



Minutes

November 8, 2012

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

The Metropolitan Planning Commission met in regular session on November 8, 2012 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair
Mr. Herb Anders
Mr. Bart Carey, Vice Chair
Ms. Laura Cole
Mr. Art Clancy
Mr. George Ewart
Mr. Len Johnson

Mr. Michael Kane
Mr. Nate Kelly
Mr. Charles F. Lomax, Jr
Mr. Brian Pierce
Mr. Jeff Roth
Mr. Jack Sharp
Mr. Wes Stowers
Ms. Janice Tocher

* 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 NOVEMBER 8, 2012 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF OCTOBER 11, 2012 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

COMMISSIONER LEN JOHNSON AND BRIAN PIERCE RECUSED FROM VOTING ON THE POSTPONEMENTS.

Arthur Seymour Jr. May I amend our request to postpone items 7, 8, 9 from December to the January meeting?

Becky Longmire: That will require a separate vote.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEM NO. 17. MOTION CARRIED 13-0-2. POSTPONED 30 DAYS UNTIL THE DECEMBER 13, 2012 MPC MEETING.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEMS 7, 8, 9 FOR 60 DAYS UNTIL THE JANUARY 10, 2013 MPC MEETING. MOTION CARRIED 13-0-2. POSTPONED UNTIL JANUARY 10, 2013.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

METROPOLITAN PLANNING COMMISSION

8-A-08-OA

Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

WILSON RITCHIE

3-F-10-SC

Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.

METROPOLITAN PLANNING COMMISSION

6-A-10-SAP

Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

METROPOLITAN PLANNING COMMISSION

7-C-10-SP

Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

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.

b. Use on Review

11-H-08-UR

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

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.

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

TIPPIT VILLAGE - SITES TO SEE, INC.

a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission
District 6.

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

LONGMIRE SUBDIVISION

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

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

Intersection of I-40 and McMillan Rd., Commission District 8. 2-SO-09-F

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

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. 8-O-08-RZ

JAMES L. MCCLAIN

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

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

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

CITY OF KNOXVILLE

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

COMMISSIONER BRIAN PIERCE RECUSED FROM THE CONSENT LIST.

Brian Holt, 2713 Amelia Road, 37917. Would like number 18 Brennon Garrett.

Jim Brackett, 8109 Jack Jones Road, 37920. want number 10 removed.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEMS NO. 10 AND 18. MOTION CARRIED 14-0-1.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS NO. 10 AND 18. MOTION CARRIED 14-0-1. APPROVED.

Ordinance Amendments:

5. **KNOXVILLE CITY COUNCIL**

9-A-12-OA

Amendments to the City of Knoxville Zoning Ordinance to permit courtyard development in some residential zone districts.

STAFF RECOMMENDATION: recommend approval of courtyard development as a use permitted on review in the R-1A, R-2, R-3, R-4, RP-1, RP-2, and RP-3 residential zone districts of the Knoxville Zoning Ordinance as described in Exhibits A, B-2 and C.

Mark Donaldson: This item we first heard back in September at which time the Planning Commission postponed two months and requested staff set up and conduct a public meeting and meet with neighborhood groups that would invite us to talk about this. We met with two groups in south Knoxville and a couple of weeks ago held a public meeting attended by 7. This request comes from City Council and will allow a type of development that features houses and attached houses on small lots limited size of those dwelling units. The big advantage of this type of development is that the current requirement is that all lots have frontage on a public street. In lieu of that lots may have frontage on a courtyard or common area that has access to a public street giving flexibility to utilize this style of development in an infill situation or redevelopment situation or increasing the density as an incentive to encourage development in that sort of situation. City Council asked that we consider it all residential zone districts. After hearing from the

