



# TOWN OF OAK RIDGE PLANNING AND ZONING BOARD

RZ-18-01 P&Z Hearing Date: January 24, 2019

## GENERAL INFORMATION

- Applicant:** Israel Family Limited Partnership LLC. P.O. Box 300 Redding, CT
- Request:** Rezoning request from AG (Agricultural) and HB (Highway Business to CU-TC-R (Conditional Use Town Core Residential).
- Location:** The property is located on the west side of NC Highway 68 N, approximately 800 feet south of the intersection with Fogleman Rd, in Oak Ridge Township. Owned by Israel Family Limited Partnership and Larry J and Kathy R Mills.
- Tax Map ID#:** 0162806, 0162815, and 0162821(part)
- Public Notification:** The Town of Oak Ridge notified all property owners within 500' of the subject property and posted the property as well.

### **Community Outreach:**

The applicant has met with representatives of both the Twelve Oaks HOA and Old Mill Homesteads HOA. Prior to the original public hearing in March of this year. The applicant will provide additional detail of further outreach provided for this public hearing as well.

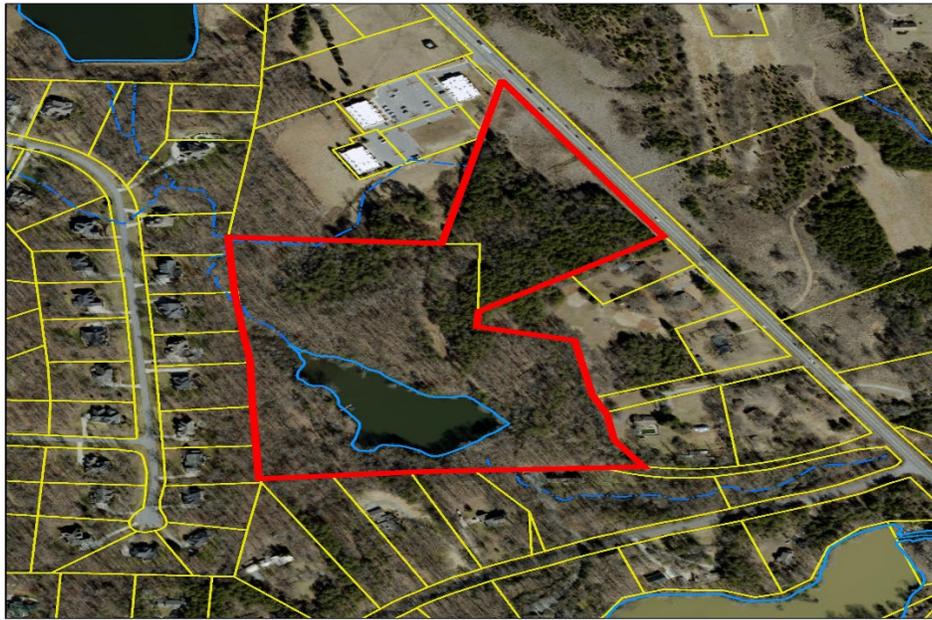
### SITE DATA

- Existing Use:** Currently the property sits vacant and unused. Previously the properties primary use was for a single family residence (Weekend Cabin).
- Tract Size:** 29.45 Acres
- Topography:** Variable, Gently Rolling
- Vegetation:** Mostly forested with approximately 5 acres in grass and other vegetation

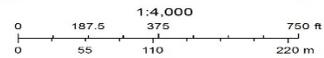
	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
<b>N</b>	CU-HB	Conditional Use – Highway Business
<b>S</b>	RS-40	Single-Family Residential
<b>E</b>	RS-40	Single-Family Residential
<b>W</b>	AG	Agricultural

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Guilford County, NC



January 16, 2019



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## **ZONING DISTRICT STANDARDS**

### **District Summary:**

Zoning District	Existing	Requested
Designation:	<b>AG</b>	<b>CU-TC-R</b>
Max. Density:	1 DU/Per Acre No Major Subdivision	2 DU/per acre
	<b>HB</b> Retail/Business	

### **Conditional Uses: CU-TC-R (Town Core Residential)**

The petition for rezoning includes all 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.

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### **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 HB, Highway Business District, is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares.

