



# Minutes

## November 13, 2008

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

The Metropolitan Planning Commission met in regular session on November 13, 2008 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Mr. Trey Benefield, Chair  
Mr. Robert Anders, Vice Chair  
Mr. Bart Carey  
Ms. Laura Cole  
Mr. Art Clancy  
Mr. George Ewart  
Mr. Dick Graf

Mr. Stan Johnson  
Mr. Michael Kane  
Mr. Robert Lobetti  
Ms. Rebecca Longmire  
Mr. Nick Pavlis  
Mr. Jack Sharp  
Mr. Wes Stowers

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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### 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

### \* 2. APPROVAL OF NOVEMBER 13, 2008 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF OCTOBER 9, 2008 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read  
Postponements to be voted on read

Arthur Seymour asked that item No. 52 Properties Diversified, Inc. be added to 60 day postponement list.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ EXCLUDING ITEM NO. 52 UNTIL THE DECEMBER 11, 2008 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 60 DAYS AS READ INCLUDING ITEM NO. 52 UNTIL THE JANUARY 8, 2009 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.**

Buz Johnson pointed out Item No. 47 requested postponement.

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS OF ITEM NO. 47 LECONTE VISTA 11-SP-08-F UNTIL THE DECEMBER 11, 2008 MPC MEETING. MOTION CARRIED 14-0. POSTPONED UNTIL DECEMBER 11, 2009.**

Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**

<u>KNOX COUNTY ZONING ORDINANCE AMENDMENT</u> Definitions and development standards for adult oriented establishments, including, but not limited to, bookstores and motion picture theaters, and changes to related sections	10-A-04-OA
<u>KNOX COUNTY SCHOOLS</u> Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	1-C-08-SC
<u>HABITAT FOR HUMANITY</u> Request closure of Evans St between Bonny Avenue and south to terminus at parcel 081PC003, Council District 1.	3-A-08-SC
<u>LAKEVIEW POINT</u> West side of Fredonia Rd., north of Merchant Dr., Council District 3.	1-SC-05-C
<u>ROSEBAY PLACE</u> East side of Rosebay Rd., south of Garden Dr., Council District 4.	8-SB-05-C
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES &amp; CONSTRUCTION</u> a. Concept Subdivision Plan Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	1-SG-08-C
b. Use On Review Proposed use: Attached residential subdivision in PR (Planned Residential) District.	1-J-08-UR
<u>WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R</u> Southeast side of Buffat Mill Rd., Council District 4.	1-SF-04-F

<u>HATAUB SUBDIVISION</u>	6-SY-05-F
West side of Hickory Creek Rd., north of Everett Rd., Commission District 6.	
<u>HILL PROPERTY</u>	4-SG-06-F
Northwest side of Greenwell Rd., northeast of Pedigo Rd., Commission District 7.	
<u>EMORY PLACE</u>	4-SX-06-F
Northwest side of E. Emory Rd, southwest of Bishop Rd, Commission District 6.	
<u>VARNELL PROPERTY ON DERRIS DRIVE</u>	5-SP-06-F
North side of Derris Drive, East of Wrights Ferry Road, Commission District 4.	
<u>PROPERTY OF J. RONALD SCHOOLCRAFT, JR.</u>	7-SU-06-F
Southeast side of Northshore Drive, southwest of Terrace Woods Way, Council District 2.	
<u>BEACON PARK PHASE I</u>	11-SQ-07-F
South end of Chandler Road at Rogers Island Road, Commission District 5.	
<u>DEWAYNE WHITT PROPERTY</u>	11-SW-07-F
North side of Wood Road, northeast of Majors Road, Commission District 8.	
<u>NATALIE ROBINSON PROPERTY</u>	12-SQ-07-F
Northeast end of Nighbert Lane, northeast of Choto Road, Commission District 5.	
<u>NORMAN SHAW</u>	4-H-06-PA
Northwest side Asheville Hwy., southwest of Grata Rd. One Year Plan Amendment from LDR (Low Density Residential) to O (Office). Council District 6.	
<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>FLENNIKEN HOUSING, L.P.</u>	7-L-08-RZ

Northeast side Flenniken Ave., southeast side Maryville Pike, northwest of Martin Mill Pike, Council District 1. Rezoning from C-3 (General Commercial) to O-1 (Office, Medical, and Related Services).

VICTOR JERNIGAN

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).

SHERRILL HILL COMMERCIAL

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.

REVEIZ CUSTOM HOMES, LLC

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.

LISA HOSKINS

4-F-08-UR

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

***ITEMS REQUESTED TO BE REMOVED FROM TABLE – (Indicated with U)***

None

***TABLINGS – (Indicated with T) Read***

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO TABLE ITEMS NO. 23 HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18 8-SB-08-F, NO. 24 ISAIAHS LANDING RESUBDIVISION 8-SR-08-F, AND ITEM NO. 31 DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F. MOTION CARRIED 14-0. TABLED.**

**CONSENT ITEMS**

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

COMMISSIONER MICHAEL KANE RECUSED FROM VOTING ON THE CONSENT LIST.
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Mr. Maurice Reed: Asked that Item No. 19 LeConte Vista be removed from consent.

## Citizen asked for Item No. 15 to be heard

Charles Pilgrim asked that item No. 48F be removed from consent to be heard.

Item No. 14 removed from the consent to be heard.

**MOTION (CLANCY) AND SECOND (LONGIMRE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM NO.'S 14, 15, 19 AND 48F. MOTION CARRIED 13-0-1.**

**MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM NO.'S 14, 15, 19 AND 48F. MOTION CARRIED 13-0-1 APPROVED.**

## 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.

**6. METROPOLITAN PLANNING COMMISSION (REFERRED BACK TO MPC BY CITY COUNCIL)**

**2-C-08-OA**

Amendments to the City of Knoxville Zoning Ordinance regarding parking in front yards including definitions and driveway requirements.

STAFF RECOMMENDATION: Approve Option "D".

Mr. Mark Donaldson: Well over a year ago MPC recommended and City Council approve a zoning ordinance amendment placing limitations on the amount of driveway surfaces that could be placed in front yards and side yards that are adjacent to a street. In December of 2007 we received a letter from City Council asking us to look at the act of parking in the front yard, In April MPC recommended to City Council changes to the ordinance as Option A. City Council did not act on that, but instead created a Task Force of neighborhood group leaders and their recommendations are Option B. City Council received report from task force and referred back to MPC. At an October 30 work session City Council received a set of amendments from City Administration as Option C. Staff made modifications to City Administration's proposal which is Option D. You also have a summary of each option with reference to articles of the zoning ordinance. Today you have a correct page 5 to the Summary where I grabbed the wrong language. We are in support of Option D which is City Administration's approach with

modifications. The primary focus of that approach is to create an opt-in provision for each neighborhood to place parking restrictions within a certain geographic boundary once a year. In delivering that proposal they marketed it as an incremental approach to perhaps testing and if necessary moving to a city wide application. We have recommended some technical modifications to the City Administration proposal.

Mr. David McGinley: City Engineering, We have concerns about Option D. First being the limitation on the amount of driveway and parking pad you can have. Right now it is 400 sq. ft. or 25% of the front yard. We have concern that on a lot of small lots 400 sq. ft. will not allow a person to build a driveway and have a parking pad that meets to the front building pad. Their parking pad would be set back from the house. Secondly there is an item that talks about if you can you should always build your parking pad on the side or the back. I did not think the City or Task Force recommended this and that is new language. We want to look at this. Third we had some difference in summary and Option D. I hope his handout corrects the discrepancy. We understand there is a lot of discussion about the opt-in and debating if it is the best approach. Engineering would like to bring forth an idea of a compromise of a pilot project of picking a neighborhood and looking at that and seeing how enforcement and implementation will work. We do have concerns with ways to enforce anything after 4:30 p.m. or before 8:00 a.m. Dr. Lyons is here if you have questions about pilot project.

Mr. Bill Lyons: City Policy and Communications. We suggested the opt-in to the neighborhood group and had some discussion at the work shop and heard some concerns about difficulty on putting the burden on neighborhoods, especially if not organized. The administration has concern with implementation, unknowns, difficulties, consequences. We do have the details worked out today and would like to get out into the mix rather than a neighborhood by neighborhood opt in. We would find an area neighborhood and let it be tried for a fixed time. We think that approach addresses the conflicts and allows the City to get experience on this concept.

