



**OAK RIDGE PLANNING & ZONING BOARD MEETING
APRIL 26, 2018 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ron Simpson, Chair
Bobbi Baker, Vice Chair
Nancy Stoudemire
Patti Paslaru
Steve Wilson
Larry Stafford
Tammy Gardner

Staff Present

Sandra Smith, Town Clerk
Bill Bruce, Town Manager
Sean Taylor, Planning Director

Members Absent

Ed Treacy, Alternate

1. CALL TO ORDER

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

2. APPROVE AGENDA

Patti Paslaru made a **motion** to approve the amended meeting agenda after moving item 5.A., Site Plan Case #SP-18-02, to before the public hearings. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

3. APPROVE MINUTES

Steve Wilson made a **motion** to approve the minutes of the March 22, 2018 meeting. **Nancy Stoudemire** seconded the motion, and it was passed unanimously (7-0).

Regarding Rezoning Case #RZ-18-02, Town Manager Bill Bruce said the case had been advertised as a request from AG to RS-40, but technically it was a conditional use request and should have been advertised as AG to CU-RS-40.

4. NEW BUSINESS

A. SITE PLAN CASE #SP-18-02: Happy Tails Puppies, LLC requests approval of a 5,600-square-foot enclosed kennel structure and a 1,600-square-foot customer service structure. The property is located at 7881 Alcorn Rd in Oak Ridge Township. It is Guilford County Tax Parcel 0162401, is zoned AG(Agricultural), Greensboro (GW-III) Overlay, Scenic Corridor Overlay, and is owned by Cross Gate Church.

Town Planner Sean Taylor read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the applicant wanted to establish a kennel on the site, which is a use by right in AG zoning.

Simpson asked Taylor if the plan was to add two structures to the property, and Taylor said yes.

Applicant Sonya Mackovic, 3500 Vernon Woods Drive, Summerfield, said the company had been in business in Summerfield for more than 10 years. She stated that the facility, which is licensed and inspected by Guilford County, has run out of space. She said she wanted to move the business to Alcorn Road and be able to do some more dog training and boarding. Simpson asked about the two buildings, and Mackovic said they would like to construct a kennel, and the second structure would be a small office.

Paslaru asked if the hours of operation were 9 a.m. to 5 p.m., Monday through Friday. Mackovic said yes, but they would also be open for weekend pickups. Paslaru asked if the property was in the Historic District. Taylor said no, adding that it was in the Scenic Corridor, but the application meets those requirements.

Stoudemire asked about the fact that outbuildings were not supposed to be allowed between the street and the residence. Town Manager Bill Bruce said that was correct, but the principle structure on the property would be the kennel, not the house.

Simpson asked if the requisite amount of parking was shown on the plan, and Taylor said yes. Simpson then said kennels typically produce noise. Mackovic said the kennel building would be insulated to keep the noise down. She said the puppies they would typically have on site are small, and the adult dogs are also small breeds, so there would be little noise. She said they would like to have one area for training, one area for boarding, and the puppy nursery in a third area.

Tammy Gardner said she understood from the staff report that there would be no breeding on site, but Mackovic said there would be. Gardner asked if the house would be Mackovic's personal living quarters. Mackovic said a caretaker would be on site all the time, and that the house would be the caretaker's dwelling. Bruce said there is a special provision in the ordinance for certain businesses which would allow someone to live there.

Bobbi Baker asked what types of breeds would be on the property. Mackovic said typically the dogs on site would be 15 pounds or less, and would be breeds like Yorkiepoos and Pomapoos.

Stoudemire asked about lighting, and Taylor said staff was recommending conditional approval with additional technical approval to be done by staff of the lighting plan, landscaping plan and driveway permit.

Patti Paslaru made a **motion** to approve the conditional site plan. Steve **Wilson** seconded the motion, and it was passed unanimously (7-0).

