



Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
365 • 215 • 250 C  
FAX • 215 • 206 E  
www.knoxmpc.org

# Minutes

## July 14, 2011

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

The Metropolitan Planning Commission met in regular session on July 14, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

- |                          |   |                                  |
|--------------------------|---|----------------------------------|
| Mr. Robert Anders, Chair |   | Mr. Michael Kane                 |
| Ms. Ursula Bailey        | A | Mr. Nate Kelly                   |
| Mr. Bart Carey           |   | Mr. Robert Lobetti               |
| Ms. Laura Cole           |   | Ms. Rebecca Longmire, Vice Chair |
| Mr. Art Clancy           |   | Mr. Brian Pierce                 |
| Ms. Rachel Craig         |   | Mr. Jack Sharp                   |
| Mr. George Ewart         |   | Mr. Wes Stowers                  |
| * ** Mr. Stan 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 JULY 14, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

\* **3. APPROVAL OF JUNE 9, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE AUGUST 11, 2011 MPC MEETING. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.**

Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**

<u>METROPOLITAN PLANNING COMMISSION</u>	8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	
<u>WILSON RITCHIE</u>	3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	
<u>METROPOLITAN PLANNING COMMISSION</u>	6-A-10-SAP
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>METROPOLITAN PLANNING COMMISSION</u>	7-C-10-SP
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES &amp; CONSTRUCTION</u>	
a. Concept Subdivision Plan Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	1-SG-08-C
b. Use On Review Proposed use: Attached residential subdivision in PR (Planned Residential) District.	1-J-08-UR
<u>WILLOW FORK - GRAHAM CORPORATION</u>	
a. Concept Subdivision Plan Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.	11-SJ-08-C
b. Use On Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.	11-H-08-UR
<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>	
a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.	4-SC-09-C
b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.	4-D-09-UR
<u>TIPPIT VILLAGE - SITES TO SEE, INC.</u>	
a. Concept Subdivision Plan	9-SA-10-C

Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.

b. Use On Review 9-E-10-UR  
 Proposed use: Detached dwellings in PR (Planned Residential) District.

LONGMIRE SUBDIVISION 1-SA-11-C  
 West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F  
 South side of Kingston Pike, south of Walker Springs, Council District 2.

LECONTE VISTA 11-SP-08-F  
 Kelly Lane near intersection of Kodak Road, Commission District 8.

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

THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC. 6-SA-11-F  
 At the intersection of Shipetown Rd and Mitchell Rd, Commission District 8.

**U** **OLIVER A. SMITH**  
 Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.  
**a. Southwest County Sector Plan Amendment** **6-H-06-SP**  
 From LDR (Low Density Residential) to O (Office).

**U** **b. Rezoning** **6-S-06-RZ**  
 From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

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

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

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE 8-O-08-RZ  
 Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District.

JAMES L. MCCLAIN

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

a. Northwest County Sector Plan Amendment 9-A-09-SP  
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

b. Rezoning 9-A-09-RZ  
From A (Agricultural) to CB (Business and Manufacturing).

**U**      **CLAYTON BANK & TRUST** **3-B-10-RZ**

Northwest side McIntyre Rd., northeast of Buffat Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

**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).

**LISA HOSKINS** 4-F-08-UR

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

**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 (EWART) WERE MADE TO UNTABLE 3-B-10-RZ CLAYTON BANK & TRUST, OLIVER A. SMITH 6-H-06-SP & 6-S-06-RZ, AND PROPERTIES DIVERSIFIED, INC. 8-B-08-SP & 8-E-08-RZ. MOTION CARRIED 13-0. ITEMS UNTABLED.**

**CONSENT ITEMS**

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

COMMISSIONERS GEORGE EWART AND BRIAN PIERCE RECUSED FROM VOTING ON THE CONSENT LIST.

Robert G. Pascal Jr. request item 34 be removed from consent.

**MOTION (CLANCY) AND SECOND (CAREY) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM 34. MOTION CARRIED 11-0-2.**



talked to have been very supportive of it. The association I am speaking of Terry Faulkner is here with the Bearden Council. They represent about five neighborhood associations. We have a letter from them for support for the project. Back in 2004 the university worked with the city on the greenways that exist down there now. Not only for the greenways but sidewalks and so forth to access that greenway as we do with all greenways throughout Knox County and across the state for that matter. I am open to entertain any questions.

David Williams, 505 Hollywood Drive. President of Pond Gap Neighborhood Association. Mann Street as well as the Sutherland Golf Range Apartments are in the Pond Gap Community. The Bearden Council does not represent us. The leadership knows that. We oppose the closure of Mann Street for historic and cultural reasons. If you look at your packet that I prepared several months ago before all the postponements came about, we have a letter from Knox County Major Burchett explaining the importance of Mann Street. This road goes back to 1923. In the 40's and 50's some of the residents on this street as well as four streets that were taken when the Sutherland apartments were built has black and white baseball players that played together at corner of Mann Street and Sutherland. Black and white people got together, played ball together. Some teams were mixed; some were all black and all white. As the students from UT travel from the campus over here to play their sports, I think this would be a wonderful example for the students as they drive down Mann Street to realize we are all God's children. There is something about sports that brings us together. The university, we had one meeting back in March of 2009 to discuss the project. Of course UT told us all the reasons for the closure and everything. We accept that. We enjoyed having the apartments there. We love to have the UT students. We do not necessarily object to the sports fields, but we need to keep Mann Street. I had contacted Mr. Stivers as soon as I got this application and he referred me to another gentleman. I have since tried to get hold of the President and chancellor to discuss this. This is so important that we realize about this legacy. In fact last year you might have read in the Sentinel they had some race problems on campus. I think this would go a long way to alleviate or reduce those. Like I said this is the Pond Gap community. I was born and raised there. My great grandparents came at the turn of the 20<sup>th</sup> century, early 1900's. This means a lot to us. We have tried to tell everybody concerned about the Pond Gap community and what we are trying to do to preserve our history. We have a marker explaining that the airport was once there. But it is gone. A circus used to put their big top up. We plan on a marker for that. That is gone. The drive in used to be over where the Earth Fair is. That is gone. Please allow us an actually physically remnant of part of our history. I am sure with the smart architects that the university has, that they could fit these fields around Mann Street or at least keep part of it. We have a gentleman right here, Mr. Ewart, a great architect and the likes of a fellow that built a house around a

waterfall. So I think we can build a sports field around a street. I am willing to sit down and discuss with the university. They talked to all these other groups. What bothers me, this complex if you go north east or west you are still in the Pond Gap Community. Now if you go across the railroad tracks south you run into the Sequoyah Gardens community and the Western Plaza shops. These other neighborhood groups, what relevance do we have. By the way the Bearden Council went along with Sequoyah Hills who opposed this facility on the old dairy farm sit on Alcoa Highway. They have not listened to us. That is unfortunate. This is why we had to form a neighborhood association about ten years ago. In Bearden a lot of the communities have their own neighborhood association. I will be willing to discuss this with anyone from UT or rebut anything I had to say.

COMMISSIONER STAN JOHNSON ARRIVED TO THE MEETING AT THIS TIME.

Michael Kane: I got the impression Mr. Williams that the University of Tennessee did not include you in all these meetings, your neighborhood association in all these meetings.

Williams: No sir. I have been in contact with Dr. Stoner. Up until last August he was very gracious and notified us in advance of any public release of information going way back when they announced they would close the apartment. But starting in September, our neighborhood was not informed of the ceremony of the ground breaking. I happened to learn about it second hand. I let that go by. Mr. Stoner said by committee, so I understand that. We were not notified in advance of the Mann Street closure. We just saw the sign all the sudden pop up. Of course we had a feeling that was probably coming.

Kane: In terms of Mann Street itself, is it the name itself or is there significance to the name Mann or is it just the fact that the street is there and you want to maintain the street?

Williams: John L. Mann was the man that built Atlantic Ice Company. This goes back to 1923. We actually on the handout we have a map that Mr. Padgett from the Register of Deeds provided us and this also included four side streets. This is the last physical remnant that is left. The people that live there, the houses are gone and so forth. That I think would make a good entry way to the complex. We certainly do not want the entry way to be opposite Holly, we get enough cut through traffic now, nor opposite Jade Street. So they have to have a road going somewhere.

Kane: Have you talked with the university about some other kind of physical marker besides this street that may be appropriate to recognize the historical significance?

Wallace: Due do currently have a marker that explains why golf range apartments were named that, and we have a brief discretion

of the amateur baseball games that were played. We would like to put up a marker to list some of the ball players. The old Bearden Tigers who played there.

Kane: Again I am just saying in lieu of the street have you considered or have you had discussions with the university.

Wallace: We have not. In fact I sent some correspondence to the head architect at Barge, Waggoner and Cannon. We he turned this over to Dr. Stoner and basically Dr. Stoner said the architects are busy don't bother them. But I explained to him in the correspondence about Mann Street and could we at least keep part of it. If they can show me where the entrance would be and it wouldn't affect Hollywood and Jade Street and maybe if we keep part of Mann Street and angle whichever direction that is an option. But I need to talk to these people.

