

## **REZONING CASE #14-03-ORPL-01406**

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**REQUEST:** Rezone 82.75 acres from AG (Agricultural) to PD-R (Planned Development-Residential)

**NOTE:** Sketch Plan approval required.

**SUMMARY:** The applicant has proposed an 80 lot subdivision on approximately 82.75 acres. Proposed minimum lot size is 20,000 square feet. The proposed development also includes over 35 acres in common elements that will be used as open space, tree preservation, well sites, and septic easements as needed. A community amenity center and a network of walking trails are also proposed.

The Planning and Zoning Board must approve or deny the accompanying sketch plan as part of the applicant's zoning proposal. A separate vote for the sketch plan will be requested prior to the vote on the rezoning recommendation.

If approved, the sketch plan will be incorporated into the zoning approval. Any major deviations from the sketch plan (increases in density, changes in use, reductions in open space, removal of road connections, etc.) will require a new rezoning application and public hearing process.

Even though the PD-R district potentially allows neighborhood business uses, **NO BUSINESS OR COMMERCIAL USES ARE PROPOSED WITH THIS DEVELOPMENT.** Therefore, any change to the sketch plan to incorporate commercial or business uses would require a new rezoning application and new public hearing.

**APPLICANT(S)/PROPERTY OWNER(S):** Property owners are Kevin and DeLana Harvick. Developer is Kevan Combs.

**PROPERTY LOCATION AND DESCRIPTION:** Located on the south side of Haw River Rd, approximately 800 feet east of Linville Rd, in Oak Ridge Township. Being Guilford County Tax Parcel 0166301, approximately 82.75 acres.

### **LAND USE:**

Existing Land Use: Woods and fields

Requested Land Use: Major Residential Subdivision

Zoning History of denied cases: None

Surrounding Uses:

North: Rural residential

South: Major residential subdivision (Linville Oaks)

East: Large estate/ proposed major residential subdivision

West: Residential

**RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN:**

The Oak Ridge Land Use Plan shows this area as low density residential. The Thoroughfare Plan shows a proposed collector road connecting from Linville Oaks to Haw River Rd through this property. Also, the Oak Ridge Pedestrian Transportation Plan identifies a paved shoulder along Haw River Road.

Staff recommends that the proposed zoning amendment is consistent with the Oak Ridge Land Use Plan. Overall density is less than one unit per acre, the recommended collector road is provided, and the proposed walking trail along Haw River Rd provides a safer alternative for pedestrians than a paved shoulder.

**HISTORIC PROPERTIES:** There are no historic structures located on this site.

**UTILITIES AND COMMUNITY SERVICES:**

Availability of Public Water and Sewer: Yes \_\_\_\_\_ No  X   
Fire Protection District: Oak Ridge  
Miles from Fire Station: Approximately 2 miles  
Schools: Oak Ridge Elementary, Northwest Middle, and Northwest High

**TRANSPORTATION:**

Existing Conditions: NCDOT traffic counts from 2011 show 1100 trips per day along Linville Road and 3200 trips per day along Haw River Road at this approximate location.

Proposed Improvements: None at this time.

Projected Traffic Generation: An 80-lot subdivision can be expected to produce approximately 800 trips per day.

**PHYSICAL CHARACTERISTICS:**

Topography: Gently rolling

Regulated Floodplain and Wetlands: None

Stream Location and Classification: Three intermittent streams originate on the property and flow north to south toward the Haw River.

Watershed: The property is not located within a water supply watershed.

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### STAFF RECOMMENDATIONS:

