

**OAK RIDGE CITY COUNCIL
SPECIAL MEETING**
Municipal Building Courtroom

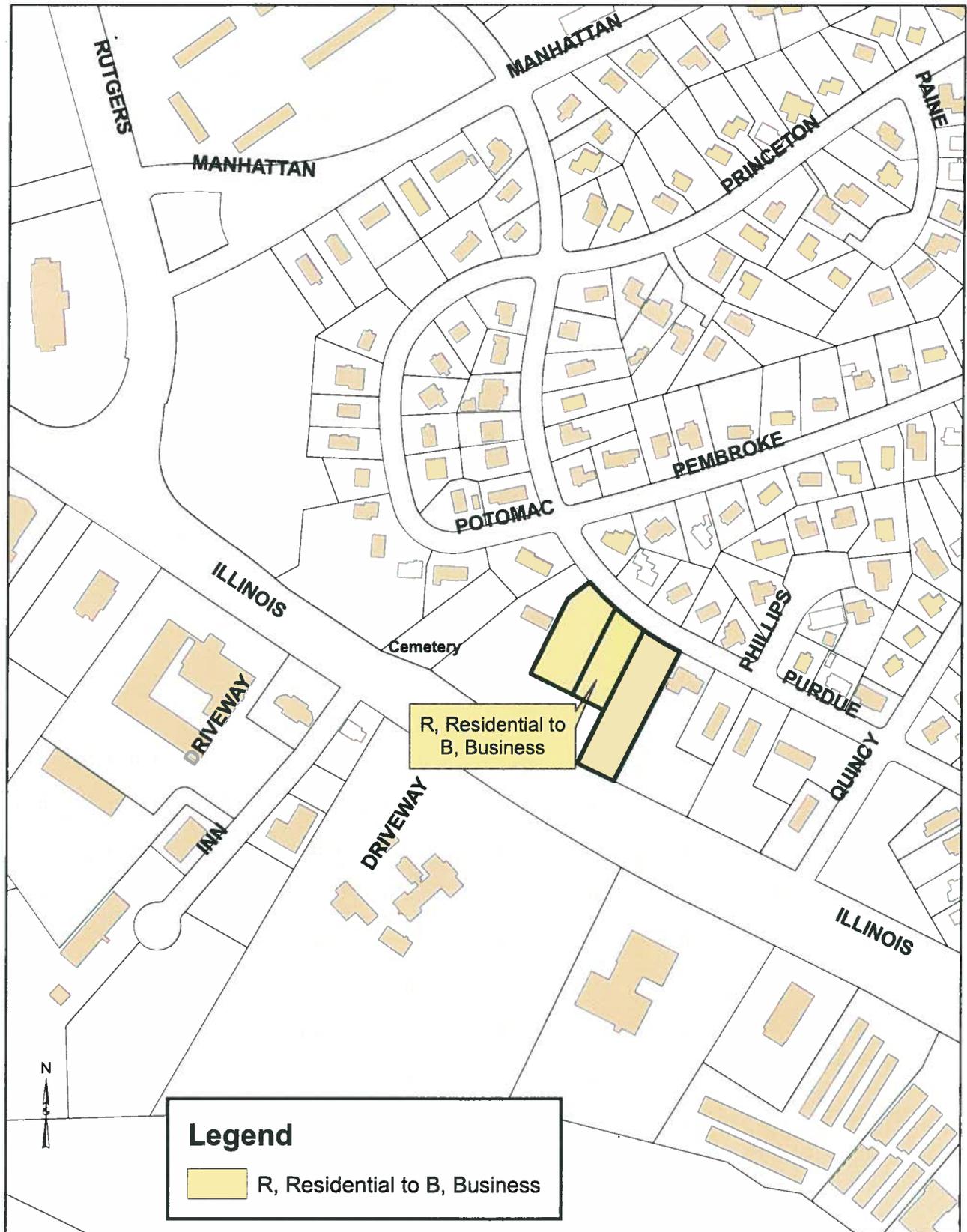
February 25, 2013—7:00 p.m.

