

OAK RIDGE MUNICIPAL PLANNING COMMISSION
MINUTES

Meeting date: July 17, 2014

Call to Order: The regular meeting of the Oak Ridge Municipal Planning Commission (Planning Commission) was held in the Municipal Building, Oak Ridge, TN on July 17, 2014. The meeting convened at 5:30 p.m. with Mr. Domm presiding.

Members in Attendance: Kelly Callison, Terry Domm, Charles Hensley, Sharon Kohler, Claudia Lever, Pat McMillan, Jane Shelton, Stephen Whitson, and Monica Austin Carroll – Staff Representatives

Members not in Attendance: Sheldon Green and Austin Lance

Visitors/Others: See attached sign in sheet

Approval of Agenda: Unanimous vote to approve the agenda as presented.

Approval of Minutes: A motion by Ms. Lever to approve the minutes of the Regular Meeting minutes on June 26, 2014 as presented. Seconded by Mr. Whitson followed by unanimous vote to approve.

Consent Agenda:

a. July Bond Report

Unanimous vote to approve the consent agenda as presented.

Business Items:

a. Preliminary PUD Plan – South Illinois Retail Development – and variance requests

1. The minimum area for a PUD is five (5) acres; the proposed Preliminary PUD Plan is only 2.29 acres. This will require a variance for the Oak Ridge Municipal Planning Commission (Planning Commission). The two (2) lots proposed for the Preliminary PUD Plan will also be required to be re-subdivided into one (1) legal lot of record and approved by the Planning Commission.

**Variance Request: Applicant is requesting a variance to allow the minimum PUD size be waived. It should be noted that this is the last phase of the adjacent PUD subdivisions and as a whole the overall area is larger than 5 acres. Also requesting that the requirement to submit a Final Master PUD Plan be waived in its entirety. Staff would recommend approval of these requests.*

Motion by Ms. Lever to waive the requirement to submit a Final Master PUD Plan submittal in its entirety. Seconded by Mr. Callison followed by unanimous vote to waive this requirement.

Motion by Ms. Lever to waive the minimum size requirement for a PUD. Seconded by Mr. Hensley followed by unanimous vote to waive this requirement.

2. Landscaping: Need to provide notes on Sheet P-2.0 that the nuisance screening per Section 13.02 (g) Screening 3. Design Standards b. Buffers is met along South Purdue Avenue; adjacent to the cemetery and along South Illinois Avenue. This requires a Buffer “D” type along these boundaries.

**Variance Request: Requesting that the buffer (nuisance screening) requirements along South Illinois Avenue be waived in its entirety due to the large rights-of-way associated with this 7-lane major arterial street. Staff would recommend approval of this request due to the Streetscape requirements that will be provided along South Illinois Avenue.*

Motion by Ms. Lever to waive the buffer (nuisance screening) requirements along South Illinois Avenue in its entirety. Seconded by Mr. Callison followed by unanimous vote to waive the buffer (nuisance screening) requirement along South Illinois Avenue.

Requesting that the buffer (nuisance screening) requirement along the property line adjacent to the cemetery due to the undevelopable nature of the property and the existing trees that effectively satisfy the buffer requirement also be waived in its entirety. Staff would recommend postponing any action on this request until the site plan has been submitted and reviewed.

3. Per Section 13.02 (d) Architectural Character 1. Compatibility With Surroundings, the use of certain

materials as the primary exterior building materials are prohibited in all commercial, office, and multifamily residential zones and for all non-residential uses within residential and special district zones. These materials include: vinyl siding (vinyl siding not less than 40 mil is allowed), metal siding, and standard concrete block.

**Variance Request: Requesting that the painted CMU to be allowed on the rear of the building for the following reasons: The building will be approximately 8' – 10' lower than the elevation of South Purdue Avenue, and the rear of the building will be mostly hidden by a retaining wall. In addition, evergreen landscape screening will be installed in the grassed area between the retaining wall and South Purdue Avenue. The landscape screening will consist of evergreen trees and shrubs and will be designed to provide effective screening. The front of the building will be brick and EIFS and will wrap around the sides to approximately mid-point. Staff would not recommend approval of this request and would require that all four (4) sides of the building match.*

Motion by Ms. Kohler to not grant the variance to allow painted CMU on the rear of the building. Seconded by Mr. Callison followed by unanimous vote to not allow the painted CMU on the rear of the building and require that all four (4) sides of the building match.

