

KNOXVILLE-KNOX COUNTY

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Minutes

January 12, 2006

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

The Metropolitan Planning Commission met in regular session on January 12, 2006 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Mr. Randy Massey, Chair	Mr. Philip French
Ms. Susan Brown	Mr. Dick Graf
Mr. Robert Anders	Ms. Kimberly Henry
Mr. Trey Benefield	* Mr. Stan Johnson
Mr. Art Clancy	Mr. Chester Kilgore
Mr. Herbert Donaldson	Mr. Robert Lobetti
Mr. Ray Evans, Vice Chair	Mr. Jack Sharp
	Ms. Mary Slack

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Buz Johnson called the role.

Mr. Randy Massey led the invocation and Pledge of Allegiance.

Chair Randy Massey presented Susan Brown with a plaque in appreciation for her 3-year term as chair.

* 2. APPROVAL OF JANUARY 12, 2006 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF DECEMBER 8, 2005 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

Mr. Arthur Seymour, Jr. Requested item No. 49 Woodlands of Knoxville be postponed 30 days.

Applicant: Item No. 81 1-M-06-PA Douglas Hutchens asked for 30 day postponement

MOTION (BROWN) AND SECOND (CLANCY) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM NO. 49 THE WOODLANDS OF KNOXVILLE AND ITEM NO. 81 DOUGLAS HUTCHENS UNTIL THE FEBRUARY 9, 2006 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

MOTION (EVANS) AND SECOND (BROWN) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL THE MARCH 9, 2006 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (EVANS) AND SECOND (SLACK) WERE MADE TO WITHDRAW ITEM NO. 24 ATCHLEY S/D. MOTION CARRIED 14-0. WITHDRAWN.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 ZONING ORDINANCE AMENDMENT</u>
Article 2, Definitions, Section 2.20, to amend the definition of "family." | 11-A-05-OA |
| <u>DUCK COVE</u>
East side of Duck Cove Dr., south of Early Rd., Commission District 5. | 2-SI-04-C |
| <u>RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY</u>
a. Concept Subdivision Plan
North of Ball Camp Pike, west of Johnson Rd., Commission District 6. | 5-SG-04-C |
| b. Use on Review
Proposed use: Detached Single-family Subdivision in PR (Planned Residential) District. Commission District 6. | 5-M-04-UR |

<u>LAKEVIEW POINT</u> West side of Fredonia Rd., north of Merchant Dr., Council District 3.	1-SC-05-C
<u>RIVER VIEW MEADOWS -COBIA PROPERTIES, INC</u> a. Concept Subdivision Plan Southeast side of Rutledge Pk., northeast side of Ellistown Rd., Commission District 8. b. Use on Review Proposed use: Detached single family subdivision in PR (Planned Residential) District.	1-SJ-05-C 1-H-05-UR
<u>ROSEBAY PLACE</u> East side of Rosebay Rd., south of Garden Dr., Council District 4.	8-SB-05-C
<u>G.S. GILL PROPERTY, RESUB OF LOT 3R1</u> North of Ball Camp Pk, west of Byington Solway Rd., Commission District 6.	5-SB-03-F
<u>WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R</u> Southeast side of Buffat Mill Rd., Council District 4.	1-SF-04-F
<u>RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY</u> Northwest side of Tazewell Pike, north end of Clapps Chapel Rd., Commission District 8.	2-SF-04-F
<u>FARMER PROPERTY</u> South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.	6-SJ-04-F
<u>VICTORIA'S LANDING, UNIT 3</u> East end of Silveredge Rd, south of Peony Dr., Commission District 8.	9-SE-04-F
<u>GLADYS M. BRASHER PROPERTY</u> North side of Legg Ln., northwest side of Millertown Pk., Commission District 8.	1-SG-05-F
<u>HATAUB SUBDIVISION</u> West side of Hickory Creek Rd., north of Everett Rd., Commission District 6.	6-SY-05-F
<u>SHERLAKE CENTER, LOT 5</u> South side of Parkside Dr, west side of Hayfield Rd., Council District 2.	7-V6-03
<u>CITY OF KNOXVILLE</u> Southeast side of I-140 / Westland Dr. interchange, Rezoning from No Zone to A-1 (General Agricultural). Council District 2.	12-D-00-RZ

CITY OF KNOXVILLE 12-Q-00-RZ
North side of Westland Dr., east side of I-140 interchange, Rezoning from No Zone to RP-1 (Planned Residential). Council District 2.

CITY OF KNOXVILLE 12-Y-00-RZ
West side of I-140, south of Westland Dr., Rezoning from No Zone to A-1 (General Agricultural). Council District 2.

MICHAEL MCCLAMROCH 4-K-01-PA
South side S Northshore Dr., southwest of Pellissippi Parkway. Council District 2.
a. One Year Plan Amendment
From NPD (No Plan Designation) to GC (General Commercial).
b. Rezoning 4-R-01-RZ
From NZ (No Zone) to TC-1 (Town Center).

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

SHOREWALKER PLACE, LLC 7-F-05-RZ
South side Middlebrook Pike, southeast side Broome Rd., Council District 2. Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential).

ITEMS REQUESTED TO BE REMOVED FROM TABLE – (Indicated with U)
None

TABLINGS – (Indicated with T)

MOTION (EVANS) AND SECOND (CLANCY) WERE MADE TO TABLE ITEM NO. 11A&B GARY ANDREWS MOTION CARRIED 14-0. TABLED.

CONSENT ITEMS

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

COMMISSIONER STAN JOHNSON ARRIVED AT THE MEETING AT THIS TIME.

Mr. Quint Bourgeois: 8812 Klint Road. Item 62. QUINT BOURGEOIS needs to be withdrawn. Removed from the consent list to be withdrawn at regular scheduled time.

Mr. Charlotte Davis: Item 39 McClusky Property final plat. Just want to make some comments on this item. Ridgecrest Drive is a ridge on a steep slope ending in a ravine. It is heavily wooded. We hope the developer would be sensitive to these two issues and closely follow the Engineering Departments regulations regarding building on slope and not clear cut the trees, but save them.

