

REZONING CASE #RZ-15-01

REQUEST:

From: HI, Heavy Industrial

To: CU-LI, Conditional Use- Light Industrial

USES:

All uses permitted in the LI Zoning District, except:

RECREATIONAL USES

- Amusement or water parks, fairgrounds
- Auditorium, coliseum or stadium
- Batting cages
- Go-cart raceway
- Paintball gaming facility (outdoor)
- Shooting range, indoor

BUSINESS, PROFESSIONAL AND PERSONAL SERVICES

- Automobile rental or leasing
- Automobile repair services, major
- Automobile repair services, minor
- Automobile parking (commercial)
- Automotive towing and storage services
- Boat repair
- Car wash
- Equipment rental and leasing (with outside storage)
- Truck and utility trailer rental and leasing, light
- Truck tractor and semi rental and leasing, heavy

RETAIL TRADE

- Boat sales
- Building supply sales (with storage yard)
- Manufactured home sales
- Motor vehicle sales (new and used)
- Motorcycle sales
- Recreational vehicle sales
- Tire sales
- Truck stop

WHOLESALE TRADE

- Agricultural products, other
- Farm supplies, other
- Forest products
- Lumber, millwork, and veneer
- Metals
- Motor vehicles
- Motor vehicles, parts and supplies
- Motor vehicles, tires and tubes

TRANSPORTATION, WAREHOUSING AND UTILITIES

- Recycling processing centers
- Trucking or freight terminal
- Utility equipment and storage yards

MANUFACTURING AND INDUSTRIAL USES

- Contractors, general building

Contractors, special trade

CONDITIONS:

1. Existing wooded buffer on rear of site to remain;
2. Site will be brought into compliance with Landscaping and Tree Protection Requirements (Article IX, Division 4 of Oak Ridge Code of Ordinance);
3. No outside storage unless fully screened from the scenic corridor and from neighboring properties.

District Descriptions:

The HI, Heavy Industrial District, is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

The LI, Light Industrial District, is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

SUMMARY OF REQUEST: At its December meeting the Oak Ridge Town Council instructed staff to apply for a 3rd party rezoning of this property from HI to RS-40, citing concerns about the future development of this property as a heavy industrial site. The Town was unable to apply for a Conditional Use district, since state statutes only authorize conditional use zoning applications to be submitted by the property owner.

In late December, the property owner submitted an application to rezone this property to CU-HB (Conditional Use- Highway Business). At its January meeting the Oak Ridge Town Council agreed to continue its RS-40 rezoning request to allow time for the CU-HB request to be heard by the P&Z Board and Town Council.

In the following weeks, the applicant and staff had several discussions indicating that a CU-LI request would better accommodate a potential buyer of the property, and would also potentially have fewer impacts on neighboring properties. Therefore, the applicant requested that the CU-HB rezoning request be withdrawn and a CU-LI rezoning application filed. At its January meeting, the Planning and Zoning Board approved the applicant's withdrawal request, and subsequently the Town Council further tabled the processing of its RS-40 request.

The February Planning and Zoning Board meeting was canceled due to inclement weather, and in the interim period the property was sold by Truliant to Lake Time Enterprises, LLC (the potential buyer referenced in the previous paragraph).

The conditions requested by the applicant limit the number of uses that would be permitted by a straight LI request. The prohibited uses include uses with outdoor storage or merchandise or excessive noise. Additional conditions address landscaping and buffers.

PROPERTY LOCATION AND DESCRIPTION: Located at 2900 Oak Ridge Road in Oak Ridge Township. Being Guilford County Tax Parcel 0163026, approximately 2.25 acres. The property is located in the Scenic Corridor Overlay Zone and the Greensboro (GW-III) Watershed.

LAND USE:

Existing Land Use: Currently vacant industrial property
Requested Land Use: Light industrial, no specific use requested.
Surrounding Uses:

- North: Agricultural/ Limited Business
- South: Residential
- East: Residential
- West: Residential

RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN: The request is outside of the Commercial Town Core, where all new commercial development is recommended. The Future Land Use Plan recognizes the current use and shows the property as industrial.

Staff opinion: The request as presented is inconsistent with the adopted Oak Ridge Land Use Plan, since the property is outside of the Commercial Town Core. The proposed conditions, however, will improve compatibility with neighboring residential uses and will better reflect the recommendation of the Land Use Plan than the current Heavy Industrial zoning.

HISTORIC PROPERTIES: There are no inventoried historic properties 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 2.8 miles
Schools: N/A

TRANSPORTATION:

Existing Conditions: Traffic counts are not available at this location.

Proposed Improvements: None at this time. Improvements may be required depending on the nature of the use proposed.

Projected Traffic Generation: None available.

