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Minutes

May 14, 2009

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

The Metropolitan Planning Commission met in regular session on May 14, 2009 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Mr. Trey Benefield, Chair	A	Mr. Dick Graf
Mr. Robert Anders, Vice Chair		Mr. Stan Johnson
Ms. Ursula Bailey		Mr. Michael Kane
Mr. Bart Carey		Mr. Robert Lobetti
Ms. Laura Cole		Ms. Rebecca Longmire
Mr. Art Clancy		Mr. Jack Sharp
Ms. Rachel Craig		Mr. Wes Stowers
Mr. George Ewart		

* 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 MAY 14, 2009 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF APRIL 9, 2009 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

Ms. Debra Van Meter, Darien Court, President Council of West Knox Council of Homeowners asked to include Item No. 62. be postponed. The use determination phrase was foreign and since it was under Other Business, this was confusing. Neighborhood asks for 30-day postponement.

Applicant requested it be heard. Item 62 to be heard at its regular time on the Agenda.

Mr. Lynn Redmond 5246 Oakhill Lane. Also ask for postponement of Item No. 62. Do not believe the regional planning commission has the legal authority. Postponement would allow MPC to consider this authority.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE JUNE 11, 2009 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVAL WITHDRAWAL OF ITEM 57. AS READ. MOTION CARRIED 14-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

KNOX COUNTY SCHOOLS

Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.

1-C-08-SC

HABITAT FOR HUMANITY

Request closure of Evans St between Bonny Avenue and south to terminus at parcel 081PC003, Council District 1.

3-A-08-SC

BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION

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

HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18

South side of Woodlawn Pike, east of Southwood Drive, Council District 1.

8-SB-08-F

ISAIAHS LANDING RESUBDIVISION

South side of S. Mall Road, south of East Towne Road, Council District 4.

8-SR-08-F

DAVIN AND STURM RESUBDIVISION OF LOT 1R2

South side of Kingston Pike, south of Walker Springs, Council District 2.

10-SQ-08-F

<u>HART PROPERTY</u>	12-SH-08-F
East side of S. Molly Bright Rd, south side of Asheville Hwy., Commission District 8.	
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u>	2-SO-09-F
Intersection of I-40 and McMillan Road, Commission District 8.	
<u>OLIVER A. SMITH</u>	
Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.	
a. Southwest County Sector Plan Amendment	6-H-06-SP
From LDR (Low Density Residential) to O (Office).	
b. Rezoning	6-S-06-RZ
From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).	
<u>PROPERTIES DIVERSIFIED, INC.</u>	
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).	
b. Rezoning	8-E-08-RZ
From RB (General Residential) to CB (Business and Manufacturing).	
<u>VICTOR JERNIGAN</u>	
North side Thorngrove Pike, east side Atchley Ln., Commission District 8.	
a. East County Sector Plan Amendment	8-D-08-SP
From A/RR (Agricultural/Rural Residential) & PP/OS (Public Parks & Open Space) to LDR (Low Density Residential).	
b. Rezoning	8-H-08-RZ
From A (Agricultural) to PR (Planned Residential).	
<u>SHERRILL HILL COMMERCIAL</u>	11-E-07-UR
South side of Kingston Pike at Market Place Blvd. Proposed use: Commercial Development in PC-1 (k) (Retail & Office Park), PC-1/H-1 (k) (Historic Overlay) District. Council District 2.	
<u>REVEIZ CUSTOM HOMES, LLC</u>	11-J-07-UR
North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Mixed Commercial Development in PC (Planned Commercial) District. Commission District 6.	
<u>LISA HOSKINS</u>	4-F-08-UR
Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in R-1 (Low Density Residential) & R-2 (General Residential) District. Council District 5.	

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEMS 20, 21, 22, AND 23. MOTION CARRIED 14-0. ITEMS TABLED.

CONSENT ITEMS

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

COMMISSIONER GEORGE EWART RECUSED FROM CONSENT LIST.

COMMISSIONER TREY BENEFIELD RECUSED FROM CONSENT LIST.

ROBERT ANDERS TOOK OVER AS CHAIR ON CONSENT VOTE.

Mr. Michael Noland, 1856 Cherokee Bluff Drive ask that Item No. 59 be removed from consent and heard at its regular time.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 59. MOTION CARRIED 12-0-2.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 59. MOTION CARRIED 12-0-2. APPROVED.

CHAIR BENEFIELD RESUMED THE MEETING.

Ordinance Amendments:

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 7. METROPOLITAN PLANNING COMMISSION 5-A-09-OA

Amendments to the City of Knoxville Zoning Ordinance, Article 4, Section 24, TC-1 Town Center District, changing provisions relative to permitted and prohibited uses, height, parking, development plan requirements, administration and related ordinance provisions.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 8. METROPOLITAN PLANNING COMMISSION **5-B-09-OA****
 Amendments to the Knox County Zoning Ordinance, Article 5, Section 5.91, TC Town Center District, changing provisions relative to permitted and prohibited uses, height, parking, development plan requirements, administration and related ordinance provisions.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Alley or Street Closures:

- P 9. W & L PROPERTIES **4-A-09-SC****
 Request closure of eastern 10 ft of Park Village Rd. ROW between Fox Lonas Rd. and southern property line of parcel 004.02 (survey on file, approx 195'), Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 10. KENNY A. & ALLEN SMART **5-A-09-SC****
 Request closure of Honeysuckle Ave. between west side Chillicothe St. and east side of unnamed alley, Council District 3.

STAFF RECOMMENDATION: Approve the closure, subject to any required easements requested

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 11. KNOXVILLE HABITAT FOR HUMANITY **5-B-09-SC****
 Request closure of Marion St between Belleaire Ave and deadend, Council District 5.

