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Minutes

MARCH 13, 2014

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

The Metropolitan Planning Commission met in regular session on March 13, 2014 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF MARCH 13, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF FEBRUARY 13, 2014 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL APRIL 10, 2014. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE POSTPONEMENTS AS READ 60 DAYS UNTIL MAY 8, 2014. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE WITHDRAWAL OF ITEMS 13B AND 31A&B. MOTION CARRIED 12-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

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

1-SA-11-C

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

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

2-SO-09-F

Intersection of I-40 and McMillan Rd., Commission District 8.

CITY OF KNOXVILLE

7-D-10-RZ

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

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 (PIERCE) WERE MADE TO UNTABLE 10-B-13-OA. MOTION CARRIED 12-0. UNTABLED.

CONSENT ITEMS

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

COMMISSIONERS BRIAN PIERCE AND ELIZABETH EASON RECUSED FROM VOTING ON THE CONSENT LIST.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 10-0-2.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 10-0-2. APPROVED.

Mark Donaldson RECOGNIZED ELIZABETH EASON WHO RECEIVED DISTINGUISHED RECOGNITION FROM A NATIONAL ORGANIZATION HAS BEEN NAMED AS AN LEED FELLOW.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION (REFERRED BACK BY CITY COUNCIL)

5-A-13-OA

Amendments to the City of Knoxville Zoning Ordinance regarding creating a corridor overlay zone district.

STAFF RECOMMENDATION: Recommend to City Council approval of the proposed new corridor overlay zone district as

shown in Exhibit A, with Option 1 regarding alternative standards.

Mark Donaldson: This is the third time we have had this proposed ordinance in front of use. It comes back to us from City Council with four issues that they wanted to see addressed. The staff recommendation chooses to move in the direction other than City Council would have perhaps liked on two of the four. We will walk you through those. There are four issues. The previous version provided for staff approval of development within this proposed corridor district reviewing the standards that were adopted by ordinance. City Council was uncomfortable with that and requested that we consider that this approval be done by a board committee or commission. We have drafted it so that we assign that task to the Planning Commission rather than creating yet another new board or committee to review projects within overlays. Currently every time we have created an overlay we have created a separate board. We are to the point where we have way too many already so we will start consolidating those over time perhaps. We have assigned this one to you and I think this one might stick. The previous version had a 51% threshold of consensus amongst those property owners that would be subject to the overlay. Council wanted to see a greater level of consensus so we have put in 60% which is % commonly viewed as a super majority. The 51% threshold comes from our Historic Zoning overlay administrative rules when we make recommendations on those. They asked that, the current version has a 5 acre minimum area for proposed overlay districts. Council wanted us to consider a larger minimum. We as staff think that the 5 acres is appropriate. It basically would represent both sides of a corridor block and a common block length. If you think of many of our corridors the character of them literally changes block by block. This minimum building block of 5 acres I think is appropriate. We will have it known that we considered many other larger sizes so that Council has that in front of them in the record if they want to go with a larger minimum. The fourth item was one that there was discussion about changing any, providing alternative standards for any current maximum standards that existed in the code. With the sign kind of on the minds of several of the City Council members the idea of changing a newly approved maximum sign height or newly approved maximum sign area was a little anathema. But we want to provide as much flexibility as possible for these overlays and literally leave it to Council on a case by case basis to approve alternative standards that provide options to both minimum standards and maximum standards. There is a fairly short list of maximum standards. Generally height and floor area in the sign code sign area is a maximum. Several of these maximum standards are ones that we really need to target with the alternative scenario or alternative standards: such thing as a maximum floor area ratio in some of our commercial districts

and office districts that forces a very suburban development pattern in an area where the prevailing pattern might be much more urban in character and height the same way imposing fairly low maximum height standards in some of our zone districts when something else might be more appropriate. We have provided three options. We are recommending the option that includes the ability to provide alternatives to both minimum and maximum standards. One option eliminates any maximum standards from being changed. The other one limits it to only the maximum standards for sign heights and sign area which were the two that were discussed with City Council. We did receive a letter from the public that helped us wordsmith this. There were a couple of good ideas. I don't think any of the suggestions changes the intent of what has been prepared as the original draft. I would have no problem with the Planning Commission adopting all of these as they have been submitted if you want to go that way. With that I will close. Any questions?

