



Minutes

JANUARY 9, 2014

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

The Metropolitan Planning Commission met in regular session on January 9, 2014 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	Mr. Michael Kane
Mr. Herb Anders	Mr. Charles F. Lomax, Jr
Mr. Bart Carey, Vice Chair	Mr. Brian Pierce
Ms. Laura Cole	Mr. Jeff Roth
Mr. Art Clancy	Mr. Jack Sharp
Ms. Elizabeth Eason	Mr. Wes Stowers
Mr. Mac Goodwin	A Ms. Janice Tocher
Mr. Len Johnson	

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF JANUARY 9, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF DECEMBER 12, 2013 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

Arthur Seymour Jr. Add to the postponements No. 28 HE Christenberry at request of Sequoyah Hills.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM NO. 28 30 DAYS UNTIL FEBRUARY 13, 2014. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<p><u>METROPOLITAN PLANNING COMMISSION</u> Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations.</p>	<p>10-B-13-OA</p>
<p><u>WILSON RITCHIE</u> Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.</p>	<p>3-F-10-SC</p>
<p><u>METROPOLITAN PLANNING COMMISSION</u> Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.</p>	<p>6-A-10-SAP</p>
<p><u>METROPOLITAN PLANNING COMMISSION</u> Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.</p>	<p>7-C-10-SP</p>
<p><u>WILLOW FORK - GRAHAM CORPORATION</u> a. Concept Subdivision Plan Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7. b. Use on Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.</p>	<p>11-SJ-08-C</p>
<p>b. Use on Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.</p>	<p>11-H-08-UR</p>
<p><u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u> a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6. b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.</p>	<p>4-SC-09-C</p>
<p>b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.</p>	<p>4-D-09-UR</p>
<p><u>TIPPIT VILLAGE - SITES TO SEE, INC.</u> a. Concept Subdivision Plan Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6. b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.</p>	<p>9-SA-10-C</p>
<p>b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.</p>	<p>9-E-10-UR</p>
<p><u>LONGMIRE SUBDIVISION</u></p>	<p>1-SA-11-C</p>

West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.

CITY OF KNOXVILLE 7-D-10-RZ
South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).

METROPOLITAN PLANNING COMMISSION (REVISED) 4-H-13-RZ
North side Sutherland Ave., east and west sides Forest Heights Blvd., Council District 2. Rezoning from R-1 (Low Density Residential) & RP-1 (Planned Residential) to R-1E (Low Density Exclusive Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST 4-B-10-UR
South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEM NO. 22A&B. MOTION CARRIED 14-0. ITEM TABLED.

CONSENT ITEMS

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

Fred Human 124 Water Drive asked that item no. 40 be removed and heard.

Lynn Redman, Ask that agenda item no. 6 Monday Properties be heard.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEMS NO. 6 AND 40. MOTION CARRIED 14-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS NO. 6 & 40. MOTION CARRIED 14-0. APPROVED.

Ordinance Amendments:

W 5. METROPOLITAN PLANNING COMMISSION 1-A-14-OA
Amendments to the Knox County Zoning Ordinance, Article 3, General Provisions, Section 3.51, regarding minimum parking stall size dimensions and the driveway width provisions.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Alley or Street Closures:

6. MONDAY PROPERTIES

11-A-13-SC

Request closure of portion Tillery Rd between Clinton Hwy. and north property line of parcel 080DB01901, Council District 5.

STAFF RECOMMENDATION: Approve closure subject to conditions.

David Harbin, 4334 Papermill Drive Knoxville.

I will go ahead and briefly outline what happened here for my monthly right of way application. This is a little bit different situation here. We were hired to do a survey on this property. It was platted 5 or 6 years ago in the course of doing that survey we found a previous survey that actually had the centerline incorrectly located. What they did was they dedicated off that centerline more property than what is required by thoroughfare plan. This will have absolutely no effect on the roadway system that is out there right now. Met with Kim Davidson the City surveyor numerous times and provided him with ample surveys and information. He agreed for our findings. That is why we come and ask for this strip of land to be closed and deeded back to the property owners.

Lynn Redmond, 5246 Oakhill Lane in the Norwood Community speaking to you today in dual roles both representing the Norwood Homeowners Association and also as a founding member of BRINK for the last 25 years. BRINK also known as Better Road in North Knoxville has been an advocate and a lobbyist for improvements on roads starting all the way from Karns going through the Halls area. We proudly say we have been at least a small part of many hundreds of millions of dollars of road improvements for this part of Knox County. First of all on this particular road closure it is always bad public policy to give back right of way. If we give it back and we need it, we have to buy it back. This particular intersection, which may or may not be clear to you unless you have driven especially if you have driven it in evening rush hour, is a major major intersection of Clinton Highway and Tillery Road. Wilson Road which feeds into this about a block from this property or right at the corner of this property is the major road that funnels traffic every afternoon from the Gap Road exit of Interstate 640. It is a huge traffic jam. I am not a traffic engineer but you don't have to be to stand out there and see traffic back up from Clinton Highway four or five blocks back every afternoon during the week. City Engineering has done what they could with painting different lines on different sections of the roadway to try to funnel traffic in and out. We also have businesses on the

opposite side of this area that have one of their entrances Northern tool company. If you have a car coming west that wants to turn left into Northern Tool Company, there is no where for the people behind them to go so it backs up all the way to Clinton Highway. My point is this they are correct. They are not taking the roadway as it presently exists. Sooner or later this roadway is going to have to be improved and the only way to improve it is to add one and hopefully two more lanes as it approaches Clinton Highway which would be in front of this property. We can give the right of way back or we can keep it for the new road improvements. This is valuable property. We have no objection to the owners getting it back if there was no need for it in the future. We ask you not to do this because there will be a need in the future to widen this. Taxpayers will be on the hook paying for it back.

Longmire: Do you have a response before I go to City Engineering?

Harbin: Yes. I just want to point out again that we are in compliance with the thoroughfare plan if you grant this request right here. There was a taking of the property. It was more taking than what was necessary when we went out there and surveyed the property. We are just bringing it into compliance with what this body says right of way that it needs for that certain classification of road.

Chris Howley: Mr. Harbin is correct is that extra right of way that was dedicated is beyond the scope of the major road plan. It is typically something that we wouldn't ask for anything above and beyond that unless there were some sort of plans on the docket to do some infrastructure improvement in that area which we currently don't have anything scheduled at this time to improve that intersection. To say whether that property is needed or not in the future, I am not going to say that at this point. Due to its irregular condition it may or may not be a necessity in the future if a roadway improvement was funded in that area.

Michael Kane. I am not too sure who to direct this question to. Was there compensation given before to the property owners? It was something that was done as part of some subdivision activity and it was taken at the time.

Harbin: What they thought was the adequate right of way was given.

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

Bart Clancy: If we realigned per request of the applicant, I think I am understanding that there was sufficient right of way

needed to allow for some expansion. Is that right? If we go back to what was first... there was an error in the first survey that created this issue to correct the error where it is supposed to be. But is there still any room to expand that lane there?

Howley: I don't know if there is enough room to expand that lane, but it is... if you go back to the way it was prior to the dedication you would have the amount of property, the amount of right of way that was proposed as part of the major road plan. It would be compliant with the road plan. It was just correcting a mistake if they hadn't made that survey mistake in the past that dedication would not exist and we would not be talking about it today.

Harbin: Just one point. I wasn't my survey that initially did this.

Longmire: I will have to say though that is one of my unfavorite intersections.

MOTION CARRIED 14-0. APPROVED.

7. JEFFREY NASH

1-A-14-AC

Request closure of Unnamed alley between N. Central Street and Ogden Street, Council District 6.

STAFF RECOMMENDATION: Deny closure.

Mike Brusseau: Staff... we have not received any objections from engineering or any other utility department. However from a planning standing we think this public access should be maintained at least until we know can ensure that public access is sufficient in the area. The alley depending on how the property is developed the original application talked about consolidating the properties for one development but then for next month we got a rezoning that was just requesting C-2 zoning on the southern half of this property and leaving the northern half zoned C-3. C-2 is a zone that would allow residential where C-3 isn't. It sounds like there is the possibility that there could be separate projects going on in which case that alley would be, it would be wise to keep that alley open for purposes such as trash pick up or deliveries as well as just general public access. We were hoping to hear from the applicant as to what the plans where and let you all make a decision but based on what we know we maintain the position that it be denied at this time.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

* **8. STARBOARD PROPERTIES FOUR LLC**

1-A-14-SC

Request closure of Twenty Second St between south side Cumberland Ave. and east side Twenty Second St., Council District 1.

STAFF RECOMMENDATION: Approve the closure of this proposed portion of right-of-way, as requested, subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- * **9. RUSHLAND PARK, PHASE IV** **1-SA-14-C**
North end of Rushland Park Blvd., north of Millertown Pike and west of Harris Rd., Commission District 8.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan for up to 46 detached residential lots subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 10. MONTEREY OAKS** **1-SB-14-C**
Northwest end of Monterey Rd., northwest of Globe Dr., Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **11. COVERED BRIDGE @ HARDIN VALLEY, PHASE 1D** **1-SC-14-C**
Southeast end of Viewcrest Ln., southeast of Whitetail Ln., Commission District 6.

STAFF RECOMMENDATION: Approve the Concept Plan for up to 13 detached residential units on individual lots, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 12. THE VISTA AT HARDIN VALLEY - VOLUNTEER DEVELOPMENT** **1-SD-14-C**
 - a. Concept Subdivision Plan**
North side of Brooke Willow Bv., north of Hardin Valley Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 11 conditions.

Eric Mosley: 405 Montbrook Lane. I am in support of the recommendations of staff. We worked through different issues with the subdivision and have gotten to the point where it has been recommended for approval and we accept that approval. I would like to reserve some time I guess for more questions there might be about the subdivision.

John Fairstein 11205 Sam Lee Road representing neighborhood on Sam Lee across the street from the proposed Vista Development. My first objection is there are on the north side of this proposed development there are two sink holes, fairly large sinkholes. The developer proposes to convert these to injection wells. Well this creates a problem for us because our water well is probably 100 yards away from that and we are afraid it is going to contaminate our well. We have a pristine well. It is deep. The water has tested as perfect. We are very concerned about that. The other objection or comment is the two nearest developments are Brighton Farms bordering on Sam Lee and Saddlebrook on Steel Road both of these projects had a number of runoff and silting problems during construction. We would be directly in line for runoff and silting problems because we are right across the street. We would want to make sure whatever plan comes through has really got that adequately covered. My request would be in general is to create an alternate to using the sinkhole as injection wells and number two is to ensure proper drainage during construction and number three that we get a chance to review the plan before it is finalized. Also I have something. (handed Buz materials.

(handed Buz materials) Kurt During, 2530 Brookewillow Boulevard. I am here to represent the 29 homeowners that currently live in the Glen at Hardin Valley. Essentially it appears that our developer has sold out the phase two of this development and has sold it to S&E to develop. We are requesting a postponement on this decision until we can at least talk to the new developer to find out what his plan is for the property.

Mosley: We fielded many phone calls from neighbors and adjoining property owners; yes madam. We have not had a formalized meeting per se. The sinkhole issue is handles kind of at the next stage of this process. The injection wells are handled through TDEC and the State. They are fairly common to be utilized in that manner. There is a 12 inch waterline that runs on Sam Lee. I am not sure if he waters cattle or livestock with his well or uses it for his house. There is a waterline actually back that has West Knox water.

Longmire: So if you mess up the well they will have access to water.

Moseley: Yea there is a waterline there. The well I am not that familiar with those. I am familiar with injection permits and they are very common. They are handled like I said through the State. You have to go through several processes to get that done. It is not an automatic thing but it is not really I don't think it is handled at this concept stage in the process.

Longmire: But it is something we consider at this stage. Mr. Kelly would you like to speak to sinkholes and things?

