



C O U N C I L M I N U T E S A P R I L 1 2 , 2 0 2 2 , 6 : 3 0 P M , L A U G H L I N P R O F . D E V . C E N T E R

The meeting was called to order at 6:30pm by Tim Sessoms. Oak Ridge Town Mayor Ann Schneider provided the invocation, followed by the Pledge of Allegiance.

The following were present:

Council

Tim Sessoms, Mayor
 Lynne Williams DeVaney, Mayor Pro-tem
 John Doggett
 John O'Day
 Janelle Robinson
 Reece Walker

Staff

Scott Whitaker, Town Manager
 Dee Hall, Finance Officer
 Lance Heater, Town Clerk
 Bob Hornik, Town Attorney
 Brad Rentz, Planner/Code Enf. Officer

CONSENT AGENDA

Upon motion by O'Day, seconded by Walker and carried by a vote of 4-1 (DeVaney opposed), the consent agenda was approved. It consisted of the meeting agenda (as amended), open and closed session minutes for 3/8, and open session minutes for 3/22.

ANNOUNCEMENTS

Whitaker announced that a special called Council meeting would be held 4/26 at 6:00pm at Center United Methodist Church for the purpose of conducting an Informational Meeting with area residents regarding voluntary annexation into the Town.

PUBLIC HEARING/ACTION RE: UDO TEXT AMENDMENT CASE TA-01-2022

Mayor Sessoms declared the public hearing open at 6:40pm. The first item considered was the staff report. Whitaker noted that the staff was not making a recommendation for either approval or denial, instead focusing comments on the text amendment (TA) as proposed and asking questions to assist Council in decision-making. Rentz reviewed the written staff report and stated that the request was an application to add a new Open Space Mixed-Use-Village (OSM-V) zoning district to the current UDO. He stated the OSM-V district would allow for the implementation of form-based codes which provide more specific zoning and development regulations regarding aesthetics, building layouts, etc. for properties with this zoning. Rentz noted that a pre-submittal conference had been held 2/1 with members of Town staff per section 3.A.6 of the UDO and that on 3/28, the Planning Board had recommended approval of the request by a vote of 3-2.

Rentz reviewed the request's compliance with the Town's Comprehensive Plan, noting that it appeared to have consistency with the majority of the Plan's Objective Areas. Whitaker referred to written materials provided to Council in which the staff provided a detailed review and mark-up of the proposed TA. Rentz reviewed written materials provided to Council which outlined areas of concern and/or questions regarding the proposal.

The Mayor then called upon the applicant for a presentation. Tom Terrell, attorney representing Summerfield Farms and David Couch, referred to written materials provided to Council. Terrell referred to materials in which the applicant contended that the proposal met all Objective Areas of the Comprehensive Plan. Terrell also referred to materials in which information was provided on



the relevance of fair housing laws to the proposed TA. Terrell contended that the UDO was not in compliance with fair housing laws, stating that the UDO created a disparate impact on the affordability of housing in the Town.

Victor Dover, also representing the applicant, reviewed the request and cited examples of items contained in the proposed development which the applicant had presented as being made possible by the adoption of the TA which would not or likely would not be allowable if the amendment were not adopted. Dover emphasized that the TA was not a rezoning and that many details of any development under the proposed OSM-V district would be negotiated prior to a rezoning request and made part of a Negotiated Development Agreement (NDA).

The Mayor then called upon persons who had signed up to speak, in order of random selection.

Justin Wraight, 6302 Poplar Forest Drive, stated that he had delivered a petition to Council signed by 700 persons opposed to the proposal and disputed that it would result in a rural development.

Chris Summerlin, 5021 Shoreline Drive, expressed support for a walkable, bikeable community and stated the proposed Village plan would provide a connected greenspace.

Amy Jordan, 5687 Greendale Court, spoke in favor of the amendment and stated she looked forward to the amenities that it would provide.

Allen Holmes, 7236 Wyatt Drive, spoke in favor of the amendment, stating that growth is coming, and the Town should plan well for it. He voiced support for the protection of greenspace and population diversity.

Brian Price, 6208 McKibbin Circle, expressed support for the amendment, stating that the amendment allowed for a plan to be developed, but that it wasn't a plan and that fear shouldn't dictate the decision.

