



**OAK RIDGE PLANNING & ZONING BOARD MEETING
JULY 28, 2016 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Bobbi Baker, Vice Chair
Carl Leybourne
Patti Paslaru
Larry Stafford
Tammy Gardner

Staff Present

Bill Bruce, Planning Director
Sandra Smith, Town Clerk

Members Absent

Ron Simpson, Chair
Nancy Stoudemire
Brian Eichlin, Alternate
Ed Treacy, Alternate
Steve Wilson, Alternate

1. CALL TO ORDER

The meeting was called to order by Vice Chair Bobbi Baker at 7:00 p.m.

2. APPROVE AGENDA

Patti Paslaru made a **motion** to approve the agenda. **Tammy Gardner** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF THE MAY 26, 2016, MEETING

Carl Leybourne made a **motion** to approve the meeting minutes. **Patti Paslaru** seconded the motion, and it was passed unanimously (5-0).

4. PUBLIC HEARINGS

A. REZONING CASE # RZ-16-03: AG to RS-40. The property is located on the west side of Bridgehead Road, approximately 1,900 feet south of Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0167806 and 0167835, is comprised of approximately 29.3 acres, and is owned by Gregory H. and Mary B. Campbell and the heirs of Richard Parker Barrow. The property is located in the Greensboro (GW-III) Watershed.

Planning Director Bill 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. Bruce stated that the request is for RS-40 zoning with no

conditions. He explained that an earlier request to rezone the property Rural Preservation District (RPD) was denied because there were no significant environmental or historic resources on the tract to be preserved as dedicated open space. He said the Land Use Plan recommends RS-40 for development on tracts outside the town core with marginal environmental, agricultural, historic or community open space value. Bruce said the applicant had mailed a letter to neighboring property owners and had held a meeting at Town Hall, and that he could elaborate on the outreach efforts. Staff recommended approval of the rezoning request.

Baker opened the public hearing.

Proponents:

Anthony Donato spoke in favor of the rezoning, saying he represented the buyer, Bridgehead LLC. He said the first attempt was to rezone the property to RPD. He said this request for RS-40 zoning was consistent with the Land Use Plan, and lots would be one acre or larger. He said he felt RS-40 was consistent with other RS-40 developments, particularly Harvest Ridge, which is located nearby. Donato said there had previously been a disagreement between some of the property owners, but everyone was now comfortable and on board with the proposal.

Steven Barrow said he represented the heirs of Richard Barrow, and that his father had passed away last year and was unable to see the plan through. Barrow said he was born and raised on the property, and asked the Board for approval so that others could share what he did growing up here.

Opponents:

Sherrie Watson said she was speaking on behalf of several members of the Watson family, who live on Bridgehead Road. She said they were concerned about the entrance to the development and all the traffic going in and out. She said they wanted to make sure it was safe, but did not see how it could be with the small entrance to the property.

Craig Byles spoke on behalf of his mother and aunt, who own adjoining property. He said they also had concerns about the capability of the road and the small area that would be the entrance to the subdivision. He said they believed the current agricultural zoning is appropriate for this location.

Rebuttal - Proponents:

Donato said he had forgotten to mention the community outreach done; the Town notifies all property owners within 500 feet of the property of the rezoning request, but he had sent letters to all within 1,000 feet. The letter gave both his phone number and email address, and offered to discuss the plan. He said he also held a meeting for neighbors at Town Hall. He said he understood the concerns about the road, but they had emails from NCDOT that said Bridgehead Road was equipped to handle 4,000 cars per day, and a 27-lot subdivision would only add 270 trips per day to the road. He said the road does need some repair, and the DOT has it scheduled for repaving in the future. He said the addition of the subdivision might even get it repaved sooner. Donato

said the DOT had no concerns about the intersection of Bridgehead Road and N.C. 150. He also said the entrance to the subdivision on Bridgehead Road was wide enough to meet requirements.

Rebuttal – Opponents:

Craig Byles said that although the applicant had sent out letters to neighboring property owners, it was not received until Saturday prior to the Monday meeting. He also said that Donato had said earlier that he was representing the buyer, but the letter said that Donato was the buyer.

In response, Donato said he was the LLC.

The public hearing was closed.

Board discussion/questions:

Baker pointed out that the Board would not be discussing specific plans for the property, but only whether the RS-40 zoning requirements were met.

Gardner asked how many houses would likely be built on the 29 acres. Donato said although they planned for 27, they would likely only get 25 or so.

Larry Stafford asked when the neighbors received letters from the applicant. Donato said they were sent out by FedEx and some were delivered on Friday, while others were delivered on Saturday. Stafford said applicants should give neighbors adequate notice, rather than sending out a letter on Friday regarding a Monday meeting. Paslaru asked how much notice is required; Bruce said the Town is required to send notices 10 to 25 days before the public hearing. He said there is no requirement on the amount of notice given by the applicant.

Paslaru asked if Donato had plans to repair the road. Donato said he did not say the road was in disrepair, but said that DOT said they would repair the road as needed until resurfacing is done. He said he might be able to resurface the road himself if he could afford it, and he was staying in touch with the DOT throughout this process.