STAFF RECOMMENDATION: Approve the closure, subject to any required easements requested.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- P 12. WILLOW FORK - GRAHAM CORPORATION**
a. Concept Subdivision Plan **11-SJ-08-C**
Southeast side of Maynardville Hwy., southwest side of Quarry Rd.,
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **11-H-08-UR**
Proposed use: Retail subdivision in PC (Planned Commercial) & F
(Floodway) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 13. HARRISON SPRINGS - EAGLE BEND DEVELOPMENT**
a. Concept Subdivision Plan **4-SC-09-C**
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Use On Review** **4-D-09-UR**
Proposed use: Detached dwellings in PR (Planned Residential)
District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 14. WINNFIELD COURT - SEC SOUTHEAST COMMERCIAL**
a. Concept Subdivision Plan **5-SA-09-C**
South side of Hammer Rd., east of Pratts Chapel Ln., Commission
District 8.

STAFF RECOMMENDATION: Approve variances 1-4 and the Concept
Plan subject to 8 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * b. Use On Review** **5-E-09-UR**
Proposed use: Attached residential subdivision in PR (Planned
Residential) District.

STAFF RECOMMENDATION: Approve the request for up to 64
attached residential units on individual lots as shown on the
development plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 15. CIRCLE LANE EXTENSION** **5-SB-09-C**
East end of Circle Ln., northeast of Westfield Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

16. **Withdrawn Prior to Publication** 5-SC-09-C

* 17. **STRATFORD PARK, UNIT 2 REVISED** 5-SD-09-C

Eastern end of Stratford Park Rd., northwest of Dry Gap Pike.,
Council District 5.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 18. **BALL CAMP VILLAS** 5-SE-09-C

Southwest side of Ball Camp Pk., northwest of Matlock Rd.,
Commission District 3.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

19. **AUTUMN WALK - H.R. DAVIS** 5-SF-09-C
a. Concept Subdivision Plan

North & south sides of Autumn Path Ln., northeast of Dry Gap Pk.,
Commission District 7.

STAFF RECOMMENDATION: Approve the concept plan subject to 8
conditions.

Mr. Richard LeMay: 10816 Kingston Pike for applicant.

Mr. Oliver D. Ferguson, 1411 Autumn Path Lane
Live in Autumn Walk condos and speaking on behalf of the
homeowners. We have the Nichols and Chadwells and my wife.
Oppose changes and believe adversely affect property values and in
disharmony with development is and not improving conditions in our
neighborhood. Sent emails to Commissioners. Concept presented to
us by H. R. Davis was for a safe planned unit development with a
maximum of 61 units that were to be 3 bedroom, 2 baths and a 2
garage. All units were to be identical and located in a park-like
setting. This plan was approved in 2006. Nothing was mentioned or
shown about the development being in phases. The new concept
drawings are different in that they appear smaller and are not
architecturally equivalent to our condos. We feel this violates the
zoning rules which allow up to 3 units per acre and 4.5 is not in
keeping with the agricultural zoning. Our homeowner associations
dues are suppose to cover lawn mowing, grounds maintenance,
Rural Metro and association insurance. Mr. Davis has not provided
owners with financial statements with regard to the homeowner

association's financial condition. Mr. Davis does not seem to be able to handle the affairs of the homeowners association and does not have a business manager or someone to send our checks to. There have been several problems with maintaining Rural Metro coverage. We have no insurance coverage. Lawn maintenance is sparse to nonexistence. Stormwater drainage creates problems behind Ashley Field has water standing after any rain. The retention basins are mud holes full of trash and debris. Most gutters are full of leaves and some have vegetation growing in them. Knox County has fined Mr. Davis for violations regarding the implementation of the drainage plan. Has the drainage plan been implemented yet? Streets have been compromised by heavy construction traffic. New units on east side of Ashley Field were rejected by the Building Inspector on May 8. Nichols lived in their condo for 13 months illegally because there not an approved final inspection until May 12. We are willing to do our part to help him sell the remaining units by offering suggestions on the improvement of the development. We gave him a list of 19 items that needed attention and he has completed less than 5 % of these items. During our meeting he neglected to mention that he was planning on adding the additional ten units. MPC staff report says the first phase is nearly complete and units sold. With only 4 units of 12 units sold and one unit leased, this is pretty misleading. If he has so much trouble maintaining a complex with only 4 units sold, how can he be expected to do any better with 61 units much less 71. We feel misled and blindsided by this proposal. Urge you reject this plan and force him to resolve the original problems.

Mr. Jack Stooksbury: 1311 East Beaver Creek 37918

I have a copy of all the notices of violations. If you take all the utilities that are in and if you add 10 with all the peripheral boundaries, the sewer laterals are not going to line up. Each unit has to have their own lateral to the main. I have a violation dated January 2008 and it has still has not been addressed. To give him 10 more units is that a reward for not complying with the County?

Mr. LeMay: Several deficits exist at Autumn Walk. Several were addressed in the staff comments you received in this review. Mr. Davis has been out with the County addressing the storm drainage issues. He is not 100% completed, but those items will have to be completed before a new final plat is recorded and this can go forward. This is one step in getting this project to go forward at a greater density. It will be a smaller unit with the same features. He is trying to find something marketable now so he can finish the development and address problems with homeowners. Several items seem to be legal issues which I am not prepared to address here. Ask you approve with caveats and conditions that Mr. Davis will have to do.

Mr. Laura Cole: Asked Mr. Stooksbury for notices of violations. He submitted a copy for the records.

Ms. Pionke: County Engineering. He has been given notices of violation and has not paid any fines. He has met with staff on site. It has been very minimal effort on his part in terms of cleaning up with regard to stormwater problems.

Mr. Clancy: He met with the subdivision inspector when Mr. LeMay said he met with Knox County

Mr. LeMay: He employed a company to take care of some of these measures such as silt fences I was told the County was there with the people doing the work. We are not proposing as part of this plan to physically change anything other than fixing problems that exist. Road or storm drain layout will not change. Some of services to lots will have to be adjusted and we are aware of that. Not asking for additional work. It will be on same infrastructure that is there. It cannot be any worse by approving this. He has contacted the State and worked with TDEC, admittedly not as much as he should have.

