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# Minutes

## August 14, 2008

1:30 P.M. ♦ Main Assembly Room ♦ City County Building

The Metropolitan Planning Commission met in regular session on August 14, 2008 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

	Mr. Trey Benefield, Chair	A	Mr. Stan Johnson
	Mr. Robert Anders, Vice Chair		Mr. Michael Kane
	Mr. Bart Carey	**	Mr. Robert Lobetti
A	Ms. Laura Cole		Ms. Rebecca Longmire
	Mr. Art Clancy		Mr. Nick Pavlis
	Mr. Herbert Donaldson	*	Mr. Jack Sharp
	Mr. George Ewart	*	Mr. Wes Stowers
	Mr. Dick Graf		

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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### 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Buz Johnson called the role.

Mr. Robert Anders led the invocation and Pledge of Allegiance.

### \* 2. APPROVAL OF AUGUST 14, 2008 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF JULY 10, 2008 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

### 4. REQUEST FOR POSTPONEMENTS, WITHDRAWALS, TABLINGS AND CONSENT ITEMS.

Automatic Postponements read

Postponements to be voted on read

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE SEPTEMBER 11, 2008 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE OCTOBER 9, 2008 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (DONALDSON) WERE MADE TO APPROVE POSTPONEMENTS 90 DAYS AS READ UNTIL THE NOVEMBER 13, 2008 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.**

COMMISSIONERS WES STOWERS AND JACK SHARP ARRIVED AT THIS TIME.

Mr. Gary Tucker requested that item No. 45, 8-SZ-08-F, be postponed 30 days.

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO ADD ITEM NO. 45 TO THE 30-DAY POSTPONEMENTS. MOTION CARRIED 13-0. POSTPONED.**

Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

Withdrawals to be voted on read:

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO WITHDRAW ITEM NO. 58, JAMES R. CHRISTOPHER, 7-D-08-PA. MOTION CARRIED 13-0. WITHDRAWN.**

**REVIEW OF TABLED ITEMS**

<u>KNOX COUNTY ZONING ORDINANCE AMENDMENT</u> Definitions and development standards for adult oriented establishments, including, but not limited to, bookstores and motion picture theaters, and changes to related sections	10-A-04-OA
<u>KNOX COUNTY SCHOOLS</u> Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	1-C-08-SC
<u>HABITAT FOR HUMANITY</u> Request closure of Evans St between Bonny Avenue and south to terminus at parcel 081PC003, Council District 1.	3-A-08-SC
<u>LAKEVIEW POINT</u> West side of Fredonia Rd., north of Merchant Dr., Council District 3.	1-SC-05-C
<u>ROSEBAY PLACE</u> East side of Rosebay Rd., south of Garden Dr., Council District 4.	8-SB-05-C
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES &amp; CONSTRUCTION</u>	

- a. Concept Subdivision Plan 1-SG-08-C  
Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.
- b. Use On Review 1-J-08-UR  
Proposed use: Attached residential subdivision in PR (Planned Residential) District.
- WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R 1-SF-04-F  
Southeast side of Buffat Mill Rd., Council District 4.
- HATAUB SUBDIVISION 6-SY-05-F  
West side of Hickory Creek Rd., north of Everett Rd., Commission District 6.
- HILL PROPERTY 4-SG-06-F  
Northwest side of Greenwell Rd., northeast of Pedigo Rd., Commission District 7.
- EMORY PLACE 4-SX-06-F  
Northwest side of E. Emory Rd, southwest of Bishop Rd, Commission District 6.
- VARNELL PROPERTY ON DERRIS DRIVE 5-SP-06-F  
North side of Derris Drive, East of Wrights Ferry Road, Commission District 4.
- PROPERTY OF J. RONALD SCHOOLCRAFT, JR. 7-SU-06-F  
Southeast side of Northshore Drive, southwest of Terrace Woods Way, Council District 2.
- U**      **THE MENCER PROPERTY** **7-SG-07-F**  
At the terminus of Donovan Lane, east of Fox Rd, Commission District 5.
- COPPERLEAF 9-SO-07-F  
Northeast side of Heiskell Rd, northwest of E. Copeland Dr, Commission District 7.
- U**      **RESUB. OF PART OF THE BEREAN BIBLE CHURCH PROPERTY AND UNPLATTED PROPERTY** **10-SC-07-F**  
Prosser Rd north of I-40, Council District 4.
- BEACON PARK PHASE I 11-SQ-07-F  
South end of Chandler Road at Rogers Island Road, Commission District 5.
- NATALIE ROBINSON PROPERTY 12-SQ-07-F  
Northeast end of Nighbert Lane, northeast of Choto Road, Commission District 5.

NORMAN SHAW 4-H-06-PA  
 Northwest side Asheville Hwy., southwest of Grata Rd. One Year Plan Amendment from LDR (Low Density Residential) to O (Office). Council District 6.

OLIVER A. SMITH  
 Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.  
 a. Southwest County Sector Plan Amendment 6-H-06-SP  
 From LDR (Low Density Residential) to O (Office).  
 b. Rezoning 6-S-06-RZ  
 From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

FLENNIKEN HOUSING, L.P. 7-L-08-RZ  
 Northeast side Flenniken Ave., southeast side Maryville Pike, northwest of Martin Mill Pike, Council District 1. Rezoning from C-3 (General Commercial) to O-1 (Office, Medical, and Related Services).

SHERRILL HILL COMMERCIAL 11-E-07-UR  
 South side of Kingston Pike at Market Place Blvd. Proposed use: Commercial Development in PC-1 (k) (Retail & Office Park), PC-1/H-1 (k) (Historic Overlay) District. Council District 2.

REVEIZ CUSTOM HOMES, LLC 11-J-07-UR  
 North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Mixed Commercial Development in PC (Planned Commercial) District. Commission District 6.

LISA HOSKINS 4-F-08-UR  
 Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in R-1 (Low Density Residential) & R-2 (General Residential) District. Council District 5.

***ITEMS REQUESTED TO BE REMOVED FROM TABLE – (Indicated with U)***

**U THE MENCER PROPERTY 7-SG-07-F**  
**U RESUB. OF PART OF THE BEREAN BIBLE CHURCH PROPERTY**  
**AND UNPLATTED PROPERTY 10-SC-07-F**

**MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO UNTABLE THE ABOVE FINAL PLATS. MOTION CARRIED 13-0. UNTABLED.**

***TABLINGS – (Indicated with T) Read***

**T 17. DEWAYNE WHITT PROPERTY 11-SW-07-F**

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO TABLE ITEM 17. MOTION CARRIED. TABLED.

## CONSENT ITEMS

*Items recommended for approval on consent are marked (\*). They will be considered under one motion to approve.*

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 13-0.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 13-0. APPROVED.

## Ordinance Amendments:

- P 5. **METROPOLITAN PLANNING COMMISSION** **11-A-07-OA**  
Amendments to the City of Knoxville Zoning Ordinance creating a new R-4 (Residential/Office) District providing for a mix of such uses that are complementary in scale to adjacent residential neighborhoods.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 6. **METROPOLITAN PLANNING COMMISSION** **8-A-08-OA**  
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.1.2 (Cumberland Avenue District) to the proposed Article 4, Section 4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

## Alley or Street Closures:

- \* 7. **NORTHSHORE COMMONS, LLC (REFERRED BACK TO MPC BY CITY COUNCIL) (REVISED)** **10-A-07-SC**  
Request closure of B Dr between S. Northshore Dr. and dead end, Council District 2.

STAFF RECOMMENDATION: Approve this expanded closure, subject to any required easements and the conditions of the City Engineering Department.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **8. KCDC** **8-A-08-SC**  
Request closure of Badgett Dr between Texas Ave southeast and California Rd., Council District 5.

STAFF RECOMMENDATION: Approve subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **9. KCDC** **8-B-08-SC**  
Request closure of Badgett Dr between Goins Dr. southeast and Unnamed alley, Council District 5.

STAFF RECOMMENDATION: Approve subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 10. FORT SANDERS REGIONAL MEDICAL CENTER** **8-C-08-SC**  
Request closure of Nineteenth St between Clinch Avenue and Laurel Avenue, Council District 1.

STAFF RECOMMENDATION: Approve subject to any required easements or relocation of utilities by applicant as required.

CHAIR TREY BENEFIELD RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM

ROBERT ANDERS RESUMED AS CHAIR.

Mr. Arthur Seymour, Jr. on behalf of Applicant. I have talked to Ms. Irwin and she has comments on this along with Anne Wallace. Fort Sanders Regional Medical Center is planning a major expansion and an upgrade of their campus. One of the items necessary is the closure of one block of 19<sup>th</sup> Street between Laurel and Clinch. The Emergency entrance is on 19<sup>th</sup> Street entrance and surface parking on 19<sup>th</sup> between Laurel and Clinch. Hospital desires to build a major medical office building there. This has been studied for about 20 years now. The only way to make this work is to close this one block to vehicular traffic except for traffic from the emergency department. Cars will enter an underground garage at the Medical Office Building on the east side of 19<sup>th</sup> Street. We have been meeting with the neighborhood to discuss this. Purpose of the closure is to rationalize traffic around the hospital to make it safe to get in a out of the Emergency Center. If you park on surface parking you are in conflict with ambulances and other traffic. After meetings with neighborhood, consultants Wilbur Smith and City Engineering, this is the best solution for the expansion. They are relocating the main entrance to the hospital and this closure is an aspect of that reconfiguration also. The ability of the hospital to survive depends

on having talented physicians that want to come to that hospital because of its facilities and staff.