public in the meetings and hearing some of the concern about it use particularly in R-1 and R-1E zone districts which are conventional suburban style zone districts we are recommending we take those two districts off the table. There are two for established neighborhoods that we have been using in the last several years that already have similar provisions in it that allows more than doubling of surrounding density that we typically when we use EN-1 and EN-2. I think we can take that off the table because it is already in those districts. We have several districts that allow mixed use including residential. The C-2 which is the downtown commercial and O-1 and O-2 district O-2 being civil and institutional and O-1 being Office, Medical, and Related Services. We are recommending that we take the O-2 and C-2 districts off but we leave in the O-1. We do in fact have several residential developments in the O-1 and that is often a very appropriate place to have the opportunity to do the sort of development we are describing in courtyard development. Essentially we whittled down to the list of possible uses R-1A, R-2, R-3, R-4 and then the three planned residential districts of RP-1, RP-2 and RP-3 and then the O-1 which by reference allows the uses permitted on review in the R-2 district. So we just slightly modified the language to specifically say include The R1-A is kind of crucial in that zone district was created to replace the R-2 zone district that was used a lot in the past in neighborhoods that were developed and perhaps right for redevelopment that already allows multi-development. So we see courtyard development as a very viable as use on review in R-1A. That is a district that is allowed in our low density residential in our land use plan so that we can get this sort of development within a low density classification without going to the R-2 or higher density without amending the land use plan. With that I will stop. Are there are questions.

Art Clancy: You left the O-1 off this packet. I assume you wanted to add it. .

Donaldson: I did leave it off the staff recommendation, but it is included in Exhibit B.

Kane: O-1 and C-2 right

Donaldson: I am not recommending C-2 because it really would be different style of development than we typically find in the downtown area.

Joe Hultquist: 2240 Fisher Place in Knoxville. Some of you know me as a former City Council member. I am one of the people that helped get this on your agenda. Talked to City Council members about it as involves a project trying to work between property owners and neighborhood association to find a resolution for a specific parcel. This is something I have found intriguing for a long time and thought we need to take a closer

look at it. It is called pocket neighborhoods. A great book on it. There is a lot of good information out there. There are communities all around the country using this approach. I believe it is something that has a lot of potential to create very high quality dense pocket developments within what is essentially developed areas particularly in areas where we have oversized parcels. I would agree with the stated reservations or concerns. I don't think it is appropriate in R-1 zone certainly until we get a better feel for it to do it in the R-1 zone. The zones that have been excluded I think it makes since and I think the ones that have been listed do make sense. I think in the higher density residential zones that this certainly makes sense. It gives us the opportunity to create the type of housing that will draw a certain market empty nester and people that want to live in close community with one another and like this kind of development. It has proven itself all over the country. Urge you to consider and support this for the higher density residential zones. I will I leave my comments to that for now. If anyone has any questions will be glad to answer them.

Clancy: Can you give me the name of that book?

Hultquist: It is called Pocket Neighborhoods There is a web site called Pocket Neighborhoods. There is architect in Seattle that has done a lot of work in this area and he also has a web site. You can find it on Amazon as well.

Janice Tocher I understand the Knox County Library just got three copies of that as well.

Lynn Redmond: 5246 Oak Hill Lane. President of the Norwood Homeowners Association. First we would like to thank the staff and commissioners that came to the meetings for their efforts in what we think improves this packet today. Our only suggestion our homeowners association would make is we would like to remove R-1A from the list of permitted sites.

Dennis Owen live at 1323 Beacon Hill in Knoxville. I will keep my remarks brief. I am not opposing anything. I am wearing two hats. I represent the Bearden Council and also representing the Kingston Pike/ Sequoyah Hills neighborhood. Both boards are very concerned about R-1 being part of this. They asked me to tell you thank you for your patience and for listening to the neighborhood groups and also thank you for listening to our neighborhood concerns. For those of you that have come to the neighborhoods workshops you listened to all the things that have happened and it is a very complex issue for us. Probably not for you but it is for us. Art Clancy said something at the Cansler YMCA I believe it was. Art said we are in a tough position at MPC. We represent the county and you represent the neighborhood. That puts us in a tough position. I hope it does not. What I would hope in the spirit of cooperation and

the spirit of what is right for the communities that we can work together on these type of things in the future. Thank you for your comments. That sort of set the tone for what we needed to deal with. We feel like this is appropriate to remove R-1. We feel like it is productive. Ms. Longmire Chair asked me how many times I had been to an MPC meeting. The answer is once and today is twice and I hope to be invited back for a third.

