



**OAK RIDGE HISTORIC PRESERVATION COMMISSION MEETING  
APRIL 8, 2015 - 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Debbie Shoenfeld, Vice Chair  
Mac McAtee  
Ron Simpson

**Staff Present**

Sandra Smith, Town Clerk/HPC Staff  
Bill Bruce, Planning Director

**Members Absent**

Ann Schneider, Chair  
Michelle Davidson  
Caroline Ruch, Alternate  
Paul Woolf, Alternate

**1. CALL MEETING TO ORDER**

Vice Chair Debbie Shoenfeld called the meeting to order at 7:00 p.m. After welcoming attendees and introducing Commission members and staff, Shoenfeld read a brief statement on the purpose, duties and responsibilities of the Commission.

**2. APPROVE AGENDA**

**Mac McAtee** made a **motion** to approve the meeting agenda after removing item 4.A. Swearing in of New Member. **Ron Simpson** seconded the motion, and it was passed unanimously (3-0).

**3. OLD BUSINESS**

- A. Town Council report.** Shoenfeld drafted the report and Ann Schneider presented it to the Town Council in March. Shoenfeld volunteered to draft the report for the next month's Council meeting, and Schneider would again present it.
- B. COAs approved/reviewed at staff level.** Planning Director Bill Bruce reported there was a staff-level COA that was approved for the renovation/re-siding of the property at 2102 Oak Ridge Road, which was determined by staff to be a minor work. Another staff-level COA was approved for the addition of a 12-foot by 20-foot screened porch on an outbuilding at 1912 Oak Ridge Road; the addition will not be seen from the road.
- C. COAs approved but not completed.**

Bruce reported that work on the exterior of Lowes Foods has not yet begun. A stone sample, which must be approved by the Commission, has not been submitted and a sample wall has not yet been installed.

Town Clerk Sandra Smith said she had spoken with the landscape architect regarding the landscaping which has not been done at Holt Hall at Oak Ridge Military Academy, and which he said they did not wish to do at this time. Smith said she would send him an application for a revised COA, since the landscaping was specifically required on the initial COA. The applicant could then request not being required to plant about two bushes in front of the building at this time.

#### 4. NEW BUSINESS

Shoenfeld stated that the goal of the Commission is to see that any proposed changes are not incongruous with the special character of the Historic District. Since the Commission will be conducting a quasi-judicial evidentiary hearing, it is to be impartial. She said individual opinions should not be expressed, but the Commission should take the evidence presented, apply the standards, make findings of fact and render a decision accordingly. The Commission may approve, disapprove or continue consideration of the COA request, but a decision must be made within 180 days. Shoenfeld asked Commission members to cite the applicable sections of the Historic Design Guidelines in their discussions of the case to help make findings of fact on which to base their decision.

Shoenfeld then discussed potential conflicts of interest, which include a having fixed opinion; having discussions or communications about a case outside of these proceedings; having a close business, family or personal relationship to the applicant or others involved in the case; or having a financial interest in the outcome of the case. She asked Commission members to disclose any potential conflicts of interest involving any of the COA applications about to be heard. No conflicts were disclosed.

- **Case COA-15-08: Elizabeth's Pizza fence.** JPC Monroe, LLC, owner Oak Ridge Commons shopping center, requests a Certificate of Appropriateness for construction of a fence around the restaurant's outdoor patio dining area at of Elizabeth's Pizza and More. The property is located at 2205-U Oak Ridge Road, tax parcel 0166224, and is zoned CU-SC, Historic District Overlay.

Tony Coppola, Elizabeth's Pizza owner, and Planning Director Bruce were sworn in.

Bruce said he had submitted the staff report, which is hereby incorporated by reference and made a part of the minutes, for the Commission's review. Bruce said that just prior to the meeting, Coppola had also said he would like to install an awning over the patio area. Bruce said he believed that would be allowed as a matter of routine maintenance, since it is not a permanent change to the structure, but he would need to research that more. He said for the purposes of this meeting, the Commission is only considering the fence.

Shoenfeld asked if there were any questions for Bruce, and none were asked. She then asked the Commission to discuss the eligibility and completeness of the application, which is hereby incorporated by reference and made a part of the

minutes. She said she would like for the Commission to rely on the information submitted in the application to the extent possible. McAtee reminded the Commission that they would be writing their findings of fact from information presented.