Church Brown, 6204 Moore's Creek Drive, spoke in favor of the amendment, asking if not this plan, what plan should there be to provide housing diversity and options?

Sara Couch, non-resident, spoke in favor of the amendment, citing her positive experience growing up on Summerfield Farms.

John Watson, 1765 Scalesville Road, spoke in support of the amendment, stating that it would provide housing and commercial opportunities.

Sarah Wimbush, 3700 Oak Ridge Road, spoke against the amendment and voiced opposition to high density development and apartments.

Cynthia Sundermann, 7642 Henson Forest Drive, spoke against the proposal and stated that too many non-residents were speaking at the hearing.

Cedile Stringfield, 6243 Stanback Court, spoke against the amendment and apartments.

Gary Brown, 5249 Larue Court, spoke in favor of the amendment, citing his preference for traditional neighborhood development, of which the proposed village concept is an example.

Gail Dunham, 5805 Snow Hill Drive, spoke against, stating that slow growth had served the Town well, criticized the UDO approval process, and accused a Planning Board member of having a conflict of interest.

Mike Lentz, 6305 Matheson Court, spoke against, stating opposition to apartments, increased crime, and property devaluation.



Dawayne Crite, 5805 Mashoes Court, spoke against, stating that the City of Greensboro would require property owners to tap into any proposed water system resulting from the development.

Priscilla Olinick, 3100 Pleasant Ridge Road, spoke against, stating she was sick of fighting this battle and stated that the Town should not be in fear of legal action resulting from a denial.

Elizabeth Stegall, 6212 McKibbon Circle, spoke against, citing opposition to non-contiguous properties being made part of a single request for rezoning.

Tyson Englehardt, 6995 Saratoga Court, spoke against, citing opposition to high-density development.

Sonya Cheema, 5811 Henson Farm Road, spoke against, voicing opposition to apartments and higher density.

Virginia Luckhardt, 5301 Timber Pegg Drive, spoke against, and questioned the need for more apartments when there were numerous apartments in the surrounding area.

Carrie Spencer, 8305 N. Scamper Grey Court, stated that the Comprehensive Plan contained provisions for moderately-priced housing and suggested that there be a minimum amount of acreage that would have to be contiguous to qualify under the proposed amendment.

Keisha Fyler, 8210 Paso Fino Trail, spoke against, citing traffic concerns.

Holly Summers, 5920 Khaki Place, spoke in favor, stating that two incomes were needed to afford a home in Summerfield and stated that greenspace is lost under current development rules.

Mark Brown, 6212 Horseshoe Drive, spoke in favor, stating that it would allow for a variety of housing instead of endless cul-de-sacs.

Greg Loflin, 6809 Polo Farms Drive, speaking as president of the Polo Farms HOA, stated that a survey conducted in his neighborhood was 8 for and 94 against.

Rick Hawkins, 6006 Morganshire Drive, spoke against, stating that 88% of local jurisdictions prohibited density of 30 units per acre.

Teresa Perryman, 7401 Greenlawn Drive, spoke against, stating that efforts against planned development had been ongoing since 2016 and should be ended.

Mark Mortensen, 6110 Percheron Trail, spoke against, stating that he had surveyed residents in the Bunch Road area and that less than 6% favored apartments.

Vince Graham, 5 Charles Street, Charleston, SC, representing the applicant, spoke in favor of the amendment.

Maria Adams, 5999 Morganshire Drive, spoke against, stating that the existing infrastructure could not support the proposed apartments.

Lynn Pappas, 5804 Henson Farm Road, spoke against, stating she had moved here because of the current lifestyle and ease of transportation.

Melissa Feinstein, 5791 Meadow Pond Court, spoke against, stating that the Comprehensive Plan does not support it and that it was too soon to amend the UDO.

Abigail Stanley, 6009 Morganshire Drive, spoke against, citing concerns regarding overcrowded schools.



Rick Ringler, 7200 Henson Farm Way, stating that he was a land development engineer, spoke against, stating that the TA had not been properly vetted.

Beth Kaplan, 7979 Highfill Road, spoke in favor, citing its compatibility with the Comprehensive Plan.

Nikki Price, 6208 McKibbin Circle, spoke in favor, stating that the proposed development offered amenities unlike what is currently available.