5. PUBLIC HEARINGS

- A. **REZONING CASE # RZ-18-01: HB and AG to CU-TC-R.** The property is located on the west side of NC Highway 68 N, approximately 800 feet south of the intersection with Fogleman Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0162806, 0162815, and 0162821 (part), consisting of approximately 29.45 acres. The property is in the Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone, and is owned by Israel Family Limited Partnership and Larry J. and Kathy R. Mills.

Town Manager Bruce read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the case had been continued from the previous month to allow the applicant to complete and submit a traffic impact study. Bruce read the conditions requested in the application.

Simpson explained the rules and opened the public hearing.

Proponents:

Bob Dischinger of Evans Engineering, 4609 Dundas Drive, Greensboro, said he was representing the applicant, Paul Milam. Dischinger said there had been nearly a year of planning and working with staff and neighboring homeowners' associations. He said he had served on the Land Use Plan update committee, and he believed this was exactly the type of plan addressed in the plan. He presented a slide show for the Board with information. He said the conversations with neighbors had resulted in seven conditions, and he presented an illustrative sketch for the development. He pointed out the areas where drain fields would be located, as well as the townhouse development and one single-family lot. Dischinger said although a traffic impact study was not required, the applicant had elected to have one done. He said at the request of staff, the entrance to the development had been shifted approximately 260 feet south so that it would line up with the potential entrance to The Summit Church across the road. He noted that the traffic impact study showed that traffic on NC 68 had decreased 23 percent with the opening of I-73, that the shifted entrance to line up with The Summit Church had improved sight distances in both directions, and that the NC Department of Transportation had confirmed the location of the driveway would be approved if turn lanes were constructed. He said that Milam, the applicant, had agreed to construct turn lanes prior to site development work, and that would be added as a condition prior to the Town Council meeting. Paul Milam stated that was correct.

A member of the audience interrupted Dischinger and asked for his address in the community. Dischinger stated that his home address is 5622 Cape Fox Drive in Oak Ridge.

Gary Brown, 5249 Larue Court, Summerfield, introduced himself and said he was in support of the project. He said he was introduced to Milam and said the active senior community being planned was exciting to him. He added that he believes it meets the objectives in the Town's Land Use Plan. Brown said he served on the first

Summerfield Town Council, and after extensive meetings, Summerfield had also adopted a Comprehensive Plan that allowed housing for active seniors who wanted to downsize as well as for young adults. He said unfortunately Summerfield did not update its ordinance to reflect the Comprehensive Plan. Brown said he is currently on the UDO committee in Summerfield and hopes to correct that. He said failure by Summerfield to address the vision and policies of the Comprehensive Plan had created almost an intolerable situation there. He said he moved to Summerfield after first developing Magnolia Manor in Colfax, and he talked about his property in Summerfield and how they had landscaped it, and which includes a lake on which neighbors canoe and the fire department uses as a water point. He said the house was now too large for he and his wife, and they were now evaluating their options. He said when he heard of Milam's plan for this property and after walking it, he knew the 3+-acre single-family lot was perfect for them to build their dream home. He commented on the success and quality of Milam's other projects, and he spoke about many community projects in which he had been involved, including the Bicentennial Garden, the Bog Garden, the David Caldwell Interpretive Center and replica mill, and about being a longtime Board member of the Greensboro Science Center. Brown said he applauded Oak Ridge and its leadership in its vision, and said he was saddened Summerfield had not been a visionary in its approach. He said he now welcomed the opportunity to invest in Oak Ridge by being part of this project.

Rich Spiker, 8800 E. Pepper Court, Oak Ridge, said he had served on the Land Use Plan committee and he also thought this project fit the premise discussed. He said he was also an Oak Ridge resident and a friend of Brown's, and he cited his father – with a 3,000-square-foot house on a 1-acre lot – as a possible example of the type of resident who might be attracted to the community Milam intended to build. He said many people wanted the option of downsizing, but there was no suitable housing in Oak Ridge. Spiker said the property was located in the Transition Zone and it touched the Town Core. He also spoke to Brown's character, and said he had 100 percent confidence in the project if Brown was involved.