Kane: Mr. Stivers, will you come up please. Can you explain maybe what I got the impression is again the Pond Gap Community really has not been much involved in this and whether or not the university has considered other alternatives besides. Have you been aware of their opposition to the closure of the street? What have you done in terms of discussions?

Stivers: Mr. Williams as representative of Pond Gap Community has been engaged in conversations. There has been several email exchanges, letter exchanges updating as the project has progressed along throughout its stages. In addition to his phone calls have been returned by our vice chancellor of finance and operations of the campus, he has been given as has been very public for anybody to look at the scope of the development and so forth. He has as he has indicated been in contact with Barge, Waggoner who are here today to answer any technical questions that you may have. But there has been a lot of outreach, particularly to Mr. Williams on the project. Yes sir there has been.

Kane: In terms of specifically his concern that there is loss of some historical significance, has the university tried to think of ways to essentially in lieu of maintaining the street provide some kind of opportunity that the community can have a marker there, in terms, I am not talking a physical marker, I am just saying the generic term of marker in terms of saying hey maybe something in the naming of the fields, I don't know. There are possibilities out there. Is that something the university has considered and would like to do?

Stivers: Absolutely. We have made several concessions along the way with various aspects that people have spoke about. There is a rock garden down there on city and university property that we are willing to relocate with respect to the street itself. Obviously it won't be open to a right-of-way any longer or a market as long it is not cost prohibitive is something definitely we would want to entertain as well there too. We have done all kinds of different analytical



studies to determine how best to situation these fields to maximize the propriety to get the most out of the play fields and so forth. And along those lines, we have gotten as much community input as we can and certainly tried to address as many of those concerns as...

Kane: From my perspective it seems to me that there, having not gone through the communications, but there just doesn't seem to me that there has been specific discussions on alternatives of how to address the community's concern to loss of something significant in terms of recognition of the history of the place. Again is that something that the university is committed to doing with the community?

Stivers: Absolutely. Be mindful that early on the property was an air strip that was in there. Then it was play fields and then the university developed its housing on it. And now we are returning it back to play fields. We don't feel like that... A marker would be fine. We don't feel like we are in any way distorting the historical significance of the area.

Kane: I am not suggesting that. What I am suggesting is that there, at least this neighborhood association as represented by Mr. Williams indicates that the street itself has some vestiges of history to it that is tied very closely to the community. For them to lose that is important. Again to have something in its place, seems to me that the university would want to do that as a good neighbor.

Stivers: And we do. A marker has never been suggested. It has always been opposition to the closure itself. If I may asked Dr. Stoner to come up who has been engaged first hand with the neighborhood groups and what we have done as far as concessions with the project to preserve some of that history there.

Ken Stoner, 3008 Ginbrook Lane. We do, we have taken all these things into consideration. In fact the questions that Mr. Williams has raised we feel like we have addressed. Mann Street itself although it will be formally closed would still remain one of those permeable surfaces. I don't have the correct architectural name. That would provide access for emergency vehicles. The actual, even though there might be play fields over it, you can't have a designated street there we are keeping that passageway open down to where the existing Mann Street is. At the corner of where Mann Street is we have designed a garden or a specific place where, although the markers or anything like that have not been designed, we have that capability incorporated into that. The fact that we maintained access to the greenways and improved the greenways all the way around. We improved the lighting all the way around that. We provided public parking. I think we have taking all this public input very seriously. I don't know exactly what is part of your packet, happen to have three extra copies that I had. This is actually the packets we put together when were visiting with people and sharing information about the playfields. I think the playfields actually were drawn and

appeared in a sketch earlier that appeared in the Knoxville News Sentinel to try to keep the public informed. I think we have done a very good job of keeping the neighborhoods and the public informed. I would be happy to share these or leave them with the Commission. We have met with all the neighborhoods. I understand that Mr. Williams and his neighborhood that he represents is opposed to that. But I think we have taken all the neighborhoods and all the info we received into our consideration and design very excellent and kept the public informed all the way along the way including the Pond Gap neighborhood. I do have a copy of the correspondence including my answer that I ever received from Mr. Williams. I also have a copy of the alerts or updates that I sent him announcing when demolition or other activities or bids would start. I think that we have been good neighbors in that extent, to that extent of responding to every communication we received, every piece of information keeping the community informed about this project. Thank you.

Rachel Craig: I am not sure who I should ask this question. I have one for staff and I have one for either Mr. Stivers or Dr. Stoner. I am looking at the letter of understanding you have with the city. The first point says you agree to relocate or maintain the rock garden. Does relocating it means relocating it somewhere on that site?

Stoner: Right now the rock garden happens to fall like 10 feet on the university side and 30 feet or something on the city side. Because of the fencing and the way the right-of-ways would be maintained, we agreed to move that rock garden about 15 feet or 20 feet to just kind of moving the location to get it on the correct side of the fence. Yes it stays. It is just being relocated in place. There is another piece of the rock garden in a different place and it is not affected at all. Because of the fencing and the way the right-of-ways came together, that was the piece we agreed to move.

Craig: Okay. I just wanted to be sure that relocation was on that site and not half way across town or something.

Stoner: It is just a few feet. It is just to get it so the fencing works right.

Craig: Mr. Donaldson is there any need for us to have a condition that references the letter of undertaking between the university and city?

Mark Donaldson: Technically, no you are making a recommendation to the city council with regard to the closure. That letter will be in their packet and the city administration was a cosigner of that letter. I think because it is in the packet it will ride along with the recommendation.

Art Clancy: Mr. Stivers how much did you say, how much money are you all putting into this place.

Stivers: The project cost is \$14.5 million.

Clancy: That kind of budget and the historical significant of the site, asphalt is asphalt. To me the road is inconsequential. To me I think the university if they look at their budgets should really take into consideration and put in the forefront, like Michael said, the historical value of the property. I know you are returning it to playfields, but there is quite a bit of history there and the people in the community are interested in it. The people in Knox County community are kind of interested in preserving our historical heritage. If you could look really hard at putting some kind of monument that probably would go a long way into easing the neighborhoods complaints. I know they are focused on the road, but again asphalt is asphalt. The road is a road. I think it is a good idea, I think this is going to be an asset to the community.

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

Clancy: I would leave the condition in. No it doesn't need to be a condition. I just think the university needs to put that in the forefront. I think that is a critical part of this plan to make it work and make it an asset to the community just as much as making sure the grass stays green and the garbage cans are there if that needs to be part of your plan. Ask the neighborhood for help in designing. \$14 million dollars, it can't be that expensive to construct some type of marker or monument or just a flow bed that says this is where the first air trip was.

Bart Carey: Looking through the packet under this item seven, on page 10 there is a diagram that looks, doesn't show really an overlay, but is the hatched line that basically runs between the garden and maybe a center median, is that the actual location of Mann Street? Stivers answer that is correct. Carey: That will be maintained I assumed all the way through the other side of that walkway too. That will be maintained as a right of way for emergency vehicles and that will be where the pavers are. Is that right?.

Stoner: That will be where the permeable pavers are. It won't be a right-of-way because everything will be removed from that. It won't be an easement or anything like that. It is part of the project and we will be required to maintain that so service and emergency vehicles could get to the fields.

Carey: It would appear to look then somewhat like a road or a street for a short section at least.

Stoner: Yes, sir. You will notice at the top of what you are talking about there that entrance area there is Mann Street and we have left a space there to design in something along the lines that you are

talking about whether it be some sort of historical marker or reference. The entrance to the property will be where Mann Street is right now. That remains the entrance to the property. That is what accesses the parking over here to the right on the drawing.

Carey: I would think that on either end of that hatched line where one of those arrows meets that, meets the curb there would be a wonderful place to have some kind of monument that would memorialize that or recognize that. That was my question is that actually... okay.

George Ewart: I think this is a great thing. It is the circle of life. I hope it does not go back to an airport sometime. I think it is great for the community and I think the community will benefit from this. We are talking about a monument and I would like to just get you on record committing to something like that if you don't mind.

Stivers: Absolutely. Monument being a plaque or some kind of a designation that recognizes the history, which we very much embrace. Absolutely.

Stan Johnson: Mr. Williams, do you think that would satisfy the community's needs.