AGENDA

- I. INVOCATION
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES
 - a. AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.
 - b. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.
 - c. AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.
 - d. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.
- V. ADJOURNMENT

**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

Land Use Plan Amendment for Woodland Town Center Phase II



1 inch = 300 feet

TITLE

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. The Comprehensive Plan's Land Use Plan is hereby amended, as a major amendment, by changing the designation of Parcels 40.00, 41.00, and 42.00, Map 106A, Group A, from R, Residential to B, Business.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
Publication Date: 01/21/2013
First Reading: 02/25/2013
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-8

DATE: February 11, 2013

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Rezoning of Parcels 40.00, 41.00 and 42.00, Map 106A, Group A and Approval of Preliminary PUD for Woodland Town Center Phase II Located on S. Illinois Avenue, West of Panera Bread & Aubrey's**

An item for the City Council agenda is a request to approve the Preliminary Planned Unit Development (PUD) plan for Woodland Town Center Phase II. Included as part of the Woodland Town Center Phase II plan is a request to rezone Parcels 40.00, 41.00, Map 106A, Group A, from R-2, Low Density Residential in the Manhattan District Overlay to UB-2, Unified General Business PUD and rezone Parcel 42.00, Map 106A, Group A, from R-2, Low Density Residential in the Manhattan District Overlay and RG-1, Residential, Open Space and Reserved to UB-2, Unified General Business PUD. Parcels 40.00, 41.00 and 42.00 have a combined area of approximately 1.4 acres. 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 Planning Commission recommended approval of the rezoning and Preliminary PUD for Woodland Town Center Phase II PUD by a vote of 7-0.

The Planning Commission approval also included 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 was approved 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 approved by the Planning Commission allows 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. An internal corridor provides access to Woodland Terrace East for properties within the PUD.

Staff finds 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 finds 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 recommends approval.