Paslaru asked about the 50-lot maximum per entrance rule and what would happen to the people at the end of the road if the rezoning is approved. Bruce said as a result of questions, staff had researched Council meetings several years ago in which that part of the ordinance was created and determined that the 50-lot maximum rule applied to individual subdivision streets, not collector roads. He said the rule would not apply here because Bridgehead Road is not a subdivision street.

Carl Leybourne made a **motion** to recommend the rezoning request based on the fact that it meets the requirements of the ordinance. **Tammy Gardner** seconded the motion, and it was passed unanimously (5-0).

B. REZONING CASE # RZ-16-04: RS-30 and PI to CU-TC-R. The property is located on the north side of Oak Ridge Road, approximately 200 feet west of Zack Road in Oak Ridge Township. It is Guilford County Tax Parcels 0162860, 0163177, and 0163221, is comprised of approximately 15.9 acres, and is owned by Oak Ridge

Society Foundation Inc. The property is located in the Scenic Corridor Overlay Zone and the Oak Ridge Historic District (part).

Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the requested Town Core-Residential (TC-R) zoning was new. It was created in response to the Land Use Plan update, which says densities of up to two units per acre are appropriate within the Town Core with other factors to be considered. The new zoning also would allow other types of housing, such as town houses and twin homes. Bruce said in this case, the applicant had included a condition that only single-family residences would be constructed. He explained that zoning conditions specifically apply to the property and run in perpetuity. He said the second condition imposed was that there would be a maximum of 13 lots, which was much less than would typically be allowed in this zoning. He said the zoning would be consistent with the adjoining Whitaker Estates, which has 25,000- to 30,000-square-foot lots. Bruce said the historic Commandant's House, which is on Oak Ridge Road, will remain, and that the Historic Preservation Commission said the rezoning would have no impact on the Historic District. He outlined several reasons why the rezoning would be appropriate, and said that staff recommended approval of the rezoning.

Baker opened the public hearing.

Proponents:

Bob Dischinger with Evans Engineering spoke, representing LD Equity Inc., which is under contract to purchase the property. He said Eric Dischinger and Buddy Lyons of LD Equity were also present at the meeting. He said prior to filing the request, they had discussed the site and visited it with staff to determine the most appropriate zoning. He passed out a handout to the Board, which is hereby incorporated by reference and made a part of the minutes, and went through each of the sections with them.

Ashley Angel spoke on behalf of her father, Irvin Angel, who is president of the Oak Ridge Society Foundation, owner of the property. She said the net proceeds of the property sale would be donated to Oak Ridge Military Academy, and the Foundation hoped the unencumbered funds would help keep the Academy open for another 160 years. In response to a question from Leybourne, Angel said the purpose of the Foundation is to provide scholarship funds to ORMA.

Opponents:

Laura Hines said her primary objection was with the zoning request change. She then read a letter from Ken Olsen, who is also a Zack Road resident, that outlined Olsen's objections.

Mavis Liggett, a 29-year resident of Zack Road, said she moved there because of the woods behind her house, and said she thought it would be unconscionable to develop the property.

Ronnie Hancock said he moved to the area two years previously because of the low density. He said he understood progress was necessary, but not when it was simply being done for progress' sake.

Theresa Masten said she was concerned with adding an additional 13 wells, as some Zack Road residents already had water problems. She said she lives at the end of Zack Road at the bottom of a hill and already experiences runoff problems. She said she was also concerned what would happen to the wildlife on the property.

Brenda Wells said it was interesting that the ones in favor of the rezoning did not live near it. She said she was concerned about overcrowding at local schools, and that she did not want her neighborhood to be overtaken.

Gary Baysinger spoke against the rezoning, and said he had lived in Oak Ridge for 31 years. Since this was the first request for the new type of zoning, Baysinger said it would not just affect Zack Road. He asked if the development would have sidewalks or trails.

Jamie Dowdy said the area is already overdeveloped, and that she did not want a \$400,000 house behind her \$150,000 house. She said her neighbor had water problems, and she would be next to have them. She said the development would not increase her property value, but would only increase her property tax. Dowdy said she did not understand why the property had to be rezoned if they want single-family residences on it.

Ginger Olsen said the Zack Road residents were not against progress when it was done with respect. She said they are ones who pay taxes, who go to Oak Ridge Commons, and who live here. She said even though the world is in chaos, Zack Road residents can come back to their homes, which she described as a little piece of heaven. She asked that the current residents be respected, that the wildlife be considered, and that the Board remember that Oak Ridge has been called God's country, and it should not be destroyed.