Williams: First I would like to say that this article that was in the Sentinel, Dr. Stoner told me that was not going to be the design. That was something they just put together for the news paper article. I asked well why didn't you take a picture of the groundbreaking ceremony. The map and information they are talking about, they never gave us a copy of that. Granted when I called with questions and email, they responded quickly. But like I said since last September we have had to initiate all the contact. We were not told anything about the demolition until I emailed. It is interesting the date on this application in April. A lot of these things were said ought to have been brought up when I emailed later that month. They were not brought up. If they would go on record if they want to do a marker and keep part of Mann Street and if we can get a good discussion on that and if we choose who we want. We are not talking about spending \$10,000. \$1500 or 2000 if you look at our marker at Knoxville Drive In. That was \$1500. If we allow our sign maker, Fred Johnson, to do it, I think we can come to some kind of compromise on that. I am anxious to see how much area we are going to be given on this. If you are going to keep an actual surface there, why can't we just call it Mann Street? Have an honorary name. If vehicles are going to use it, what I am concerned about is the protection aspect. If this is a city street, that might afford us some protection. You don't know down the road if UT comes in and says we are out of money we can't maintain this we are going to tear everything up. On one hand they are talking about cutting classes and then the next day \$130 million for new student center, \$2 million we are going to contribute to the Sorority Village and who knows how many barbeques the president is going to buy

and so forth. I wish Mr. Stivers had talked to me when I called him up and not referred it to another vice president. That makes the community feel bad that we are pushed off on the back burner. It is just like our attempts to talk to President DePetro. I know I am windy and run on. But if we can, I think we might reach a compromise on this. If I can just show how much of the road they want to keep and if they can guarantee they will maintain it and if we get our sign maker to make a sign; I think we can be in agreement on that.

**MOTION CARRIED 13-1 (SHARP) APPROVED.**

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

- P 8. FOX CREEK, PHASE II - S & E PROPERTIES** **7-SA-11-C**  
**a. Concept Subdivision Plan**  
West end of Fox Cove Rd., west of Fox Rd., north of Tan Rara Dr.,  
Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. USE ON REVIEW** **7-C-11-UR**  
Proposed use: Detached residential subdivision in RP-1 (Planned  
Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Final Subdivisions:**

- W 9. HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18** **8-SB-08-F**  
South side of Woodlawn Pike, east of Southwood Dr, Council District  
1.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W 10. HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4** **11-SO-08-F**  
South side of Hardin Valley Rd. between Schaeffer and Iron Gate,  
Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W 11. HART PROPERTY** **12-SH-08-F**

East side of S. Molly Bright Rd, south side of Asheville Hwy.,  
Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W 12. WYRICK PROPERTY** **8-SC-09-F**  
East side of Tazewell Pike, north of E. Emory Rd, Commission  
District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- \* **13. TAYLOR'S LAND** **7-SA-11-F**  
At the intersection of Tipton Station Rd and Neubert Springs Rd to  
the south, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **14. TOMMY JOHNSON RESUBDIVISION** **7-SB-11-F**  
South side of Brown Gap Rd at Bakersfield Way, Commission District  
7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **15. FAIRVIEW JNO L. MOSES ADDITION RESUBDIVISION OF  
LOTS 122 & 124** **7-SC-11-F**  
Southwest side of Boyd St, southeast of Moses Ave., Council District  
6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 16. DARRELL & KAREN LEACH PROPERTY RESUBDIVISION OF  
LOT 1** **7-SD-11-F**  
West side of Childress Rd, off Scenic Meadow Way, a private JPE,  
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **17. NEW PROSPECT CEMETERY** **7-SE-11-F**  
At the intersection of Sevierville Pike and Prospect Rd, Council  
District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. RESUBDIVISION OF GORDON CARROLL LOT 3** **7-SF-11-F**

North side of Nichols Quarry Ln, east of Bays Mountain Rd,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **19. MYERS AND NEASE PROPERTY** **7-SG-11-F**  
North side of Strong Rd, southeast of Old Rutledge Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **20. SWAN AND MABRY ADDITION RESUBDIVISION OF LOTS 23-24** **7-SH-11-F**  
Northeast side of Market Square, north of Union Ave., Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **21. MAPLEHURST PROPERTIES, LLC** **7-SI-11-F**  
South side of Maplehurst Court, northwest of Neyland Dr., Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **22. FOREST PARK ADDITION RESUBDIVISION OF LOTS 56-57** **7-SJ-11-F**  
East side of Midway St, north of Dinwiddie St., Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **23. KEENERS HEIGHTS RESUBDIVISION OF PART OF LOTS 47 & 48** **7-SK-11-F**  
South side of Papermill Rd, west of Weisgarber, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **24. SHIRLEY B & LORNE DUNLAP PROPERTY** **7-SL-11-F**  
East side of Kennedy Rd, north of Thorn Grove Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. BUDDY DANIELS PROPERTY** **7-SM-11-F**  
North side of Tell Mynatt Rd, west of Bell Rd, Commission District 8.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **26. RESUBDIVISION OF THE JUSTICE PROPERTY LOTS 1-3** **7-SN-11-F**  
East side of Foust Hollow Rd at Daniels Rd intersection, Commission District 8.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **27. MILLER & WEBB ADDITION RESUBDIVISION OF LOTS 2R1 & 4R** **7-SO-11-F**  
At the intersection of Lyons View Pike and Arrowhead Trail, Council District 2.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **28. KNOX COUNTY STATE STREET PROPERTY LOT 32R** **7-SP-11-F**  
Intersection of State St. and Union Ave., Council District 6.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Rezoning and Plan Amendment/Rezoning:**

- 29. PSC METALS, INC.**  
Northeast side Cogdill Rd., southeast of Starkey Ln., Commission District 6.  
**a. Northwest County Sector Plan Amendment** **6-A-11-SP**  
From LI (Light Industrial) to HI (Heavy Industrial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #6-A-11-SP, amending the Northwest County Sector Plan to HI (Heavy Industrial) and recommend that Knox County Commission also adopt the sector plan amendment

CHAIR ROBERT ANDERS RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM. VICE CHAIR REBECCA LONGMIRE CHAIRED THE MEETING FOR THIS CASE.



(Rusty Baksa handed out materials during the introduction.)

Arthur Seymour, Jr., on behalf of the applicant. 550 W Main Street

Longmire: I would like to remind you that each party has five minutes so if there is more than one group in opposition, please remember that you need to divide that time. Is there any opposition?

Frederick Brabson, Senior Pastor of New Covenant Baptist Church  
Donald White, I am a property owner on Starkey Lane which abuts this property and I am in opposition to it.

Gary West, I also own property on Starkey Lane that backs up to the planned.

John King, I will be speaking on this matter and will make it very brief.

Greg Williams, own property on Starkey Lane also.

Arthur Seymour, Jr., I am here on behalf of the applicant. Also here with me is Gray Rittenhouse with PSC Metals, Rusty Baksa who is our engineer and Vance Link who represents the Julian Link family which owns the property. This is an application of PSC Metals to rezone property on Cogdill Road for a metal collection yard. Let me explain who PSC is. They are a national company basically in the recycle metal business with a large presence in Knoxville. They recycle shred metal, both ferrous and non ferrous. It has its major facility on National Drive where it recently opened a new crusher and closed one on Central Avenue, National Drive being in the Forks of the River. It seeks to use this property to collect metals- cans, aluminum, steel, etc. which it would then transport to the Forks of the River for processing. There would be no shredding or stamping there. There would simply be a collection point for metals for contractors and other people to bring in. The zoning ordinance of Knox County requires that this activity take place in an industrial zone. The present operation, there is a metals collection facility on the site, is operated by Metal Solutions LLC and they operate on about 4.7 acres and that is what PSC is seeking to acquire by lease from the Julian Link family. If approved today, and I might add there are three other approvals that PSC must obtain before it can do this, it will acquire the business of Metal Solutions and operate a collection yard here. It will make changes to what is going on at the present site. Attached to your staff report is a draft plan of operations which has been submitted to the MPC staff. That will be part of any use on review if this is approved. There have been concerns about several items. One PSC is not the present operator on the site. It will only operate if it is in full compliance with all the laws local, state, and federal. If it operates the site and has approvals necessary, I might point out that PSC as a national company has a full time environmental staff that works on issues, air, pollution, water pollution, noise, etc. If it gets it approval it will ensure that the yard is screened and this will be opaque fencing around the yard. It will be landscaped and it will not be visible

except at the entrance on Cogdill Road during opening hours. There will be no fumes from PSC's operation. There will be little noise. The hours of operation will be set. They will be basically 7 to 4 o'clock, Monday through Friday and Saturday morning for a couple of hours. Material will be brought to the site by individuals and contractors. It will be placed in trailers and containers and boxes and when these are filled, it will be transported by PSC to its major facility at the Forks of the River for processing and shredding and then sold for reuse. A lot of it is used by local industries. Aluminum cans that are collected there go into the Alcoa facility where they are remade into sheet aluminum. Lot of the metals, the steel goes to AmeriSteel on Tennessee Avenue where it goes back into the smelter and comes back out and is steel again and reused. These type of yards in PSC's business ensure that metals are reused rather than going into landfills or on the side of our roads. It is a green business. As I mentioned, if MPC makes a recommendation to approve this zoning, there are three other steps PSC must go through. Longmire: Mr. Seymour you have 10 seconds. Seymour: One zoning goes to County Commission. It cannot operate without a use on review approval from this body and it must go to Tennessee Tech Corridor Development Authority for approval there. This is just the first step on the way. We ask you to approve this. I was going to ask for rebuttal for additional time, but I apparently do not have any.

Longmire: I would remind the gentlemen that are in opposition there is a total of 5 minutes for opposition which seems to me about 1 minute per person. You don't need to repeat what anyone else has said. I am going to hold you to those one minute times. Mr. King can you do one minute on anything?