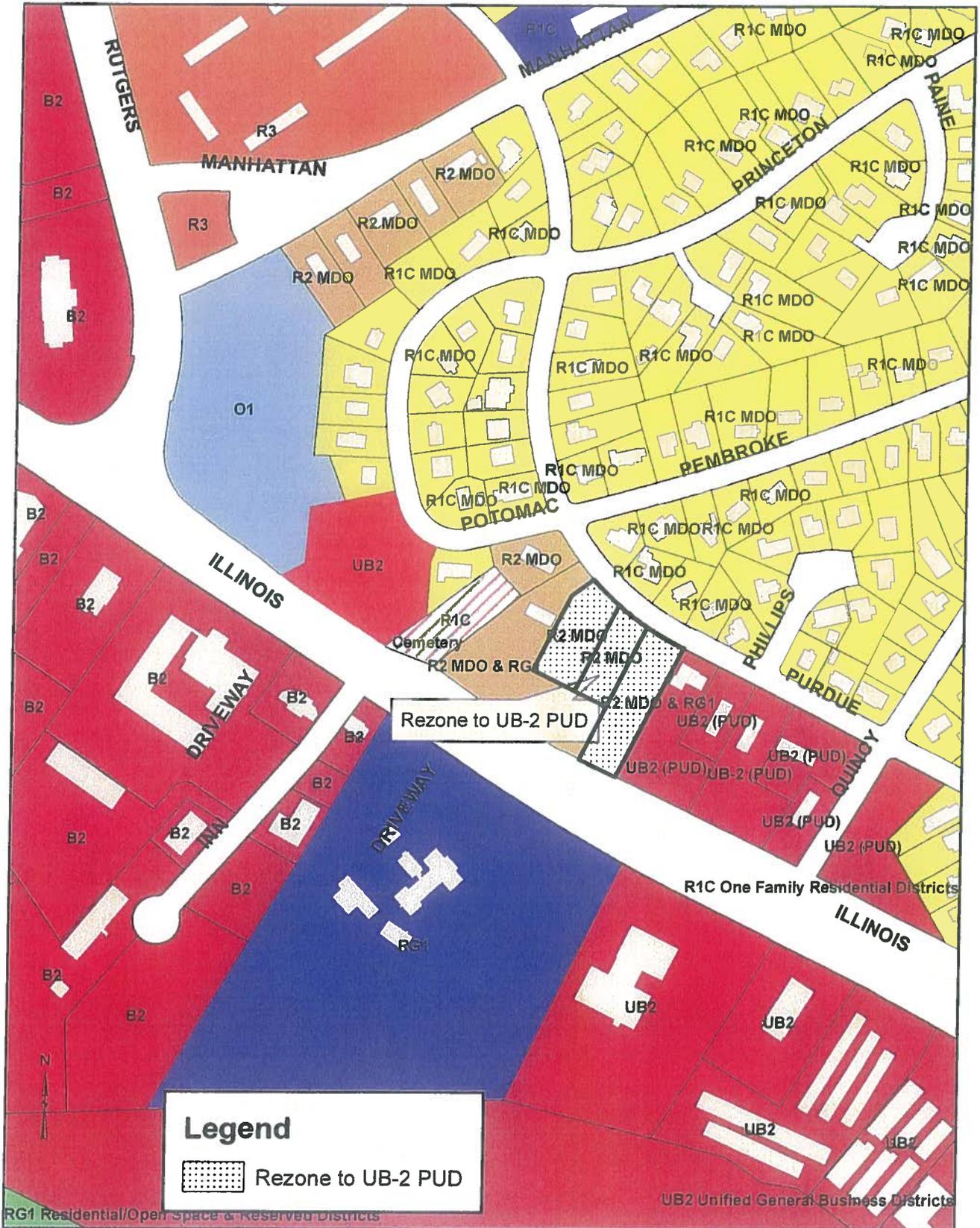
Kahla Gentry

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson Feb 20, 2013
Mark S. Watson Date

Zoning Map for Woodland Town Center Phase II



1 inch = 300 feet

STAFF REVIEW OF PRELIMINARY PLANNED UNIT DEVELOPMENT

WOODLAND TOWN CENTER PUD, PHASE II

Owner: Central Park Development

Date: January 8, 2013

Address: 1709 Midpark Drive, Suite A-2
Knoxville, TN 37921

Location: Between S. Illinois Ave. and S. Purdue Ave., northwest of Woodland Terrace East

Zoning: Rezone Parcels 40.00 and 41.00, Map 106A, Group A, from R-2/MDO to UB-2 PUD
Rezone Parcel 42.00, Map 106A, Group A, from R-2/MDO and RG-1 to UB-2 PUD
Parcel 43.00, Map 106A, Group A currently zoned UB-2 PUD included in
Woodland Town Center Phase II PUD

Approximate Area: Approximately 1.4 acres to be rezoned to UB-2 PUD. Approximately 2.37 acres in Woodland Town Center Phase II.

Minimum Area for Formation of PUD: 5 acres

Approximately 5.41 acres in Woodland Town Center PUD Phases I & Phase II combined.

No. and Type of Units: One store with approximately 15,883 sq. ft. of commercial space for retail, use. Parking required @ 1 space/250 sq. ft. of floor area = 63. Number provided = 86.

Maximum Height in UB-2 District: 35 feet or 3 stories.

Maximum Height in PUD within 200 feet of R-1, Residential – 35 feet

Setbacks:

Buildings within Commercial PUD: 30 feet from residential property

UB-2 Base Zone Setback Requirements:

Front – 30 feet

Front Setback Requested for PUD: 15 feet

Rear – 30 feet where rear yard adjoins

a different zoning district. None required where rear yard adjoins property zoned UB-2.

Side – 30 feet where side yard adjoins a different zoning district.

None required where side yard adjoins property zoned UB-2

Maximum Floor Area to Lot Area Ratio: 80%

Requested Variances: Reduce setback from S. Purdue Avenue from 30 feet to 22 feet.
Allow loading dock entrance facing S. Illinois Avenue.

Existing Land Use: Three residential sites and one undeveloped commercial parcel.