Mr. Donaldson: Issue of 400 sq. ft. versus 500 sq. ft. was brought up at the City Council workshop. City Council's reaction was 500 sq. ft. was way too large. Formula for achieving the 500 sq. ft. is a driveway width of 20 feet wide and utilizing the minimum front yard setback of 25 feet. The 400sq. ft. is from definition of parking spaces as currently in the code, which says each parking space must have at least 200 sq. ft. and each house is required to have 2 off street parking spaces. We figure that is the minimum for small lots of record in the event they cannot access through alley or behind the front building line. Staff recommendation regarding location which is page 3 of Option D is a new section being added to the code under General Provisions and Off Street Parking. It splits that

provision to houses that have the ability to provide the required parking spaces behind the front building line, either in a detached garage in the rear or via an alley. They should do that. Then the paving surface within front yard would be limited to 25% of total yard area or surface leading directly to garage or carport with adequate flares to accommodate the width of the garage. In cases where small lots of record do not have access from an alley and topography may limit the provision of off street parking behind the front building line, they ought to be able to provide their two off street parking in the front yard. So added 2 provisions that off street parking facilities shall not exceed greater of 25% of the yard or 400 sf. Ft. This is where the alternative of 500 sq. ft. would come into play.

Mr. McGinley: Duplexes are allowed under the zoning ordinance to have two driveways. However duplexes are still limited to 400 sf. ft. on a small lot. So duplexes would not be allowed to provide the 4 parking spaces that are required under the zoning ordinance.

Mr. Jim Bletner 3819 Glenfield Drive. On behalf of the community Task Force. We had over 50 neighborhood organizations from all over town and we met all over so that everyone was included. We usually had someone from City Administration and City Council. Over 10,000 man-hours have gone into what we came up with. We were in agreement with Option B. We have tweaked it some. It has all been talked about to great lengths. We all want a better ordinance. R-1EN was left out because it already has more restrictive regulations. Reason we got into the sliding scale on driveways was because there were inconsistencies in the code. One problem with the ordinance as presented is "or the greatest of". When looking at lot coverage on a house of small lot of record and compare it with a large lot of record on Tazewell Pike where it may be setback 200 feet and have a 200 foot frontage. If you take 25% of that, you could have 5,000 sq. ft. of parking.

Ms. Polly Doka, 4804 Tomache Drive. I called a city planner in Austin which is where we got the pattern of opt-in options. There are over 100 examples of cities that have this ordinance. This lady has a full time job to referee opt in program in Austin. They have twice as many Hispanic as we have population in Knoxville. They said the reason they did the opt-in program was that the Hispanic people said they were treading on their culture. Neighborhood leaders we have been working with see value in this being a uniform across the board ordinance to protect our property values. We find it unaesthetic to have too many cars parked in the front yard. This has been time consuming. City has expressed concern about the cost of implementation. Think implementing on opt-in basis would cost more than city wide. Pilot program if that is what we can get, we would be happy with. I would prefer us to jump in with both feet. The City Planner in Austin says this has become very divisive in

some neighborhoods in knowing who is actually talking for the neighborhoods and are they legitimate leaders. Said they have been having to revise the ordinance on this all the time. It puts a lot of burden on neighborhoods, especially the ones that really need it.

Mr. Boyd: We are definitely comfortable with looking into pilot as pushing the opt-in. Our concern is unknown of enforcement. If it works, then we will know which way to go.

Mr. Bletner: Recommend that you pass Option B or take no action at all and pass it on. If you take no action and pass it on, it will be forwarded to City Council.

Mr. Michael Kane: I have been bothered me that the City participated in the process and there seemed to be some kind of agreement. There was then an alternate proposal as Option C. I do not understand how there are so many differences in the technical detail in Options C & D and the only difference was how it got implemented.

Mr. McGinley: We attended meetings and offered suggestions. Our suggestions were not always the way the task force wanted to go.

Mr. Kane: Why were there still multiple versions before this body? I spent hours going through each option. It is confusing and difficult to understand which body and why we do not have consensus.

Mr. McGinley: A lot of it is concerns of enforcement and implementation especially after hours. We do not have all the ideas on how to implement it. That is why city administration's option came about was to simplify the enforcement and implementation process.

Dr. Lyons: I was not at the meetings. City staff was there to help do what the task force wanted. The folks often found that City staff did make suggestions, but did not fee they were in a position to make them other than as suggestions. After the task force made its report, then the City Administration looked at it with the concerns we had. This was never proposed as a formal administration involvement. City was asked only to assist.

Mr. Boyce McCall: 4710 Washington Pike 37917. Have property in Lonsdale. Oppose this ordinance. You have not dealt with the financial impact to those of who are impaired. From my standpoint it will cost me several thousand dollars to comply. Option D talks about parking of one automobile. Where do I park my other four cars? Ask that you make the letter that I submitted last week a part of this record. I want to show that City Council has different policies for different people. I have lots with some 30 foot and some 40 foot lots. There is no way I could comply with these regulations. You are



depriving me of the right to use what I own. I have a problem with the grandfathered clause. You show pictures of cars parked in front yards and next door you have crack houses which you cannot deal with. This is a police problem. I have the Official Police Manual which I want to make a part of the record. It tells us how to deal with junk car in front yard. You go to Chancery Court and complain of nuisance or if in City have them come out and show the violation of nuisance law. We need to just follow these rules. I have tapes of these people talking about City Codes coming onto my property without a warrant and picking up my car with a wrecker. You need to postpone this and get a competing ordinance. Let us get with the city and help draw up an ordinance. They are after the junk cars.

Mr. Bart Carey: Thanked Task Force. I have questions on regulating this ordinance. I think it does some good things. The word consensus keeps coming up and we are having a hard time getting our hands around consensus. I have seen serious division within homeowner's association because no agreement was reached. I am in the business of building driveways and parking pads. You can come in overnight with a bobcat and asphalt truck and change a driveway in the dark. I see holes in all the options.

**MOTION (CAREY) AND SECOND (CLANCY) WERE MADE TO TAKE NO ACTION. MOTION CARRIED 14-0. SEND ON TO CITY COUNCIL WITH NO ALTERNATIVES RECOMMENDED.**

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| P 7. | <b><u>METROPOLITAN PLANNING COMMISSION (REFERRED BACK TO MPC BY CITY COUNCIL)</u></b>   | 5-A-08-OA |
|      | Amendments to the City of Knoxville Zoning Ordinance, Article 5, Section 10 (Signs, Billboards, and other Advertising Structures) and related sections regarding the operating regulations of Electronic Message Centers. |           |

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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| P 8. | <b><u>METROPOLITAN PLANNING COMMISSION</u></b>  | 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.

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| P 9. | <b><u>METROPOLITAN PLANNING COMMISSION</u></b>   | 10-A-08-OA |
|      | Amendment to the Knox County Zoning Ordinance to add landscape businesses as a use permitted on review in the Agricultural zone. |            |

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **10. METROPOLITAN PLANNING COMMISSION** **11-A-08-OA**  
Amendments to the City of Knoxville Zoning Ordinance, Article 5, Section 3, Development Standards for Uses Permitted on Review, Section 3.G.7, Self Service Storage Facilities, regarding the location of and access to self-service storage units.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Alley or Street Closures:**

None

### **Street or Subdivision Name Changes:**

- \* **11. METROPOLITAN PLANNING COMMISSION** **11-A-08-SNC**  
Change Hornet Way to 'Soaring Hawk Way' between Williams Rd and deadend, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Plans, Studies, Reports:**

- P **12. TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY (TTCDA)** **10-A-08-SAP**  
TTCDA Comprehensive Plan and Northwest County Sector Plan amendment. Commission Districts 5 & 6 and Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

### **Concepts/Uses on Review:**

- \* **13. THE VILLAS AT TYLER'S GATE - WANIS RGHEBI** **11-SA-08-C**  
**a. Concept Subdivision Plan**  
Northeast side of Heiskell Rd., northwest of E. Copeland Dr., Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 13 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Use On Review** **11-M-08-UR**  
Proposed use: Residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 30 attached residential lots subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**14. GLENLAKE, UNIT 2**

**11-SB-08-C**

North side of Schaad Rd., north end of Olive Branch Ln., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 10 conditions.