Art Clancy: I would like to first of all thank staff for the work they did on this. The corridor overlay zone district I think is a very useful tool. I would like to thank the people of the community that I got a couple of letters from that helped them wordsmith it. I thought they were extremely constructive and very concise and not contrary in any way. I thought it was a good email anyway. Then I would like to make a motion that we recommend that City Council approve the proposal for the new Overlay Corridor district as shown in Exhibit A with the option 1 regarding the alternative standards.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH OPTION 1.

Tocher: I just wanted to make sure that there would be verbiage in the ordinance pertaining to what we discussed at our agenda review meeting about notification via the web site of revisions or adjustments.

Donaldson: Normally it is not something that we codify. We have in our administrative rules various techniques that we use to notify the public. We are required to notify the public in a variety of ways. We will bring back administrative rules amendment once this gets adopted.

MOTION CARRIED 12-0. APPROVED.

Alley or Street Closures:

* 6. CITY OF KNOXVILLE

3-A-14-AC

Request closure of Unnamed alley between Loraine Street and eastern property line of parcel 094PB020, Council District 3.

STAFF RECOMMENDATION: Approve the closure of this unnamed alley, as requested, subject to any required easements

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **7. CITY OF KNOXVILLE** **3-B-14-AC**
Request closure of Unnamed alley between Morris Avenue and to northern property line of parcel 094PB019, Council District 3.

STAFF RECOMMENDATION: Approve the closure of this unnamed alley, as requested, subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **8. THE COURTLAND GROUP LLC** **3-A-14-SC**
Request closure of Portion on south side W. Magnolia Ave. between Ogden St. and N. Central St., Council District 6.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. CITY OF KNOXVILLE** **3-B-14-SC**
Request closure of Elka St between Morris Avenue and northern property line of parcel 094PC017, Council District 3.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. CITY OF KNOXVILLE** **3-C-14-SC**
Request closure of Loraine St between Morris Avenue and northern property lines of parcels 094PC01801 and 01803, Council District 3.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * 11. **METROPOLITAN PLANNING COMMISSION** 3-A-14-OYP
2014 Update to the Knoxville One Year Plan.

STAFF RECOMMENDATION: APPROVE the 2014 One Year Plan update and RECOMMEND that City Council consider the attached list of potential areas for general rezonings (maps also included).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 12. **METROPOLITAN PLANNING COMMISSION** 3-D-14-SP
East City Sector Plan Update.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review:

13. **TIPPIT VILLAGE - SITES TO SEE, INC.** 9-SA-10-C
a. **Concept Subdivision Plan**
Northeast side of Andes Rd., north of David Tippit Way.,
Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 4 conditions.

David Fielder, Baker, Donaldson Law firm, 265 Brookview Center Way representing Sites to See, the developer. Let me go first then I would like to reserve two minutes for rebuttal. This is a concept plan for a subdivision that was approved by the Commission back in 2003. This is exactly the same submittal that was approved then it just expired at the end of five years. The reason we are back is because of the recession. We are going to be building similar residences as to what are presently there. There have been concerns expressed by some of the homeowners regarding construction traffic. Construction traffic will be limited to one road coming in. I have sent a letter to the property owners' representative agreeing on behalf of Sites to See that they will repair any damage done to the roads when it is coming in. There was a request concerning possible construction entrance. Our engineer, Scott Williams, looked at it and said that the slope of road is too steep to be able to do a separate construction entrance. These are going to be similar residences as to what are there now. We have to come back for use on review later when the actual subdivision plat gets platted.

William Lauer, 8314 David Tippit Way. I have with me some other residents, homeowners: Steve Wisen and his wife Morene. This is not so much in opposition to the concept plan as it is to request additional landscaping for privacy concerns that our residents in phase one have who are living on the northwest side of phase

one. The people in phase two would be looking down on their units, on the back of their units. We would like that issue addressed and also some additional parking. Of course there is on site parking at each of the residential units. We feel that there needs to be a few more spaces provided especially at the common mailbox area. There is going to be 78 total, 72 total units there and with a common mailbox area I think a couple of additional spaces would be warranted.

Longmire: Mr. Kelly is this the appropriate time to address that or should we, is that done later on with the final...?