Dan Kelly: The plan that you have before you again... the original plan for the Glen at Hardin Valley was approved in 2006. The drainage plan that is being proposed by these gentlemen is in essence the same plan proposed back in 2006 where the drainage along about 2/3 of the way toward the rear of the property that is where you top over a hill and the drainage goes back toward Sam Lee at that point. The area presently drains to the sinkhole right now. In essence what they are doing is picking up the natural drainage and putting it into the sinkhole that is already accepting the drainage. Our concern with regard to the sinkhole has not been in the sense of a drainage question because the injection well permit process is handled by the State and would accommodate their stormwater. Our concern typically dealing with the sink holes has more to do with the proximity of any potential home to the edge of the sinkhole itself. There is an established 50 foot buffer around each sinkhole that any proposed house could not encroach on unless there is a geotechnical study that says it is safe to do so. Those have to be reviewed and approved by the County Engineering Department. From the standpoint of the sinkholes they are there; we are aware they are there. They are taking drainage now and we hadn't to date hadn't objection from anyone about them taking additional drainage through the sinkhole. There are building sites on each proposed lot outside of the sinkhole buffer for that reason we felt that those lots could be developed.

Art Clancy: We are not increasing density or anything like that. I mean the lots are about the same?

Kelly: There actually is an increase in density. There are 20 additional lots proposed in this development now over what was approved previously. The previous approval was for 100 detached lots and 75 condominiums. With the approval of this plan it will go to 120 detached lots and 75 condominiums. Three of the lots that are being proposed actually will front on Sam Lee internal to the Glen. There will be 17 additional lots that will be internal in using the existing road. There will be an increase in the density. Given the lot sizes in the current developed

platted portion the subdivisions the lots sizes range and went from around 52 to 55 feet up to 90 feet in width. These lots appear to be more consistently in the 60 foot width range. The depth of most of the lots in both sections is around 125 feet. There is a slight increase in the density but is certainly well within the approved density as far as the zoning goes.

Clancy: This was posted. We put a sign and the neighbors have known for a while.

Kelly: I can't answer that. Our practice is to put a sign out. I don't know. These people are saying there was never a sign out. We have a photograph of a sign that we placed out there on the property. Whether it is still there or not I have no idea.

Laura Cole: I do not have an issue with the zoning so much as I do with the discussion about the sinkholes and the stormwater runoff. I understand the separate issues that Mr. Kelly is talking about as far as whether or not they can build in that 50 foot buffer. The stormwater issue could be a problem and I think it is worth mentioning. The stormwater may be running in there now but when we build on that property what we do typically is increase the runoff very quickly and we create areas of concentrated flow. We also tend to transport a lot of sediment into those sinkholes and they seem to become stopped up and we have no ideal where that water is going. I would like to ask Ms. Pionke just to explain to us briefly what an injection well is and at what point that injection well would go in.

Cindy Pionke: Injection well is a vertical pipe in the ground into which water is pumped or is allowed to flow. When the injection well typically goes in is more a matter of sediment and erosion control is the main issue because this is a residential development. That actually goes in as part of the construction phase. Before it is actually approved Scotty Sorrells who is out of TDEC office in Nashville comes over, reviews the property and signs off on the permit. My understanding is that it is a very common permit in terms of getting through the system. If there is a problem if the sinkhole actually has a throat in it the additional requirement of putting a filter on the pipe is an additional thing that is needed. Typically if it is just a straight injection well mainly you are dealing with just the sediment of the silt fencing in terms of what is going on.

Cole: Is there any activity post construction. Does that injection well stay there? Is there maintenance on it? Is anybody responsible for it?

Pionke: The only thing I am aware of is that after construction is done the silt fencing is removed but the stand pipe stays in place.

Cole: So there is no scheduled maintenance it is just part of the...

Pionke: Correct. The only time that it would actually be inspected would be by say a Knox County inspector during the construction phase to make sure it is doing what it is supposed to. Post construction we would not be out there checking it.

Michael Kane: Two questions. One back to the injection well. As part of that is there a review of people in the area you know who may be impacted any changes in the groundwater because of the injection well?

Pionke: Unfortunately I am not a good person to answer that.

Kane: You are not familiar with that process.

Pionke: No I am not. Scotty Sorrels.

Kane: The other questions I guess is maybe to MPC staff. Was this shown as a when you say phase II was this really done as one development or actually shown as two phases? We have had other situations kind of like this where there has been dedicated a distinction between phase I and phase two different signs or is the continuation of same development.

Kelly: The original concept was approved for the entire tract as one development. The original developer has platted 40 some odd lots on the condominium section down in the front down on Hardin Valley and some of those units have been built. It was shown as one project at that time.

Kane: This is not a phase 2 it is just a continuation of development with a change to that development.

Kelly: They are proposing to use the same road profiles, road layout that was previously approved I the original plan with the exception of adding the additional lot.

Kane: Was the injection well part of the original plan?

Kelly: Yes it was.

Bart Carey: Two questions. Ms. Pionke I know you explained it. I am a little dense here I think. You said if the well does what it is supposed to do... maybe this is a dumb question... what is it supposed to do. Is this just an ingress for water to go into the water table?

Pinkie: All you are trying to do at this point is keep sediment from going into the sinkhole and possibly potentially plugging

up the throat of the sinkhole. At this point we are not aware that there is a throat in either of these two sinkholes.

Carey: This would stand above the bottom of the sinkhole. The sediment would go down. The water would come up to the overflow level go in the pipe and be down into the water table. Next question might be for Mr. Kelly. I think you said this falls within the earlier density approved originally. What is the density that could be built here?

Kelly: 4 units per acre

Carey: Where does this fall within that?

Kelly: 3.2.

Carey: So they could request a higher density than what they are requesting.

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

Farstein: Just a couple of comments and there are other people that have not made comments. I would prefer to them.

Sage Coler, 2524 Bridgevalley Lane in the subdivision we are talking about. If you have not been out there after a rain storm you have no idea how bad the drainage already is and there are only 48 homes out there. Our concern is that we have been complaining and talking to the previous developer about this for years now and nothing has been done. Now we are talking about adding more homes and more than even the original plan calls for. I know that one of the challenges with that is the curvature of the road. Now we are even talking about having a curbed road in a neighborhood that has kids running around in it. To me 20 more lots and giving up the safety of our children is not worth having the developer make a little more money. There are many neighbors that are very very distraught about this. We have been living a nightmare there is already a problem with the drainage and two retention ponds are not working. We have a neighbor whose house has been flooded because of that. We have had lots of problems that this will only exacerbate. We would ask you to give us at least 30 days to have some conversation with this new developer. The sign went up yes. The sign went up a week ago the first knowledge we had of this. No one has made contact with us. We did not know anything about this until somebody was walking. It was cold and not many people have been walking. We did not see the sign. All we are asking for is a little bit of delay so we can have the opportunity to find out what is going on in our neighborhood.

Jason Roebach: 2528 Bridgevalley Lane. I share my neighbors concern. I am very disappointed and very unhappy about how this has been rolled out to the community by existing developer and current developer. We are not happy with this at all. I am very concerned about the road layout and the traffic pattern. I share Ms. Coler's concern about the safety of our children. The runoff is deplorable. There is not clean water that runs off from the land at all. It is always muddy. You really need to look at the traffic problem, the runoff problem and really taking into consideration that we are very unhappy as to how this is being done.

Fairstein: This is not a cattle well. This is a well that serves three houses. We don't want to go on County water.

Eric Erfman, 2519 Brookwillow Boulevard. I am actually at the end of the current drive that is there now. The sign has been up a week maybe up to 10 days. The sign that was put up was put up in the back side of the property to where only 2 to 3 people that drive by it. All we are asking for is a little bit of time to postpone so that we can get legal representation to fight this.

Longmire: We have a motion to be voted on before anything else happens.

Jeff Roth: Mr. Kelly if we were to disapprove this today or reject it, do they have an approved concept from 2006 or is it just an approval...

Kelly: That is why they are back here. One of the reasons they are back here is because these plans time out over a period of time. If go from a concept plan and do not record a part of that final plat in a two year period it times out. In this case a concept plan itself is good for up to a maximum of 5 years. If the plan has timed out in essence what they have is no plan at all. They are back to square one.

Roth: My other question is I am looking at a photo of the property right now and it looks like the property has been graded to match similar to what matches the road.

Kelly: The rough grading has been done on the roads.

Roth: Seems to me that might contribute to the issue of runoff and muddy runoff they are getting now in the sinkhole. Am I correct there?

Kelly: That would be safe to assume. Yes.

MOTION CARRIED 12-2 (Kane, Longmire). APPROVED.

b. USE ON REVIEW

1-K-14-UR

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

STAFF RECOMMENDATION: Approve the revised plan for this portion of the Glen at Hardin Valley development site to permit up to 72 detached dwellings on individual lots as shown on the plan subject to 1 condition

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

Clancy: We are not endangering. We are requiring sidewalks in this phase which was not in the original phase. I would not mind hearing from the developer to find out if they can see if there is any way they can help with some of this runoff, some of the water issues these people are concerned with. I think completing the development is going to complete a drainage plan that was originally started. Shed some light please.

Scott Smith: 1417 Lyons Bend Road. I am Eric partners. When this subdivision was started all the roads were graded for the back phase which you are talking about now and it has been sitting dormant for 5 or 6 years. Partially because the real estate market died in certain price ranges. It has been very slow out there. They have sold an average of 5 homes a year. It has been hard for the developer to keep up. By approving this and by letting us we are going to buy that back phase of the land. We are going to go through the proper channels with the State and the injection wells to engineering it to get the approvals that are appropriate and finish the plan. I think some of the other things with the property up front we really had nothing to do with but we will probably end up doing a lot of repair work to some of the detention ponds that are in place now. Moving forward a lot of the problems they are talking about is that back phase has rough cut roads that have been left for 5 years. When we move forward and finish this... it is a pretty flat piece of property. It is going to look nice. It is going to look finished. It is going to develop a lot quicker and be more active. I think it will solve a lot of their problems.

Clancy; I don't want the neighbors to think we are blindly passing this over. I feel like if we finish the development a lot of your problems are going to be solved. I also would like, Mr. Smith, I would like you all to contact the neighbors and stay in touch with them. Try to help them. They have been sitting in a development that isn't what was promised for a while. I can understand they are upset.

(Someone in audience made remarks that were inaudible.)

Longmire: Sir you may talk outside but right now...

Smith: I want to say one more thing if that is okay. Clancy: Go ahead. I am available to meet with everybody who would like to meet and will be considerate and do everything we can to be good neighbors and make everybody happy. We don't want to fight with anybody. We want to do a good job. We want to come back in a few years and be proud of what we did. We want to do a good job. Everybody that has contacted us we have taken time to speak with with as much information as we could. I will make myself available and we can get together wherever they like and we will discuss whatever they want to talk about.

Clancy: I would recommend possibly arranging a public meeting with them. I think that is appropriate. I think it would be a good idea based on your statement that you would like to be a good neighbor. That is all. We are good.

Longmire: Before we vote I want to ask Ms. Pionke. If there are problems with runoff and the developer of the already developed portion whom should they contact.

Pionke: They need to get in touch with our stormwater department. I am aware that there have been notices of violation issued on several occasions to the existing developer.

Longmire: But the stormwater is different. That is why we are asking for a neighborhood meeting for all the neighbors to get together. That is the rule ma'am. It affects us also. Right now we are at Commission and...

Neighbor: (Most inedible) Do you realize only people within 250 feet it affects the entire neighborhood how are we supposed to have time.

Cole: Asked that she come to the podium.

Tammy Burlly, 2444 Brookewillow Boulevard. We had all well a couple of us received the notice on Monday. Where the sign is placed the end of Brookewillow Boulevard is the end of the subdivision. There is only probably one or two of our neighbors who would have possibly even seen the sign because it ends in gravel. You don't drive up there. Nobody drives up if they are just going to your house. You don't drive up there to turn around. There is really no reason to go up there. Then we were informed after I received my card and one of my other neighbors called me we realized that actually on a few of us were receiving cards because you only having to be within 250 feet. Having received the cards on a Tuesday the meeting is on Thursday, trying to get together and contact neighbors who had no idea whatsoever that any of this was taking place was not an easy task. One of our main issues too we understand it was approved before. It was originally supposed to be 55 lots and

now it has increased. Yes if you look at it the lots are significantly smaller. We have the setbacks are only 5 foot from the sides of the properties which the houses could be 10 foot apart. We actually have 30 foot setbacks. We have we are required it is supposed to be all brick, stone accent neighborhood. We have side entry garages, three car side entry garages in our home section. I actually did make a phone call to Volunteer development and I did speak to an Eric Mosley and unfortunately he wasn't able to give me any answers. I tried to ask him if he had any idea of what is the price range of the home. When we purchased into the subdivision we had expectations that at least from what we were told it was just going to be an extension of exactly what we have. Now we realize it is going to be smaller.