Dwayne Crawford, 1106 NC Highway 150 West, spoke against, stating that most people moved to Summerfield because of what it was, not because of what someone wanted it to be.

MJ Taylor, 409 Plainfield Road, spoke in favor, stating that as a single mother, she could not afford to remain a resident.

Darryl Hodge, 6316 Katherine Louise Drive, spoke against, stating that the community did not want the proposed development.

Bev Pappas, 5804 Henson Farm Road, spoke against apartments.

Jennifer Englehardt, 6995 Saratoga Court, spoke against, citing a desire to keep Summerfield the same.

Elizabeth Kutz, 3092 Pleasant Ridge Road, spoke against, stating that persons who don't like current development rules can go somewhere else.

Doug Stanley, 6009 Morganshire Drive, spoke against, stating the proposal was not appropriate for Summerfield.

Michael Koballa, 6200 Windcrest Drive, spoke against, citing noise pollution generated by apartments.

John Van Kemp, 7275 Wyatt Drive, stated that the citizens must be able to live together whether or not the TA is approved.

Jay DeVaney, 5836 Deer Meadows Lane, disputed the threat of lawsuits resulting from a vote to deny the TA and spoke against sewer service.

Kasey Downey, 3408 Quarter Horse Court, spoke against and expressed concern about stress on existing schools caused by the development resulting from the amendment.

Jan Cooke, 5902 Henson Farm Road, spoke against, stating that none of the proposed 1192 apartments were located in the village, resulting in traffic congestion.

Mike Kay, 5237 Creed Drive, spoke against, citing concern about losing the quality of life enjoyed today.

Kristen Gafford, 6306 Blue Aster Trace, spoke in favor, citing the importance of having all ages of persons in a town and expressed a desire to have less property to maintain.

The Mayor declared a recess at 9:21pm. The meeting was reconvened at 9:34pm.

Bob Jones, 5704 Snow Hill Drive, representing Henson Farms HOA, reported that 85% of residents responded to a survey opposed to large-scale apartments. Speaking as a resident, he liked parts of the plan but issues such as no density limit, water and sewer, the non-contiguous provision, and lack of a completed land use plan merited a "no" vote.



Jennifer Jackson, 3332 Fortis Lane, Matthews, spoke in favor.

Carl Westergard, 5807 Harriet Court, spoke against, stating that if diversity was wanted, multi-family units would be scattered throughout the development rather than in four pockets.

Karen Meacham, 7203 St. Crispins Way, spoke against, stating that a denser population would result in more crime.

Marlene Sanford, 115 S. Westgate Drive, Greensboro, spoke in favor, stated that she was a planner, and called the OSM-V district the "holy grail" of development.

Edie Foster, Asheboro resident, stating that she worked in Summerfield, spoke in favor of the amendment, stating that the proposed development would foster relationships.

Kevin Kenjarski, 6792 Meadowview Drive, spoke in favor, citing the need for housing diversity, including the need to provide the opportunity to downsize.

Eddie Gafford, 6306 Blue Aster Trace, spoke in favor, citing the advantages of walkability and bikeability.

Ashley Scales, non-resident and employee of Summerfield Farms, spoke in favor, stating she would like to live in Summerfield and noted the need for diversity.

Ken Miller, 6367 Lake Brandt Road, spoke in favor, stating his fear was that David Couch would give up on the project, with the result that less-desirable development would follow.

Ron Collier, 5139 Carlson Dairy Road, spoke against, urging the retention of rural character of the Town.

Cheri Pikett, 7804 Robinson Road, spoke against, stating that anyone who worked hard could afford to live here.

Deborah Moser, 1508 Edgedale Road, Greensboro, spoke in favor, stating that the proposed development allowed for retaining scenic vistas and provided walking and biking trails.

Brook McRea, 7478 Henson Forest Drive, spoke against, stating that citizens did not want it.

Alan Davis, 6503 Eagle Nest Drive, spoke against, stating that the applicant could build affordable housing under the current UDO.

Art Wheaton, 5848 Deer Meadow Lane, spoke against the amendment and apartments.

Elizabeth McClellan, 7103 Lentz Court, spoke against the amendment and apartments.

Sean Dwyer, 5902 Mary Hall Court, spoke against and reviewed standards within the UDO for considering TAs.