Mr. Wanis Rghebi: 4909 Bull Road, 37931. Project has been approved in the past. Because of Schaad Road construction was not able to do construction the last few years.

Ms. Shannon McFerron 3323 Stars Cove Lane, Glenlake Subdivision  
We are requesting tress such as Leland Cypress along north and south sides of the Schaad Road extension. We would like visual separation, reduction of glare air pollution and safety for the children. Community playground and walkway is next to the new four-lane highway. We ask that trees between Millers Plantation and Glenlake II not be removed as a barrier. Concerned that development company is not taking watershed situation into consideration. Would like EPA and MPC to assess the impact on the environment and take into consideration property values of Millers Plantation and Glenlake Subdivision.

Ms. Sharron Mayo: 3112 Gose Cove Lane, Millers Plantation Sub. My house is in a cul-de-sac adjoining new Schaad Road and the ridge. When moved in here, one reason was because of the beauty of the trees. Over the entire area of Knoxville ridges are being developed with no consideration of the beauty. We are asking you to help us as homeowners to stop destroying every land parcel. They cut trees down regardless of whether they need to. If 56 homes means cutting down on the size of the homes to save some of the trees, ask you to consider this. They built Saddlebrook and that was beautiful with many trees were left. There needs to be green area and places for people to walk and children to play. Try to consider the beauty and environment. We would like EPA to assess this and give us a report of what is going to happen if hey take down the ridge. I look at the trees and ridge and know this is going to disappear. I do not know why more people are not concerned with the beauty of the area.

Ms. Barbara Munsey: 331 Stars Cove Lane  
You can see where the lake comes up to the road and there is a sidewalk all the way around the lake. There is no room between the sidewalk and the road. The playground is close to the road. We are concerned about safety. Two nights ago a car went right into a

house on Ball Camp Pike and this is a larger road with people traveling higher speeds.

Mr. Rghebi: It is really not a ridge. Trees are on Schaad Road. Development did not have anything to do with Schaad Road. I would like to see single homes verses apartments or commercial.

Mr. Benefield: They asked for minimizing the clearing of the back the adjoining their property. Is that possible especially on the steep part?

Mr. Rghebi: We intend to leave as many trees as possible and cut just what we need for the development. On the east and north the lots are too steep. We are not going to clear all the trees.

Mr. Benefield Mr. Rghebi is required to meet the Tennessee Department of Conservation requirements which are consistent with EPA. Asked if screening is possible.

Mr. Rghebi: Yes, some kind of trees along the north side of Schaad Road.

Mr. Tom Brechko: Around 2004 when this was submitted for the entire property we identified that Schaad Road extension was coming along soon. They decided to only move forward with southern portion. They came in with Unit 1 based on location of Schaad Road. Those plans identified a need for a slope easement construction easement and they were approved showing slope easements on those lot. There was not a condition at that time for landscaping buffer along the northern lots of Glenlake 1. About a year later they came in with concept for Unit 2. Based on issues with first section, we added a condition on landscape screening to the northern portion and it is part of the recommendation today. The southern portion has already gone through approvals and we can do nothing about that; but we can on the northern portion. The plan in packet shows the northern portion and we applied the Hillside Regulations on that which is why there are only 4 lots along the northern boundary. We have addressed a great reduction of lots that can occur in that area.

Mr. Rghebi: Subdivision will have its own homeowners association.

Mr. Dick Graf: Developers do not take out trees that they do not have to. It doubles or triples their cost. Trees help sell your lots. Trouble is when you build house on lot there are no trees left. You take them out and then plant them back. You are not designing around a tree. There are no trees in Phase I. To think Phase II is going to be different, I would say it is not. It is a rough piece of land. The rougher it is the more you have to take cuts to meet the

regulations. It is to the lay of the land that dictates the grading not because a developer wants to cut down trees.

**MOTION (GRAF) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Ms. Andrea Wilson: 3303 Miller Creek Road. Down at the bottom of the ridge. Two years ago I was told most trees would not be removed due to structure and creek. That is what they told me in 2006. I disagree where trees are left. We are speaking of a ridge with trees and a sanctuary for deer. It involves Ball Road and aesthetics for the driving through out community. Ask for the ridge to be left the way it is.

Mr. Benefield: The lots along the back have been limited to only 4 lots. The density has been reduced to save trees and save topography. Those lots will be sold and we do not have control over with what the homeowners do.

Ms. Wilson: Reason we ask is for environmental reasons also. When you start digging into that ridge have to be concerned about structure and environmental part of the watershed.

Mr. Bart Carey: Some of these areas are protected. And some areas are not buildable. It comes down to doing this responsible.

Mr. Tom Brechko: Steepest portion of this property is the down side of the ridge down to the creek. To find a building site on this, they are going to be closer to the road. There will be a couple of spots where grading to where the cul-de-sac ends. The narrowest lot is 160 feet wide and go up to 300 feet wide on the back side. They are going to building closer to road.

Mr. Art Clancy: Trees are expensive to remove. Trees sell subdivisions. You need sewers and that is the biggest reason you take trees down. I know this developer. There is Meredith Place right down the street. None of the trees were cut all off the lots and have access from down on the lower level. He does not like difficult steep pieces of land. Sewers and utilities have to be put in these subdivisions.

Ms. Mayo: We are concerned about safety. That is wonderful that Glenlake II is going to get a tree barrier. That leaves us high and dry with a road in between a walking area and a playground.

Ms Wilson: Asking about environment and watershed and structure of the ridge not only about the trees. Love for you to see before decision is made.

**MOTION CARRIED 14-0. APPROVED.**

A BREAK WAS TAKEN AT 2:50 P.M. AND TAPES WERE CHANGED.

**15. GREENBROOK**

**11-SC-08-C**

North of Gable Run Dr., west side of Orange Blossom Ln., northeast of Solway Rd., Commission District 6.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 7 conditions.

Mr. James Bryant 325 Wooded Lane Representing the owners. Object to Item No. 2 of extending Orange Blossom Lane into the Teal Creek Subdivision. He wants that removed. He also had opposition from homeowners in Greenbrook about the tie into Teal Creek Subdivision. The owner has two one different price points for Greenbrook and proposed Teal Creek which was postponed today. Homeowners looked at safety concern and additional traffic coming from Teal Creek into their subdivision.

Mr. Dan Kelly: We like connectivity between neighborhoods. In this case, you have a single developer doing two subdivisions that adjoin one another. We do not know issue of two different price points is significant in that you are talking about a difference of road length of 150 to 200 feet connecting two subdivisions together. Greenbrook Subdivision when completed will be over 150 lots. We look for a second access point anytime you go over 150 lots. During the review process, we asked Mr. Bryant to provide us with a road profile of how to connect the two subdivisions together. He provided that to us just the other day and I forwarded it to Cindy Pionke yesterday. We have not had a chance to examine the profile and grading as to what would be necessary to put that road in. Rather than eliminate the connection, we would like to leave that issue where through the design plan process we can look at the proposed design of the road connection. If it is not going to work, then we could come back and make that an issue at the final plat. Leave it open for now.

Mr. Clancy: You want to leave condition 2 in

Mr. Kelly: Leave it in and make it a condition of design plan that staff and County Engineering get a chance to look at the proposed design. Then at time of final plat, they could get up and argue whether or not they want to do the connection at that point. If it will work, we will recommend the connection be made.

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

**P 16. HEARTLAND DEVELOPMENT ON HIGHLAND VIEW DRIVE - HEARTLAND DEVELOPMENT, LLC**

**a. Concept Subdivision Plan**

**11-SD-08-C**

North side of Highland View Dr., west of Chapman Highway.,  
Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P**

**b. Use On Review**

**11-J-08-UR**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 17. TEAL CREEK, REVISED - LANDVIEW, LLC.**

1/8/2009

**a. Concept Subdivision Plan**

**11-SE-08-C**

East side of Solway Rd., northwest of Gable Run Dr., Commission  
District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P**

**b. Use On Review**

**11-L-08-UR**

1/8/2008 Proposed use: Detached residential subdivision in PR (Planned  
Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\***

**18. CARTER RIDGE**

**11-SF-08-C**

Southeast side of Carter Mill Dr., northeast of Carter Ridge Dr.,  
Commission District 8.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 9  
conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

File Number not assigned

11-SG-08-C

**19. LECONTE VISTA**

**11-SH-08-C**

East side of Kelly Ln., south of Kodak Rd., Commission District 8.