Cole: I appreciate your frustration. I think what Commissioner Clancy is trying to do is set something up now so you have an opportunity to speak with the current developer about all these issues.

Longmire: This is not the final thing.

Cole: I would also like to say to the neighbors about the runoff issues if you are working with stormwater engineering and not getting satisfaction I would suggest that you call the Mayor. You are not the first person to have this issue. You won't be the last. It is a problem in our area. I would suggest gathering up and figuring out what your issues are and going forward from there and putting the pressure on that way.

Mark Donaldson: This particular action by the Planning Commission has a dual role. It is on one hand the final step in the zoning with the approval of the lot layout and street layout but it is the preliminarily first step in the subdivision process. The next two steps are very ministerial in impact in that if people follow the rules we are obliged to approve. The next step is working with the engineering department to get the engineering plans approved for public improvements. Then once that is in place then they come back to us for a final plat which is a ministerial action with typically very little discussion unless there are variances requested. If they follow the rules the planning commission is obliged to approve the final plat.

Longmire: That is if the rules are followed. That makes a big different. It is a public forum. We are going to vote right now and we will go from there. We have a motion to approve the revised plan to permit up to 72 detached dwelling on individual lots subject to one condition.

Bart Carey: This could be asked afterwards. Do you all have a homeowners association that is organized as a voice?

Burly: Ben Testerman is still in charge of our homeowners. It hasn't been turned over to us yet. We do have a homeowners.

Carey: You don't have anybody to go to. You don't have an email list of what is going on or email? The dictator is not here today.

Burly: We just want the time. We want the 30 day extension. That is what we are asking for.

Carey: As a matter of functionality if you all could unify your voice as a homeowners group that would be good.

We didn't have time.

Longmire: You will have time now.

MOTION CARRIED 12-2 (Kane, Longmire). APPROVED.

Longmire: So Mr. Smith you will be up front and you will be nice. People nothing is ever solved by being ugly. He is willing to listen you need to talk. Mr. Mosley please don't ever overlook the rarity and joy of a well. A good well is a treasure. Not everybody wants city water.

Mosley: That was not my intent. I just wanted everybody to be aware there was a water line there.

Longmire: We were sure there was but there are very few wells anymore.

- * **13. CHEROKEE FARM INNOVATION CAMPUS** **1-SE-14-C**
West side of Alcoa Hwy., west of Cherokee Trail., Council District 1.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan for up to 29 lots subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * **14. FOREST VIEW LOT 30 & LARUE LOTS 2 & 3 RESUBDIVISION** **12-SI-13-F**
North side of Ferndale Road, east of Cunningham Road, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 15. HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9** **12-SJ-13-F**
North side of West Gallaher Ferry Drive, west of Hardin Valley Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 16. COWAN'S ADDITION TO KNOXVILLE RESUB. OF LOTS 9-12 7 PART OF 13** **1-SA-14-F**
At the southwest quadrant of the intersection of Grand Avenue and Eighteenth Street, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 17. MORGAN PROCTOR COURT** **1-SB-14-F**
North side of Kimberlin Heights Road, southwest of the intersection of Boling Lane, Commission District 9.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 18. FINAL PLAT OF THE YOUNG PROPERTY** **1-SC-14-F**
North side of Pelleaux Road northwest of E Emory Road, Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 19. LEON IVNES** **1-SD-14-F**
South side of Dewine Circle, southwest side of Dewine Road, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 20. MCMILLAN FLATS RESUBDIVISION OF LOT 1R** **1-SE-14-F**
North side of W Fifth Avenue, north of King Street, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 21. FALCON POINTE UNIT 6** **1-SF-14-F**
At the terminus of the recorded right of way of Sailpointe Lane, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

T 22. JAMES L. MCCLAIN

Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

9-A-09-SP

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

T b. Rezoning

From A (Agricultural) to CB (Business and Manufacturing).

9-A-09-RZ

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

*** 23. KENNETH R. LAY**

Southwest side Central Avenue Pike, southeast of Bookwalter Dr., Council District 5.

a. North City Sector Plan Amendment

From MU-SD (MU-NC14) to MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial).

1-A-14-SP

STAFF RECOMMENDATION: ADOPT RESOLUTION # 1-A-14-SP, amending the North City Sector Plan to MU-SD (Mixed Use Special District) MU-NC15, including C-4 zoning, and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** b. One Year Plan Amendment**

From MU-SD (MU-NC14) to MU-SD (MU-NC14) with C-4 (Highway & Arterial Commercial).

1-A-14-PA

STAFF RECOMMENDATION: Approve MU-SD (Mixed Use Special District) MU-NC15, including C-4 (Highway & Arterial Commercial) zoning, One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** c. Rezoning**

From C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

1-A-14-RZ

STAFF RECOMMENDATION: Approve C-4 (Highway & Arterial Commercial) zoning, subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 24. NANCY UPCHURCH**

North side Higgins Ave., southwest side Tomlinson St., northwest of Young High Pike, Council District 1.

a. South City Sector Plan Amendment

1-B-14-SP

From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 1-B-14-SP, amending the South City Sector Plan to O (Office) and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*

b. One Year Plan Amendment

1-B-14-PA

From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: Approve O (Office) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*

c. Rezoning

1-B-14-RZ

From R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

25. BRAKEBILL NURSING HOMES, INC.

South side Harley Dr., west of Lyons View Pike, Council District 2.

a. West City Sector Plan Amendment

1-C-14-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION # 1-C-14-SP, amending the West City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the amendment.

Noel Peterson: Cole Creek Surveying and engineering, 244 Echo Valley Road, Lake City, Tenn. I want to say the expansion that is talked about in these documents is to continue using the existing house on the property as an accessory building to the nursing home. They have been using it for storage and maintenance and they are not going to build anything new. They just want to use the old building as they have been using it but they found out they had been using it improperly so they had to get this use on review and then the use on review in order to later on continue to use this house as part of the facility.

Longmire: So you are legitimizing The current use.

Peterson: Correct.

Mary English, 810 Oak Grove Lane, Knoxville. There are several of us here. There is one other person who wants to talk. We agreed basically but there may be some differences. My view is that the application should be denied or if not denied postponed. I built my house on Oak Grove Lane in 1987. The houses 4 doors up Oak Grove Lane from Brakebill Nursing Home the Oak Grove side. I am opposed to both the requested plan amendment and the rezoning for the following reasons. The first has to do with the Lyons View Community which is unique in the west city sector. It is a mixed race African American community of about 60 small homes. It was started 100 years ago. There were two others in the west city area but they are gone now. One was Space and the other was Brickyard. So it is unique. The other thing is that Lyons View Community has made a big effort to maintain its single family character. About 20 years ago we came before MPC and City Council to seek R-1 zoning which is and were successful. With that we were trying to secure the character of the neighborhood. The Brakebill Nursing Home was aware of that when they bought not only the property at 201 Harley Drive but also the property, there is another property on Oak Grove lane which they purchased which is about this same time that is 920 Oak Grove Lane. They are using both of those properties for storage purposes for the nursing home. This purchasing the property knowing the zoning was R-1, knowing the character of the neighborhood is in flagrant disregard for that character. That is one major reason that I think you should deny it. The other is when you have businesses encroach on residential neighborhoods you all know that your property value declines. I don't want mine to decline.

Don Batton, 215 Harley Drive. Which is on the south side of Harley just a couple of lots away. One thing Mary has given insight as to what we did before. It is a historic neighborhood. We did go through a down zoning. We had 60 members 60 residents attend that meeting and voted almost unanimously to get the R-1 zoning above an R-1A which had been proposed by MPC at that time. We would like to maintain that. We don't want to piecemeal it and lose bit by bit along the way. I don't see why we need a higher density for the continued use for storage. There is a potential option. There is an R-1A zoning which would permit use as storage with approval of a use on review. I would like to have this item postponed and let's discuss this. I have spoken with Donna Brakebill yesterday. They don't really want to go through this R-2 zoning. I am just speaking for her for what I heard her say. They want to as the representative has said they want to continue to use it for record storage. That is what they said they had been using it for. They have been using it that for what maybe 20 years. Nobody has objected to their use of that. As long as they maintain the grounds in a proper residential look

to them we don't care what they do with it. But the complaints originated from it spilling out into the yard. Anyways I guess I will shut up now. It does seem... one thing. I received this Monday afternoon. It is postmarked January 2nd. That kind of left us short here. That as it may be. We do have a community organization, Lyons View Community Club, and I have spoken with the board members and they could not make it because of the short notice and I was asked to represent the community club at this meeting.

Longmire: Mr. Brusseau, the difference between R-1A and R-2 as far as record storage etc?

Brusseau: They both allow nursing homes as a use on review. So essentially there is no difference. I think staff would be fine with R-1A and you perhaps may not even need the condition. We did recommend a condition on the R-2 for use on review. We certainly feel like there is a need to officially establish a use and how that use would be done at that location. The proposed R-1A would accomplish that also. The only difference I can think of would be that if there is no condition placed on it to not allow a duplex or something like that then it would in addition to the single family it could be converted to duplex. If the house is already there I don't think that would happen. As far as using it for a nursing home you know accessory to the nursing home that certainly would work under R-1A also and you would not need to amend the plans.

Longmire: So in R-1 they could use the house for storage.

Brusseau: R-1 they can't, but R-1A they could with use on review.

Nan Johnson Morgan, Oak Grove Lane. I am with Wade Rogers who lives next door to the house in question. I disagree that it has been used by this for 20 years. It has been used like this for a shorter amount of time. It is clearly they bought the house for storage. It is one of the nicer houses in the neighborhood as is Mr. Rogers's house. If we want to improve the character of the neighborhood, why are we using the nicer houses in the neighborhood for Brakebill to store their records in. I am just totally against it. I feel like they bought it under... My understanding is they had someone else buy it because the owners of the house, when the McKees died who owned the house, when they died their niece inherited the house. My understanding is that they, she refused to sell it to Brakebill so they had someone else buy it for her. I know that is just hearsay. That is my comment and it would have to be checked by legal documents I realize that. It feels to me like if they get this ruling in their favor it is just a matter of time until they creep on into the neighborhood.

Petersen: Yea I think we should go ahead. Talking about the use of the property, it won't change from what they are used to. They said it is well maintained now. I don't see why... They just want to be in compliance with the regulations that they are not now. Rezoning to R-2 is the same zone as the nursing home property is. We haven't been... it wasn't recommended to us to do an R-1A. We just want it to be the same as the rest of the property. This parcel is combined is part of the nursing home the larger parcel. There would be some continuity to have the entire parcel be zoned the same. We have already got some C-1 in this property in front of Lyons View. To have as few zones on this one parcel as possible would be desirable to the owner I think.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO APPROVE R-1A SUBJECT TO THE CONDITION OF THE USE ON REVIEW. (Motion was out of order and died for lack of vote)

Clancy: I think that we ought to if it changes from a house that is being used as a storage facility and it starts to degrade.

Longmire: You need to take action on the plan amendments.

Clancy: We don't need to if we do R-1A.

Buz Johnson: You have to take action on them.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO DENY THE WEST CITY SECTOR PLAN AMENDMENT.