Mr. Clancy: Staff is subjecting approval of his request on 3-4 things that need improvements. Spoke to Mr. Ferguson that he was tempted to deny, but then there would be no leverage. This is an effort to get some of the inefficiencies done by giving him a caveat and get something in return. We are kind of giving all that up if we deny.

Mr. Ferguson: I do not see how that is going to make much difference any way or the other. He is very unresponsive.

Mr. Buz Johnson advised Mr. Clancy to give the rational for the denial.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO DENY REQUEST FOR ADDITONAL UNITS BECAUSE HE HAS NOT MET REQUIREMENTS OF THE FIRST APPROVAL OF THE CONCEPT PLAN.

Mr. Michael Kane, Add that the density is inconsistent with the area and the current density is more consistent with the area.

CLANCY AND EWART AMENDED MOTION TO ADD TO REASON FOR DENIAL THAT THE DENSITY IS INCONSISTENT WITH THE AREA. MOTION CARRIED 14-0. DENIED.

b. Use On Review

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

5-F-09-UR

STAFF RECOMMENDATION: Approve the development plan for up to 71 attached single-family dwellings on individual lots subject to 2 conditions.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO DENY REQUEST FOR ADDITIONAL UNITS BECAUSE HE HAS NOT MET THE REQUIREMENTS OF THE FIRST APPROVAL AND DENSITY IS INCONSISTENT WITH THE AREA. MOTION CARRIED 14-0. DENIED.

Final Subdivisions:

- T 20. **FINAL PLAT OF HAYNES PROPERTY** 8-SGG-08-F
Northeast side of Ridgewood Rd., northeast of Edonia Dr., Council District 4.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T 21. **HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4** 11-SO-08-F
South side of Hardin Valley road between Schaeffer and Iron Gate, Commission District 6.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T 22. **LECONTE VISTA** 11-SP-08-F
Kelly Lane near intersection of Kodak Road, Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T 23. **COVERED BRIDGE AT HARDIN VALLEY PHASE 5** 3-SJ-09-F
Northwest side of E. Gallaher Ferry Road, northeast of Rustic Bridge Trail, Commission District 6.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 24. **GRAVESTON ESTATES RESUBDIVISION OF LOT 2 & P/O LOT 3** 4-SD-09-F
Tazewell Pike at Ridgeland Drive, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 25. **GERDAU AMERISTEEL PROPERTY** 4-SK-09-F
Southeast of Sherman Street, northwest side of Louisiana Avenue, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 26. KENSINGTON TOWN HOMES 4-SN-09-F**
West side of Tammy Drive, north of Gregg Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 27. GRAYSBURG RESUBDIVISION OF LOTS 21-23 AND DR TROY BAGWELL FARM P/O LOT 3 4-SS-09-F**
East side of Susan Renee Lane, south of Elna Marie Drive, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 28. GLADYS M. BRASHER PROPERTY 5-SA-09-F**
Northeast side of Legg Lane, north of Millertown Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 29. STEPHANIE WHITE JOHNSON PROPERTY 5-SB-09-F**
Northeast side of Stony Point Road, northwest of Thorn Grove Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 30. PAUL VICKERS AND JACK JAMES SIMPSON PROPERTY 5-SC-09-F**
South side of McCall Lane, east of Prospect Road, Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 31. HUNTERS RIDGE RESUBDIVISION OF LOTS 27 & 29 5-SD-09-F**
West side of Stony Point Road, north of Kay's Ridge Lane, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 32. RESUBDIVISION OF THE ALLEN ATWOOD PROPERTY 5-SE-09-F**
North side of Garrison Drive, east of Beaver Ridge Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. SAND DOLLAR LLC PROPERTY RESUBDIVISION OF LOTS 2R1 & 3R1** **5-SF-09-F**

North side of S. Middlebrook Pike at Henson Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. TJ WALKER SPRINGS PARTNERSHIP PROPERTY** **5-SG-09-F**

North side of Sutherland Avenue at Tobler Lane, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. JEROME TEMPLETONS S/D RESUBDIVISION OF LOTS 7 &** **5-SH-09-F**

South side of Kingston Pike, west of Neyland Drive, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. ARP PROPERTY** **5-SI-09-F**

Southeast side of W. Raccoon Valley Drive, southwest of Depot Street, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. GENEVA M. ROBINSON RESUB** **5-SJ-09-F**

Southeast side of Messer Lane, east of the intersection of Weaver Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. WEST ARDEN PHASE II** **5-SK-09-F**

South side of Haversack Drive to Heathgate Road and over to Hammerstone Lane, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **39. CHARLES L & LOIS A ROSE PROPERTY RESUBDIVISION OF LOT 2** **5-SL-09-F**

South side of Blazier Road, southwest of Martin Mill Pike, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **40. RON C NEWCOMB PROPERTY** **5-SM-09-F**

At the southeast quadrant of intersection of Nichols Avenue and Munday Street, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **41. WILLOW BAY** **5-SN-09-F**

North side of Quarry Road, between E Emory Road and Maynardville Pike, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **42. MAITLAND WOODS PHASE 3** **5-SO-09-F**

Northeast of Sands Road, north of intersection of Airtree Lane and Ancient Oak Lane, Commission District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. BALLCAMP VILLAS RESUBDIVISION OF LOT 1-R** **5-SP-09-F**

South side of Ball Camp Pike, east of McKamey Road, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. RUBY W. LETSINGER PROPERTY** **5-SQ-09-F**

Southeast side of Snyder Road, northeast of Catlett Road, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **45. BLEDSON PROPERTY** **5-SR-09-F**

Northwest quadrant at intersection of Washington Pike and Shell Lane, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **46. CAROLINE AND DAVID BOYD FISER IRREVOCABLE TRUST PROPERTY** **5-SS-09-F**

East of intersection of Walker Springs Road and Walbrook Drive, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **47. FOX RIDGE RESUBDIVISION OF LOT 29R** **5-ST-09-F**