In his presentation to the Commission, Coppola said he was planning to use the exact same fencing material as was used next door at Rio Grande. He said he had discussed the issue of the sidewalk under the covered walkway with the landlord, and that about 4 feet beside the building would remain open to allow for pedestrian traffic. He said the front part of the patio (near the parking lot) would be enclosed by the fence, but the open area near the building would allow people to walk from the patio of Elizabeth's into the patio of Rio Grande.

Shoenfeld asked if the 4-foot area directly beside the building was also open between Bistro 150 to Rio Grande, and Coppola and Bruce said yes.

Coppola said he would come back to the Commission if he needs to get permission for the awning, but he would soon be very busy, as he was about to start a new location at High Point University. Shoenfeld reminded Coppola that this COA would just cover the fence. She asked if he had any other comments, and Coppola said no, except that he would plant flowers and make the fence attractive.

Shoenfeld asked the Commission to cite any concerns they had about the eligibility or completeness of the application, and whether it falls within the scope of the Commission's responsibilities. All Commission members agreed by consensus that the application appeared complete and contained all the information needed.

Shoenfeld referred to sections B and C in the Guidelines and the section on Oak Ridge Commons. She said she understood the fencing installed would be exactly like what has been installed at Rio Grande's outdoor dining area, that it is to be installed across the front of the building near the parking lot and turn back toward the entryway.

Simpson asked Coppola why the fencing was being installed, and he said he is applying to the ABC Commission for ABC permits, and they will request that the fencing be installed so the outdoor dining area is enclosed. Simpson noted that there were photos included with the application, including ones showing where the fence would join the one next door at Rio Grande.

McAtee noted that the fence would be 48 inches tall. He said the Design Guidelines state that front fences should be no taller than 42 inches tall, but said a precedent has already been set. He said he believed that precedence should be honored, even though it is not in compliance with the Guidelines. Simpson said the proposed fence would also harmonize with the existing fence at Rio Grande.

Shoenfeld read from page 42 of the Guidelines, where it says front yard fences or walls should be kept to a maximum height of 42 inches. She said that she did not really have a problem with the proposed fence's height, given the fact that Rio Grande already has a 48-inch fence and this would basically be an extension of it. Simpson said he also had no problem with it, and McAtee said he thought it should

be noted that the exception to the Guidelines was being made because of Elizabeth's and surrounding properties, and that the exception was for this site only.

With no additional comments from Commission members, Shoenfeld summarized the findings of fact, saying it appears everything other than the height of the fence is in compliance with the Design Guidelines. She reminded the Commission that the staff report could be adopted as part of the motion for the findings of fact.

**Mac McAtee** made a **motion** to adopt the staff report as the findings of fact, and to further state that while the 48-inch fence is not in compliance with the Design Guidelines, which state the maximum height should be 42 inches, it should not be construed as the Commission saying that 48-inch fences would be approved for other properties in the Historic District in the future. **Ron Simpson** seconded the motion, and it was passed unanimously (3-0).

**Mac McAtee** made a **motion** to approve the COA request for the fence at Elizabeth's Pizza. **Ron Simpson** seconded the motion, and it was passed unanimously (3-0).

**5. COMMITTEE REPORTS/UPDATES**

**A. 2014-15 Budget update**

Smith presented the 2014-15 budget, which is hereby incorporated by reference and made a part of the minutes.

**B. Historic inventory/Markers**

Shoenfeld said subcommittee members had been in touch with two property owners, who seem amenable to having markers placed on their property.

**C. Communications outreach**

Shoenfeld reported two ads had run recently in the Northwest Observer.

**D. Display case**

Smith reported that Oak Ridge Elementary School is celebrating its 90<sup>th</sup> anniversary with a celebration in early May. She suggested a display for the case be put together to commemorate the anniversary.

**6. CITIZEN COMMENTS**

None

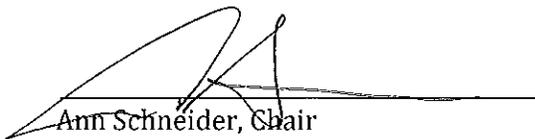
**7. ADJOURNMENT**

**Mac McAtee** made a **motion** to adjourn the meeting at 7:29 p.m. **Ron Simpson** seconded the motion, and it was passed unanimously (3-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ann Schneider, Chair