Carlene Malone: 6051 Fountain Road on behalf of Fountain City Town Hall. We would like to thank the staff for removing R-1 and R-1E from the list of potential districts. We would also ask as we stated in our original letter several months ago that R-1A be removed. Our concern regarding R-1A is it is sprinkled throughout our community and we don't have great comfort as a result of the use on review project. We think if it is removed from R-1A and there is a site that is appropriate that is zoned R-1A one could go through rezoning to an R-2 zone and put this in. We also disagree with, I understand R-1A is a kind of funny zone, but the idea that you could have in low density 12 units per acre. We think under the one year plan less than 6 is low density and that the one year plan would have to reflect medium density or otherwise for 12 units per acre in R-1A. Thank you for the progress very much and we look forward to continued discussion on this.

Longmire: Mr. Donaldson, would you speak to R-1A please and define it and why it is.

Donaldson: I feel that it is essential that we maintain R-1A in the list of districts that makes courtyard development viable. R-1A is linked closed with R-1 and R-1E in terms of the dimensional requirements of basic minimum lot size but R-1A also has provisions for other residential uses at density up to 12 units per acre. It is included in the list of zone districts that we allow in the land use plan for those areas classified as low density residential. I believe it is import that we maintain that kind of diverse in order to utilize it for infill development and redevelopment as a way to encourage investment in areas that we are seeing disinvestment. I will speak a little to the density thing. Within all of our planned residential districts which are by far the most widely used zone districts in the last two decades for rezonings developers are allowed to move density around within those districts and create pockets that have greater than 6 units per acre and areas that have density less than 6 units per acre as long as the overall density is equal to or less than what is permitted by the particular conditions placed on that zone district. We have areas such as 4th and Gill and Old North Knoxville that were developed with small lots that achieve a density significantly greater than 6 units per acre in acreage that we still call low density. They are mostly zoned R-1A or R-2 and some R-1. Many of them are zoned so that they cannot duplicate the type of neighborhood that currently exists that

more and more people have fallen in love with over time. Having some provisions to allow some development at greater than what say is the maximum overall density to maintain a low density land use classification is not a problem in our minds. Planners like diversity. We believe a diverse array of housing options strengthens neighborhoods and makes them more viable in the long run. We have on our agenda today an approved development on a lot that was less than 4,000 square feet which is a density of about 8 or 9 units per acre in an RP-1 zone district that is collectively set at less than that. The idea that you can't have small areas of greater pockets of greater density within an overall land use classification of low density residential is something that we need to address and one way to address that is to keep a path open into the low density residential land use classified areas for the R-1A for infill and redevelopment type potential that courtyard development can achieve. I think it is really important that we maintain that path through R-1A.

Clancy: I have a couple of things. First of all Ms. Malone said that she thought R-1A should be taken out and if something appropriate was in one of those neighbors that was R-1A they could go through a rezoning and have it zoned R-2. I think that smacks of spot zoning right in the middle of something. Don't you think that this is kind of spot zoning?

Malone. I guess I would say a rose by any other name. If it takes, if the development is such that it is not compatible with the surrounding area whether it is zoned R-1A or R-2, I think it is spot zoning. It may not be technically because you have not been rezoned but it sticks out like a sore thumb there because it is inappropriate there I think you have got spot zoning. Spot zoning versus spot development. One is legal and one is a reality as you drive down the street.

Clancy: I would like to thank all the people from the neighborhoods that came down. Cansler was the one I went to. There was some good positive dialogue and some that was not so positive. But I think all in all it was good public discussion. I misunderstood Lynn's comments and that was comical almost. I would like to thank all them for their input and helping us work through this on our own. I would also like to give Kudos to Commissioner Cole for her solemn like suggestion that we go into one zoning district and one that matters the rest of these kind of should be, but cutting out the ones that some of the neighborhoods didn't want and but putting it in just one and showcasing it here. I think that was extremely insightful.

MOTION (CLANCY) AND SECOND (LEN JOHNSON) WERE MADE TO APPROVE COURTYARD DEVELOPMENT AS A USE PERMITTED ON REVIEW IN THE R-1A, R-2, R-3, R-

4, RP-1, RP-2, RP-3 AND O-1 DISTRICTS AS DESCRIBED IN EXHIBITS A, B-2, AND C.

