

## **REZONING CASE #RZ-15-07**

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### **REQUEST:**

From: CU-RPD, Conditional Use- Rural Preservation District

To: Amended CU-RPD, Conditional Use- Rural Preservation District

### District Descriptions:

The RPD, rural preservation district, is intended to accommodate rural developments designed to preserve rural character, significant man-made features, and environmentally sensitive areas. The district permits open space, recreational, agricultural, residential, and limited neighborhood business and office uses that are part of a unified design.

Conditions proposed:

USES: None.

### DEVELOPMENT CONDITIONS:

1. Community public walking trail.
2. Majority of open space as calculated is wooded and will remain after developing.

**PROPERTY LOCATION AND DESCRIPTION:** The property is located on Grove Park Drive, Sedwick Way, and Union Grove Road, consisting of the entire Kensington Place subdivision, in Oak Ridge Township, approximately 23.9 acres.

**SUMMARY OF REQUEST:** This property was approved as a Conditional Use- Rural Preservation District in 2007 by the Guilford County Planning Board, with the following conditions:

1. Community public sidewalks.
2. Majority of open space as calculated is wooded and will remain after developing.

The Town of Oak Ridge established ETJ in this area in 2009. Prior to development of the site, the developer posted a surety with Guilford County to guarantee the construction of the sidewalk at a later date. Normally all infrastructure (utilities, roads, etc.) must be installed prior to the issuance of building permits but an exception is often made for sidewalks since they may be damaged by heavy equipment accessing the building sites. Consequently sidewalks are often the last infrastructure improvements to be made in a development.

The developer approached the Town in 2015 to see if the sidewalk requirement could be waived, due to a perceived lack of support from residents in the development for sidewalk installation. Since the sidewalk construction was a zoning condition, however,

only a change in zoning could waive the requirement.

The Rural Preservation District requires either a network of sidewalks or walking trails throughout the development. In order to comply with the requirements of this zoning district, the developer has proposed construction of a public walking trail along the southern portion of the neighborhood's common area. A map of the proposed trail is attached. The developer has also secured an easement from the Bray property located to the west of the subdivision in order to complete the loop to Sedwick Place. The off-site easement is not included in the map because it will not be considered part of the zoning approval of this site.

**LAND USE:**

Existing Land Use: Major residential subdivision

Requested Land Use: Major residential subdivision.

North: Rural residential

South: Major residential subdivision

East: Major residential subdivision

West: Wooded/ Rural residential

**RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN:** The Oak Ridge Land Use Plan advocates for sidewalks within the Town Core, and trails and greenways in lower density areas outside the Town Core. POLICY 2.2.2 specifically recommends that trails and greenways should be used as linkages between neighborhoods.

**CONDITIONAL USE DISTRICT REZONING ANALYSIS:** The petition for rezoning includes all of the owners of the property to be included in the rezoning request. Any additional conditions offered during the public hearing must be accepted by all owners of the property being considered for rezoning.

The conditions and site-specific standards proposed by the applicant for mutual approval by the Town of Oak Ridge are limited to those that address: (a) the conformance of the development and use of the property to Town ordinances and the Town's officially adopted Comprehensive Land Use Plan; and, (b) the impacts reasonably expected to be generated by the development or use of the property.

**HISTORIC PROPERTIES:** There are no inventoried historic structures on this property.

**UTILITIES AND COMMUNITY SERVICES:**

Availability of Public Water and Sewer: Yes \_\_\_\_\_ No  X

Fire Protection District: Oak Ridge

Miles from Fire Station: Approximately 3 miles

Schools: Oak Ridge Elementary, Northwest Middle, Northwest High

**TRANSPORTATION:**

Existing Conditions: No traffic counts are available in this development.

Proposed Improvements: None at this time.

Projected Traffic Generation: No traffic impacts will be generated by this zoning change.

**PHYSICAL CHARACTERISTICS:**

Topography: Gently rolling to steeper slopes in drainage areas.