Ms. Cathy Irwin, President Historic Fort Sanders Neighborhood Association, 2307 Laurel Avenue, 37916. We emailed you a letter. Add that we obtained services of Walter Koulash who is a world renown traffic expert. He worked on the South Waterfront project and Cumberland Avenue Corridor project. He overlooked the Wilbur Smith traffic study and had comments. John Craig has some handouts. We are not against this building going up, but we have serious issues with the road closure. Ask MPC staff to do further studies on traffic circulation and implications.

Ms. Anne Wallace: Project Manager, City of Knoxville. I have been asked on behalf of the City of Knoxville to let you know that we are in support of Fort Sanders Regional Medical Facilities' new medical office building. Hospital has met the requests of the City and neighborhood to expand the traffic study. Minimal impacts to the road network due to 19<sup>th</sup> Street closure have been found. In addition the road closure is critical for the success of this project to connect the proposed medical office building with the existing structure. The hospital has agreed to look at pedestrian circulation in and around their facilities to help alleviate the problems the neighborhood has concerns about. This has highlighted several intersections that have a low level of service currently and the city is researching possible solutions for those intersections to make traffic and circulation safer. We have a great opportunity for the hospital to invest in the neighborhood. The Chief of Staff has stated that this is a tipping point to be able to maintain the level of high quality physicians and be able to continue in the future. We recognize there are some challenges associated with the closure, but that they can be mitigated with future planning efforts.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1. APPROVED.**

CHAIR BENEFIELD RESUMED AS CHAIR.

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

- 11. **TWILIGHT AT RIVER ISLAND - DAMON A. FALCONNIER**
  - a. **Concept Subdivision Plan**  
East side of Kelly Ln., south of Kodak Rd., Commission District 8.

7-SB-08-C

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 12 conditions.

Mr. Rusty Baksa, Land Development Solutions we agree with staff conditions.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.**

**b. Use On Review**

**7-B-08-UR**

Proposed use: Residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 18 detached residential dwellings subject to 3 conditions.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.**

**P 12. BRANDYWINE AT TURKEY CREEK (FKA: TOWERING OAKS) - TENNESSEE INVESTMENTS, LLC.**

**a. Concept Subdivision Plan**

**8-SA-08-C**

North side of Hatmaker Ln., west side of Fretz Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Use On Review**

**8-H-08-UR**

Proposed use: Attached and detached residential subdivision in PR (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\* 13. COVERED BRIDGE - CORNERSTONE DEV. GROUP**

**a. Concept Subdivision Plan**

**8-SB-08-C**

North end of Covered Bridge Blvd., west of East Gallaher Ferry Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* b. Use On Review**

**8-I-08-UR**

Proposed use: Detached residential subdivision in PR (Planned Residential) District.



STAFF RECOMMENDATION: Approve the development plan for up to 54 detached residential units on individual lots, including a reduction in the peripheral setback to 15' along the northern property line as identified on the development plan, subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **14. GRAYSBURG SUBDIVISION** **8-SC-08-C**  
Terminus of Elna Marie Dr., east of Bagwell Rd., Commission District 8.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **15. DOGWOOD COVE** **8-SD-08-C**  
Northwest side of Dogwood Dr., northeast of Wrights Ferry Rd., Commission District 4.

STAFF RECOMMENDATION: Approve variances 1-7 and the Concept Plan for a 22 lot subdivision subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **16. WHITE'S ADDITION** **8-SE-08-C**  
Northwest side of Clinch Ave., northeast side of Nineteenth St., Council District 1.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Final Subdivisions:**

- T **17. DEWAYNE WHITT PROPERTY** **11-SW-07-F**  
North side of Wood Road, northeast of Majors Road, Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- \* **18. MICHAEL E & PATRICIA A STINNETT PROPERTY RESUBDIVISION OF LOT 3** **6-SA-08-F**  
Northwest side of Mary Lay Lane, southwest of N. Wooddale Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **19. BLUE HERON POINTE** **7-SM-08-F**  
Southeast side of Westland Drive, southwest of S. Northshore Drive,  
Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **20. FARRAGUT HILLS RESUBDIVISION OF LOTS 10 & 11** **8-SA-08-F**  
North side of S. David Lane, northwest of Windswept Lane,  
Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 21. HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18** **8-SB-08-F**  
(11/13/08) South side of Woodlawn Pike, east of Southwood Drive, Council  
District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **22. ROCKY HILL STORAGE** **8-SC-08-F**  
Southwest side of Wrights Ferry Road, southeast of S. Northshore  
Drive, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **23. MELROSE PARK, RESUBDIVISION OF LOT 3R** **8-SD-08-F**  
Northwest side of Melrose Avenue, southwest of Melrose Place,  
Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **24. WILLIAM HARPER & LAWERENCE SEVERY, JR PROPERTY** **8-SE-08-F**  
Northeast side of Central Avenue Pike, southeast side of Bookwalter  
Road, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. PEBCO PROPERTIES, INC.** **8-SF-08-F**

Northwest side of Clear Springs Road, south of Old Rutledge Pike,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **26. CITY OF KNOXVILLE TRANSIT CENTER PROPERTY LOT 1** **8-SG-08-F**  
Northwest intersection of s. Hall of Fame Drive and E. Church  
Avenue, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **27. MARY LOU LAMB PROPERTY LOT 2** **8-SH-08-F**  
East side of Old Maynardville Pike and Tell Mynatt Road intersection,  
Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **28. EDWARD MCMILLAN PROPERTY** **8-SI-08-F**  
South side of Oaks Road, east of Stanley Road, Commission District  
8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **29. CENTRAL MARKET LOTS RESUBDIVISION** **8-SJ-08-F**  
Block of Emory Place, N Gay Street, W. Fifth Avenue, & N Broadway,  
Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **30. DELTA GROUP PROPERTY** **8-SK-08-F**  
Southeast side of Ogle Avenue, southwest of intersection with W.  
Martin Mill Pike, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **31. TERRA VISTA** **8-SL-08-F**  
South side of Higdon Drive, southwest of Oak Ridge Highway,  
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **32. WILLIAMS BEND RESUBDIVISION OF TRACT 5** **8-SM-08-F**  
Northeast side of Williams Bend Road, north of Couch Mill Road,  
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **33. SJF, LLC PROPERTY AND FRL, LLC PROPERTY** **8-SN-08-F**  
South side of Asbury Cemetery Drive and east side of Red Dog Lane,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 34. JEFFERSON PARK UNIT 1 RESUBDIVISION OF LOTS 2-8** **8-SO-08-F**  
Southeast side of monument Blvd., northwest of S. Northshore  
Drive, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **35. JAMES M. & DOLLIE R. PORTER PROPERTY** **8-SP-08-F**  
Northeast side of Callahan Drive, southeast side of Old Callahan  
Drive, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **36. SILVERSTONE RESUBDIVISION OF LOT 188** **8-SQ-08-F**  
West side of Rockstone Lane, northwest side of Bedrock Lane,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 37. ISAIAHS LANDING RESUBDIVISION** **8-SR-08-F**  
South side of S. Mall Road, south of East Towne Road, Council  
District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **38. WAYLAND-GOODMAN PROPERTIES** **8-SS-08-F**

