



**OAK RIDGE PLANNING & ZONING BOARD MEETING  
AUGUST 22, 2019 – 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Ron Simpson, Chair  
Nancy Stoudemire  
Patti Paslaru  
Steve Wilson  
Larry Stafford  
Tammy Gardner  
Jason Streck, Alternate (Sitting)  
Ed Treacy, Alternate (Sitting for two rezonings)

**Staff Present**

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

**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 adding recommendation to appoint Jason Streck as a regular member of the Planning & Zoning Board. Tammy Gardner seconded the motion, and it was passed unanimously (7-0).*

**3. APPROVE MINUTES**

*Jason Streck made a motion to approve the minutes of the July 25, 2019 meeting. Steve Wilson seconded the motion, and it was passed unanimously (7-0).*

**4. PUBLIC HEARINGS**

Simpson explained the rules for the public hearings. He said one member of the Board had an interest in two of the public hearings and had asked that an alternate be seated during discussion of those cases.

*Patti Paslaru made a motion to recuse Steve Wilson during the first two cases and have Ed Treacy be seated on the Board. Larry Stafford seconded the motion, and it was passed unanimously (7-0).*

**A. REZONING CASE # RZ-19-01: CU-GB (Conditional Use-General Business) to Amended CU-GB (Amended Conditional Use-General Business).** The property is

located on the south side of Oak Ridge Road, approximately 350 feet east of the intersection with NC 68 in Oak Ridge Township. It is Guilford County Tax Parcels 0166219, 0166213, and 0166212, consisting of approximately 1.93 acres. The property is in the Greensboro (GW-III) Watershed, Historic District Overlay Zone and Scenic Corridor Overlay Zone, and is owned by Oak Ridge Foundation Inc.

Planning Director 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 request was to amend the rezoning of the same property which was approved in April. He said the only thing being amended was the development condition that required a preservation easement on the historic buildings on the Oak Ridge Military Academy campus. He said the development condition would now state: "Structures that are listed as part of the Oak Ridge Military Academy National Historic District may not be demolished as long as the applied for rezoning stays in place. Buildings that are located on the properties associated to this rezoning application to be included in the easement are the former Donnell and Holt Store, the 1938 infirmary and the cooks' house."

Treacy asked if this condition was being voluntarily brought forward by Oak Ridge Military Academy, and Taylor said yes. Simpson reiterated that the applicant had requested the amendment.

Simpson opened the public hearing.

*Proponents:*

- Steve Wilson, 8525 Scoggins Road, spoke on behalf of Oak Ridge Foundation (owner of Oak Ridge Military Academy). Wilson said the amendment would allow the academy to rent some of its buildings. He said one tenant would be an aviation simulation business, which would help students and the academy. He said he had been contacted by someone who was interested in locating an insurance office in the old infirmary, and he would also try to do something with Benbow Hall (the former Donnell and Holt Store).

*Opponents:*

- Mavis Liggett, 6517 Zack Road, said she needed to understand more about what was going to happen. She said there was talk about leaving the historic buildings and reusing them for different purposes, but she asked if that would create more paving, more lighting, more driveways and more traffic or other undesirable results. She said she thought development was getting out of control, and she would prefer to see the academy tear down the historic buildings. Liggett said she thought Oak Ridge was facing overdevelopment, which would place too much burden on the environment, the water table, and other natural resources. She said she wanted to know what the rezoning would mean and how it would affect the community.

*Rebuttal – proponents:*

- Steve Wilson said the buildings could not be destroyed or torn down because they were considered historic. He said the old armory/post office building was not that old, but they were going to allow it to be used for another purpose. He said the best they could do was to renovate and try to improve the building,

although not too much could be done on the exterior of the buildings that are historic.

*Rebuttal – opponents:*

- None

Simpson closed the public hearing.

Treacy asked about paving requirements or if the Town knew what the specific plans were. Taylor said any use would have to be allowed in the GB zoning district, but not be in the list of exempted uses. He said the proposed new business would use the existing paved parking lot. He said for any site development, there would have to be approval of a site plan. Treacy then asked if the change in the development conditions would change what could be done on the site. Taylor said the request was just to replace the development condition requiring a preservation easement that had been approved in April.

Nancy Stoudemire asked what had been the purpose of requiring a preservation easement if now the applicant was simply asking to get rid of it. Taylor explained that negotiations on the preservation easement had taken longer than anticipated, so ORMA had asked for this change to allow them to move forward on renting one of the buildings. He said the condition would still prevent demolition of the historic buildings. Stoudemire asked if the buildings could be demolished if the property is rezoned after this without the development condition. Taylor said yes, but with the current conservation-minded community, he did not see that happening. Stoudemire said she appreciated the fact that ORMA was using buildings that are already in place.