Bart Carey: Mark mention EN-1 and EN-2 had passed something similar to this already. I happen to live in one of those districts. I was involved in the whole process. It took about 3 years for our neighborhood to get our hands around this and go forward with it. This is one of the major things. It was a big stumbling block for us on the front end. Our neighborhood didn't really embrace the idea. We really studied it hard and in the end of our long study a lot of people started seeing the benefit of how this could work. If you come in there and tear down a couples of houses and put up garbage then it can't be good. The use on review process comes into play with that. We have already seen in one case where a house that was old and in bad shape and no one was living there the house was torn down and an adjacent lot was added to it. Not with the courthouse, but our neighborhood has seen how property values have gone up because a very nice house was built where the house was and other houses will come into that same area to enhance property values. It is all up to the quality of the development. I would like to see if more widespread maybe down the road. There are a lot of people looking for this type of living arrangement where there is efficiency of scale and where there is so much logic involved. I hope we can take a progressive look further out.

MOTION CARRIED 15-0. APPROVED.

Chair Longmire: I also would like to thank the community for being so proactive.

- * **6. CITY OF KNOXVILLE ENGINEERING DEPARTMENT** **11-A-12-OA**
 Amendments to the Knoxville Zoning Ordinance related to design and construction standards for parking areas and driveways, including a revised definition for parking space.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- P 7. GERDAU (REVISED)** **12-A-11-SC**
 Request closure of Stonewall St between New York Avenue and Ely Avenue, Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 8. GERDAU (REVISED)** **12-B-11-SC**
 Request closure of Ely Ave between Stonewall Street and northeast property line of parcel 081PK029, Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 9. GERDAU

10-A-12-AC

Request closure of Unnamed alley between Stonewall Street and northeast property line of parcel 081PK00102, Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

10. E-911

11-A-12-SNC

Change unnamed joint permanent easement to 'Jones Creek Way' between Jack Jones Road and Deadend, Commission District 9.

STAFF RECOMMENDATION: Approve.

Dan Kelly: No one from E-911 is here. I talked to the gentleman that lives out there. I believe he is going to ask that the matter be postponed. There are other family members involved in the request and he would like to have time to discuss it with them. It is not a real pressing issue in that if we can work with these people we would like to do so.

Jim Bracket: 8109 Jack Jones Road. Kind of a new experience for me. I got drafted by the family because I am the one that created a problem when I built a house for my son. That created all these problems with the addressed. I would like to have time to go back and explain to them exactly what is going to happen and have this continued to a later date.

Art Clancy: Jim you realize that you risk 911 emergency vehicles not being able to find you in the mean time.

Bracket: They found it the other night. They had two police cars out there. KUB couldn't find it. They had to send two police cars out to show them where it was at.

Clancy: That is probably why we are here.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO PP.

Michael Kane: The comment I wanted to make... I have nothing against this proposal. This happened the last meeting we had when we had a proposed change to an address. Was not exactly the same. I guess I feel like there is a process problem where notice and cards are sent out to people. Often times older people may not be fully aware of the process. We need to be a lot more diligent in

having applicants or us trying to set up personal contact with folks to explain these situations. It is not appropriate I think to have someone's address changed by just mailing a postcard or letter. E-911 was the applicant in this particular case working with MPC. It doesn't matter who it is. It does not matter if it is somebody asking for name change because they want to recognize a respected member of the community. There needs to be personal contact with people. Having your address changed is big for some people and time consuming. I just think it needs to be more paid attention to. That is just my recommendation. I support a postponement. I would ask that during that period of time that everybody affected have this discussed and make sure they understand. If some people need more help than others in terms of bills and stuff that those efforts be made to help the neighbors. We just need to be good neighbors to each other.

Longmire: If it isn't MPC then that is something we cannot control. If it is the post office or E-911 we have no control. We can just ask sir.