Chapman Highway at Martin Mill Pike, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **39. WHITE'S ADDITION RESUBDIVISION OF PARCELS 8 & 19** **8-ST-08-F**  
Corner of 19th Street and Laurel Avenue, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **40. CAMPBELLS POINT RESUBDIVISION OF LOTS 60-62** **8-SU-08-F**  
Northwest side of Youmans Lane, west of Campbells Point Road,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 41. DOGWOOD COVE** **8-SV-08-F**  
Northwest side of Dogwood Drive, northeast of Wright's Ferry,  
Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **42. COLLIER RIDGE** **8-SW-08-F**  
West side of Collier Road, south of Fox Ridge Drive, Commission  
District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **43. JEFFERSON PARK WEST RESUBDIVISION OF LOTS 105-114** **8-SX-08-F**  
Northwest side of Fredericksburg Blvd., northeast of Charlottesville  
Blvd., Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **44. JEFFERSON PARK WEST UNIT 3** **8-SY-08-F**  
Off Charlottesville Blvd., north of Monument Blvd., Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 45. JOHNSTONE UNIT 2 8-SZ-08-F**  
At the terminus of Calvert Lane, west of Havenstone Lane,  
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 46. THE PARK AT BABELAY 8-SAA-08-F**  
North side of Babelay Rd., east of Happy Acres Rd., Commission  
District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 47. JOHN CANDLISH PROPERTY 8-SBB-08-F**  
South side of Jersey Ave., west side of Lindsay Place, Council District  
2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 48. NORTHWEST INDUSTRIAL PARK, LOT 20 8-SCC-08-F**  
Northwest side of Schaad Rd., southwest side of Pleasant Ridge Rd.,  
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 49. GALLERY OF KARNS 8-SDD-08-F**  
North side of Oak Ridge Hwy., south side of Beaver Ridge Rd.,  
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 50. RESUB OF LOTS 1, 2 & 3 OF CAMERSON HEIGHTS 8-SEE-08-F**  
Northwest side of Millertown Pike, northeast of Lindbergh Rd.,  
Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 51. RESUB OF LOT 2 OF JOE L. CANADA PROPERTY 8-SFF-08-F**  
Southeast side of Ollie Davis Dr., northeast side of Ault Rd., Council  
District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 52. FINAL PLAT OF HAYNES PROPERTY 8-SGG-08-F**  
 Northeast side of Ridgewood Rd., northeast of Edonia Dr., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 53. RIVERWALK LANDING 8-SHH-08-F**  
 Northwest side of E. Gov. John Sevier Hwy., northeast of Grand Valley Rd., Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Rezoning and Plan Amendment/Rezoning:**

- P 54. CITY OF KNOXVILLE 3-R-02-RZ**  
 East side of Sherlake Ln., west side of Hayfield Rd., south of Parkside Dr., Council District 2. Rezoning from No Zone to C-6 (General Commercial Park).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 55. PJC PROPERTIES, LLC (REVISED)**  
 South side Strawberry Plains Pike, west of E. Governor John Sevier Hwy., Commission District 8.  
**a. East County Sector Plan Amendment 3-D-08-SP**  
 From LDR (Low Density Residential) & STPA (Stream Protection Area) to LI (Light Industrial) & STPA (Stream Protection Area).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W b. Rezoning 3-I-08-RZ**  
 From A (Agricultural) & F (Floodway) to PC (Planned Commercial) & F (Floodway).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 56. LKM PROPERTIES, LP/METROPOLITAN PLANNING COMMISSION (REVISED)**  
(Referred Back to MPC by County Commission)  
 Generally the intersection of Ellistown Rd. and Millertown Pike, Commission District 8.  
**a. Northeast County Sector Plan Amendment 6-A-08-SP**  
 From LDR (Low Density Residential) to NC (Neighborhood Commercial).

STAFF RECOMMENDATION: Approve the addition of a NC (Neighborhood Commercial) designation on the adopted Northeast County Sector Plan for all four quadrants of the intersection of Millertown Pike and Ellistown Rd., and recommend the Knox County Commission adopt the amendment

COMMISSIONER GEORGE EWART RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Arthur Seymour, Jr. on behalf of applicant

You have a commercial node here that has been zoned CA for years. The property owner, Mrs. Weddington, owns less than an acre of property here. She desires to sell her property and move to a condominium. The applicant would like to buy her property to accomplish her goal and his goal which is to expand the footprint to put a Weigels Store on the site. The existing property allows the construction of a Weigel's store at this corner. However, the orientation would be toward Ellistown Road. If her property can be acquired, it will allow the reorientation of the store to Millertown Pike with expanded buffers around it. In June this was on the consent calendar and Mr. Weigel was not here and it was removed at the meeting with discussion. We ask that you go back to the June 12 recommendation which was to put a commercial designation on that small lot and zone it CA to make it compatible. Problem with this recommendation today is Neighborhood Commercial does not fit what Weigels does when they build a store. Last time Weigels' tried to build a store, he had to get 8 variances in neighborhood commercial. He requests you approve original request. Mr. Brandon who spoke in opposition at the last meeting stated he was concerned about lighting, spillage of gas and environmental damage. A Weigel's store will be built on this whether you rezone this small lot or not. He is worried about spillage from tanks. Weigels since 1981 has double-tanked their gas tanks. He has with lighting engineers developed a system where there is no spillage from his property onto others. Ask you to reference the store at Smith Road adjacent to Fox Den as far as lighting. His concerns are about details that are already dealt with. Weigels complies with State regulations. The issue is can Ms. Wedding move to a condominium. ABOUT 9 ADJOINING PROPERTY OWNERS IN SUPPORT STOOD.

Mr. Jeff Brandon, 2703 Ellistown Road

PASSED OUT PICTURES AND PETITION WHICH BECOME A PART OF THESE MINUTES. Submitted a DVD of County Commission meeting. We are doing NC zoning and they do not want NC. The signage placed on all four corners was for NC. I do not see how I won 8-4 two months ago and it goes to County Commission and it gets sent back to here. It was CA then and CA now according to Mr. Seymour. There were questions about spot zoning which have not been answered. Quoted from County Commission meeting a question



from Commissioner Norman to Mr. Donaldson asked if this was an example of spot zoning putting two parcels together to put in a Weigels. Mr. Donaldson said at this intersection all four corners are zoned commercial, but that commercial designation does not include an area big enough to do the type of operation that folks want to do now. Especially if we amend our performance standards and add landscape buffering requirements as we have proposed. If this were remanded back to MPC I would like to see us take a look at whole corner and perhaps reconfigure the existing zoning and that plan so that not all four corners would ultimately develop as commercial. Unless it is a very neighborhood type of setting the idea of a neighborhood convenience store at a major intersection and minor arterial major collector is in our mind good planning and there is currently commercial zoning there. Our plan speaks to logical extension of existing zoning. He never answered whether it was spot zoning. I looked up spot zoning and it is the zoning of a small area of land for use that is not in harmony of the normal zoning planned for the area. In this case everything else is LDR and Agricultural. Especially if the small area is rezoned in a way that does not conform to the surrounding neighborhood. This is farmland with cows and a country store. Do we not have to have studies done to change the sector plan? Mr. Seymour says they are going to build a Weigels no matter what because that property was zoned CA. That property was grandfathered in. My contention is because it was grandfathered in, if it ceases operation for 30 months it should revert back to its original zoning. Just because it is CA does not guarantee he can do a Weigels store. The original work was an auto mechanic shop and it has been about 30 years since had a body shop there. If the issue is the neighbors are keeping her from getting her condominium, why does not Mr. Weigel's buy the property and let her go ahead and move into her condominium. Weigels own engineer during the MPC meeting stated they did not have plans to build for 5-6 years, then he said 2-3 years, then 8-10 years. I came down as a concerned citizen I have well water and concerns. Now have concerns about not following MPC's rules of waiting a year and hashing it out. For some reason you decided 8-4 to vote this way. I am asking for fair and consistent rulings.

Mr. Donaldson: Rational for our recommendation is that the last time you heard this you denied the commercial land use designation and denied CA zoning. We have changed both of our recommendations. We are now recommending neighborhood commercial designation and zoning which is different. After you denied it it was appealed to County Commission and they referred it back to us suggesting we take another look at it. We expanded the area to include all four corners which have currently CA zoning on them so that the plan amendment area is larger than the original application. We are looking at a different zone district. Both of those factors eliminate the 12-month waiting period before hearing a comparable application.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Seymour, If we cannot get commercial and CA zoning, we prefer not to go forward at this time.

Mr. Robert Anders: I was going by Weigel's at Ball Camp and checked out the lighting and they do a good job of directing the lighting. No light was shining on houses at all.

Mr. Clancy: My intention is to allow them to do the best job with buffering and lighting. It has everything to do with neighborhood planning and giving the developer an opportunity to do the best he can for the neighborhood by allow a denser buffer and putting lighting the way it should be. That was my intention of first motion of Commercial.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WITHDRAWN.**

**MOTION (CLANCY) AND SECOND (GRAF) WERE MADE TO APPROVE COMMERCIAL DESIGNATION.**

Gener Dial 2350 Ellistown Road It is not a city community. It is county community with animals. My neighbors have animals that drink out of streams and well water. Traffic and speeding concerns me. We have several grocery stores and gas stations within a mile of us and do not see the need.

**MOTION CARRIED 11-1-1. APPROVED.**

**b. Rezoning**

From CA (General Business) and A (Agricultural) to CA (General Business).

**6-A-08-RZ**

STAFF RECOMMENDATION: Approve CN (Neighborhood Commercial) zoning for both the CA and the A zoned parcel. (The applicant requested CA (General Business) zoning for the A zoned parcel to expand his CA site.)

**MOTION (CLANCY) AND SECOND (GRAF) WERE MADE TO APPROVE CA (GENERAL BUSINESS) ZONING. MOTION CARRIED 11-1-1. APPROVED.**

Mr. Brusseau pointed out the need to clarify in motion what area is covered by sector plan amendment.

Mr. Clancy: Just that corner, might depend on what they are going to put there. This is a good use for a neighborhood and sector plan can just be changed for that parcel.

