

Oak Ridge Municipal Planning Commission
Regular Meeting
February 24, 2011

TIME: 5:30 p.m.

PLACE: Court Room, Municipal Building

PRESENT: Terry Domm, Chuck Agle, Lauren Biloski, Linda Brown, Kelly Callison, Austin Lance, Claudia Lever, Jane Shelton

ABSENT: Charles Hensley, Patrick McMillan

ALSO

PRESENT: Kathryn Baldwin, Kahla Gentry, Kelly Segars, Bobby Ledford, Jack and Myra Mansfield, John Barron, Bill Wilburn

Terry Domm, Chairman, called the meeting to order at 5:30 p.m.

Summary of Action

Approval of Agenda

The agenda was amended by moving the Bicycle/Pedestrian as the first item under Business.

Approval of Minutes

Ms. Lever moved to approve the minutes of the regular meeting held January 20, 2011 (Motion 1) as presented.

Mr. Lance seconded the motion , passed, 8-0.

Consent Agenda

The consent agenda was approved by unanimous vote thereby approving:

February Bond Report

One year extension of Letter of Credit for Rarity Oaks

Business Items

Bicycle/Pedestrian Plan

Kelly Segars, a planner with the Knoxville Transportation Planning Organization, presented a brief overview of the Bicycle/Pedestrian Plan document. The plan describes the current state of walking and bicycling in the City of Oak Ridge, and lays out a plan for improving bicycling and walking conditions in the future. The plan includes a list of 24 potential spot location projects listed in order of priority and an additional list of 18 potential corridor projects. Basic design principles are included in the plan and the plan concludes with recommended next steps for implementation. Brief discussion of the plan followed the presentation.

Mr. Lance moved to recommend to City Council approval of the Bicycle/Pedestrian (Motion 2) Plan.

Mr. Callison seconded the motion, passed 8-0.

Hendrix Creek PUD Amendment – 123 Hendrix Drive

Mr. Bobby Ledford, owner of 123 Hendrix Drive, is requesting approval to divide off a portion of his property that was formerly designated as “Open Space” on the Hendrix Creek Phase I final plat, in order to sell it as a building lot for one single-family home.

The Anderson County tax parcel identification number for the subject property is Map 100J, Group A, Parcel 59.00. The lot proposed for division into two lots has an area of 1.24 acres. The subject property was formerly two lots, with one lot being a building lot and one lot designated as an open space lot.

The final plat for Hendrix Creek PUD, Phase I was recorded on May 30, 1979. On the plat the subject property is identified as Lots 9 and 10 and is zoned R-1-C with a PUD overlay. Lot 10 is labeled as Open Space. At the time the original plat was filed the subject property had an area of approximately 1.09 acres.

The Planning Commission approved the final plat of Hendrix Creek PUD, Phase I on April 26, 1979, subject to Lots 10 (the subject property) and 13 being in common ownership as open space. In 1987, at the request of Sonja Development and the Hendrix Creek Homeowners Association, a proposal to amend the Hendrix Creek PUD to dedicate three open space lots to the City and to divide other open space lots among the adjacent homeowners was approved by City Council as Ordinance 34-87. The ordinance states “That the Schematic Planned Unit Development Plan . . . approved in Ordinance 9-78, is amended in that following the effective date of this ordinance, the open space referenced in the original Planning Commission recommendation dated December 15, 1977 may be subdivided for transfer to adjacent property owners and to the City of Oak Ridge, as proposed by the Hendrix Creek Homeowners Association and the owners, Sonja Development, Inc., and as recommended by the Oak Ridge Regional Planning Commission on August 27, 1987, provided that all of such lands shall be so divided and added to the lots of adjacent landowners, that all such transfers be subject to deed restrictions prohibiting the erection of new structures within the parcels so transferred, and no remnant parcels shall be left.”