Michael Kane: One of my concerns... I understand the value of what is being proposed from where we started I think it is a much better proposal especially with the additional condition on it. My concern is back to the point that this neighborhood went through the process of down zoning. They went through that process and at the edge of their neighborhood they have essentially a different use than what they did. That entity wants to grow in some ways. It wants to grow. It is buying property. It is using it for something other than single family residence. My concern is that we are not honoring that by doing, essentially allow this to happen. Brakebill or whoever says I can buy the property; I can maybe use it for a while in a nonconforming way and then all of the sudden I need to go do something and then I will go get the rezoning and people will say well it has been used that was for a while. I am not saying that the Brakebill folks intentionally did that but practically that is what has happened. When we vote on this we need to be cognizant of that fact is that if we don't support neighborhoods that have gone through this process then I am not too sure why they would go through the process because they are not supported in the future.

Charles Lomax: Right now we know as far as the conversation is concerned we know that it is dealing with the storage of medical

records which to me raises some security issues with it being a separate facility from Brakebill itself. My question is does a particular zoning limit what can or cannot be stored in the facility. Are we talking about medical records or down the road does that mean they can store other things within that house as well?

Brusseau: That is probably a question better answered by the codes department. My guess would be that if it is zoned to a zone that allows assisted living it would allow any reasonable accessory use within that house including medical records and potentially equipment or what ever else they might want to do there. That would be the official answer would have to come from the codes department on that.

Donaldson: Mike has established the first step in this. The second step in this process if it were to be rezoned would be to eliminate the lot line between these two lots.

Brusseau: That has already been done.

Donaldson: So that really truly is accessory to the principle use. Through the use on review process we would have some discretion to look at how the structure would be used to identify any hazards that might occur as a result of such storage and to suggest mitigating conditions, conditions that would mitigate any potential hazards. With the use on review we would have some flexibility to look at how that structure would be used.

Roth: Mr. Brusseau did you say that is already has been one lot subdivided?

Brusseau: At the time of application it was a separate lot but since the application was been the plat was recorded that combined these and actually the report reflects the correct parcel ID number now. We changed it from whatever ID it was before to the portion of 1601 which is the larger that is currently zoned R-1. That has already been done.

Roth: Under R-1 I think I heard you say also a nursing home or accessory is allowed under R-1 the way it is currently zoned or it is not allows?

Brusseau: Need at least R-1A to allow that.

Carey: Is 920 Oak Grove Lane also part of that single lot resub?

Brusseau: No. Just the property in question has been added into the Brakebill site.

Carey: Accessory to a nursing home does that mean there could be beds there?

Brusseau: In theory yes.

Carey: On use on review though.

Brusseau: Yes.

Carey: There are no conditions on what we are voting on now other than use on review. Would then...

Longmire: What we are voting on right now is medium density.

Brusseau: For a nursing under R-1A use on review is automatically required. It is up to whether you want to put a condition on that but I don't think it is necessary. If the use is for a nursing home it is going to be automatically required. R-1A does allow duplexes. That is about the biggest difference between the R-1, well of course it allows the nursing home but it also allows duplexes which you could put a condition in that would not allow that or you could just make everything subject to use on review and that way no matter what they wanted to do with it it would come back to this body.

Carey: So duplexes is a permitted use without use on review under R-1A. I would feel better about that being conditionalized

Longmire: Why don't we go ahead and do the density one year plan first and then if there is more questions we will go on to the rezoning.

MOTION CARRIED 14-0. DENIED.

b. One Year Plan Amendment

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

1-C-14-PA

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential) One Year Plan designation.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO DENY. MOTION CARRIED 14-0. DENIED.

Longmire: We are going to have to have another motion for the west city sector plan amendment we are denying. Where is my west city plan?

Clancy: We have got two of them.

Longmire: We denied the West City Sector Plan now this is for the One Year Plan.

c. Rezoning

1-C-14-RZ

From R-1 (Low Density Residential) to R-2 (General Residential).

STAFF RECOMMENDATION: APPROVE R-2 (General Residential) zoning, subject to 1 condition:

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE R-1A WITH A USE ON REVIEW FOR ANYTHING THEY DO ON THAT PIECE OF PROPERTY.

MOTION CARRIED 10-4 (EASON, COLE, KANE, LONGMIRE). APPROVED AS MODIFIED.

Batton: Seems to me we are making a new proposal and it should be considered at the next MPC meeting. I would like to have time for the neighborhood to get together and see how we like this proposal.

Donaldson: We advertised for the request to go to R-2. We typically are then allowed to make a recommendation for any zone district that is less intense than that advertised zone district. R-1A is less intense than R-2 so we have the right to make that recommendation at this time.

Batton: Would you consider postponing this action for the next meeting?

Longmire: This has already been voted on. It will go to City Council. We merely recommend to City Council. They have the last say. It will come before City Council.

Batton: When will it go to City Council?

Donaldson: It would be their first meeting in February...

Kelly: February 4th.

Longmire: I would recommend getting in touch with your City Council representative. You understand that the use on review means that whatever it done has to come back to us for approval. Okay.

Kane: It would be nice if the Brakebill folks would present that to their neighborhood prior to coming to us. That would be really nice.

Longmire: It would be really nice if everybody just talked to each other before coming to us. I agree with that totally.

Morgan: I am not going to take any more time but that is what Mr. Rogers said to me. He is next door to the Brakebill house and he said it would just be so nice if Brakebill would come over and talk to me. I am next door.

Longmire: You know sometimes people don't come to you and you just have to go to them. Don't be afraid to go to them Mr. wherever he went. He is the engineer. It is really nice but sometimes you have to be proactive. That is just all I can say to you.

* **26. ORLINO BALDONADO**

North side Hardin Valley Rd., east of Cherahala Blvd., Commission District 6.

a. Northwest County Sector Plan Amendment

1-D-14-SP

From TP (Technology Park) to GC (General Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #1-D-14-SP, amending the Northwest County Sector Plan to GC (General Commercial) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

1-D-14-RZ

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

STAFF RECOMMENDATION: Approve CA (General Business) / TO (Technology Overlay) zoning

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

27. CHASE-SMITH DEVELOPMENT

Southeast side Deane Hill Dr., northeast side Winchester Dr., Council District 2.

Arthur Seymour Jr., 550 West Main Avenue here on behalf of the applicant.

Christ Hagerty with Hodges Daugherty and Carson right down the street at 617 Main. My partner Wayne Kling is speaking in opposition. He is indisposed at the moment. If we could I would like to make a motion to defer this to the next heard matter.

Longmire: Not to the next meeting just to put it off. Mr. Seymour is that acceptable to you?

Seymour: May I ask my clients. Here is his answer.

MOTION (CLANCY) AND SECOND (JOHNSON) WAS MADE TO AMEND THE AGENDA TO MOVE ITEM NO. 27 TO THE END OF THE AGENDA. MOTION CARRIED 14-0. MOVED.

a. West City Sector Plan Amendment

1-G-14-SP

From LDR (Low Density Residential) to HDR (High Density Residential).

b. One Year Plan Amendment

1-E-14-PA

From LDR (Low Density Residential) to HDR (High Density Residential).

c. Rezoning

1-E-14-RZ

From R-1 (Low Density Residential) to RP-2 (Planned Residential).

THIS ITEM WAS MOVED AND HEARD AFTER ITEM 40 ON THE AGENDA.

P 28. H.E. CHRISTENBERRY

1-F-14-RZ

South side Kingston Pike, east of Kingston Ct., Council District 2. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) zoning at a density of up to 4 du/ac, subject to one condition.

POSTPONED EARLIER IN THE MEETING.

29. SHANE ADDINGTON

Southwest side Schubert Rd., southeast of Merchant Dr., Council District 5.

a. Northwest City Sector Plan Amendment

1-E-14-SP

From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: DENY O (Office) sector plan designation.

Mike Brusseau: Basically the reason for the denial recommendation on this is because you've got a pattern, a good zoning pattern already established there where you have got commercial uses out along Merchant Drive and office uses leading back into the residential uses. This property is a couple off from where the sector plan basically drew that line between the office and residential. It is zoned R-1A and it is developed with a duplex so it is slightly higher intensity residential zoning than the typical R-1 single family only. This property is just extending the non residential uses unnecessarily into the residential area. There are on three of the, excuse me two of the four sides of the house there are established residential uses. To the northwest of the house there is a beauty salon and it is zoned O-1 although it is not recognized by the sector plan. The sector plan proposes that the office uses or nonresidential uses cut off two parcels to the north of this. Just for reference the Clinton Plaza shopping center is in behind the property but it is the back side of the property to the rear. Recommendation is just to not allow intrusion of nonresidential uses in that residential area on that street.

Robert Addington, 5601 Chestwood 37912. I would like to ask that this be granted on the grounds that it is around 100 yards off Merchant Road and everything up to it on that northwest side that he spoke of is either commercial or office. We are looking for a commercial zoning or anything of that nature, just to do office space so we could lease it out for that purpose.

Art Clancy: Mr. Brusseau, I am looking at a satellite picture that shows commercial parking lot on every side...

Brusseau: That is correct. There is a beauty salon to the northwest of it. It is zoned O-1. The zoning does go up to this property the O-1 zoning on that side of the street. On the other side of the street it cuts off where the plan recommends that it cuts off. I guess you can say there has been a precedent set where it has extended beyond what the plan called for once for the property to the northwest of this one. It doesn't mean that we should recommend that it be done again.

Clancy: The lack of opposition...

Addington: If I may address the Commission and respectfully mention when applying for this Mr. Brusseau and I went over the map and he said that he didn't see any reason based upon his opinion that it wouldn't be because it would give a nice flow of concurrent office from Merchants Road on down.

Brusseau: I mentioned that as an extension of O-1 zoning so it gives you a decent chance if you have no opposition who knows.

Clancy: That is my point.

Brusseau: But we don't base our recommendations on whether or not there is opposition we base it on planning principles.

Addington: I was paying several hundred dollars to consider rezoning. It was recommended by Mr. Brusseau and there is no neighbors or opposition in that form.

Michael Kane: I guess the key question for me is where does sector planning begin and end? Apparently something was approved beyond the sector plan once. Then if we approve this one then does everybody down the line then say well next door to me is there and next door to me is there and next door to me. So where does it stop? Seems like it stopped before I mean we already approved something or somebody approved something along the way. Where are these people off of Walford where do things change for them? I would like to make a motion that we deny.

MOTION (KANE) AND SECOND (COLE) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY.

Roth: My question would be this again I am looking at the satellite plan and the lot is right below the line the sector plan designates is obviously zoned O and then there is a parking lot. Which was first? Was that house there before? Was house used as an office before, before the sector plan or was this lot that is already being used that way approved after the sector plan?

Brusseau: I suspect what happened is that property to the northwest that is zoned O-1 has been that way for quite a while prior to when we required sector plan amendments to be done in the City. The reason I say that is because the one year plan actually shows it for office whereas the sector plan doesn't. We have always required one year plan amendment when the rezoning is not consistent. Had that property come in today that would have had to be considered for a sector plan amendment also. The line on the sector plan was drawn appropriately I guess is what I would say in my opinion.

Roth: But what I am saying was the line of the sector plan drawn... was this property already O then?

Brusseau: I couldn't tell you that.

Donaldson: It might have been. I think the Northwest City Sector Plan probably dates back to 10 years or so 2003. I suspect the zoning occurred before then.

Roth: So we can assume the sector plan line went through and kind of ignored this property being zoned as something...

Donaldson: There are going to be lines between land use classifications and zone districts all the time. We believe that the line shown on the sector plan is perhaps the most logical extension across from the shopping center to the northeast to the shopping center to the southwest.

Roth: My point is and I understand what Commissioner Kane is saying. What I am say is that we maybe we are looking at it now and maybe it makes sense to change it by one lot. That is what I am saying. I don't see the big issue with it. There is no opposition. The fact that it is right there it just makes sense to me.

Stowers: I would like to echo what Commissioner Roth said. It is sitting bordering a very intense commercial operation. I mean it is right adjacent to it. Office is supposed to be a buffer. In this case this is where we are supposed to use judgment. The line of the sector plan is a big blunt instrument and it obviously missed that other office area. This butts up against a few commercial

tracts and straight across from it and there is no opposition from the one person the one lot that might be impacted to the right of it. I think we need to go ahead and go on with this myself.

