



**OAK RIDGE PLANNING & ZONING BOARD MEETING
MAY 24, 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
Ed Treacy, Alternate (Not sitting)
Jason Streck, Alternate (Not sitting)

Staff Present

Sandra Smith, Town Clerk
Sean Taylor, Planning Director

1. CALL TO ORDER

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

2. APPROVE AGENDA

Bobbi Baker made a **motion** to approve the amended meeting agenda after moving item 6. Public Comments to before New Business. **Patti Paslaru** seconded the motion, and it was passed unanimously (7-0).

3. APPROVE MINUTES

Bobbi Baker made a **motion** to approve the minutes of the April 26, 2018 meeting. **Tammy Gardner** seconded the motion, and it was passed unanimously (7-0).

4. PUBLIC HEARINGS

A. REZONING CASE #RZ-18-03: AG to RS-40. The property is located on the south side of Forsyth Road, approximately 3,437 feet south of the intersection with Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcel #0168305 consisting of approximately 27.06 acres, and is located in the Greensboro (GW-III) Watershed. It is owned by VANCO Properties LLC.

Planning Director Sean Taylor read the property description and presented the staff report, which is hereby incorporated by reference and made a part of the minutes.

Simpson opened the public hearing.

Proponents:

Engineer Vince Townsend, 7A Wendy Court, Greensboro, spoke on behalf of the applicant. He said RS-40 zoning was the best option for the property, and that the request was fairly straightforward.

Opponents:

Frank Carroll, 1389 Forsyth Road, expressed concern about more individual wells being drilled. He said a water system supplied water to the Harvest Ridge subdivision that was only about 1,400 feet away, but said the developer had said it was too costly to connect to it. He asked who would be responsible if nearby wells are affected, and whether NCDOT would take care of damage to the road as a result of construction vehicles. Carroll also said the property was surrounded by agriculture, which could mean there is night work, animals, etc. He said he was not opposed to or in favor of the rezoning, but he just had questions.

Barry Cain, 1390 Forsyth Road, said he had no delusions that anything he said would affect the rezoning. He said he had grown up on the road and realized the rezoning represented progress. Cain said he wanted to keep the area rural, and emotionally added that the land on Forsyth Road had been in his family for 150 years. He said his cousin was selling the property for development, but that it hurt.

Sam Cain, 1400 Forsyth Road, said he was not opposed or in favor of the rezoning. He said six generations of his family had lived on the road. He asked if he would still be able to farm his land, or if he would have to conform to the rezoning and live by HOA rules.

Simpson told Cain he would still have full use of his land.

Rebuttal – proponents:

Vince Townsend said he had held a neighborhood meeting, which about six people attended. He said many of the same questions were asked at that meeting as had been asked during the public hearing. He said connecting to the nearby water system was not financially feasible, and that DOT was responsible for maintaining the road.

Rebuttal – opponents:

None

Simpson closed the public hearing.

Board discussion/questions:

Simpson said during rezoning hearings there are always concerns about water. He asked Planning Director Taylor whether any water studies were being done. Taylor said the Town was currently engaged in a water study but the results would not be released until sometime in the future. He added that he had heard of no complaints of wells going dry in about the past year since he had been in the area.

Sam Cain responded that his well had gone dry.

Baker asked if the water system neighbors had spoken of was from Forsyth County. Townsend said yes, but that it crosses into Guilford County. Regarding any damage to the road, Baker said DOT would handle that, and questions and concerns need to be directed to them. She said she understood it was a difficult thing to see land that had been in one family for 150 years transition. She said that represents stability in the community. Baker said those whose property is zoned for agricultural use can continue to use it agriculturally.

Gardner said she assumed the developer had explored options for extending the water from Forsyth County, as well as a community well. Townsend said yes, but said neither of those options made sense with the small number of lots being planned. Gardner said with a community well, there is more flexibility on the size of the lots.

Larry Stafford said he remembered the grandparents of several people attending the meeting that had lived on Forsyth Road. He sympathized with their feelings, saying he had seen similar development on his family's farm.

Simpson said there was nothing in the Town's ordinances that would require a developer to connect to a nearby water source. He agreed that NCDOT would handle any road damage. He said he understood it was hard to see agricultural property developed, but that property owners have the right to sell and develop their properties.