*Ed Treacy moved to recommend approval of the rezoning request. Jason Streck seconded the motion, and it was passed unanimously (7-0).*

**B. REZONING CASE # RZ-19-04: PI (Public and Institutional) to CU-PI (Conditional Use-Public and Institutional).** The property is located on the south and north side of Oak Ridge Road at the intersection with NC 68 in Oak Ridge Township. It is Guilford County Tax Parcels 0162858 and 0166211, consisting of approximately 69.9 acres. It is in the Greensboro (GW-III) Watershed, Historic District Overlay Zone and Scenic Corridor Overlay Zone, and is owned by Oak Ridge Foundation Inc.

Simpson said this rezoning also involves Oak Ridge Military Academy and includes potentially more structures and a good bit more acreage.

Planning Director 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 rezoning of the buildings involved in April included a condition that a preservation easement be placed on *all* the historic buildings on the ORMA campus, not just those that were being rezoned for commercial use. The present rezoning request is simply removing that development condition and replacing it with the following condition: “Structures that are listed as part of the Oak Ridge Military Academy National Historic District may not be demolished as

long as the applied for rezoning stays in place. Buildings that are associated to this rezoning application that may not be demolished are Maple Glade, Alumni Hall, King Gymnasium, Whitaker Dormitory, Linville Chapel, Commandants' House, 1921 Well, and Oakhurst Dormitory." He explained that the basic zoning was not being changed, but a development condition to prevent demolition of the historic buildings cited was simply being added. He said all the buildings named are visible from either NC 150 or NC 68.

Simpson opened the public hearing.

*Proponents:*

- Steve Wilson, 8525 Scoggins Road, spoke again on behalf of Oak Ridge Foundation (Oak Ridge Military Academy). Wilson said the intent was to keep the rezoning request simple. He said the rezoning would just protect the historic buildings if someone were to buy the ORMA campus.
- Miles Foy, 2328 Oak Ridge Road, said he noticed Holt Hall was not mentioned on the rezoning application; Foy asked if it was deliberately not mentioned. Taylor responded that Holt Hall was originally called Oakhurst Dorm.

*Opponents:*

- None

Simpson closed the public hearing.

*Ed Treacy moved to recommend approval of rezoning request RZ-19-04. Patti Paslaru seconded the motion, and it was passed unanimously (7-0).*

- C. TEXT AMENDMENTS.** The amendments to Chapter 30 of the Oak Ridge Code of Ordinances are proposed to ensure compliance with state statutes, to amend portions of the Utilities standards in the subdivision ordinance and to amend Conditional Use Districts ordinance. Proposed amendments include but are not exclusive of Article I - Definitions; Article VII - Zoning; Article VIII - Subdivisions.

Simpson explained that the text amendments were for changes to the Town's Code of Ordinances, but the public hearing would be handled the same as for a rezoning.

Town Manager Bill Bruce presented a memo to the Board, which is hereby incorporated by reference and made a part of the minutes. He explained that most of the proposed text amendments were related to the proposed municipal water system. The other text amendments had to do with changing the name of conditional use districts to conditional zoning, which some people may find confusing. Bruce said that the Town Council had adopted a Resolution of Intent in May, which is hereby incorporated by reference and made a part of the minutes, and instructed staff to prepare text amendments and enter into a contract with Envirolink, Inc. He said the Council had committed to reviewing a variety of things, including the financial, legal, operational and administrative aspects of such a water system before finalizing negotiations. He then explained the proposed changes.

Patti Paslaru asked whether the proposed system would pay for itself and would be no cost to taxpayers, as she had heard, or if it would require minimal tax dollars, which is what the resolution adopted by Council says. Simpson said he thought the part relevant to the Board involved the text of the amendments. Paslaru said someone would have to pay for the system. Simpson said there would be financial implications, but that was not what Board members were to be concerned with.

Larry Stafford asked if the 30-lot subdivisions specified in the text amendments were to include only those in the Town. Bruce said the ETJ area would be included as well.

Simpson asked if he understood correctly, there is nothing binding so far regarding a municipal water system; the text amendments would simply say that developments with 30 or more lots must have a community well system with infrastructure so it could one day become part of a municipal system if the Town moves forward. Bruce agreed, and said that, if approved, the Board would simply be saying that *if* the Council finds the administrative, financial, operational and legal questions are satisfactorily answered, then the text amendments would instruct a developer what to do and that the system must be deeded to the Town. Bruce said the order would be that the Planning & Zoning Board would make its recommendation on the proposed text amendments, even though no other information has been supplied to the Board.

Streck asked what would happen if the Town decides not to pursue a municipal water system in this manner, and Bruce said the text amendments would be removed. Streck asked why the Board was being asked to review the text amendments at this time. Bruce said the Town Council would be reviewing the text amendments as well as additional information compiled by the consultant. He said the Board was not getting all the information that the Town Council would, but getting a recommendation from the Board on the text amendments was a critical part of the process. He further explained that the Town would set up an enterprise fund, which would be funded by users of the water system. He said only residents on the system would be required to pay for maintenance of it.