Bart Carey: The question has been asked where do we draw the line on the sector plan. How do we make that designation? I kind of get torn both ways. I think it impacts more than just the lot next door to the southeast. I think it impacts a number of lots up and down Shubert Road and for that matter anybody in that area that might be concerned about encroachment. At the same time echoing back to the board not one person, if I had received one email or one phone call or one person was here in objection, I think that is an arbitrary line that has been drawn by the section. If there is no opposition and nobody here feels damaged I guess... You move the line one place and the next guy wants to do it and somebody is opposed to it then I think we look at it totally different.

Cole: I just wanted to say that I understand that there is no opposition here but that doesn't necessarily mean that everybody is in agreement with it. I want to echo what was said earlier we are not supposed to be making our decision based on how many people show up. It is supposed to be on planning principles. I think Commissioner Kane makes a good point. Sooner or later you have got to have a line and if you keep chipping away at that line the line just keeps moving. This is what enrages neighborhoods when we begin chip in one lot at a time because it seems to make sense, but in the long term 10 years down the road somebody else is going to ask for the next one and the next one and we will be gone. The story won't be remembered how that started. I am going to support Commissioner Kane's motion.

Longmire: I can see both sides very clearly. Shubert Road is a busy road. These houses these lots back up to a major shopping center and in some ways act as a buffer to the rest of the neighborhood. I know previously we have gone to the corner of the street to cut off a change in zoning. At the same time this neighborhood was designated R-1A and I find it ironic that this is a duplex we are talking about. Normally when we mention the word duplex sulfur comes up and all that. For many people an office would be a preferred neighbor than a duplex. It is a really difficult decision.

Roth: That was the other point I forgot to make a moment ago. It is already a duplex which is really more intensive than what we are looking at by the sector plan anyway.

Longmire: We have on the floor a motion and a second to follow staff's recommendation to deny O office sector plan designation. A vote in favor is to deny.

Addington: If I may briefly before you vote. I actually have owned that property for 15 years. Unlike some of the other situations I saw before us, I did do my due diligence and speak to several neighbors and property owners in that area which welcomed the idea of the office space.

Upon roll call the Planning Commission voted as follows:

Anders Yes
Carey No
Clancy No
Cole Yes
Eason Yes
Goodwin Yes
Johnson No
Kane Yes
Lomax No
Pierce No
Roth No
Sharp Yes
Stowers No
Longmire No

MOTION FAILED 6-8.

MOTION (CLANCY) AND SECOND (PIERCE) WAS TO APPROVE OFFICE SECTOR PLAN DESIGNATION.

Upon roll call the planning Commission voted as follows:

Anders No
Carey Yes
Clancy Yes
Cole No
Eason No
Goodwin No
Johnson Yes
Kane No
Lomax Yes
Pierce Yes
Roth Yes
Sharp No
Stowers Yes
Longmire Yes

MOTION CARRIED 8-6. APPROVED OFFICE.

b. One Year Plan Amendment

1-F-14-PA

From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: DENY O (Office) One Year Plan designation for the site.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE O OFFICE ONE YEAR PLAN DESIGNATION.

MOTION CARRIED 12-2 (COLE AND EASON). APPROVED OFFICE

c. Rezoning

1-G-14-RZ

From R-1A (Low Density Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: DENY O-1 (Office, Medical & Related Services) zoning.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE O-1 (OFFICE, MEDICAL, AND RELATED SERVICES) ZONING. MOTION CARRIED 12-2 (COLE AND EASON). APPROVED O-1.

A break was taken at this time. 3:24 resumed.

30. FLOURNOY DEVELOPMENT

North side S. Northshore Dr., west side Thunderhead Rd., Council District 2.

a. Southwest County Sector Plan Amendment

1-F-14-SP

From MU (Mixed Use) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 1-F-14-SP, amending the Southwest County Sector Plan to MDR (Medium Density Residential) and recommend that City Council also approve the sector plan amendment to make it operative.

Chair Longmire asked if there was opposition and about 20 people stood in opposition.

Arthur Seymour, Jr. 550 West Main Avenue here on behalf of the applicant. If I may we are passing out at this time and I had previously emailed this to everyone on the Commission a copy of the plans for this apartment development which had previously been submitted to residents of the Northshore Town development and to MPC. That is not before you today but I did want you to have that before you. The proposal by Flournoy is to build 242 apartments as part of the Northshore town Center development. The recommendation is to approve with a requirement that generally the project be connected for vehicular and pedestrian circulation with the Northshore Town Center and to adhere to the Northshore Town Center guidelines which the applicant is prepared to do. We think the proposal that I am handing out does comply with perhaps one or two tweaks with the Northshore Center design guidelines. Flournoy is satisfied with the recommendation and asks you to approve it. The Town Center as you all know from previous hearings has a lengthy history. It was developed in the early part of this century. The original proposal and the proposal that is still out there proposed 800 to 850 dwelling units either apartments, single family homes, condominiums townhouses. To date there have probably

been 35 to 40 homes built. There is available on the north side of the development probably space for 150 homes. With the Flournoy proposal if approved there will be approximately 400 residential units in the town center; half or less than was originally proposed. For a town center to work it requires a mixture of office, commercial, retail and particularly residential. If you look at the Urban Land Institute's guidelines for a town center development there are 12 principles most of which include walkability and high density residential. To date there is not the high density residential in the Northshore Town Center. What we are proposing will bring that to it. The plan has changed of course. Originally there were no big boxes like Target or Publix Grocery stores. Those are in there now. There was no school; there is now an elementary school there. Flournoy development will complete a major part of what is required for the town center. If not if we only have the 150 units at the north side of the development, you end up with just another west Knoxville shopping center with a few houses adjacent to several subdivisions. The concerns: apartments. With no basis there are statements out there that apartments attract the wrong kind of people. I reject that. Flournoy rejects that. It builds apartments all over the southeast and is proud of its residents. Traffic: the town center at this time has two traffic lights leading into it which is much more than most shopping centers. It has a slip ramp off of the interstate coming into the development. It has probably better traffic access than most developments in town. Is there going to be more traffic if this development is approved? Of course there will be. Northshore Drive today is considerably different than what it was 50 years ago, 40 years ago, 30 years ago, 20 years ago, but there are improvements to the west end of Northshore that makes this very accessible. My time is running out. I would like to reserve one second and as that you approve this subject to the recommendation of compliance with the Northshore Town Center guidelines.

Longmire: That extra 10 seconds will be added to the opposition time.

Gary Bennett, 1917 White Air Lane. I live in Northshore Landing the neighborhood just west. I have written several letters to some folks here. There are a lot of people that want to talk so I won't take very much time. I am a former apartment dweller. I don't have anything against apartments. The dense... I just don't want them in my view of sight. Right where my house is at I will be seeing these. My property doesn't adjoin this property. I just want to make the point that there are a lot of people here represented here from neighborhoods that their property does not adjoin this property. It is neighboring neighborhoods. I do know there is a different tweak added to this. We haven't really had time to study that. Something I learned here today the TC-1. We have lived here for the 20 years through this development. It has changed a lot. It is kind of a moving target

it seems to be from the town center. We all bought into the Town Center concept. It has changed. It has changed. We want the town center to stay as it is with that zoning.

Frank Slagle 1924 White Arrow Lane. My wife and I own one of the homes that is adjacent to Northshore Town Center property that Flournoy is asking to be rezoned to allow high density residential apartments. We have lived in our home for more than 20 years and seen this property change drastically. We are not against development. We are not against apartments. We didn't resist when the town center concept was first introduced and we understood why it needed to be adjusted to allow Target, Publix and the new elementary school. However we can't go along with this small 10 acre plot in Northshore Town Center being zoned to allow 246 apartments and 425 parking spaces. It wouldn't provide a reasonable transition between the commercial part of the town center and the single family residences of Northshore Landing. This plan will create a 10 acre parking lot punctuated by 10 separate buildings of which at least 5 of these buildings will be the 5 tallest buildings in a 5 mile radius of this site. According to the site plan they have shared with us they will be raising the elevation of the property behind our home making the apartments even taller. This will allow no effective border between their development and our single family homes because their paving of the parking lot will go within less than 10 feet of our property line. Their site plan only allows for a single line of small holly bushes in between their retaining walls and parking lots and our yards. Most importantly at the October 8, 2010 MPC meeting where the MPC staff recommended changing the zoning of part of Northshore Town Center to allow Target and Publix, the staff also said the proposed rezoning will maintain TC-1 zoning around the existing lake and adjacent to existing residential development to the west and the Belmont residential neighborhood within the north side. They also stated in addition this location utilizes the remaining TC-1 zone district as a buffer from adjacent residential development. Northshore Town Center is really starting to take off. Please leave the current zoning of TC-1 in place for this small, 10 acre parcel and let it be developed in a way that would be appropriate to the town center and to our neighborhood and not a high density complex shoe-horned in next to our single family homes with no buffer for our subdivision. We do have petitions with over 12 hundred signatures opposing this rezoning. We have over a dozen neighborhoods in opposition and the PTA of the Town Center elementary is opposed to the rezoning. This property can be developed within the guidelines that are already in place. Flournoy does not need to have the property rezoned if they are really interested in adhering to the Town Center guidelines. Those guidelines allow apartments and I have told Mr. Seymour if they will create an apartment development that will adhere to those guidelines, I will bring the shovel and the Champaign to the ground breaking ceremony. Please vote against rezoning this

property and letting Flournoy wedge in a complex that may be appropriate for an interstate exchange but is not suitable for a property that adjoins a mature neighborhood of single family homes and a site that doesn't have enough room for an adequate or effective buffer between our homes and this sprawling complex. The current zoning allows does permit apartments, just not that many surrounded by a giant slab of asphalt. Please vote against rezoning this property and confirm the recommendation of this MPC from three years ago to utilize the TC-1 zone district as a buffer for the adjacent residential developments.

Charles Lomax: I have a zoning question I suppose. Currently it is zoned mixed use and TC-1 Town Center. With the development that is looking to be done would that be possible in a TC-2 or TC-3 for MPC staff?

Brusseau: There are no such things as TC-2 or TC-3 and The TC-1 was looked at to see if there was anyway to accommodate and at that density there was just no way for this to be done. So there only option seeing as they wanted to pursue the project as is was to request the RP-2.

Longmire: What would be the density of TC-1?

Brusseau: I do not know the answer to that.

Donaldson: We don't speak so much in terms of density with this particular case. The other TC-1 the larger one had more than 700 units approved within it and it didn't necessarily designate where they would be other than to create a core and a perimeter which had some criteria. The perimeter criteria would be up to 16 units per acre and I don't believe there was any criteria for the core but generally high density. This is actually part of the much small free stand TC-1 that came along later in the zoning process but has always been part of the greater Town Center concept. We struggle with that, that zoning line between the two TC-1 districts while trying to maintain the same design principles and guidelines. We went through this several months ago. The reason this is back to us is because it timed out at City Council because of postponement and by doing so was treated as being denied. They have come back with a different request. Our recommendation is as stated the MDR and up to 23.99 units per acre which is not high density.

Clancy: Did we approve this Michael earlier? I mean did we approve a plan earlier that was...

Brusseau: When this came through back in 2013 sometime they had requested at that time HDR which allows consideration of 24 or more and had at that time requested 25 units per acre. Staff

had recommended approval and this body recommended approval to City Council but as Mark said it was timed out.

Clancy: They have addressed, I think they have addressed height on these buildings too. These buildings actually are lower than the concept plan that came to us previously I think. If you going to have a viable Town Center, I think you have to have businesses and technically people living there right. I think that Flournoy has proposed a nice looking building. It is a responsible plan I think. I know it is close to the neighborhood but its... In that development you are actually going to have to get some high density somewhere around these low density neighborhoods. That probably should have been expected from the start.

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

Stowers: A couple of questions. I live very close to this. It won't impact me directly but I drive through it twice a day. The traffic there is already a challenge. Ms. Pionke do you have anything to do with this?

Cindy Pionke, County Engineering: This is one of those tricky ones where we are both involved. The Thunderhead entrance where the traffic signal involved because it is adjoining city and part is in the county.