Dischinger presented a letter from Stephen Israel, the property owner, and read it aloud to the Council. Israel asked for support of the project.

Paul Milam, 22 Loch Ridge Drive, Greensboro, said over the last 20 years, he had been involved in developing four major subdivisions in northwest Guilford County. He said he had spent more time and effort on the proposed 49 homes here than he had with any other development. He said the proposed subdivision had been planned with care and purpose, and said he hoped it set a standard.

Opponents:

Carl Leybourne, 8514 Rosedale Drive, Oak Ridge, said his property abuts the property being discussed for rezoning. He said he had served 10 years on the Planning & Zoning Board, and he thought the plan was not aligned with the Land Use Plan. Leybourne said Goal 1.2 recommends RS-40 for developments outside the Town Core. He cited Policy 2.1.1 in the Land Use Plan, which says lots with densities of up to two units per acre are appropriate within the Town Core and may also be appropriate within the Transition Zone if contiguous with existing or approved developments with similar densities. He said the Transition Zone has nothing to do with policy, and that it is designed to minimize traffic impact as is stated in Policy

3.3.4. He said Policy 5.4.1 says the Town would work with NCDOT and the MPO on improvements to facilitate safety at NC 68/Fogleman Road and NC 68/Linville Road, but he said that is the only policy that addresses traffic, and it is not conjunction with higher-density development. Leybourne said the tract was entirely surrounded by single-family residences. He said Policy 3.3.4 discusses minimizing traffic impacts. He said Objective 1.2 recommends RS-40 zoning, but it does not mention anything about the Transition Zone. Leybourne said the traffic study states there is a recurring pattern of rear-end collisions, and once a high-use institutional facility – The Summit Church – is built across the street, it will create even more traffic. He said while the Land Use Plan encourages this type of housing, he thought it should be developed in the Town Core first and although the plan was a great idea, this was not the location for it. He asked that the Board deny the request.

Mike Stone, 8112 Hunting Cog Road, Oak Ridge, said he was HOA president of Old Mill Estates. Regarding comments on the type of housing, Stone said that was an emotional argument that he was not there to debate. He said the Land Use Plan took months to develop, and one thing that needed to be modified was the Town Core. He said this development was asking to increase that. He said the Land Use Plan said clustered, mixed-use development of up to two units per acre was appropriate, and it also said it might be appropriate in the Transition Zone if it was contiguous with developments with similar densities. He said adjacent parcels were zoned RS-40 and were 1.45 to 3 acres, so there was nothing similar about those densities and what was being proposed. Stone said GIS mapping showed the portion of the property inside the Town Core was only about 30 percent of this property, and that less than 10 percent of the housing in this proposed development would be in the Town Core. He said this proposal does not meet the intentions of the Land Use Plan.

Jason Streck, 8518 Rosedale Drive, Oak Ridge, said he lived within 500 feet of the property proposed for rezoning and was vice president of the Twelve Oaks HOA. He said he had met with the developer and had hosted an information session in his home for residents of Twelve Oaks and Old Mill Homesteads, which was attended by Dischinger and Milam. He said the nearby residents were uniformly opposed to the development. Streck said Leybourne and Stone had addressed many of the neighbors' concerns, and added that the single-family residence would only be accessible by placing a driveway alongside properties in Old Mill Homesteads. He said changes had been requested of the developer, and some concerns had been addressed, but others were not. He said they had asked why the developer did not instead choose the property for sale at Linville Road and NC 68; Streck said the developer cited the high asking price for that property.