Kelly: We did not make any effort to contact each individual personally on a one face to face basis but they have received two different mailings that were directed to each individual property owner. In addition to that when the subdivision was done it was noted at that time it would probably necessitate address changes. From that standpoint this is something that hopefully they have been aware that it was coming. At the some time it is here now. We have no problem with this matter being postponed. We will be glad to discuss the matter with them individually. We have notified them.

Longmire: I think it adds fuel to my plan to not have any JPE's. You have got to have a road with a name on it from the beginning.

MOTION CARRIED. 15-0. POSTPONED.

Bracket: There were address changes made to the people who lived on Kimberlin Heights Road. Now everybody is going to have to change it again.

Longmire: I understand. Mine was to due to additional buildings. It does cut down on the junk mail. I will say that much.

Plans, Studies, Reports:

None

Concepts/Uses on Review):

None

Final Subdivisions:

- * 11. WALTER G & SUELLA M RICKETTS PROPERTY RESUBDIVISION

West side of Mine Road, south of Grove Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. SPRINGDALE ADDITION RESUBDIVISION OF LOTS 1-5** **11-SB-12-F**
At northern intersection of N. Broadway and Hillcrest Drive, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. JOE OWENS PROPERTY** **11-SC-12-F**
South side of Stock Creek Road, east of Martin Mill Pike, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. JOHN EPLING PROPERTY** **11-SD-12-F**
East side of George Light Road, southeast side of Oak Ridge Highway., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. JACK R & HAZEL M SMITH PROPERTY** **11-SE-12-F**
South side of Tipton Station Road west side of Goddard Road, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. THE CENTER AT KINGSTON** **11-SF-12-F**
North side of Kingston pike, east of N. Gallaher View Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 17. KINGSTON PIKE, LLC (REVISED)** **8-J-12-RZ**

South side Kingston Pike, west of Moss Grove Blvd., Council District 2. Rezoning from PC-1 (Retail and Office Park) / H-1 (Historic Overlay) with conditions to PC-1 (Retail and Office Park) with modified conditions.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

18. BRENNON GARRETT

11-A-12-RZ

Southeast side Millertown Pike, southwest of Amelia Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to O-1 (Office, Medical, and Related Services).

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

Brian Holt, 2713 Amelia Road, Knoxville. My primary concern is not so much the zoning change but the flooding that occurs is not documented. A stream at the back of the property floods on further downstream and it is not in the USGS flood zone.

Becky Longmire: It is not on the USGS?

Holt: That is correct that is what I have been told. I would like to document the fact that the stream is under extreme pressure already and if any more water comes down the stream it will cause a good bit more of property damage.

Longmire: That is the stream the runs down the property at the back? Can you see the map? Is the stream at the back? It runs on up the intersection of Spring Hill and then across.

Holt: I have pictures that depict the flooding that already occurs. It comes within inches of coming in the homes. I would just like something on the record that any development up stream of that if it is not well done will put on this stream.

Longmire: The homes that tend to be affected are the homes more toward Lowes. If you would like to give the pictures to Mr. Brusseau here on the end and they will be entered into the record.

Brannon Garrett, Licenses land surveyor, 649 Owenby Drive Gatlinburg.

Longmire: Mr. Garrett, have you seen signs of flooding? Do you know what owner has planned for the property?

Garrett: We do not have any plans at this time. Yes, I have seen signs of flooding. I know they have redone the bridge right there at Amelia Drive trying to help the situation. Any development that is put in place will have to conform to standards that are set forth before us to stop that.

Clancy: Anything they do to this property they will have to put detention on it. It will have to be approved by the engineering department. All that would improve the situation. Anything approved on this property will only help the flooding situation from there to Spring Hill. From Spring Hill on down they cannot control that. There are a lot of other things that comes into play here too. It is part of the process. It does not have to be documented it is part of the process. They have to submit a plan that comes up to Knox Engineering codes for all the hydrology.

MOTION (CLANCY) AND SECOND (LEN JOHNSON) WERE MADE TO APPROVE O-1 STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

- * **19. HARRIGAN CONSTRUCTION COMPANY, LLC**
Northwest side Sutherland Ave., southwest side Sutherland View Way, Council District 6.
a. Central City Sector Plan Amendment
From LI (Light Industrial) to MDR (Medium Density Residential).