South of Washington Pike, west of Link Roads, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 48. OAKLEIGH UNIT 3** **5-SU-09-F**

Northeast side of Amherst Road, north and west of Mossy Oaks Lane, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **49. JAMES A HART RESUBDIVISION OF LOT 1R** **5-SV-09-F**

W. Gallaher Ferry Road at Hickory Creek Road, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **50. CASCADE VILLAS RESUBDIVISION OF LOTS 43-47** **5-SW-09-F**

Northwest end of Beacon Light Way, northwest of Spice Tree Way, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 51. METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE** **8-O-08-RZ**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 52. THE PAVILION AT HUNTER VALLEY FARM, LLC (REVISED)**
Northwest side Hunter Valley Ln., northeast of Keller Bend Rd., Commission District 4.
a. Southwest County Sector Plan Amendment
From LDR (Low Density Residential) & SLPA (Slope Protection Area) to O (Office) & SLPA (Slope Protection Area).

5-A-09-SP

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning**
From A (Agricultural) to OB (Office, Medical, and Related Services).

5-A-09-RZ

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **53. RALPH SMITH / PROFESSIONAL LAND SURVEY**
Northeast of Brackett Rd., northwest of E. Emory Rd., Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

5-B-09-RZ

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **54. ROBERT L. SLUSHER**
Northwest side Chambliss Ave., west of Lebanon St., Council District 2. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

5-C-09-RZ

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 55. DELBERT E. & JANA W. MORGAN**
Southeast end Holston Dr., north end George Bounds Rd., southwest side Holston River, Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

5-D-09-RZ

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 56. WELLS CREEK, LLC**

South side W. Gov. John Sevier Hwy., east of Winkle Ln., north of Tipton Station Rd., Commission District 9.

a. South County Sector Plan Amendment

5-B-09-SP

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

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential)

Mr. Bob Thompson: 8136 Jonesboro, 37920 Member of the South Doyle Area Homeowners Association

I did submit comments this morning and would elaborate on them. The staff report does not show a justification for the requested plan amendment. It cites three basic justifications and the support is not there. They seem to rely primarily on the logical extension. The MDR area to the north is an isolated patch. You will see LDR on either side for a long way and on the south side there is LDR. On the north side in the MDR area that is an urban growth area and does not extend to the Wells Creek property. It is strictly a rural area even the 5 units per acre is not in character with that area there are no such developments on the south side of the highway. As far as logical extension, the highway itself is a boundary. Criteria for logical extension clearly states that a road may be a boundary. I cannot see where the staff report offers any justification for the extension. Staff report does not compare acreage of these tracts. By looking I think the Wells Creek area is at least close to the size of the existing MDR area. There is some uncertainty as to the developer's intent of 21.9 or 28 acres. Report alludes to error or omission in the plan and alludes if you have MDR to north why not to the south. That falls short for the standard for an error in the plan. Third justification is changes in conditions. This relies primarily on the fact that the highway restriped from a two-lane road to a three-lane road with the third lane being a turn lane in the middle which says this would support traffic flow. There is no statement that the designation to LDR to begin with was based on traffic flow. It was based primarily on the scenic nature of the highway itself which is a State designated scenic road. I think he has told at public meetings he intends to put in condos and it says apartments on his application. Request a roll call vote on this matter.

Mr. Chuck Ward: 8715 Martin Mill Pike

South Knoxville has been one of the slower areas to grow. I feel like this is a great project. It is perfect piece of the land. It has been sitting there for 3 years and it is time to put something on it. South Knoxville needs continued quality growth. There are 4500 folks that work on the corner of Chapman Highway and John Sevier Highway and only 200 drive less than 20 miles to get to work. The rest drive more than 20 miles. There is a need for a quality development like he is proposing. Need to support continued growth of South Knoxville.

Mr. Victor Jernigan: 108 Stekoa Lane, Suite 103, 37912

This has been through zoning several times and was approved for medium density residential up to 12 units per acre in 2007 and lost at County Commission. Reason we came back to medium density residential is the confusion is that this is the same land that was previously zoned medium density residential. There had been an effort to acquire additional land along Tipton Station and include it. Every effort to create a normal subdivision and met with resistance from South Doyle Homeowners Association. Handed out colored maps. This area is more than justified to ask for a plan amendment. South Doyle Homeowners Association approved a massive change to the sector plan which created the largest retail component in all of South Knoxville at intersection of John Sevier. The property we have is one of the best pieces of property to build density and attached housing. Colored maps show buildable areas. Creation of the giant retail project with approximately 4,500 jobs there currently and soon to be 6,000 when the project is complete, created an immediate necessity to widen John Sevier Highway. Widening was proposed for several years and not funded until this project began. It is a major change for the area for how it is able to handle traffic. This property has line of sight of more than 1 mile to the east and $\frac{3}{4}$ mile to the west making it a fantastic location to create the access to this major highway. Sewer in the area has been expanded to handle the capacity along John Sevier Highway and create opportunity to have attached housing that this property can easily support. Ask approval of staff recommendation to approve.

Mr. Wes Stowers: Asked if any adjacent landowners were opposed.

Mr. Jernigan: None of adjacent landowners have ever objected. The adjacent landowners wanted me to build the apartments. They thought it would be an asset. They have lived along Tipton Station Road 30 to 50 years and are good with whichever project we build. Mr. and Ms. Gas are here and would become part of Wells Creek.

Mr. Buz Johnson: Staff recommends approval of MDR and increase in density from 5 dwelling units per acre to 9 dwelling units per acre. The reasons with regard to changing the sector plan, we think they are valid. It is a planning principle that you try to encourage like development facing like development. This is in the planned growth area which anticipates at proper locations increased intensity of development. You do have an improved John Sevier Highway which we think will have the capacity to handle the traffic especially at the intersection of Chapman Highway and John Sevier. Also there is a need for housing for that concentration of commercial development. In developing areas with intense commercial nodes of that nature, you try to encourage land use pattern which you decrease traffic in terms of traffic volume and flow. That is an identifiable medium density concentration on the north side. We think this is a logical

extension and goes along with the fact that you are creating a like land use facing a like land use.