**CLANCY AND GRAF AMENDED THEIR MOTION TO APPROVE COMMERCIAL AT INTERSECTION TO CLARIFY THE AMENDMENT IS JUST FOR ONE QUADRANT OF THE INTERSECTION. MOTION CARRIED 11-1-1. APPROVED.**

Mark Donaldson explained the meaning of the NC and CN abbreviations.

**W 57. HARDIN VALLEY TWO, LLC**

South side Hardin Valley Rd., west of Westcott Blvd., Commission District 6.

**a. Northwest County Sector Plan Amendment**

From LDR (Low Density Residential) & SLPA (Slope Protection Area) to C (Commercial) & SLPA (Slope Protection Area).

**6-E-08-SP**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**W b. Rezoning**

From PR (Planned Residential) to PC (Planned Commercial).

**6-I-08-RZ**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**W 58. JAMES R. CHRISTOPHER**

East side Morrell Rd., north of Queensbury Dr. Council District 2. One Year Plan Amendment from LDR (Low Density Residential) to O (Office).

**7-D-08-PA**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**\* 59. LANE PROPERTIES**

Southeast side Cedar Ln., southwest of Fennel Rd., Council District 5. Rezoning from O-1 (Office, Medical, and Related Services) to C-3 (General Commercial).

**8-A-08-RZ**

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* 60. HS DEVELOPMENT CO., LLC**

Southeast side Sony Ln., northeast of S. Peters Rd., Commission District 5. Rezoning from RA (Low Density Residential) to OA (Office Park).

**8-B-08-RZ**

STAFF RECOMMENDATION: Approve OA (Office Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 61. JAMES R. GENTRY**  
Northwest and southeast sides Ball Camp Pike, northeast of Bakertown Rd., Commission District 6.  
**a. Northwest County Sector Plan Amendment** **8-A-08-SP**  
From LDR (Low Density Residential) & SLPA (Slope Protection Area) to C (Commercial), MDR (Medium Density Residential) & SLPA (Slope Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **8-C-08-RZ**  
From A (Agricultural) & RA (Low Density Residential) to PC (Planned Commercial) & PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 62. DICK BALES** **8-D-08-RZ**  
Northwest side E. Governor John Sevier Hwy., southwest of Old French Rd., Commission District 9. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 63. PROPERTIES DIVERSIFIED, INC.**  
Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.  
**a. North County Sector Plan Amendment** **8-B-08-SP**  
From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **8-E-08-RZ**  
From RB (General Residential) to CB (Business and Manufacturing).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 64. CHARLES PILGRIM**  
West side Ebenezer Rd., south of Bluegrass Rd., Commission District 4.  
**a. Southwest County Sector Plan Amendment** **8-C-08-SP**  
From LDR (Low Density Residential) & SLPA (Slope Protection Area) to O (Office) and SLPA (Slope Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **8-F-08-RZ**  
From PR (Planned Residential) to OB (Office, Medical, and Related Services).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**65. WELLS CREEK, LLC**

**8-G-08-RZ**

South side W. Gov. John Sevier Hwy., east of Winkle Ln., northwest side Tipton Station Rd., Commission District 9. Rezoning from PR (Planned Residential) @ up to 5 du/ac in 2 districts to PR (Planned Residential) @ up to 5 du/ac in 1 district.

STAFF RECOMMENDATION: Approve combining the PR (Planned Residential) zones into one district.

Mr. Mark Donaldson: In many of the letters we received and comments we have heard there is the use of the term transfer of development rights. We in Knox County do not have a transfer of development rights program. That is a technical term referring to an adopted program which comes on the heels of plan which creates sending areas and receiving areas for those development rights. That is not the case here. We do not have such a program. If this is approved, it would be what we call a clustering of housing within a single zone district rather than transfer of development rights.

Mr. Scott Ballard: 7744 Trophy Run Lane, South Doyle Area Homeowner's Association. About 9 people stood in opposition. About a little over a year ago he came and proposed putting in condos at Planned Residential up to 5 dwelling units per acre. We did not oppose that. That is within the confines of the current sector plan. He went out and graded the site and decided he wanted to build some apartments and asked for MDR at 12 dwelling units per acre and you approved that and County Commission denied that because of the sector plan amendment issue primarily. Now he has come up with a new ploy to increase density on that same property. We see significant problems. One is that we have property owners that he is claiming their rights, they ought to be listed and are they party to the application. Are they legal partners? What is the legal tie? Do they have any legal rights or paperwork for such rights? There is a lot of detail and significant issues to deal with in transfer of development rights. Knox County ought to look at it. Under the current recommended proposal he gets 8.5 dwelling units per acre on his property. You are putting two districts together to form one district. I do not know that that meets the definition of a zoning district. All we are doing is leaving people with residential homes as they are and allowing him to build more units. In a subdivision an owners gets approval for the entire property and then transfer that ownership in the form of lots and any restrictions that may have been place on it. Under this, you do not have anything there. They can do what they want with their property. That is part of transfer of development rights except for one aspect. Read from an example transfer of development rights ordinance which says you have to have TDR easement... shall track the conveyance of development rights . . . easement shall be a conservation easement that confirms

that the sending of property may continue to be used for agricultural, open space or recreational purposes, but may not be used for residential development purpose... the TDR easement shall be recorded in ... County of Register of Deeds office. You have got to have some legal tie to ensure there will not be development there. If I purchase that property later on and that restriction is not there, you could not keep me from putting a subdivision on it because there are no written deed restrictions. This method of increasing density just because you did not get it the way you wanted it last time can be wild. We gave you a letter that outlines more issues. Ask denial.

Mr. Victor Jernigan: 108 Stekoa Lane, 37912. While we were in the grading process and after we put our stormwater controls in, we saw several substantial changes that occurred in the sector plan. Not the least of which was that I had assembled 18 acres on John Sevier Highway. I asked for MDR based on changes that had occurred in the sector plan. Aerial photo shows you Johns Sevier and Chapman Highway which is approximately 1 mile to the north of this location. At that time I mentioned John Sevier Highway is going to be widened to three lane and that there were 3500 people working at the intersection and soon to be 5,000 people working at the intersection. Staff had strong report in favor of MDR and I won two cases for MDR and go to County Commission and lost. Judge Fansler says I have the right to appeal the decision and get medium density residential. Instead I tried to work with a low density residential development. I look at the property immediately adjacent to my property and part of concern was entrance on Tipton Station. I have now created situation where there will never be anything but single family along Tipton Station. We are going to cluster the density from the overall area into an area because that is what smart growth calls for and intelligent growth does. Our stormwater controls are already in place to handle about 250 units. We are going to have about 130 when we finish developing the project. Every thing we have done is within the guidelines of what is being recommended by the best planning of our own staff and natural resource defense council. Issue of transfer of development rights, those are issues that will be evident during the concept plan as it begins to move forward. You will see those things during the concept plan stage. The agreements are already in place to do all of the things that need to be done to correctly record it with the plat. We are here to approve what the South Doyle Homeowners have asked for repeatedly, low density residential development. The fact that I am going to cluster the development in on spot with access to John Sevier Highway has gotten them so upset that I cannot get them to feel comfortable with what is in front of you. We know what we are going to build on the property. This is just one example from Humphries & Associates. The concept is called "the Big House". The homes have garages. It is a type of development that has not been done here in Knoxville before. We are going to be using it here and

in several other areas of town. Ask your support of staff recommendation.

Mr. Art Clancy: We were supposed to see a world class water retention system that TDEC was trying to push to the front and was somewhat experimental. Are we still looking at that kind of retention.

Mr. Jernigan: We are paying \$1,500 per month to maintain the water retention that is out there. TDEC has visited the site on a regular basis. We have stabilized the site.

Mr. Clancy: I am looking at 145 development units verses on your handout we have 252 total units.

Jernigan: The handout is the example of what was going to be built. The difference in density is one is apartments and one is condominiums. The apartments were going to be market rate apartments like the Grove at Dean Hill. Those are three story buildings and the neighborhood was really objecting and we came back with two story dwellings.

**MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Michael Kane: Asked about details working out through the concept plan stage.

Mr. Donaldson: Planned Residential district is one district that requires two steps prior to any development. This is step one to establish the district and a gross density. Step two is the use on review process where a development plan is approved by the Planning Commission which shows the site plan, elevation and serve as the concept plan. Subsequent to that approval, he will have to go through the design plan step with engineering and a final plat with public streets and easements being shown on it. We will see specific site plan for your approval prior to any development

Mr. Kane: On the parcels that are not part of the land that Mr. Jernigan owns and how they work together, are you confident that will be worked out during that process or by some other legal means.

Mr. Donaldson: A development plan will show all the properties within the district. All of the existing homes and lots will be shown on that site plan. All of the development will be accounted for on that site plan. To do anything other than what is approved, would require them to come back through the public process again. If ten years down the road one of the owners of the current lot wants to subdivide, they have to resubmit a development plan and take it

through the public process for use on review approval. Zoning runs with the land and development has to be consistent with development plan approved by the Commission.

Mr. Kane: Asked if other property owners were a party to the application.

