adjacent landowners who did not want the trail near their property, and that the trail was not something they had agreed to.

Simpson noted that most of the lots in the subdivision were 20,000 square feet or smaller. He said he had visited the subdivision and because the lots were not very large, front yards would be dissected by the sidewalks. He said he also preferred natural trails to sidewalks. He said there was always a chance an adjacent landowner might not like a trail, and asked Bruce what would happen in that case. Bruce said the trail would be on the development property or on an easement provided by the neighboring property owner. He said he thought the concern was about people who might wander off the trail and onto someone else's property. He compared that to someone who might be in their own yard and wander onto a neighbor's property.

Stoudemire asked if the homeowners association would be responsible for maintenance, whether it be for a sidewalk or a trail; Bruce said yes.

Leybourne said his general opinion was that the trail would not get any traffic at all, except perhaps from neighborhood kids. He said he thought the trail was proposed to get the developer out of building the sidewalk. He said while he respected the neighboring property owner's feedback, he did not necessarily agree sidewalks should be built here, and that anything that connected to the sidewalks would most likely be trails. He said he thought it was appalling that the developer would consider putting sidewalks on 20,000-square-foot lots, and the Town needed to look at how to keep this situation from occurring again.

Regarding Leybourne's comment about connectivity, Paslaru said she thought the adjoining Pepper Ridge subdivision had sidewalks, and others agreed.

Payne said in developing the subdivision, he had tied together two existing subdivisions – Pepper Ridge and North Grove. He said one had sidewalks and the other did not. He said this was the first subdivision he had developed, and he wished he had not agreed to construct the sidewalks because now none of the homeowners wanted them. He said he did not want to be the bad guy in this situation.

Stafford said he did not want to be the bad guy either, but he wanted to make sure this situation did not arise again.

Patti Paslaru made a **motion** to deny the rezoning because the sidewalks would provide connectivity to other subdivisions, the developer had agreed to build them, and they were included on the original plat. **Nancy Stoudemire** seconded the motion, and the vote was 3-4 (Paslaru, Stoudemire and Stafford voting for; Baker, Simpson, Leybourne and Gardner voting against).

Tammy Gardner then made a **motion** to approve the rezoning on the basis that it has been recommended by Town staff and the request was reasonable. **Ron Simpson** seconded the motion, and the vote was 4-3 in favor (Gardner, Simpson, Leybourne and Baker voting for; Paslaru, Stoudemire and Stafford voting against).

5. NEW BUSINESS

A. Site Plan Case # SP-16-01: Oak Ridge Marketplace Lot 5. The property is located at 8001 Marketplace Drive in Oak Ridge Township. It is Guilford County Tax Parcel 0165103, consists of approximately 1.66 acres, and is zoned CU-SC, Historic District Overlay, Scenic Corridor Overlay, Greensboro Watershed (GW-III) Overlay. The applicant seeks approval for a 9,400-square-foot retail/office building. The owner of the property is Oak Ridge Marketplace Three, LLC, and the engineer is CPT Engineering and Surveying, Inc.

Planning Director Bill Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. Bruce said engineer Chuck Truby was present to answer questions. He reported that the Historic Preservation Commission had reviewed the site plan and building elevations, and had approved the proposal, except for two items that were outstanding – a signage plan and a landscaping plan. Bruce said the Planning & Zoning Board needed to review the request for compliance to the ordinance and scenic corridor requirements. Bruce recommended approval of the site plan.

Board members asked several questions regarding angled parking, tree requirements, required parking spaces, lighting, the types of businesses that might be tenants in the building, traffic flow, turn lane requirements, etc.

Carl Leybourne made a **motion** to approve the site plan contingent upon changing the parking spaces on the southwest side of the building to be angled. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

B. Subdivision Case # Sub-16-04: Gumwood Estates. The property is located at the terminus of Gumwood Road in Oak Ridge Township, and is Guilford County Tax Parcel 0162648. It is zoned RS-40, Greensboro Watershed (GW-III) Overlay. The subdivision consists of 19 building lots, off-site septic areas, right-of-way dedication, and open space dedication for a total of approximately 37.68 acres. The property owners are Scott and Jody A. Wimmer, and the surveyor is Evans Engineering, Inc.

Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. Bruce said a portion of the property was

zoned RS-40 in 1992 prior to the Town's incorporation, and the remainder was zoned RS-40 in 2002. He said this was not a rezoning, simply a technical review. Currently Gumwood Road serves 22 lots, and if 19 additional lots are developed here, it is still well below the maximum of 50 with only one entrance. He said a stub road was provided by the developer that could possibly connect to the Estates at Oak Ridge Lake one day, but there are two properties in between and that subdivision is about one-quarter mile away. A significant amount of flood plain is on the property, and it will be offered to the Town as open space. Bruce said typically a 20-foot utility easement is required, but the utility providers were being asked if a 10-foot easement would be OK. He added that is usually a routine matter to get such an approval. Bruce said the proposed subdivision meets the requirements of the ordinance, and he recommends approval subject to the width of the utility easement.

Baker asked how many other homes currently use Gumwood Road for access; Bruce said he had counted a total of 22 lots, although not all have homes on them.

Stoudemire said she had heard something about emergency services not allowing roads that have the same name as ones currently in use. Bruce said it was OK to use the same road name with a different suffix (road, court, etc.) if one road comes off the other.

Stoudemire recalled back around 2000 when there was a push to put a swim club in the area. She said she remembered neighbors who were in tears because they already had a lot of water problems. She asked if this development would have any impact on the existing residences.

Bob Dischinger of Evans Engineering said there had been several discussions with John Nykamp of Guilford County, whose specialty is wells. He said the applicant was concerned with getting sufficient water to all the new properties. He said Simmons Well Drilling had dug a well in 1995 that produced great flow for a home. Two other wells had also been drilled, but they had been looking for a commercial flow of about 50 gallons per minute. He said when the wells did not produce that much, they were closed. Dischinger said Nykamp had given him a list that showed a number of homes on Gumwood Road – some which had wells that produced one gallon per minute, while others had wells that produced 30 gallons per minute. He said Nykamp's feeling was there could be some water flow problems up on the ridge toward Bunch Road, but the flow was better down toward the flood plain near Beaver Creek.

Tammy Gardner asked the location of the closed wells, and Dischinger said he thought one was in the area of lot 12, while the others were up near the proposed cul-de-sac.

Leybourne said the flood plain area would be a nice piece of property for the Town of Oak Ridge to put a trail, but asked where people would park to access it. Bruce said parking would likely be located in a more centralized location than in a subdivision. In the meantime, he said he thought the flood plain area would be of more use to people in the subdivision than the general public.

After additional discussion, **Carl Leybourne** made a **motion** to approve the subdivision case. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

6. PUBLIC COMMENTS

None

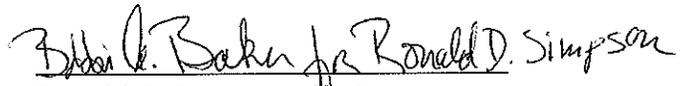
7. ADJOURNMENT

Patti Paslaru made a **motion** to adjourn the meeting at 8:32 p.m. **Tammy Gardner** seconded the motion, and it was passed unanimously (7-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ronald D. Simpson, Chair