Fritz Neal, 402 Staghorn Court, Greensboro, spoke in favor of the amendment, saying it would preserve wildlife and trees.

Sarah Stafford, 7102 Henson Farm Way, spoke against, citing the overcrowding of schools.

Joshua Manning, 7102 Henson Farm Way, spoke against, citing increased traffic, overcrowding of schools, and overburdening of services.

Betty Smith, 5920 Khaki Place, spoke in favor, stating that the applicant's plan was exceptional and asked what would happen if it is not approved.



Jim Stilley, 122 Hillcrest Road, Thomasville, spoke in favor, stating that it would promote the stewardship of land and allow young people to live in the Town.

Spencer Burke, 7300 Henson Forest Drive, spoke against, stating that the development should be built under the current UDO.

Philip Cooke, 7502 Forest Creek Court, spoke in favor, stating that lack of sewer service prevents development which preserves trees and rural vistas.

Jared Williams, 6002 Armfield Court, spoke against, stating that the UDO would allow for most of what the applicant proposed with the exception of apartments.

Michael Boyer, 6502 Birkdale Drive, Greensboro, spoke in favor, stating that development absent the approval of the TA wouldn't be in line with the Comprehensive Plan.

Ben Riley, 6220 McKibbin Circle, spoke in favor, citing the need for the development in light of the state's population growth.

Michael Davies, 7340 Henson Forest Drive, spoke against, citing the considerations in the UDO regarding TAs and stated that it was not consistent with the Comprehensive Plan and not in the public interest.

Robbie Gaines, 7605 Blue Sage Court, spoke in favor of the contiguous village proposal but stated that the non-contiguous properties should not be considered and spoke against apartments.

Chip Person, 5876 Stanley Huff Road, spoke against, citing public opposition to the development and apartments.

Tim Glen, 5801 Francis Marie Court, spoke against, stating the project was too big and spoke against apartments.

David Couch, 3203 Pleasant Ridge Road, spoke in favor, stating: 1) much misinformation had been communicated; 2) the Town needed a solution to the current UDO that mandates high development costs and controls demographics; and 3) the amendment presented a pathway to a map amendment where issues of substance could be discussed. Couch proposed an elimination of the apartments proposed for the Johnson tract, a 50% reduction in the total number of apartments, and that only one apartment project would be built at a time.

Richard Howe, 7204 Haw Ridge Road, spoke against, stating that he had moved to Summerfield for quiet.

Jolinda Babcock, 5802 Henson Farm Road, spoke against, stating that half of the apartments originally proposed still left 600 apartments and that the existing OSM district would allow for almost all of what the developer proposed.

Joe Posch, 6008 Morganshire Drive, spoke against the proposal and apartments and stated the current UDO allowed for adequate development.

Alex Snider, 3503 Vernon Woods Drive, spoke against, citing the potential for increased traffic and that the existing UDO provided for higher density.

Walter Opyd, 5703 Snow Hill Drive, spoke against, citing increased traffic.

Jay Bunting, 6002 Lomond Drive, spoke against, stating that the quiet rural lifestyle would be forever changed and that the quality of life would decline.

Giselle Little, 8007 Witty Road, spoke against, expressing a desire for slow growth.



Kim Pruitt, 7410 Somersby Drive, spoke against, stating that affordable housing existed in the Town and supported slower growth.

Jason Smith, 5844 Deer Meadow Lane, spoke in favor, stating that planned development is important.

The Mayor declared the public hearing closed at 11:25pm.

The Mayor declared a recess at 11:25pm. The meeting was reconvened at 11:35pm.

Sessoms thanked citizens for attending and providing input and called upon Council members for comment. O'Day stated that it was almost impossible to separate consideration of the TA from the proposed development outlined by the applicant. O'Day stated that there were many aspects of the development that he liked; however, the community was very clearly against apartments. Robinson said this was a very hard decision but that it was Council's job to listen to citizens and the majority didn't want apartments or high-density development. Doggett expressed appreciation for citizen input and stated that he needed to look at what the Town would be in 30 years. Doggett stated that he thought the proposed development was "great" and even though the proposed apartments were a concern, he was willing to look past them.