Mr. Ray Evans: Add Item 83. Saddlebrook Development to consent.

ROBERT ANDERS RECUSED FROM VOTING ON THE CONSENT LIST.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 62 QUINT BOURGEOIS. MOTION CARRIED 14-0-1.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO REMOVE ITEM NO. 83 SADDLEBROOK DEVELOPMENT FROM THE CONSENT LIST. MOTION CARRIED 14-0-1.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO APPROVE CONSENT ITEMS EXCEPT ITEM NO. 62 QUINT BOURGEOIS AND ADDING ITEM NO. 83 SADDLEBROOK DEVELOPMENT. MOTION CARRIED 14-0-1. CONSENT ITEMS APPROVED.

Ordinance Amendments:

- W 5. KNOXVILLE ZONING ORDINANCE AMENDMENT** **10-A-05-OA**
 Art. 5, Section 10, Signs, to allow advertisement on trash receptacles located on City property within special trash collection service areas.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 6. CITY OF KNOXVILLE LAW DEPARTMENT** **1-A-06-OA**
 An Ordinance of the Council of the City of Knoxville to amend the Knoxville City Code, Chapter 16, Article XII, Division 1, Section 16-468, pertaining to the location of sexually oriented businesses within the City of Knoxville.

STAFF RECOMMENDATION: Approve.

Mr. Buz Johnson: Last year you recommended approval of amendments to the City Code. This is a result of litigation that the city was involved in and they asked us in response to that litigation to make sure their process was completed they asked us to consider those amendments. The one you passed dealt with location of adult oriented businesses. This amendment actually provides additional language that tightens those regulations.

Mr. Chester Kilgore: Is the service that these establishments provide a legal service and is the merchandise they are selling legally permissible to be sold.

Mr. Morris Kiser: City Law Department
The service is a legal serviced protected by the First Amendment. To the extent it does not reach the level of being defined as obscenity, that is correct.

Mr. Kilgore: Is reason because of negative secondary effects of sexually oriented businesses. How different from liquor stores.

Mr. Kiser: Liquor stores are regulated by State statutes and sexually oriented businesses are not in terms of location.

Mr. Kilgore: Seems like we are being asked to legislate something that is not a zoning.

Mr. Kiser: In the case of Cherokee County Club and City of Knoxville, the City maintained the ordinance at issue was regulatory and Cherokee maintained it was a zoning ordinance because it affected land use. As a result Cherokee maintained that it should have gone through the Planning Commission before going to City Council. Tennessee Supreme court in that case said it is hard to call on whether it is a land use or not. We are trying to avoid a defense later by a sexually oriented business in the even that this ordinance did not go through the Planning Commission as suggested by the Cherokee Country Club case. That is the reason for your review.

MOTION (BROWN) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-1. APPROVED.

Alley or Street Closures:

- 7. **WITHDRAWN PRIOR TO PUBLICATION** **1-A-06-SC**

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- P 8. **N. CAMPBELL STATION ROAD DEVELOPMENT** **11-SE-05-C**
East side of N. Campbell Station Rd., south of Yarnell Rd., north of Black Rd, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

9. **HAMPSON - JIM SULLIVAN**

11-SP-05-C

a. Concept Subdivision Plan

Southeast side of Nubbin Ridge Rd., east of Wallace Rd.,
Commission District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the
concept plan subject to 12 conditions.

Ms. Susan Brown: Asked about the sharp curve and if
improvements were intended and what is access.

Mr. Tom Brechko: This plan was using original road. Through
review they submitted a revised plan that will realign Nubbin
Ridge Road through this property eliminating the sharp S
curve. Their access will be off the new road. Applicant will be
dedicating right-of-way for new alignment. County will be
putting the new road in.

Mr. Ray Evans: Asked if adjoining landowner had to donate
some land for realignment.

Mr. Brechko: Property to east does have a portion that would
be part of the realignment. One of the conditions is the
applicant is working with property owner acquiring property
for right-of-way. If cannot work out and arrangement with the
adjoining property owner, then they will have to come back in
for a re-review.

**MOTION (GRAF) AND SECOND (KILGORE) WERE MADE
TO APPROVE STAFF RECOMMENDATION. MOTION
CARRIED 15-0. APPROVED.**

b. Use On Review

11-Q-05-UR

Proposed use: Detached single-family subdivision in PR
(Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan
for up to 58 detached single family dwellings on individual lots
subject to 2 conditions.

**MOTION (CLANCY) AND SECOND (EVANS) WERE MADE
TO APPROVE STAFF RECOMMENDATION. MOTION
CARRIED 15-0. APPROVED.**

P 10. **MARY HERRELL**

11-SR-05-C

South side of E. Raccoon Valley Dr., northeast of Heiskell Rd.,
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- T 11. ANDREWS POINTE - GARY ANDREWS** **12-SH-05-C**
a. Concept Subdivision Plan
South side of Westland Dr., southwest of S. Northshore Dr,
Commission District 5.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T b. Use On Review** **12-G-05-UR**
Proposed use: Detached single family subdivision in PR
(Planned Residential) pending & F (Floodway) District.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 12. ELY PROPERTY SUBDIVISION** **1-SA-06-C**
East side of Keller Bend Rd., north of View Point Ln., Commission
District 4.

STAFF RECOMMENDATION: Approve the concept plan subject to
5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 13. SHILOH - GARY ROTH** **1-SB-06-C**
a. Concept Subdivision Plan
Southwest side of Pedigo Rd., south of Greenwell Dr.,
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **1-A-06-UR**
Proposed use: Detached single-family subdivision in PR
(Planned Residential) Pending District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 14. DEARBORN ESTATES** **1-SC-06-C**
a. Concept Subdivision Plan
South side of Hardin Valley Rd., east of Steele Rd.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **1-B-06-UR**
Proposed use: Detached single family subdivision in PR
(Planned Residential) pending and A (Agricultural) Districts.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

15. SMITH CONTRACTING - MONTEREY ROAD **1-SD-06-C**

North end of Monterey Rd., east side of Wilkerson Rd., north of Globe Dr., Council District 3.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the concept plan subject to 7 conditions.