Chad Secraw, 8504 Rosedale Drive, Oak Ridge, said he moved to Oak Ridge five years earlier because he wanted things such as more land and better schools. He said he currently has a view of the woods and can sometimes see the pond on the property requested for rezoning. He said the large, single-family house would be able to be seen from his house, and there would be ongoing noise from construction; those types of issues had the potential to reduce his property value. He said his more general concern was that Oak Ridge would become less peaceful and tranquil if the property is developed.

Rebuttal – proponents:

Dischinger said several people had referred to the Land Use Plan and whether the property was in the Town Core. He said the Land Use Plan committee had looked at options for defining the Town Core and wanted to see it expanded, so it developed the concept of concentric circles around the NC 68/NC 150 intersection. He said that circle delineating the Town Core goes through the middle of this property. Dischinger said the Land Use Plan is a guide. He said Policy 3.3.4, which was cited by opponents, refers to the Commercial Town Core Transition Zone. Regarding traffic concerns, Dischinger said single-family detached housing generates less traffic per unit than traditional single-family housing. He said the age to which the development would be marketed (older adults) would decrease the traffic even more, but since they would not use deed restrictions to only allow older residents, the traffic engineer had used figures for a townhouse community. He said the location of the driveway of the single-family residence would be constructed along the rear of the Old Mill Homesteads community, and it was intended to be over the top of the existing dam. He said the parcel for sale at NC 68 and Linville Road was in the Commercial Town Core and it was priced as such and was not appropriate for residential housing. Regarding the argument that nothing adjacent to this property was zoned TC-R, Dischinger said that type of zoning is new. Regarding the comments about this being affordable housing, he said there were few houses being built in Oak Ridge now for less than \$400,000. He said the developers had met or exceeded six of the seven conditions requested by neighbors, and the one they had not met had to do with the tree preservation area.

Rebuttal – opponents:

Mike Stone said there were no Old Mill Homesteads residents in favor of the rezoning. He presented a letter from Danny and Nelda Brooks, whose property abuts the portion of the property where the single-family driveway is proposed, who are opposed to the rezoning.

Carl Leybourne said there was no question about where the Town Core is, and that it is delineated by a line on the map. He said the Transition Zone was also defined and the Land Use Plan was very specific regarding its intent, which he said is to minimize traffic impact. Regarding the traffic study, he said a more dense development would create more traffic.

Simpson closed the public hearing.

Board questions:

Paslaru asked about staff's thoughts regarding the fact that only 30 percent of the property was located in the Town Core. Bill Bruce said both proponents and opponents were right in a sense, and he read from the staff recommendation. He said this was the only tract on NC 68 that is outside the Commercial Town Core but within the Town Core Transition Zone, pointing out that there are two Transition Zones. He said Policy 3.3.4 regarding development that minimizes traffic impacts applies specifically to one parcel at the corner of NC 68 and Fogleman Road.

Paslaru said she had previously understood The Summit Church property had a Fogleman Road address, but now it seemed their driveway would be off of NC 68. Bruce said that property had no frontage on Fogleman Road, although it may have had an easement.

Simpson asked Bruce if he believed the calculation that 30 percent of the property to be rezoned was located in the Town Core was true. Bruce said that was likely generally true, but added that the Land Use Plan committee had intentionally left parcel lines off the map as Dischinger had mentioned. He estimated at least two-thirds of the property was outside the Town Core.

Steve Wilson asked Dischinger for the square footage and cost of the proposed townhouses. Dischinger said they would be 1,800 to 2,600 square feet and cost \$300,000 to \$400,000. Regarding the traffic study, Wilson said the fact that 5.8 trips per unit per day were cited for the townhouses was a ridiculous figure. He said he was concerned about all the traffic dumping out onto NC 68, especially when The Summit Church is built.

Dischinger said he would have traffic engineer John Davenport address issues concerning the traffic study.

Paslaru asked about the ratings of A through F given to sites in the traffic impact study, and asked to confirm that even with the additional of proposed turn lanes, the site access (now rated F) would still be an E. Davenport said yes, but pointed out that the letter ratings represent delays, not safety. He said the rating had to do with the ability of turning left, and said there would be a delay there for drivers trying to access NC 68 from the development.

