

Oak Ridge Municipal Planning Commission

Minutes

Meeting date: January 17, 2013

Call to Order: The annual meeting of the Oak Ridge Municipal Planning Commission was held in the Courtroom of the Municipal Building, Oak Ridge, TN on January 17, 2013. The meeting convened at 5:30 p.m. with Terry Domm, Chairman, presiding.

Members in attendance: Chuck Agle, Lauren Biloski, Terry Domm, Charlie Hensley, Claudia Lever, Patrick McMillan, Jane Shelton

Visitors/Others: Kathryn Baldwin, Monica Carroll, Kahla Gentry, – Staff Representatives, Melissa Ballard, Ron Asher, Walter Wise, Terry Wheeler, James Smith, Chris Ooten, David Harbin, Robert Cumming, Beto Cumming, John Huotari, Joy Henderson, Wes and Judith Delaney.

Approval of Agenda: Agenda was unanimously approved as presented.

Approval of Minutes:

Motion was made by Ms. Lever to approve the minutes of the December 20, 2012 meeting as presented. Second by Mr. Hensley followed by a vote of 7-0 to approve.

Consent agenda:

The consent agenda was approved by unanimous vote thereby approving:

- January bond report
- Plat of Correction for Woodland Town Center (Aubrey's & Panera Bread)

Business Items:

Site Plan – LKM Properties, LP, Lot 19, Block 21CB, 417 S. Illinois Avenue., zoned UB-2,

- Staff recommended approval subject to staff comments as follows:

1. Parking: For uses not specifically mentioned in Article XI for identifying parking requirements, the Planning Commission can approve the parking based on requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and other commonly accepted and applied traffic engineering principles.

**The current zoning ordinance does not identify the number of parking spaces required for "gas stations". The applicant has provided 24 parking spaces and has stated that is the standard number of parking spaces provided on the majority of their sites. Staff would recommend approval of the parking as proposed.*

Motion made by Mr. McMillan to approve 24 parking as meeting the required number of parking spaces for the proposed convenience store.

Seconded by Mr. Hensley followed by a vote of 7-0 to approve.

2. **Landscaping Plan:** Note that a minimum of 10% of the paved area within a site is to be landscaped within and immediately adjacent to the paved parking area. This is the required landscape area. For every 200 square feet of required landscaped area, one (1) tree shall be planted. See Article XIII of the Zoning Ordinance. Provide a note on the landscape plan stating the percentage of the site devoted to open space; the square footage of paved area; calculate 10% for the required landscape area; and the number of trees required based upon one tree for every 200 square feet of required landscaped area. Note no more than 50% of site trees may be compromised of ornamental trees. A minimum of 20% of the overall site shall be devoted to permeable surfaces, such as landscaped areas and green space.

**Applicant is requesting that they be allowed to do provide a payment in lieu of plantings for the balance of all trees they are not able to provide onsite due to utility conflicts, topographical constraints within the site and configuration of the building and gas canopies. Staff is in the process of determining the amount and will provide this information at the upcoming regular Planning Commission meeting. The amount of the payment would be \$4,800.00. This amount is for 24 canopy trees, 18 ornamental trees, and a credit for replacing the fence adjacent to the cemetery property with a six (6) foot high solid wooden privacy fence. This payment will be required prior to the issuance of the Certificate of Occupancy.*

Motion made by Mr. Hensley to approve payment to tree bank of \$4,800.00 for 24 canopy trees, 18 ornamental trees, and a credit for replacing the fence adjacent to the cemetery property with a six (6) foot high solid wooden privacy fence with payment required prior to the issuance of the Certificate of Occupancy.

Seconded by Mr. McMillan followed by a vote of 7-0 in favor.

3. **Landscaping:** Per Section 13.02 Design Review (f) Landscape 2. Streetscape “a streetscape area shall be 10 feet in depth behind property lines adjacent to the full boundary of all lot lines adjacent to a public or private street. Street trees shall be located within the streetscape areas.” This section further states that the “street trees shall be planted along streets at least 40 feet on center with relatively even spacing.” These trees should also follow the radius of the entrances to the parking areas and should be canopy trees with a minimum of two (2) – two and one-half (2½)-inch caliper. NOTE: These street trees do not count towards the minimum site plan requirements. Based on the site plan, four (4) trees are required along Potomac Circle and six (6) canopy trees are required along south Illinois Avenue.

**Alternative Requested: The applicant is requesting that the streetscape area be reduced to a width of 5 feet along South Illinois Avenue and asking that the streetscape requirement along Potomac Circle be waived in its entirety. Due to the location of the building and gas canopies, providing the full 10 feet of streetscape area along South Illinois Avenue would interfere with the traffic circulation within the site. In the past, plantings within the City’s rights-of-way along South Illinois Avenue have been allowed however this would not work for this site given to the shallow depth of the rights-of-way, existing sidewalk and utilities. The applicant is able to plant the required street trees within the 5 foot landscape area along*

South Illinois Avenue therefore staff is recommending approval of reducing the width of the streetscape area to 5 feet along South Illinois Avenue.