STAFF RECOMMENDATION: Approve variances 1-4 and the concept  
plan subject to 12 conditions.

COMMISSIONER BART CAREY RECUSES FROM DISCUSSION OR VOTING ON  
THIS ITEM.

Mr. Rusty Baksa: Land Development Solutions, 310 Simmons Road,  
Suite 4 on behalf of owners.

This subdivision was before you several months ago and approved  
with a different road configuration. We made changes based on  
interior grades and could not get property to balance in terms of

earthwork. Road are at same location except entering closer to the north on this drawing. We are fine with conditions.

Mr. Maurice Freed and Beverly Freed: 2605 Kelly Lane

Road was moved aback 250 feet from boundary of the church property so that the entrance would come across from my property. We moved into Kelly Lane and owner took down the existing premises. We have water runoff now into our existing driveway. Concerned with impact with road configuration onto to Kelly Lane which is 15 feet wide and cannot handle traffic it has now. The major use now is the Seven Islands Wildlife Refuge. MPC is not taking into consideration the safety of citizens walking on the road or driving to various locations down Kelly Lane with onslaught of 18 additional home sites. Stubs were designed to be an existing connection between a circular road proposed now to Layman's and access to Kodak Road. The two separated and now have separate configurations. Secondly we have environmental impact based upon configuration now. Developer wants to take down 13 trees which causes drainage of water across the road and directly impacting existing homes. It is ditching that they are using rather than stormwater sewer. They are putting in retention pond at bottom of property. Concerned with safety of 15 foot wide road, the impact only upon improving of 150 feet of road from the existing requirement that most of Kelly Lane as it fronts this project be improved. Water would drain directly down on Kelly Lane. Today you will see water coming across my driveway into my riding arena. MPC needs to contact County Engineering. We are concerned that Kelly Lane is in bad disarray. Fire and police would not be able to access this project very well in emergency. County needs to consider two access roads even if feel 18 homes are not significant. Main artery is Kodak Road and you have not provided by design a proper safety access for walking and vehicles going 40 miles per hour.

Ms. Kelly Schlitz: Back in August on the previous plan we contacted Parks and Recreation on their work plan on improving Kelly Lane down all the way down to the refuge. At that time they say they do not have enough trips to warrant improvement.

Mr. Freed: I work with Knox County Schools and put in events. I talked to the Park Director. He is wrong about the impact on Kelly Lane. With launch boats and fishing it is heavy now.

Mr. Michael Kane: Question was on the drainage problem and what has he evaluated and what is he planning on doing about it.

Mr. Baksa: His property, which is toward the north, has a grade that goes up. We are putting in catch basins at the entrance. We are putting culvert in the ditch along Kelly Lane to redirect the water away from him. There is a gravel driveway now it goes down and not much ditch. That is the problem now. We are going to put that



in a culvert and run it down to a detention basin toward the river away from his property entirely.

Mr. Wayne Whitehead: 7009 Thorngrove Pike. Concern is where Kelly Lane comes out into Kodak Road. It is my understanding there is sufficient sight distance from the entrance to this subdivision up and down Kelly Lane. All traffic has to go onto Kodak Road which has a blind hill to the west of the intersection which is less than 200 feet. Ms. Pionke said it was less than 300 feet. Any traffic coming up over the blind hill does not have enough sight distance to the intersection. It is scary to turn onto Kodak Road from the refuge because you cannot see traffic coming from the west.

Mr. Pionke: Kelly Lane at Kodak Road, he is correct. The sight distance does not meet our normal minimum requirements for 300 feet toward the west on Kodak Road. Typically we are looking at the subdivision itself and its access. We felt that this was an existing condition that has been there and this developer is not responsible for fixing. It would probably take a capital project to fix it. We have pulled crash records and there have been no crashes reported in the last three years.

Mr. Robert Anders: I am looking at 214 a day traffic impact for 18 home sites. I do not see that as a dense traffic pattern.

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

Mr. Whitehead: When I first learned about this subdivision, I assumed that the entry would be on Clyde Road. It looks like that would be a simple remedy. That is a nice straight away that the stub road would give access to Kodak at a much safer location. If we have to dump that on Kodak Road, we could wait for an accident, but I would like to see the entry fixed before the accident.

Mr. George Ewart: On condition No. 4, who will determine sufficient right of way?

Ms. Kelly: The developer is required to research deeds if there is right of way. They are required along their property to dedicate 25 feet from the centerline. Recommend widening to Kelly Road if the right of way was available.

Mr. Whitehead: The issue of 214 trips per day traffic. The Wildlife Refuge has been open for only 4 years. They intent to put some housing conference centers and public use that will increase the traffic flow. There is going to be increased traffic flow with viable safety concerns.

**MOTION CARRIED 10-3-1. APPROVED.**

**20. WITHDRAWN PRIOR TO PUBLICATION**

**11-SI-08-C  
11-C-08-UR**

**P 21. WILLOW FORK - GRAHAM CORPORATION**

1/8/2009 **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**

1/8/2009 Proposed use: Retail subdivision in PC (Planned Commercial) & F  
(Floodway) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Final Subdivisions:**

**W 22. COPPERLEAF**

**9-SO-07-F**

Northeast side of Heiskell Rd, northwest of E. Copeland Dr,  
Commission District 7.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**T 23. HENRY DAVENPORT FARM RESUBDIVISION OF PART OF  
LOT 18**

**8-SB-08-F**

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

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

**T 24. ISAIAHS LANDING RESUBDIVISION**

**8-SR-08-F**

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

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

**\* 25. DOGWOOD COVE**

**8-SV-08-F**

Northwest side of Dogwood Drive, northeast of Wright's Ferry,  
Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 26. JOHNSTONE UNIT 2**

**8-SZ-08-F**

At the terminus of Calvert Lane, west of Havenstone Lane,  
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 27. FINAL PLAT OF HAYNES PROPERTY 8-SGG-08-F**  
Northeast side of Ridgewood Rd., northeast of Edonia Dr., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 28. WILDWOOD GARDENS PHASE IV 9-SH-08-F**  
Liverpool Lane at Remagen Lane, Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 29. JAMES & LOUISE KIYKENDALL PROPERTY 10-SB-08-F**  
Southwest side of Foust Hollow Road, north of Daniels Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 30. HUDSON PROPERTY 10-SL-08-F**  
North of terminus of Faddis Lane, northwest of Atkins Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 31. DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F**  
South side of Kingston Pike, south of Walker Springs, Council District 2.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- \* 32. CUMBERLAND ESTATES RESUBDIVISION OF LOTS 9 & 10 11-SA-08-F**  
Southwest side of Robindale Road, southwest of Willowdale Drive, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 33. CALVARY BAPTIST CHURCH LOT 2 11-SB-08-F**  
North side of Kingston Pike, northeast of Kingston Court, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **34. THE VILLAS AT TYLER'S GATE** **11-SC-08-F**  
North side of Heiskell Road, west of Copeland Drive, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **35. CENTURY PARK RESUBDIVISION OF LOTS 3R-1, 4, & 5** **11-SD-08-F**  
Maybry Hood Road at Dutchtown Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **36. SAND DOLLAR LLC PROPERTY** **11-SE-08-F**  
Middlebrook Pike at Henson Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **37. SHANNON VALLEY FARMS UNIT 5-A** **11-SF-08-F**  
At round about of Horsestall Drive, north of Dawn Oaks Lane, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **38. LONSDALE , BLOCK 24, RESUBDIVISION OF PART OF LOTS 36 & 37** **11-SG-08-F**  
West side of I-75 at Heiskell Avenue Exit, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **39. EAST END ADDITION RESUBDIVISION OF LOTS 46, 240-244 AND PART OF 45** **11-SH-08-F**  
Both the northeast and southwest quads at the intersections of S. Chestnut Street and Louise Avenue, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **40. ATKINS, WILSON 7 NEW LIBERTY BAPTIST CHURCH** **11-SI-08-F**