Mr. Donaldson: Mr. Jernigan signed representing that he had permission from all of the landowners or option holders on all the land.

Mr. Dick Graf: I was for the 5 unit density. I cannot buy into this deal at all. If they want to come back with 12 units per acre, I might be in favor of it again. This is saying no we did not mean 5 density, but 8 or 12 units per acre. If 5 units to the acre is compatible with the neighborhood, why are we approving 8.5? We really have not done this before. I can think of twice in 15 years where the owner keeps a large tract. We get cases where they use up the density on the main parcel and do not leave any for the outparcels. How are we going to control this. We are opening up a can of worms.

Ms. Citizen: Think this is a Trojan horse for transfer of development rights. When I was looking at development components, I noticed you have listed as a building block the neighborhood, the community, district, corridor and region. In definition of district, it says a district is a developed area devoted primarily to one function such as the University District or the Technology Corridor district. I do not see anywhere it is defined as a subdivision.

Mr. Anders asked Mr. Ballard if his concerns are where does it go from here. What if another property owner comes back and wants to do something, where do we go. We have talked about it today and Tuesday and I am still not comfortable with it. I am concerned about the future.

Mr. Ballard. Think the primary concern is process. If we want to use this process, we need to sit down and put it in ordinance form. There is no reference to this in any of the current MPC or zoning ordinances I can find. It is process is our primary concern. In particular, legal rights. If we do not have these deed restrictions, you are going to have a hard time telling me I cannot rezone my property.

Mr. Clancy: We are looking at 29 acres site, 145 dwelling units. Dick said we are approving 8.5. 29 times 5 is 145 and where does 8.5 come from?

Mr. Donaldson: If this is approved we would consider the area as a 29 acre area at 5 units per acre so there would be 145 units allowed within that boundary, which we referred to as a zoning district.



Within any subarea of that district the density may vary. We encourage a variety of housing types within neighborhoods. We do not mind if in a planned residential district there are townhomes, duplexes, or apartments. The gross density for the district as a whole would be 5 units to the acre.

Mr. Clancy: He has to come back before this board with a detailed concept plan.

Mr. Graf: The difference is on the property Mr. Jernigan owns. The 29 acres includes everybody, but it is not part of the tract. If they decide not to sell, this tract goes down by 5 units per acre.

Chair Benefield: They have sold their rights to do that.

Mr. Jernigan: The Knox County does not have a transfer of density right program. You will see that coming from the Hillside task force. I have taken contiguous property to the site that I have to create a larger zone. Mr. Ballard was told there would be deed restrictions placed on the properties I am buying the density from, there would be a concept plan and new plat and survey recorded for each property that would define what we are doing. I have made it absolutely clear what we are going to do. It is one piece of ground as far as zoning. The neighborhood is against the number of units because they do not want apartments on the property. If you gave me the 8.5 units which gets me the same effect, I will assure you they will not support that rezoning request. This plan is not opening the door for anything else except for how to do good planning.

Mr. Bart Carey: We are hearing that there is restrictions for the deed and also zoning for the district. What precedent are we setting?

Mr. Anders: This is the first time I have heard there are going to be deeds. That makes me feel better.

Mr. Jernigan: Final plan shows how much density is used in this entire area. As further effort to clarify the situation for the homeowners and make sure property owners clearly understood everything, they were told that a deed restriction would be placed on their property to limit ability to develop their land later on.

Mr. Scott Ballard: He did not tell the South Doyle Homeowners last week any such thing. I asked Mark if there were going to be deed restrictions and Mark said there was no provision for doing so. I wanted to make sure the record is clear that the man misstated and put words in my mouth that never came about.

Tape changed at this point.

Lisa Jerolds: 1418 West Governor John Sevier Highway.

We have been discussing rights. We do not have the property owners that are adjacent to Mr. Jernigan. I think that would be important for their family to understand what they can do with the property. I am concerned about this for my children if I am going to give away their rights or sell or limit them? We do not know these neighbors truly understand. Ask that you give us time to express that they do understand what they are signing away.

Mr. Bart Carey: The issue still seems to be are the homeowners in the district in agreement and have they signed a legal document?

Mr. Donaldson: At the final plat stage it has to have the signatures of all the property owners. Before any building permits are pulled, the final plat has to be approved and all land owners have to be represented on that final plat.

**CLANCY CALLED FOR THE QUESTION.**

**MOTION CARRIED 9-4. APPROVED.**

A BREAK WAS TAKEN AT 3:02 P.M.

**P 66. VICTOR JERNIGAN**

10/9/08 North side Thorngrove Pike, east side Atchley Ln., Commission District 8.

**a. East County Sector Plan Amendment**

From A/RR (Agricultural/Rural Residential) & PP/OS (Public Parks & Open Space) to LDR (Low Density Residential).

**8-D-08-SP**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Rezoning**

10/9/08 From A (Agricultural) to PR (Planned Residential).

**8-H-08-RZ**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**67. CARPENTERS CHAPEL INCORPORATED**

Southeast side Solway Rd., southwest side Oak Ridge Hwy, Commission District 6.

**a. Northwest County Sector Plan Amendment**

From LDR (Low Density Residential) & SLPA (Slope Protection) to C (Commercial) & SLPA (Slope Protection).

**8-E-08-SP**

STAFF RECOMMENDATION: Deny C (Commercial)

Mr. Mike Brusseau: The church is wishing to do a thrift store as part of their operations. They were told to do a retail use Codes said they had to seek commercial zoning. Request is not consistent with the sector plan which shows this area for low density residential. Surrounding area is rural residential or proposed future subdivisions.

Placing commercial on this property staff feels would be an encroachment into a residential area and now appropriate. Rezoning is the only way to do the thrift store.

Mr. John Garren: Sr. Pastor and Chair of Board of Chapel.

We did not come here seeking commercial zoning, but a way to open thrift store to meet people's needs. We cannot help all of Knox County, but we can help our community. We are not seeking commercial zoning. The orange route would be what would hurt the residential around this community. The inability for us to have this thrift store will impact our ability to meet the needs in our community. I notice that the staff reports says south of Solway and west of Dogwood there is no commercial property. There is commercial property on that side of the road. If commercial zoning is what it takes to meet our goals, then that is what we seek. The recommendation did say we might go back to another committee. We sought every office that MPC told us to go to. Ask you to reconsider denial.

Chair Trey Benefield asked about conditional zoning.

Mr. Donaldson: If you are inclined to allow a thrift store, one way would be to recommend approval of CA zoning but limit your uses to those in Agricultural zone plus a small retail store or thrift shop.

Mr. Art Clancy asked if non profit.

Mr. Garren: It is non profit. We are planning on taking profits to help build children's program, mission royal rangers program and food for families in community.

Chair Benefield: We appreciate the mission of the church. Our concern is if the church goes away, then other commercial could go in.

Mr. Garren: The latest plat shows the intersection that is going to be right there goes across our property. Our property is paid for and we have been there since 1966.

Mr. Wes Stowers: This is a church and has a large parking lot. I do not see any impact beyond what they are already doing with this addition. Conditional zoning would go with the church. This is a legitimate need for the community.

Chair Benefield: Explained conditional zoning. We would be zoning your property to do the business that you need, but excluding all the other things that that zone includes except the one activity you are seeking.

Mr. Michael Kane: If we approve this, there will be have other churches asking to have retail sales from their church. It would be difficult. I could see my church doing the same thing and justifying it.

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO APPROVE COMMERCIAL. MOTION CARRIED 11-2. APPROVED.**

**b. Rezoning**

**8-I-08-RZ**

From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: Deny CA (General Business).

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE CA (GENERAL BUSINESS) ZONING CONDITIONED UPON USES LIMITED TO THE AGRICULTURAL ZONE AND A NON PROFIT THRIFT STORE ASSOCIATED WITH CARPENTERS CHAPEL CHURCH. MOTION CARRIED 11-2.**

\* **68. JOHN L. SANDERS. AIA**

**8-J-08-RZ**

Southeast side W. Jackson Ave., northeast of N Broadway, Council District 6. Rezoning from I-3 (General Industrial) / D-1 (Downtown Design Overlay) to C-2 (Central Business District) / D-1 (Downtown Design Overlay).

STAFF RECOMMENDATION: Approve C-2 (Central Business District)/D-1 (Downtown Design Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**69. DANIEL CROWE**

Southwest side Dry Gap Pike, south of E Beaver Creek Dr., Commission District 7.

**a. North County Sector Plan Amendment**

**8-F-08-SP**

From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: Approve C (Commercial) to the south and west to the creek that flows through this site and recommend that Knox County Commission adopt the staff revision of this sector plan.