Mr. David Harbin: 4334 Papermill on Behalf of Smith Contracting Agree with staff recommendation.

Mr. Lynn Redmond: President Norwood Homeowners Association, 256 Oakwood Lane

We are not here in opposition. This is one of the best laid out development. We mention the magnificent oak and history forest on it. We talk at MPC about preserving trees. Neighbors would love to work with the developer on saving trees. We need to make it economically viable for those developers to save the trees. We ought to do something with our tax structure to allow the forest of this urban landscape to survive.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. VARIANCES 1 & 2 APPROVED.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. CONCEPT PLAN APPROVED.

P 16. VILLAGE OF JOHN SEVIER - FRANKLIN DEVELOPMENT, LLC **1-SE-06-C**

a. Concept Subdivision Plan

South side of Norton Rd., west side of Arthur Harmon Rd., Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. Use On Review **1-D-06-UR**

Proposed use: Attached & detached residential development in PR (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

17. MILLERS PLANTATION, UNIT 4 - JIM SULLIVAN **1-SF-06-C**

a. Concept Subdivision Plan

South of Ball Rd., west end of Rhyne Cove Ln., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the concept plan subject to 10 conditions.

Mr. Tom Brechko: The developer was in opposition to the left turn lane into the development. We have added on left turn lane" the applicant may subdivide up to 73 of the 89 lots without the addition of a left turn lane. Subdivision of remaining 16 lots will require the turn lane or a revised traffic impact analysis approved by Knox County Engineering with the determination that the left turn lane is not required." We feel that is acceptable. Once Ball Camp Pike get approved for development, at that time we can get a better analysis of whether needed. He also raised issue about emergency access being provided. There is no way they can provide a second access for this development. Their traffic engineer had identified the issue about emergency access being put in. That at is what we added in here based on the recommendation of their engineer.

Mr. Scott Davis: P.O. Box 11315, 37939. I want an understanding of the necessity for an emergency exist. Whenever we build a subdivision, we try to never have more than one entrance. One reason is for security purposes. If a burglar goes in and realizes only one way out, he may go elsewhere. And also cut through traffic with kids playing. It does not affect the lot values, but primary factor is safety. What is the County need for an emergency entrance?

Mr. Brechko: The traffic analysis that was prepared and submitted to us identified emergency access provision. Part of our recommendation is based on your traffic engineer recommending that alternatives for access to the road system. We have also looked at it as a means of emergency access. If something blocked the only entrance, there would be no way for a safety vehicle to get in.

Ms. Cindy Pionke: Second access does not need to be to street standards. If wanted to do something like grass pavers so that it does not look like another entrance, that would be okay.

Ms. Susan Brown: What is the trigger for another entrance? What will total number of lots be once this is complete? Will he have to eliminate a lot to make this entrance?

Mr. Dan Kelly: It is 150 lots. This is Unit 4 of another subdivision. There are 176 total lots with this phase.

Mr. Kilgore: Who owners property to southwest No. 171.

Mr. Brechko: I am not sure of the owner. We had a subdivision plat for that property last year with no stub out to this property.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH ADDITIONAL LANGUAGE ADDED TO CONDITION NO. 5 ON LEFT TURN LANE.

Ms. Brown: Do the neighbors know about this strip of land and this emergency entrance there?

Mr. Scott: They know that they do not own the strip of land, but are not aware that there will be an entrance there. We will try to work with Cindy and if we reach an impasse will come back to you.

MOTION CARRIED 15-0. APPROVED.

b. Use On Review

1-E-06-UR

Proposed use: Detached single-family residential in PR (Planned Residential) & PR (Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 89 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (GRAF) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

* **18. COOPER MEADOWS - JIM SULLIVAN**

1-SG-06-C

a. Concept Subdivision Plan

Northwest side of E. Emory Rd., northeast of Edith Keeler Ln., Commission District 8.

STAFF RECOMMENDATION: Approve the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Use On Review**

1-F-06-UR

Proposed use: Detached single-family subdivision in PR (Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 35 detached single family dwellings on individual lots subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 19. GRAYSBURG HILLS SUBDIVISION

1-SH-06-C

East side of Bagwell Rd., north of Ruggles Ferry Pk., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

- P 20. PEMMBROOKE PLACE, PHASE II 7-SII-05-F**
North of Middlebrook Pk., northwest of Dick Lonas Rd., Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 21. BOBBY HARRIS PROPERTY 11-SR-05-F**
Southwest intersection of E. Emory Rd. and Petree Lane, Commission District 8.

STAFF RECOMMENDATION: Deny final plat.

Mr. Dan Kelly: He was trying to get a lot area variance and that was denied, so this plan cannot be approved as proposed.

MOTION (CLANCY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. DENIED.