- a. Access: Access from Woodland Terrace East with no access drives on S. Illinois Avenue or S. Purdue Avenue.
- b. Utilities: Sanitary sewer line and water line located at Woodland Terrace East

Adjacent Land Uses, Type of Development, & Zoning:

North: Duplex residential units, zoned R-2/MDO and RG-1; cemetery zoned R-1-C; new convenience store site under development zoned UB-2.
West: Across S. Illinois Avenue, NOAA building, zoned RG-1
South: Woodland Town Center Phase I, Panera Bread & Aubrey's zoned UB-2/PUD
East: Across S. Purdue Avenue, One-family residential units zoned R-1-C/MDO

Comprehensive Plan: The proposed rezoning requires amending the Land Use Plan Map from R, Residential to B, Business.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential, and civic activities in the Turnpike, Illinois, Rutgers vicinity and in the Jackson Square-Jackson Plaza vicinity . . .

Policy L-14: The City will attempt to create a dominant city center which is visually and psychologically strong through the encouragement of retail, office, hotel and restaurant development, high-density housing, major public facilities, public gathering places, pedestrian and bicyclist paths, and landscaping.

South Illinois Corridor Study

The recommended land uses include small commercial entities, service establishments and mixed-use developments with a maximum height of three stories. The recommended zoning district is TND, a "form based" code allowing uses that are a combination of commercial and residential. Recommended building materials include stone, brick and EIFS. Vegetative buffers and landscaped berms are recommended screens between commercial service areas and residential neighborhoods.

Analysis:

Being in the central part of the City, on a major thoroughfare and in close proximity to retail development, the proposed location of Woodland Town Center, Phase II is in conformance with Comprehensive Plan polices related to economic development and is consistent with the South Illinois Avenue Corridor Study.

The following criteria were used to evaluate the rezoning request.

1) Is the proposed zoning district consistent with the City's Comprehensive Plan?

The proposed zoning district is not consistent with the Residential land use designation for a portion of the PUD, however the proposed zoning is consistent with Comprehensive Plan policies to locate commercial uses in the Turnpike-Illinois-Rutgers vicinity, and the policy to

create a dominant city center. The proposed zoning is also consistent with the South Illinois Corridor Study recommendation for locating small commercial entities within this area.

2) Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.

The subject property is located on the primary transportation artery between Knox County and the City of Oak Ridge and within a planned growth area. The area is experiencing commercial development and commercial growth pressures not only because of the location on S. Illinois Avenue. Other contributing factors include: the location on the fringe of the central business district; the traffic resulting from the intersection of S. Illinois Avenue with two other major thoroughfares, Lafayette Drive and Rutgers Avenue and the central location of the area within the city. The parcels along the west side of S. Illinois Avenue between Rutgers Avenue and Lafayette Drive have already been developed commercially and recent commercial developments on the east side include Panera Bread, Aubrey's and a convenience store that is under development.

3) Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?

Although the subject property has residential property on two sides, the character of the area is seen as suitable for commercial development because it fronts upon a major arterial roadway, there is existing commercial development and zoning near or adjacent to the subject property on both side of S. Illinois Avenue and the property is centrally located within the city within a planned growth corridor.

4) Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?

No, this is an extension of the Woodland Town Center PUD, zoned UB-2/PUD. Other nearby properties zoned UB-2 are located next to TN located on the other side of S. Illinois Avenue and the property on the west side of S. Illinois Avenue is zoned UB-2. There is other nearby commercial zoning to the north and south.

5) Are public facilities and services adequate to accommodate the proposed zoning district?

Streets and utilities are adequate to serve the proposed zoning district.

6) Would the requested rezoning have environmental impacts?

Rezoning will result in an increase impervious area with an increase in storm water runoff. Storm water detention will be required in compliance with the Erosion Control and Storm Water Management ordinance.

South Illinois Avenue Corridor Study Criteria Subarea I

The purpose of South Illinois Corridor Study was to "develop a "blueprint" to guide growth along this corridor, which is the primary transportation artery between Knox County and the City

of Oak Ridge.”

1) Proposed Character and Land Use Pattern:

The Corridor Study recommended the future character of Subarea I to be one of mixed uses, including small commercial entities, service establishments and residential uses, that can successfully co-exist and serve the broader Woodland neighborhood as well as other areas. Also recommended are buildings with a maximum height of 35 feet with commercial uses on the ground floor oriented toward S. Illinois Avenue.