Mr. Daniel Crowe, 5408 Heathrow Dr. The map is incorrect. The creek cuts through the driveway and cuts off about 100 feet from the road. That would land lock the back part of the property if you cut it in half diagonally because there would be no way to access it. The reason given is for a buffer zone of some kind, but any sort of development would have the buffers you have when building anything. There are only 3 pieces of property to the back and it

would give no buffer whatsoever to two houses and a 500 foot buffer for one house. I asked for the entire piece to be rezoned. The neighbors said they did not have a problem with it. Staff said they wanted to discourage further growth. That takes the property and cuts it in half. At this you would have to build something right up front and back it up to the stream, maybe with a bridge. I spoke to Richard Lemay and he said it was possible to build something in the back and try to incorporate the stream into it as much as possible. TDEC would like to see the stream kept and not just to do something in the front and not be able to use the back. This would give a better tax base for the County. This is the highest and best use of the property. It is on a corner where virtually everything is commercial in that corner now. It is consistent with the plans in the future. Everyone I spoke to wants to see something done and realizes the area is growing. I need all of the property. There is possibly a foot or so year around in the stream.

Mr. Mike Brusseau: Main idea behind staff recommendation is that there is a commercial node developing and you have to cut it off at some point. It would be inappropriate to see further expansion of commercial down Dry Gap or E Beaver Creek. The creek serves as a buffer and still gives applicant 2.5 acres to do commercial and leave the back zoned agricultural. There is a natural stopping point already established so why not leave it at that, but still give the owner the opportunity to do something with the property.

**MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE CA FOR THE ENTIRE SITE.**

Mr. Clancy I see advantages of incorporating the stream into the development.

Mr. Graf: The left hand part of the property line looks like the creek goes out of the property.

Mr. Crowe: That is why using the creek is not a logical place. It is not feasible to cut it off there. That is why we have maps and property lines. It does not give any sort of buffer to the left side.

Mr. Rodney Harris. 1306 E Beaver Creek Dr. I came up here to listen to what was spoken. I did not come to oppose. I live north of the property. My concern was no one has talked to me about a buffer. From my porch I can see the property across the field. I would like a buffer from noise or any kind of construction. There is another natural stream in front of the property at the driveway that comes from the back into a pond which is also there is city septic there too.

Mr. Mike Kane: I thought you said you would develop an office. But the application says retail.

Mr. Crowe: Ideally it would be an office very generally.

Ms. Rebecca Longmire: Asked how much acreage in the cross hatched area? Are you aware of environmental concerns with creek?

Mr. Crowe: I believe a little over 2 acres. The most level place is to the right and other parts would take more to level. You would have to bring in earth moving machines. The creek goes in a culvert under the driveway. I have talked with TDEC. The main concern is trying to get away from putting a culvert through the length of the property and burying the entire stream. The idea would be to incorporate the stream into development.

Mr. Bart Carey: We cannot visualize the creek. If it were all commercial would there be development all over the property?

Mr. Crowe: I would think there would be more parking toward the front and development toward the back. We would have a buffer in the back. We would have a buffer in the back. The buffer being suggested, there would not be any for Mr. Harris at all on that side. Only one house would have a buffer. Everyone should be afforded the same distance for a buffer. I do not see a second office building. The slope protection is in the front because the road is 10 to 12 feet higher than the stream and only 3-4 feet higher in the back. I do not have a finished laid out plan.

Mr. Dick Graf: Asked if he owned CB in corner and he said no. A different zoning would not affect a road or access. I do not know why we would not rezone the whole thing.

Mr. Crowe: What would I be able to do with the back?

**CLANCY AND LOBETTI WITHDREW MOTION ON REZONING.**

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO APPROVE COMMERCIAL ON ENTIRE PROPERTY. MOTION CARRIED 13-0. APPROVED.**

**b. Rezoning**

From A (Agricultural) to CA (General Business).

**8-K-08-RZ**

STAFF RECOMMENDATION: Approve CA (General Business) south and west to the creek that flows through the site

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO APPROVE CA (GENERAL BUSINESS) ON THE ENTIRE PROPERTY. MOTION CARRIED 13-0. APPROVED.**

**P 70. SITE INC.**

Southeast side Dixon Springs Ln., southwest of E. Emory Rd., Commission District 7.

**a. North County Sector Plan Amendment**

**8-G-08-SP**

From LDR (Low Density Residential) to MDR (Medium Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Rezoning**

**8-L-08-RZ**

From A (Agricultural) / F (Floodway) to PR (Planned Residential) / F (Floodway).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 71. TENNESSEE INVESTMENTS, LLC**

West side Fretz Rd., north of Hatmaker Ln., Commission District 6.

**a. Northwest County Sector Plan Amendment**

**8-H-08-SP**

From A/RR (Agricultural/Rural Residential) to LDR (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Rezoning**

**8-M-08-RZ**

From A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\* 72. METROPOLITAN PLANNING COMMISSION**

**8-N-08-RZ**

Southeast side Cedar Ln., northeast side Knox Rd., southwest side N. Broadway, Council District 5. Rezoning from SC-1 (Neighborhood Shopping Center) to PC-1 (Retail and Office Park).

STAFF RECOMMENDATION: Approve PC-1 (Retail and Office Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 73. METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE**

**8-O-08-RZ**

Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Uses on Review:**

**74. TRENT CROSS**

**8-A-08-UR**

North side of Britton Dr., northwest side of Clover Rd. Proposed use: Duplex in R-1 (Low Density Residential) District. Council District 3.

STAFF RECOMMENDATION: Approve the request for a duplex at this location as shown on the development plan subject to 2 conditions.

Mr. Trent Cross: 1201 Britton Drive. Reason I purchased the property was that to the northeast was an unsightly house at that time. It was being used illegally with four apartments. I have done hundreds of hours of work. It was very ill kept and have now upgraded the property and brought it up to code. After doing this work, I decide to turn the home into a duplex. I did not know there would be opposition. The businesses directly behind it commented on how much better it looks. It has vinyl siding and has been stripped in basement, which now only a crawl space area so there can no longer be illegal apartments down there. Besides being a three bedroom home, it would be a single on one side and two bedroom on the other. It would not distract from remaining properties because looks like a single family home. I think we could have worked this out with the homeowners association. I improved the property value and looks.

Mr. Lynn Redmond: President, Norwood Homeowners Association. We oppose this duplex. Developer developed the property and remodeled it without a building permit. He owns commercial and residential property in this County. When he was finally shut down by City Building Codes, they told him you have to get a building permit and to remodel into a duplex you have to get a use on review. Our concern is we do not want to introduce a duplex into a stable R-1 neighborhood. Staff says this would provide a desirable buffer from residential and non residential areas. The office property that adjoins it is the Norwood Public Library. It does not serve as a buffer from the library; it is just making another problem. The next parcel has the same conditions exist and a future property owner may want a duplex also. You create the same situation up and down Merchants Road. Mostly the C-4 property backs to R-1. No one ever suggested we put duplexes in to protect people from intrusions. We think it is a bad idea. You have statements from residents in the immediate neighborhood on this street and streets around him opposing this duplex. The Zoning Ordinances gives specific reasons for approving a use on review and this does not meet any of those conditions. You may approve it if it is reasonably necessary for convenience and welfare of the community. This would just make it less stable because other people will find ways to make duplexes out of a home in order to double cash flow. This is a beautiful older neighborhood.

Mr. Clancy: The house looks really good. I would much rather have a well maintained duplex rather than a dilapidated house with 5



families and 6 cars in the yard, which is exactly what that was before you bought it.

**MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Robert Anders asked if planning on living in duplex. Is it an investment?

Mr. Cross: I have two long term renters that have agreed to sign a contract. One is a nurse at St. Mary's and a physician. It is an investment. With the upkeep, it was more significant than I thought.

Mr. Stowers: I appreciate your cleaning up the home. However it does open up a door for anyone that puts a wall up and call it a duplex.

Mr. Dick Graf: I did not see any other duplexes in the area. My biggest problem is he did not go get a permit. He should have come here first.

Upon roll call the Planning Commission voted as follows

Anders	No
Carey	No
Clancy	Yes
Donaldson	Yes
Ewart	Yes
Graf	No
Kane	No
Lobetti	Yes
Longmire	Yes
Pavlis	No
Sharp	No
Stowers	No
Benefield	Yes

**MOTION FAILED 6-7.**

**MOTION (STOWERS) AND SECOND (KANE) WERE MADE TO DENY. MOTION CARRIED 7-6. DENIED.**

**75. THE KROGER CO.**

**8-B-08-UR**

Southwest side of N. Broadway, north side of Knox Rd. Proposed use: Kroger food store in PC-1 (Retail and Office Park) - pending District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a retail establishment containing up to 79,599 square feet of floor space and the accompanying parking as shown on the development plan subject to 14 conditions

Mr. Paul Xhajanka, Kroger Company, 2076 White Walk, Marietta, Georgia. Plans are to relocate from existing 48,000 sq. ft. store and after demolishing the Target store creating a brand new 80,000 sq. ft store. The services would be extra food items, prepared meals, health food section. Sushi bar, and soup bar like we are doing throughout the southeast. This is a great opportunity to have stores more like in the southeast. One of the key items is sidewalks. We incorporated sidewalks on Broadway. On the southwest side there is a bus stop and we eliminated parking space and made access for that stop. There is a good area to put a bus stop to the north and would be happy to build a bus stop for the City if that land and easement could be granted. As far as additional sidewalks for the rest of Knox County, we came up with a problem with parking ratio. We would have to reduce our parking ratio. It is troublesome for us to alleviate the last parking spaces for a sidewalk. We have cut some steps into the side of the project and side walked them to existing sidewalks for connectivity.