- P 22. BOB BISHOP PROPERTY 11-SCC-05-F**
Southeast intersection of Wood Rd. and Coppock Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 23. CHUKAR STATION 12-SE-05-F**
At the terminus of Chukar Road, north of Piney Grove Church Road, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 24. ATCHLEY S/D 12-SJ-05-F**
At end of Bella Vista Lane, northeast of Kodak Rd., Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 25. RUTH LINDSAY PROPERTY 12-SL-05-F**
End of Pheasant Creek Way, south of Roseberry Creek Lane, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 26. WOODS CROSSING REVISED 12-SM-05-F**
North of Tazewell Pike, east side of Parker Road, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 27. DANIEL HENLEY PROPERTY 12-SO-05-F**
East side of Coppock Rd., north of Warren Lane, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 28. ALBERT STYLES PROPERTY 1-SA-06-F**
South side of Sevierville Pike, west of Rollen Road, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 29. CENTER CITY COMMON 1-SB-06-F**
Western Avenue at 21st Street, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 30. HOLSTON FERRY ROAD 1-SC-06-F**
Corner of Holston Ferry Rd and Asheville Hwy, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 31. SUN-OTT ESTATES 1-SD-06-F**
East side of Corum Rd, north of Wooddale Church Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 32. WOODED FOREST, RESUB. OF LOT 2 1-SE-06-F**
Southwest side of Gamble Dr, northwest of E. Raccoon Valley Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. SHAGAN PROPERTY** **1-SF-06-F**
Kingston Pike near Gallaher View Rd, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. WOODLAND RESERVE** **1-SG-06-F**
South of Lyons Bend Rd, west of Houser Rd, Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. COTTONWOOD, RESUB. OF LOTS 38R & 39R** **1-SH-06-F**
On Woodpath Lane 250' northeast of Cottonwood Meadow Rd, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. JAMES & JENNIFER HARPER PROPERTY** **1-SI-06-F**
Northeast side of Roseberry Ro, southeast of Rutledge Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 37. WOOD RUN ESTATES, UNIT 2** **1-SJ-06-F**
Southwest terminus of Branchfield Ln, southwest of Dry Gap Pike, Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **38. BEAVER CREEK BUSINESS CENTER** **1-SK-06-F**
North side of W. Beaver Creek Rd, west of Central Avenue Pike, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **39. MCCLUSKEY PROPERTY** **1-SL-06-F**

South side of Ridgecrest Dr, north side of Hollyhock Ln, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **40. ALDERWOOD** **1-SM-06-F**
North side of Harvey Rd east of Amberwood Dr, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 41. W. M. MCNEELY ADDITION** **1-SN-06-F**
Northwest side of Cecil Ave, southwest of Citrus St, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **42. MARBLE HILL ADDITION** **1-SO-06-F**
N. Broadway and Wells Ave, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. CHILHOWEE HILLS RIVERVIEW ADD., RESUB OF LOTS 1-10, BLOCK 12** **1-SP-06-F**
Northwest side of Sioux Ln, north of Asheville Hwy, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. BEVERDALE ADD, RESUB. OF P/O LOT 14 AND PROPERTY OF EDWARD MASH** **1-SQ-06-F**
Southwest side of Mash Ln, northwest of Cunningham Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **45. LEONARD C. LAMB III AND MARY LOU LAMB PROPERTY** **1-SR-06-F**
South side of Pump House, east of Tell Mynatt Road, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **46. RUSHLAND PARK, PHASE II** **1-SS-06-F**
 Southwest side of Rushland Park Blvd, north of Millertown Pike,
 Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **47. W. H. WEBB'S ADDITION TO KNOXVILLE, RESUB. OF LOTS 3-5** **1-ST-06-F**
 Northeast side of Gay Street, northeast of Vine Avenue,
 Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 48. OAK CREST APARTMENTS, LP** **1-SU-06-F**
 Northeast side of Davenport Road south of Kingland Avenue,
 Commission District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- 49. THE WOODLANDS OF KNOXVILLE** **11-T-05-RZ**
 North side Cherokee Trail, north of Candora Rd., Council District
 1. Rezoning from R-1 (Single Family Residential) to RP-1
 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 50. JIM DOSS** **12-I-05-SP**
 Southeast side Hardin Valley Rd., southeast of Bryant Ln.,
 Commission District 6.
 - a. Northwest County Sector Plan Amendment**
 From TP (Technology Park) and SLPA (Slope Protection Area)
 to C (Commercial) and SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Deny C (Commercial).

Mr. John King: P.O. Box 2425, 37901, for applicant.
I had written a letter on behalf of the applicant revising our
request. We still have the plan amendment request. We
revised our rezoning request to Planned Commercial and OB.
It is the front portion of the property along Hardin Valley that

we want rezoned to Planned Commercial to a depth of 1020 feet with the remainder in the rear to be OB. Staff recommended BP. We are proposing retail commercial development on the front portion. Commercial in the BP zone is severely restricted and will not allow us to do what we propose on the property. Have a letter from Allen Edwards, President, Pellissippi State that I will submit for the record. He states his support of this proposed development, especially if a traffic light were to be installed. He also believes addition of apartments near campus would provide housing solutions for students and retail operations will likely provide job opportunities for students.

Mr. Art Clancy: We are charged with planning communities. I think the developer had done a good job of meeting the immediate needs of the community. Even though it is in the Technology Overlay, I think this plan meets the needs of the County in that area.

MOTION (CLANCY) AND SECOND (BROWN) WERE MADE TO APPROVE C (COMMERCIAL). MOTION CARRIED 15-0. APPROVED

Mr. Ray Evans: I think there is a substantial amount of property within the corridor for BP uses. The area could use a development like this.

Mr. Buz Johnson: Pointed out that the motion on the plan amendment should also include the Slope Protection Area designation.

MOTION (SLACK) AND SECOND (GRAF) WAS MADE TO RECONSIDER. MOTION CARRIED 15-0.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO APPROVE C (COMMERCIAL) AND SLPA (SLOPE PROTECTION AREA). MOTION CARRIED 15-0. APPROVED.

b. Rezoning

12-Q-05-RZ

From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve BP/TO (Business Park/Technology Overlay) .

MOTION (CLANCY) AND SECOND (EVANS) WERE MADE TO APPROVE PC/TO (PLANNED COMMERCIAL) IN FRONT TO A DEPTH OF 1020 FEET AND OB/TO

(OFFICE, MEDICAL, AND RELATED SERVICES) ZONING TO REAR.

Mr. Ken Pruitt: It is the position of staff that because of the Technology Overlay and BP designation along a major interchange as this is, that this was a viable site for business park uses. We also recognized it is a viable site for more retail oriented uses. Both positions have merit. It is not a residential subdivision site. With the support of the plan that has been submitted by the developer, either of these proposals have merit.

MOTION CARRIED 15-0. APPROVED.

* **51. E.H. CONSOLIDATED**

Northwest side E. Magnolia Ave., southwest side N. Bertrand St., Council District 6.

a. One Year Plan Amendment

From GC (General Commercial) to MDR (Medium Density Residential).

1-A-06-PA

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

From C-6 (General Commercial Park) to R-2 (General Residential).