The TC-R, Town Core- Residential district is primarily intended to accommodate single-family detached, single-family attached, twin-homes, townhouses, cluster housing, and similar residential uses. The overall gross density in TC-R areas shall be limited to a maximum of two units per acre.

### **Proposed Conditional Use: *(Updated to reflect the deletion of the Single-Family Lot on the Southwest Side of the Pond)***

Maximum of 48 townhouse dwellings.

### **Development Conditions:**

- 1) Provide a fifty (50) foot undisturbed buffer, except for drainage devices and utilities, adjacent to the Twelve Oaks Subdivision;
- 2) Provide a fifty (50) foot undisturbed buffer, except for drainage devices, utilities adjacent to the Old Mill Homesteads Subdivision;
- 3) Provide a publicly accessible sidewalk on one side of all drives within the townhome section;
- 4) Provide a publicly accessible natural surface walking trail along the northeastern side of the lake;
- 5) Provide a publicly accessible sidewalk to "68 Place";
- 6) Provide berming and landscaping along Highway 68 as shown on the zoning sketch plan.
- 7) Provide Left and Right turn entry lanes with 100' of storage as recommended for site access in the TIA, will be constructed prior to site development.
- 8) All Area West of Pond/Lake to be retained as common element.

### **SPECIAL INFORMATION**

**Overlay Districts:** Scenic Corridor

**Environmental:** Watershed: Greensboro General Watershed

Floodplains: This site does not include floodplains.

Streams: Perennial stream along western boundary feeding into a large pond.

Other: Large pond that starts from the central part of the property and expands outward in a southwestern direction. 50-foot stream buffers will be applied on both sides of the stream as well as the pond.

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**Utilities:**

Public Water: Non-available (Lots will be served by community well)

Public Sanitary Sewer: Non-available (Lots will be served by off site septic fields)

**Landscape Requirements:**

Landscaping requirements per **Article IX Division 4** "Landscaping and Tree Protection Requirements" apply to this site.

**Off-Street Parking Regulations:** None

**Tree Conservation Areas:** 5.9 Acres

**Transportation:**

Street Classification: NC Highway 68 – Major Thoroughfare

New Street into development will be classified as a Local Collector.

Site Access: All accesses must be designed and constructed to NCDOT Standards and to the standards set forth in Article VIII, Division 9, Section 30-860 (Streets) of the Town of Oak Ridge Code of Ordinance.

Existing Conditions: The Transportation Impact Analysis (TIA) prepared for this request indicates 13,889 trips per day on NC 68 near this location, which is a significant reduction from 2015 (18,000 trips per day). The TIA analyzes current traffic counts, design speeds on NC 68 (55 MPH), and site distance both northbound and southbound, to determine what safety measures may be required to provide safe access to this property. Crash analysis on 68 indicates that rear-end collisions are the primary crash type. **(Update to Original TIA)** The Traffic impact analysis has been updated to reflect a proposed reduction in speed limit to 45 mph. Also the speed limit has been reduced to 35 mph north of the proposed new entrance into the development

Proposed Improvements: The TIA recommends a southbound right-turn lane with 100 feet of storage and a northbound left-turn lane with 100 feet of storage.

Projected Traffic Generation: If developed at maximum allowable density, 48 townhome units and 1 single-family detached dwelling could be expected to produce roughly 289 trips per day.

NCDOT: NCDOT has concurred with the recommendations of the TIA. The TIA finds that, based on traffic counts, design speed, and more than adequate site distance, and with the addition of dedicated left and right turn lanes, the proposed development is not expected to have a substantive impact on traffic operations in the study area.

Other: N/A

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## **IMPACT ANALYSIS & STAFF DISCUSSION**

### **Future Land Use Compatibility – 2016 Future Land Use Plan:**

The Oak Ridge Land Use Plan recommends this area as Residential and partially within the Town Core but with a majority within the Town Core Transition Zone.

Policy 2.1.1 states: within the Town Core, clustered, mixed density, and/or attached single-family lots with densities up to two units per acre are appropriate. Developments with densities up to two units per acre may also be appropriate within the Town Core Transition Zone if contiguous with existing or approved developments with similar densities.

Objective 2.2 encourages sidewalks in all developments within the Town Core and encourages pedestrian connections such as trails to serve as linkages between neighborhoods.

Policy 3.1.1 recommends additional landscaping for development on NC Highway 68.