Simpson opened the public hearing.

*Proponents:*

- None

*Opponents:*

- Ed Treacy, 8402 Parkchester Court, said he was not in favor of approving the text amendment. Treacy cited different reasons, including the fact that the Town would have to hire someone to run the system, bill customers, etc. He said residents in the first subdivision the Town acquires using this method could be saddled with astronomical costs for repairs because the cost would not be spread among residents of other subdivisions in the system. He said some 50-lot subdivisions, because of topography or other conditions, may not be suitable for a community well, but the 30-lot subdivision would mandate a community well be installed, regardless of conditions.

- Barry Siegel, 2732 Pleasant Ridge Road, Summerfield, talked about community wells, saying they may well have to be 800-1,000 feet deep to serve 30 or more homes, where individual wells could be perhaps 250-300 feet deep and give sufficient water.
- Amanda Williams, 8105 Trebbiano Court, Kernersville, said she was on a community well and many mornings the community had no water. She added that the financial burden is extreme. She said she and a lot of her neighbors had said they did not want to be on a community well system.
- Mavis Liggett, 6517 Zack Road, said a housing development is being built behind her subdivision. She said the developers of the new subdivision have drilled a well more than 900 feet deep and have a large holding tank, but it will be interesting to see what happens with water in her subdivision, even though the developer had done the required drawdown test. She said the original developer had run out of money and had to give Shugart Homes the contract. She said that community wells seem to tap the water table and the new TCR (Town Core-Residential) zoning would allow for greater density, which would be even more taxing on the water table.

*Rebuttal - proponents:*

- None

*Rebuttal - opponents:*

- None

Simpson closed the public hearing.

The Board then entered into a lengthy conversation about the text amendment. Simpson reminded Board members several times that they were only supposed to be focused on the text amendment itself and whether the language was appropriate, not whether they were for or against developing a Town water system.

*Nancy Stoudemire moved to recommend approval of the text amendments after changing the wording in section 30-863(f) and (g) to use the word "dwelling" instead of "building." Larry Stafford seconded the motion, and it was passed by a 4-3 vote (Stoudemire, Streck, Simpson and Stafford for; Paslaru, Wilson and Gardner against).*

## 5. NEW BUSINESS

- A. Subdivision Case # SUB-19-06: Oak Ridge Landing:** The property is located on the south side of Oak Ridge Road, approximately 3,177 feet east of the intersection with Highway 68, in Oak Ridge Township, consisting of approximately 81.157 acres. This subdivision consists of 49 lots, tree preservation and open space for a total of approximately 15.428 acres. It is zoned TC-R, is in the Greensboro (GW-III) Watershed, and is owned by Larry Callahan and Jack Pegg.

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

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

- B. Subdivision Case # SUB-19-07: The Farm at Oak Ridge:** The property is located on the south side of Oak Ridge Road, approximately 830 feet west of the intersection with Pepper Road and between Bridgehead Road and Union Grove Road, in Oak Ridge Township. It is zoned RS-40, is in the Greensboro (GW-III) Watershed, and is owned by Jeffrey Swisher and Paula Richards.

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

*Jason Streck moved to approve the subdivision plan. Tammy Gardner seconded the motion, and it was passed unanimously (7-0).*

## 6. OLD BUSINESS

- A. Recommendation of appointment of Maureena Shepherd as Planning & Zoning Board alternate**

Maureena Shepherd, who had applied to be appointed as an alternate on the Board, introduced herself and answered questions.

*Tammy Gardner made a motion to recommend approval of Maureena Shepherd as an alternate on the Board. Larry Stafford seconded the motion, and it was passed unanimously (7-0).*

- B. Election of vice chair**

Simpson nominated Nancy Stoudemire for vice chair. Wilson nominated Patti Paslaru for the position. With no further nominations, Simpson called for a vote.

*The vote in favor of Paslaru for vice chair did not pass by a 3-4 vote (Wilson, Gardner and Paslaru voting for; and Simpson, Streck, Stafford and Stoudemire voting against). The vote in favor of Nancy Stoudemire as vice chair passed by a 4-3 margin (Simpson, Streck, Stafford and Stoudemire for; Paslaru, Wilson and Gardner against).*

- C. Board Appointment**

*Patti Paslaru made a motion to recommend Jason Streck be moved from an alternate to a full Board member. Steve Wilson seconded the motion, and it was passed unanimously (7-0).*

- D. Other business**

Taylor said he had recently attended a conference, where he learned about legislative zoning changes, some of which took effect July 1 and others which will go into effect on January 1, 2021.

**7. PUBLIC COMMENTS**

- None

**8. ADJOURNMENT**

*Patti Paslaru made a motion to adjourn the meeting at 8:29 p.m. Tammy Gardner seconded the motion, and it was passed unanimously (7-0).*

Respectfully Submitted:

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Sandra B. Smith, NCCMC, CMC  
Town Clerk

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Ronald D. Simpson  
Chair