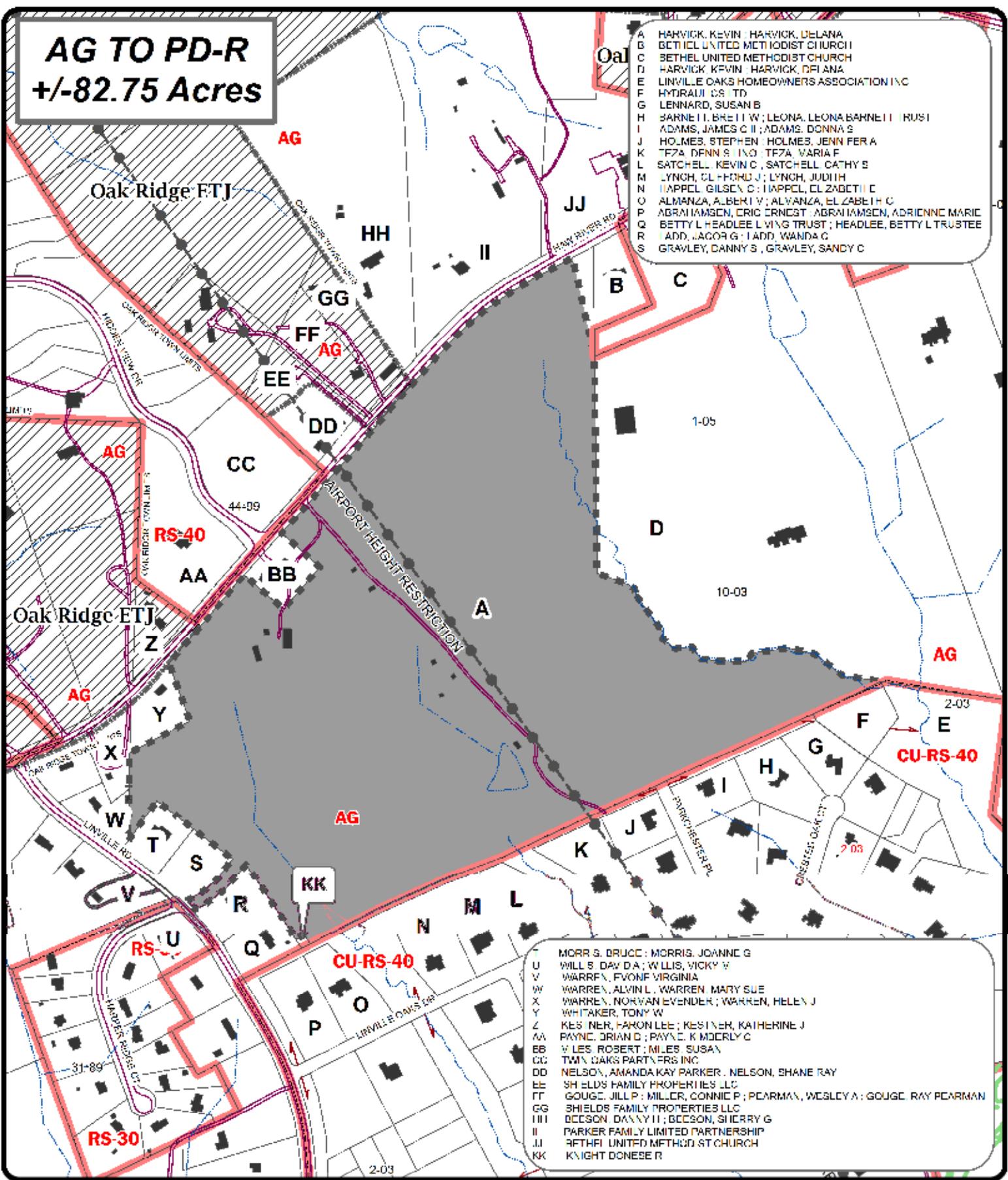
The rezoning application as submitted is consistent with the Oak Ridge Future Land Use Plan. The proposed development is consistent with the Town's desire to maintain a low-density development pattern, to preserve open space to every extent practicable, and to provide road and trail connectivity.

Staff recommends that the Sketch Plan as submitted meets all relevant map standards of the Oak Ridge Code of Ordinances and should be **approved**.

Staff further recommends that the proposed zoning amendment be **approved**.

# AG TO PD-R +/-82.75 Acres

- A HARVICK, KEVIN / HARVICK, DELANA
- B BETHLEHEM UNITED METHODIST CHURCH
- C BETHEL UNITED METHODIST CHURCH
- D HARVICK, KEVIN / HARVICK, DELANA
- E LINVILLE OAKS HOMEOWNERS ASSOCIATION INC
- F HYDRAULIC SYSTEMS
- G LENNARD, SUSAN B
- H BARNETT, BRETT W; LEONA, LEONA BARNETT / RUST
- I ADAMS, JAMES C II; ADAMS, DONNA S
- J HOLMES, STEPHEN / HOLMES, JENNIFER A
- K TFEZ, DENNIS / TFEZ, MARIA F
- L SATCHELL, KEVIN C; SATCHELL, CATHY S
- M LYNCH, CLIFFORD J; LYNCH, JUDITH
- N HAPPEL, GILBERT C; HAPPEL, CLAUDIA C
- O ALMANZA, ALBERT V; ALMANZA, ELIZABETH C
- P ABRAMIANSON, ERIC ERNEST / ABRAMIANSON, ADRIENNE MARIE
- Q BETTY L HEADLEE LIVING TRUST; HEADLEE, BETTY L TRUSTEE
- R IADD, JACOB G; IADD, WANDA C
- S GRAVLEY, DANNY S; GRAVLEY, SANDY C



