

# **REZONING CASE #RZ-18-01**

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## **REQUEST:**

From: AG (Agricultural) and HB (Highway Business)

To: CU-TC-R (Conditional Use- Town Core- 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 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.

### Conditions proposed:

USES: Maximum of 48 townhouse dwellings and maximum of one (1) single-family detached lot.

### 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 and driveway to the proposed single-family lot, 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.

**PROPERTY LOCATION AND DESCRIPTION:** 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. Being Guilford County Tax Parcels #0162806, 0162815, and 0162821(part), consisting of approximately 29.45 acres. Located in the Greensboro (GW-III) Watershed and Scenic Corridor Overlay

Zone. Owned by Israel Family Limited Partnership and Larry J and Kathy R Mills.

**SUMMARY OF REQUEST:** The applicant proposes a major residential subdivision of no more than forty-eight attached and/or detached townhouse dwellings and one single-family detached lot. The sketch plan submitted with the application shows the general location of the proposed development areas, as well as the proposed development conditions. There will be one entrance on NC 68.

**LAND USE:**

Existing Land Use: Vacant/wooded  
Requested Land Use: Major residential subdivision (townhomes)  
North: Commercial (68 Place)  
South: Residential single-family (Old Mill Homesteads)  
East: Rural residential  
West: Residential single-family (Twelve Oaks)

**RECOMMENDATION OF THE OAK RIDGE 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.

**CONDITIONAL USE DISTRICT REZONING ANALYSIS:** The petition for rezoning includes all of the owners of the property to be included in the rezoning request. Additional conditions (Development Conditions 1-6) have been added after initial submittal and will require signatures of all property owners. Applicant is aware and will collect all required signatures prior to the public hearing. 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 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 1.1 miles  
Schools: Oak Ridge Elementary, Northwest Middle, Northwest High

**TRANSPORTATION:**

Existing Conditions: Traffic counts from 2015 indicate 18,000 trips per day along NC 68 just north of Linville Road.

Proposed Improvements: The applicant is preparing a traffic impact study, with final results that will be available at the time of the public hearing. Staff has not had the opportunity to review the draft study.

Projected Traffic Generation: If developed at maximum allowable density, 48 townhome units and 1 single-family detached dwelling could be expected to produce roughly 350 trips per day.

**PHYSICAL CHARACTERISTICS:**

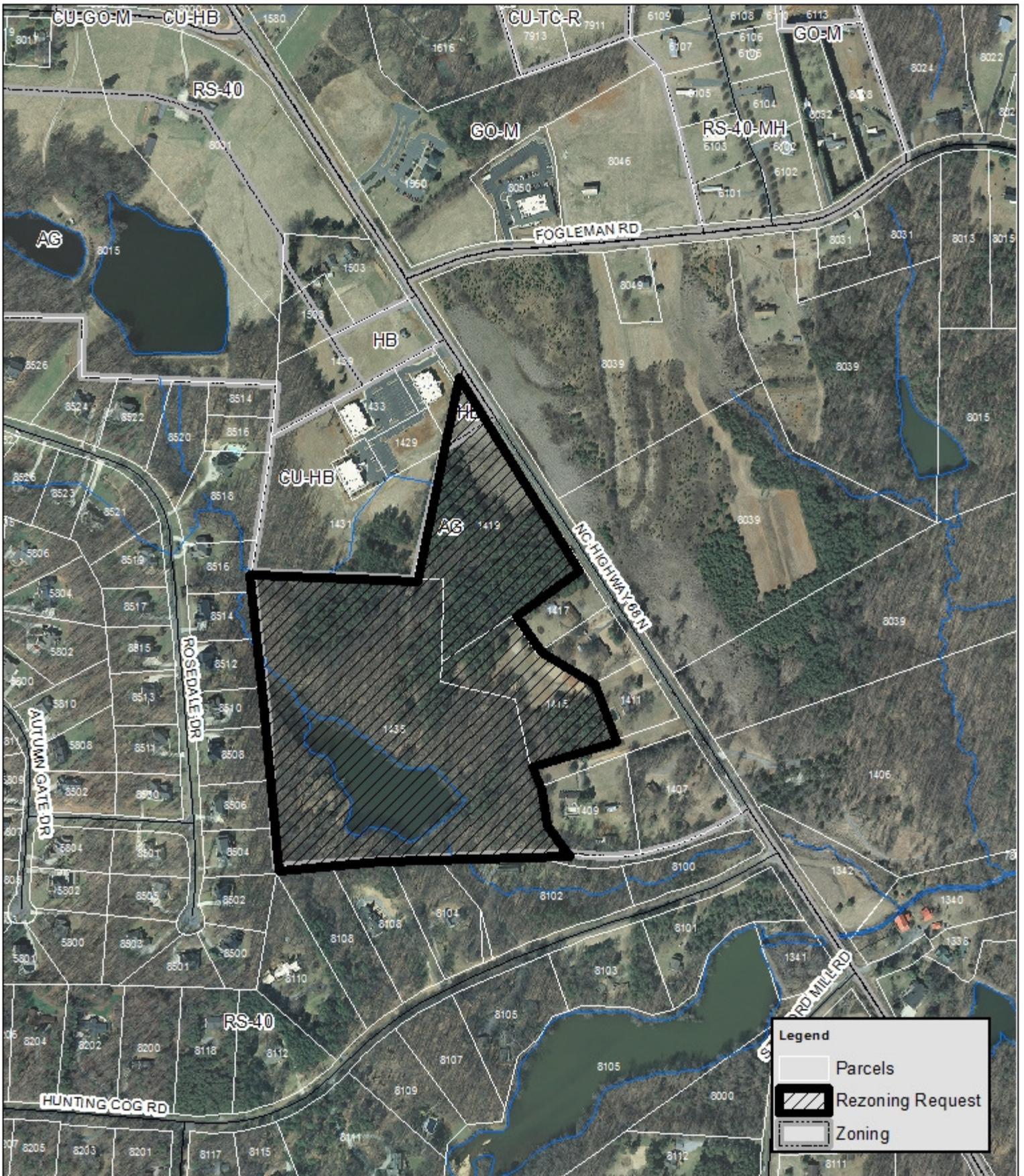
Topography: Gently rolling

Regulated Floodplain: None

Stream Location and Classification: A perennial stream feeds the pond located on the property. 50-foot stream buffers will be applied on both sides of the stream as well as the pond.

**COMMUNITY OUTREACH:**

The applicant has met with representatives of both the Twelve Oaks HOA and Old Mill Homesteads HOA. The applicant will provide additional detail at the public hearing.



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Scale: 1"=300'

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## STAFF RECOMMENDATIONS:

The proposed request is not strictly consistent with the recommendations of the Oak Ridge Future Land Use Plan. 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.

However, 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 development to the north and lower-density single-family residential development to the south and west. 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 may be addressed in the applicant's Traffic Impact Study, however this cannot be confirmed at this time. Furthermore, staff cannot confirm that all property owners have approved the additional proposed conditions. Staff is inclined to recommend approval of the proposed request-- by acknowledging the unique circumstances of this property and its partial inclusion in the Town Core-- but without the opportunity to review the results of the Traffic Impact Study I cannot make this recommendation with confidence.

## PLANNING AND ZONING BOARD RECOMMENDATIONS:

Motion to Approve/Deny by:

Seconded by:

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

## VOTE:

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.

**ROLL CALL VOTE:**

Sullivan	_____
McClellan	_____
Kinneman	_____
Nodine	_____
Schneider	_____

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and HB 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 .]

**MOTION  
TO REJECT  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and HB 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 .]

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG and HB 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 .]