For the streetscape area along Potomac Circle staff is recommending that this be waived in its entirety. Due to topography, the grade changes from Potomac Circle elevation to the building elevation is approximately 13 feet. The applicant will be building a retaining wall along the rear of the property adjacent to Potomac Circle with plantings to provide a buffer for the residential property across the street. This portion of the lot is heavy with utility easements for sewer, water line for the fire hydrant, and the overhead electric line. The planting of canopy trees are prohibited in this area however the applicant is proposing to plant a mixture of ornamental trees, shrubs and ground covers in this area.

Motion made by Mr. McMillan to approve the requested alternative streetscape as recommended by staff above.

Seconded by Mr. Hensley followed by a vote of 7-0 in favor.

4. Screening: Transitional screening is required when commercial land uses abut residential zoning districts. Section 13.02 (g) Screening 3. Design Standards b. Buffers – Opposite Residential Zoning Districts states that a buffer strip shall be required around the entire perimeter of the off-street parking lot when such parking lot abuts any residentially zoned property or is located across the street from a residentially zoned property. Additional transitional screening will be required along the east and west side boundaries and along Potomac Circle.

**The applicant is asking that the buffer requirement along the portion of their property adjacent to the bank's property be waived in its entirety; a portion of the buffer adjacent to Lot 22 be waived due to the conflict with the proposed sewer line; and the portion of the buffer along the property adjacent to the cemetery be waived. Staff recommends approval and the applicant has agreed to provide additional plantings in and around the detention basin to offset any potential negative impacts on the adjacent properties.*

Motion by Mr. McMillan to approve the buffer waivers as recommended by staff above.

Seconded by Mr. Hensley followed by a vote of 6-1 in favor. Mr. Domm voted against the motion.

Motion by Mr. McMillan to approve the site plan for LKM Properties, LP, 417 S. Illinois Avenue, with the alternatives as approved above and subject to the following comments:

Public Works Department

1. Zoning Ordinance XI Section 11.01d (9) Minimum Length Restrictions states that the driveway must extend a minimum of 20 feet into the property from the lot line abutting the public road before the edge of the driveway may be intersected by a parking lot space, aisle, or drive. The plan show only 5 feet extension at two locations, one at each of the Illinois Avenue accesses. The extension needs to be a raised island. Any reduction in this requirement would require BZA approval.
2. On the landscaping plan several trees are still shown within city utility easements.
3. On Sheet 3 detail for the right-in/right-out access island the R3-2 sign in front of the stop sign can be removed. Please add a "Do Not Enter" sign at the south end of the raised island in the concrete section between Illinois and the sidewalk.
4. Label the E-1 grinder pump and force main as private.

5. The potable water is shown tying into the old residential meter. It is understood that the location of the connection will be on the new 6-inch fire water line.

Electric Department

1. Show electric utility easement for new OH (15') & UGD (10') extensions on both Utilities, and Landscape Plans
2. Transformer pad shall be 3 feet from back wall. It may have to be moved towards building slightly.
3. Modify Note #13 on the Landscape Plan so as to indicate that root barriers shall be required where trees are in close proximity to any underground electric facilities.

Informational Comments:

1. An easement encroachment will be required for any improvements in utility easements.
2. Any request to relocate existing electrical facilities shall be paid by the requesting party. The party will also be responsible for surveying and recording any easements required for relocated facilities.
3. An easement for the proposed OH pole and down guy/anchor must be recorded prior to removal of the existing down guy/anchor.

Seconded by Mr. Hensley followed by a vote of 7-0 to approve.

Request to rezone a 1.16 acre portion of Parcel 563, Block 17BT, Map 105H, Group A, Parcel 1.00, 2095 Oak Ridge Turnpike from RG-1 and RG-1 Flood Fringe to UB-2 and UB-2 Flood Fringe.

- **The subject property is located on the Oak Ridge Turnpike across from the West Lincoln Road intersection. The adjoining properties to the east are zoned commercial and are in commercial use. If approved the rezoning would be consistent with Comprehensive Plan policies to locate commercial development on arterials with shared access. The applicant has received a letter from the adjoining property owner on the east stating the intent to enter into an agreement for a shared access to the Turnpike. Such an access is an important component of the decision to rezone the subject property to a commercial zone because the access is necessary to provide the ability to turn left into and out of the subject property. It is recommended that the applicant have a recorded shared access agreement with the adjoining property owner on the east before second reading of the rezoning ordinance by City Council.**

Motion made by Mr. Hensley to recommend to City Council approval of the rezoning of a 1.16 acre portion of Parcel 563 to UB-2 and UB-2 Flood Fringe with the recommendation that a shared access easement with the adjoining property on the east providing access to the Oak Ridge Turnpike be recorded before second reading by City Council.

Seconded by Ms. Shelton followed by a vote of 7-0 to approve.

Land Use Plan Amendment from R, Residential to B, Business for a 1.16 acre portion of Parcel 563, Block 17BT

- **The Land Use Plan amendment is recommended to be consistent with the rezoning.**

Motion made by Ms. Lever to recommend to City Council amending the Land Use Plan designation for a 1.16 acre portion of Parcel 563, Block 17BT from R, Residential to B, Business.