John King: I seriously doubt it. I would hope that if I run over that I could get somebody to agree to grant me additional time. I am John King, P.O. Box 2425, Knoxville, TN, 37901. I represent the owners of Fountain Business Park that is the property to the south of the proposed site. I do not represent the New Covenant Church or any of the property owners who identified themselves as being an interest to it border this site on the north side. From the standpoint of my client, first of all we have had some meetings and discussion with the applicant and representatives. From the standpoint of my client, if this property is to be rezoned our preferred is that only the portion of the proposed site to be rezoned is the leased portion only. The currently application is for the entirety of the site which is about 12 acres. The leased portion is about 4.7 acres. We are saying that our preference is, if it is going to be rezoned to industrial only that portion of the proposed site that is the lease area be subject to the rezoning. Additionally if it is to be rezoned industrial, we propose we suggest and therefore request...

Longmire: Your 10 minutes is up you will need to talk to somebody else about granting you some time sir. 10 seconds is up rather. I will get this right in a minute. I mean your 1 minute is up.

King: My 1 minute is up. I can't complete this without some additional time. I ask your indulgence.

Rachel Craig: Ms. Longmire I would like to request that we grant Mr. King another minute and one-half after everybody else speaks.

Longmire: After everybody else speaks. Alright. She asked for after everybody else speaks sir.

Bart Carey: We didn't give the applicant additional time as well.

Longmire: A minute and one-half yes.

Donald White, I am a commercial real estate appraiser. My office is on Starkey Lane. We haven't been contacted by the persons involved in this rezoning request. The current operators are violating the current zoning which is a business type zoning with some light industrial. If they zone it heavy industrial the zoning states that the adjacent property will have, it would adversely affect the adjacent properties. The planning staff was incorrect in that we have at least three businesses along the south side of Starkey Lane. We have about three residences on Starkey Lane. All of these immediately abut that property. Mr. Seymour said that it would adversely, would just collecting stuff.

Longmire: Sir I am sorry. Your time is up unless we add the extra minute and 30 seconds later on. I really don't see that happening. Again I tried to warn you all that we only have 5 minutes total and that I am going to beat Mr. Anders in the head when he comes back. Thank you sir.

Someone from the audience gave his minute to Mr. White.

White: If they are collecting, if they are going to do the same kind of thing over there that these people are doing, this collection sounds like this (turned on a recording made from his rear door). This is off my back deck. They pound and pound and pound. I think that gives you an idea of the noise we currently face. We have complained to the code enforcement folks about the violations. The planning commission...

Longmire: Sir, thank you.

Frederick E. Brabson Senior, As Senior pastor of New Covenant Baptist Church I am here to represent our congregation of which members are here. I ask that they stand at this time please. (about 11 people stood) In regard to this proposed rezoning we believe that the heavy industry zoning would allow the use of much larger and noisier machines which would be used to process the metal which would increase the noise in our area. As a church also rezoning would allow heavier hauling and trucks and vehicles to deliver more scrap to the area which we feel is prohibitive to our mission as a

church in serving the community. We also believe that a metal scrap yard is not consistent with the historical growth and development in the area. Only two parcels are currently zoned heavy industrial neither of which are functioning as such and growth in the area has been toward commercial business, light industrial and not heavy industrial. The metal scrap yard is in violation of the current requirements which has already been presented to you. We believe that rezoning to heavy industry would allow...

Longmire: Reverend Brabson. That is all, I am sorry.

Brabson: You do have a copy of the information.

(Someone from the audience gave his one minute.)

Brabson: Thank you. Rezoning to the property industrial would allow and attract other large scale industries which would cause a potential decrease to our current environment. The results would have a high probability of becoming a distraction to the growth of our church and endanger what we currently have with a \$3.2 million, 15 acre investment as a church. This investment we believe will hinder our 5 phase of plan for growth, which we have only implemented phase 1 of that. So we ask that you would reject this proposal and ask that you would not allow the rezoning to take place because we believe it gravely inhibits our ability to serve the community as a church which is our original intent for building on this site.

Longmire: 17 second left for any opposition. We will hold that in abeyance.

George Ewart: Commissioner Longmire is there any way we could extend this?

Longmire: You may ask to hear someone else out.

Ewart: I would like for everybody have a little bit more time than a minute. It is very important to everybody around this area. We don't have a lot of things on our agenda today. So I would like to spend some more time if we can.

Longmire: Do you have a time limit you.. I know that Mr. King has a minute and one half.

Ewart: I would like to see everybody have a couple of minutes to talk and present their case. I understand that we do have a time limit with everybody. I think we have got one more case after this. I would like to extend everybody's time at least 2 minutes.

Gary West, 1301 Watersong Lane, I have an office with two other people on Starkey that backs up to the proposed rezoning. We have been there since 1999. It has just been in the past year or maybe a

little bit more that we have had to deal with noises that was discussed earlier. We have also been dealing with cracks in our walls from the constant pounding of these vehicles and the buses and the tractor trailers and the fire trucks back there. Their method of breaking down metal is very archaic. I don't know if this will continue. I am a little disappointed that they did not reach out to us. It could be because we didn't have legal counsel representing us. I think if we had had discussions with Mr. Seymour and his party, that there may have been something to be able to work out. But they did not approach us and I am a little disappointed in that. As it stands right now I would like this commission to reject this proposal.

Longmire: Mr. King, since everyone else gets an additional two, I will give you 2 minutes also.

King: I will try to pick up where I left off. As to the remaining property, outside the lease area, as to that remaining part of the parcel we would ask that that we left zoned as it CB. Within the area that we are saying if it is to be rezoned only that leased portion be rezoned industrial and that industrial use be restricted to only one use and that is the precise use that they propose to make of it. That would be a use, if you would, restricted to the use set forth in section 5.61.03 of the current zoning code and any additional use permitted in the CB zone. In other words what I am suggesting and saying we would prefer is if it is going to be rezoned at all rezone only that portion that is the leased area. Let it be used just for PSC's proposed use in the industrial zone and otherwise the uses be restricted to what is permitted in the CB zone. The remainder of the property remain CB. That is what we would prefer to see happen. Madame chairman, at the end of today's meeting I want to ask for an opportunity, whether you call it public forum, I want to make a couple of comments at that time not on this subject but generally on the subject of the time issue before this body on certain matters. I think I would like to have 5 minutes or less to discuss that.

Longmire: After the meeting I don't think we have to time you sir.

Mr. White: Actually I was pretty much able to cover everything that I needed to cover, but I failed to mention one thing. Since they changed the use of this property to this scrap yard, one of the machines has already knocked down our power supply pole. Our business and the businesses of two other people and possibly more were out for 4 hours. I depend heavily on my computers and when I lost power it took me about 2-3 more hours to get it to reset. This is the kind of thing we are concerned about. We have three people whose single family homes are going to be abutting this and it sounds like what you just heard over the microphone. That is what we are concerned about. We need to see something done to prevent them from even continuing that level of noise.

Rev. Brabson: As a church which is also to the north of that property, we were not privileged to any early information nor early

planned as to what this company is preparing to do. The only communications we have had has been as recently as this week my office has been bombarded with telephone calls about wanting to talk. Well by the time I get those telephone calls we are already in the recommendation stage. New Covenant as a church is concerned about its worship services; is concerned about its conferences; is concerned about all the activities that take place in our church. Our church operates, it is a 7 day a week church. We are subject to having activities and conferences and things going on anytime during the week so therefore we feel like what they are proposing to do is in violation of the current zoning and also future things would cause even more noise and more of that to go on. What we are saying is this, we would like to see compliance with what the current zone requires and maintain the current zoning as is so that we can have some peace and tranquility in our neighborhood.

Greg Williams, I have an office at 2309 Starkey Lane. This business has been here approximately a year, maybe a year and one half at the most. We detected, the first 6 to 9 months it didn't seem to be that intrusive, but in the last 6 months it has gotten very intrusive. It has gotten louder. It seems they are bringing bigger material in to process and is noticeably louder. Frankly I am really shocked that MPC staff approved this. If you do an analysis of the area, the trend over probably the last decade is definitely not heavy industrial. It is more, where 20 years ago it was light industrial, the last 10 years would probably show that it is definitely office related uses. In addition to the tenants that have been mentioned ITT, Tennessee Wesleyan College are both a few hundred feet from this site. They are definitely affected by the noise that is created there. I do not think this is appropriate at all for this site and I hope you will vote against it.