Staff finds the Woodland Town Center Phase II PUD consistent with the recommended character and land use pattern

2) Recommended Zone Designation:

Due to the mixed-use nature of Subarea I, the Traditional Neighborhood District (TND) was recommended. The TND is the only district within the zoning ordinance that allows a mix of commercial and residential uses, therefore the TND district was recommended as the district that would allow commercial on the ground level and residential units on upper levels as suggested within the Corridor Study.

Staff finds the proposal for a PUD overlay an appropriate alternative to the TND. Similar to the TND district, the PUD overlay provides a mechanism to address issues related to the compatibility of differing land uses through the adoption of a comprehensive and integrated plan for development that addresses the design and relationship of the site with the surrounding area. Once the PUD is adopted, development of the site is required to be in compliance with the PUD drawings and narrative.

3) Vehicular Access:

The Corridor Study recommends the primary curb cut to S. Illinois Avenue for vehicular access to Subarea I to be limited to a single signalized intersection located at Quincy Avenue or just to the west of Quincy Avenue. Woodland Terrace East has replaced Quincy Avenue and access will be from Woodland Terrace East, not S. Purdue Avenue or S. Illinois Avenue.

4) Vehicular Interconnectivity:

The Corridor Study recommends cross-access easements on all properties in order to move easily from one lot to the next without forced entry onto S. Illinois Avenue. Woodland Town Center Phase II provides for an access easement to Woodland Terrace East for the areas within the PUD. Potential access for adjacent property not included in the PUD and owned by others is not defined.

5) Pedestrian Interconnectivity:

The Corridor Study recommends a highly-defined pedestrian connection from S. Purdue Avenue into the commercial area between Quincy Avenue and Rutgers Avenue. Sidewalks have been provided on Woodland Terrace East.

6) Building Materials and Performance Design Criteria:

Building materials recommended in the Corridor Study include brick, stone and EIFS (Exterior Insulation & Finished Systems) or stucco. Also recommended are pitched roofs with shingles, attractive doorway entrances and residential fenestration. Lighting levels should remain close to the ground and decorative with little off-site impact.

The applicant states that the exterior building materials will be primarily brick.

7) Vegetative Buffers:

The Corridor study recommends the use of landscape berms in conjunction with vegetative buffers to provide an adequate screen between commercial areas and residential neighborhoods.

There are overhead electric lines along S. Purdue Avenue where landscaping is to be provided limiting the height of the vegetation, however landscape "Buffer D" is required between the commercial and residential area. The Zoning Ordinance requires a 20-foot wide landscaped buffer between commercial parking lots and residential properties or a 10-foot wide landscape buffer with a wall or fence. The Planning Commission may grant a reduction down to five feet.

Conclusion & Planning Staff Recommendation:

Staff recommends approval of an amendment to the Land Use Plan Map changing the designation for the subject property from R, Residential to B, Business due to the location being in a planned growth corridor in the central area of the city, on a major thoroughfare and in an area where there is existing commercial development.

Staff recommends approval of the requested variance to allow a reduction in the minimum building setback from S. Purdue Avenue based upon meeting the required landscape buffer requirement of "Buffer D" with adjustments as required by utilities.

Staff recommends approval of allowing the loading dock area to face S. Illinois Avenue because the lot has street frontage on three sides, causing a hardship in orienting the dock facing away from a street.

Staff finds the submittal in compliance with the requirements for a PUD Preliminary Master Plan and recommends approval of the rezoning and PUD Plan.

Planning Commission Recommendation: January 17, 2013 – Recommended approval of rezoning, Land Use Plan amendment and Preliminary PUD by a vote of 7-0.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

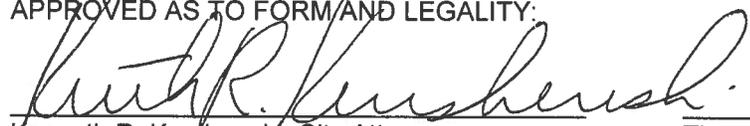
<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 40.00 and 41.00, Map 106A, Group A, (0.8 acres)	Between S. Illinois Avenue and S. Purdue Avenue on the west side of Woodland Terrace East	R-2/MDO, Low Density Residential in the Manhattan District Overlay	UB-2/PUD, Unified General Business with a Planned Unit Development Overlay
Parcel 42.00 Map 106A, Group A (0.6 acres)	Between S. Illinois Avenue and S. Purdue Avenue on the west side of Woodland Terrace East	R-2/MDO, Low Density Residential in the Manhattan District Overlay, and RG-1, Residential, Open Space, and Reserved	UB-2/PUD, Unified General Business with a Planned Unit Development Overlay