1-A-06-RZ

STAFF RECOMMENDATION: Approve R-2 (General Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **52. NEHAD ABDELNABI**

Southeast side of Gleason Dr., southwest of Downtown West Blvd., Council District 2.

a. One Year Plan Amendment

From MU (Mixed Uses) (O, MDR) to GC (General Commercial).

1-B-06-PA

STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

From A-1 (General Agricultural) and O-1 (Office, Medical and Related Services) to C-3 (General Commercial).

1-B-06-RZ

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **53. CARDINAL ENTERPRISES **1-C-06-RZ****

Northeast side Thompson Rd, southeast of Hardin Valley Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 4 dwelling units per acre.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

54. CORY BROWN **1-D-06-RZ**

Northeast side of Pratt Rd., northwest of Cedar Ln., Council District 5. Rezoning from R-1 (Single Family Residential) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services).

Mr. Cory Brown: 5414 Pratt Road, Applicant.

Mr. Ken Pruitt: Staff noted this is a residential lot at the rear of a neighborhood serving shopping center area. It is adjacent to the commercial activities which occur to the southwest on Pratt Road. Due to size of property and adjacent to established residential property, staff recommended O-1 instead of C-6. Both are supported by the One Year Plan. We feel O-1 office use is more compatible with the size of this property as well as adjacent residential uses.

Mr. Chester Kilgore: Do you see more rezoning occurring down Pratt?

Mr. Pruitt: I would expect that the residential property across the street might seek a zoning such as office for more marketability. It is unlikely that there would be additional office requests, unless this proves to be a marketable area for those types of activities. Office would provide an appropriate adjacent land use for the established residential. I would not see it occurring in great number.

Mr. Trey Benefield: Do you understand the difference in land use and setbacks available to you in the office designation as opposed to commercial?

Mr. Brown: No. I do know that across the street they sold land for a hotel/ hospitality company. We are going to sell the property in the next year. What is O-1 as far as uses?

Mr. Pruitt: Given constraints and size of your property by itself, probably looking at an office use of a medical or dental practice, professional or business office with parking at rear of your lot. If a new building were established, then the O-1 setbacks would come into play and would give constraints to the complete redevelopment of this site. If a purchaser wanted to build a larger building than you have, they would need to purchase more property for the setbacks.

Mr. Brown: The one reason we applied for commercial is the fact that across the street they are proposing hotels. With a hotel across from us, I do not think others would be interested in Office. They actually bought two or three houses across the street from us that extend past our house.

Mr. Ray Evans: Lots 21, 22 and 23 are C-6. Is that the hotel location?

Mr. Pruitt: The C-6 zoning would require that they come to staff prior to issuance of building permits. I have not seen this. That is why one year plan proposes commercial for this property because it completes an established consistent boundary between commercial and residential. Issue is the size of this property. What makes sense and becomes reasonable given the parking requirements, setbacks and other uses.

Mr. Evans: With a ½ acre commercial lot your options are limited. If we approve O-1 on this, what is the earliest that the new owners could come back and rezone. Mr. Pruitt said at any time for a commercial or different type of office zoning.

Mr. Phillip French: If someone were going to try to do something commercial on the applicants' property, they would almost have to have access to or use of part of the Ingles property.

Mr. Pruitt: Yes. C-6 requires a 60 foot setback of the building from an adjacent residential. A new structure would be severely limited due to narrowness of this site.

MOTION (BROWN) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. O-1 (OFFICE, MEDICAL, AND RELATED SERVICES) APPROVED.

P 55. ARTHUR SEYMOUR

Southwest side of Wrights Ferry Rd., southeast of Northshore Dr.,
Commission District 4.

- a. Southwest County Sector Plan Amendment** **1-D-06-SP**
From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **1-E-06-RZ**
From A (Agricultural) to CA (General Business).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 56. SHELIA PROFFITT** **1-D-06-PA**
Northwest side Mineral Springs Ave., northeast of Whittle Springs Rd, Council District 4.
a. One Year Plan Amendment
From MDR (Medium Density Residential) to O (Office).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **1-F-06-RZ**
From RP-1 (Planned Residential) to O-1 (Office, Medical, and Related Services).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 57. JAY RICKY STANSBERRY** **1-G-06-RZ**
East side Shady Ln., north side Granville Conner Rd., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

Mr. Jay Stansberry: 7900 Stanley Road, Powell, TN

MOTION (CLANCY) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

- * 58. CITY OF KNOXVILLE** **1-H-06-RZ**
South side Kingston Pk, east of Cherokee Blvd., Council District 2. Rezoning from R-1 (Single Family Residential) to R-1 (Single Family Residential)/H-1 (Historic Overlay) and Design Guidelines.

STAFF RECOMMENDATION: Approve R-1 (Single Family Residential)/H-1 (Historic Overlay) and Design Guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

59. TOYOTA OF KNOXVILLE, INC.

South side Parkside Dr., east side Wakefield Rd., Council District 2.

a. One Year Plan Amendment

1-E-06-PA

From OS (Open Space) to GC (General Commercial).

STAFF RECOMMENDATION: Approve GC (General Commercial).

Mr. Arthur Seymour, Jr.: 550 W Main Avenue with Doug White
We are aware of a stream on the property and will have to take care of this.

Mr. Harry Turner: 320 Landoak Lane
For residents that live on Landoak Lane. All of the water coming from behind my house and Parkside comes to our point and goes across the street and goes between lots 3 & 4 and goes into Turkey Creek. They have bulldozed all of that out. The natural flow of this water is now stopped up. It is a wetland back there. We just want to make sure our water flow is not stopped up.

Mr. Ray Evans: I have been contacted by several people in the area. Their main concern that vegetation along the back of their property and this property line be maintained. Condition number 2 with a 50 foot building setback and fact that property line must be left undisturbed would make it.

Mr. Trey Benefield: Has there been grading in the setback area?

Mr. Seymour: Mr. White said there had been some sewer work. He has not closed on the property and has not done any work there.

Mr. Turner: Someone has been dozing back there.

