

REZONING CASE #RZ-18-02

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 CU-RS-40, Conditional-use, 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:

1. Provide a forty (40) foot undisturbed buffer, except for drainage devices and utilities, comprising the full length of property frontage along Beeson Rd.

PROPERTY LOCATION AND DESCRIPTION: The property is located on the east side of Beeson Rd., approximately 1,572 feet south of the intersection with Oak Ridge Rd, in Oak Ridge Township. Being Guilford County Tax Parcels #0165374, and 0165391, consisting of approximately 65.32 acres. Located in the Greensboro (GW-III) Watershed. Owned by Alice Bennett, Theresa Pruitt and Lonnie Mabe (0165374) and Peggy Jane Cooke (0165391) (See enclosed map).

SUMMARY OF REQUEST: The applicant proposes a major residential subdivision of 47 single-family detached lots. The sketch plan submitted with the application shows the general location of the proposed development areas, as well as the proposed development conditions.

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: Residential single-family (Dapple Grey Run)
West: Residential single-family (Foxbury)

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.

CONDITIONAL USE DISTRICT REZONING ANALYSIS: The petition for rezoning (including proposed condition) 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.

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 2 miles
Schools: Oak Ridge Elementary, Northwest Middle, Northwest High

TRANSPORTATION:

Existing Conditions: Traffic counts from 2015 indicate 1300 trips per day along Beeson Rd. just South of Oak Ridge Road.

Projected Traffic Generation: If developed at maximum allowable density, 65 single-family detached dwellings could be expected to produce roughly 650 trips per day. The applicant proposes 47 single-family detached dwellings which are expected to produce 470 trips per day.

PHYSICAL CHARACTERISTICS:

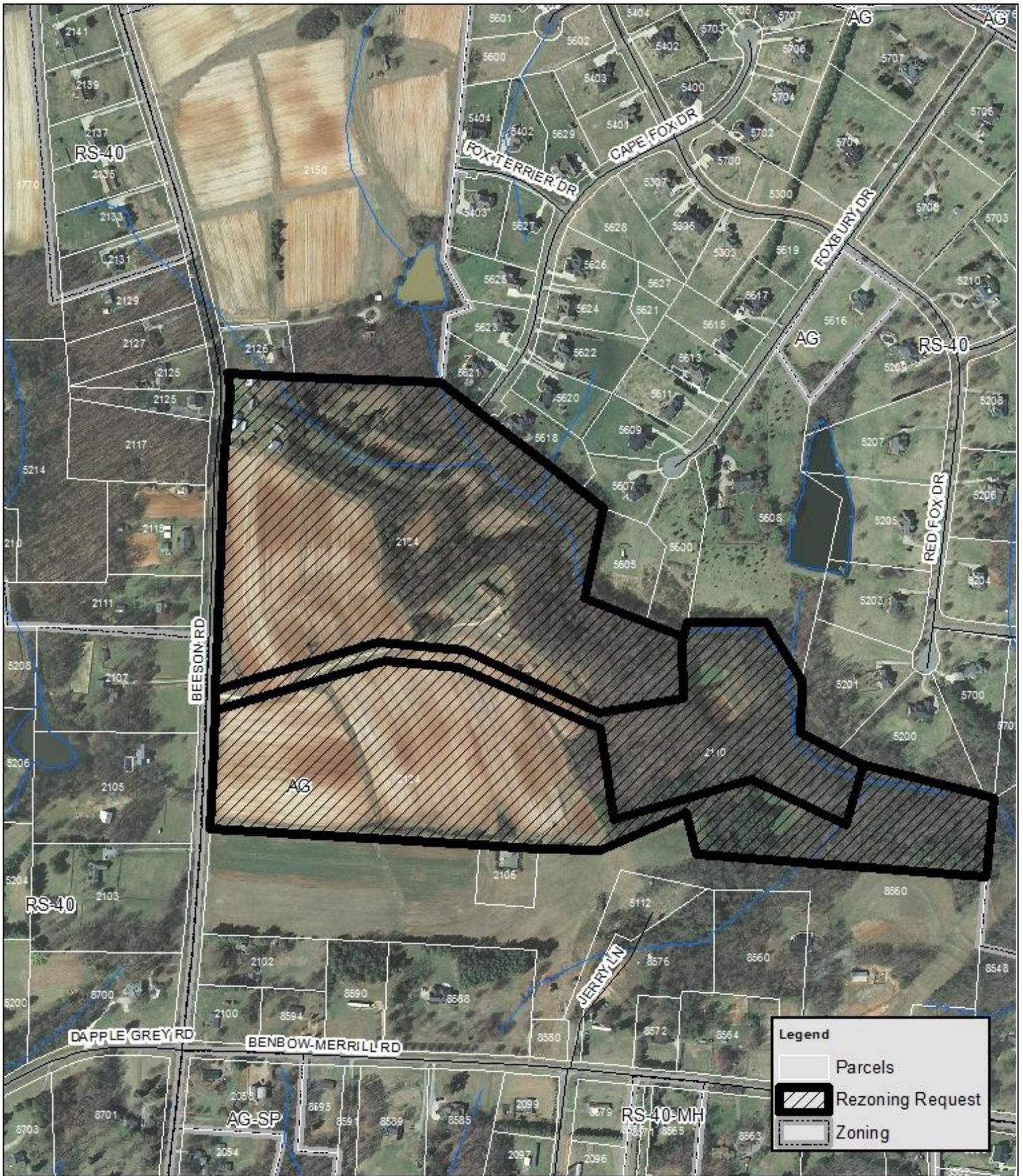
Topography: Gently rolling

Regulated Floodplain: None

Stream Location and Classification: A perennial stream follows along the northeastern and eastern boundaries of the properties. 50-foot stream buffers will be applied on both sides of the stream as well as the pond.

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 April 19th. The applicant will provide additional detail at the public hearing.



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AG to CU-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 recommends **approval**.

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 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 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 .]