Section 2. The change shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. The Planned Unit Development Preliminary Master Plan for *Woodland Town Center Phase II*, as shown on Fulghum MacIndoe & Associates, Inc., drawings dated January 10, 2013, is hereby approved.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Public Hearing: 02/25/2013
Publication Date: 01/21/2013
First Reading: 02/25/2013
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

Diana R. Stanley, City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-6**

DATE: February 8, 2013
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director *KER*
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Land Use Plan Amendment – 1.16 Acre Portion of Parcel 1.00, Map 105H, Group A
2095 Oak Ridge Turnpike**

An item for the City Council agenda is a request to approve a major amendment to the Land Use Plan by changing the designation for a 1.16 portion of Parcel 1.00, Anderson County Tax Map 105H, Group A, from R, Residential to B, Business. This area is the proposed site of a retail store located at 2095 Oak Ridge Turnpike, across from the West Lincoln Road intersection. By approving this amendment the Land Use Plan map will be changed to coincide with the zoning for this property. The Planning Commission recommended approval of the Land Use Plan amendment by a vote of 7-0.

The proposed amendment is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways. Shared access easements are proposed with properties on each side of the 1.16 acre site proposed for the Land Use Plan amendment. An access easement, which is a recommended condition of approval, is proposed from the adjoining property on the east to provide access to a median cut on the Oak Ridge Turnpike, providing a means for left turns in and out of the site. The subject property is also located adjacent to properties on the Turnpike already designated as B, Business and in commercial use. Staff recommends approval of the proposed amendment to the Land Use Plan map.

Kahla Gentry

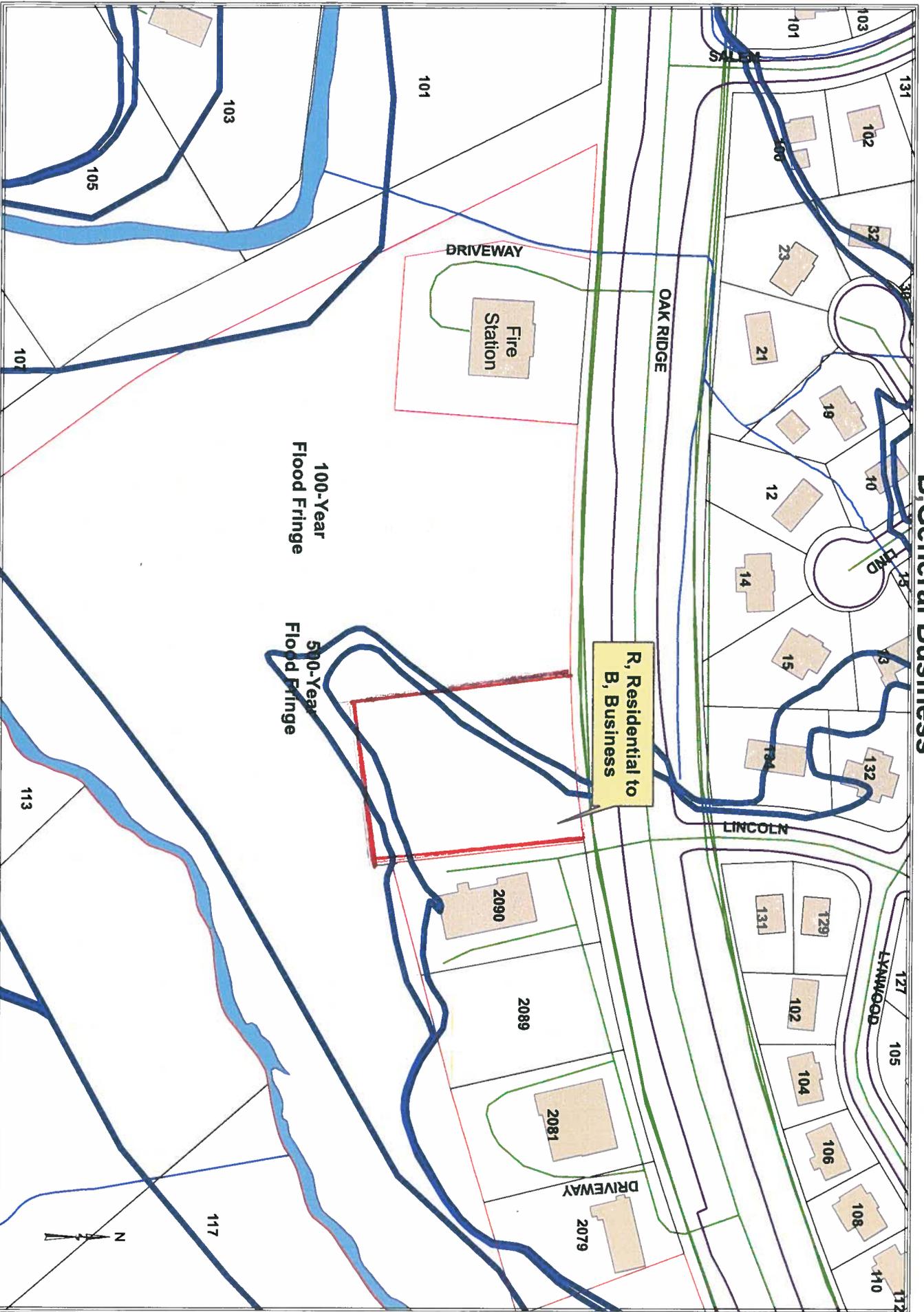
City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson *Feb 20, 2013*