Mr. Doug White: First Utility District has been working there.

MOTION (EVANS) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

b. Rezoning

1-I-06-RZ

From A-1 (General Agricultural) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial) subject to 4 conditions.

MOTION (CLANCY) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

- * **60. AMY BIRDWELL**
Northeast side S. Peters Rd., northwest of Cedarbrook Ln., Commission District 5.
 - a. Southwest County Sector Plan Amendment** **1-A-06-SP**
From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: Approve O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **1-J-06-RZ**
From A (Agricultural) to OB (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve OA (Office Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **61. QUINT BOURGEOIS** **1-K-06-RZ**
North of Fox Ridge Dr., north of Wade Crest Ln., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 3 dwelling units per acre.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 62. QUINT BOURGEOIS** **1-L-06-RZ**
West side Hill Rd., north of Andersonville Pike, Commission District 7. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 4 dwelling units per acre.

MOTION (EVANS) AND SECOND (GRAF) WERE MADE TO WITHDRAW. MOTION CARRIED 15-0. WITHDRAWN.

- * **63. PULL-A-PART, LLC**
North side Old Rutledge Pike, southeast of Rutledge Pike, Commission District 8.
 - a. Northeast County Sector Plan Amendment** **1-B-06-SP**
From C (Commercial) to LI (Light Industrial).

STAFF RECOMMENDATION: Approve LI (Light Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **1-M-06-RZ**
From CA (General Business) to I (Industrial).

STAFF RECOMMENDATION: Approve I (Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **64. KENNETH & EULA L. FLYNN**
Northeast side Pine Grove Rd., northwest of Strawberry Plains Pike, Council District 4.
 - a. One Year Plan Amendment** **1-F-06-PA**
From OS (Open Space) to GC (General Commercial).

STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **1-N-06-RZ**
From A-1 (General Agricultural) to C-3 (General Commercial).

STAFF RECOMMENDATION: Approve C-3 (General Commercial)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **65. MARVIN NEAL**
Northwest side Strawberry Plains Pike, south side Pine Grove Rd., Council District 4.
 - a. One Year Plan Amendment** **1-G-06-PA**
From OS (Open Space) to GC (General Commercial).

STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **1-O-06-RZ**
From A-1 (General Agricultural) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **66. GONDOLF GROUP. LLC**

North side Sutherland Ave., northwest of Tobler Ln., Council District 6.

a. One Year Plan Amendment

1-H-06-PA

From LI (Light Industrial) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

1-P-06-RZ

From I-3 (General Industrial) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density of up to 15 units per acre

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **67. THE KNOXVILLE REAL ESTATE COMPANY**

Southeast side Sutherland Ave., southwest side Varner St., Council District 6.

a. One Year Plan Amendment

1-I-06-PA

From LI (Light Industrial) to MU (Mixed Uses).

STAFF RECOMMENDATION: Approve MU (Mixed Uses) (GC/O)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

1-Q-06-RZ

From I-2 (Restricted Manufacturing and Warehousing) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **68. KNOXVILLE PALLET RECYCLERS, INC.**

1-R-06-RZ

Southeast side E. Jackson Ave., northeast side Kentucky St., Council District 6. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial).

STAFF RECOMMENDATION: Approve I-3 (General Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **69. ROBERT RANKIN**

1-S-06-RZ

Northeast side S. Northshore Dr., southeast of Sandpiper Ln., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 5 dwelling units per acre.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **70. FADI ABOUSH**

Southwest side Liberty St., southeast side Knott Ln., Council District 6.

a. One Year Plan Amendment

From LI (Light Industrial) to MDR (Medium Density Residential).

1-J-06-PA

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

From I-2 (Restricted Manufacturing and Warehousing) to R-2 (General Residential).

1-T-06-RZ

STAFF RECOMMENDATION: Approve R-2 (General Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **71. H.V. PROPERTIES**

Northwest side Hardin Valley Rd., northeast side Cherahala Blvd., Commission District 6.

a. Northwest County Sector Plan Amendment

From TP (Technology Park) to C (Commercial).

1-C-06-SP

STAFF RECOMMENDATION: Approve C (Commercial)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

From BP (Business and Technology Park) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

1-U-06-RZ

STAFF RECOMMENDATION: Approve CA (General Business)/TO (Technology Overlay) limited to CA Commercial and Office uses that do not require outside storage or display of merchandise, with the condition being recorded as a deed restriction.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **72. H.V. PROPERTIES** **1-V-06-RZ**
Northwest side Hardin Valley Rd., southwest side Cherahala Blvd., Commission District 6. Rezoning from BP (Business and Technology Park) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve CA (General Business)/TO (Technology Overlay) limited to CA Commercial and Office uses that do not require outside storage or display of merchandise, with the condition being recorded as a deed restriction.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **73. NOLAN PROPERTIES, LLC**
North side Old Callahan Dr., west of Callahan Dr., Council District 3.
 - a. **One Year Plan Amendment** **1-K-06-PA**
From OS (Open Space) to O (Office).

STAFF RECOMMENDATION: Approve O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- *
 - b. **Rezoning** **1-W-06-RZ**
From A-1 (General Agricultural) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 74. KNOX COUNTY** **1-X-06-RZ**
East side Tazewell Pike, east of Twin Oak Ln., Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 75. HAROLD DUCKETT** **1-Y-06-RZ**
North end N. Hembree St., east end Nichols Ave., southeast side I-40, Council District 6. Rezoning from R-1A (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density of 1 to 2 dwelling units per acre.

Mr. Michael Brusseau: This is a 23.5 acre site. The reason for staff's lower density recommendation is that 47% of the site has 25% or greater slopes. Because of that the site limited to where it can be developed. At that density and will slope, would lead to multi-family development. We do not generally like to access multi-family through a residential neighborhood. Because of that staff is recommending at least a reduced density. If this were in the County I do not know that we would allow this much with such slope.