Electric Department

1. Show the underground street light circuit on the drawings in the Site Plan package. Depending on the depth of the curb cut along S Illinois Ave., the street light circuit may require relocation. The street light circuit must be deep enough to meet Code.
2. Only understory trees meeting CORED Standard 650 can be planted in the overhead electrical easements.

Motion by Mr. Hensley to approve the Preliminary Master PUD Plan, including the request for rezoning, as submitted. Seconded by Mr. Whitson followed by unanimous vote for approval.

b. Zoning Ordinance Amendments

Amendments Related to Signs:

1. Amend Section 14.04 Definitions as follows:

Amend the following definition for Temporary Signs:

A sign including, but not limited to, placards, banners, pennants, posters, *feather flag*, or other outdoor advertising displays not intended to be permanently displayed.

Add the following definitions:

◆ Attention-Getting Devices

As used in this section, attention-getting devices shall mean devices erected, placed or maintained outdoors so as to attract attention to any commercial business, or any goods, products or services available on the premises of a commercial business, including but not limited to the following devices: cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; non-governmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices, any of which are located or employed in connection with the conduct of a commercial business. Attention-getting devices shall not include any structure or device that is permitted under City Building Code.

*◆ Civic Banner

A banner sign attached to lampposts or street lights in commercial districts to provide a streetscape feature. *For the purpose of this subsection, civic banners are to be considered as official signs.*

*** ♦ Flag Sign**

Shall mean any device generally made of flexible material, such as cloth, paper, plastic, or other material, and displayed from a pole, cable, or rope. It may or may not include text. Typically it contains distinctive colors, patterns or symbols that are used as symbols of a governmental, commercial or non-commercial entity.

*** ♦ Flag, Feather**

A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or lightweight, non-rigid material of any kind with only such material for backing typically supported by one (1) pole. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of 4 high to 1 wide. This definition also applies to attention flags, tear drop flags, windweather flags, bow flags, and other similar type signs.

*** ♦ Living or Human Sign**

Shall mean a sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.

*2. Amend Section 14.05 General Requirements as follows:

3. Temporary signs *as defined in this section* shall be allowed in all commercial, office, and industrial districts only for temporary special events and are not to be displayed for more than fifteen (15) consecutive days or three (3) days after the end of the event, whichever is less. Special events shall include, but not limited to, grand openings; business closings; and special promotional events such as seasonal sales. Only one (1) permit shall be issued for a given place of business during any ~~four (4)~~ **three (3)** month period. Temporary signs shall be non-illuminated and shall not exceed thirty-two (32) square feet of surface display area. No such signs shall be snipe signs.

6. **Only related** commercial flags that include the company's name insignia, emblem, or logo on a flag, smaller than 40 square feet are allowed and shall not be counted against the maximum signage allowed. However, if the commercial flag is larger than 40 square feet, then ~~it~~ **the whole area (square footage)** shall count against the maximum signage allowed. **Commercial flags shall not be larger than the non-commercial flags.** ~~Flags~~ **Flagpoles or flags** are limited to a maximum of three (3) flags per lot, only one of which shall include the company's name, insignia, emblem or logo. A maximum of one (1) commercial flag ~~and flagpole~~ may be permitted if erected in conjunction with at least one (1) non-commercial flag and flagpole. The non-commercial flag shall be a recognized governmental or political subdivision flag, emblems and/or historical markers and any flags or insignia of recognized religious, charitable, fraternal, academic, civic organization or similar entity.

3. Amend Section 14.15 Prohibited Signs as follows:

2. Signs, which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to **pennants, streamers**, portable, moving (animated), flashing, inflatable, **human or living signs, attention-getting devices** and revolving signs; provided however, that temporary signs specifically allowed under this article shall be exempt for this prohibition.

4. Add the following to Section 14.15 Prohibited Signs:

9. It shall be unlawful for any person to place, erect, maintain, or display any attention-getting device on any private or public property within the City in all office, commercial, multi-family (residential with more than four (4) attached housing

units) zones, industrial zones, and for all non-residential uses within residential and special districts zones. No attention-getting device shall be eligible for a permit under this Article.

Motion by Mr. Callison to accept the sign amendments as presented. Seconded by Ms. Lever followed by a vote of 6 – 2 to accept the amendments related to signs as presented with Mr. Hensley and Mr. Whitson opposed.