Mark S. Watson Date

Location Map for Land Use Plan Amendment Change 1.16 Acres from R, Residential to B, General Business



TITLE

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

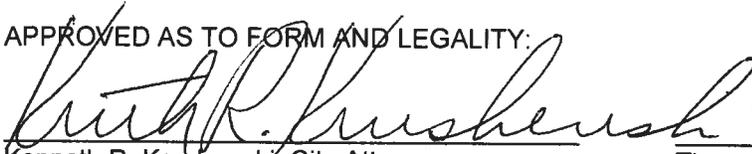
WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. The Comprehensive Plan's Land Use Plan is hereby amended, as a major amendment, by changing the designation of approximately 1.16 acres of Parcel 1.00, Map 105H, Group A, from R, Residential to B, Business.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
Publication Date: 01/24/2013
First Reading: 02/25/2013
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

Staff Review of Rezoning Request

Location & Approximate Area: Located at 2095 Oak Ridge Turnpike across from W. Lincoln Road; Portion of Parcel 563, Block 17-BT or Tax Map No. 105H, Group A, Parcel 1.00, approximately 1.16 acre portion.

Date: January 10, 2013

Owner: Mel Sturm
2215 Breakwater Drive
Knoxville, TN 37922

Applicant: The Broadway Group, LLC
132 Holmes Ave. NW
Huntsville, AL 35801

Request Rezoning:

Rezoned a 1.16 acre portion of Map 105H, Group A, Parcel 1.00 from RG-1, Residential, Open Space and Reserved and RG-1 Flood Fringe to UB-2, Unified General Business.

Site Characteristics:

Undeveloped. Mix of open area with trees. Gravel driveway to horse pastures. Concrete access drive to Turnpike, right turn in, right turn out.

Adjacent Land Uses & Zoning:

North: Single-family residential zoned R-1-C

West: RG-1, RG-1 Flood Fringe, undeveloped wooded area/pasture, COR fire station

South: Pasture, woods, East Fork Poplar Creek, Wiltshire Estate subdivision across creek, area is zoned RG-1, RG-1, Flood Fringe and Floodway.

East: Commercial buildings, adjacent zone is UB-2, followed by 2 lots with commercial buildings zoned B-2, followed by additional UB-2/UB-2 Flood Fringe zoning along Turnpike.