Dan Kelly: This would probably be the appropriate time to do it. If you want to place an additional condition regarding landscaping you could do that. In terms of landscaping we have three typical prototype landscape screens that we usually discuss. The Type A which is a solid evergreen screen. Type B is evergreen but broken and Type C is more of just a sporadic landscape that could be either deciduous or evergreen. You can consider that. The parking, the additional parking, I don't know that we would have an opinion on that in the sense that our experience has been that a very minimal amount of parking is needed these mail boxes. Very seldom do you have more than a couple of people at a time ever at a mail box. Given the distance to the mailbox a number of people may actually walk down to get their mail.

Fielder: To address the landscaping issue it is my understanding that Leland Cypress have already been planted along the back property line and will provide an adequate landscaping buffer. We do not think the additional parking at mailbox is necessary. This is the same plan that was approved before. We are not going back with any changes. We request permission to go ahead and approve it as it.

Bart Carey: That answered part of my question. Mr. Lauer could come back to the podium please. Are you aware of this Leland Cypress screen that is presently in place?

Lauer: I don't believe that is going to be sufficient height to cover and provide privacy for the people at the lower elevation.

Carey: Are you aware of the mature height of those trees?

Lauer: Am I aware of the height?

Carey: Is the height of the screen your concern?

Lauer: That is right.

Carey: They will grow as high as this ceiling here. We can't really work through that process I don't think right here. We can make it conditional but it seems to me if it were conditioned it would be

shared between phase I and phase II. It benefits both sides I would think equally in terms of privacy. If there is in fact a Cypress screen in place that will mature to very generously fill that need I believe.

Longmire: And quickly.

Lauer: Okay we will see.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

W b. USE ON REVIEW 9-E-10-UR
Proposed use: Detached dwellings in PR (Planned Residential) District.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 15. CENTURY PARK AT PELLISSIPPI 2-SB-14-C
Southeast side of Dutchtown Rd., northeast side of Sherrill Blvd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 16. RUSHLAND PARK, PHASE III 3-SA-14-C**
West side of Rushland Park Blvd., north and south side of Loftis Creek Ln., Commission District 8.

STAFF RECOMMENDATION: Approve the Concept Plan for up to 27 detached residential lots subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 17. HAMPSON COURT, PHASE I 3-SB-14-C**
Northwest side of Nubbin Ridge Rd., west of Whisper Trace Ln., Commission District 4.

STAFF RECOMMENDATION: Approve the Concept Plan for up to 13 detached residential lots, and a reduction of the peripheral setback along the new and old sections of Nubbin Ridge Rd. from 35 feet to 20 feet, subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 18. VILLAGE AT BEARDEN 3-SC-14-C**

West side of Francis Rd., south of Helmbolt Rd., Council District 3.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 19. THE LEGENDS OF WESTLAND 3-SD-14-C**
North side of Westland Dr., east side of Morrell Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

- P 20. HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9 12-SJ-13-F**
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 21. FOX CREEK UNIT 2 2-SG-14-F**
Off Fox Rd south of Kingston Pike, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 22. WINDSOR SQUARE RESUBDIVISION OF LOTS 5R1 & 5R3 3-SA-14-F**
North side of Kingston Pike, east side of N. Seven Oaks Dr, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 23. SNEED, KING & CO ADD. TO KNOXVILLE RESUB. OF LOTS 82, 84, 86, 88, 90, & 92 3-SB-14-F**
Northeast side of Ogden St, southwest side of N Central St, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 24. WAYNE A & MADELINE KLINE PROPERTY 3-SC-14-F**
North side of Westland Dr on the east side of a private right of way Burch Cove Way, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. COVERED BRIDGE AT HARDIN VALLEY, PHASE 1D** **3-SD-14-F**
At the terminus of Viewcrest Lane, northeast of Covered Bridge Blvd., Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. HATCHER HILL PROPERTIES BROADWAY AT FIFTH** **3-SE-14-F**
At the southeast intersection of W. Fifth Ave and N. Broadway, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 27. ANNE R KILLEFER & JEANIE R SNODDY PROPERTY** **3-SF-14-F**
South side of Kingston Pike, west of Neyland Dr, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **28. PEDIGO & TAYLOR PROPERTY RESUBDIVISION OF LOT 1** **3-SG-14-F**
At the terminus of Felix Rd on the southwest side, Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 29. THE ANNEX AT THE GLEN AT HARDIN VALLEY** **3-SH-14-F**
Northwest side of Hardin Valley Rd at the current terminus of Brooke Willow Blvd, Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