Wilson interjected that he was not talking about inconvenience, but about lives.

Paslaru said she lives on Linville Road and that it is impossible sometimes to make a left turn from her driveway. Davenport said when it comes to safety, he could understand that it is an emotional issue. He pointed out, however, that his firm did not use emotion in traffic studies. He said trip generation figures are based on national standards that applied to all developments.

Wilson said he was considering current conditions in the area, and said using a figure of 5.8 trips per day per unit was ridiculous. He said those living in the development would also be senior citizens, which would make the situation worse. Davenport said he did not use the standard trips-per-day figures for a senior-citizen development, which would have been lower. He said applying the national data in the traffic impact study was not ridiculous, but was standard practice.

Stoudemire asked if the number of accidents and the number of fatalities in the area was included in the study. Davenport said there had been no fatalities in the area studied, adding that the study was not of the entire NC 68 corridor, but of the area 150 feet south of Hunting Cog Road to 150 feet north of Linville Road.

Paslaru asked what length of time the crash data covered, and Davenport said five years.

Stoudemire asked Davenport to elaborate on the notion of reducing the speed limit. Davenport said they could recommend it to the DOT, but they would also need the Town's cooperation. Town Manager Bruce said the Town had already asked NCDOT

to study that. Simpson asked for the current speed limit in that area, and Davenport said it was 50 mph.

Paslaru asked if the traffic study had looked at the reason Stafford Mill Road at NC 68 had been closed due to the amount of traffic and number of accidents there. Davenport said he had not because that was not part of the study area. In response to a question, he said he had no knowledge of why that intersection had been closed.

Baker asked Gary Brown for a better understanding of the role he planned to play in the development. Brown said he was a major investor, was in partnership with Milam, and he intended to live in the single-family residence on the property. Baker asked if he had a time for when he would sell his residence and move to the site; Brown said it would probably be sometime in 2020.

Baker asked if the dam on the site had been evaluated and if there were any concerns about stability or flooding. Dischinger said an engineer had looked at the dam, and that it was considered a low-hazard dam by the state. He said there is an existing driveway and that the driveway to the single-family residence would go across the dam. He said the Twelve Oaks neighborhood had concerns about fire trucks being able to access the single-family residence, and that he had multiple conversations with Oak Ridge Fire Chief Steve Simmons about it. Those conversations had resulted in the condition that stated if emergency vehicles could not use the driveway to the house that a fire suppression system would be installed in the house. Dischinger said the property drops off on the side toward Old Mill Homesteads, and the easiest way to get across it would be to widen the side of the dam going into the lake. He added that Danny Brooks had attended the neighborhood meeting and they had discussed runoff which currently drains onto his property. Dischinger said he and Brooks had walked the property the following day, and he said the site drains toward Brooks' property, hits the old NC 68 road bed, and is diverted directly into Brooks' back yard. He said if the project moves forward, he thought there would be a way to capture that water before it enters Brooks' property.

Baker asked if the dam had any historic significance, and Bruce said it was not on any historic inventory.

Paslaru asked what kind of water the development would have, and Dischinger said it would have a community well.

Regarding comments about the dam, Brown said he had made improvements to the dam on his current property in Summerfield and made it so the fire department could use the pond as a water source; he said he would be amenable to doing that here as well.

Simpson asked Milam if he had given any thought to requesting the property be rezoned RS-40. Milam said he had looked at the traffic impact and he thought an RS-40 development would have a greater traffic impact. He said he also thought there was a surplus of houses on RS-40 lots in the area, and he had been involved in developing several active adult communities.

Tammy Gardner asked Milam to explain what an active adult community is. Milam said marketing would target active older adults, but it would not discriminate against any age group. He said in the past, about 10 percent of those living in such a community were women under the age of 50 who wanted to live in a safe community.