Nancy Stoudemire made a **motion** to recommend approval of the request to rezone the land because it is consistent with the Oak Ridge Future Land Use Plan, it is reasonable, and it meets the Town guidelines. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

B. REZONING CASE #RZ-18-04: CU-LB to CU-GB. The property is located on the east side of NC Highway 68 North, approximately 640 feet southeast of the intersection of NC Highway 68 North and Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0166233, and 0166234, consists of approximately 3.164 acres, and is located in the Greensboro (GW-III) Watershed. It is owned by Twilight Outparcel Two LLC and Twilight Outparcel Three LLC.

Planning Director Sean Taylor read the property description and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He stated the conditions, which include that all uses within the GB zoning category will not be allowed except for warehouse/mini-storage, and the following development conditions:

1. Proposed buildings will have the same architectural elevations as presented to the Planning and Zoning Board and Town Council during the rezoning hearing (subject to site-plan and architectural approval by the Planning and Zoning Board).
2. There will be a dense landscaping buffer along the southern border of the property to shield the development from view.
3. The preliminary site plan (subject to Planning & Zoning Board Site Plan approval) shall be what the developer builds with minor adjustments allowed.

Taylor said the request is consistent with the Land Use Plan, and that staff recommended approval. He said he thought a loophole in the ordinance would allow the applicant to divide the properties into three separate properties held by separate LLCs, with each having a storage facility of up to 30,000 square feet on each property.

Simpson opened the public hearing.

Proponents:

Philip Cooke, 1692 NC 68 North, introduced himself and the development team which included Sean Jones and Chad Hockaday of AAA Storage, who would be partners in the project. He also introduced attorney Jay DeVaney. Cooke said the property would typically lend itself to office use, but there had been no interest in that; a feasibility study has shown a need and strong probability for success if the property were developed as a mini-storage facility. He said initially they had thought about requesting a text amendment to rezone the property for Light Industrial use, but DeVaney had come up with this alternative. He said an architectural firm had created a design they felt would work in Oak Ridge just outside the Historic District. Cooke said he thought the visual impact would be minimal, and that the property would be gated and lighted for security. He added that the use is not a significant traffic generator.

Attorney Jay DeVaney, 701 Green Valley Road, Greensboro, spoke in favor of the rezoning. He said the plan was for three separate and distinct lots with a building of less than 30,000 square feet on each lot.

Opponents:

Mike Stone, 8112 Hunting Cog Road, who is a former member of the Planning & Zoning Board, said a request from Central Baptist Church had been turned down several years previously because the plan was perceived as being a work-around the ordinance. He encouraged the Board to consider that.

Rebuttal – proponents:

None

Rebuttal – opponents:

None

Simpson closed the public hearing.

Board discussion/questions:

Board members asked Cooke, DeVaney and the development team questions and discussed various issues including fire department access, hours of operation, access to the site, plans for build-out, security and lighting, landscaping/screening, and the need for such a facility. Conversation then ensued about the ordinance.

Stoudemire said it seemed as if the applicants were just trying to make the ordinance work for them. Cooke said different properties often are managed by the same leasing agent, such as at Oak Ridge Commons. He said they were not trying to get around anything, but were just trying to use the ordinance the way it is written

to provide something good for the Town. DeVaney said he did not think it was wrong to look at the ordinance and see how they could comply with it. Simpson said he was not persuaded by the position statement that had been submitted by the applicant, that he did not want to set a precedent, and that he felt having three separate buildings with different owners was just a gimmick.

Steve Wilson asked if the property being discussed adjoins the Oak Ridge Military Academy campus. When shown that it did, Wilson, as chairman of the ORMA Board of Trustees, offered to recuse himself. Board members discussed whether Wilson's position on the ORMA Board constituted a conflict of interest.

Bobbi Baker made a **motion** to allow Wilson to remain seated. **Patti Paslaru** seconded the motion, and it was approved unanimously (7-0).

Tammy Gardner made a **motion** to approve the rezoning request as it conforms with the Land Use Plan. The motion died for lack of a second.

Patti Paslaru made a **motion** to recommend denial of the request as it is inconsistent with the intent of the Land Use Plan, it is not reasonable, and it is not in the public interest. **Larry Stafford** seconded the motion, and it was passed by a 6-1 vote (Gardner voting against).

Simpson then called for a 5-minute break.