Mr. Harold Duckett: 2711 Valley View Drive. Equivalent land mass in this neighborhood is actually 5.2 dwelling units per acre. We need 3.4 units per acre. We are only utilizing about 35% of this site. Rest will be donated to the Knoxville Zoo to use as an Arboretum. Looking at equivalent land mass of 5.2 units per acres as exists. We need 3.4. We are limited to where we can access the site because of grades. We are only utilizing and accessing the top portion of the site.

Mr. Stan Johnson: Asked where entrance would be.

Mr. Duckett: Off Washington Avenue. There is a preliminary plan in your package.

Mr. Johnson: The slopes on Woodbine are real bad and I support staff recommendation.

Mr. Art Clancy: You are recommending 1-2 density. It is going to have to be multi-family. Are you limiting number of units for traffic impact?

Mr. Brusseau: Decreased density is mainly to reduce impact of multi-family development on the residential neighborhood.

Mr. Clancy: The developers have put together a plan to make use of the slopes by donating to the Knoxville Zoo. That sounds like a great plan. Can you get by with less than the 3.4 density?

Mr. Duckett: For the cost we cannot do less than the 3.4 density. More than 2/3 to 3/4 of land mass will be donated to the zoo.

Mr. Dick Graf: Are they 3-plexes or apartments? Dr. Duckett responded apartments. I think Mr. Duckett does a good job.

Mr. Phil French: At 2 units per acre density how many units?

Mr. Duckett: 50 verses 80 at 3.4.

Mr. Ray Evans: We are not adding any more to the density. You will end up with 80 units on 6 acres back there with increased traffic. Asked if single family residential will work?

Mr. Duckett: There are two sections developable upper and lower along the interstate. The middle section is not usable because of steep grades.

Mr. Benefield asked how tall the buildings are. Duckett said 2 stories.

Mr. Johnson asked about the traffic impact.

Mr. Brusseau: 4 units per acre would add up to 94 units of multi-family development adding 846 vehicles trips per day and 33 children to the school system.

Mr. Art Clancy: Let's assume you can grade the whole thing down and you could use the whole as single family. The number of units would be greater. Holding it o 80 units seems to me like it would be less when giving away part of the property.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-1. RP-1 (PLANNED RESIDENTIAL) APPROVED.

MOTION (GRAF) AND SECOND (CLANCY) WERE MADE TO APPROVE RP-1 (PLANNED RESIDENTIAL) AT A DENSITY OF 1-3.4 UNITS PER ACRES

Upon roll call the Planning Commission voted as follows:

ANDERS	YES
BENEFIELD	YES
BROWN	NO
DONALDSON	NO
CLANCY	YES
EVANS	YES
JOHNSON	NO
FRENCH	YES
GRAF	YES
HENRY	YES
KILGORE	NO
LOBETTI	YES
SLACK	YES
MASSEY	YES
SHARP	YES

MOTION CARRIED 11-4. RP-1 AT 1 TO 3.4 DWELLING UNITS PER ACRE APPROVED.

* **76. NHC CENTER / FT. SANDERS**

1-Z-06-RZ

East side Twenty Second St., north side Laurel Ave., Council District 1. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 77. OAKLEIGH G.P.

1-AA-06-RZ

North side Tipton Station Rd., north of Saddlegate Rd., Commission District 9. Rezoning from CA (General Business) and RB (General Residential) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

78. WAVES, INC.

1-BB-06-RZ

Southeast side Merchant Dr., northeast of Pleasant Ridge Rd., Council District 3. Rezoning from O-1 (Office, Medical, and Related Services) to C-3 (General Commercial).

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park) limited to the propose use as described in the attached December 8, 2005 letter from Arthur Seymour.

Mr. Arthur Seymour, Jr. on behalf of applicant Waves, Inc. presently has an office in the old Southern Railroad terminal. They have 7-8 people involved in sales and collections that deals with software. Distribution of software is currently handled by a contractor in Cincinnati Ohio. They propose to move their office, build a building and add two new employees. They bought a building on Merchant Drive zoned O-1. They thought they could use that building for their operation until we met with Building Officials. We were told this would have to be Commercial because of the distribution function, which is software and hardware. We filed for C-3 and staff recommended C-6 limited to activities set forth in my letter. Mr. Redmond says Norwood Homeowners also disagree with rezoning to commercial. They are asking you to approve staff recommendation of commercial with limitations. You are getting O-1 uses with addition of distribution. We even agree if Waves does not use it for purpose intended, then reverts back to O-1 zone.

Mr. Lynn Redmond: 5246 Oakhill Lane, President, Norwood Homeowners Association

We are interested in this company in the neighborhood. We are opposed to the rezoning. If you look at what this company does, they deal in intellectual property just like attorneys and do not agree they need this rezoning. This company will have 10 employees and 80% of activities is going to occur in the office and 20% in the back. The product they have is a CD. There will be shipping. It will be UPS and Fed Express trucks. I can identify many households in our neighborhood that have an equal amount

of shipping if not more. Our intent is to ask the Chief Building Official for a zoning letter and appeal it to Board of Zoning Appeals, and if necessary, appeal to City Council. We cannot have an inflexible zoning application by our Chief Officials in the City of Knoxville.

Mr. Clancy: If it stays O-1 will you appeal to BZA to operate in O-1 and will it stand?

Mr. Seymour: If it is not approved, they will have to do something. They own the property and will have to do something. They have to be out of their present building early spring or late summer.

Mr. Clancy: Would they have to apply for variance or use on review if left at O-1?

Mr. Brusseau: The only way to appeal a Building Official's decision is through the Board of Zoning Appeals. If left O-1 that would be their only remedy to be able to locate there.

Mr. Phil French: Staff indicated type of zoning being recommended requires administrative site plan approval prior to any new development. If later someone comes in and wants to do something in the C-6 and not compatible with the existing property, would staff have any leg to stand on in turning that down?

Mr. Donaldson: We would only have opportunity to review a use if changed the footprint of the building. If they stayed in the existing building, we would not have review.

Mr. Seymour: There is a condition on the use. My experience is that Norwood Homeowners Association would know if there was a change in use. That would be a violation and they could go to the City for it.