Ms. Rachel Craig: I am mindful of our need in Knox County to increase density in some places. If we developed the whole county at low density we just increase our sprawl problem. That assumes we increase density were we want to increase density. One way to decide which place is to look at the sector plan. And sector plan clearly calls for low density residential. I realize plans can be changed, but I think people should be able to rely on sector plans unless there are very clear changes in circumstances. I am having trouble finding justification in this case. Also note there may be a pocket of medium density residential across John Sevier Highway, all the land around this parcel on the south side of John Sevier is low density residential or Ag with exception of one parcel.

Mr. Stan Johnson: Appreciate Jernigan's work on this. I asked if this was going to be apartments and you told me condos. Application says apartments.

Mr. Jernigan: It should say attached dwelling units. This land was previously zoned for apartments and when they filled the application out they put down apartments. Our intent is to build condos.

Mr. Stan Johnson: How do we make sure that is what is going to happen? This makes me nervous.

Mr. Jernigan. I cannot restrict what we build other than to tell you our intent is to build condos. The housing is going to the attached condominium development which is what we proposed three different times for this property. I can say our intent is to building attached condo development. We did propose to build apartments. We do not any problem with making our intent of the property.

Mr. Benefield: Apartments and condominiums the dwellings are similar and we cannot control that in the long term.

Mr. Longmire: Seems like with the traffic a traffic light was a problem. Having been 3-laned do you think a traffic light is needed?

Ms. Pionke: They would have to do a traffic impact study. Based on typical residential uses, I cannot think of when a condo or apartment actually created enough traffic 8 hours a day to warrant a traffic signal.

Mr. Stowers: Access would be off John Sevier with utilities in place. I have a problem when we get so rigid with our plans; our job is to apply judgment. I drove out there and fail to see where it would have any negative visual impact south of Tipton Station. It is self contained. Would give a place for works to live and add to

development of South Knoxville. Until Chapman Highway-John Sevier development took place, it would have been out of place. We are trying to cut down on jobs and cluster where there is work. This addresses that. Fact that the adjacent landowners have no issue would support our using judgment to amend the sector plan for changing use.

Mr. Bart Carey: Major retail node was an amendment to the sector plan. Yes. I was not a commissioner at that time, but was a major change in the sector plan. This was probably the largest change of the sector plan in Knox County. How controversial was that change?

Ms. Victoria DeFreese: 2921 Tipton Station Road
That was a major change to the sector plan. However, the corridor down Chapman Highway was a blighted area. That was an extension of commercial zoning. It did follow the policy and procedure. It seemed to be a logical major crossing of arteries. The community has benefited from it because it was a dangerous intersection and MPC and County Commission made sure changes were made to make it much safer for us.

Mr. Carey: That was basically an accepted change in the sector plan. There was momentum gained by this retail activity. With that change comes a ripple effect.

Mr. DeFreese: If it would come in an orderly fashion, the ripple effect when you have a cross section of major arterial roads that meet and high commercial then at that section around the commercial you would expect to see MDR and then out from that LDR and then AG. The MDR you are seeing we had lots of members take part in. That was people being visionaries thinking that the subdivision you see that is dense might possibly be an area that would branch out. There is PR at 1-5. You are looking at a proposed land use and you are looking at Agricultural. The zoning has not caught up with the sector plan use. It is a huge absurd jump in logic to think you are going to jump across a highway which is a boundary and put MDR where our current LDR is in the sector plan.

Mr. Carey: It does make sense to increase density as an area develops commercially.

Mr. DeFreese: If you take a drive down there. Showed a picture of the rural area. A concern we have is allowing such a large area of density. Back in August 2008 there was a new district put together. There are actually contiguous properties that have been put together into one new district. We wonder if we approve this today, we will see future zonings. This looks like phase I and Victor Jernigan can say he does not have plans. You can see in the plan approved in 2008 that there are contiguous properties that connect to Tipton Station. I understand that whatever you say today we do

not have an appeal to County Commission. We do not elect you. If you vote his way or against his way, then he can appeal to County Commission. We feel like we are stuck in a vice. This has been hard to follow.

Mr. Johnson: That district was denied by County Commission. That was the last time the rezoning was before County Commission when we showed it down to John Sevier down to Tipton Station as one PR district at 5 dwelling units per acre. That district was denied.

Ms. Laura Cole: I spent time on this and attended meetings and looked at the property. What gets me is the sector plan justification. I do not feel comfortable with what has been offered as a substantial enough change to amend the sector plan. I do not know if I would consider restriping substantial. Facing like uses... I have seen a road used as a boundary as well. Not significant enough change to support sector plan change.

Mr. Jernigan: It is not a restriping of John Sevier Highway. It was widening of John Sevier to add a third turn lane the entire length of John Sevier. It was a major road improvement to John Sevier Highway. When original sector plan was done, there was no sewer plan and no intent to widen John Sevier and no intent to add the commercial development. All were added after the sector plan was adopted. That is the reason we believe there are very substantial reasons for the change in the sector plan. We are 0.7 of mile from where the sector plan was changed as commercial.

Ms. Craig: When is South County Sector Plan to be redone? John Sevier is a designated scenic highway and will not change. Correct.

Mr. Donaldson: Currently ahead of the South County Sector Plan are the East County and North County sector updated within this calendar year and South County would be next. Scenic highway limitations in state law are a prohibition on billboards and junkyards and a setback and height stated in the State law. There is a 35 foot from the road bed or ground whichever is greater height restriction.

Mr. Clancy: When was this South County Sector Plan put in place? In 2002. Sector plans are intended to last from 5 to 7 years.

Mr. Donaldson: We try to do within that period. Within the sector plan are a 15 year component and 5 year component and try to update on a rotational basis.

Mr. Benefield: We do have option of addressing the sector plan independent from the zoning.

