



# TOWN OF OAK RIDGE TOWN COUNCIL

RZ-23-02 P&Z Hearing Date: December 14, 2023

## GENERAL INFORMATION

**Applicant:** Zunaira Investment LLC., Murad Ali, Representative

**Request:** Rezoning request from AG (Agricultural) to CZ-LB (Conditional-Zoning – Limited Business)

The applicant proposes to use the existing structure for continued use as an convenience store.

### **Use Conditions:**

- 1) Uses of the property shall be limited to the following uses as listed in the Permitted Use schedule, Section 30-331 of the Oak Ridge Development Ordinance.
  - I. *Convenience store w/ Gasoline pumps.*

### **Development Conditions:**

- I. Development of the site shall follow the commercial Village Core Design Guidebook for the Town of Oak Ridge.
- II. Hours of operation shall be limited to the hours between 5:00 AM to 12:00 AM.
- III. Planting yard rates shall be doubled in the required street planting yard along Haw River Rd.
- IV. Any future expansion of the existing building shall be limited to 25% of the current building footprint.
- V. Name branded petroleum signage, e.g., Shell, Exxon, Citgo, shall be prohibited on any island canopy.

**Location:** Property is located on the North Side of Haw River Rd. at the intersection of Haw River Rd. and Parkchester Pl. Being in Oak Ridge Township. (See attached Map)

**Tax Map ID#:** 166414

**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:**

Applicant has mailed additional notice of the project to property owners within 500' of the subject property.

**Tract Size:** 1.37 Acres

**Topography:** Moderately sloping to flat  
**Vegetation:** Mostly open with dispersed large canopy trees.

**SITE DATA**

**Existing Use:** Single family residence and agricultural

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
<b>N</b>	AG	Agricultural
<b>S</b>	CZ-PD-R	Residential
<b>E</b>	AG	Agricultural
<b>W</b>	RS-40	Residential

**ZONING DISTRICT STANDARDS**

**District Summary:**

Existing: **AG (Agricultural)**

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.

Requested: **CZ-LB (Conditional Zoning – Limited Business)**

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.

**Conditional Zoning District Rezoning Analysis:**

The petition for rezoning includes all 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.

**SPECIAL INFORMATION**

**Overlay Districts:** None

**Environmental:**

**Watershed:** NPDES (National Pollutant Discharge Elimination System)

Floodplains: None  
Streams: None  
Other: None

**Utilities:**

Water: Well  
Sanitary Sewer: Non-available (Lot will be served by onsite 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:**

"Landscaping and Tree Protection Requirements" apply to this site.

**Transportation:**

Street Classification: Haw River Rd. – Major Thoroughfare  
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.  
Traffic Counts: 4297 Annual Average Daily Traffic (AADT) Volume along Oak Ridge Rd. SR 2028 (Haw River Rd) SOUTH OF SR 4454 Bethel Ridge D) taken in 2022  
Sidewalks: Part of Site Plan Review  
Traffic Impact Study: Requirements for a Traffic Impact Analysis/Study is not required by the Town of Oak Ridge Code of Ordinance. However, NCDOT may require a study be completed during the subdivision review process.  
Street Connectivity: Existing

## **IMPACT ANALYSIS & STAFF DISCUSSION**

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

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.

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

POLICY 3.3.3: Existing commercial uses outside of the Commercial Town Core should be encouraged to improve appearance and function. Modifications or changes in zoning in these areas may be appropriate depending on context.

### **Comprehensive Pedestrian Transportation Plan**

Pedestrian plan provides for a paved shoulder in this area of Haw River Rd.

### **STAFF RECOMMENDATIONS:**

Staff recommends that the request is consistent with the adopted Future Land Use Plan and recommends **approval**.

**Staff Report prepared for the Town of Oak Ridge Planning Department by Planning Director Sean Taylor, CZO.**

Guilford County, NC



**PLANNING AND ZONING BOARD RECOMMENDATIONS:**

Motion to recommend Approval/Disapproval to Town Council the application for rezoning. The proposal is Consistent/Inconsistent with the adopted land use plan, it is also Reasonable/Not reasonable and in/not in the public interest: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

<b>VOTE:</b>	Simpson	_____
	Stoudemire	_____
	Streck	_____
	Paslaru	_____
	Stafford	_____
	Fiorentino	_____

**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>	Schneider	_____
	Stone	_____
	Kinneman	_____
	Greeson	_____
	Harton	_____

**MOTION**

**TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: AG to CZ-LB

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 CZ-LB

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 to CZ-LB

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 .]