Stowers: Has there been a traffic study done to see if more.

Chris Howley, City Engineering: A traffic impact study was done with the overall development as the town center concept. When they came back with the Flournoy development they had to do an amendment to it. The best of my recollection is that the anticipated traffic difference was not significant enough to recommend any additional changes beyond what has already been constructed or what is proposed to be constructed.

Stowers: Is that level of service, I know it is not A or B, is that C or D?

Howley: Off the top of my head I really don't know. Don't have access right here to that traffic study. It was to an acceptable level of traffic level of service for us to be able to not have a problem with what they were proposing.

Stowers: The problem I have got with this it was promised TC. The Commission, we this board made a commitment two years to keep it TC. TC allows apartments. It keeps morphing. We keep changing the rules. The place is taking off. These is a lot of new activity with people moving into some of these buildings. Looks like we are going to continue to move the markers. There

are people that just bought in there under a TC expectation and we are wanting to change it.

Bart Carey: This kind of a strange situation City and County sharing the traffic responsibilities. That traffic is an issue there. I think from an historic perspective going back to the time when we voted on this one of our considerations as I recall was the fact that as Commissioner Clancy said to be a viable town center concept there has got to be a residential or population components that adds to walkability. It supports the commercial entities within the development and it leads towards that whole idea of town center concept that everybody doesn't have to drive to a shopping center to be able to utilize it. Part of the TC-1 as we talked about earlier was that there was a large residential component and with the displacement of some residential properties with Target, Publix and school we have concentrated that. We have left less available for residential and funneled that down to what now is left very few parcels in there that could have residential. The reason we passed this before was for these same reasons. We have already approved this and it is back on a technicality. That I can see the only difference is lower density than what we approved before. Is that right the only thing different than before is lower density?

Brusseau: That is correct. Lower density which eliminates the need for high density and allows it within medium density. I would also add briefly, I touched on this Tuesday, that the overall development plan showed this type of development on the property which has now been developed with the school just north of here. Essentially it is just a shift south of this. That was also adjacent to single family homes and that is what the original adopted plan showed.

Len Anders: One of the concerns that I have and I am like some of the residents there, it is expected to have apartments in this area. The lack of buffer between this development and the parking lot and adjoining property owners I think is a concern from a design standpoint. I think with as much paved area that there is there I am not sure much shifting can be done to create a larger buffer area. I think the residents sort of expected apartments. The TC-1 certainly allowed. I don't know how many would be there if we don't change this zoning but the major concern I have is the buffer.

Michael Kane: My concern is that it has gotten so convoluted I guess echoing Commissioner Carey. We keep on doing something and we allow this to happen, we allow this to happen and then all of the sudden we end up with this development that can't be done under TC-1 and we need those people in there to make TC-1 successful but it can't be done under TC-1 because we have done all these other non-TC-1 things but now we have to make it work. There is other undeveloped land, maybe not in

this parcel or this TC-1 zoning but in the other TC-1 zoning that is not being utilized or planned for residential so we are essentially put all of it in this one. The people who are right adjacent to it are the ones who are suffering or will suffer. To me it doesn't look like TC-1. It looks like another development, nice development, but this TC-1 has not turned out to be what a Town Center should be. Seems to be if it were a town center we would have retail on the bottom, we would have less parking. This looks like a very nice traditional Houston apartment complex where I grew up.

Clancy called for the question.

Upon roll call the Planning Commission voted as follows:

- Anders No
- Carey Yes
- Clancy Yes
- Cole Yes
- Eason No
- Goodwin No
- Johnson Yes
- Kane No
- Lomax No
- Pierce No
- Roth Yes
- Sharp Yes
- Stowers No
- Longmire No

MOTION FAILED 6-8.

MOTION (KANE) AND SECOND (LOMAX) WERE MADE TO DENY SOUTHWEST SECTOR PLAN TO MDR. MOTION CARRIED 8-6 (same vote as above. DENIED.

b. One Year Plan Amendment

1-G-14-PA

From MU (Mixed Use) (TND-1, TC-1) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential) One Year Plan designation.

MOTION (KANE) AND SECOND (PIERCE) WERE MADE TO DENY MDR ONE YEAR PLAN DESIGNATION

Upon roll call the Planning Commission voted as follows:

- Anders Yes
- Carey No
- Clancy No
- Cole No
- Eason Yes
- Goodwin Yes
- Johnson No

Kane Yes
 Lomax Yes
 Pierce Yes
 Roth No
 Sharp No
 Stowers Yes
 Longmire Yes

MOTION CARRIED 8-6. DENIED.

c. Rezoning

1-H-14-RZ

From TC-1 (Town Center) and OS-2 (Park and Open Space) to RP-2 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-2 (Planned Residential) zoning at a density of up to 23.99 du/ac, subject to 1 condition:

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO DENY RP-2 (PLANNED RESIDENTIAL) AT A DENSITY OF UP TO 23.99 DU/AC.

Upon roll call the Planning Commission voted as follows:

Anders Yes
 Carey No
 Clancy No
 Cole No
 Eason Yes
 Goodwin Yes
 Johnson No
 Kane Yes
 Lomax Yes
 Pierce Yes
 Roth No
 Sharp No
 Stowers Yes
 Longmire Yes

MOTION CARRIED 8-6. DENIED.

* **31. STAR SALES CO. OF KNOXVILLE**

1-I-14-RZ

Southwest side N. Central St., northwest side W. Churchwell Ave., Council District 5. Rezoning from C-3 (General Commercial) / IH-1 (Infill Housing Overlay) to C-6 (General Commercial Park) / IH-1 (Infill Housing Overlay).

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park) / IH-1 (Infill Housing Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

32. JACOYIA WAKEFIELD**1-A-14-UR**

North side of Green Valley Dr., west of Sundew Rd. Proposed use: Child care for up to 4 children in EN-1 (Established Neighborhood) District. Council District 4.

STAFF RECOMMENDATION: Approve the request of the applicant to provide child care for up to 4 children as a home occupation, subject to 9 conditions.

Sandra Woodland, 5816 Greenvalley Drive, Knoxville, TN 37914. I am coming here before you today to ask you to please put this item 32 on postponement because I myself received one day notice of this hearing today. I was called by a neighbor who lives within the 250 feet proximity of Ms. Wakefield's home. She called me yesterday morning. She had received a notice in the mail Tuesday late afternoon and she was quite distraught about it. As we are here today I would say 90% or more of our subdivision has no idea this was even going on right now. We have had no time to prepare. I know Mr. Kelly had a sign placed in the yards. But I drive by that residence at a minimum of two times a day. I have never seen the sign posted there at all nor have any other that I asked if they had seen a sign. I am asking for a postponement because there is opposition to this use on review. I apologize I am not a prepared as I would like to be. There are many issues we have against this use on review of Ms. Wakefield. I could quickly go over a few off the top of my head. I can answer any questions any of your might have. Honestly I am not totally prepared and that is why I am asking for a postponement.

Longmire: I do want to speak to the question about the postcards. There was a delay in getting the postcards out because of a problem with the copiers plus the weather and closures so people did have late notification.

Jacoyia Wakefield, 5711 Greenvalley Drive. I would like to oppose postponement simply because I actually met with the neighborhood association to discuss this. It was my understanding that the consensus was that the majority of everyone that was there was supportive of what I was doing from my home. I am a bit surprised that she is asking for it to be because I believe that is the source of the original what brought this all about.

Herb Anders: I have had several calls on this one and I would like to give the neighborhood their requested opportunity to meet with the, I started to say homeowner but I understand this is rental property and to go over exactly there are some questions that I think they need answering.

MOTION (ANDERS) AND SECOND (SHARP) WERE MADE TO POSTPONE FOR 30 DAYS.

Clancy: Ms. Wakefield did you say you had met with the neighborhood association?

Wakefield. Yes sir. I met with Town Hall East. They actually gave me a call. I was invited to come out and pretty much let the neighborhood know what I was doing to address any concerns at that time. There weren't any that were left that would prevent this from being approved as it was recommended by staff.

Clancy: Let me ask you a question. You are pretty much doing this on site right now anyway. This just gets you into conformance. I don't think 30 days... you can do it for another 30 days. I would suggest that you get with the Holston Hills neighborhood and talk about it and let them know what you are doing. I don't see what we gain by postponing 30 days. I don't think the situation is going to change any. I will support the 30 days because I don't think going to penalize the applicant.

Laura Cole: I have the same concern Commissioner Clancy has. One of things I wanted to ask is who are you going to talk to in the 30 days? Is it going to be another neighborhood organization? Is there a Holston Hills organization? I wanted to ask Ms. Woodland if you had a plan for who needs to get together in your mind to talk about this.

Woodland: I believe that the meeting that Ms. Wakefield referred to occurred about a year ago. This was not initiated by her but it was initiated by Town Hall East. It did not end on a nice note, on a positive note at all. There were many people there who voiced their opposition to what she wanted to do. She explained to some extent. She told us at that time there were going to be 4 children but she said two of those children were going to be hers. They are blood related. That is what she told us at the meeting approximately a year ago. That was with Town Hall East. I don't know if any of you all are familiar with Town Hall East but it has a large area that it covers. It is not just Holston Hills. Holston Hills is within Town Hall East border or proximity as an association. Holston Hills does have another group which is just Holston Hills residents. That is the historic Holston Hills Community Club. As I said that meeting last year did not end on a pleasant note. There were many people there in opposition. It was at the initiation of Town Hall East and not Ms. Wakefield. She had not reached out to any of us to any of the neighbors. I just live maybe five houses away.

Cole: Ms. Woodland are you going to take responsibility then on trying to get something together.

Woodland: I can. Do you want a meeting of the neighbors?

Cole: I just want to make sure you have a plan for getting people together and talking in the next 30 days.

Longmire: And inviting Ms. Wakefield.

Woodland: Right that would be the point to discuss since we have no idea. That has been one of the concerns with the property owners because she is renting and she has not really told us a lot about what is going on. Many people are concerned about how would affect their property value. How this would this be encroachment of business into our R-1EN neighborhood which has been it is about 87, 88 years old and single family. How this would change the integrity, the character of our neighborhood? Those are important questions that many have.

Longmire: This requires no zoning change is that correct? If it is approved is it only approved for Ms. Wakefield? It is not approved for the property or anything else?

Kelly: No. I do not believe that is correct. Assuming someone wants to go in there and operate a very similar facility with the same number of children, they could do that.

Clancy: They have to be a resident in the house.

Kelly: Yes. You are being asked to approve a home occupation for child care for up to 4 children. If the subsequent resident that moved in there wanted to operate a home occupation taking care of 4 kids they can do it without coming back to Commission.

Cole: I wasn't finished yet. I have another question. I just wanted to confirm I had an understanding for some reason that if you had a home occupation you needed to own that property. This is a rental property so...

Kelly: You have to be a resident.

Cole: So you don't have to own it. If we were going to approve it for up to 4 children I have a concern for how do we regulate that? Is it city codes that regulates this?

Kelly: That would be the enforcement body, yes mame. Basically that would be regulated primarily through neighborhood observation.

Michael Kane: The staff recommendation one of the conditions was item 5 which did say this would terminate at the time the applicant vacated the premises. That would normally not be the case in terms of a normal home occupation but this does if we follow staff recommendation that would be part of the conditions.

Kelly: I guess I forgot that I made that one condition. I think that condition was put in there with the idea that knowing there was some concern in the neighborhood with regard to the use. Previous to this case this particular use has always been permitted. As long as you had less than 6 kids providing care for less than 6 kids, it was just a permitted use. Nobody from the city would say anything to you about it. The majority of day care is provided in a residential setting throughout the city whether it be in someone's home taking care of a couple of kids or 4 or 5 kids or even in the structured day care settings of up to 12 kids in a residential setting. The majority of day care, after school care, things like that are provided in residential neighborhoods throughout the city and county.

Kane: That beats another question. So you are saying that normally something like this doesn't even come before this body for less than six kids. Right?

Kelly: This is the first time in the 30 some years that we have had this request.