Paslaru asked why ages 55 and up would not be required in the deed restrictions of the development. Milam said there were a tremendous amount of regulations that must be met and that type of development was more applicable to something similar to a WellSpring retirement neighborhood.

Simpson asked Carl Leybourne, who is a licensed NC Broker, to comment on the homes being priced at \$300,000 to \$400,000. Leybourne said the houses in Twelve Oaks are generally priced in the \$500,000 range, and homes in the surrounding area are probably less than that.

Gardner asked if a soil evaluation had been done. Dischinger said a preliminary evaluation had been done, which is why certain areas of the property had been designated as drain fields. He said there would be the option for two- or three-bedroom townhouses; more three-bedroom units would mean fewer units overall.

Board discussion:

Paslaru said Leybourne had brought up many issues concerning traffic, and she was not sure more traffic should be dumped out onto NC 68 at peak times. She said she had heard NC 68 could not be widened because of the Historic District and asked Bill Bruce for confirmation. Bruce said he did not know, and although DOT was studying the area, it could be years before the Town has that information.

Steve Wilson said he had the same concerns with traffic, and speeding in the area is a big concern.

Paslaru said one intersection in the area had been closed, and she was concerned that another might be opened for this development.

Baker said she had always been concerned about NC 68, and said although it was somewhat better since I-73 opened, it was still not good. She said she was also concerned about the Land Use Plan, and that something will be built on the property eventually. She said she had heard several residents speak about not having a place in the community to downsize, and that is a positive for this development.

Gardner said RS-40 would allow fewer houses on the property, but that would still affect traffic on NC 68.

Larry Stafford said he was born in Oak Ridge in 1945, and changes are coming.

Stoudemire said she agreed with others that traffic is the biggest concern. While there is greater sight distance than is required by DOT, she did not think it made sense to add traffic. She said she thought more townhouses would be developed in Oak Ridge, but she was concerned with the traffic issue and was waffling about how well the rezoning fits with the Land Use Plan.

Simpson said he was concerned that only 30 percent of the property was located in the Town Core, as well as with the dangerous road conditions. He said he thought the applicant had reached out to neighbors and had agreed to several conditions. Simpson said although the rezoning might not fully adhere to the Land Use Plan, he thought it met the spirit of it and would support the rezoning.

Patti Paslaru made a **motion** that the proposed zoning amendment be rejected based on the following: The proposed zoning amendment is not consistent with the adopted comprehensive plan of the Town of Oak Ridge. The Planning Board will provide the Town Council with a written statement that the zoning amendment is not consistent with the comprehensive plan because:

- Less than 30 percent of the property is in the currently defined Town Core;
- It does not meet Policy 5.4.1 regarding safety improvements facilitated on Highway 68 at Fogleman Road and Linville Road;
- It does not meet Policy 5.3.2, Objective 5.3 and Policy 5.2.2 of the current town plan.

The motion was seconded by **Steve Wilson**, and the vote was 4-3 in favor of the denial (Paslaru, Wilson, Stoudemire and Gardner for the motion to deny; Baker, Simpson and Stafford voting in opposition).

Simpson called for a brief recess at 8:59 p.m. and reconvened the meeting at 9:08 p.m.

- B. REZONING CASE #RZ-18-02: AG to RS-40.** The property is located on the east side of Beeson Road, approximately 1,572 feet south of the intersection with Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0165374, and 0165391, consisting of approximately 65.32 acres, and is located in the Greensboro (GW-III) Watershed. The property is owned by Alice Bennett, Theresa Pruitt and Lonnie Mabe, and Peggy Jane Cooke.

Marshall Hurley, 2400 Freeman Mill Road, Greensboro, said attorney Don Vaughan had submitted a request asking for a continuance of the case. Vaughan was not available to attend the meeting, and Hurley, who is also an attorney, asked the Board to consider the continuance request. He said neighbors have had less than two weeks to understand the significance and impact of the case. Hurley said he was surprised a sketch plan had not been submitted, and that there would be significant environmental impact involved with crossing two streams. He said the potential of extending of the road was the issue, not the rezoning request. He asked for a continuance of at least 30 days.