Steve Wise: MPC Counselor. Your authority as to final plats is restricted both at state level and at the local subdivision resolutions. The final plats have a time frame in which approval must occur. If action is not taken within that time frame it is deemed to be approved. So there is a public policy that final plats are to be acted on in an expeditious, a reasonably expeditious manner. Also you are required the subdivision statutes anticipate that final plats are somewhat ministerial. If they meet the criteria of the subdivision ordinances, then they are to be approved. The only reason you can turn down a final plat would be that it fails to comply with the subdivision resolutions or ordinances. In this case there has been some collateral issues raised regarding ownership

or control of drainage areas and the like which are actually beyond the things that are proper for consider on final plats. Not that they are not proper for consideration at some forum. I am sure there is an appropriate forum where these things can be addressed. Keep in mind as you deal with this process that you are limited to the question as whether the final plat comports with the subdivision regulations.

Longmire: We have received many emails. I really appreciate the community making us aware of things. But again we are not, we cannot be responsible for restrictions and homeowners' rights. That is not our job and we do not have that authority. Having said that I need a motion... from Mr. Clancy?

Art Clancy: First of all would like to ask.

Longmire: Is the applicant present? Is there opposition?

John King: Here on behalf of the applicant.

Steve Smidt: Kimmerly Montgomery and Finley, 550 Main Street. I am representing a group of homeowners in the existing Glen at the Hardin Valley subdivision. The problem that we have is that the drainage plan for this subdivision puts a lot of the water from the proposed new subdivision into the common property drainage areas, drainage detention ponds of the existing subdivision. The presentation to the Commission has been that this is just a separate phase and if that were the case we probably would not be here. It is not a separate phase. It is an entire different subdivision. There has been use of the terms the annex at the Glen of Hardin Valley, the Glen at Hardin Valley Unit 2 which appear to try to confuse this issue. The problem is that homeowners that purchased in this new subdivision are not going to be able to have their water drained into these common areas. The current developer and the new developer have tried to come up with an agreement where the owners association through the current developer is approving of the use of this drainage area. This will be opposed. It is not proper. The current developer cannot utilize the homeowner's association for his own benefit. He sold that back phase to someone else. He is trying to protect his profits. That cannot be done. The problem that is going to be is we are going to oppose this drainage. We will stop it and we think there should be a demonstration before this Commission that they have the right to utilize this drainage detention area and they do not. I think that is succinct enough for the problem. I am concerned that you are being misled. I note that in the final approval from the agenda it says it is being maintained by the opposition; that this is separate unit from Unit II, the existing subdivision is different. It is different. They have not subjected the new subdivision to the covenants and restrictions which govern the existing subdivision. They are trying to develop it as an entirely separate tract which we also maintain that they should

not be able to do. That certainly is not before you. We will take care of that somewhere else. The problem here is you try to protect homeowners and new subdivisions from problems. A drainage problem will be disastrous for them. I would hate to see homeowners purchase lots in this new subdivision and not be able to have the benefit of drainage and they will not be able to drain their properties. The property in the rear rise at the rear so there is no room. So if you approve this you will possibly and I know that is not your intent, but I think you have been misled as to this all being one subdivision which was contemplated originally but is not being done now. There is no right for a subdivision which is not part of the existing subdivision to use the common properties of the existing subdivision. Thank you very much for your time. I appreciate it.

John King: P O Box 2425. As I understood the opposition's position, I think... nothing comes to my mind that is really before this body or to be part of the consideration or approval or vote of this body. I do want to respond to some of it just because there was the constant use of the word misled. I want to say that my client has had two meetings with the representatives of the homeowners group and told them what we are going to be doing and how it was going to be done. We are not part of any attempt to mislead anybody. I would take issue with that as it may relate to my clients, the developer and the applicant here. But when this was originally... this subdivision was designed the drainage at this detention system that was designed and put in place was one designed for the entirety of the development including the part that is now before you. It is not like we had a design for only the part that has been completed up to now. The design of the drainage system and the detention system was for the entire developed property. There has been some upgrade now of those detention facilities. The property where the detention facility is is owned by Testerman Development. I have a detention basin drainage agreement signed by Mr. Testerman and signed by my client that entitles us to use that drainage network and detention facility. That is pretty much it on that issue. As it relates to the other points about what can or can't be done there, the property that is now before you for consideration is precisely and specifically described in the covenants and restrictions that are of record in connection with the developed portion that is there now. That property that we have acquired is specifically exempted from the covenants and restrictions that were filed. Not was it not included in the description of the property that is within it that didn't include this portion of it but this portion was in addition specifically described as being exempt from that. What is happening is we are going to develop that. I guess the dispute as I would understand it is because we can develop it separately there is objection in that they want somehow or another to force us to be part of their homeowners association whether we want to or not. Like I say I think all those are not before you and we would appreciate a motion to approve the final plat.

