

A P P R O V E D

Oak Ridge Municipal Planning Commission
Regular Meeting
October 27, 2011

TIME: 5:30 p.m.

PLACE: Court Room, Municipal Building

PRESENT: Terry Domm, Linda Brown, Kelly Callison, Charlie Hensley, Austin Lance, Claudia Lever, Jane Shelton

ABSENT: Chuck Agle, Lauren Biloski, Patrick McMillan

ALSO

PRESENT: Kahla Gentry, Jeff Deardorff, Keith Craft, Gilbert Hough, Joe Lee

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

Summary of Action

Approval of Agenda

The agenda was approved as presented

Approval of Minutes

Ms. Lever moved to approve the minutes of the regular meeting held September 22, 2011 (Motion 1) as presented.

Mr. Lance seconded the motion, passed, 6-0. (Mr. Callison was not present)

Consent Agenda

The consent agenda was approved by unanimous vote thereby approving:

October Bond Report

One year extension of Letter of Credit for Rarity Ridge, Subareas G, I, K and O for infrastructure in the amount of \$2,509,160.

Business Items

Preliminary Plat: Victorious Boulevard Extension: Heritage Center

A new section of roadway is to be constructed to connect Victorious Boulevard East with Victorious Boulevard. The new section of roadway will be located between Americus Avenue and Heritage Center Boulevard. Avenue "E" will be bisected and will no longer be a through street. The existing electric utilities are owned and operated by D.O.E., including street lights. A final plat recording the new right-of-way and property lines will be submitted after construction is complete or bonded. Staff recommended approval subject to staff comments.

Mr. Hensley moved to approve the preliminary plat for the extension of Victorious Boulevard (Motion 2) subject to:

1. **Prior to the start of construction the existing geotechnical report on the borrow pit must be provided to Public Works Engineering.**
2. **Previous comment number 5 was addressed, but the note and highlighted area, "City to investigate possible milling and paving to provide for consistent curb profile" is shown at the wrong location.**

Ms. Lever seconded the motion, passed 6-0. (Mr. Callison was not present)

Resubdivision; Parcel ED-4B-1 at Heritage Center, located at SR 58 and Victorious Boulevard East

A new lot with an area of 1.29 acres is being created for transfer to a private company for development of a solar array as an alternative energy demonstration project. Sewer and water is not available to the lot without extending lines, however these utilities are not needed for the solar array project. Typically the creation of a new lot is not approved unless utilities to the lot are installed or bonded. In this case, where sewer and water is not needed for the identified use, Heritage Center LLC is requesting a variance to approve the plat without bonding or extending water and sewer to the lot. The variance will be subject to a note being placed on the plat that a change in use will require a new plat and at that time the owner will be required to extend water and sewer to the site or post a bond to cover the cost of the water and sewer line extension. Electrical service must be provided to the lot. The dashed lines on the plat represent properties that have been transferred by deed to Heritage Center LLC (ED-8A and ED-4B) but not platted because they are over five acres in area. Staff comments are as follows:

1. A variance to allow approval of the plat without extending water and sewer to the site is recommended for approval subject to a note being placed upon the plat that the site is non-buildable and a change of use will require a new plat and the extension of water and sewer to the lot by the owner. The fire department has approved the current fire hydrant arrangement based upon the lot being utilized for a solar array. A note must be added to the plat that in the event any other type of structure is proposed for the site, the owner would then need to address adding a hydrant to handle the new fire load. Approval of the variance is based upon the identified use of the lot being for a solar array that does not require water and sewer.
2. A temporary address of 100 Victorious Boulevard East has been approved.
3. Access easement needs to be widened to 20-feet.
4. Add the following note: The lots adjacent to S.R. 58 will have access per streets within Heritage Center and no access permitted to State Route 58 without City of Oak Ridge Council and TDOT approval.
5. The following change on Note #3 in the Property Use Notes to read as:
This lot as it exists in non-buildable. If use of lot changes a resubdivision plat will be required for the new use and for providing gravity sanitary sewer and water to serve Lot ED-4B-1.
6. Note 8, specify who the "they" are or remove the note.
7. Replace Note 12 with the following Note: "There is no electric service available to Lot ED-4B-1 at this time (October 2011). The owner of Lot ED-4B-1 is responsible for extending electric service to Lot ED-4B-1, including construction cost and easements."
8. In Property Use Notes, Note 2 should only refer to water and sewer, electric service is needed for the use of Lot ED-4B-1.
9. In Property Use Notes remove Note 4.
10. Show an electric easement of 10-feet wide from the electric meter on Victorious Boulevard East to Lot ED-4B-1 that has the address of 100 Victorious Boulevard East. This insures Lot ED-4B-1 meets part of the criteria of Generation Partners.

Ms. Gentry recommended that the Planning Commission deny the request at this time or that the applicant request postponement to allow time for installation of the electric infrastructure or to further review the legal ramifications involved. If the plat is approved by the Planning Commission, these staff comments must be addressed and the required notes must be on the plat.

Mr. Domm stated that he had a real concern with platting unbuildable lots. He stated that state legislation charges the Planning Commission with seeing that platted lots are buildable and utilities are available before they are approved. He said he had a question for the applicant as to why is the solar array is up front on the highway on a prime building location?

Gilbert Hough, with Restoration Services Incorporated (RSI), provided information on the proposed project and the requested plat approval. RSI is a partner with UCOR and one of RSI's commitments is to place a solar array on the site. A state grant was received to study the reuse of brownfield sites for solar sites and part of that project is to put in place a model with high visibility. In addition D.O.E. is very interested in energy parks and reindustrialization with the use of clean energy technologies.

Mr. Hensley was supportive and stated that staff had provided notes to be placed on the plat to accommodate the unusual circumstances and he felt the plat should be approved.

