



# TOWN OF OAK RIDGE TOWN COUNCIL

RZ-24-02 Town Council Hearing Date: July 11, 2024

## GENERAL INFORMATION

**Applicant:** Combs LLC

**Request:** Rezone property addressed as 8525 Linville Rd. from PD-R (Planned Unit Development Residential) to **Amended** PD-R (Planned Unit Development Residential) (*Change lot from being designated as open space to a single family lot.*).

### **Development Conditions:**

NO BUSINESS OR COMMERCIAL USES ARE PROPOSED WITH THIS DEVELOPMENT.

**Location:** 8525 Linville. Rd.



**Tax Map ID#:** 238184

**Public Notification:** The Town of Oak Ridge notified all property owners within 500' of the subject property and will post the property as well for Public Hearings before the Planning and Zoning Board and Town Council.

**Community Outreach:**

None.

**Tract Size:** 1.36 approximately

**Topography:** Contoured

**Vegetation:** Wooded and open field

**SITE DATA**

**Existing Use:** Open Space for Riverside Subdivision

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
<b>N</b>	PD-R	Planned Development
<b>S</b>	PD-R	Planned Development
<b>E</b>	RS-40	Single-Family Residential
<b>W</b>	PD-R	Planned Development

**ZONING DISTRICT STANDARDS**

**District Summary:**

Zoning District	Existing	Requested
Designation:	<b>PD-R</b>	<b>Amended PD-R</b>
Max. Density:		

**Conditional Uses:** NO BUSINESS OR COMMERCIAL USES ARE PROPOSED WITH THIS DEVELOPMENT.

**Overlay Districts:** None

**Environmental:**

**Watershed:** Not Located in a water supply watershed

**Floodplains:** None

**Streams:** Stream along Western Boundary

**Other:** None

**Utilities:**

Public Water: None, Serviced by Community Well

Public Sanitary Sewer: Non-available (Lots will be served by onsite and offsite 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:**

Approved with original Subdivision

**Transportation:**

Street Classification: Linville Rd. – Collector Street

Site Access: Linville Rd.

Traffic Counts: NCDOT traffic counts from 2017 show 3100 trips per day along Linville Road

Sidewalks: None required

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: None

Other: N/A

**IMPACT ANALYSIS & STAFF DISCUSSION**

The impact of adding one additional lot in the proposed location does not place any impact upon the open space and Tree Preservation area.

**STAFF RECOMMENDATIONS:**

The Planning and Zoning Board must approve or deny the accompanying sketch plan as part of the applicant's zoning proposal. A separate vote for the sketch plan will be requested prior to the vote on the rezoning recommendation.

If approved, the amended sketch plan will be incorporated into the zoning approval. Any major deviations from the sketch plan (increases in density, changes in use, reductions in open space, removal of road connections, etc.) will require a new rezoning application and public hearing process.

The proposed request is consistent with the recommendations of the Oak Ridge Future Land Use Plan. Staff recommends **approval** of the rezoning application.

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

**PLANNING AND ZONING BOARD RECOMMENDATIONS:**

Motion to recommend **Approval** to Town Council the application for rezoning. The proposal is **Consistent** with the adopted land use plan, it is also **Reasonable** and in the public interest:

**Patrick Fiorentino**

Seconded by: **Craig Rosenfeld**

**Vote 3 to 2 in favor of the motion.**

<b>VOTE:</b>	Simpson	<u>AYE</u>
	Stoudemire	<u>NAY</u>
	Paslaru	<u>NAY</u>
	Fiorentino	<u>AYE</u>
	Rosenfeld	<u>AYE</u>

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

**MOTION  
TO APPROVE  
ZONING AMENDMENT**

PROPOSED ZONING AMENDMENT: PD-R to Amended PD-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: PD-R to Amended PD-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: PD-R to Amended PD-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.]