Longmire: Mr. Kelly this subdivision meets all the requirements of the subdivision regs?

Dan Kelly: Yes ma'ame.

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

Laure Cole: I just wanted to give engineering a chance to comment on the drainage issue even though I know it is not in our prevue.

Cindy Pionke: County Engineering. Mr. King was correct in that when the original subdivision came in it extends from Hardin Valley Road to Sam Lee. The drainage was designed such that the back portion which is now under debate as to what is going on it will still drain toward the front. My understanding is that it was accounted for in the original design. That is why we are proceeding forth with that. From our perspective everything was fine. I do know that they tried to meet with some of the homeowners in our stormwater office. Part of what they were trying to figure out was the new owner for the back portion was trying to figure out how to... they didn't want to have the same restrictions on the houses and what not which is why they are not part of the HOA but they were willing to sign an agreement about helping to maintain the drainage through the front portion that has already been established and where the drainage will naturally go.

MOTION CARRIED 12-0. APPROVED.

- * **30. DG & GW SUBDIVISION** **3-SI-14-F**
Northwest side of Chapman Hwy, north of W Young High Pike, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- W 31. 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).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 33. H.E. CHRISTENBERRY** **1-F-14-RZ**
South side Kingston Pike, east of Kingston Ct., Council District 2. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

COMMISSIONER MICHAEL KANE ARRIVED TO THE MEETING AT THIS TIME.

- 34. CALEB BOYERS** **3-A-14-RZ**
Northeast side Maloney Rd., southeast side Ginn Dr., Council District 1. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

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

Caleb Boyers: I would like to speak first if I could. Thank you for that. The only thing I really needed to say was the original intent as it was printed on the card that was sent out to my neighbors had a mistake on it. There was sort of an outrage in neighborhood because recently they had a development that went in that a lot of them were opposed to. What was printed on the card was that I was going to build an additional residence on the property. I have no intent to do that. I revised that. I have gotten in touch with them and provided them some documentation to the reason and what my plan is for the property. It is just my single family home. I thought it was going to be something that wouldn't have any opposition but I just wanted to address the reasons for the opposition seemed to have been cleared up. I suppose if I need to I will reserve my time.

Longmire: You are saying that the proposed use of this land is rezoning needed for bank financing of home improvements prior to the sale of the land.

Boyers: Yes.

John King, P O Box 2425, 37901, speaking on behalf of two people immediately in the area of the proposed rezoning and also on behalf of myself since I live in this neighborhood. I talked to Mr. Boyers and I appreciate his prompt response to our inquiries. There was some initial confusion. But I am here not so much at this point in opposition but to state for the record some of the things that we have received assurances or if you will agreement by the applicant here on. One of them was that issue about adding onto the house. We received an email from Mr. Boyers says that he will not be doing any new construction and that there will be some work done to the interior of the home to change it hopefully to bring it into more of a neighborhood setting as to its utilization and also increase its value. He says as far as the exterior is concerned which they were concerned about, the only thing he would be doing to the exterior is re-shingling, painting of gabling and things like that. The other issue related to possible resubdivision of these properties into in essence more lots. I just got from him late yesterday another email that says he has no intent and will not be subdividing either the main lot or the small rear parcel at that location. Given that the neighborhood concerns that I was called upon to address have been met and we do not oppose the rezoning. I just wanted to make those statements for the record. We appreciate Mr. Boyers' attitude and cooperation.

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

- * **35. THE COURTLAND GROUP LLC** **3-B-14-RZ**
Southeast side W. Magnolia Ave., southwest side N. Central St., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business).