**PROPERTY**

Southwest side of Roberts Road, southeast of Washington Pike,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **41. KIRKWOOD RESUBDIVISION OF LOTS 65R-67R** **11-SJ-08-F**  
South side of Harbin Ridge Lane northeast of Ellisville Lane, Council  
District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **42. KARNES FAMILY SUBDIVISION** **11-SK-08-F**  
South side of Karnes Road, southwest of Country Rose Lane,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **43. HARRISON SPRINGS, UNIT 3** **11-SL-08-F**  
East of Schaeffer Road, west side of Thompson Road, Commission  
District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 44. WITHDRAWN PRIOR TO PUBLICATION** **11-SM-08-F**
- \* **45. CALLAHAN OFFICE PARK** **11-SN-08-F**  
South side of Callahan Drive west of Keck Road, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 46. HARDIN VALLEY CROWN CENTER RESUBDIVISION OF** **11-SO-08-F**  
1/8/2009 **LOTS 3 & 4**  
South side of Hardin Valley Road between Schaeffer and Iron Gate,  
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 47. LECONTE VISTA** **11-SP-08-F**  
Kelly Lane near intersection of Kodak Road, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

## Rezoning and Plan Amendment/Rezoning:

- \* **48. Items to ratify and confirm due to 30-day public notice law changes.**

STAFF RECOMMENDATION: Ratify and Confirm the following items.

THESE ITEMS WERE APPROVED ON CONSENT EARLIER IN THE MEETING EXCLUDING ITEM 48F.

- \* A. **METROPOLITAN PLANNING COMMISSION** **7-A-08-MRP**  
Amend the Major Road Plan to change Loves Creek Road, north of Millertown Pike to a major collector.
- \* B. **LKM PROPERTIES, LP (REFERRED BACK TO MPC BY COUNTY COMMISSION) (REVISED)**  
Southwest side Ellistown Rd., southeast of Millertown Pike, Commission District 8.  
  - a. **Northwest County Sector Plan Amendment** **6-A-08-SP**  
From LDR (Low Density Residential) to NC (Neighborhood Commercial).
  - b. **Rezoning** **6-A-08-RZ**  
From A (Agricultural) to CA (General Business).
- \* C. **PRIORITY HEALTHCARE SERVICES OF TENNESSEE**  
Northeast side Liberty St., northwest of Middlebrook Pike, Council District 3.  
  - a. **One Year Plan Amendment** **7-A-08-PA**  
From LI (Light Industrial) to MU (Mixed Uses) (O, MDR).
  - \* b. **Rezoning** **7-B-08-RZ**  
From I-2 (Restricted Manufacturing and Warehousing) & R-2 (General Residential) to O-1 (Office, Medical, and Related Services).
- \* D. **GERDAU AMERISTEEL**  
East side Mynderse Ave., north of Western Ave., Council District 5.  
  - a. **One Year Plan Amendment** **7-B-08-PA**  
From LI (Light Industrial), P (Public Institution) and MDR (Medium Density Residential) to HI (Heavy Industrial).
  - \* b. **Rezoning** **7-F-08-RZ**  
From I-3 (General Industrial) and I-3 / IH-1 (Infill Housing Overlay) to I-4 (Heavy Industrial) and I-4 / IH-1 (Infill Housing Overlay).
- \* E. **GERDAU AMERISTEEL**

Northwest side Louisiana Ave., southwest side Sherman St., northeast side Badgett Dr., Council District 5.

**a. One Year Plan Amendment**

**7-C-08-PA**

From LDR (Low Density Residential) to HI (Heavy Industrial).

**b. Rezoning**

**7-G-08-RZ**

From R-1A (Low Density Residential) / IH-1 (Infill Housing Overlay) to I-4 (Heavy Industrial) / IH-1 (Infill Housing Overlay).

**F. CHARLES PILGRIM**

West side Ebenezer Rd., south of Bluegrass Rd., Commission District 4.

**a. Southwest County Sector Plan Amendment**

**8-C-08-SP**

From LDR (Low Density Residential) & SLPA (Slope Protection Area) to O (Office) & SLPA (Slope Protection Area).

Mr. Charles Pilgrim: 1605 Boxworth Drive. I have met with homeowner groups and individuals and County Commissioners and they are supportive of it now. We would try to make an example of homeowners and government working together.

Mr. Ken Pruitt: There have been meetings with the neighborhoods and the result is Mr. Pilgrim has reduced the footprint of proposed structure and his site plan. This property is located southwest of existing Weigels market. It was zoned Planned Residential and has CA to the northeast. Property was requested OB at the time Weigels came in and PR was given instead. Medium or Low Density Residential or restricted office development serves as a transition use between the south and west of this site. With subsequent meetings of neighborhood and involvement of Commissioners of that district, there has been agreement reached that the project is suitable for the area.

Chair Benefield: My only hesitation with changing this is I am concerned that the community did know that it is being revisited.

Mr. Dick Graf: I looked at this again and this is the best use you can find for this. It is tucked away behind Weigels. I doubt that anyone would be interested in this for residential at this point. The fact that the neighbors are onboard now is good. Office is less intrusive than Planned Residential and will create less traffic.

**MOTION (GRAF) AND SECOND (EWART) WERE MADE TO APPROVE OFFICE AND SLOPE PROTECTION AREA. MOTION CARRIED 12-2. OFFICE AND SLOPE PROTECTION AREA APPROVED.**

**b. Rezoning**

**8-F-08-RZ**

From PR (Planned Residential) to OB (Office, Medical, and Related Services).

**MOTION (GRAF) AND SECOND (EWART) WERE MADE TO APPROVE OB (OFFICE, MEDICAL, AND RELATED SERVICES). MOTION CARRIED 12-2. OB APPROVED.**

- \* G. **CARPENTERS CHAPEL INCORPORATED**  
 Southeast side Solway Rd., southwest side Oak Ridge Hwy,  
 Commission District 6.  
 a. **Northwest County Sector Plan Amendment** **8-E-08-SP**  
 From LDR (Low Density Residential) & SLPA (Slope Protection) to  
 C (Commercial) & SLPA (Slope Protection).  
 b. **Rezoning** **8-I-08-RZ**  
 From A (Agricultural) to CA (General Business).
  
- \* H. **DANIEL CROWE**  
 Southwest side Dry Gap Pike, south of E Beaver Creek Dr.,  
 Commission District 7.  
 a. **North County Sector Plan Amendment** **8-F-08-SP**  
 From LDR (Low Density Residential) to C (Commercial).  
 b. **Rezoning** **8-K-08-RZ**  
 From A (Agricultural) to CA (General Business).
  
- \* I. **SITE INC.**  
 Southeast side Dixon Springs Ln., southwest of E. Emory Rd.,  
 Commission District 7.  
 a. **North County Sector Plan Amendment** **8-G-08-SP**  
 From LDR (Low Density Residential) to MDR (Medium Density  
 Residential).  
 b. **Rezoning** **8-L-08-RZ**  
 From A (Agricultural) / F (Floodway) to PR (Planned Residential)  
 / F (Floodway).
  
- \* J. **TENNESSEE INVESTMENTS, LLC**  
 West side Fretz Rd., north of Hatmaker Ln., Commission District  
 6.  
 a. **Northwest County Sector Plan Amendment** **8-H-08-SP**  
 From A/RR (Agricultural/Rural Residential) to LDR (Low Density  
 Residential).  
 b. **Rezoning** **8-M-08-RZ**  
 From A (Agricultural) to PR (Planned Residential).
  
- \* K. **EARL SMITH**  
 North side Middlebrook Pike, south and west of Grassy Meadow  
 Blvd., Commission District 6.  
 a. **Northwest County Sector Plan Amendment** **9-A-08-SP**  
 From LDR (Low Density Residential) & SLPA (Slope Protection  
 Area) to O (Office) & SLPA (Slope Protection Area).  
 b. **Rezoning** **9-A-08-RZ**  
 From PR (Planned Residential) to OA (Office Park).



