

## **REZONING CASE #RZ-18-03**

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### **REQUEST:**

From: AG (Agricultural)

To: RS-40 (Residential)

### **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 District, is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development. The overall gross density in RS-40 areas will typically be 1.0 unit per acre or less.

**DEVELOPMENT CONDITIONS: None**

**PROPERTY LOCATION AND DESCRIPTION:** The property is located on the south side of Forsyth Rd., approximately 3437 feet south of the intersection with Oak Ridge Rd, in Oak Ridge Township. Being Guilford County Tax Parcel #0168305 consisting of approximately 27.06 acres. Located in the Greensboro (GW-III) Watershed. Owned by VANCO Properties LLC.

**SUMMARY OF REQUEST:** The applicant proposes a major residential subdivision of single-family detached lots.

### **LAND USE:**

Existing Land Use: Single family residential\Agricultural

Requested Land Use: Major residential subdivision

North: Rural Residential Single-family/Agricultural

South: Rural Residential Single-family/Agricultural

East: Rural Residential Single-family/Agricultural

West: Rural Residential Single-family/Agricultural

**RECOMMENDATION OF THE OAK RIDGE LAND USE PLAN:** The Oak Ridge Land Use Plan recommends this area as Residential.

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

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

**UTILITIES AND COMMUNITY SERVICES:**

Availability of Public Water and Sewer: Yes \_\_\_\_\_ No  X   
Fire Protection District: Oak Ridge  
Miles from Fire Station: Approximately 4.26 miles  
Schools: Oak Ridge Elementary, Northwest Middle, Northwest High

**TRANSPORTATION:**

Existing Conditions: Traffic counts from 2015 indicate 5200 trips per day along Along Oak Ridge Rd. just south of the entrance onto Forsyth Road.

Projected Traffic Generation: If developed at maximum allowable density, 27 single-family detached dwellings could be expected to produce roughly 270 trips per day.

**PHYSICAL CHARACTERISTICS:**

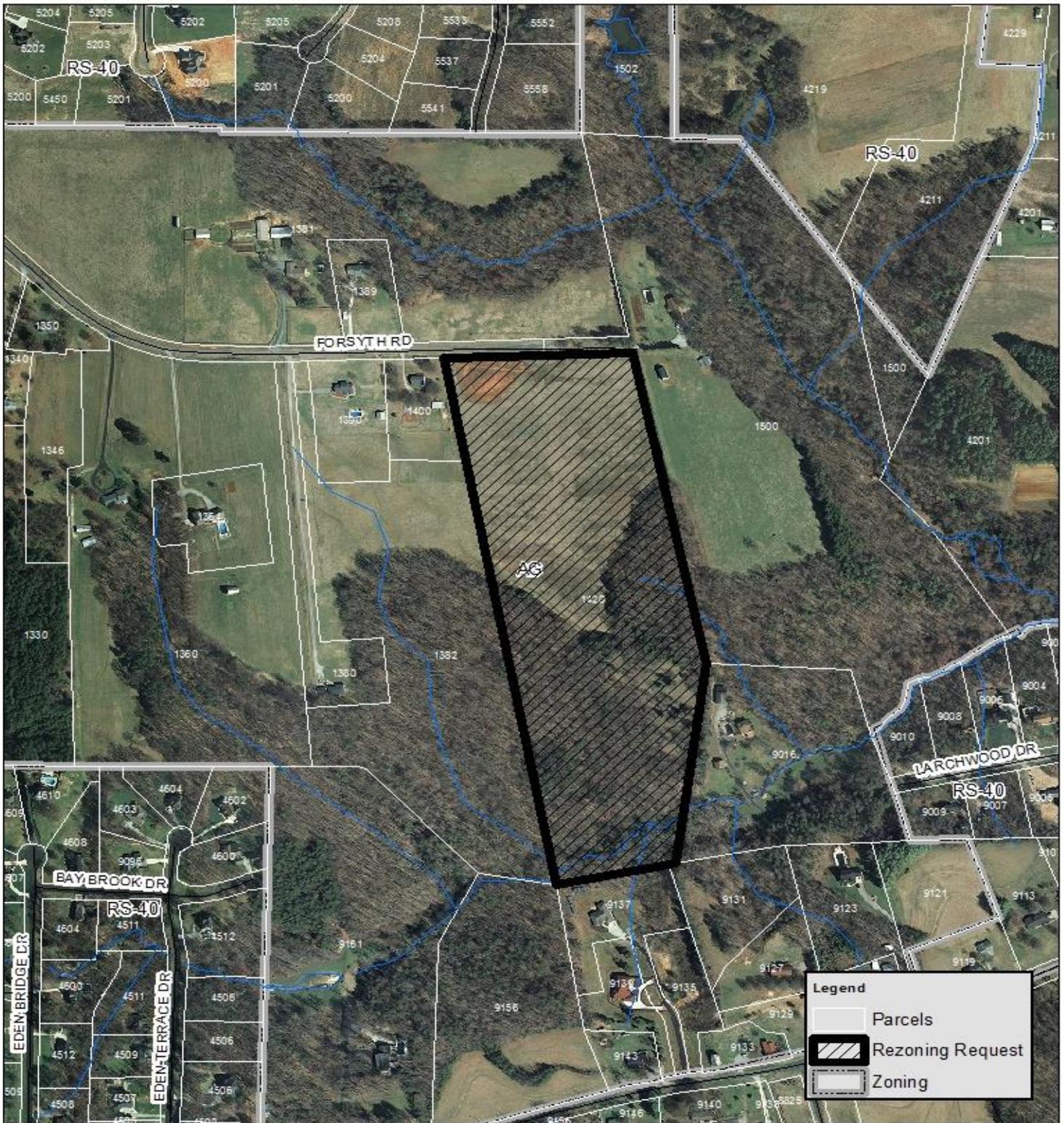
Topography: Gently rolling

Regulated Floodplain: None

Stream Location and Classification: A perennial stream starts along the midpoint of the eastern boundary of the property another perennial stream follows along the southern boundary of the property. 50-foot stream buffers will be applied on both sides of the stream.

**COMMUNITY OUTREACH:**

The applicant mailed letters of notification to and met with residents adjacent and within 500 feet of the property proposed for rezoning on May 15th. An Email sent to staff from the applicant provides details of the meeting.



**Legend**

-  Parcels
-  Rezoning Request
-  Zoning



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**AG to RS-40**



Scale: 1"=300'

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## STAFF RECOMMENDATIONS:

The proposed request is consistent with the recommendations of the Oak Ridge Future Land Use Plan. The Land Use Plan Recommends RS-40 zoning for development on tracts outside the town core with marginal environmental, agricultural, historic, or community open space value. Town staff recommend the approval of the rezoning request.

## PLANNING AND ZONING BOARD RECOMMENDATIONS:

Motion to Approve by: Mrs. Stoudemire

Seconded by: Mrs. Baker

Vote 7 to 0 in favor of the motion.

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

## 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.

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

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to 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 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 .]

**MOTION  
TO REJECT  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to 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 land use 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 .]

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to RS-40

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:*

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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 .]