STAFF RECOMMENDATION: Approve C-2 (Central Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. EDWARD MCALISTER**
West side Walker St., north of Sutherland Ave., Council District 6.
a. Central City Sector Plan Amendment **3-A-14-SP**
From O (Office) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 3-A-14-SP, amending the Central City Sector Plan to C (Commercial) and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **3-C-14-RZ**
From R-2 (General Residential) to C-3 (General Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning, subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. CHARLES THOMPSON**
Southeast side E. Beaver Creek Dr., southwest of Stanford Ln., Commission District 7.
a. North County Sector Plan Amendment **3-B-14-SP**
From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION #3-B-14-SP, amending the North County Sector Plan to O (Office) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **3-D-14-RZ**
From A (Agricultural) to OB (Office, Medical, and Related Services).

STAFF RECOMMENDATION: APPROVE OB (Office, Medical & Related Services) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. MANSOUR HASAN**
Northeast side Middlebrook Pike, northwest of Bob Kirby Rd., Commission District 6.
a. Northwest County Sector Plan Amendment **3-C-14-SP**
From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION #3-C-14-SP, amending the Northwest County Sector Plan to O (Office) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **3-E-14-RZ**
From A (Agricultural) 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.

39. IDEAL ENGINEERING SOLUTIONS

3-F-14-RZ

Northwest side Nubbin Ridge Rd., northeast of Dunaire Dr., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.8 du/ac.

David May, 1216 Farrington Drive, President of Farrington Homeowners Association. I represent about 190 homes adjacent to this property. Let me just say right up front I am not here to oppose the rezoning. I just want to voice some concerns that we have as a community. First it seems that the MPC and not the developer wants to open a stub street that we have, Dalemere Drive, into the new development. We are adamantly opposed to that. Our subdivision is kind of encapsulated. It is insulated from Ebenezer and Nubbin Ridge as thoroughfares. We have neighborhood streets that are walker friendly, bicycle friendly and we don't want that to change. Opening that street from Nubbin Ridge will make our streets shortcuts from Nubbin Ridge to Ebenezer, Kingston Pike, Westland, etc. For example when I came home from the gym the other day just turning off of Farrington going to my home about a ½ mile I passed three separate walkers, women with babies strollers. That is the type of neighborhood we have. Walkers, joggers, cyclists are all common sights on our streets. I suspect that not only would the new development with its 400 plus ingress, egresses use our streets as shortcuts, but also people from other subdivisions and Nubbin Ridge, Morrell Road and we don't want that either. I have heard from dozens of Farrington residents opposing the opening of the stub street. I have not heard one person who wants that stub street opened. Dalemere is a steep street at the end where it terminates where it abuts this new development proposal. There is a steep curve at the bottom of it and it is already dangerous now. It is pretty hazardous in good weather and it is downright dangerous in bad weather. Opening it to the new development would make that downhill stretch even longer and that scares me a little bit too. There is a problem too with the storm drainage as it exists right now without this new development. These 10 acres we are talking about is heavily wooded, a lot of underbrush, a lot of ground cover, but we still have a drainage easement that comes through there. That drainage easement runs right through my front yard. I sent Mr. Brusseau some pictures of what happens during heavy rains. The storm drain clogs and my yard becomes a variable lake.

During a moderate rains I will have a 12 foot wide stream of water running through my property. I am afraid that when the new development is made that all the drainage from that now with the area being clear cut for homes will put even more water into our drainage. Now Mr. Campbell assures me that there are regulations that might prevent that, but I want to go on record as saying that we are concerned about drainage through our area. So that is all. I respectfully request you consider these issues.

David Campbell: Ideal Engineering, 325 Wood Lane, Knoxville, TN. I spoke with Mr. May and with another woman who called me from the subdivision. Both had concerns about the roadway circulation. Mr. May I looked at the photograph of his front yard during what must have been a very heavy storm and yes he had a large pool of water there. I imagine that Farrington Subdivision was designed for the 10-year storm which was what affected us in the 1980's knowing that Knox County's present regulations require us to protect the downstream properties from the 1-year storm through the 100-year storm I told Mr. May that we would do whatever we could to make sure his problem did not get any worse and looking at the color of the water in his yard it may even make it better.

Art Clancy: It looks to me like there is... I mean even if you open up the road we aren't looking at a concept plan yet, but even if you open the road up through there Farrington Drive already connects over to Ebenezer anyway. It seems like a more direct route to me. I would like to make a motion that we recommend that County Commission approve PR Planned Residential zoning at a density of up to 3.8 dwelling units per acre.

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

Longmire: Mr. May do you understand that all we are doing is approving the rezoning right now that the concept plan with the roads and everything will be later.