**P 49. CITY OF KNOXVILLE**

**3-R-02-RZ**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**50. ROBERT PRYOR**

Southwest side Pennell Ln., northwest of Oak Ridge Hwy., Commission District 6.

**a. Northwest County Sector Plan Amendment**

**7-A-08-SP**

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

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-A-08-SP, amending the Northwest County Sector Plan to C (Commercial) on the portion of the site southwest of the STPA (Stream Protection Area) only and recommend that County Commission adopt the resolution. (See Exhibit A.)

Mr. Arthur Seymour, Jr. 550 West Main Ave. on behalf of property owners Pryor and Mr. Wesley White. The applicant originally asked for CA zoning for all the property so Mr. White could continue lawn care business. Staff has recommended that only the southwest corner be zoned CA with a condition. We are satisfied with that. The property staff recommends borders a business or industrial park. Exiting property has a barn and trailer with barn used for storage of lawn care equipment. Issue has become closing access from the property to Pennell Lane. We have an agreement that would give us access for commercial business, which is employees coming and going and taking equipment off the premises, with the Smith family. They own property to the south off Oak Ridge Highway that has trailers on it. We have entered into agreement with them to use that as access. This is a license and not an easement. A license is the right to use property for a specific purpose. This license can be cancelled on 30 days notice. Mr. Smith's family says they may ultimately use that property we are planning on using for access. If they do so, we will lose access and may have to cease use of property. We ask that Commission allow Mr. White to continue using the property so long as he has the access agreement and he will cease use of Pennell Road. He actually generates very little commercial traffic. He has three commercial trucks.

Mr. Joe Burk: 6920 Pennell Lane for 20 years. Concern is traffic on Pennell with children on the road. With this license they will be accessing Oak Ridge Highway from a different road rather than Pennell Lane which is good. If the license goes out, then the road access needs to be cut off with a concrete barrier or something. Some of his commercial vehicles are not labeled. Green Acres Subdivision agreed to ordinances such as if you have a house have

to have solid foundation. Is there a set date we can see that in take effect?

Ms. Alice Bennett: 7924 Oak Ridge Highway My daughter live on Pennell Lane.

The last meeting you said they were not supposed to go up and down the road, which they did not abide by. There should be a barrier so they cannot go in that driveway. This poses as a problem with the trucks going up and down the road. They are there early, late and weekends.

Mr. Art Clancy: We are still using access from Pennell Lane. Is the access from Oak Ridge Highway available now?

Mr. Seymour: It needs to be bush hogged. He has got to extend it onto his property. Assuming this goes to County Commission on December 15, we will get it opened immediately to Oak Ridge Highway. It is a slow time of year and not much business is going on.

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

Mr. Michael Kane: I wanted clarification on no access on Pennell Lane. I heard the residents are expecting the driveway access from all the property to be closed off. I do not think that is what that means. To me that means if there is a bridge over the creek then that would removed or closed.

Mr. Burk: All we are asking for is the road access from Pennell Lane be closed off. They can leave the bridge in case of emergency equipment. Access from Pennell Lane right now is a 50 foot easement right of way. If shut it off at Pennell Lane, that will take care of everything.

Mr. Kane: You are expecting that the remaining property that does not get zoned commercial would have access from this license agreement also. Is that what the applicant understands?

Mr. Seymour: No, right now there are no houses other than mobile home on property and they have got to come in and out that way. Residential part will be built with some homes on it. Mr. White anticipates in few years putting homes on it. That is not part of the subdivision, but single family residential. Probably ultimately the commercial part probably will become residential at some time in the distant future.

Mr. Kane: How will no access to commercial from Pennell Lane be done?

Mr. Seymour: We can put up temporary barrier across the stream.

Mr. Wesley White 7717 Dan Lane, All our commercial trucks, which are 3 trucks that require no CDL, and any commercial equipment used will access directly through the easement granted by the Smiths from Oak Ridge Highway. The other half of the property which is still zoned residential and the creek divides the property, we will ultimately put homes or condos on it. Residential end will still have to access from Pennell Lane onto that property. The use as a commercial entrance will be occurring the time we have the easement.

Mr. Kane: How are you going to keep this condition? There shall be no access to the commercial from Pennell Lane. The mobile home on the property is rented. We have a gate at the stream crossing.

Mr. Benefield: I believe access is a verb here and opposition said they would be okay as long as there was a temporary barrier.

Mr. White: We have a gate on the property right at the stream crossing.

Ms. Bennett: The gate they were speaking about will block off the use of the trailer. There needs to be a barrier behind the trailer to the commercial property.

Upon roll call the Commission voted as follows:

Anders	Yes
Carey	Yes
Clancy	Yes
Cole	No
Ewart	Yes
Graf	Yes
Johnson	No
Kane	No
Lobetti	Yes
Longmire	No
Pavlis	Yes
Sharp	Yes
Stowers	Yes
Benefield	Yes

**MOTION CARRIED 10-4. COMMERCIAL APPROVED ON REDUCED AREA.**

**b. Rezoning**

**7-H-08-RZ**

From RA (Low Density Residential) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business) on the southwest corner of the site only, consistent with the sector plan as

amended, subject to 1 condition: 1). There shall be no access to the commercial use from Pennell Ln. Alternative access to this site through adjacent CA zoned areas must be obtained for commercial use to be permitted.

**MOTION (CLANCY) AND SECOND (SHARP) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-4. CA APPROVED ON REDUCED AREA WITH CONDITION.**

Mr. Dick Graf: A lawn care business seems to me should not have to be in a commercial zone. I am not in favor of making it commercial for a lawn care business. Dan Kelly pointed out there was an ordinance amendment to address this that was postponed today until December.

**51. JAMES R. GENTRY (REVISED)**

Northwest and southeast sides Ball Camp Pike, northeast of Bakertown Rd., Commission District 6.

**a. Northwest County Sector Plan Amendment**

**8-A-08-SP**

From LDR (Low Density Residential) to C (Commercial) and MDR (Medium Density Residential).

STAFF RECOMMENDATION: Approve Resolution #8-C-08-RZ amending the Northwest County Sector Plan to C (Commercial) and MDR (Medium Density Residential), as requested, and recommend that County Commission adopt the amendments. (See attached resolution, Exhibit A.)

Mr. Arthur Seymour Jr. on behalf of Mr. Gentry.

Mr. Gentry is a builder, developer who has done a number of projects recently. He has also done development in Fort Sanders complying with overlay regulations and has a good rapport with them. Key condition on this rezoning is that no application can be submitted to the Planning Commission until it and County determine that the road has been completed. In talking with Bruce Weuthrick I heard it could be from 2011 to 2013. I do know the funding has not been appropriated. This will connect I-75 and eventually tie into Middlebrook Pike and Hardin Valley Road. Mr. Gentry is requesting at the intersection of Lobetti and Schaad a mixed use planned residential development. When completed Schaad Road will be a four lane with a median and a major intersection when completed. To the west is already Planned Commercial zoning and the back will abut the CXS Railroad tracks. In that area he will construct condominiums. The balance of the property will be mixed use, office and convenience store and that might change a little in 3-4 years. Both zones are planned zones and would have to come back for review by this body.

Mr. Mike Waggoner: 3526 Lobetti Road, Our community has met and I am speaking for most of them. Our request is for denial of

both requests. New road is coming thorough and will divide the valley. Right now everything is residential. It has already been commercialized along Callahan Road and new section of Schaad Road. We are requesting that that section that is residential, nothing be done to it. The addition of 234 units would add an additional 2049 vehicle trips per day and the roads will not handle it. Schaad Road extension is not even funded yet. Lobetti Road is 12 feet wide and you have to pull onto private property for other cars to go through. Two railroad crossings that are now controlled. We moved out there for the country and not for the city.

Ms. Agnes Kirby: 8007 Ball Camp Pike for 50 years. We enjoy the peach of the farm we have. Because of the traffic, Ball Camp Pike is hard to get out on without getting hit. We should keep it low density. We would like to be able to get out on Ball Camp Pike and live peaceably. The new condos at Bakertown and Ball Camp have not been finished and stopped. I think we should leave it alone right now.

Mr. Clancy: This all takes place after the road goes in which is 2-3 years down the road.