Seymour: Let me point out just a couple of things. First you all should have an aerial photograph of this area that shows the various uses. It is mixed. It is all over the landscape. You have Averett Truck has a major truck terminal there. You have business park. You have trailer, a big park for trailer parks. You have a performance pipe company, I don't know if they do any manufacturing. They sell. You have construction yards. For many years this site was used for manufacture of corrugated metal pipe. Down the road you have a ready mix concrete company, which is subject to depending on jobs operating 24 hours a day, 7 days a week. We, PSC, wants to be a good neighbor. If you all have any questions, ask Gary Rittenhouse about how they operate. They are not the current operator on this site. Metals Solution is. If PSC is allowed to take this over, it is going to be simply a collection yard with very limited hours. It will operate 5 days a week and ½ a day on Saturday. It will hopefully not interfere in any way with the worship of the church there. They have a very nice 15-acre campus. They are set up on a hill. I went up there and if look from the church property up on the hill, basically all you can see is the roof of one of the old buildings on site. There is already on the site manufacturing in the back on the 11 acres the

Link family owns. PSC simply needs a place in west Knoxville to collect metals, aluminum. If you look at people coming in there, there are probably 50 to 60 cars a day in the summer and in the winter it is less than that. We ask for approval.

Longmire: I would like to apologize to all of you for having to cut your time short. I concur that this is a very important issue and a passionate issue for many of you. Right now we are bound by certain time constraints and that is why I asked at the beginning for those of you that had opposition for you to maybe get together and talk. Again I apologize for having to cut your time short. I am going to turn it to commission and they may wish to ask you questions.

Art Clancy: Michael what is going on on the site right now?

Mike Brusseau: A salvage yard that includes automobiles. And they crush them up. That is not permitted in the zone that it currently is. It is in violation.

Clancy: How long has it been operating in violation?

Brusseau: I don't know. They are saying about a year, a year and one half. I would tend to believe that.

Clancy: Arthur, the noise levels. PSC metals isn't going to shred, crush and all that. They are just going to collect?

Seymour: They may compact a little but they are going to put it in trailers on site. If you go to the site right now you will see metal piled everywhere. PSC will clean that up. They will have boxes and trailers there where they will put, sort the metals. As soon as the box or trailer is finished they will pull it out and take it to their site at Forks of the River on National Drive. They shred it out there. They just invested \$35 million in a shredder that is out on National Drive. They shred it according to metal type and resell it.

Clancy: Is it going to be as clean and quite as the one on Central?

Seymour: It will be a lot better than the one on Central. They inherited that when they came into the market.

Clancy: They are inheriting something apparently that is operating with a lot of noise and out of compliance now.

Seymour: There was a crusher at Central Avenue up until very recently. That crusher is now dismantled. They still accept automobiles there. They will not be accepting automobiles out on Cogdill Road.

Rachel Craig: Not sure whether this should go to Mr. Brusseau or Mr. Seymour. The request we have before us is to rezone 11.56 acres, yet the diagram that Mr. Baksa distributed shows 4.76 acre

rezoning which I presume is the land that Mr. King was referring to. I am really confused. If you guys are asking for 12 acres to be rezoned, why did you give us a diagram showing us 4.76 and which one is right?

Brusseau: The 4.76 acres is basically consistent with the development plan that if this gets approved that you will hear eventually. It's what has been described as the leased area. According to what Mr. King said it sounds like at least he and his client are willing to go along with the rezoning if it is limited to just that leased area. The 12 acres is the entire parcel and that is what they initially applied for.

Seymour: The application was filed on behalf of Link family. PSC would only use 4.7 acres. We are PSC is happy if you would recommend only zoning of the 4.7 acres. I think that's alright with the Link family. I talked with them earlier this week.

Craig: Mr. King that is, Mr. Brusseau correctly stated the position of your clients about this 4.76? A yes or no would do sir.

King: I want to say yes but it was a whole package. It was in addition to just 4.7 acres also restricting the permitted uses in that industrial zone to only one use and other wise CB. I just wanted to make sure that it was all one package.

Craig: That was not a question that had a yes or no answer. Thank you.

Wes Stowers: A question for Mr. Seymour. Is your client satisfied with the restrictions of 5.61.03, basically what Mr. King's client is asking?

Seymour: We can live with that yes sir.

Stowers: Just a comment. We have a facility out in that area and it is covered with trucks. That is what they do. There are construction companies, pipe yards, trailer yards, a trucking terminal. The trucking traffic out there is intense at times and light at other times. It is best done in the afternoon. As far as the argument of it being a problem for more trucks, I think that problem has already been there for years.

Laura Cole: I just wanted to ask the other opposition. I believe it is Mr. White, Mr. West and others if you agree or you support.

Longmire: That would be Williams, White, Brabson, and West.

White: I guess not because we have not been contacted about it. We don't know where the 4.6 acres is. It could be they moved further away from Mr. King's clients property and would affect our. It says here there are three single family residential units along this.



Cole: I have been out there and you have poison ivy in your back yard.

White: We do that on purpose.

Brabson: Again New Covenant is opposed to the rezoning. Here is the crux of the matter. If it takes a rezoning for this company to do what it wants to do, then what we are saying is that they need to rezone whether it is 4 acres or 12 acres just to be compliant with what is permissible in the area. We are saying leave the rezoning the way it is and everybody is happy. Then bring whoever is there in compliance with what the current zoning requires.

Opposition? I am just curious as to why Mr. King's property is more important than my property. I am not saying that either. I am making a statement. That is the way this proposal is looking. I don't feel I am any less important than King's client. That is all I want to say.

Guy in red? I am confused. Are we referring to this as the least parcel or the leased parcel? Leased which under a lease which I think is currently zoned residential. We are in opposition to this use on any of the leased or non leased property that is in question. We are not in opposition to being green and sustainable and recycling metal. We just think there are a lot better places in the county that you can do this.

Bart Carey: Mr. Rittenhouse what I am trying to get my hands around right now is that, the opposition has a huge issue with sound and your present operation there. We talked a little bit about what the differences are going to be, but I think to really understand what is significantly different about what you might propose versus what the present lease holder is doing there obviously out of compliance.

Rittenhouse: We are not out to increase the size or scope of the existing operations. The benefit that we provide is a highly capitalized company available to purchase equipment that more suitably processes the material that has been noted earlier that is sitting on the property. In the manner in which it is processed today there is some difficulty for the current operators to process the materials efficiently and with little noise. We have pieces of equipment that we have at all of our facilities that effectively handle larger pieces of scrape, put them into containers in smaller sizes. In particular for that property as has already been noted we have no plans on buying automobiles, or buses or fire trucks or so forth at that facilities. So that is the piece that we really bring to the table which is a more efficient operation that carries less inventory at that facility, less visible scarp to be seen from the roadway by size and shape, and the ability to move that material out effectively.

Carey: How high is the opaque screen proposed?

Rittenhouse: I think the requirement is 8 foot. We have asked if there is the ability to go higher with than that and comply with local ordinances.

Clancy: Sound still seems to be one of the big objections. So you would still have processing there that would create sound?

Rittenhouse: I think with regard and relevance of the efficiency of equipment that we utilize in other facilities, we process the material faster with less run time and less noise. We do have an equipment safety and environmental staff that is located out of our corporate office in Cleveland, Ohio. We do have resources locally that can address any issues that come up. We just need to be a good neighbor. For reference year to date in the year 2011 we have contributed \$55 mille in scrap purchases to the local community. We have \$8 million in wages here today . We hire employees locally.

Kane: Noise is one of my primary concerns. It is a very mixed use, residential to office warehousing, light industrial and then this operation which seems to be as proposed on the end of the more less residential friendly than some of the others. A couple of questions. This one to staff. I don't know if this is fair or not in terms of a short period of time. It just occurred to me during the discussion, a while back we had discussions about various noise levels that were permitted in various zoning categories or industrial classifications if I remember correctly. I was wondering if there is a difference between the noise levels that are established in those standards for heavy industrial which would apply to this particular rezoning versus light industrial which appears to be something that is more acceptable in the area. I just didn't know what the difference is and if somebody could recall in such short...

Mark Donaldson: I can tell you the Knox County Zoning Ordinance has performance standards that come into play for all commercial and industrial uses particularly when they are adjacent to residential uses, which could be the case here. They apply across the board regardless of what zoning district is involved with the origin of the noise. The standards are published in the code. I am not a noise expert so I don't know.

Kane: That is what my questions is. Does anyone know the standard and if there is a standard between the light industrial and heavy industrial.

Donaldson: The standards are the same across all of the zone districts.

Kane: Okay all zone districts. My question would be to the PSC applicant in terms of the equipment that you are planning to bring in I assume that you guys have done studies to determine what those noise levels typically are. The question is what are they?

Rittenhouse: I don't work in the safety environmental area. I would tell you that the equipment we would bring in is more effective at handling the scrap than the current owners of the property. We are seeking to do less processing with the scrap on site than the current owners do. I could not speak to appropriate noise levels for those operations. The one thing I would say is due to our capabilities from the safety and environmental aspect relative to noise, on National Drive, which is Forks of the River, we operate a mega shredder which consumes whole automobiles and we do so with neighbors not more than 50 yards away.

Seymour: May I supplement his response to that. On the use on review process you will notice in recent years more and more you all have been setting lighting standards on what kind of lighting can go off site. There is the ability I would assume to set the same requirements on noise.

Kane: I think we have done that on agricultural areas that neighbors were complaining. I think it was a cement plant. I was just trying to bring some kind of technical levels and discussion into this. It doesn't seem like we are able to do that at the moment.