Previous Rezoning Requests: None

Background:

Purpose: The applicant's stated plan for development is a 9,100 square foot single tenant retail store.

Conformity with 1988 Comprehensive Plan:

a. **Land Use Plan:** The Land Use Plan designates the area proposed for rezoning as R, Residential. A major amendment to the Land Use Plan map is needed if the rezoning is approved.

b. **Applicable Policies:**

Policy L-7: To the extent possible, commercial development which is located along Oak Ridge's arterial streets will be in unified centers with shared access to those roadways.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential, and civic activities in the Turnpike-Illinois-

Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

Policy L-9: The City will also allow community-scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

Policy L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
The proposed zoning district will require a major amendment to the City's Land Use Plan map. The Comprehensive Plan recommends allowing retail development on sites having good traffic access. At this time this site only has right turn in, right turn out access. Access to the median needs to be provided in order to provide good traffic access.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
Other than improvements that have been completed on SR 95, there have not been any substantial changes in the character of the development in or near the area.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?**
The site is located on an arterial and adjacent to other commercial sites on the Turnpike. Although there are Flood Fringe areas on the site, a large portion of the site is outside of the Flood Fringe area. The site is not contiguous to any residentially developed property.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
No, the adjoining property on the east is zoned UB-2
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**
A private sewer easement will need to be provided across Parcel 563 in favor of the new site to bring a lateral from the sewer line behind the property. Water can be accessed from a line in the Turnpike right-of-way. The primary concern is provision of access to the median cut on the Turnpike. An easement across 2093 Oak Ridge Turnpike is needed and a large concrete power pole will need to be relocated. A traffic impact study needs to be completed to address traffic movement in and out of the site.

6) Would the requested rezoning have environmental impacts?

The site is partially within the flood fringe for East Fork Poplar Creek. There is no floodway area on the site and the majority of the site is not within the 100-year flood fringe. Minimum floor elevation on the site must be at least one foot above the 100-year flood elevation. Increased storm water runoff caused by increased impervious area must be managed in accordance with the City's Erosion Control and Storm Water Management Ordinance.

Neighborhood Position: No comments have been received as of January 10, 2013.

Landscaping/Buffering requirements: If new construction takes place, at least 20% of the site must remain in green space. Landscaped buffer required between commercial and residential use

Notification of Property Owners Within 200': January 4, 2013

Rezoning signs posted: January 8, 2013

Conclusion and Planning Staff Recommendation: Factors favorable towards the rezoning include the location on an arterial roadway, the location adjacent to other commercial zoning and the lack of contiguous residential development. A major factor that needs to be addressed is the access. A traffic impact study is needed and the means by which full access will be obtained must be addressed. It is also recommended that an access easement be provided across the subject parcel to the remainder of Parcel 563. It is recommended not to proceed with the rezoning request until the traffic impact study and access are addressed.

Planning Commission Recommendation: Recommended approval of rezoning and Land Use Plan amendment by a vote of 7-0. Also recommended recording access easement to Turnpike across adjoining property on east before second reading of rezoning ordinance.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

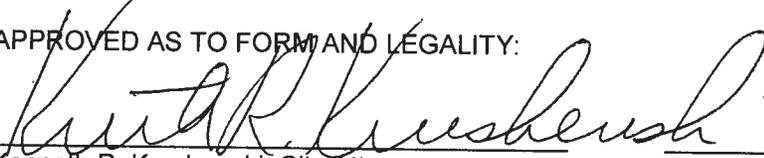
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
A portion of Parcel 1.00 Map 105H, Group A (± 1.16 Acres)	2095 Oak Ridge Turnpike across from W. Lincoln Road and Oak Ridge Turnpike intersection	RG-1, Residential Open Space and Reserved, and RG-1/Flood Fringe	UB-2, Unified General Business and UB-2/ Flood Fringe

Section 2. The change shall be imposed upon said map and shall be as much a part of Ordinance No. 2 as if fully described therein.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Thomas L. Beehan, Mayor

 Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
 Publication Date: 01/21/2013
 First Reading: 02/25/2013
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____