CERTIFICATE OF OWNERSHIP AND DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF OAK RIDGE, GUILFORD COUNTY, NORTH CAROLINA AND THIS PLAT AND ALLOTMENT TO BE A FREE ACT AND DEED, AND HEREBY DEDICATES TO PUBLIC USE AS STREET AND EASEMENTS FOREVER, ALL AREAS SO SHOWN OR INDICATED ON SAID PLAT.

SIGNED: COMBS, LLC, by: KEVAN R. COMBS, MEMBER / MANAGER

ATTEST: WILLIAM F. GRECO, Jr.

DEED RESTRICTION / RESTRICTIVE COVENANT
DEVELOPMENT OF SUBJECT PROPERTY IS REQUIRED TO BE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER MANAGEMENT PROGRAM. THE RECORDING OF THIS DOCUMENT ESTABLISHES AN ENFORCEABLE RESTRICTION ON PROPERTY USAGE THAT RUNS WITH THE LAND TO ENSURE THAT FUTURE DEVELOPMENT AND/OR REDEVELOPMENT SHALL MAINTAIN THE SITE IN A MANNER CONSISTENT WITH APPLICABLE LAW AND THE APPROVED PROJECT PLANS. ANY ALTERATION TO THE SITE SHALL NOT BE PERMITTED WITHOUT REVIEW AND APPROVAL BY THE LOCAL GOVERNMENTAL OFFICE HAVING JURISDICTION FOR WATERSHED/STORMWATER MANAGEMENT PROTECTION.

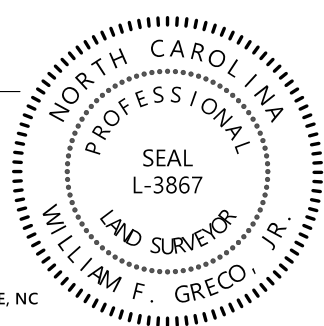
CERTIFICATE OF SURVEY ACCURACY
I, WILLIAM F. GRECO, JR. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN (SEE PLAT FOR REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS AS DRAWN FROM INFORMATION FOUND IN: (SEE PLAT FOR REFERENCES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER.

I FURTHER CERTIFY THAT:
THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600), AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS XX DAY OF XX, A.D. 2024.

WILLIAM F. GRECO, JR.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-3867



CERTIFICATE OF LOCAL JURISDICTION
APPROVAL FOR RECORDATION
APPROVED BY THE PLANNING DEPARTMENT OF TOWN OF OAK RIDGE, NC

ON THE DAY OF 2024, PURSUANT TO ARTICLE V OF THE TOWN OF OAK RIDGE DEVELOPMENT ORDINANCE.

FOR / PLANNING DIRECTOR

CERTIFICATE OF NO APPROVAL BY DIVISION OF HIGHWAYS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

THIS PLAT DOES NOT REQUIRE CERTIFICATE OF APPROVAL BY THE DIVISION OF HIGHWAYS AS PROVIDED IN G.S. 136-102.6, SUBSECTION (G).

FOR / PLANNING DIRECTOR

DATE

CERTIFICATE OF REVIEW OFFICER

I, REVIEW OFFICER OF GUILFORD COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