Donaldson: I can read you the technical, but I can't translate them to what that means to me. Sound pressure levels in decibels as they relate to the frequency in hertz there is a table. The sound pressure level resulting from any use or activity shall not exceed the maximum permitted decibel levels for the designated octave bands set forth in these standards. For example the frequency in hertz of 63, the level in decibels, I think in microbars, 77 and as you go up the chart to 1,000 then the decibels drop to 51, 2,000 corresponds with 45, and then the last level is 8,000 hertz and 39 decibels.

Kane: It is the same regardless of whether it is light industrial or heavy industrial.

Donaldson: Any commercial or industrial use.

Kane: From a noise level then really these is no distinction between the impact on the community and neighbors whether it is heavy industrial or light industrial. It is the same standard or CB or anything. That is really what I was trying to get at.

Longmire: How does that compare with a rock concert? Give me some...

Laure Cole: I want to support this business but my struggle is I kind of understand where the opposition is coming from. We are asking them to believe that this company is going to be different than the first company and the first company is operating out of compliance. Why should they believe that this company is going to do what they are supposed to do? My question is to Mr. White. You said in your

email that you contacted codes to register a complaint. I wondered if you heard a response.

White: I left a message with the code office and didn't hear anything back. Then I called them again and they said the current business is in compliance with the code. I knew that was not true. So I called the supervisor yesterday. That was the second call I made to him and I finally got through to him. He indicated that what I described, I played my little tape thing, that they would send somebody else out there and put in a cease and desist order if they were violating code. We are going to be visiting with the code enforcement people after this meeting.

Wes Stowers: I think what we have got here... I appreciate Commissioner Kane bringing up the issue on the noise levels that is the question I had. The noise level is the same whether it is commercial or light industrial or heavy industrial. What we have here is a major national company that has come in here in a big way and has significantly improved how scrap handling is done on a quantum scale. Visually, first of all this operation apparently has been out of compliance. We are just now hearing the complaints from a year ago. If it was that big a problem I would have thought that would have come up then. Here we have a company that is willing to come in and spend a significant amount of money, screen it, visually improve it and significantly reduce the intensity. They are not going to crush cars. They are not going to be doing heavy processing. Basically it is a collection yard to take these metals and take them to the place where they have already spent many million of dollars to process it out at the Forks of the River. This makes it a more efficient less intrusive operation. We all talk about green. This is truly green. It is a recycling operation that this is simply going to be a collection yard for the west part of the county. It will not be a processing yard as it is this moment. To me it is a win. If they are agreeing to reduce the size and keep it within the constraints that Mr. King's client has asked, I think the end result will be something that everybody will be happy with. It is not something that has, that operates at night or on weekends. It is an 8 to 4 or 7 to 4 operation. With that I would like to make a motion that we approve the plan per staff with the exception of reducing the tract to 4.76 acres and make sure it is restricted to the uses in 5.61.03 of the current zoning codes or any other CB use.

Longmire: We need to take the sector plan first.

Wise: That reference is 5-5.61.03.d.

**MOTION (STOWERS) AND SECOND (LOBETTI) WERE MADE TO ADOPT THE SECTOR PLAN AMENDMENT AND RECOMMEND KNOX COUNTY COMMISSION ALSO ADOPT THE AMENDMENT WITH THE RESTRICTIONS OF BEING THE 4.76 ACRE AREA**

Stowers: and then in accordance with the restrictions that regulations.

Buz Johnson: I believe with the sector plan we just refer to the area to the 4.7 acres. We get the other detail on the rezoning.

Craig: I am glad we went in this direction because I have a question specifically related to the sector plan. Sector plan changes are required to have changing conditions justifying those. Sometimes I think we don't talk about that enough. I have a question for Mr. Brusseau, a couple of question in that regard. When was this Northwest County Sector Plan adopted?

Michael: I don't know when the overall Northwest County Sector Plan was done, but this particular area being that it is in the Technology Overlay was done, and Buz may know better than I. I think two years ago.

Buz Johnson: I was between 2 to 3 years ago that this was part of an update to the sector plan

Craig: The staff report says here that there is an error or omission in the current plan. If you will indulge me I will read these couple of sentences. "The current sector plan proposes light industrial uses for the area, which is not consistent with the current use of several of the surrounding properties for heavier industrial uses. The sector plan does not recognize the existing Industrial zoning to the north or some of the existing uses in the area." What this says is because the current plan is not consistent with current use then there is an error in the current plan. Another way of looking at that is there is not an error in the plan. The plan which looks forward 15 years wants us to move toward in a different direction. There are two possible interpretations here. I don't know which one is right. I was not part of the discussions when this plan was discussed or adopted. It does give me concern that we are saying just because the current sector plan does not agree with the current uses that means it is wrong. The other possibility is that we want to get away from current uses and move in a different direction. I don't guess I really have a question. I just wanted to say that.

George Ewart: I was going to address the zoning. Should I do that now or wait. Okay. If you look at this map we have 10 different zones within one half of a mile of this property. It is almost like that Ag zone we always talk about that everything is here and there and this and that. This is a mess in here. I don't know how we got to that point. You got O-1 across the interstate, C-4,C-6, PC-2, PC, CB, I, OB, RA and C-3. I think the people that have businesses here or reside here have to understand there are a lot of different things happening here. Light Touch, I think they do school pictures, is in an I zone. I don't know if that is legal is it. There is just a whole bunch of things happening out here. I think that this place is just a collection site. They are not compacting and not cutting up

everything is just taking product in and then move it out. I don't see a problem with that. The hours of operation they are going to be gone in the evening time and Sundays they are not going to have anything happening operation wise there according to this for church. For Saturday even on Wednesday it looks like they are shutting down at 4:00 or 4:30. I just don't see a problem with it. I see a bigger issue with the whole area that crux of Pellissippi and the interstate.

Clancy: I too am conflicted. I don't understand the current use is the entire 11.56 acres. Are they crushing cars and cutting them up and shredding them on the back side of the property and that is going to continue to happen just because PSC is just going to take front 4.76 acres? What is going to happen to the rest of it?

Dan Kelly: There are other businesses located on the total 11 acre site. Business that encapsulates Styrofoam for boat docks. There are other businesses. It is just one piece of property 11. some acres in size. The portion of the site that is currently being used for the metal business right now is 4.76 acres of that piece of property.

Longmire: If I may interrupt, sir you are the owner of the property.

Vance Link, 3933 Oak Hurst Drive, I am the managing partner of a family owned p[piece of property that my Dad bought for \$2300 dollars an acre in 1975. It was nothing but farm land. We started a manufacturing facility making galvanized corrugate metal pipe where we did not have to worry about anything but cattle. There was no Pellissippi Parkway. But you know ignorance is not bliss. My father was on this Commission back in to the 60's and early 70's. He was head of the public building authority when this structure was built. I worked in the galvanized corrugated metal pipe business for 30 years. Three and one half years ago my company laid me off. They happened to be renting from me, in addition to being my employer, the very piece of property that is in question today, the 4.7 acres. When they laid me off not only did I lose my number one tenant within a 6-month period of time I lost two more tenants on my property. I was desperate. Zoning was the last thing I was thinking about.

Longmire: Mr. Link Commissioner Clancy wanted to know about the other businesses.

Link: Correct. There are 7 tenants presently on that piece of property. They are Metal Solutions, out of compliance, is the largest one. There is a boat dock manufacturer. There is grading contractor. There is an electrical supply company. There is a roofing group from Colorado in here from the hail damage. There is a guy that makes cat trees for cats and then finally there is a guy in the MG car business. He does mechanical and auto work.

Clancy: Thank you. That made it all crystal clear. I appreciate it. That is what I needed.

Stan Johnson: Pastor Brabson seems like to me the big question is trust. You don't trust them because they are currently out of compliance. So you don't believe that once they become zoned they will go to compliance. Correct. I am trying to figure out how do we bridge that gap. It seems like they want to come in there and clean up some of the stuff that is actually happening currently. I would like to vote for what the community is looking for. Because you guys want it to be cleaned up. You want it to not have all that noise. Even in that noise, I heard some birds chirping. So it sounds like there is something there we could work out. I wish that maybe you guys would talk a little bit and figure out exactly what it is going to sound like and what it is going to look like so you can have some kind of input on what is actually going to happen there.

Brabson: That is correct. I don't mean to be candid or ludicrous when I say this. I am not an expert in all the technical things that have been thrown around. But if I could just put it in some lay person terms. If I am doing 75 miles an hour in a 50 mile an hour zone, the fix for that is not to raise the speed limit to 75. The fix for that is to help me understand that I need to do 50. In our community there are various zones that have been established. When a company comes in and says the only way they can do business in this community is you need to change the zoning otherwise they cannot do business. We have serious concerns there because we are saying that when we moved into this company we understood what the requirements were and we have lived within those requirements and we have done our ministry within those requirements. Our expectation would be for everyone else to do the same.

Stan Johnson: Arthur how long will it take for you guys to be able to buy the equipment, move the equipment in so this noise issue will go away?