May: You are right Farrington Drive does connect on Ebenezer twice. Farrington Drive is a horseshoe it is an enclosed street. It has one street that comes in from Nubbin Ridge. It is called Dunaire; a very short street. It is used only by residents. It is not a short cut to anywhere from Nubbin Ridge.

Clancy: I mean it goes from Nubbin Ridge to Ebenezer doesn't it? Dunaire goes to Farrington Drive and Farrington goes to Ebenezer which seems to me is a shorter route than Dalemere Drive to Amblecote or wherever. We can look at when the concept plan comes in. That is where your issues will be addressed as well when the concept comes.

Longmire: I do want to say that what you said has been entered into the record. It has been acknowledged.

MOTION CARRIED 13-0. APPROVED.

- * **40. CITY OF KNOXVILLE** **3-G-14-RZ**
Southeast side Buena Vista Dr., north side Woodson Dr., west of Hilltop Rd., Council District 1. Rezoning from No Zone to R-1 (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **41. CITY OF KNOXVILLE** **3-H-14-RZ**
Northeast side Dartford Rd., northwest side Devonshire Dr., Council District 2. Rezoning from No Zone to R-1 (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **42. SHEPHERD OF THE HILLS LUTHERAN CHURCH** **3-I-14-RZ**
Northeast side Sherrill Blvd., south of Dutchtown Rd., Council District 2. Rezoning from BP-1 (Business and Technology Park) / TO-1 (Technology Overlay) to C-6 (General Commercial Park) / TO-1 (Technology Overlay).

STAFF RECOMMENDATION: Recommend the Knoxville City Council approve C-6 (General Commercial Park) / TO-1 (Technology Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. METROPOLITAN PLANNING COMMISSION** **3-J-14-RZ**
Southeast side Lyons View Pike, east side S. Northshore Dr., Council District 2. Rezoning from O-2 (Civic and Institutional) to OS-2 (Park and Open Space).

STAFF RECOMMENDATION: Approve OS-2 (Park and Open Space) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- P 44. SOUTHLAND ENGINEERING 7-A-13-UR**
(5-8-14) South side of Deane Hill Dr., east side of Winchester Dr.
Proposed use: Attached residential development in RP-1
(Planned Residential) pending District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 45. AT&T WIRELESS 3-A-14-UR**
West side of Beaman Lake Rd., south of Sunset Ave.
Proposed use: 125' monopole commercial telecommunications
tower in RP-1 (Planned Residential) District. Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 46. AT&T WIRELESS 3-B-14-UR**
Northwest side of Rutledge Pike, west of Rosewood Rd.
Proposed use: 141' monopole commercial telecommunications
tower in CB (Business and Manufacturing) District.
Commission District 8.

STAFF RECOMMENDATION: Approve the request for a 141'
monopole commercial telecommunications tower in the CB
(Business and Manufacturing) zoning district subject to 6
conditions.

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

- 47. AT&T WIRELESS 3-C-14-UR**
Southeast side of Dry Gap Pike, east of Jim Sterchi Rd.
Proposed use: 141' monopole commercial telecommunications
tower in RP-1 (Planned Residential) District. Council District 5.

STAFF RECOMMENDATION: APPROVE the request for a 141'
monopole commercial telecommunications tower in the RP-1
(Planned Residential) zoning district subject to 6 conditions.

Ellen Silver, 1004 Dry Gap Pike. We are the property adjacent
to the proposed site. We have not been contacted by anyone.
This is basically in our back yard. We pay over \$6,000 a year
in property taxes. The church, no one from the church has
contacted us. AT&T has not contacted us. We have spoken
with no one. I would request that you would give us at least
60 days to be able to talk and to discuss this and see if there
is not a more suitable site for this plan.

Eric Frampton: 5449 Bellsferry Road Acworth George. Just to
address the oppositions comments. I believe notification was
provided by staff to all of the surrounding neighborhoods
.AT&T has conducted an extensive search of the area to find
the most, least intrusive place for this tower. We have

conducted the balloon tests out there. We have provided staff with copies of those and tower simulations. I hope I am not sure if you have those in your packets or not. If you do I think you will find that the appearance of the tower is extremely minor from the surrounding roads and neighborhoods. So I would ask that you approve this application with all its conditions. I will reserve the balance of my time.

Longmire: Ms. Silver. As we look at the map. Can you see the map? Which is your property please?

Silver: I have a copy of it.