Ms. Lever stated her concern about the electric not being installed before recording the plat.

Mr. Hough replied that the necessary application with TVA Generation Partners had the timeline moved forward by about two months and so they have to go a lot faster than they thought in order to get the contract but they have been working with the City of Oak Ridge Electric Department on the routing and design. He had hoped to have the contract for the electric work in place at this time, but they are working on completing it as soon as possible.

Mr. Callison stated that RSI cannot use the solar panels unless the electric gets done so they have an obvious incentive to get it done. Mr. Hough agreed stating that RSI is making an \$800,000 investment here.

Mr. Domm stated that we are really not supposed to be taking action based on plans placed in front of us because many times the plans do not materialize and then we have a nonconforming piece of property that's not usable to anybody without a big expense to get it ready. He stated that he was concerned about the charter of the Planning Commission to protect against platting lots that aren't buildable and he thought that Ms. Gentry was probably reflecting that in her suggestion that they don't have enough understanding about the legal ramifications, because one of the Planning Commission's functions is to assure that every lot that gets platted will be served with utilities and is a buildable lot. He said that it's troublesome in this particular way and that these are very unusual circumstances.

Mr. Hensley replied that is also our job not to stand in the way of someone wanting to invest \$800,000 on a very attractive project that's very credible and the notes on the drawing are going to cover the scenario of the project not going through. If it doesn't get completed and the lot changes use the notes cover the requirement that the owner is responsible for installation of utilities.

Mr. Lance stated that it sounded like the notes have laid out coverage for the electrical connection to go in. You don't have a business unless you have electric so you are going to invest in that.

Mr. Domm stated that to basically summarize the notes they say if anybody wants to use the lot for anything other than a solar array they have pay at their own expense for all utility connections. The City has no obligation to run the power connection to the site and that the owner will have to pay to have that done.

Mr. Hough stated that the electric cost is a relatively small portion of the total cost and they hope to have it installed in December.

Mr. Hensley moved to approve the plat for Parcel ED-4B-1 subject to staff comments 1 - 10 listed (Motion 3) above including a variance approving the ED-4B-1 plat without utilities based upon the use for a solar array and notes specifying that the lot does not have utilities and the owner is responsible for the cost of providing utilities.

Mr. Callison seconded the motion, passed 7-0.

Rezoning; Parcel ED-4B at Heritage Center from F.I.R. to IND-2

Heritage Center LLC is requesting the rezoning of ED-4B from F.I.R., Federal Industry and Research to IND-2, Industrial. The Industrial Manhattan District Overlay is not being requested because the site has not been previously developed. ED-4B has an area of approximately 7.72 acres. The property is owned by Heritage Center LLC and is located on State Route 58 on the east side of Victorious Boulevard East. The purpose of the rezoning is to allow the property to be used for private development. A portion of the site is to be used for a solar array as an alternative energy demonstration project. The F.I.R., Federal Industry and Research zoning district is only applicable to the D.O.E. Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. Rezoning the subject property to IND-2, Industrial is the next step in facilitating the reuse of this industrial property. The staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

Ms. Lever moved to recommend to City Council approval of the rezoning of Parcel ED-4B (Motion 4) from F.I.R. to IND-2

Mr. Hensley seconded the motion, passed 7-0

Rezoning; K-792 Area at Heritage Center from F.I.R. to IND-2/IMDO

Heritage Center LLC is requesting Parcels 10.06 and 10.07, Map 29, also referred to as the K-792 Area, be rezoned from F.I.R., Federal Industry and Research to IND-2/IMDO, Industrial Manhattan District Overlay. These parcels have an approximate area of 19.91 acres. Parcel 10.06 is owned by Energy Solutions LLC and Parcel 10.07 is owned by Heritage Center L.L.C.. The property is located within the northwest section of Heritage Center on West Perimeter Road and 22nd Street. Rezoning is requested because the property is being converted to private industrial use. Parcel 10.06 if being used as a transfer yard by Energy Solutions. The Industrial Manhattan District Overlay (IMDO) is a new district that was approved by City Council in December 2010. The IMDO district was created to facilitate the transfer and reuse of property from the U.S.

Department of Energy (D.O.E.) to the private sector. As the Heritage Center is transferred to private entities, it is expected that subdivision plats and site plans for properties with existing buildings and parking facilities will need to have alternatives available in meeting various requirements such as minimum setbacks from property lines, parking requirements, green space and landscaping requirements. The IMDO does not waive bulk regulations or performance criteria, but rather provides alternative measures to achieve compliance through off- site improvements, cross access easements, and identification of shared parking facilities.

Rezoning the subject property to a base zone of IND-2, Industrial with the Industrial Manhattan District Overlay (IMDO) is the next step in facilitating the reuse of this industrial property. The Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

Ms. Lever moved to recommend to City Council approval of the rezoning of the K-792 area (Motion 5) from F.I.R. to IND-2/IMDO.

Mr. Lance seconded the motion, passed 7-0.

Other Items:

None

Reports

- a. City Council actions – City Council had a work session on the “Not in My City” program. Council did not support having a citizen’s review board for the Police Department. City Council will be meeting with the Housing Authority to discuss issues related to the “Not in My City” program such as land banking and condemnation.
- b. Staff Report – The Planning Commission will review the C.I.P. in November
- c. EQAB (C. Agle) – No report
- d. TSAB (J. Shelton) – No meeting
- e. Anderson and Roane County Regional Planning Commissions (Staff) – Anderson County is working on updating their comprehensive plan.
- f. Highland View Redevelopment Advisory Board (Claudia Lever) – No meeting

Adjournment

The meeting adjourned at 7:05 p.m.

Respectfully submitted,



Terry Domm, Chairman

Oak Ridge Municipal Planning Commission