Seconded by Mr. Hensley followed by a vote of 7-0 in favor.

Preliminary PUD and Rezoning for Woodland Town Center Phase II, Request to Rezone 207/209 S. Purdue Avenue from R-2/MDO and RG-1 to UB-2/PUD and Rezone 211/213 S. Purdue Avenue and 215/217 S. Purdue Avenue from R-2/MDO to UB-2/PUD.

Motion by Mr. Agle to recommend to City Council approval of Woodland Town Center, Phase II Preliminary PUD with the two variances and rezoning subject to adding the note concerning future access as recommended by staff.

Seconded by Mr. McMillan followed by a vote of 7-0 in favor of the motion as amended.

Motion by Mr. Agle to amend the main motion by adding specific lot descriptions within the note concerning future access. Seconded by Mr. McMillan followed by a vote of 7-0 in favor.

Motion by Mr. Hensley to amend the main motion by removing the requirement for the note concerning future access from the motion. Seconded by Mr. Agle followed by a vote of 7-0 in favor.

- **The Woodland Town Center, Phase II PUD has an approximate area of 2.37 acres and is located between S. Purdue Avenue and S. Illinois Avenue at Woodland Terrace East.**

The applicant is requesting approval of two variances. A variance to reduce the required minimum building setback from the lot line on S. Purdue Avenue from 30 feet to 22 feet subject to providing a landscape buffer in compliance with "Buffer D" as defined in the Zoning Ordinance. "Buffer D" is the required buffer between commercial and residential development. Placing the building back from S. Illinois Avenue continues the development pattern established in Woodland Town Center Phase I (Panera Bread and Aubrey's) of having the parking in front of the buildings. The setback reduction in the back is requested in order to allow sufficient room for parking and circulation. The proposed plan allows for a wider landscape buffer behind the new proposed building on S. Purdue Avenue than the landscaping along S. Purdue Avenue behind Panera Bread and Aubrey's.

The second variance is requested to allow a loading dock area facing a street. The subject property has streets on three sides, providing a hardship in locating a loading dock not facing a street that works with the traffic circulation on the site within the confines of the size and shape of the lot.

The proposed rezoning is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways, as well as policies encouraging commercial development on S. Illinois Avenue and in the central city area. The proposed rezoning is also consistent with the S. Illinois Avenue Corridor Study plan for commercial development on the northeast side of S. Illinois Avenue. The Woodland Town Center Phase II plan shows a schematic plan for a retail store with additional area available for future development. A shared access easement is shown for future development on the proposed PUD plan providing access to Woodland Terrace East.

Finding the proposed rezoning and Woodland Town Center Preliminary PUD consistent with Comprehensive Plan policies as well as the S. Illinois Avenue Corridor Study and also finding the rezoning and PUD plan in conformity with zoning and land uses on S. Illinois Avenue adjacent to and across from the subject property, staff recommended approval. Staff also recommended approval of both variance requests.

Staff also recommended adding a note to the PUD plan concerning the provision of access to Woodland Terrace East if the next adjoining property were to be rezoned commercial. Staff suggested wording the note as follows:

“A private access to the property on the western boundary of the limits of this proposed rezoning is delineated on the PUD Master Plan. The access is to remain open and unobstructed during all development phases of this project. A cross access easement shall be formally recorded in the Anderson County Register of Deeds office at such time that the property receives a Commercial Zoning designation from the City of Oak Ridge and an access agreement is reached with Central Park Development, their assigns and/or subsequent title holders.”

Mr. Walter Wise, the property owner of the Woodland Town Center, Phase II property, spoke of his development efforts in Oak Ridge and his attempt to purchase the adjoining property to the west. He felt the proposed note would place an undue hardship on the development and he would consider it a taking. He said he would withdraw the development if the note was required. There was further discussion concerning the desire to preserve a means of access to Woodland Terrace East for future commercial development west of Woodland Town Center. It was recommended that staff and the developers have further discussion of access considerations before the City Council meeting.

Land Use Plan Amendment from R, Residential to B, Business for lots in Woodland Town Center, Phase II being rezoned.

- **The Land Use Plan amendment is recommended to be consistent with the rezoning.**

Motion by Mr. Hensley to recommend to City Council amendment of the Land Use Plan for lots located at 207/209, 211/213, and 215/217 S. Purdue Avenue from R, Residential to B, Business.

Seconded by Ms. Lever followed by a 7-0 vote in favor.

CIP Prioritization

- The priorities list is attached as part of the minutes.

Election of Officers

Officers for the calendar year were elected as follows:

Chairman	Terry Domm
Vice-Chairman	Kelly Callison
Secretary	Claudia Lever

Adjournment

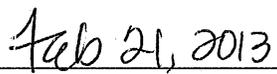
Motion by Mr. Agle to adjourn.

Seconded by Mr. McMillan followed by a vote of 7-0 in favor

Meeting adjourned at 7:00 p.m.



Chairman
Oak Ridge Municipal Planning Commission



Date of Approval