Longmire: The property of the church is the one with the lines on it.

Silver: I believe my property would be either R-1. I can't really tell by this.

Dan Kelly: Parcel 125.144

Art Clancy: 44 or 43? It has got a house on it; 44 does not.

Tom Brechko: Her property is listed on the survey information it shows as 125.44. The designation of a house may not be up to date.

Longmire: But you do have a house on that property.

Silver: Yes and we have three children there too. The cell tower would basically just about be in our backyard. You would think that they would have at least contacted us or talked to us about it before it got this far. We have actually been out of town. There was only one sign on the property which is not the normal way we come home. We did have a card in the mail but like I said we have been out of town and not able to speak with anyone about it.

Clancy: Mr. Frampton. I don't know why a neighbor that is that close would not have been notified. Staff can any of you all...

Longmire: She was notified by staff but nobody from AT&T or anything. It was a postcard. Yes ma'am that is how notification is done.

Clancy: Mr. Frampton would you have a problem with a 30 day postponement? I don't know that it would generate any difference as to how we address it. Would that pose a hardship?

Frampton: Well if you can appreciate my position. I am representing my client and we would like for this to be passed today. I guess the ball is really in your court. It is not so much that it is a problem it is just notification was given; proper notification per the ordinance. We have complied with all parts of the ordinance. We have complied with all parts of the ordinance. We are maintaining full setbacks. Opposition maintains that we are in her back yard. Which is a little... We are next door; that is true. Backyard is sort of a hyperbole. We are 199 feet to the closest property line. We are 269 feet I believe to her property at least.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1 (KANE). APPROVED.

Longmire: Motion passes but Mr. Frampton I think it would be very nice if you would talk to the neighbors and explain about the screening and what is going to be done to it.

Frampton: Absolutely as I said we have done some photo simulations and I think when you see them your concerns might be eased. I will give you my card.

Longmire: Ms. Silver thank you very much for coming. I hope you all can get together and talk and that it would ease your mind.

Larry Perry: Consultant for the Commission on any kind of tower recommendation. I just wanted to point out to the Planning Commission here that you are going to see a lot more of these over probably the next 9 to 10 months; more so than you have seen in the last 5 or 6 years because all the carriers, and we have 7 in this area and there are 13 licensed by the FSCC so we have got 7 more I mean 5 more that can come into the area that are all going to need tower space. You are going to see recommendations from my staff as well as hopefully from your staff that they design their structures for example 141 foot structure design it for like 160 foot but only build 140 foot so they can add on later. You are going to see some more of these because we don't want a porcupine county looking area just like Blount County and like Anderson County and some of the others. I just wanted to put you on notice that you are going to be seeing a lot more of these. In Nashville and Franklin we are seeing almost 20 different tower applications. So you are going to see a lot more over the next several months. So just be sensitive to the fact that you are probably going to be more involved in the tower structure business than in the past. Just keep that in the back of your mind as you are thinking through these.

Longmire: I appreciate that. I hope that the companies that are doing it do make an effort to reach out to the neighbors even though all they have to do is notify. I think it really helps the neighborhood relations if there, if there is a more personal touch.

Perry: Most of the carriers have been really very good so far. We told them that through the Planning Commission, through your staff, that we made an offer to all the carriers that if they let us know a little in advance that we will work with them to try to locate an area that may have less options. They have been pretty good about that. You will see very few opposition as far as staff recommendation because most of the work has already been done ahead of time before you ever see it. Just wanted to point that out to the staff and Commission.

Other Business:

- 48. Consideration of Two-year extension of concept plan for The Village at Shannon Valley Farms on Murphy Road until June 2016 (5-SB-12-C).**

3-A-14-OB

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 49. Consideration of Amendments to the Administrative Rules and Procedures of the Knoxville-Knox County Metropolitan Planning Commission, Appendix E - City of Knoxville Downtown Design Review Board Administrative Rules and Procedures regarding the removal of demolitions as a consideration of the board.**

3-B-14-OB

STAFF RECOMMENDATION: Approve the amendments to MPC's Administrative Rules and Procedures, as shown in Exhibit A, on the condition of City Council approving the related demolition amendments to the D-1 overlay district and design guidelines as previously recommended by MPC.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 50. Consideration of the purchase of replacement laptop and desktop computers under Knox County Dell bid.**

3-C-14-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

None

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 2:41 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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