Ms. Donna Buckman, 2417 Ridgecrest Drive, Representing Fountain City Connections

We speak in favor of the staff recommendation. We are pleased with the steps Kroger has taken to accommodate pedestrians. The greenway will come very close to this Kroger. It does mean a little bit more parking will be lost. We will right behind them for a waiver for reducing the parking. Ask you approve staff recommendation.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.**

- \* **76. MARTHA DIANE OWEN** **8-C-08-UR**  
Southeast side of White Ave., southwest side of Thirteenth St. Proposed use: Bed & breakfast in O-2 (Civic and Institutional) / H-1 (Historic Overlay) District. Council District 1.

STAFF RECOMMENDATION: Approve the development plan for a 3 bedroom bed and breakfast in the O-2/H-1 (Civic & Institutional/Historic Overlay and Design Guidelines) zoning district, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 77. 441 PARTNERSHIP** **8-D-08-UR**  
South side of Norris Frwy., west of Maynardville Pike Proposed use: Shopping center in SC (Shopping Center) / A (Agricultural) / F (Floodway) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for the proposed shopping center, with a total building area of 29,520

square feet in the SC (Shopping Center) zoning district, subject to 17 conditions:

Mr. Arthur Seymour, Jr. On behalf of applicant.

This is a 12 acre tract of which 4 acres was zoned shopping center in 2005. The applicant proposed to build on about 3 acres. The balance they propose 5 acres be preserved with a conservation easement with beneficiary being Legacy Parks. They propose building a greenway to connect in with the Halls greenway project. They propose building an entrance for Legacy Parks and themselves at one time. Passed around a letter from Nathan Silvus to Larry Smith for the opposition in the audience to read. The total gifts are valued in the neighborhood of \$350,000 to \$375,000 for Legacy Parks. Mr. Silvus started on this in October of last year and has met on a number of occasions with Legacy Parks and thought he had an understanding with them and they were going to do these projects together. Legacy Parks raised money to purchase the 11 acres adjacent to this property. In return for being able to develop 3 acres of neighborhood commercial, he nearly doubled the size of Legacy Parks. I do not think Legacy Parks should be an adversary with developers because that is where they get a good part of their property. This is a reasonable and logical use of this property. It is not incompatible with what the Halls community and Legacy Parks is doing. It meets all requirements of MPC with 17 conditions. Nobody opposed him when he went to get variances. Ask approval.

Mr. John King: P.O. Box 2425, 37901 on behalf of property owner. In addition to contributors to Legacy Park, 962 school age children contributed to buy a leaf for a tree program to help fund the acquisition of the property. Mr. Marvin Hammond and two members of County Commission want to be heard.

Mr. Marvin Hammond: President Emeritus, Hallsdale Powell Utility District

I am here because I have a moral obligation and responsibility to my customers to pass on my concerns on Beaver Creek. Beaver Creek bisects this property. Beaver Creek has been listed by TDEC as a highly impaired stream. What has caused this degradation is primarily siltation and runoff from large surface sites and parking areas to allow stormwater to run into Beaver Creek. It is our fear that non resident developers start problems that they do not have to deal with. If you chose to deny this, Hallsdale Powell, EPA, and TDEC are interested in acquiring this property to develop a small, sustainable and eco-friendly test demonstration project on 2 to 3 acres located just south of Beaver Creek. Other partners that would help on this project would be TVA, the local Home Builder's Association, the North Knoxville Vocational Center and hopefully MPC so that it will be a green type of development. EPA and TDEC also endorse the idea of connecting this environmentally, friendly and sustainable development with the Halls Legacy Park next door.

If the flowing waters of Beaver Creek could speak today, they would probably urge you to consider the life of the stream and the lives of future generations that hopefully someday will again enjoy using Beaver Creek for normal activities.

Ms. Carol Evans, 3505 Kesterwood Drive, Executive Director, Legacy Parks Foundation

Did meet with Nathan Silvus and happy to work with him. We are happy to work with developers. We did let Nathan know that we did not own the property. He asked us to be able to sign letter of agreement. Our Board made the decision that we were not in a position to make any decision on the land until we owned the land, which was to be in August and moved that date up to July 31. We made it clear we would like to work with him but could not until we owned the land. Secondly concern is size of development going on to the property. We are not against development, but the size and nature and adjacent feature to the wetland causes concern. The amount of fill we have to do for the driveway will impair that open area in the front. There have been a number of developers that have not been able to make the commercial work. There was a general sense in the Halls community that was not developable land. It requires so much fill to make the numbers work. We partner with community groups that want to develop parks and amenities. We were asked by the community to help them raise the money.

Mr. John King: Shopping Center zoning classification requires a development plan for approval as a use on review. Section 6.50 of the Zoning Ordinance states that "This review and approval process is intended to integrate properly the uses permitted on review with other uses located in the district." The Planning Commission may approve a development plan where it can be shown that the proposed plan or use is in general harmony with the general purposes and intent of the Zoning Ordinance, General Plan and Sector and is reasonably necessary for the convenience and welfare of the community. You may deny such a plan if that is not shown. Read more of the requirements for use on review. That gives you the opportunity to exercise judgment and discretion. In relation to that judgment, I want to make points. One of the proposed facilities is a grocery store. There is an existing Walmart to the north and will soon be moving out Norris Freeway. Pointed out Ingles, Food City, BiLo, Kroger and new proposed Super Walmart all located close in the area. Black Oak Ridge Plaza has 17 vacant places, Halls Plaza has 3 vacant places, Black Oak Center has 2 vacant, Halls Center has 4 vacant spaces, Crossroads Center has 6 vacant pieces, North Place has 2 vacant spaces. You have coming 476,000 sq. ft of retail space, 207,000 of it Walmart. But 40,000 sq. ft, us a proposed retail strip shopping center development with two large outparcels and 6.69 acres labeled future development. Mr. Graham has a proposal on Maynardville Highway that adds at least another 350,000 sq. ft. of shopping space and about 12 outparcels. North County Sector

Plan states a community shopping center generally requires a minimum support of 40,000 to 150,000 of population within a 3 mile radius of the trade area. In the Halls Crossroads area a 3-mile radius covers about 22,700 people in population from 6 census tracts that surround Halls Crossroads. The 1998 Shopping Center analysis reported that the Halls area has 55,999 sq. ft. or 15.7% vacant in the North County Sector. The Shopping Center trade analysis shows that the shopping center facilities for this sector adequately serve most residential areas and there is no immediate need for additional community shopping centers in the near future. The high vacancy rate indicates the retail market in the Halls area is saturated or excess what the current population can support. Since the 1998 analysis, we are in the process of adding approximately 1 million additional square feet of shopping center development. Adding this to an already flooded mark is not reasonably necessary for the convenience and welfare of the community. You have that basis upon which you can deny this request.

Mr. Seymour: My client has complied with every environmental constraint on the property. They have applied to TDEC and everything has been approved with a permit to be issued shortly. They are sensitive to Beaver Creek. It was approved by the County Commission in 2005 for just this type of use. The plan supports it. Mr. King is worried about market conditions. My clients are the ones putting up the money. A small (16,000 sq. ft.) specialty, grocery store is not going to compete with the larger ones. It is small and meets all the requirements of the shopping center zone. It exceeds the setbacks and all other requirements. They made it consistent with what is around it by dedicating conversation easements to make it more compatible.

Mr. R. Larry Smith 3109 Tea Lane

Thanked the Commission for their service. I just met these gentlemen this week for this time. We have been working on this for over 11 years with plans for a park. Commissioner Mary Lou Horner and I have known all along that we wanted to put a park in this area. We never had the opportunity to do this. We had that opportunity to do that today with Marvin Hammond. You are here because not everything is black and white. Look at that map. We want to go all the way down to Maynardville Highway. I did not vote for it to be zoned commercial. We want a park in there. A shopping center in the middle of it will take away from the natural beauty. Ask denial.

Mr. Scott Moore, County Commission, 5307 Thompson Lane 37938

I have not met with the gentlemen and they have not contacted me in the year and half they have been planning this. Back in 2005 a man named Moore, of no relation, had an option on this property. He worked with the community and I think that is why it was zoned shopping center. I think this is one of the times that Commission

working with the developer and the scale was so small and it was a business decision. He got out of the deal and it is still zoned shopping center. We do not think this is a benefit to our community.

Mr. Robert Anders: My concerns are we have criteria to look at. We are not political bodies. We have to deal with this and see if it is a reasonable and suitable use of the property. We have to look at if it meets the criteria for uses permitted on review and in harmony, compatible, consistent with General Plan, Does not draw substantial additional traffic to the area, etc. When I take my emotions out of it, I think this application meets the criteria. It is awful hard to sit here and deny an application with it meets the criteria.

