

REZONING CASE #RZ-17-03

REQUEST:

From: AG, Agricultural

To: CU-RS-40, Conditional Use- Residential Single-family

District Descriptions:

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions.

The RS-40, Residential Single-Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services.

Conditions proposed:

USES: Single-family detached dwellings

DEVELOPMENT CONDITIONS: The property will be developed consistent with the submitted sketch plan.

PROPERTY LOCATION AND DESCRIPTION: The property is located at the terminus of Bethel Ridge Drive in Oak Ridge Township. Being Guilford County Tax Parcel #0166410 (part), approximately 34.075 acres. Owned by Parker Family Limited Partnership.

SUMMARY OF REQUEST: The applicant proposes a major residential subdivision of 40,000 square foot lots. The only point of access is through the Bethel Ridge Subdivision, which contains a total of 18 lots. A maximum of 32 new lots would therefore be permitted (50-lot maximum on one entrance). No open space dedication is required.

LAND USE:

Existing Land Use: Woods and pasture

Requested Land Use: Major residential subdivision

North: Woods/ undeveloped

South: Bethel United Methodist Church/ remained of the Parker property

East: Bethel Ridge subdivision (18-lot RS-30 development)

West: Woods/ undeveloped

RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN: The Oak Ridge Future Land Use Plan recommends this area as Residential. Please see below for relevant objectives of the Plan:

OBJECTIVE 1.2: Recommend RS-40 zoning for development on tracts outside the town core with marginal environmental, agricultural, historic, or community open space value.

Staff comment: The 34-acres that the developer has under contract for development contains mostly pasture and some woods. The only significant riparian feature is proposed for common area, and there are no historic structures on site. The 107-acre tract in its entirety contains steeper slopes, streams, and woods that would have significant community open space value. The 34-acre acres targeted for development, however, appears to meet the general intent of this objective.

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 the property. The property is located outside of the Oak Ridge Historic District.

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: Stokesdale Elementary, Northwest Middle, Northwest High

TRANSPORTATION:

Existing Conditions: 2015 traffic counts- 2900 trips per day at this location on Haw River Road.

Proposed Improvements: None at this time

Projected Traffic Generation: 32 additional lots would create approximately 320 trips per day.

PHYSICAL CHARACTERISTICS:

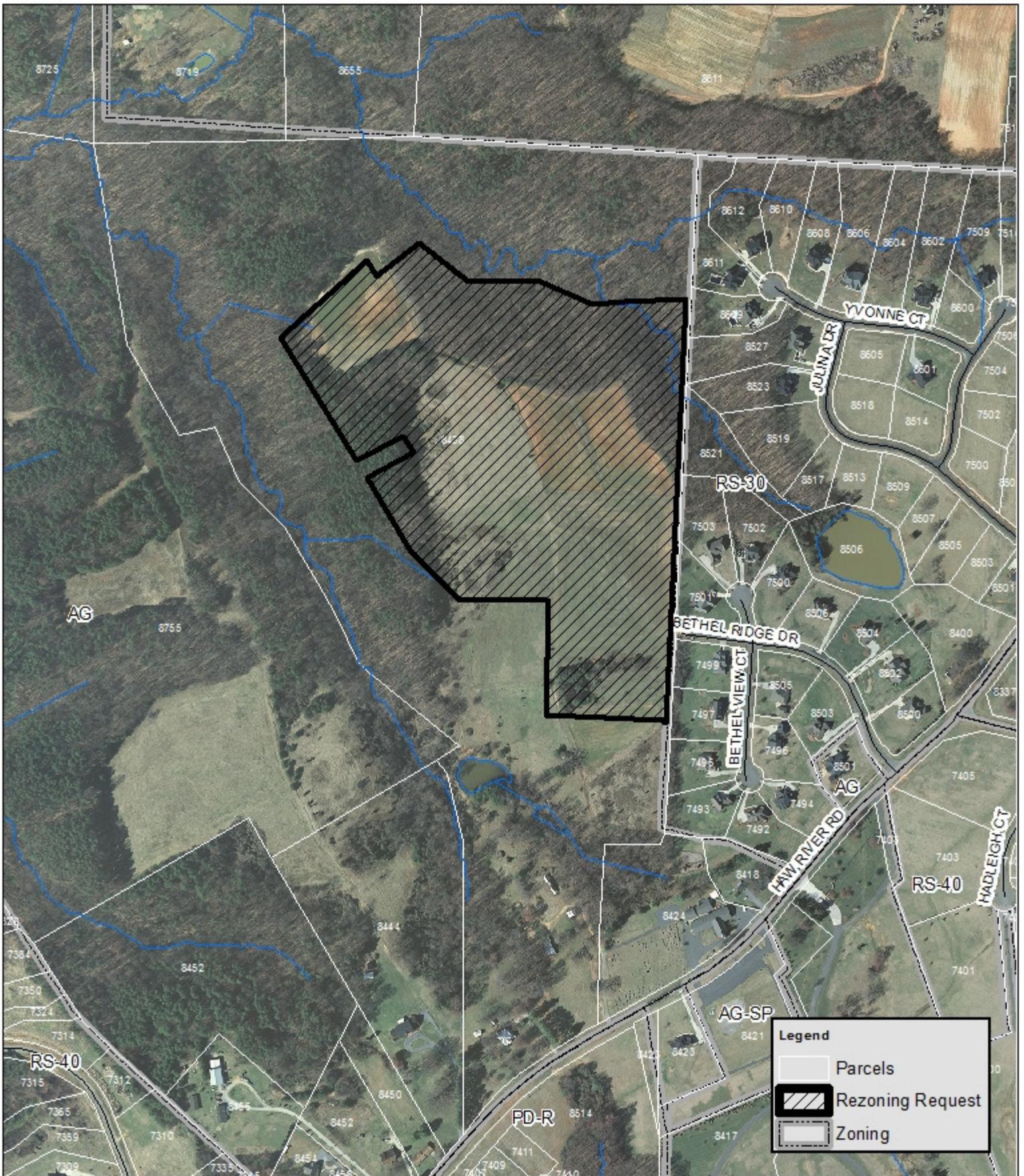
Topography: Gently rolling with some steeper sections near the streams.

Regulated Floodplain: None

Stream Location and Classification: A stream located on the northeastern corner of the property will be buffered and placed in Common Area.

COMMUNITY OUTREACH:

The applicant held a community meeting at Oak Ridge Town Hall on March 22.



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Scale: 1"=300'

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STAFF RECOMMENDATIONS:

The request as presented appears to meet the general intent of the Oak Ridge Future Land Use Plan. While the larger 107-acre tract would have significant community open space value and would be an appropriate location for a Rural Preservation District, the 34-acres proposed for rezoning contains mostly open pasture and appears to be consistent with the recommendations for RS-40 zoning. Lot sizes will be slightly larger than the connecting neighborhood, and the total number of lots using this single entrance will not exceed 50, as stipulated by the Ordinance.

The opportunity for future connections, both to Haw River Road and to the west (as shown on the Town's Collector Street Plan), ensure appropriate future connectivity. No trails or sidewalks are proposed in the Town's Pedestrian Plan for this location.

Staff recommends **approval**.

PLANNING AND ZONING BOARD RECOMMENDATIONS:

Motion to Approve by: Ms. Baker

Seconded by: Ms. Gardner

Vote 7 to 0 in favor of the motion.

VOTE:	Simpson	yes
	Baker	yes
	Gardner	yes
	Leybourne	yes
	Treacy	yes
	Stafford	yes
	Wilson	yes

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

The request as presented is consistent with the Oak Ridge Future Land Use Plan, and is reasonable and in the public interest.

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: AG to CU-RS-40

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 CU-RS-40

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 .]