

## **REZONING CASE #RZ-18-04**

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### **REQUEST:**

From: LB (Limited Business)

To: CU-GB (General Business)

#### District Descriptions:

The LB, Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

The CU-GB, Conditional-Use, General Business, is primarily intended to accommodate a wide range of retail, service and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

#### USE CONDITIONS:

1. All uses within the GB zoning category will not be allowed except for warehouse/mini-storage.

#### DEVELOPMENT CONDITIONS:

1. Proposed buildings will have the same architectural elevations as presented to the Planning and Zoning Board and Town Council during the rezoning hearing. (subject to site-plan and architectural approval by the Planning and Zoning Board)
2. A dense landscaping buffer along the southern border of the property to shield the development from view.
3. The preliminary site plan (subject to PZ Board Site Plan approval) shall be what the developer builds with minor adjustments allowed.

**PROPERTY LOCATION AND DESCRIPTION:** The property is located on the east side of NC Highway 68 North, approximately 640 feet southeast of the intersection of NC Highway 68 North and Oak Ridge Rd, in Oak Ridge Township. Being Guilford County Tax Parcels #0166233, and 0166234, consisting of approximately 3.164 acres. Located in the Greensboro (GW-III) Watershed. Owned by Twilight Outparcel Two LLC and Twilight Outparcel Three LLC.

**SUMMARY OF REQUEST:** The applicant proposes to construct three buildings each under 30,000 square feet for the purpose of public mini-storage. The proposed building will be architecturally enhanced and will be buffered by landscaping in order to meet the scenic corridor requirements. The sketch plan submitted with the application shows the general location of the proposed building

areas, as well as the proposed development conditions.

**LAND USE:**

Existing Land Use: Limited Business (Unoccupied)

Requested Land Use: General Business (Warehouse Mini-Storage)

North: Limited Business (LB) (Village Woods Center)

South: Residential Single-family/RS-40 (Undeveloped)

East: Public and Institutional (PI) (Oak Ridge Military Academy)

West: Conditional Use General Business (CU-GB) (Former Bank of Oak Ridge Location)

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

**GOAL #3:** Oak Ridge will continue to encourage distinctive, high quality site design and construction that reflects the Town's historic heritage and contributes to the village feel of the Town Core.

**OBJECTIVE 3.1:** Preserve and enhance the aesthetic and historic features of the entryways into town.

**POLICY 3.1.1:** Additional landscaping should accompany development along NC Highway 68.

**POLICY 3.1.2:** Landscaping should be native to the region and appropriate for the location.

**POLICY 3.2.2:** Commercial development outside of the Historic District should incorporate design elements of the Historic District.

**OBJECTIVE 3.3:** New commercial development will be contained within the Commercial Town Core.

**POLICY 3.3.1:** New commercial development should be directed toward undeveloped parcels within the Commercial Town Core.

**CONDITIONAL USE DISTRICT REZONING ANALYSIS:** The petition for rezoning (including proposed conditions) includes the owner of the property included in the rezoning request. Any additional conditions offered during the public hearing must be accepted by the owner 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 mile  
Schools: Oak Ridge Elementary, Northwest Middle, Northwest High

**TRANSPORTATION:**

Existing Conditions: Traffic counts from 2015 indicate 18,000 trips per day along Hwy 68 North at the entrance of Quiet Place and Hwy 68.

Projected Traffic Generation: Will be provided at the P&Z meeting.

**PHYSICAL CHARACTERISTICS:**

Topography: Gently rolling

Regulated Floodplain: None

Stream Location and Classification: None

**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 16th. The applicant will provide additional detail at the public hearing.



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## CU-LB to CU-GB



Scale: 1"=300'

## REZONING CASE #RZ-18-02

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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 commercial zoning for undeveloped tracts within the commercial town core. Town staff after careful review of Sec.30-353(Nonresidential districts)(See below)(with the applicant see attached Position Statement) recommend the approval of the rezoning request.

*Sec.30-353 (J) The 30,000 square feet of floor area includes gross building floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking and loading areas. For the purposes of determining the applicability of the 30,000 square feet of floor area maximum, the aggregate square footage of all adjacent buildings/outdoor uses which share check stands, store management (not including property management), or storage areas shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store such as a home improvement store, see figure [below]. Any existing structure erected before the enactment of the Oak Ridge Code of Ordinances may be expanded once by no more than 25 percent of the original structure floor area and such expansion shall be exempt from the provisions of section 30-303 of the Code of Ordinances related to the nonconforming use of land and nonconforming structures.*

**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:**

The request as presented is consistent/in-consistent with the Oak Ridge Future Land Use Plan and is reasonable/not reasonable and in the public interest.

**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 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 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:*

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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 .]