Seymour: To get through the approvals will take a minimum of three more months I think. Can I ask Mr. Rittenhouse that? Within 30 days after we get the final approvals.

Stan Johnson: So we are going to be out of compliance and running the same kind of business for the next 4 to 6 months basically.

Seymour: PSC will not, but what is going on there will continue. Am I right on that timing Buz?

Buz Johnson: Let me try to figure that out. If you approve and it goes on to County Commission, they would hear the rezoning and plan amendment at their August meeting. If it is an approval today, then we can go ahead and begin to get into the site plan review. That would be handled I believe by MPC in August and TTCDA in August. So if approvals go through then conceivably by September

things could be under way. If you deny these requests then that probably would lengthen that process by a month or so. Assuming that it goes through and they win on appeal at County Commission. If they don't win on appeal at County Commission the clock stops.

Stan Johnson: What I am concerned about is they are out of compliance currently and they are still going to be out of compliance until this thing goes all the way through. We can't do anything to stop that because we are not codes, I understand that.

Donaldson: Let's be clear about who they are. They who are out of compliance are not the applicant.

Stan Johnson: I totally agree. But the problem I am having is just like the Pastor said. We're going 75 miles per hour. Regardless if it is them or somebody else, how do we stop that from happening before we go ahead and put something else through.

Kane: The Technology Corridor, I know it has to go through review process. Mr. Johnson in terms of your evaluation, I believe you sit on the authority board is that correct? Johnson: I staff it. Kane: Staff it. Is this something in terms of what is being proposed, in terms of this 4.76 acres of rezoning and limiting it to essentially the use that has been described by PSC. Is that something that would be out of character to what you guys would approve?

Buz Johnson: The Tech Corridor Authority Board essentially they do go through a process. One of the things that they can do first of all is look at rezonings within that Technology Overlay. They can make recommendations to issue a certificate of appropriateness to allow that process to proceed. So that would be the first step. Because I am also on the MPC staff, we look at in terms of is that use appropriate in the area. Is that zone appropriate in the area. That is that particular judgment on the front end. Second thing that Board does is to look at certificates of appropriateness for actual development plans. That would be the second step in this process, if approvals begin today then we would begin to get into that process. That is where we would take a look at the site plan regardless of what the use of the property is, we would look at the site plan to see how that property can be done in such a way that it fits into the area, the surrounding area. I will have to say this is the oldest developed area of the corridor. In fact probably some uses in this area predate the establishment of the corridor back in 1983. At that time we didn't have the luxury of having the ability to review site plans to see how new uses in the area can fit. In this case we would have an opportunity to retrofit as much as we can to see that these kind of uses do fit into an area that is based on good design, good construction that sort of thing.

Kane: So I can believe that the staff's recommendation to approve the sector plan change did account for the technology overlay and feels that is acceptable within the Technology Overlay.



Buz Johnson: Let me back up. If we were starting with a blank map, vacant property, I don't know. That question is out there. But because this is an older area, it has a mix of uses. Commissioner Ewart kind of pointed out that in looking at the zoning. It has been somewhat of a challenge to try to deal with those existing uses in terms of how can they .....

Kane: So you are not evaluating it based upon a blank slate. You are evaluating based upon the existing conditions. In terms of the impact of the existing conditions, what does this mean in terms of those existing conditions?

Bart Carey: I have kind of a question to staff and then kind of one regarding... Mr. Link's comments as well as Mr. Ewart's about this area being kind of an historic evolution, I called on Tennessee Metals 25 or 30 years ago and there was nothing there and all this stuff has grown up around it. It is a hodge-podge and it is hard to really get your finger on what is the right use. My understanding is right now we are kind of hitting the broad strokes. We are looking at whether this is an appropriate place for industrial uses. Mr. Seymour mentioned this is coming, it has a four stage process, four steps. I think we are a very critical part of that process being use on review. Commissioner Johnson's issues about trust and what is really going to happen, is that not when won't those issues really come forward on the use on review aspect of this?

Donaldson: If I could address that. That may be the big win in this application in that we would be moving from a situation that is we have out of compliance uses currently operating in CB without any development plan approval. If this application were to be approved, we would move then to new operations operating under a development plan that has been approved by the Planning Commission where have a chance to look at mitigating any adverse impacts that might arise to adjacent property owners.

Carey: That would all be down the road at a further step where we have our hands in helping shape that trust and what those guidelines are. I think we should give the process the chance to work out. Then when we come down to those dotting i's and crossing t's how loud is it, what are the hours of operation. All of those things that are specific to this would be addressed then. As far as compliance goes Mr. Johnson, I think that is between the neighbors and enforcement on the present use of the property on the company that is there now.

Craig: Briefly in regard to what Commissioner Carey said. Yes this is the first step, but if we change the sector plan to heavy industrial that is a long term decision that may go beyond the current owner and current use. We have to think about do we want this to be heavy industrial into the future. I am not saying the answer is no. I am just saying that is what we need to think of. I thought I heard

either Mr. Seymour or Mr. Rittenhouse say that there would be some compacting on the site. Commissioner Ewart seemed to understand there would be no compacting on the site. So could somebody quickly address this?

Rittenhouse: There will be no compacting on the outside of the facility. The only compacting that will occur is a smaller down stroke bailer that is inside the building. A smaller down stroke bailer is really a 4 foot wide by 4 foot deep by 8 foot tall unit that is inside the building.

Craig: Currently under the current owner is there compacting going on outside that building?

Rittenhouse: There is not.

Clancy: Reverend Brabson I appreciate your metaphor. But you have got to understand that was going 30 miles per hour before it was rezoned for your use. You are at 50. That is progress. I mean let's look at it the way it is. It is not going to take a whole lot to improve the condition of the use of the property use right now. If PSC doesn't do anything but walk in and keep doing what it is doing, which they can't do because it is not in compliance so they are doing that, anything they do would be an improvement to what is going on there right now. I didn't ask a question. I appreciate your metaphor, but there has to be, you have got to understand your property had to be rezoned from Ag to business, office, business technology in order to operate. So those are the premise that we look at that being said I would like to call the question.

COMMISSIONER CLANCY CALLED FOR THE QUESTION.

Longmire: Ms. Bailey don't you want to say something. I feel like this corner has been left out. Right now we are dealing with the sector plan amendment adopting resolution 6-A-11-SP amending the Northwest County Sector Plan to HI Heavy Industrial and recommend that the County Commission also adopt the sector plan amendment and this applies only to the 4.76 acres.

Upon roll call the Commission voted as follows:

Bailey	Yes
Carey	Yes
Clancy	Yes
Cole	Yes
Craig	No
Ewart	Yes
Johnson	No
Kane	Yes
Lobetti	Yes
Longmire	Yes
Pierce	Yes
Sharp	Yes

Stowers Yes

**MOTION CARRIED 11-2-1. APPROVED.**

**b. Rezoning**

**6-B-11-RZ**

From RA (Low Density Residential)/TO (Technology Overlay) and CB (Business and Manufacturing)/TO (Technology Overlay) to I (Industrial) /TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE I (Industrial) / TO (Technology Overlay) zoning, subject to one condition

**STOWERS MADE MOTION THAT COUNTY COMMISSION APPROVE INDUSTRIAL AND TECHNOLOGY OVERLAY ZONING SUBJECT TO TWO CONDITIONS: 1) USES LISTED UNDER INDUSTRIAL ZONING SHALL BE ALLOWED EXCEPT THOSE LISTED IN SECTIONS D MINING RELATED USES AND F WASTE HANDLING USES, USES PERMITTED IN 5.61.02 AND**

Stowers: Ms. Wise could you help me with the second one.

Steve Wise: I actually think the second one is in lieu of the staff recommendation.

Stowers: Let me restate the motion then. What is the number of it that I state it correctly?

Longmire: I have it actually 5.5.61.03.d.

**MOTION (STOWERS) AND SECOND (PIERCE) WERE MADE TO RECOMMEND THAT COUNTY COMMISSION APPROVE INDUSTRIAL AND TECHNOLOGY OVERLAY ZONING SUBJECT TO ONE CONDITION REDUCED TO 4.67 ACRE AREA LIMITED TO USES SET OUT IN 5-5.61.03.D PLUS THOSE USES ALLOWED IN THE CB ZONE.**

Craig: Can I ask a question to make sure I understand that. What we are saying here is that the uses would be limited to this one particular use plus any use allowed in the CB zone. Is that correct?  
Yes.

**MOTION CARRIED 12-1 (JOHNSON)-1. APPROVED.**

Break was taken at 3:27 p.m. and tapes changed.

STAN JOHNSON LEFT THE MEETING AT THIS TIME.

\* **30. LEON VINEYARD**

Southeast side Raccoon Valley Dr, northeast of Norris Fwy., Commission District 8.