Mr. Ewart: In widening the road and adding a turn lane, what kind of volume can we move on John Sevier?

Ms. Pionke: It is not really you are adding more volume. The turn lane is for turning to get out of the way for thru lanes. You get more capacity in the thru lanes. You do not get additional thru traffic on turn lane itself. I would consider it a safety improvement.

Mr. Ewart: With a development like this it would be easier and would not have back ups turning into it.

Ms. Pionke: Changes are there would be different stripping in the 2-way turn lane. It would be marked so that people would know the entrance to the development.

Mr. Ewart: I think this supports us amending the sector plan. Amend to MDR.

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

Ms. Longmire: South Doyle people were not opposed to amendments to sector plans when it was at a legitimate and a reasonable place. I think they are very aware of what is going on. I echo Commission Cole's feelings and feel uncomfortable about changing the sector plan.

Mr. Johnson: Noted that the resolution needs to say South County Sector plan and not North County Sector Plan. It is a typo we will correct.

Upon roll call vote Planning Commission voted as follows:

Anders	Yes
Bailey	Yes
Carey	Yes
Clancy	Yes
Cole	No
Craig	No
Ewart	Yes
Johnson	No
Kane	No
Lobetti	Yes
Longmire	No
Sharp	No
Stowers	Yes
Benefield	Yes

MOTION CARRIED 8-6. APPROVED.

b. Rezoning

From PR (Planned Residential) @ up to 5 du/ac to PR (Planned Residential) @ up to 9 du/ac.

5-E-09-RZ

STAFF RECOMMENDATION: Approve PR (Planned Residential) at up to 9 dwelling units per acre.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION OF PR UP TO 9 DU/AC.

Upon roll call vote the Planning Commission voted as follows:

Anders	Yes
Bailey	Yes
Carey	Yes
Clancy	Yes
Cole	No
Craig	No
Ewart	Yes
Johnson	No
Kane	No
Lobetti	Yes
Longmire	No
Sharp	No
Stowers	Yes
Benefield	No

MOTION FAILED 7-7.

MOTION (LONGMIRE) AND SECOND (COLE) WERE MADE TO DENY REZONING.

Mr. Anders: What are we doing? We amended the sector plan knowing what we were doing, but now we are deny zoning?

Mr. Benefield: I was thinking about what Commissioner Craig said that we change our sector plans and the community needs to be able to depend on sector plan. This area is really not a bad place to consider increasing density over time. That I agree with. Given the controversy of this particular proposal and given the history of it and all the concerns, if we were to take more time to think through exactly what we are going to put there we may consider it differently. Which is the reason why I think rezonings should follow sector plans. I do not think they should happen concurrently.

Mr. Clancy: Ms. DeFreese suggested we are not elected officials, but appointed. I make a decision based on the best use of the land for all residents of Knox County and not just for the South Knox Sector plan area. Our decisions are based on land use and not who is going to vote for us. We are charged with planning how this city grows or does not grow and doing it intelligently. That is our only criteria. It is not to oppress the homeowners association. It is to make good land use decisions and that is what we try to do on every agenda item we have. We do a lot of work to make sure we

are educated in how we to help this city grow. Both mayors have charged us with that task.

Ms. Longmire: We also have to take into consideration the community and who lives there. Yes land use is important, but so are the people on that land.

Upon roll call vote the Planning Commission voted as follows:

Anders	No
Bailey	No
Carey	No
Clancy	No
Cole	Yes
Craig	Yes
Ewart	No
Johnson	Yes
Kane	Yes
Lobetti	No
Longmire	Yes
Sharp	Yes
Stowers	No
Benefield	Yes

MOTION FAILED 7-7.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE PR AT 8.5 DWELLING UNITS PER ACRE.

Ms. DeFreese: Can we not stick to the plan? What is 6 and 8.5?

Mr. Stan Johnson: Asked Mr. Jernigan if 8.5 would work and he said yes.

Mr. Carey: This is a direct result of the change to the plan years ago. A year from now when that sector plan is being reviewed, this could become a commercial property. The change is coming. The intersection of this node is part of the State scenic highway.

Ms. DeFreese: It is. It states on your website that the development along the edges of the corridor be severely limited to include increased building setbacks, which Mr. Donaldson did mention as well as the reduced signage. What he did not mention was it says "and limitation of the intensity of the development located along the road". So you could jeopardize our scenic highway designation. It starts at the intersection of Chapman Highway and goes to Alcoa Highway. You are talking about 1 mile away from the scenic corridor which is a 4 mile segment of John Sevier. It does not extend all the way to Asheville Highway.

Ms. Craig: This property is currently zoned at up to 5 units per acre and motion is for 8.5.

Anders	Yes
Bailey	Yes
Carey	Yes
Clancy	Yes
Cole	No
Craig	No
Ewart	Yes
Johnson	No
Kane	No
Lobetti	Yes
Longmire	No
Sharp	No
Stowers	Yes
Benefield	No

MOTION FAILED 7-7.

MOTION (ANDERS) AND SECOND (BAILEY) WERE MADE TO POSTPONE.

Mr. Stan Johnson: Why? Is there a half way point?

Mr. Jernigan. We have to put forth a use on review site plan which deals with where the buildings are to be placed, what the buildings look like and what the grading plan is going to be. I am asking for the opportunity to put forward a development plan in a medium density residential area on a major arterial highway. The South Doyle Homeowners Association has resisted every opportunity to create a normal subdivision with clustering of homes. They have resisted any opportunity that would allow this to be developed under the best management and planning practices available. If you consider 8 units per acre as a compromise to reach some kind of agreement to be able to move the project forward, I would appreciate a vote on that. Banks are waiting on an outcome. Stan Johnson pointed out that 7.5 gives you 165. We may end up with 7 units when we finish the design. I will accept 7.5.