5. PUBLIC COMMENTS

- Frank Carroll, 1389 Forsyth Road, said the rezoning on Forsyth Road had turned out as he expected. He said the Board and Planning Director Taylor had the opportunity to impose conditions on the developer, and not requiring them to extend water to the site was a mistake.
- Mike Stone, 8112 Hunting Cog Road, brought up a topic he had discussed before about having citizens get involved earlier in the rezoning process. He encouraged the Board to work with citizens to make that happen.
Larry Stafford commented that developers had held neighborhood meetings at Town Hall prior to the rezonings on Forsyth Road and on Beeson Road. He said he had attended both as a citizen.
- Councilwoman Ann Schneider, 8506 Rosedale Drive, said the Land Use Plan says the Town wants to provide incentives to maintain the viability of agriculture in Oak Ridge, and that she feels that is very important.

6. NEW BUSINESS

- A. Subdivision Case #SUB-18-01: Knights Landing Phase 2.** The property is located on the south side of Haw River Road, connected by a right of way on Linville Road approximately 800 feet south of Haw River Road, in Oak Ridge Township. It is Guilford County Tax Parcel 0166301. This subdivision consists of 33 lots, right-of-

way dedication, and open space. It is zoned PD-R, and is owned by Agency Partners LLC.

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

Paslaru asked if there were any trees or landscaping near the entrance on Linville Road. Taylor said he would need to check the approved landscaping plan.

Will Shaw of Hugh Creed Associates, 1306 W. Wendover Avenue, Greensboro, corrected the property description, saying that this phase was for 27.95 acres. He said all lots were 20,000-21,000 square feet because there is a community well, and the plan conforms to the previously approved Unified Development Plan. He said a private company had checked for streams and environmental issues, and the only thing notable around the tract is some wetlands around the pond on the southern part of the property.

Simpson said Phase 2 would provide a connection to Linville Road, which should help with disbursing traffic.

Patti Paslaru made a **motion** to approve the request after correcting the staff report to say 27.95 acres. **Steve Wilson** seconded the motion, and it was passed unanimously (7-0).

- B. Subdivision Case # SUB-18-09: Subdivision name to be determined:** The property is located on the west 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, and consists of approximately 64.64 acres. This subdivision consists of 44 lots, a 40-foot buffer along Beeson Road, and tree preservation and open space. It is zoned CU-RS-40, and is located in the Greensboro (GW-III) Watershed. The property is owned by LJ Investments of Guilford, LLC. An application for waiver of stub street connection is included with the subdivision request.

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

Chris Rohrer of Land Solutions, 200 S. Regional Road, Greensboro, presented the request to waive the street connection. He said such waivers are allowable if physical hardship or equal or better performance is proved. He provided a report by Pilot Environmental which states that two streams are present in the area of the proposed road connection, and a wetland pocket with crayfish and salamanders exists. He said the potential connection would require extensive permitting, including but not limited to the Army Corps of Engineers. Regarding the construction of a possible road connection, Rohrer handed out a drawing of the original street design for Cape Fox Drive, which showed a downward projected slope of 4.35 percent in the area of the possible road connection. He said using existing DOT standards, the connection could not be made without extensive grading and land disturbance, which would create excessive buffer removal. He said large culverts would be necessary, and then the stream beds would need to be lowered so the culverts would adequately drain. Rohrer said both physical hardship and equal or better performance could be proven, and added that having only 44

lots only requires one entrance. He said the developer had added proposed stub locations to the north and the south of the property. Although it was not shown on the proposed preliminary plat or the road connection waiver, but Rohrer said the applicant was willing to dedicate a 20-foot public pedestrian access easement from the proposed northern stub of the subdivision through the common area and wrapping around to the cul-de-sac to the east, providing connectivity between the subdivision and the Foxbury subdivision.

Patti Paslaru made a **motion** to approve the waiver and accept the additional dedication of a trail easement as offered by the applicant. **Bobbi Baker** seconded the motion, and it was passed unanimously (7-0).

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

7. ADDITIONAL PUBLIC COMMENTS

- Chris Rohrer of Land Solutions commented on Mike Stone's request to involve the public more in rezoning requests. Rohrer said he would urge the Board to be careful if it considers Stone's request. He said it could create a vicious circle and it is impossible to make everyone happy.

8. ADJOURNMENT

Tammy Gardner made a **motion** to adjourn the meeting at 9:16 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