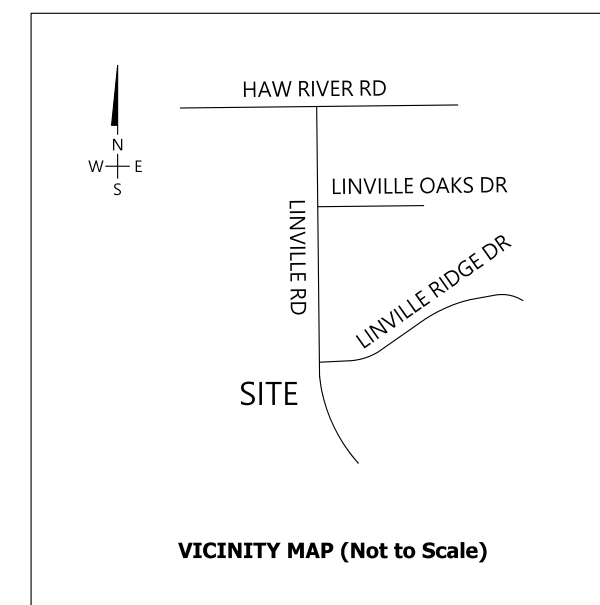
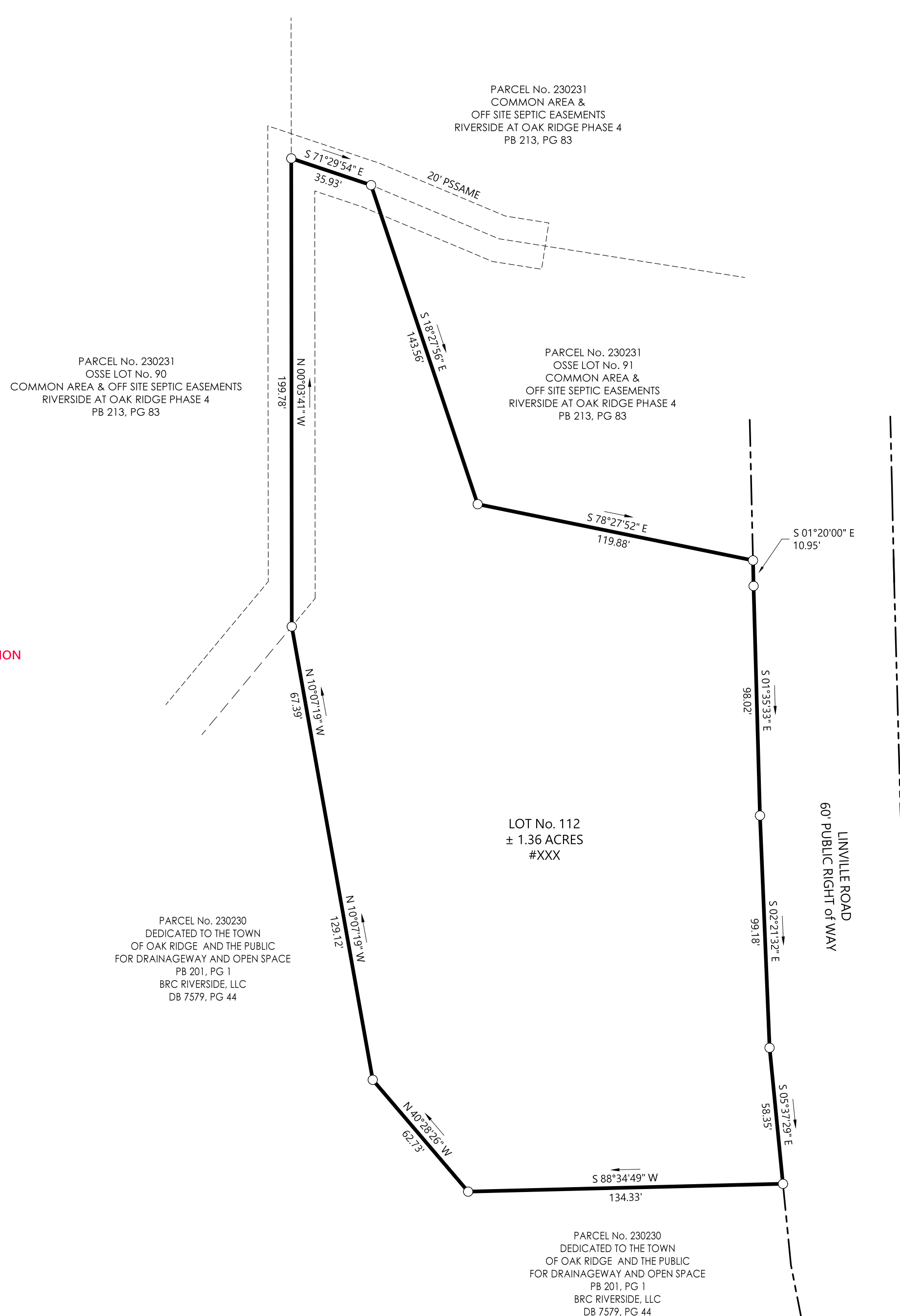
GENERAL NOTES AND SYMBOL LEGEND