Amendments Related to Sport Shooting Ranges

1. Add the following definitions to Article II:

◆ Outdoor Sport Shooting Range

An outdoor area, ~~not enclosed in a building~~, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called “turkey shoots”); *provided, however, that the presence of “Buildings, Unenclosed” and/or “Buildings, Accessory,” including, but not limited to, sheltered firing lines, firing ports, stations, pavilions, sheds and canopies, on or within the outdoor area shall be permitted and the presence of such structures shall not cause a sport shooting range to be considered an indoor range.*

◆ Indoor Sport Shooting Range

A fully enclosed building or part of *a fully enclosed* building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government. ~~As used in this section, means any public place or range for shooting and discharging firearms for which a fee is charged.—~~

2. Add the following supplementary regulations to Article III General Provisions regarding commercial indoor sport shooting ranges:

(a) License Required.

No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any indoor or outdoor sport shooting range without being licensed through the State of Tennessee Department of Safety and Homeland Security and meet all other applicable state and federal regulations for operating a *sport* shooting range. Any license or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

(b) All sport shooting ranges shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual and the standards set forth by the State of Tennessee Department of Safety and Homeland Security *Handgun Safety School Firing Range Requirements*. The proposed sport shooting range shall be shown on a site plan showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.

(c) Location.

Sport shooting range shall be designed to minimize noise to surrounding properties. No indoor sport shooting range shall be located closer than 1,000 feet (measured from property line to property line) from any school, church, hospital, or other indoor sport shooting range, nor in any location that would constitute a nuisance under the Municipal Code, common law or any other applicable law, statute or regulation, or in a location such that the noise from the indoor sport shooting range would constitute such a nuisance or other violation under the Municipal Code.

(d) Hours of Operation.

No indoor sport shooting range shall be operated between the hours of 10:00 p.m. and 7:00 a.m. These hours of operation coincide with allowable decibel levels as defined in Section 12.04 of the Zoning Ordinance.

(e) Safety Rules. In the operation of any *indoor* sport shooting range, the following safety rules shall at all times be observed:

1. Sport shooting ranges shall contain all projectile and shot fall within the property of the sport shooting range.
 2. A lead mitigation plan meeting requirements of the Environmental Protection Agency (EPA) shall be submitted with the site plan.
 3. It is the *sport shooting* range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the *sport shooting* range and provide their shooters with appropriate qualified supervision.
 4. The sport shooting range shall be properly and adequately ventilated and filtered at all times and comply with all applicable OSHA, NIOSH, EPA standards and any other applicable local, state or federal codes, standards, laws and regulations.
3. Amend Section 7.03 (c) and 7.04 (c) to add the *Indoor Sport Shooting Range* as a use requiring Board of Zoning Appeals (BZA) approval.

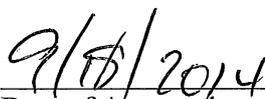
Motion by Mr. Callison to accept the amendments related to Sport Shooting Ranges as presented. Seconded by Mr. Hensley followed by unanimous vote to accept the amendments related to Sport Shooting Ranges as presented.

Reports

- a. City Council Actions – Mr. Hensley mentioned meeting with MTAS representatives to start a “visioning” process with the City Council members for their expected outcomes and he encouraged other Planning Commission members attend these meeting in the future. He mentioned he was going to suggest to the City Clerk to include Planning Commission members on future notifications of these meetings. Also gave an update on Jackson Square parking lot. He mentioned that Phase II was moving forward and that the contractor/architect were looking at options for upgrades. He mentioned that the improvements within Jackson Square were on hold and everyone has gone back to the drawing board to rebid due to the over costs.
- b. Staff Report – None
- c. TSAB (J. Shelton) – Mentioned that TSAB approved the right-in/right-out access from South Illinois Avenue for the South Illinois Avenue Retail Development PUD. Also mentioned that the recommendation for crossing Oak Ridge Turnpike from Oak Ridge High School to the Civic Center was to install a new traffic light to stop traffic from all directions to allow pedestrians to cross Oak Ridge Turnpike.
- d. Anderson and Roane County Regional Planning Commissions (Staff) - None

Adjournment: The meeting was adjourned at 6:25 p.m.


Chairman
Oak Ridge Municipal Planning Commission


Date of Approval