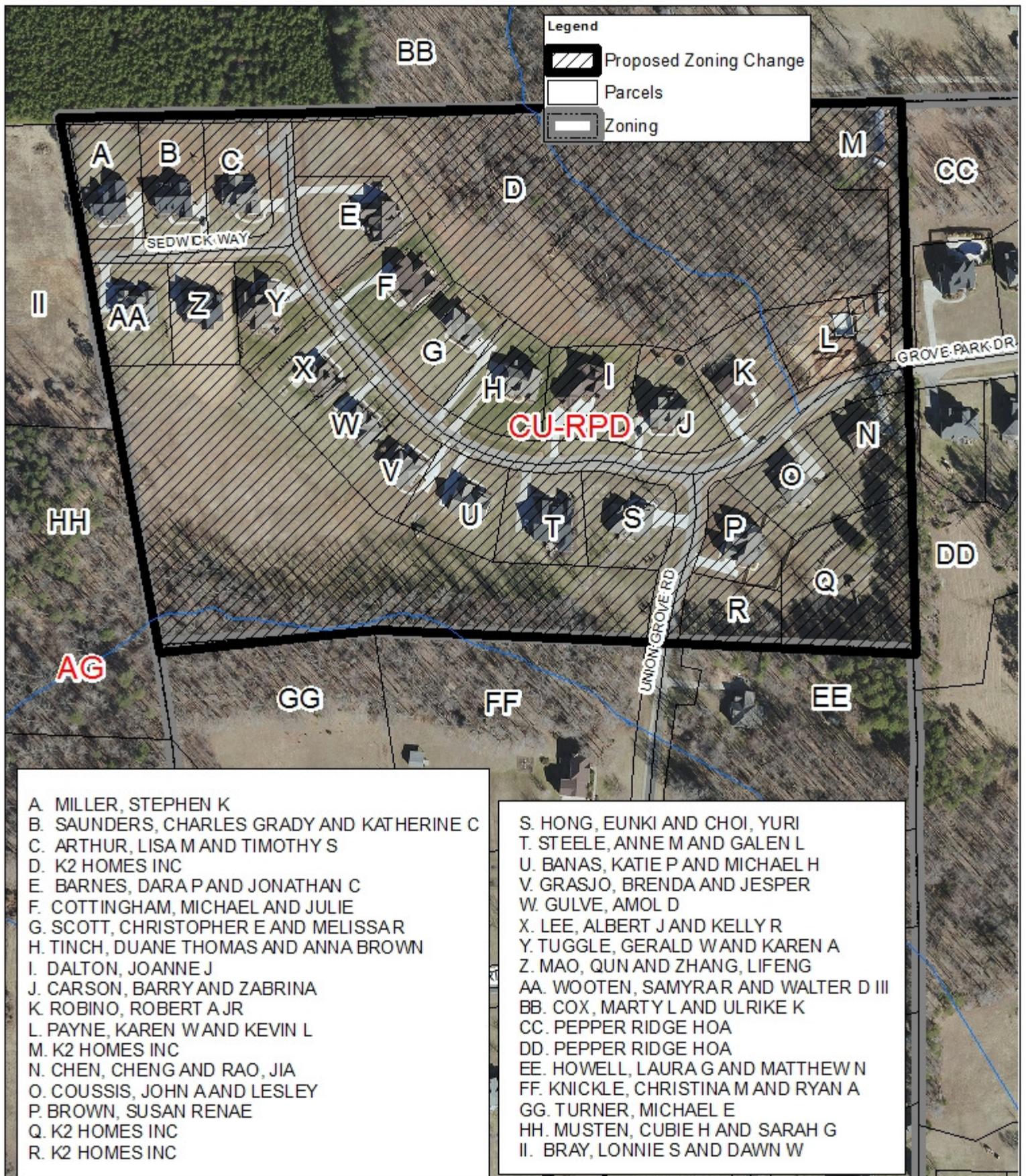
Regulated Floodplain: None

Stream Location and Classification: Several jurisdictional streams are located on the property, as shown on the approved sketch plan.

Watershed: None

**COMMUNITY OUTREACH:**

All 25 property owners within the development have signed the petition for rezoning.



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## CU-RPD to AMENDED CU-RPD



Scale: 1"=200'

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**STAFF RECOMMENDATIONS:**

Staff recommends that the request is consistent with the adopted Land Use Plan, is consistent with the requirements of the Rural Preservation District and the Oak Ridge Development Ordinance, and recommends **approval**.

**PLANNING AND ZONING BOARD RECOMMENDATIONS:**

Motion to Approve by:  
Seconded by:  
Vote \_\_ to \_\_ in favor of the motion.

**VOTE:**

|            |       |
|------------|-------|
| Simpson    | _____ |
| Baker      | _____ |
| Gardner    | _____ |
| Leybourne  | _____ |
| Paslaru    | _____ |
| Stafford   | _____ |
| Stoudemire | _____ |

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

To be provided by the Planning and Zoning Board.

**TOWN COUNCIL RECOMMENDATIONS:**

Motion to Approve/Deny by:  
Seconded by:  
Vote \_\_\_\_\_ to \_\_\_\_\_ in favor of the motion.

**VOTE:**

|           |       |
|-----------|-------|
| Sullivan  | _____ |
| McClellan | _____ |
| Kinneman  | _____ |
| Nodine    | _____ |
| Stone     | _____ |

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: CU-RPD to amended CU-RPD

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: CU-RPD to amended CU-RPD

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 .]