Rebuttal – Proponents:

Bob Dischinger said several of the issues, including those regarding stream buffers, tree preservation and the intersection near N.C. 150, will all be addressed at the site plan stage and that NCDOT will have input. He said the rezoning was only about land use. He said he had heard concerns about wells going dry, and he had contacted John Nykamp of Guilford County; Nykamp had told him about a well drilled on Zack Road that was about 600 feet deep and had very low flow. He said the contractor said the told the property owner he could keep drilling deeper or perhaps try a new location, and the property owner elected to do neither. He said another well was drilled about 800 feet away; it was only 180 feet deep and had very good flow. He said Nykamp pointed out that drilling wells is a hit-and-miss proposition. Dischinger also noted the 1998 USGS study which said that groundwater is recharged better in areas with stream buffers and tree preservation areas. He said Gene Mao with Guilford County also said storage is good in the aquifer in this area. Regarding leaving the zoning the same, Dischinger said part of the property is zoned Public and

Institutional (PI), and residential development cannot go there. He said he had met with Bruce and discussed the issues and they thought TC-R was better than RS-40 here because RS-40 requires wider lot width, which means the road would have to be longer and development would be more spread out, which is worse environmentally. He said clustering the development more would create better water recharge.

Rebuttal – Opponents:

Ronnie Hancock said he knew when drilling wells that you might or might not get water. Regarding the width of the lots, he said he was not really concerned about the developer's plans. He said he wished them success, but not at the expense of him or his neighbors.

Gary Baysinger said he understood building the development further away from the stream and the old trees was good, but that also would cause it to be closer to Zack Road neighbors.

Mavis Liggett said the development was not in the best interest of all, but only a handful.

Theresa Masten asked about the offsite septic, where it would go and what kind of impact it would have on the other homes.

Diane Baysinger said, regarding the people who stopped drilling a well at 600 feet, that they did not have a choice because financial constraints prohibited them from drilling deeper or elsewhere.

Gary Baysinger said he supported ORMA, and that was not the issue here. He said the land would still be sold, even if this rezoning is not approved.

The public hearing was closed.

Board discussion/questions:

Leybourne said this was the first TC-R zoning brought before the Town. He asked Bruce to summarize the spirit and intent of what it was created to do. Bruce said the original concern was about moderately priced housing, and that developers said density is what dictates home prices. He said the Land Use Plan committee thought allowing a higher density would allow more moderately priced housing to be explored. He said that part of the problem is that soils are not always conducive to that. Bruce said he thought the idea was to allow higher density, but the intention was to get a different product. Leybourne said the way Bruce had just described it, this rezoning request does not meet the objectives of the Land Use Plan, but is just a way to allow developers to get higher density. Bruce said he thought infrastructure limits density, and the soils in this area may not be able to fully implement the intent of the Land Use Plan.

Gardner asked how many people in the neighborhood had seen the proposed layout for the development, and she was told none. She said although it was subject to change, it might behoove neighbors to take a look at it.

Stafford pointed out that the people who owned property beside Zack Road probably said the same things 30 years ago that the Zack Road residents had just said. He said to prevent development near him, he had bought a farm.

Patti Paslaru made a **motion** to take a 5-minute recess at 8:33 p.m. **Tammy Gardner** seconded the motion, and it was passed unanimously (5-0).

Patti Paslaru made a **motion** to reconvene the meeting at 8:38 p.m. **Carl Leybourne** seconded the motion, and it was passed unanimously (5-0).

Carl Leybourne made a motion to deny RZ-16-04 on the grounds that although it meets the technical requirements, it does not meet the intent of the zoning. **Patti Paslaru** seconded the motion, and it was passed unanimously (5-0).

5. NEW BUSINESS

Subdivision Case # Sub-16-08: Berrier Ridge. The property is located at 1830 Oak Ridge Road, on the south side of Oak Ridge Road approximately 1,100 feet west of Williard Road, in Oak Ridge Township. The applicant seeks approval for a 6-lot subdivision and right-of-way dedication on a total of approximately 10.12 acres. The property is Guilford County Tax Parcel #0165486, zoned RS-40, Greensboro (GW-III) Watershed, Scenic Corridor Overlay Zone. The applicant is Mark Disney; the designer is Land Solutions.

The Board discussed various aspects of the plan.

Patti Paslaru made a **motion** to approve the subdivision plan. **Tammy Gardner** seconded the motion, and it was passed unanimously (5-0).

6. PUBLIC COMMENTS

Mark Disney said he thought the Board had made the right decision on the Zack Road rezoning.

Ann Schneider, who was a member of the Land Use Plan Committee, spoke on the TC-R zoning. She said the intention was to allow more moderately priced housing on up to two units per acre. Although it did neither in this case, it was not a loophole and was not counter to the intent of the plan because it allowed the applicant to lay out lots in a more flexible manner. She said RS-40 has minimum requirements for lot width, and she thought the zoning seemed more appropriate than RS-40 when considering the historic aspects of the property. Leybourne responded that flexibility and economic factors are not why he is a member of the Board. He said PD-R zoning was eliminated because developers use of it did not meet the intent of the ordinance. He added he did not think the Town could mandate the price of houses.

7. ADJOURNMENT

Carl Leybourne made a **motion** to adjourn the meeting at 8:58 p.m. **Tammy Gardner** seconded the motion, and it was passed unanimously (5-0).