Mr. Art Clancy: This property has been debated, cut in half, joined back together, and argued. Two months Mr. Silvus mailed me a proposal for a small retail shopping center on 3 acres of what they own and giving 5 acres to Legacy Foundation to help with that. I finally though we had a win-win situation. We are not arguing the use of the land. We are here on if it meets the requirements of the use on review and it does. Two years ago nobody wanted to do anything with this. Now we have everybody trying to buy property and here we have worked it out. I appreciate the efforts of everybody. It is still going to be a nice park.

Mr. Bart Carey: I was not here in 2005. There are some things we have to follow. I would think the park could be in a more pristine area. From what I am hearing it was not agreed to in 2005. Based on guidelines, I am wrestling with how we can overlook what has already been done.

Mr. Michael Kane: I think it is a property that has a lot of history. If this has been zoned SC already, that is what I am dealing with right now, not the buy out by Hallsdale Powell. This park is going to become the heart of Halls just like Fountain City Park is for Fountain City. If there is going to be commercial development, it needs to be developed in conjunction with the park. As much as Silvus has tried, I do not see that we can say now this is the best in support of the park. The park will be there 100 years from now. The development will change over time. If it is not done to support the park, it can be a disaster for Halls. It is a development that could work with the park. I propose we postpone it and let them work together and see what they can come up with.

Tape changed here

Mr. George Ewart: The park just purchased the land 15 days ago knew there was going to be a shopping center in front of them. I think developer has gone out of way to help the park by giving them land and property access.

**MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Ms. Rebecca Longmire: I agree that the developer has gone out of his way to make sure he has met everything required. At the same time a use on review must look at is this the best use of the property. Sometimes people meet the requirements, but because of the community we have made the decision that perhaps that is not the best use. I understand the need for a community to have a park that may not be as commercially developed. Is this the best use of that land?

Mr. Benefield: Some of the best parks have well integrated commercial aspects to them.

Mr. Doug Battelle: Senior Director, Parks and Recreation. We are not against development. Just last month I worked with County Commission with a land swap that moved a park out of an industrial park and put a new business in. We are in favor of working with developers to make it work. This is a strange situation with limited access to Norris Freeway. This property was subdivided several times. When I discussed this with TDOT they agreed this should be a boulevard type entrance to serve both of them. I am concerned with how this is planned now. I know he has limitations, but I do have real concerns with entrance to park that may be popular, such as New Harvest, which just ran 22,000 visits just in the month of June. I have concern for going through parking lot as well as retail customers trying to back their cars out. My other concern would be what it will cost us to build an entrance into the park as it is designed right now. I do not know if there are wetlands on the property or sinkholes. It is a total unknown right now. I think the hard thing is he is trying to maximize a small piece of property. What we would want may gobble so much up it would not be a viable project anymore.

Mr. Graf: If we deny this what might happen? If they make an offer to buy, they may not. It does not become part of the park because we turn it down.

Mr. John King: There always exists the possibility that an appropriate authority may initiate a rezoning the same as an owner of the property. It has been done.

Anders	Yes
Carey	Yes
Clancy	Yes
Donaldson	No
Ewart	Yes
Graf	No
Kane	No

Lobetti Yes  
Longmire No  
Pavlis No  
Sharp No  
Stowers Yes  
Benefield Yes

**MOTION CARRIED 7-6. APPROVED.**

**P 78. BYRD & COOPER ARCHITECTS BARRY BYRD 8-E-08-UR**

Southeast side of Old Maynardville Pike, southeast of Cline Rd.  
Proposed use: Dog kennel in A (Agricultural) District. Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**W 79. NEW FELLOWSHIP BAPTIST CHURCH 8-F-08-UR**

Northeast side of Nora Rd., southeast side of Greenway Dr.  
Proposed use: School addition to existing church in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**\* 80. CONTINUUM HOUSING CORP. 8-G-08-UR**

Northwest side of E. Inskip Dr., northeast side of Elder Rd.  
Proposed use: Assisted living facility in R-2 (General Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a 28 unit assisted living facility, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* 81. T-MOBILE SOUTH / US CELLULAR 8-J-08-UR**

Southeast side of Schaad Rd., northeast of Tecoy Ln. Proposed use: Telecommunication tower extension (150' to 195') in A (Agricultural) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for a 45 extension on an existing 150 foot monopole telecommunications tower at this location, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 82. HARDIN VALLEY, LLC. 8-K-08-UR**

Southwest side of Iron Gate Blvd., southeast of Hardin Valley Rd.  
Proposed use: Office park and restaurant in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.



THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **83. HARDIN VALLEY, LLC.** **8-L-08-UR**

Northern terminus of Willow Point Way, north of Hardin Valley Rd. Proposed use: Offices and recreational use in PC (Planned Commercial) / F (Floodway) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for the proposed office park development and soccer field with a total building area of 20,000 square feet, subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **84. SCOTT C. BROOKS** **8-M-08-UR**

North side of Oak Ridge Hwy., south of Beaver Ridge Rd. Proposed use: Automotive store in PC (Planned Commercial) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for a 6,000 sq. ft. retail building in the PC (Planned Commercial) zoning district, subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.  
LOBETTI LEFT NOW.

- 85. T-MOBILE SOUTH, LLC.** **8-N-08-UR**

Southeast side of W. Blount Ave., southwest of Saint Paul St. Proposed use: 100' monopole telecommunications tower on a trailer to remain in service for up to 120 days in SW-6 (Henley Gateway) District. Council District 1.

STAFF RECOMMENDATION: Approve the request for a 100' COW (Cellular-on-wheels) monopole telecommunications tower in the SW-6 zoning district, subject to 5 conditions

Mr. Lannie Greene: 1580 Boggs Road, Suite 100, Duluth, GA  
This is a temporary Cell site for the football games at Neyland Stadium. We currently have two sites that are permanent sites on roof tops. One is the Medical Arts Building on the corner and University Condo Building on Clinch Avenue. This will relieve traffic during football games and cover river during tailgating. The tower will remain through the football season. First home game is September 13 so we would have it up September 10 and it would come down around December 10. The tower itself is 100 foot. During inclement weather we would take the site down. Ask for approval.

Mr. Joe Hultquist: City Council This is within the South Waterfront redevelopment area. You will see on staff recommendation it says telecommunication s towers are not specifically address in the South

Waterfront form-based code. It is very unfortunate that one tower already slipped through. With South Waterfront form-based code, we said we would come back in one year and review it. Mr. Hill and his other staff member have their hands full and wanted to hold off. This is something that needs to be addressed as this is not included in the form-based code. In the meantime I think we need to proceed with great caution. This is not a permanent structure. It is semi-permanent in that it would be there 100 days out of 365 days of the year. The way it is now he could be extended to its full height for the full period of time. The applicant said they would take them down. It has the same effect as a permanent structure. If the condition would include that it could only be extended for the time period before, during and after the UT football game, that. It is not acceptable the way it is.

Mr. Greene: This is to relieve traffic during tailgating. Tailgating runs Wednesday through Saturday. We would be willing to put it up Wednesday and then take it down Sunday until the next home game. If there is an emergency situation during ballgame, the two permanent sites need to be relieved.

Mr. Hultquist: I would expect that the high volumes would begin closer to Friday, but I would live with Wednesday through Sunday. Staff recommendation is set up so that the South Waterfront Administrator, Mr. Hill, would be able to review this once a year. Think essential to be able to modify any use on review or deny it after a one year period so that we have not grandfathered in something that does not fit.

Mr. Benefield: It says the maximum is 5 years.

Mr. Michael Kane: Is the annual approval a recommendation. If he denies it, is it appealed to us?

Mr. Donaldson: If the Waterfront Administrator is having difficulty, he could pass it on to us.

Mr. Brechko: We did not think it reasonable to come back to MPC for use on review every year. Earlier it was discussed this could probably be approved by the Administrator without Planning Commission intervention. It would come back to the Planning Commission if Administrator feels it necessary.

Mr. Hultquist: If Administrator punted it back to MPC upon one year review and MPC approved it and then the public did not think it appropriate, would that decision be appealable to City Council just as another use on review?

Mr. Brechko: I would think it would be.

**MOTION (ANDERS) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION TO BE IN OPERATION WEDNESDAY THROUGH SUNDAY DURING UNIVERSITY OF TENNESSEE HOME GAMES. MOTION CARRIED 12-0. APPROVED.**

**Other Business:**

- \* **86. Consideration of Fiscal Year 2008-09 Revenue and Expenditure Budget - 1st Amendment. 7-C-08-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **87. Consideration of two-year extension of concept plan for Covered Bridge, Phase 2 (7-SD-06-C). 8-A-08-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Adjournment**

**MOTION (CLANCY) WAS MADE TO ADJOURN**

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:15 P.M.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Trey Benefield, Chair

NOTE: Please see individual staff reports for conditions of approval and the staff recommendation.