### **Comprehensive Pedestrian Transportation Plan:**

Figure 3.1 - Town of Oak Ridge Existing and Proposed Facilities map from the Pedestrian Plan proposes a sidewalk the eastern boundary of the proposed development. All developments within the Town Core and Town Core transition zone are furthermore required to have sidewalks along all proposed new streets.

### **Code of Ordinance:**

Sec. 30-862. - Sidewalks.

(a) Except along controlled access facilities, sidewalks shall be required on all thoroughfares, collectors and local streets in the town core, as shown on the Oak Ridge Future Land Use Plan adopted May 2003. Where sidewalks are installed, they shall meet City of Greensboro standards and have a minimum width of five feet and be constructed just behind the street right-of-way line. Sidewalks may be constructed within the street right-of-way with approval of the town and NCDOT.

(b) Sidewalks shall be constructed at the time of development of any single lot being used for commercial or institutional purposes, and for any subdivision of land into building lots for residential, commercial or institutional purposes. The developer or subdivider shall be responsible for sidewalk construction on all new streets or roads created as part of the development, and for existing streets or roads that abut the property being developed.

### **STAFF RECOMMENDATIONS: (Updated from previous agenda)**

The Land Use Plan recommends that developments of up to two units per acre may be appropriate in the Town Core Transition Zone if contiguous with existing or approved developments with similar densities. The intent of this provision was to acknowledge that certain corridors may develop sooner than others, and as developable land in the Town Core disappeared, the Transition Zone offers additional land that could be appropriate for TC-R zoning.

This is the only tract on the west side of NC Highway 68 south of NC Highway 150 that is outside of the Commercial Town Core but also within the Town Core and Town Core Transition Zone. It is likely that the undeveloped tracts north of this tract will be developed as commercial or mixed use projects, which means this development would serve as an ideal buffer between commercial

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development to the north and lower-density single-family residential development to the south and west. A large lot to the east of this property is also the site of the soon to be built Summit Church. Significant landscaping buffers, as well as proposed pedestrian connections and additional landscaping along NC Highway 68, help to promote several of the policies of the Future Land Use Plan (Policies, 3.1.1, 2.2.1, and 2.2.2).

Concerns about safety along NC Highway 68 appear to be addressed in the applicant's Transportation Impact Analysis. Furthermore, by moving the proposed driveway several hundred feet to the south the applicant has provided an opportunity to align a future driveway on the Summit Church site. By acknowledging the unique circumstances of this property and its partial inclusion in the Town Core, and by providing the transportation safety improvements recommended in the TIA, staff recommends **approval**.

**Staff Report prepared by the Town of Oak Ridge Planning Department**

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**PLANNING AND ZONING BOARD RECOMMENDATIONS:**

Motion to Approve/Deny by:

Seconded by:

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

<b>VOTE:</b>	Simpson	___
	Baker	___
	Stoudemire	___
	Paslaru	___
	Wilson	___
	Stafford	___
	Gardner	___

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

To be provided after Planning and Zoning Board hearing.

**TOWN COUNCIL RECOMMENDATIONS:**

Motion to Approve/Deny by:

Seconded by:

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

<b>ROLL CALL VOTE:</b>	Sullivan	___
	McClellan	___
	Kinneman	___
	Nodine	___
	Schneider	___

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**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and RS-40 to CU-TC-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 comprehensive 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.]

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**MOTION  
TO REJECT  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and RS-40 to CU-TC-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 comprehensive 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.]

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**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and RS-40 to CU-TC-R

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

1. *Even though the proposed zoning amendment is inconsistent with the adopted comprehensive plan of the Town of Oak Ridge, a change in conditions in meeting the development needs of the community has occurred since plan adoption. These changes include:*

\_\_\_\_\_.

Furthermore, the Planning Board has provided the Council with its written statement that the proposed zoning amendment is inconsistent with the comprehensive plan, but that a change in conditions in meeting the development needs of the community has occurred since plan adoption, and the Council concurs and adopts the Planning Board's finding of inconsistency and changing conditions by reference. In addition, the Council further finds that the proposed zoning amendment meets the development needs of the community 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: \_\_\_\_\_.

AND

4. By approving this motion, the Council also hereby amends the Town of Oak Ridge comprehensive plan to reflect the approved zoning amendment.

[Call for second etc.]