- T MORRIS, BRUCE / MORRIS, JOANNIC G
- U WILLIS, DAVE A; WILLIS, VICKY W
- V WARREN, FVON VIRGINIA
- W WARREN, ALVIN L; WARREN, MARY SUE
- X WARREN, NORVAN EVENDER; WARREN, HELEN J
- Y WHITAKER, TONY W
- Z KESTNER, FAYON LEE; KESTNER, KATHERINE J
- AA PAYNE, BRIAN D; PAYNE, KIMBERLY C
- BB WILES, ROBERT; WILES, SUSAN
- CC TWIN OAKS PARTNERS INC
- DD NELSON, AMANDA KAY PARKER; NELSON, SHANE RAY
- EE SHIELDS FAMILY PROPERTIES LLC
- FF GOUGE, JILL P; MILLER, CONNIE P; PEARMAN, WESLEY A; GOUGE, RAY PEARMAN
- GG SHIELDS FAMILY PROPERTIES LLC
- HH BEESON, DANNY II; BEESON, SHERRY G
- I PARKER FAMILY LIMITED PARTNERSHIP
- J BETHEL UNITED METHODIST CHURCH
- K KNIGHT DORESE R



**JURISDICTION:**  
**TOWN OF OAK RIDGE**  
 Guilford County  
 Planning & Development  
 Department

Rezoning Case #  
**14-03-ORPL-01406**  
**Township: OAK RIDGE**  
 Scale: 1" = 500'