Walker thanked the Council and staff for their work and citizens for their input and reviewed the standards for consideration of TAs as contained in UDO as follows: 1) *complies with the Summerfield Comprehensive Plan and all other adopted plans that are applicable*: Walker stated that the TA says that if there is a conflict between provisions of the UDO and OSM-V, district regulations shall govern; Walker stated that this is in direct conflict with the Comprehensive Plan and that the proposal did not protect scenic corridors; 2) *is in conflict with any provision of this Ordinance and related Town regulations*: Walker stated that the TA allowed uses that are not allowed by the UDO; 3) *is needed because there are changed conditions that require an amendment*: Walker stated that the new UDO was recently adopted using heavy citizen involvement, therefore it is hard to say that this change is needed so soon; 4) *addresses a demonstrated community need*: Walker stated that the TA addressed some needs but not nearly all, especially with the inclusion of high density; 5) *is consistent with the purpose and intent of the zoning districts in this Ordinance or would improve compatibility among uses and ensure efficient development within the Town*: Walker stated that the TA did not meet this standard, particularly with regard to the conflict provision; 6) *would result in a logical and orderly development pattern*: Walker stated that the TA would allow the largest ever development with concurrent growth and provided for the type of development which citizens have consistently said they do not want; and 7) *would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment*: Walker referred to Article 9 of the UDO, Table 9.B.1(C), General Watershed Area Performance Standards, in which in WS-III there should be no development greater than 2 units per acre.

Walker made a motion that TA-01-2022 be denied. Walker stated that the request is not consistent with the town's adopted Comprehensive Plan because of: 1) appropriate, limited, commercial development, especially Policy Area 1.4 which states that for new commercial developments, a continuous buffer of trees should be retained or planted along main roadways; Walker stated that most notably Article 4, section 6, subparagraph d of the TA allowed an OSM-V district to develop its own rules relating to this area; 2) transportation improvements, especially Policy 4.7: access to higher intensity development, which states that it shall generally not be permitted through an area of lower intensity development; for example, access to a multi-family development, major park



facility or large traffic generator shall not be permitted through a single-family residential neighborhood; Walker stated that most notably Article 4, Section 6 subparagraph B of the TA conflicted with this area; and 3) appropriate housing and residential development, especially Policy 6.1 which states that residential development in Summerfield should remain mostly low density, single-family detached housing and that appropriate instances for other housing forms, such as small attached and accessory housing should also be fostered to meet a variety of housing needs. Walker stated that the proposed TA was not in the public interest and does not maintain or promote the public health, safety, and general welfare due to multiple conflicts with the UDO and the widely-accepted Comprehensive Plan. This motion was seconded by O'Day.

DeVaney stated that the TA was not consistent with the Comprehensive Plan and did not provide details for apartments. DeVaney added: 1) the TA did not mention water or sewer or the special tax district which the applicant stated would pay for water and sewer; 2) the TA did not respect the time, energy, and money which the citizens and staff had put into the UDO; 3) did not follow plan based code, instead using form based code, which she stated was for urban areas; 4) did not satisfy the standards for consideration of TAs contained in the UDO, as previously outlined by Walker; 5) the developer had presented drawings representing development under the TA which were labeled as drafts, subject to change; 6) current OSM zoning does everything the developer wants except apartments; 7) if the TA were approved, the Town would lose all rights to govern the developer or the development for 20 years; and 7) the TA would discriminate between large landowners and small landowners. DeVaney stated that of all emails she had received, 83% were against the amendment, 9% were for, 2% were maybe, and 4% no comment.

Sessoms stated that he loved the Town and expressed appreciation to the applicant for his patience during the process. Sessoms also expressed appreciation to citizens for the thoroughness of emails he had received regarding the amendment. O'Day encouraged Couch to come back with a plan that the citizens could support. There being no other comments, by a vote of 4-1 (Doggett opposed), the motion carried.

Upon motion by O'Day, seconded by DeVaney and carried unanimously, Council deferred all other agenda items, with the exception of public comments, to the 5/10 regular meeting.

PUBLIC COMMENTS – *None.*

Upon motion by DeVaney, seconded by O'Day and carried by a unanimous vote, the meeting was adjourned at 12:09am.

Tim Sessoms, Mayor

Lance G. Heater, Town Clerk