Mr. Bob Dikes: 7544 Dalia Lane. Spoke to about this before. About Mr. Jernigan's comment that South Doyle Homeowners Association has not been cooperative and resisted every opportunity. We did not object to 5 units per acre. We never have. I think the reason this is so contentious right now is that a number of you realize that 5 units per acre is the appropriate number.

Mr. Benefield: We are only thinking about the land use. We get that all the time.

ANDERS AND BAILEY WITHDREW THEIR MOTION TO POSTPONE.

MOTION (JOHNSON) AND SECOND (EWART) WERE MADE TO APPROVE PLANNED RESIDENTIAL AT A DENSITY UP TO 7.5 DWELLING UNITS PER ACRE.

- Anders Yes
- Bailey Yes
- Carey Yes
- Clancy Yes
- Cole No
- Craig No
- Ewart Yes
- Johnson Yes
- Kane No
- Lobetti Yes
- Longmire No
- Sharp No
- Stowers Yes
- Benefield Yes

MOTION CARRIED 9-5. PR AT A DENSITY UP TO 7.5 DWELLING UNITS PER ACRE APPROVED.

A BREAK WAS TAKEN AND TAPES CHANGED AT THIS POINT.

Uses on Review:

- W 57. BENCHMARK ASSOCIATES, INC. 4-E-09-UR**
South side of W. Governor John Sevier Hwy, north side of Tipton Station Rd., east side of Winkle Ln. Proposed use: 140 unit residential development in PR (Planned Residential) District. Commission District 9.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 58. DEAD END BBO 5-A-09-UR**
North side of Sutherland Av., east of Hollywood Rd. Proposed use: Restaurant in C-1 (Neighborhood Commercial) District. Council District 6.

George Ewart recuses from voting or discussion on this item.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 59. WILLIAMS & ASSOCIATES JON WILLIAMS 5-B-09-UR**

Southwest side of Edington Rd., northeast side of Wells Rd., and northeast side of Greeley Ford Rd. Proposed use: Detached and attached residential - student housing development in RA (Low Density Residential) District. Commission District 9.

STAFF RECOMMENDATION: Approve the development plan for up to 65 residential dwelling units with a maximum of 265 bedrooms subject to 10 conditions.

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

The person that took this item off consent could not be found.

Ms. Rachel Craig: I talked to some of these folks this morning and they scrambled to find someone to be here.

Mr. John King: Mr. Nolan indicated that he had been asked by Mr. Robby Pope with Cherokee Bluff Condominium Association to be here and that is all I know.

CLANCY AND JOHNSON RESCINDED THEIR MOTION.

MOTION (ANDERS) AND SECOND (CLANCY) WERE MADE TO AMEND THE AGENDA TO MOVE THIS ITEM TO THE END OF AGENDA. MOTION CARRIED 14-0. AMENDED.

(THIS ITEM WAS APPROVED AT THE END OF THE AGENDA)

- * **60. JIM DICKSON - YMCA** **5-C-09-UR**
West side of S. Northshore Dr., south side of Charlottesville Blvd.
Proposed use: Playing field addition to YMCA in PR (Planned Residential) District. Commission District 5.

STAFF RECOMMENDATION: Approve the development plan for the proposed soccer field addition to the previously approved YMCA facility subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **61. CANNON & CANNON, INC.** **5-D-09-UR**
South side of Kingston Pike, northwest side of Clearfield Rd. and north side of Brandon Rd. Proposed use: Church parking lot in C-3 (General Commercial)/O-1 (Office, Medical & Related Services) and pending RA (Low Density Residential) and R-1 (Low Density Residential) Districts. Commission District 5 & Council 2.

STAFF RECOMMENDATION: Approve the development plan for the proposed soccer field addition to the previously approved YMCA facility subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- 62. Consideration of Use Determination that a self-storage facility be allowed the sale of supplies related to or associated with moving and storage to customers or prospective customers in the OB zone.**

5-A-09-OB

STAFF RECOMMENDATION: Approve the incidental indoor display and sale of boxes and packing material supplies as an accessory use of this self storage facility. (The previously approved use determination for this facility prohibited incidental sales.)

Ms. Debora Van Meter, 8700 Darien Court, new President, Council of West Knox County Homeowners. I talked to Mr. Donaldson and I am confused about Use Determination terminology. MPC does have a good website and there is nothing on the use determination. I am concerned that this is tucked away in Other Business and yet this is obviously a zoning modification and not address as such. I do not think the surrounding homeowners are aware of ramifications that can affect the entire county. I am concerned about talking about allowing the sale of supplies related to moving and storage. The supplies related to storage are different than those related to moving supplies. How will it be decided? We are all perspective customers and retail sales might increase traffic flow. It is a busy intersection. The gentleman said it is a low use facility. Our concern is if retail is allows that would change significantly. In 2005 he was happy with the restriction that there be no retail sales which was approved as a use on review. Now the restriction is hindering his business. I do not think that is enough of excuse to put retail commercial business in an office zone.

Mr. Hal Bibee: Bob Gray Road, Knox County
Thanked staff and MPC for work and help with approval of his business. This is the only 100% climate controlled self storage facility in Knox County. We got it approved in OB zone because able to convince staff and MPC that this was an ideal business for this location. We have been open for 2 years and the traffic impact is negligible. If you had an office building there, there would be several more cars in and out. We are asking to sell merchandise that is incidental to moving and storage; boxes, tape, bubble wrap, blankets for storage. We think there will be negligible impact on traffic and it may even improve it. Some traffic is created by people coming to storage and then have to leave to get their storage supplies. Have had compliments from adjacent property owners and we have had thanks for building something that did not have a substantial impact as far as traffic. Asked opposition how far they live away from store. We have had no opposition from anybody that

lives within 2 miles of the store. We followed recommended procedures for this process.

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

Ms. Longmire Asked where he would keep things for sale and if there would be signage.

Mr. Bibee: On office on first floor with no signage. It is primarily for our customers. They are coming in anyway. We are the only all climate controlled multi-storage facility in town.

Ms. Longmire: When you built this, did not think about packaging equipment?