Simpson said he had received Vaughan's request for a continuance and had asked for guidance from the town attorney. He said he understood there were no concerns from neighbors regarding the rezoning, but only the road connection. Since that has to do with the subdivision plan review of the case and not the rezoning, Simpson said the town attorney had advised the Board to proceed with the rezoning. He said those wanting to speak could do so, but the applicant should not be disadvantaged by something the Town may or may not require.

Town Planner Taylor read the property description and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said

staff recommended approval of the rezoning with the condition that a 40-foot landscaping buffer be approved and any other conditions that the Board and applicants might agree on.

Stoudemire asked the difference between RS-40 – which was how the case was advertised – and CU-RS-40; Taylor said CU-RS-40 was more restrictive because additional restrictions were being added.

Paslaru asked about the property map, and Taylor explained that the rezoning affected two lots and that a long flag lot split the property.

Simpson explained the rules and opened the public hearing.

Proponents:

Chris Rohrer of Land Solutions, 200 S. Regional Road, Greensboro, said the applicant had proposed a 40-foot landscaping easement along Beeson Road. He said the staff report says the easement would be undisturbed, but the intent was to use it as a berm and plant trees in it. Taylor said he did not consider adding landscaping to be a disturbance. Rohrer said about 20 citizens or so attended an open house. Most said they were concerned with a possible street connection on Cape Fox Road. He said the rezoning was consistent with the zoning of the adjoining properties, and with Objectives 1.2 and 4.2 of the Land Use Plan.

Lindsey Stewart said she and her husband had the property under contract to purchase, and that they live less than a mile away.

Opponents:

Mark Dyas, 5704 Cape Fox Drive, Oak Ridge, said many Foxbury neighbors had just learned about the proposed rezoning, yet in that short time they had obtained 104 signatures in four days of residents opposing the rezoning and specifically of the connector road. He said they were concerned about the environmental impact of crossing two streams bordering the property, and that the area is often flooded after heavy rains. He said many were also concerned about the increased traffic the road connection would bring to the Foxbury neighborhood. He said Foxbury residents and the developers wanted the same thing when it came to not connecting the road, and that the developers also would have increased financial costs if the connection is required. Dyas said although there would be less than 50 homes and a requirement for only one entrance, he had been told the developer wants to build two entrances. He said the developers had been reluctant to submit a street plan because they felt pressure that they would be required to make the road connection or the rezoning would not be approved by the Town. Dyas said he had spoken with a resident of Linville Oaks, who had also been adversely affected by a road connection required by the Town. He also said a road connection in the Riverside development had not been required.

Kari Thein, 5621 Cape Fox Drive, Oak Ridge, presented a petition to the Board, which is hereby incorporated by reference and made a part of the minutes, that now had 108 signatures on it. She said the neighbors in the previous rezoning had gotten the developers to agree to seven conditions, and they were only asking for one. She said Foxbury looked forward to having good neighbors, and they would all go away

if the Town approved the rezoning but agreed to never connect the road between the developments.

Brooke Beckett, 5623 Cape Fox Drive, Oak Ridge, said she had bought her property because of the location; although there is flooding in the area, it is also quiet. She spoke about the number of children and people with special needs living in that part of the neighborhood and cited safety issues as a reason not to connect the road.

Al Leonard, 5620 Cape Fox Drive, Oak Ridge, said he had been a member of the Guilford County Planning Board for the last five or six years, and said the connection issue is the main concern of neighbors. He said he appreciated that the developers want to invest in the community, but because of the streams and the economic concerns of crossing them, he could understand them not wanting to make the connection. He said they want to be good neighbors, but they also want what is best for their neighborhood.