Mr. Seymour: There can be no access from this property to Ball Camp Pike. The only access to this property would be from the new Schaad Road.

**MOTION (CLANCY) AND SECOND (PAVLIS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-4. APPROVED.**

**b. Rezoning**

**8-C-08-RZ**

From A (Agricultural) & RA (Low Density Residential) to PC (Planned Commercial) & PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PC (Planned Commercial) zoning and PR (Planned Residential) zoning at a density of up to 12 du/ac, consistent with the sector plan, as amended, and subject to 1 condition: 1). No development plans shall be accepted for review by MPC until the new Schaad Rd. realignment is completed through this site. MPC and County Engineering staff will determine when the road project is at a point of sufficient completion.

**MOTION (CLANCY) AND SECOND (PAVLIS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-4. APPROVED.**

**P 52. PROPERTIES DIVERSIFIED, INC.**

Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.

**a. North County Sector Plan Amendment**

**8-B-08-SP**

From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Rezoning**

**8-E-08-RZ**

From RB (General Residential) to CB (Business and Manufacturing).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 53. 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.

**\* 54. RECI / RUSS LEWIS**

North side Middlebrook Pike, west of Keith Ave., Council District 3.

**a. One Year Plan Amendment**

**10-A-08-PA**

From O (Office) to GC (General Commercial).

STAFF RECOMMENDATION: ADOPT resolution #10-A-08-PA, amending the Knoxville One Year Plan to GC (General Commercial) (See Exhibit A).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* b. Rezoning**

**10-A-08-RZ**

From R-2 (General Residential) to C-3 (General Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning for the property

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* 55. MIDDLEBROOK PIKE UNITED METHODIST CHURCH**

Southeast side Middlebrook Pike, east of Vanosdale Rd., Council District 2.

**a. One Year Plan Amendment**

**10-B-08-PA**

From LDR (Low Density Residential) (R-1E) to LDR (Low Density Residential).

STAFF RECOMMENDATION: ADOPT resolution #10-B-08-PA, amending the Knoxville One Year Plan to LDR (Low Density Residential) for this property. (See Exhibit A.)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **10-B-08-RZ**  
From R-1E (Low Density Exclusive Residential) to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve RECOMMEND that City Council APPROVE R-1 (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **56. PAUL TRAUSCH**  
Northwest side Essary Dr., southwest of Glenhaven Rd., Council District 4.  
**a. One Year Plan Amendment** **10-C-08-PA**  
From MDR (Medium Density Residential) to O (Office).

STAFF RECOMMENDATION: ADOPT resolution #10-C-08-PA, amending the Knoxville One Year Plan to O (Office) for this property. (See attached Exhibit A.).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **10-C-08-RZ**  
From R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **57. KNOXVILLE HABITAT FOR HUMANITY INC.**  
Southeast side Linden Ave., east of Nash Rd., Council District 6.  
**a. One Year Plan Amendment** **10-D-08-PA**  
From GC (General Commercial) to LDR (Low Density Residential).

STAFF RECOMMENDATION: ADOPT resolution #10-D-08-PA, amending the Knoxville One Year Plan to Mixed Use (GC/O/LDR) (see Exhibit A).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **10-D-08-RZ**  
From C-3 (General Commercial) to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Recommend that City Council approve R-1 (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **58. KENT AND STEVE COPELAND**

Northwest side Hillwood Dr., north of Dexter Ln., Council District

**a. One Year Plan Amendment and South City Sector Plan**

**10-E-08-PA**

From MDR (Medium Density Residential), SWMUD-2 (South Waterfront Mixed Use District 2) & SLPA (Slope Protection Area) to HDR (High Density Residential) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: DENY the One Year Plan amendment for HDR (High Density Residential) designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **b. Rezoning**

**10-E-08-RZ**

From C-3 (General Commercial) to R-3 (High Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-3 (Planned Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **59. CASEY & DANIEL COLLINS**

North side Division St., northeast of Cox St., Council District 6.

**a. One Year Plan Amendment**

**10-F-08-PA**

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

STAFF RECOMMENDATION: ADOPT resolution #10-F-08-PA, amending the Knoxville One Year Plan to Mixed Use (LI/O/MDR) for this property (See Exhibit A.).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **b. Rezoning**

**10-F-08-RZ**

From I-3 (General Industrial) to R-2 (General Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **60. RITCHIE DEVELOPMENT PARTNERSHIP**

North side Asheville Hwy., east side Lecil Rd., south side N. Ruggles Ferry Pike, Commission District 8.

**a. East County Sector Plan Amendment**

**10-B-08-SP**

From PDA (Planned Development Area) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 10-B-08-SP, amending the East County Sector Plan to C (Commercial) ), and recommend that County Commission approve the amendments. (See Exhibit A).



THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \*           **b. Rezoning** **10-H-08-RZ**  
From A (Agricultural) & RA (Low Density Residential) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \*   **61.    NOLAN PROPERTIES, LLC**  
North side Old Callahan Dr., northwest of Callahan Dr., Council District 3.  
          **a. One Year Plan Amendment** **10-G-08-PA**  
From O (Office) to GC (General Commercial).

STAFF RECOMMENDATION: Adopt Resolution #10-G-08-PA amending the Knoxville One Year Plan to GC (General Commercial) (See Exhibit A).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \*           **b. Rezoning** **10-I-08-RZ**  
From O-1 (Office, Medical, and Related Services) to C-4 (Highway and Arterial Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 62.    RENEE WHEELER** **11-A-08-RZ**  
West side N. Broadway, south of Bluff Ave., Council District 4. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 63.    JOHN KING** **11-B-08-RZ**  
Southwest side Edington Rd., northeast side Wells Rd., northwest side Willoughby Rd., Commission District 9. Rezoning from RA (Low Density Residential) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \*   **64.    JOHN THOMAS** **11-C-08-RZ**  
East and west sides of Sherrod Rd from intersection with Millers Ave, and south and east to 2676 Sherrod, Council District 1. Rezoning from R-1 (Low Density Residential); R-1A (Low Density Residential);

R-2 (General Residential) to R-1/NC-1 (Neighborhood Conservation Overlay); R-1A/NC-1(Neighborhood Conservation Overlay), & R-2 /NC-1 (Neighborhood Conservation) and Design Guidelines.

STAFF RECOMMENDATION: Approve NC-1 (Neighborhood Conservation Overlay) and DESIGN GUIDELINES for these properties.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **65. JAMES ALLEN JOHNSON** **11-D-08-RZ**

Southeast side Cain Rd., northeast of Amherst Rd, Commission District 3. Rezoning from I (Industrial) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **66. DANIEL BRUCE CROWE** **11-A-08-SP**

Northeast side Dry Gap Pike, southeast side Cunningham Rd., Commission District 7.

**a. North County Sector Plan Amendment**

From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: Approve Resolution #11-A-08-SP, amending the North County Sector Plan to Commercial and recommend County Commission adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **b. Rezoning** **11-E-08-RZ**

From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business), consistent with the Sector Plan as amended.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 67. CONTINENTAL 253 FUND, LLC (REVISED)**

1/8/2009 East side Iron Gate Blvd., east of Schaeffer Rd., south of Hardin Valley Rd., Commission District 6.

**a. Northwest County Sector Plan Amendment**

From TP (Technology Park), LDR (Low Density Residential) & SLPA (Slope Protection Area) to MDR (Medium Density Residential) & SLPA (Slope Protection Area).

**11-B-08-SP**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. Rezoning** **11-F-08-RZ**

1/8/2009 From PC (Planned Commercial) / TO (Technology Overlay) & BP (Business and Technology) / TO (Technology Overlay) to PR (Planned Residential) / TO (Technology Overlay).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **68. FALCONNIER DESIGN CO.** **11-G-08-RZ**  
South side Thorn Grove Pike, west side Smith School Rd., north side I-40, Commission District 8. Rezoning from A (Agricultural) to OS (Open Space).