Mr. Bibee: We were not aware of the impact it would have upon our business and that many people would want to buy their supplies there.

Mr. Bart Carey: Common sense says this reduces trips and will not attract more people. Ms. Van Meter questions the mechanism that we are using.

Mr. Buz Johnson: Zoning ordinance under OB zone, item no. O is "Other uses similar in character to those enumerated above, which is most of the uses in the Office district, which In the opinion of the planning commission will not be injurious to the zone. " That allows you to make the determination that this is an appropriate use based on the other uses in the Office district. That is the determination made back in 2005 when you first approved this request. One of the other uses that you have in the zone, is "establishments rendering business services associated with uses listed above, including but not limited to, the sale of office supplies and business forms and machines." This is incidental sales and we approved a use determination on the pharmacy.

Mr. Steve Wise: MPC Attorney, In the Zoning Ordinance it is in the office zone, article 5 section 5.102.

Mr. Wes Stowers: Asked if there will be any outside storage or changes at all.

Mr. Bibee: No just inside the office.

Mr. Johnson: When we initially approved this was there a restriction on the property?

Mr. Buz Johnson: In 2005 there were seven conditions one of which was no retail sales shall occur on the site. There were other

conditions such as outside storage and no overnight truck park, signage shall comply with OB zone and other conditions. He is asking to eliminate condition no. 4.

Chair Benefield asked why that condition was added.

Mr. Buz Johnson: In discussion with the applicant, I recall they talked about trying to get it rezoned to a commercial zone. I recall talking to Ken and I suggested that they no seek commercial zoning because I thought staff would not be in favor at this location. We looked at other uses and the fact that we had a use determination. We recommend certain conditions to the use determination that might seem more favorable to the Commission back on 2005.

Mr. Bibee: Sales hours would be when we are open 9-6 for 5 days a week and 9-4 on Saturday. There has been a substantial demand from our customers and received complaints about why does your competition do this and you cannot. They have to run back and forth to the shopping center to get boxes. It is more of a demand than we anticipated.

Mr. Michael Kane: I have a problem with this being one of the conditions approved especially for the community in 2005 when accepted. Since we are not involved in the emotional aspect of rezoning or use on review, now we are only looking at one particular item it seems like we are not adhering to trust that was done at the time when the use on review was approved. He chose to be in an office zone as opposed to being in a commercial zone. People have to live with the consequences of their decisions.

Mr. Ewart: Things change all the time. As an architect we have done several facilities with storage and you do end up with retail aspect. People bring things in and now moving things out and have to make a trip out of business to get them. There is room to deviate from what was originally approved when it first started out.

Mr. Anders: Storage units are one of the most unintensives uses of land there are. People are not going to be flocking in to buy bubble wrap. I believe it is a good use. Call for the motion.

Mr. Carey: It is like getting a hotdog and going next door for the mustard. It is less carbon footprint if nothing else. Let's make common sense out of this.

MOTION CARRIED 11-3. APPROVED.

- * **63. Consideration of City of Knoxville FY 2010-2015 Capital Improvements Program.**

5-B-09-OB

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **64. Consideration of 2nd Amendment to MPC Fiscal Year 2008-2009 Budget.** **5-C-09-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 65. Consideration of MPC Fiscal Year 2009-2010 Proposed Budget.** **5-D-09-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **66. Consideration of New Interlocal Cooperation Agreement Relative to Participation in the Tennessee Municipal League Risk Management Pool.** **5-E-09-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

ITEM 59 WAS MOVED TO THE END OF THE AGENDA EARLIER IN THE MEETING.

- 59. WILLIAMS & ASSOCIATES JON WILLIAMS** **5-B-09-UR**

Southwest side of Edington Rd., northeast side of Wells Rd., and northeast side of Greeley Ford Rd. Proposed use: Detached and attached residential - student housing development in RA (Low Density Residential) District. Commission District 9.

STAFF RECOMMENDATION: Approve the development plan for up to 65 residential dwelling units with a maximum of 265 bedrooms subject to 10 conditions.

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

The person that took this item off consent could not be found.

Ms. Rachel Craig: I talked to some of these folks this morning and they scrambled to find someone to be here.

Mr. John King: Mr. Nolan indicated that he had been asked by Mr. Robby Pope with Cherokee Bluff Condominium Association to be here and that is all I know.

CLANCY AND JOHNSON RESCINDED THEIR MOTION.

MOTION (ANDERS) AND SECOND (CLANCY) WERE MADE TO AMEND THE AGENDA TO MOVE THIS ITEM TO THE END OF AGENDA. MOTION CARRIED 14-0. AMENDED. MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Mr. Kane asked what had changed since the last approval.

Mr. King: What has changed is an increase in the total number of bedrooms. Your last approved was for 65 units and 244 bedrooms. There is the same number of units with an increase in 21 to the bedrooms. Financial feasibility is done and the submission of a business plan is to the entity that is going to be doing the financing. By the time they put the cap rate to for the financial, it is tough economic times.

Ms. Rachel Craig: This is a small change. But I continue to be distressed at what is happening on Cherokee Trail. I doubt if 10 years ago we would have recommended student housing for the ideal land use. Traffic is an issue. Cherokee Trail is narrow and winding and no good way out of there with one-way underpasses and UT hospital. I see us bit by bit making this problem worse and worse. At some point, we will have to say stop. I wanted my concerns to be on the record.

Mr. Stan Johnson: Asked if this will work for King. Call for vote.

Mr. King: That view was substantially mirrored. It has been before County Commission and they approved 3 units per acre. We are under that with this development. That point was made during County Commission and it was pointed out by one of the Commissioners from the district that he felt strongly to put attention to traffic and transportation issues but both Commissioners from that district approved the rezoning.

MOTION CARRIED 13-1. APPROVED.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:39 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Trey Benefield, Chair

NOTE: Please see individual staff reports for conditions of approval and the staff recommendation. These minutes are not intended to be verbatim transcripts.