Kane: Did this come as Mr. Wakefield's initiation?

Kelly: No There were complaints from the area residents to the city and the city Building Inspections Department has more or less changed their opinion as to whether this is a permitted use versus a home occupation. They have come down on the side that this is a home occupation and therefore needs approval by this body.

Kane: So we should be seeing a lot of these in the future if people follow the city's unpublished interpretation.

Kelly: Right. Again the majority... 99% of the people who work from their homes, who operate a home occupation in the City of Knoxville have never been through this commission to obtain approval. If you read the Sunday business licenses, every Sunday you see a lot of business license issued to residential addresses. These businesses are invisible. They are typically well accepted in the neighborhood. You know the guy next door is doing this or doing that and nobody cares. Unless somebody complains the city does not typically get involved in the home occupation situation as long as they maintain that low profile that is required for a home occupation.

Kane: I think I heard you say something, maybe I misunderstood. I think what I heard you say though is if this had come up to the city in the past they would not even pursue it even if it came up as a complaint they would not pursue it.

Kelly: They would say it is a permitted use.

Kane: So now they are deferring to us to decide if it is a permitted use.

Kelly: That is correct. They have decided it is no longer a permitted use but it is a home occupation and as being a home occupation requires approval by this body.

Longmire: The buck doesn't stop here but it slows down.

Stowers: I wanted to know what the neighborhood's objection was specifically.

Woodland: Actually again I apologize I am not prepared to answer all questions because I just knew about this hearing yesterday. I think one in particular was the issue of 4 children. Like I said a moment ago at a meeting a year ago with the Town Hall East she mentioned 4 children then and she said two of the 4 children will be her own blood related. I don't if it in the MPC or the City but there is something that I read where it says blood related does not count in the court. I am questioning is she asking for permission to have 4 children in the home. Does that including her 2 kids or is that 4 kids who are not related plus her two kids which would total 6. At certain times the neighbors around her have been watching the house to see what is going on; to see how many kids are there. On some days they have seen only 3 outside on the playground. Some days they have seen 5. So it is like so how many are actually enrolled. That is one objection. We don't know what is really going on there. She can have 2, 4, 8. We don't know. Who is going to be accountable or who is she accountable to? Are we the neighbors supposed to monitor her? This does not make for good relations in a neighborhood to be kind of untrusting of what is going on. Another objection is of course because many people who are property owners who invested many years and much money in their property how is this going to affect their property value. Is this encroaching business? We look at it as a business because she is operating under 5 days a week, Monday through Friday, 7:15 to 5:30. She openly advertises all on her web site which is a very sophisticated web site about the new philosophy she is going to be teaching these children which is good we are not against teaching children. She has got regular business hours. That means kids are there 5 days a week 8 to 9 hours every 5 days a week. That is a business. Does that open the door for something else? We are very concerned about that because we have had problems with businesses wanting to come into Holston Hills in years prior. Again I am not totally prepared. I had one days notice as to why we are against it. I am speaking not just for myself. I am sure others might have some other concerns. Those basically... She is not a property owner. She rents and that has kind of disturbed some people too. How long will she rent and how

long will that if you agree for this use on review how long will that stay? Is it there permanently? Is it changing the face of our neighborhood or whatever?

Longmire: Is that adequate Mr. Stowers.

Stowers: That is more than adequate. The key thing I guess is 4 children is the statute, 6 I am sorry. So if she has got 6 she is well within her rights if this is approved.

Woodland: And questions about I mean there is no fence around the playground. I don't know where that comes into play how many kids.

Longmire: It doesn't until there are 6.

Woodland: 6 okay. Thank you.

Kelly: The idea of whether they are related or not deals with the day care situation. In the day care home your own children do not count in the total. This being a home occupation this is new territory I guess you can say whether you want to include her kids or not. The request came to us to keep 4 children and didn't differentiate between her children or anyone's. From that standpoint the recommendation is for 4 kids period.

Longmire: I think we should let her keep (inaudible) just right off the bat.

Bart Carey: I think when I first started listening to this I thought this was an EN-1 issue but this is not an EN-1 issue. Right Mr. Kelly? This is a city wide residential zoning issue. When I say issue I think Ms. Wakefield is becoming the sacrificial lamb of a change to city policy. We are opening up Pandora's not box, but boxcar in what could come down the road going forward. There are hundreds maybe thousands of these type businesses operating within the city and this is the first in 37 years we are here. Is that what you said? We are setting ourselves up for a whole new waterfall cascade of an issue.

Kelly: Again if you think about the number of people who actually operate a business from their home and the reason they get before you is because somebody filed a complaint. If you think back on how many requests for home occupations you have had in the time that you have had on the Planning Commission and how many business licenses have actually been granted during that time period, less than 1 percent of them every show up before the Planning Commission. From that standpoint as long as people generally let their neighbors know what they are doing chances are more than likely the kids that she is keeping may very well be her neighbors kids. I don't know.

Carey: Can you clarify about what you said about the City's changed policy again?

Kelly: They were faced with the idea had to make an interpretation of the zoning ordinance. Somebody came in or someone filed a complaint saying they were operating a child care facility or something illegally in their home. That was their opinion. So the City goes out and I assume talked to Ms. Wakefield and said what are you doing here. She told them she was keeping 4 kids. They go well you can't do that. After some consultation they go back among themselves and go well under the definition contained in the zoning ordinance it is not a day care center because you have got to have 6 or more kids in order to be a day care. So what is it? They came down on the fact that hey this is a home occupation. She is getting paid. She is earning a living. She is earning money doing this. So from that standpoint technically it is a home occupation. That is why they came down on that decision.

Michael Kane: I guess after listening to Ms. Woodland I am concerned that there is a lot of questions that she and some of her neighbors have about impacts and what is allowed and what is not allowed and things I am not sure Ms. Wakefield would be able to answer. It is like Ms. Wakefield would answer questions but she could answer what she plans to do but somebody would say what are the requirements. So it just goes on and on. Well I don't know how do I know you are following the requirements and whatever. It just seems to me that this thing needs City attention I certainly would recommend your city council member be there to help you in this process and maybe some of the building officials or whatever. Again Ms. Wakefield being the person that is the first one is not an amiable condition. This kind of thing would not come before us with 4 children. We see day cars all the time. We have day cars 12 kids, 16, kids, 18 kids it comes before us. Nothing like 4. It is kind of new territory. What I heard Ms. Woodland say is that you want to get more information for opposition. I would hope is that you and your neighbors would have open minds to hear what is going on and what could be allowed. What is before us and make judgment on that as opposed to saying we are against it and we are just collecting information to be against it. I certainly understand needing to understand the impact on your neighborhood. You are all neighbors and you need to give everybody a fair chance as well. That is all I would like to say.

Jeff Roth: Mr. Kelly summed it up a lot and since I have been on Commission even when we see what qualifies as a home day care we have allowed it. We have been very liberal in allowing it. I don't think we should be governing 4 children in the home. I don't think the City should be. I don't think it should be deemed a home occupation at that level. We have a level at 6

that we say is a day care but now we are going to move down to 4 because we are going to call that a home occupation. What if there is just two? I don't think postponing it solves anything. I think what she is doing doesn't affect the neighborhood. There is no signage. She is in her own home; she lives there. I just think we are having this big discussion I just don't think we should be. She seems very responsible. I just think we need to support it and we need to vote for this to be allowed and move on. I really maybe we need to do something about the codes and say that you can't bother people that have 4 children in their own home. For lack of a better more eloquent way of saying it.

Longmire: We actually have a motion that was made this year about postponing for 30 days.

Carl Cook: 328 Fallen Oak Circle. Seymour, TN. I own the parcel of property there. I have no objection as to what she is doing. She came to me and was up front in the beginning. I have had one or two previous tenants who have operated a business out of their home or operated from their home using computers in a little office downstairs. I am not 100 percent sure but I do believe this issue came up once before years ago. I think the issue then they began to question and you going to start regulating Girl Scout cookies sold from the home? Are you going to regulate school coupon books? I have to agree. I think you are opening Pandora's Box. It is no different than if somebody was renting the home and actually had 6 kids of their own. I don't see the difference.

COMMISSION ELIZABETH EASON RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

MOTION FAILED 3-10-1 (Anders, Johnson, Sharp)

MOTION (ROTH) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION SUBJECT TO CONDITIONS.

Longmire: Ms. Woodland do you have a copy of these conditions? I think this would... If you would like to come up in a minute I will give you my copy because it will tell you that the business goes with the person not with the house so you are okay with this.

MOTION CARRIED 10-3-1 (Anders, Johnson, Sharp). APPROVED.

* 33.

CANDACE S. BECKNER

Southwest side of Ridgewood Rd., south of Edonia Dr.
Proposed use: Beauty Salon in R-1 (Low Density Residential)
District. Council District 4.

1-B-14-UR

STAFF RECOMMENDATION: Approve the request of the applicant for a beauty salon as a home occupation, subject to 9 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. BERARDI ARCHITECTS** **1-C-14-UR**
Southeast side of Deadrick St., northeast of Hannah Av. Proposed use: Senior Housing in O-1 (Office, Medical, and Related Services) pending & H-1 (Historic Overlay) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for up to 78 apartment units as shown on the site plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. HATCHER-HILL PROPERTIES, LLC** **1-D-14-UR**
South side of W. Fifth Av., east side of N. Broadway Proposed use: Parking lot in C-2 (Central Business District) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for a parking lot at this location as shown on the site plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 36. 908 DEVELOPMENT** **1-E-14-UR**
North side of Forest Av., east side of S. Twenty First St. Proposed use: Parking lot in RP-3 (Planned Residential) pending District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **37. NEW TESTAMENT BAPTIST CHURCH** **1-F-14-UR**
Southeast side of Old Maynardville Pike, southwest of Thomas Weaver Rd. Proposed use: Church Cemetery in A (Agricultural) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a church cemetery at this location as shown on the site plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. RUSTY BITTLE** **1-G-14-UR**
North side of W. Gallaher Ferry Rd., north of Hickory Creek Rd. Proposed use: Detached dwellings in PR (Planned Residential) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for up to 5 detached dwellings on individual lots as shown on the site plan subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **39. HORNE PROPERTIES, INC.**

1-H-14-UR

North side of Kingston Pike, east of N. Cedar Bluff Rd.
Proposed use: Retail Shops in PC-1 (Retail and Office Park)
District. Council District 2.

STAFF RECOMMENDATION: Approve the request for retail shops containing approximately 12,600 square feet of floor area as shown on the development plan, subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

40. OPTIMA TOWERS IV, LLC KEITH POWELL

1-I-14-UR

Northwest side of Bullrun Valley Dr., west of Heiskell Rd.
Proposed use: 270' lattice commercial telecommunications
tower in A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request for a 270' lattice commercial telecommunications tower in the A (Agricultural) zoning district subject to 6 conditions.

Arthur Seymour, Jr., 550 West Main Avenue, Knoxville, TN. I here with Mr. Powell who manages Optima Towers. As set forth in the staff report you all have this is an applicant to build a 270 foot lattice tower to handle telecommunications carriers. Right now AT&T is going on this tower. It was recommended for approval with 5 towers, excuse me, with 5 antenna arrays. There is a recommendation from Larry Perry that it accommodate up to 7 telecommunications arrays and Mr. Powell advises me that this tower can handle up to 7 perhaps even one more depending on who the users are. The tower is in the middle of a 40 acre tract of property in the Heiskell community. To get there you go out to Raccoon Valley Road on I-75. Take a left on Raccoon Valley Road and you ultimately get down to Bullrun Valley Drive where it is located. It is over 700 feet from the nearest house other than the landlord's house and he has no objection to the tower being there. It is on the south side and I think it is Copper Ridge which is the last ridge going out of Knox County into Anderson County. If I am wrong on that somebody please correct me. The elevation of the tower based upon its base and its 270 foot height will be 1246 feet above seal level. The ridgeline there is 1296 feet so it will be slightly below the ridgeline which is to the north. The tower meets all the requirements of the ordinance, all the requirements of State law. Telecommunications towers are heavily regulated and protected also. It also meets the

requirements of the Federal Telecommunications Act. We would ask its approval subject to the conditions set forth herein. It is well away from any residences as I mentioned. It is visible only from the south looking north towards Copper Ridge if I am right if that is Copper Ridge. I would like to reserve the rest of my time. I do not know the basis of the opposition.