PHYSICAL CHARACTERISTICS:

Topography: Gently sloping

Regulated Floodplain and Wetlands: None

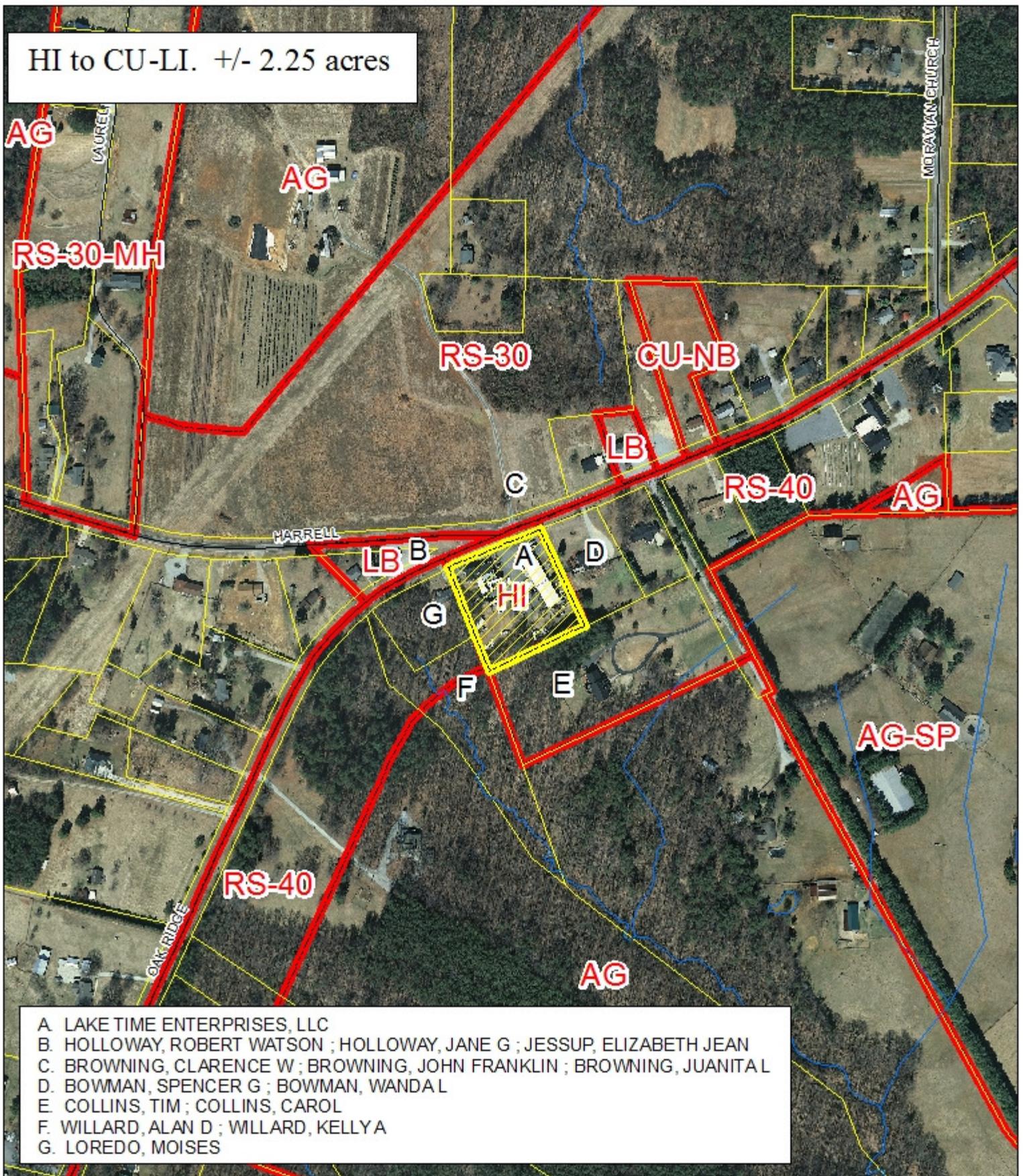
Stream Location and Classification: None

Watershed: Greensboro (GS-III) Watershed.

COMMUNITY OUTREACH:

The applicant has not contacted individual property owners, however several nearby property owners have been in contact with staff over the last several months with concerns about the current HI zoning. Neighbors are aware of the on-going discussions about this site, and were mailed letters advising of the upcoming public hearings.

HI to CU-LI. +/- 2.25 acres



Rezoning Case # RZ-15-01
Parcel # 0163026



Scale: 1"=200'

REZONING CASE #RZ-15-01

STAFF RECOMMENDATIONS:

The site has been industrial for many decades, but the existing zoning allows a multitude of uses that could have major impacts on neighboring properties. By rezoning to LI, and adding conditions, the site can be re-used with assurances that neighboring impacts will be less than in the past. A change to a highway business or other zoning district that allows retail or service uses could cause a substantial increase in traffic that is not suited to this location on 150. Light Industrial zoning, by contrast, is less likely to generate significant traffic impacts.

Even though the request as presented is inconsistent with the Oak Ridge Land Use Plan, it is more compatible with surrounding uses than the current Heavy Industrial zoning. Staff recommends **approval**.

PLANNING AND ZONING BOARD RECOMMENDATIONS:

Motion to Approve by:

Seconded by:

Vote __ to __ in favor of the motion.

VOTE:

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

WRITTEN RECOMMENDATION ADDRESSING COMPREHENSIVE LAND USE PLAN CONSISTENCY AND OTHER APPROPRIATE MATTERS:

To be provided after the Planning and Zoning Board meeting.

TOWN COUNCIL RECOMMENDATIONS:

Motion to Approve/Deny by:

Seconded by:

Vote _____ to _____ in favor of the motion.

ROLL CALL VOTE:

Combs	_____
Sullivan	_____
McClellan	_____
Kinneman	_____
Stone	_____

**MOTION
TO APPROVE
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: HI to CU-LI

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: HI to CU-LI

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 .]