STAFF RECOMMENDATION: Approve OS (Open Space).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **69. JOE TOUCHTON (REVISED)** **11-H-08-RZ**  
Northwest side Whites School Rd., northeast side Chapman Hwy., Commission District 9. Rezoning from OB (Office, Medical, and Related Services) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Uses on Review:

- \* **70. DUTCHTOWN DEVELOPMENT PARTNERS** **10-A-08-UR**  
Northeast side of Oak Ridge Hwy., southeast of Jim Jones Ln. Proposed use: 39,000 sq. ft. office/warehouse building in PC (Planned Commercial) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for an office/warehouse project containing up to 39,000 sq. ft. of floor area as shown on the development plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **71. CHESSER-KENNEDY COMMUNITIES** **10-G-08-UR**  
Northeast side of Cherokee Trail, west of Edington Rd. Proposed use: Attached residential dwellings in RP-1 (Planned Residential) District. Council District 1.

STAFF RECOMMENDATION: Approve the development plan for up to 30 residential dwelling units with a maximum of 80 bedrooms subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **72. CITY OF KNOXVILLE** **11-A-08-UR**  
Southwest side of Knox Rd., southeast side of Maple Dr. Proposed use:

Skate park and recreational area in R-2 (General Residential) / F-1 (Floodway) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a public park at this location as shown on the development plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **73. CHRISTIAN ACADEMY OF KNOXVILLE** **11-B-08-UR**

South side Dutchtown Rd., west of N. Cedar Bluff Rd. Proposed use: Addition of tennis courts to campus center building in A-1 (General Agricultural) & RP-1 (Planned Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for six tennis courts in the RP-1 and A-1 zoning districts, subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **74. T-MOBILE SOUTH, LLC.** **11-D-08-UR**

Southeast side of Papermill Dr., north of I-40, southeast of Coleman Rd. Proposed use: 150' monopole telecommunications tower in O-3 (Office Park) District. Commission District 2.

STAFF RECOMMENDATION: Approve the request for a 150' monopole telecommunications tower in the O-3 zoning district, subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **75. T-MOBILE SOUTH, LLC** **11-E-08-UR**

Northwest side of Old Valley View Dr., west of Fairway Rd. Proposed use: 240' monopole telecommunications tower in RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 240' monopole telecommunications tower in the RP-1 zoning district, subject to 6 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **76. T-MOBILE SOUTH, LLC** **11-F-08-UR**

Sharps Ridge north of Ludlow Ave. Proposed use: 170' monopole telecommunications tower in O-1 (Office, Medical, and Related Services) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a 170' monopole telecommunications tower in the O-1 zoning district, subject to 6 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **77. T-MOBILE SOUTH, LLC** **11-G-08-UR**

Northwest side of Anderson Rd., east of Beverly Rd. Proposed use: 199' monopole telecommunications tower in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 199' monopole telecommunications tower in the R-1 zoning district, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **78. MAY, LLC.** **11-I-08-UR**

East side of Pine Needle Ln., south of John May Dr. Proposed use: Establish a minimum front yard setback of 20' from Pine Needle Ln. in RP-1 (Planned Residential) District. Council District

STAFF RECOMMENDATION: Approve the request to decrease the front yard setback on this parcel from 25' to 20' as shown on the development plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **79. FLOURNOY DEVELOPMENT** **11-K-08-UR**

South side of Gleason Dr., west side of Wellsley Park Rd., north side of Deane Hill Dr. Proposed use: Apartment Complex in RP-1 (Planned Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for up to 335 apartment units subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Other Business:**

**80. Consideration of appeal by Teresa Johnson, applicant, of Infill Housing Design Review Committee denial of Certificate of Appropriateness for installing a parking pad in the front yard at 315 E Springdale Ave.**

**9-B-08-OB**

STAFF RECOMMENDATION: Deny Appeal

Mr. Jeff Archer: Went over background as previously stated when this was heard 60 days ago. The Infill Housing Design Review Committee's responsibility is interpreting the Infill guidelines. In the guidelines it clearly states that parking should not be permitted in the front yards. When there is an alley present, access should be from the alley. The alley is in good repair and others use it. We used dimensions from the paving estimate to understand what they

were proposing. There were issues on meeting the off-street parking standards which talk about 18' by 20'. If you pave the whole front yard would not be able to have sufficient space for parking. The ramp they requested would further reduce the parking space. We had the East Tennessee Design Center come up with a concept and they recommended the back. Putting the ramp in the back would give them flexibility not to have to come before the Infill Design Review Committee in the future. The Design Center noted that there is an historic front to the house with a transom above the window. Redoing the width of the front door would jeopardize the architectural integrity that is there today.

Ms. Teresa Johnson: 315 E Springdale

I do not agree with when they came out and looked at the back of it. The fence is not ours and we would have to put fence up which would be expensive. We have two doors coming in from the back as well. We have been parking in the front for 8 years. Our car got shot sitting on the road and one car got side swiped. I do not like parking on the road and you can get hit.

Mr. Richard Johnson: I hope that we have not come to a society that is down on disabled. The only way I can go into my home is the way I am doing it. Give me a break. It is not fun being in a wheelchair. I know that some people park junk in front yards and it looks bad.

Mr. McGinley: I did go by the site and inspected it. The Engineering Department would support their request to come in through the front. 17' by 22' is adequate space for a few parking spaces. There were 12 to 13 other residences that had the same situation of parking in the front.

Mr. Benefield: Asked what the magnitude of how much granting this request would erode the architectural character of the community.

Mr. Archer: Oakwood/Lincoln Park has been 2.5 years in the infill overlay. Front yard parking is a big issue in the neighborhoods. It sets a public policy issue. If you allow in one area, as a committee how do we go with that. They are guidelines and open to interpretation. However, they are very clear that parking shall be off the alley. There are a lot of interpretation on setbacks or roof pitches.

Mr. Art Clancy: We still need to look at everything on a case by case.

Mr. Anders asked if could put a condition that approval of appeal is conditioned that it is restricted to the Johnson's as long as they live in the house and does not go to the next owner.

Mr. Steve Wise: MPC Attorney, We do have the right to condition a zone and this rises to the level of zoning conditions.

**MOTION (ANDERS) AND SECOND (JOHNSON) WERE MADE TO GRANT APPEAL WITH CONDITION THIS IS SPECIFIC TO THE JOHNSON'S AS LONG AS THE JOHNSON'S LIVE IN THE HOME**

Ms. Barbara Pelot: The Task Force on parking in the front yard has taken into account that there would be some relief for people with a handicapped sticker or license to be able to park in their front yards. City Council would not approve anything that prohibits handicapped from parking where they can enter their home safely or satisfactorily. Hopefully City Council will enact legislation that will take care of this.

Ms. Longmire: Monetarily is it going to be more expensive going with curb cut and sidewalk going in from the front?

Ms. Johnson: We have a friend that will do the paving. He said he would do the curb cut and it was included. Asked if you could approve the ramp so I do not have to come bac.

Mr. Benefield told her that was a different board for construction.

Mr. Dick Graf: Why are we looking at this particular one?

Ms. Johnson: We just purchased the house in July and had to get a permit. That is when we were told we live in an Infill zone.

**MOTION CARRIED 13-1. APPEAL APPROVED AS CONDITIONED.**

- \* **81. Consideration of determination by the Planning Commission that residential uses at 100 Hazel Place are appropriate as a special exception within this C-3 District .(Article 4 Section 9 D. 1.).**

**11-A-08-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **82. Consideration of Staff Report for Plans of Service.**

**11-B-08-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 83. Consideration of Nomination of MPC Officers for CY 2009.**

**11-C-08-OB**

NOMINATING COMMITTEE RECOMMENDATION: NOMINATE TREY BENEFIELD FOR CHAIR AND ROBERT ANDERS FOR VICE CHAIR

Mr. Art Clancy: Presented the nomination and opened the floor for additional nominations. No additional nominations were made.

**MOTION (GRAF) AND SECOND (JOHNSON) WERE MADE TO APPROVE RECOMMENDATION. MOTION CARRIED 14-0. NOMINATIONS APPROVED.**

- \* **84. Consideration of Extension of Concept Plan for Carpenter Ridge Unit II subdivision (1-SG-07-C). 11-D-08-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **85. Consideration of Extension of Concept Plan for Hampson Place subdivision on Nubbin Ridge Rd (11-SP-05-C). 11-E-08-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Adjournment**

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

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:24 P.M.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Trey Benefield, Chair

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