Marshall Hurley, 2300 Freeman Mill Road, Greensboro, said it appears there is no opposition to construction but there is no desire for the connector road. He asked again that the Board consider a continuance.

Stephen Thein, 5621 Cape Fox Drive, Oak Ridge, said the environmental and safety concerns with the connector had been discussed. He said Foxbury's roads are narrow and have no street lights, and the idea of increasing traffic incrementally was a safety and an environmental concern. He said the Land Use Plan discourages cut-through traffic in Policy 5.2.2.

Rebuttal – proponents:

Chris Rohrer said sketch plans had not been submitted because they take time and money, something the developer did not want to spend at this time. He said he did not think the developers could impose a condition not to make the road connection without it being detrimental to the case. He said they would attempt to create a design without a connection that would satisfy all involved.

Rebuttal – opponents:

Mark Dyas said they were trying to remove the ambiguity and be transparent so everyone was on the same page. He said out of concern for the residents and the developer, the Town needed to show that it cares for its residents.

Brooke Beckett said she agreed with Dyas. She said she understood the Land Use Plan is a guide, not a requirement. She said if the Board was supposed to do what is best for residents, it should now do what was right.

The public hearing was closed.

Board questions:

Paslaru asked Bruce about the Thoroughfare Plan. Bruce said it was part of the Land Use Plan.

Simpson said the Board was required to hold a public hearing on the rezoning request, but a subdivision plan was a technical review that does not include a public

hearing. He said this was the only chance to speak about the rezoning, and asked how the public could be heard when it was time to review the subdivision plan. Bruce said even though the subdivision plan is a technical review and not a public hearing, it is still a public meeting and is open to anyone who wants to come. He said he had told Dyas that the public hearing was the time to come speak on the matter, but said there were ways to slow or discourage traffic that would be reviewed on the subdivision plan. He explained that there is a waiver process that has been utilized before regarding a street connection, and the developer has the option of trying to change the ordinance or applying for the waiver if they do not wish to make the street connection.

Paslaru said that was the same issue with the road connection between Linville Oaks and Knight's Landing, but the Board felt it had to make the connection. Bruce said that was a little different because that zoning required the developer to present a sketch plan showing the connection.

Gardner said no one at the meeting seemed to want to the street connection, which would also be cost prohibitive, and asked how the Board could achieve that. Simpson said the Town generally wants connectivity, but he recalled when a waiver had been approved because the connection would have required crossing a swamp.

Paslaru asked when the applicant could request a waiver, and Taylor said there were two separate processes – the rezoning and the subdivision plan, which could include a waiver request. He said although the subdivision plan is not a public hearing, the Board could decide to take comments.

Baker asked about what kind of notice was required. Taylor said state statute requires adjacent neighbors to be notified, but the Town took that a step further and notified all within 500 feet. He said they also have to advertise in a major newspaper, and Town Clerk Sandra Smith added that the Town also advertises in the Northwest Observer. He explained that statute requires the notification and advertising to be done 10 to 25 days before the public hearing, so there is a narrow window. Baker reminded those in attendance that, as far as the rezoning, the Planning & Zoning Board is an advisory board.

Mark Dyas asked several questions. Simpson finally asked him not to interrupt any more. He said the Board had been told the developers did not want to submit a waiver at this time for fear of having the rezoning denied.

Nancy Stoudemire made a **motion** to recommend approval of Rezoning Case RZ-18-02 based on the fact that it is consistent with the Land Use Plan of the Town of Oak Ridge. **Patti Paslaru** seconded the motion, and it was passed by a 6-1 vote (Gardner voting against).

4. **NEW BUSINESS (CONTINUED)**

B. Consideration of Jason Streck as Planning & Zoning Board alternate.

Bobbi Baker made a **motion** to recommend approval of Jason Streck as an alternate on the Planning & Zoning Board. **Steve Wilson** 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 10:18 p.m. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Ronald D. Simpson
Chair