Longmire: Thank you. Before you sit down Mr. Seymour, Mr. Perry, we have a letter of recommendation from Mr. Perry is that correct?

Seymour: That is correct. He evaluates under contract with MPC all applications for telecommunications towers.

Fred Human, 124 Water Drive. What he said you won't be able to see it from the north it is according to where you are at the ridge. There is a valley cuts up through there where Heiskell goes. I own ten and one half acres right at the base of the ridge on the other side I bought 33 years ago and built a rustic log house. He tells me that I probably won't see nothing but the light flashing. I do not want to pull in a log house driveway and see a tower over my house. This was not informed to anybody in Heiskell until Tuesday when I got the card in the mail. We have a community center which meets every Saturday; this Saturday at 10:00. Nobody has ever brought it to the board to talk about. If they had the variance sign on it Bull Run Valley Drive is a small non-traveled road. This tower is not like a subdivision where it only affects the houses right around it; it affects the people that see it from distance. I have got two other neighbors that I have talked to that is with me. They knew nothing about it until I told them about my card. I think that it has been railroaded in. Nobody knew nothing about it. If they did have the variance, the variance sign should have been other places where other people could have seen it besides the people on Bullrun Drive because it is visible from the north side and I think it will be visible from the north side. It is according to where you are. Jim Kirk lives on the hill on the south side and we know he will be able to see it because he is probably roughly 200 or 300 feet above me on the ridge. We would like to either see it postponed and let them bring it to the board and let us find out how high it is really going to be and how much it is going to be seen over the ridge or deny completely is what I would really like to see. You know if you buy 30 or 10 acres 30 years ago to build a rustic house and they stick a tower on the ridge behind you. That is all I have to say.

Longmire: Mr. Human I have a question for you and Mr. Kirk. Do you have a cell phone?

Human: Yes. You asked if I have a cell phone, yes. I know you can't stand in the way of progress, but all you just figure if you bought property 10 or 30 years ago 10 acres to get in the

middle of it and build a rustic house and would you all want to drive in your driveway and look at a cell tower?

Longmire: I can see three cell towers from my house.

Human: I can see two from my house too, but they are long distance.

Longmire: Well progress is hard sometimes.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

Longmire: I would say please be aware there is a government mandate that everybody has to have an access. Because we live in a land of hills and valleys we are unfortunately subject to more cell towers than perhaps Kansas that has one every 2,000 feet.

(This case was moved on the agenda earlier in the meeting. See item 27 for amendment to the agenda)

27. CHASE-SMITH DEVELOPMENT

Southeast side Deane Hill Dr., northeast side Winchester Dr., Council District 2.

a. West City Sector Plan Amendment

From LDR (Low Density Residential) to HDR (High Density Residential).

1-G-14-SP

STAFF RECOMMENDATION: DENY HDR (High Density Residential)

Wayne Kline: I am sorry I was late.

Arthur Seymour Jr., 550 West Main Avenue, here on behalf of the applicant Chase-Smith. We are not requesting today HDR. We are requesting medium density residential at up to 10 units per acre. The purpose of this development and would you all hand out the initial concept is to combine lots owned by Mr. Chase and Mr. Smith into one lot and building 50 apartments or condominiums at the intersection of Winchester and Deane Hill Drive. The process is complicated and was explained at the... the reason we are back here is complicated Mr. Chase and Mr. Smith own these lots together or adjoining one another for a period of time. Mr. Smith initially applied to do a development not realizing that Mr. Chase still owned the lot next to him. After he got into the process he found that Mike Chase still owned the lot immediately to the east. Mr. Smith was postponed at City Council beyond the 120 days. The matter was withdrawn. We are back here with one zoning application. The layout is as you see before you. We respectfully submit and respectfully disagree with MPC staff which says the amendment to the plan would be a spot

amending or spot zoning. This area is becoming much denser. It is very close to the largest shopping mall in east Tennessee, West Town Mall. Probably a quarter of a mile away at best. There is a development of new apartments at within 1200 feet of this project which is being developed at a very high density. I cannot tell you the exact density but it is on property that is zoned for up to 19 units per acre. There is good infrastructure. Morrell Road is a four-lane road with a turn lane in the median and can handle high volumes of traffic. This property has easy access to interstate 40 via Morrell Road. The applicant if this can be approved proposes to put a sidewalk of 1200 going west from him property along Deane Hill Drive so his residents will have pedestrian access to the Deane Hill Shopping Center. I suggest there have been significant changes in the development patterns in this area which warrant the changes in the sector plan and which warrant a zoning of 10 units per acre. As you will see from the plan there will be an elimination of two driveways along Deane Hill Drive with one access to the development from Winchester Road. There have been complaints about safety on Deane Hill Drive. I am not sure what the accident statistics show but it can handle a very high volume of traffic. We think the change in the plan is certainly warranted at this time and a change in the zoning and would ask that this be approved. Thank you. I would like to reserve my 50 seconds.

Wayne Kline: 617 Main Street, Hodges, Daugherty and Carson here in Knoxville. I am the spokesperson for the opposition to these three items requested. I represent Wellesley Park Homeowners Association, Cherokee Place Homeowners Association, Glen Ives Homeowners Association, the Deane Hill Homeowners Association and the folks that live on Deane Hill that abut this property so it is a significant number of people. Of course these people bought and invested in their houses based upon the applicable sector plans. You have heard this argument before and other situations. The question I think becomes where is the domino effect and where do you stop this kind of domino effect when it starts intruding into areas particularly this area. It is I think a classic illustration of a spot zoning. The questions with regard to a sector plan amendment require changes of conditions. The question becomes where have these conditions changed. Well yes you do have access on Morrell Road. This is not Morrell Road. This is Gleason Road that we are talking about. The corner of Morrell Road and Lockett Road there is a huge new development down there but that has alternate access to Gleason Drive. This particular application doesn't have any alternate access. It comes out on Deane Hill. It is surrounded by residential and the City sector plan says low density residential for this area. Once again I am before you talking about people who have invested their lives in their houses who expect to be able to rely on planning requirements and those are requirements. The City sector plan is not just a recommendation, but something that we are all relying on you to follow. It says

low density residential development at, at this point, less than 6 dwelling units per acres or 5.99 dwelling units per acre. So the recommendation by our staff is an appropriate recommendation based upon those sector plan and growth plan requirements. There have been no known improvements made in the vicinity of this site. So what is the vicinity? If you listen to Mr. Seymour the vicinity includes West Town Mall and the corner of Morrell and Lockett where this other huge apartment complex is going. That's not this vicinity. This vicinity is all the folks that I represent that are going to be affected by this. They are going to have their property values lowered and they are going to see high density residential in an area that they have traditionally and since the early 80's has been low density residential. There is no obvious or significant error or omission in the plan. There is no change in government policy such as a decision to concentrate development in certain areas. There is no trend in development for this vicinity. So there shouldn't be a sector plan change. What we are asking is that you ask City Council to deny all three of the requests for a sector plan amendment, the one year plan amendment and for rezoning. But the rezoning if you make a recommendation should be 5.99 dwelling units per acre; low density residential. We are the folks that I represent are in favor of the higher of that spectrum which would be 5.99 dwelling units per acre. I would like to reserve the remainder of my time thank you.

Seymour: The argument is drawn. The opposition supports 31 units for this development based on the recorded acreage. The applicant is requesting 50 units so we are down to about 19 units is the difference here. The reason for the request for the 50 units versus the 31 units is frankly you can do a better job if you have a little more density in here. You can spend more on amenities: a pool, walking trail, etc. You can build a sidewalk from this site up to the access point to the Deane Hill Shopping Center. Without the requisite density you are basically doing a traditional small apartment building. That is where we are. Mr. Smith has done I don't know how many houses.

Longmire: You time Mr. Seymour. Alright do you have anything else you want to say Mr. Kline?

Kline: Just in response to what he was just talking about. If you are development oriented if you are not going to follow the plans and you are not going to plan and develop Knox County we all shouldn't be here; you shouldn't be here; MPC staff shouldn't be here; nobody should be here. We should just have anarchy really. The point is don't vote for high density just because Mr. Seymour comes in says hey we can do a better development. A developer should be doing a good development period. No matter if it is 5.99 dwelling units per acre or 25.9. Thank you very much.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE MEDIUM DENSITY RESIDENTIAL SECTOR PLAN DESIGNATION.

Bart Carey: I am not sure how long ago we listed to this before and I don't know that I heard anything different except for the addition of the sidewalk from the proposed development to the Deane Hill shopping center access. I think the entrance was still... this plan seems to be the same as what we approved a few months ago. Is that right? I think what we talked about then is the difference in... that was the second time we looked at at least half of this property. The last time we looked at this thing was that plan and the additions were the pool, the pavilion, the walking trails, more buffering and now what I am hearing is an additional sidewalk to a retail space. This is the same thing plus... it is in excess of the low density. There is no question. It was before when we voted on it and I don't see anything has changed other than this.

Longmire: Because it is a sector plan designation we do have to have a reason like a change of conditions for amending the sector plan.

Carey: What was our reason last time?

Longmire: One thing we could do would be to talk about the change in densities in some of the surrounding.

Donaldson: I believe the action when this last came through there was discussion about the proximity of this tract of land to the higher density development that is occurring further down Deane Hill closer to the Morrell Road intersection and that was close enough to warrant a change to MDR. Staff recommendation was the same last time.

Carey: How old is the West City Sector Plan?

Donaldson: It was updated in probably 2006 or so.

Carey: We have approved some of these higher density developments since then. Is that the bottom line?

Donaldson: I believe the complex at the intersection of Morrell and Deane Hill was designated in the plan for those types of densities.

Brusseau: I believe that was master planned and that density was planned all along in that area when the golf course went out of existence.

Michael Kane: This isn't really about the sector plan designation but Mr. Seymour mentioned the sidewalk along Deane Hill. I

don't have a revised concept plan. All I have got is this. When we go to vote for the concept plan how do I know if the sidewalk is included or not. Is that in any paper that the developer has submitted.

Donaldson: We are approving the base, the zone district at this point. If it turns out to be a planned zone district it will come back to us for...

Kane: For what they are proposing at that time. Gotcha.

MOTION CARRIED 10-4 (Kane, Goodwin, Eason, Longmire). MDR APPROVED.

b. One Year Plan Amendment

1-E-14-PA

From LDR (Low Density Residential) to HDR (High Density Residential).

STAFF RECOMMENDATION: DENY HDR (High Density Residential)

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE MDR ONE YEAR PLAN DESIGNATION. MOTION CARRIED 10-F (KANE, GOODWIN, EASON, LONGMIRE). MDR APPROVED.

c. Rezoning

1-E-14-RZ

From R-1 (Low Density Residential) to RP-2 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) zoning at a density of 5.99 du/ac.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE RP-1 (PLANNED RESIDENTIAL) AT A DENSITY OF 10 DU/AC. MOTION CARRIED 11-3 (Kane, Keaston, Goodwin). APPROVED RP-1 AT 10 DU/AC.

* **41. GEORGE EWART**

1-J-14-UR

South side of Parkwest Bv., west of N. Cedar Bluff Rd. Proposed use: Ground sign in PC (Planned Commercial) District. Commission District 3.

STAFF RECOMMENDATION: Approve the request for a 38 square foot monument sign as shown on the site plan subject to one condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 42. AT&T WIRELESS

1-L-14-UR

Southeast side of Babelay Rd., east of Harris Rd. Proposed use: 195' monopole commercial telecommunications tower in A (Agricultural) District. Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 43. AT&T WIRELESS

1-M-14-UR

East side of Cash Rd., north side of Asheville Hwy. Proposed use: 230' lattice commercial telecommunications tower in A (Agricultural) District. Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

None

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:54 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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