Mr. Redmond: Once someone gets in a commercial building, it is commercial. We do not think the solution is a rezoning. We will work hard to get this company in there regardless.

Mr. Graf: I do not like conditional zoning for the same reason Mr. Redmond does not. If everybody is in agreement that this is a good use for the property, maybe conditional zoning is a good way to go about it.

Ms. Susan Brown: Is staff in agreement with the Building Official?

Mr. Donaldson: Staff tried very hard to find a way not to rezone this property. We asked the Building Official to take another look

at his preliminary decision. He did that and he documented some square footage of the potential building, which led them to the determination that the potential commercial activity within the building would move beyond accessory and could become primary. That is the rationale for making that determination. We tried to get them to see that distribution would be an accessory use comparable to the daily delivery by UPS found in many offices. But the potential for that exceeding common and becoming primary was their basis.

Mr. Ray Evans: Issue is the distribution factor. What is the activity of this business that causes it not to be allowable under O-1?

Mr. Brusseau: Based on the Building Office letter that is his interpretation.

Mr. Evans: It would be better if we say this is O-1 and limit use. Down the road someone buys the property zoned C-6 and they do not really realize the limitations until too late again. We will be back here again for another legal use.

Mr. Brusseau: The condition on this rezoning, the only way any other use can be done is if they come through the same public hearing to get that removed or change to allow another use. They should know there is a condition on it because on a zoning map there is a letter (k) beside it. This property is shown on the one year plan for commercial.

Mr. Evans: The applicant should have known that their use was not allowable when they bought the property, but they did not. It is one thing for us to know, but for the general public to know is another thing.

Mr. Clancy: The distribution part of this company will be some time on down the road. Seems like it stays O-1, go to BZA and try to get a variance. You can still come back for C-6 if you do not get variance on O-1. Keep the neighbors happy. In the time it takes to build the building, you could get C-6 and be up and running.

Mr. French: I am not certain the applicant did not legitimately think they could do what they wanted in the O-1. Even in this memorandum, he is not absolutely sure. His concerns are the packaging, warehousing and shipping accessory to the principle use. Then he says this business appears to be a growing business and future growth could easily bring this business into noncompliance. Which to me implies that current use would be in compliance. It is only the prospect of future growth that would cause it to become noncompliant. I am not sure that the Building Official is entirely accurate in his final ruling.

Mr. Dan Kelly: When Building Official is talking about it may become noncompliant, discussion is in regard to C-3 zone, which allows up to 5,000 sq ft of warehouse type space. The concern is they are going very rapidly toward exceeding the limits of the C-3 zone for warehouse type space. If you look at the O-1 zoning district, it is primarily office where you would anticipate accounting or business office where the products are sold individually to individual clients. An example of this, if someone were producing wills and they had 5,000 square feet of wills to be distributed, that is different than an attorney working one and one with the client. This is a mass produced product that is stored on site and then distributed from that site. I think that is what the Building Official saw. If that is incorrect, then maybe there will be some play in it. If they are mass producing a product on the site and distributing it then it probably does not fit in the O-1 zone.

Mr. Seymour: Nothing is produced as far as the software on site. It is just brought to the site by UPS and goes out.

Mr. Kelly: The letter we have calls for 3,000 square feet of assembly. What are they assembling?.

Mr. Seymour: They are putting software in packages and sending to distributors all over the world. Order comes in and they put it in and ship off to a distributor. It is not made there.

Mr. Robert Anders: Waves has been in town 13 years. I have a problem holding this project up when this clearly is a good fit over what may happen on down the road. The neighborhood organization thinks it is a good fit. I know the economic damage that can happen from holding off on this.

MOTION (FRENCH) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-5. APPROVED.

- * **79. KCDC** **1-CC-06-RZ**
South side Western Avenue, east of N. Twenty First St., Council District 6. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **80. JOHN MICHAEL ELLIOTT** **1-L-06-PA**
Northwest side Arthur St., northeast side McGhee Ave. Council District 6. One Year Plan Amendment from LDR (Low Density Residential) to NC (Neighborhood Commercial).

STAFF RECOMMENDATION: Approve NC (Neighborhood Commercial)/HZ (Historic Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

81. DOUGLAS HUTCHENS

1-M-06-PA

East side Martin Mill Pike, south side Keeble Ave. Council District 1. One Year Plan Amendment from LDR (Low Density Residential) to GC (General Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Uses on Review:

P 82. SOUTHEAST TOWERS, LLC

8-C-05-UR

(3/9/06) Southeast side of W. Blount Ave., west of Saint Paul St. Proposed use: 150' monopole telecommunications tower in I-3 (General Industrial) District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

83. SADDLEBROOK DEVELOPMENT, LLC

11-M-05-UR

West side of Centerpoint Blvd., north of Lovell Rd. Proposed use: Office and mixed use in BP (Business and Technology) / TO (Technology Overlay) & OB (Office, Medical & Related Services)/ TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for the office park in the BP/TO (Business and Technology) district subject to 9 conditions.

THIS ITEM WAS ADDED TO THE CONSENT LIST AND APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 84. WEIGEL'S STORES, INC.**

1-C-06-UR

North side Oak Ridge Hwy., west side Karns Valley Dr. Proposed use: Weigel's convenience store with gas pumps in PC (Planned Commercial) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan in the PC zoning district, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 85. BEAUMARIS PARK DEVELOPMENT CORP.**

1-G-06-UR

Northwest side of Dry Gap Pk., west of Rifle Range Rd. Proposed use: Attached residential development in RP-1 (Planned Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for up to 53 attached residential units as shown on the development plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **86. CHARLES ROSS**

1-H-06-UR

North side of Washington Pike, southwest side of New Harvest Ln.
Proposed use: Shopping Center in PC-1 (Retail and Office Park)
District. Council District 4.

STAFF RECOMMENDATION: Approve the shopping center development plan in the PC-1 (Retail and Office Park) zoning district subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

None

MOTION (BROWN) WAS MADE TO ADJOURN

There being n further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:22 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Randy Massey, Chair

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