**a. North County Sector Plan Amendment**

**7-A-11-SP**

From AG/RR (Agricultural/Rural Residential) to RC (Rural Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #7-A-11-SP, amending the North County Sector Plan to RC (Rural Commercial) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **7-A-11-RZ**  
From A (Agricultural) to CR (Rural Commercial).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **31. AUTUMN CARE, LLC II** **7-B-11-RZ**  
East side Canton Hollow Rd., west end Flickenger Ln., south of Kingston Pike, Commission District 5. Rezoning from CA (General Business) to OB (Office, Medical, and Related Services).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **32. JHS LIMITED PARTNERSHIP** **7-B-11-SP**  
North side Western Ave., west of Mynderse Ave., Council District 5.  
**a. Central City Sector Plan Amendment**  
From LI (Light Industrial) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #7-B-11-SP, amending the Central City Sector Plan to C (Commercial) and recommend that Knoxville City Council also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. One Year Plan Amendment** **7-A-11-PA**  
From LI (Light Industrial) to GC (General Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **c. Rezoning** **7-C-11-RZ**  
From I-2 (Restricted Manufacturing and Warehousing) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**33. JUDY F. BURLESON**

**7-D-11-RZ**

Southwest side Socony Ln., southeast of Francis Rd., Council District 3. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential).

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

**34. JOHN WM. MASE**

**7-E-11-RZ**

Northeast side Andes Rd., southeast of Fry Rd., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

Robert B. Paskiewicz Jr., 1724 Blackwood Drive, Knoxville, TN 37923 I submitted to Mr. Johnson a small portion of the landowners that live in conjunction with this area and in surrounding areas. Representing those homeowners listed on the document plus several of you received phone calls and texts since being here today. We are opposed to this rezoning for a number of reasons. Adding additional new housing will negatively affect the value of our homes. Changing the wooded lots that are behind most of our homes will alter the rear view of our homes from which we purchased from that of wooded to the rooftops of homes since we are in over a 30% elevation above them. Removal of the greenway will increase the noise streaming from Andes Road affecting the property value as well. Property values have already taken a hit in this economic situation adding new homes and changing the views of our existing homes will add to this. The loss of the natural habitat that we currently enjoy with deer, coyote, wild turkey and other small animals and birds is inevitable. Concerned the eventually Fry Road which we understood was built as an agriculture road, will not be connected to Tip Top Road and or West Top Trail opening such neighborhoods to through traffic rather than deadend community that we purchased our homes in. Concerns whether Fry Road will remain a private road or become a County road because we have issues with 4-wheelers and ATV's and off road motorcycles currently enjoying that road. Concerns about the size of the lots, the number of housing, additional roads after or during development that might be side shoots off of Fry Road that will also affect the value of our homes. Another issue is handling the runoff from the property that we have as well as the property directly behind our properties since we are on that 30 degree elevation. We experience erosion now and

we have all had to make efforts to stop that erosion. Our property is basically eroding onto the property currently proposed for development. I have requested an appraisal or an effect of the values of our homes after the homes were built and I was told that they could not do an appraisal or such until there was a plan of how many homes, the size of the lots, etc. After such plan was submitted it would take 30 days to 60 days for us to be able to get an appraisal of how it would affect our homes. We would ask the Commission to deny this change and respectfully request any information be provided to use if an so it becomes available.

John W. Mase, 2412 Rowena Lane. I also purchased this home here on Andes about two years ago that y brother-in-law lives in that is disabled. It has a lot next door to it. It is level. I have to remove one tree in order to build this home that I am going to build for a friend of mine's that is 77 years old and his wife is in a nursing home. I am only doing it to help him. If this is the way they feel, then I can live it. Thank you.

Anders: Sir, I am a little confused. I just want to make sure we...

Mase: I bought this land two years ago.

Anders: I understand. But you want this approved. Right?

Mase: Yes sir. I am going to build a small house for a friend of mine that is disabled and his wife is in the nursing home. We grew up together. That is the only reason I am doing it is to help someone.

Anders: I understand that. But when you walked away you said if that is how they feel then that is fine.

Mase: True. I am not going to fight the community. I am not that type of person. If that is what they want then so be it. I am just doing what the good Lord tells me too. I am trying to help someone that is a friend. We have been friends for 55 years. Him and my wife are friends with my wife and my wife passed away four years ago.

Anders: Yes sir. I understand that. Personally, and I am going to go to Commission, RA zoning which you are requesting is perfectly suitable in that area. Everything around there is RA.

Mase: Yes sir. I just have to remove one tree off the property that is all that I am going to remove.

Wes Stowers: That was my point. It is RA surrounded by RA. To me it makes perfect sense. It fits the sector plan.

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

Rachel Craig: Question for staff. This 1.8 acres if it is rezoned RA, how many dwelling units could be built on that property?

Mike Brusseau: If sewer is there, which I am not sure if it is... Mase: Yes there is sewer there. Brusseau: it allows 10,000 square foot lot sizes under RA so that would be approximately 6 or 7 lots potentially. My understanding is this gentleman would just like to create two lots.

Mase: One. I am just going to build.. there is a brick home on it already. I am going to build one other home next to it and that is it.

Craig: So he could not build the additional home under Ag zoning because that requires at least one acre for each dwelling.

Kane: I was going to make the observation for the community if they are concerned about intensity and that kind of stuff. The second part of this is when it comes up for subdivision and the number of lots. That is the next stage for him is to would be to come in for a subdivision which presumably based on what he is saying will just be two lots.

Brusseau; If it is just two lots, it will not need to be heard by this body. It would be an administrative plat.

**MOTION CARRIED 13-0. APPROVED.**

- \* **35. JUDY PAYNE, AMY AND BRAD SABOL** **7-F-11-RZ**  
Southeast side Foust Dr., southwest of Mascot Rd., Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **36. METROPOLITAN PLANNING COMMISSION**  
East and west sides Laurans Ave., north side Riverside Dr., south side Goforth Ave., Council District 6.  
**a. Central City Sector Plan Amendment** **7-C-11-SP**  
From LI (Light Industrial) & LDR (Low Density Residential) to HI (Heavy Industrial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #7-C-11-SP, amending the Central City Sector Plan to HI (Heavy Industrial), LI (Light Industrial) and O (Office), (per attached map), and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. One Year Plan Amendment** **7-B-11-PA**

From LI (Light Industrial), HI (Heavy Industrial), O (Office) and LDR (Low Density Residential) to HI (Heavy Industrial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE HI (Heavy Industrial) and LI (Light Industrial) One Year Plan designation, as shown on attached MPC recommendation map.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **c. Rezoning** **7-G-11-RZ**  
From I-2 (Restricted Manufacturing and Warehousing), I-4 (Heavy Industrial) & R-1 (Low Density Residential) to I-4 (Heavy Industrial).

STAFF RECOMMENDATION: RECOMMEND that City Council approve I-4 (Heavy Industrial), I-3 (General Industrial) and I-2 (Restricted Manufacturing and Warehousing) zoning, as shown on the attached MPC recommendation map, with 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### Uses on Review

- P 37. BRETT HONEYCUTT** **11-A-10-UR**  
North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **38. CHILELU KAKANWA** **7-A-11-UR**  
Southeast side of Oak Ridge Hwy., southwest side of Dyestone Gap Rd. Proposed use: Adult day care in CA (General Business) District. Commission District 6.

STAFF RECOMMENDATION: Approve an adult day care center for up to 15 adults in the CA zoning district, subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **39. CANNON & CANNON** **7-B-11-UR**  
South side of Boyds Bridge Pike, east side of Holston Hills Rd. Proposed use: Nursing home addition in R-1A (Low Density Residential) District. Council District 6.

STAFF RECOMMENDATION: Approve the development plan for the proposed rehab unit and parking lot addition for the existing nursing home in the R-1A zoning district, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 40. PSC METALS** **7-D-11-UR**



Northeast side of Cogdill Rd., south of Starkey Ln. Proposed use: Metal salvage yard in CB (Business and Manufacturing)/TO (Technology Overlay) & RA (Low Density Residential)/TO (Technology Overlay) Districts. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **41. HADEN REID** **7-E-11-UR**  
 East side of Valley Vista Rd., west side of Pellissippi Parkway, south of Hardin Valley Rd. Proposed use: Office / Warehouse in PC (k) (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for a business services office building with a light distribution warehouse component subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Other Business:**

- \* **42. Presentation of the report of the Knox County Stormwater Ordinance Review Committee.** **6-D-11-OB**

STAFF RECOMMENDATION: Approve the report.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **43. Consideration of One-year extension of the concept plan for South Creek Unit 2 - 7-SC-07-C.** **7-A-11-OB**

STAFF RECOMMENDATION: Approve the one-year extension to July 2012.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 44. Revisions to the Tennessee Technology Corridor Development Authority (TTCDA) Design Guidelines allowing for the review of medium and high density residential developments in the Technology Overlay** **7-B-11-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Anders: I want to get a motion to adjourn the meeting and then Commissioner Craig would like to address briefly the Commission and Mr. King would like make to some very brief comments.

**Adjournment**

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

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:42 P.M.

---

Prepared by: Betty Jo Mahan

---

Approved by: Mark Donaldson, Executive Director

---

Approved by: Robert Anders, Chair

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