

SUBDIVISION CASE #16-17: Zack Road Townes

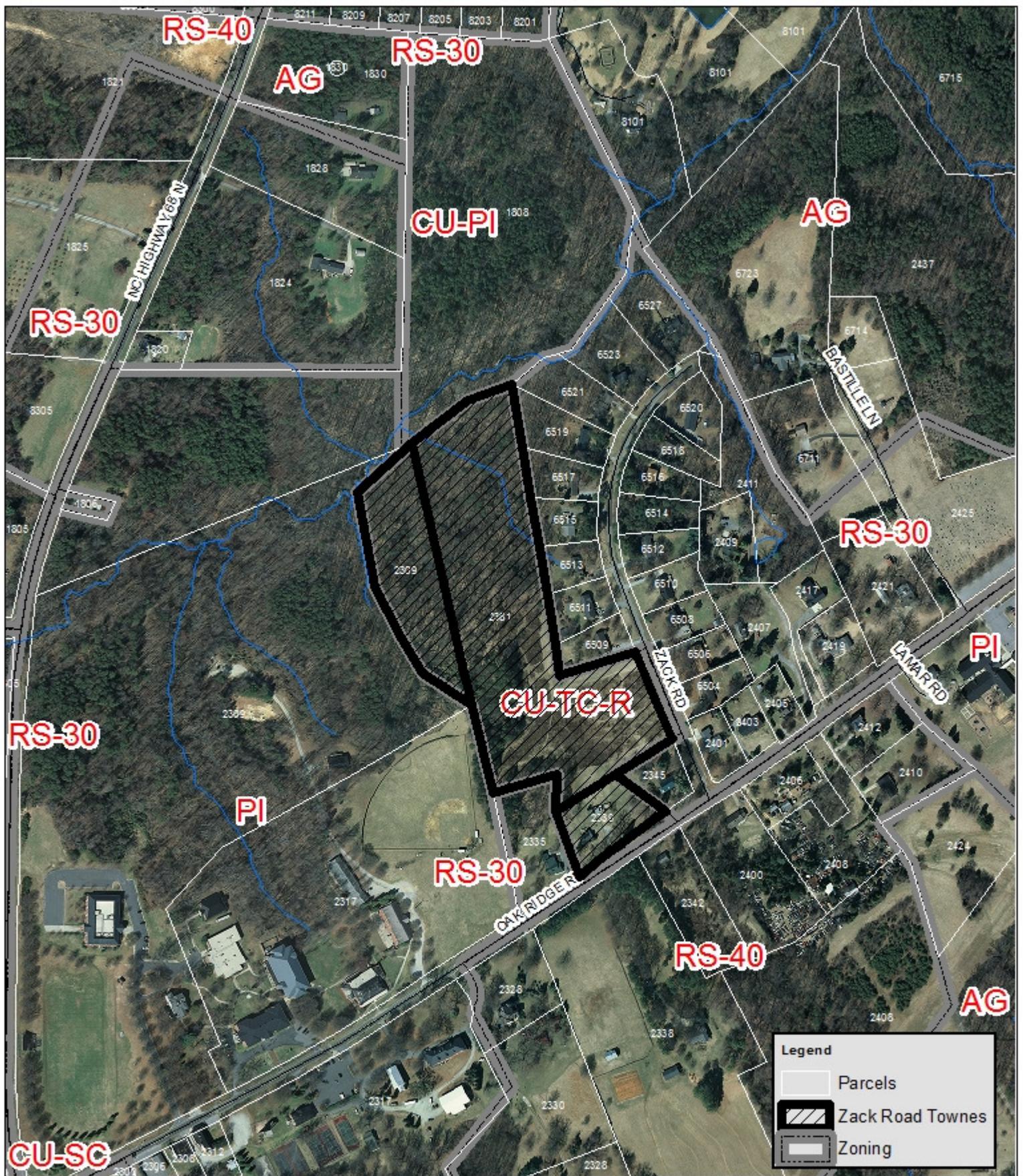
The property is located on the north side of Oak Ridge Road, approximately 200 feet west of Zack Road in Oak Ridge Township. The applicant seeks approval for a 25-lot subdivision and common area on a total of approximately 15.9 acres. Being Guilford County Tax Parcels 0162860, 0163177, and 0163221. Zoned CU-TC-R, Scenic Corridor Overlay Zone, and Oak Ridge Historic District (part). Applicant: LD Equity. Designer: Evans Engineering. **Cul-de-sac length waiver requested.**

Staff comments:

1. Amethyst Court is a private drive permitted in accordance with Section 30-447(e). The applicant has requested a waiver to Section 30-860(j), to allow a cul-de-sac greater than 800 feet in length (1061 linear feet proposed). Waiver request from the applicant is attached. Per Section 30-861, the Town Council may grant a waiver under one (or more) of the following circumstances:
 - a. *Physical hardship.* Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this article would cause unusual and unnecessary hardship on the subdivider.
 - b. *Equal or better performance.* Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this chapter.
 - c. *Unintentional error.* Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

Staff comment: waiver requests are not quasi-judicial and do not require findings of fact (like variances). Usually, cul-de-sac length issues are solved by providing a stub road that could provide a through-road connection at some point in the future. Stub roads are not cul-de-sacs, and therefore are not subject to the maximum length requirement. In this case, a stub road to the north is not advisable or feasible due to the sensitive nature of the stream and floodplain that must be crossed for any road connection to be built. Also, there is no ability to stub to the east, as Whitaker Estates was developed without any stub road to connect with. The applicant could stub to the ORMA property, but this also seems inadvisable and unlikely to ever be utilized. The cul-de-sac length waiver approved by the Planning and Zoning Board at the Linville Ridge subdivision was justified on similar grounds.

At its November 17, 2016 meeting the Planning and Zoning Board recommended approval of the proposed waiver and a conditional approval of the subdivision on separate 6-1 votes. The applicant has revised the plan to address the conditional comments. Subject to approval of the waiver request, staff recommends **approval** of the subdivision.



Subdivision Case # Sub-16-17 Zack Road Townes