Map:  
**0166301(PT)**

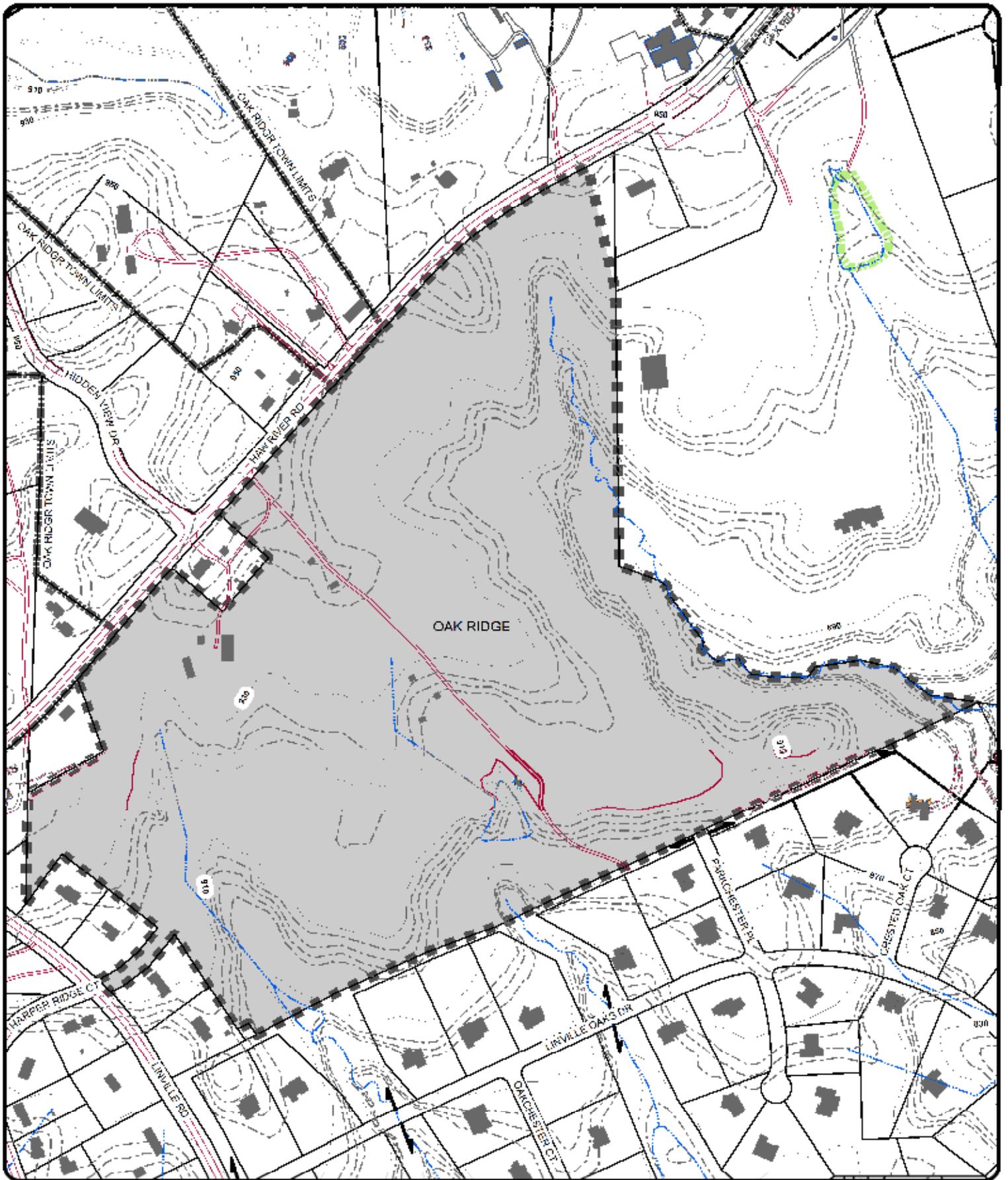




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1 inch = 400 feet





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1 inch = 400 feet



**PUBLIC COMMENTS:**

**PLANNING AND ZONING BOARD RECOMMENDATIONS:**

Motion to Approve/Deny by:

Seconded by:

Vote \_\_\_\_ to \_\_\_\_ in favor of the motion.

**P&Z BOARD VOTE:**

Nodine	_____
Simpson	_____
Stoudemire	_____
Leybourne	_____
Baker	_____
Stafford	_____
Gardner	_____

**TOWN COUNCIL DECISION:**

Motion to Approve/Deny by:

Seconded by:

Vote \_\_\_\_ to \_\_\_\_ in favor of the motion.

**TOWN COUNCIL VOTE:**

Combs	_____
Sullivan	_____
McClellan	_____
Kinneman	_____
Stone	_____

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to PD-R

I make a motion that the proposed zoning amendment be approved based on the following:

1. *The proposed zoning amendment is consistent with the adopted development plan of the Town of Oak Ridge.* The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because:\_\_\_\_\_.

AND

2. *The proposed zoning amendment is reasonable.* The Council considers the proposed zoning amendment to be reasonable because:

A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.

B. The Council further finds that the proposed zoning amendment is reasonable because:\_\_\_\_\_.

AND

3. *The proposed zoning amendment is in the public interest.* The Council considers the proposed zoning amendment to be in the public interest because:

A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.

B. The Council further finds that the proposed zoning amendment is in the public interest because:\_\_\_\_\_.

[Call for second etc .]

**MOTION  
TO REJECT  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to PD-R

I make a motion that the proposed zoning amendment be rejected based on the following:

1. *The proposed zoning amendment is not consistent with the adopted development plan of the Town of Oak Ridge.* The Planning Board has provided the Council with its written statement that the proposed zoning amendment is not consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of inconsistency by reference. In addition, the Council further finds that the proposed zoning amendment is inconsistent with the comprehensive plan because:\_\_\_\_\_.

AND/OR

2. *The proposed zoning amendment is not reasonable.* The Council considers the proposed zoning amendment to be unreasonable because:

A. The report of the Town staff finding the proposed zoning amendment to be unreasonable is adopted by reference.

B. The Council further finds that the proposed zoning amendment is unreasonable because:\_\_\_\_\_.

AND/OR

3. *The proposed zoning amendment is in the public interest.* The Council considers the proposed zoning amendment to be against the public interest because:

A. The report of the Town staff finding the proposed zoning amendment to be against the public interest is adopted by reference.

B. The Council further finds that the proposed zoning amendment is against the public interest because:\_\_\_\_\_.

[Call for second etc .]