Lot 10 was included as a parcel to be divided among the adjacent homeowners. When resubdivision plats were approved by the Planning Commission in April 1988, which divided the open space among the Hendrix Creek homeowners, the majority of Lot 10 was combined with Lot 9, 123 Hendrix Drive.

Mr. Bobby Ledford, the current owner of 123 Hendrix Drive, wants to divide his property back into two lots in order to sell a portion of his property as a separate building lot. Mr. Ledford has had an attorney prepare a document to amend the Declaration of Covenants and Restrictions for Hendrix Creek – Phase One to permit the development of Lot 10 for residential purposes. As provided for in the Declaration of Covenants and Restrictions for Hendrix Creek – Phase One, Mr. Ledford has obtained the signatures of the developers and 75% or more of the property owners in order to gain approval of the amendment. Hendrix Creek – Phase One had 40 residential lots. Signatures from the owners of 30 or more lots meets the 75% requirement.

In reviewing the suitability of the property for use as a building site the following findings were made:

- The subject property has an area of 1.24 acres and has a sufficient area to divide into two lots in compliance with zoning and also in conformity with other lots in the area.
- The lot is regular in shape and is not on a corner. Because the lot has adequate area, is regular in shape and does not have double frontage on streets, there would not be a problem with meeting building setback requirements.
- The lot has 219.92 feet of street frontage, more than adequate to provide sufficient street frontage and provide for minimum lot width requirements.
- There are no easements or drainage ways crossing the property that would conflict with erecting a residential building. There is a burial plot that is approximately 285 square feet in area (Cemetery 40) that is located within the property. The burial plot is near the side lot line and it would not prevent the property from being used for a residence.
- The property could be divided into two lots that would be in compliance with subdivision regulations and zoning requirements.

Staff recommended approval of the request.

Mr. Agle moved to recommend to City Council approval of the request to remove the open (Motion 3) space restriction that applies to Lot 59.00, Map 100J, Group A based upon the following findings:

- **The subject property has an area of 1.24 acres and has a sufficient area to divide into two lots in compliance with zoning and also in conformity with other lots in the area.**
- **The lot is regular in shape and is not on a corner. Because the lot has adequate area, is regular in shape and does not have double frontage on streets, there would not be a problem with meeting building setback requirements.**
- **The lot has 219.92 feet of street frontage, more than adequate to provide sufficient street frontage and provide for minimum lot width requirements.**
- **There are no easements or drainage ways crossing the property that would conflict with erecting a residential building. There is a burial plot that is approximately 285 square feet in area (Cemetery 40) that is located within the property. The burial plot is near the side lot line and it would not prevent the property from being used for a residence.**
- **The property could be divided into two lots that would be in compliance with subdivision regulations and zoning requirements.**

Motion passed as amended by a vote of 8-0.

There was discussion concerning maintenance of the John Hendrix gravesite and provision of public access. Jack Mansfield and John Barron spoke about their concerns on preserving and maintaining access to the Hendrix gravesite. It was suggested that the gravesite area could be purchased and maintained by citizens as permanent open space. Staff expressed concerns about the ability of a citizens group to provide for perpetual maintenance of the site. A deed restriction

and an access easement were discussed as a means to preserve a record of the public access to the gravesite.

Ms. Shelton moved to amend Motion 3 to add that approval be subject to the provision of a ten (Motion 4) foot wide access easement to provide public access to the gravesite from Hendrix Drive.

Ms. Biloski seconded the motion, passed 8-0.

Other Items:

None

Reports

- a. City Council actions – No report
- b. Staff Report – The East Tennessee Quality Growth conference “Plain Talk on Quality Growth” will be held in Knoxville on March 30 and 31st.
- c. EQAB (C. Agle) – No items to report
- d. TSAB (J. Shelton) – No meeting
- e. Anderson and Roane County Regional Planning Commissions (Staff) – Nothing to report
- f. Highland View Redevelopment Advisory Board (Claudia Lever) – No meeting

Adjournment

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Terry Domm, Chairman
Oak Ridge Municipal Planning Commission