- 1. THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF WAY, WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION. THIS DOCUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. ALL BEARINGS & COORDINATES ARE BASED UPON (SEE PLAT REFERENCES).
3. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET.
4. ALL PROPERTY CORNERS NOT OTHERWISE LABELED ARE NEW 1/2" IRON RODS.

Table with 2 columns: Symbol and Description. Includes Building Line, Common Area, Centerline, Drainage Easement, Existing Iron Pipe, Existing Iron Rod, Easement, New Iron Rod, Right of Way, OSSE, OHU, PSSAME, Private Sanitary Sewer, Access & Maintenance, Easement, Point (No Monument), Sight Distance Easement, Special Purpose Lot, Utility Pole.

Table with 2 columns: Symbol and Description. Includes Property Corner, Point (No Monument), Easement Corner, Lines Not Surveyed, Fence, Overhead Utilities (OHU).

PRELIMINARY
NOT FOR SALES, RECORDATION
OR CONVEYANCES



PLAT INFORMATION table with 2 columns: Field and Value. Includes Zoning District (CU-PDR), Deed References (DB 8686, PG 1950 & DB 8761, PG 2031), Acreage in Total Tract (± 1.36 Acres), Total Number of Lots (1 Building Lots), Tax Parcel No. (238184), Water (Individual Well), Sewer (Private Septic).

- NOTES:
1. TRACT IS NOT LOCATED WITHIN A FLOOD ZONE. PER FIRM COMMUNITY PANEL No. 3710689800K, WITH AN EFFECTIVE DATE OF MARCH 16, 2009.
2. THIS TRACT IS LOCATED WITHIN THE JORDAN LAKE DESIGNATED WATERSHED.
3. ALL PROPERTY CORNERS SHOWN ARE 5/8" EXISTING IRON RODS.

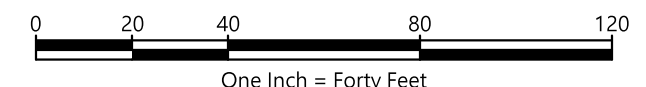
- AMENDED UNIFIED DEVELOPMENT PLAN NOTES:
1. LOT No. 112 AS SHOWN HEREON, WAS PREVIOUSLY IDENTIFIED AS COMMON AREA ON "UNIFIED DEVELOPMENT PLAN RIVERSIDE AT OAK RIDGE" AS RECORDED IN PLAT BOOK 168, PAGE 129.
2. RECORDATION OF THIS PLAT SHALL BE DEEMED AN AMENDMENT TO THE AFOREMENTIONED UNIFIED DEVELOPMENT PLAN, TO AFFECT A CHANGE IN THE AREA LABELING FROM "COMMON AREA" TO "BUILDING LOT".

PRELIMINARY PLAT & AMENDED UNIFIED DEVELOPMENT PLAN
RIVERSIDE AT OAK RIDGE LOT No. 112
Riverside at Oak Ridge Subdivision, Phase Four
Previously Recorded in Plat Book 213, Page 83

OAK RIDGE TOWNSHIP - TOWN OF OAK RIDGE
GUILFORD COUNTY - NORTH CAROLINA

Survey Date: May 2, 2024

Current Owner: Combs, LLC



LAND SOLUTIONS of NORTH CAROLINA, PLLC
POST OFFICE BOX 347 OAK RIDGE, NC 27310
TELEPHONE 336.605.0328
FIRM LICENSE No. P-1190