11-A-12-SP

STAFF RECOMMENDATION: ADOPT RESOLUTION #11-A-12-SP, amending the Central City Sector Plan to MDR (Medium Density Residential) and recommend that Knoxville City Council also approve the sector plan amendment to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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

11-B-12-RZ

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- * **20. BEVERLY HOLLAND**
Southeast side of Holston Dr., northwest side of Speedway Circle. Proposed use: Child Day Care Center for up to 100 children in C-3 (General Commercial) District. Council District 6.

6-C-12-UR

STAFF RECOMMENDATION: APPROVE the request for a child day care center for up to 100 children in the C-3 zoning district, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

21. CAROL PHILLIPS**10-D-12-UR**

North side of Bridgestone Place, northeast of Nubbin Ridge Dr. Proposed use: 1500 square foot garage (accessory structure) in R-1 (Low Density Residential) District. Council District 2.

STAFF RECOMMENDATION: APPROVE the request for a 1500 square foot accessory building as shown on the site plan subject to 6 conditions.

Richard W. Krieg, 919 Westmoreland Boulevard. I am here on my own behalf. I am not here representing any one else even though I am an attorney. I have lived in the neighborhood longer than anyone else. At the last meeting you asked that during the 30 day period between then and now we communicate and see if we can work things out. I am passing out to you the dialog that has occurred. Mr. Mooreman sent the first email with 5 purported options. First was someone buy the property from Ms. Philips at the price she paid for it. Second was the homeowners association purchase a portion of the property to utilize as green space but they would provide no access. Third was that a green space easement be created on the subject property. That space however could not be trespassed upon and that would be at a higher cost. Fourth that they proceed with a detached garage with a footprint of 1500 square feet, not total square feet but footprint. The fifth was if we can't agree on that they would pursue going with the 1100 square feet. By the way even though it would be smaller it will be built 9 or 10 feet closer to the adjacent property owners. They had another term on the bottom that the homeowners association draft a newsletter acknowledging that there were multiple misrepresentations concerning Ms. Philips and her planned improvements and the letter should apologize for the inconvenience and for the hardships. I responded in about 30 minutes saying that I represented myself but would pass it on to the homeowners' association and thought that what we should do is address the adverse affects to property owners and surface water runoff. I passed it on. The homeowners' association met and wrote Mr. Mooreman and said that we're disappointed that he did not address the issues of our concern. He responded and said he had an engineer looking into the affects of the planned improvements regarding stormwater runoff and would be glad to provide final determinations once they had been completed. I assume they had not been completed. As for the adverse affects to the property owners he was at loss. All along we said we would have a reasonable dialog. Unfortunately that did not occur. I think you can see from the first e-mail that the options aren't realistic. The only other thing I would add because we are here on the same issue today is that there were comments made at the last meeting about if certain requirements were made this board doesn't have any leeway. Your attorney is here and maybe he would disagree with me. I

am not totally familiar with this area but I would cite to you Article 7, Section 5, paragraph 4, we lawyers like to do that, "on approval of denial of permitted uses on review the planning commission may deny development plan or use permitted on review where the above paragraph cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which this site is located". We believe that is the position we have presented that it negatively impacts the neighborhood and increases substantial stormwater runoff and therefore we think that you do have the leeway to deny this request. We ask for a motion to deny and that it be approved. The motion for denial be approved.

Benny Mooreman: President Benchmark Associates, 10308 Hardin Valley Road. Would like to respond in that most of what Mr. Krieg said is factual as it can be this time and I am glad to say that. I also would like to thank you and apologize at the same time for the fact that there has been very little dialog since last months meeting. However that e-mail was not the first effort. There were multiple phone calls to one of the directors of the homeowners' association with initial options for them to discuss among themselves and get back to me. The day that I sent out this email I contacted him and said I am doing this because I have not heard from you those conversations took place the evening of the last meeting and the next day. That being said in hopes of opening dialog I did provide those 5 options. Whether they are realistic or not, they are wanting to enjoy this property. I feel that should come at some expense as it is Ms. Phillips' property. No common ground has been met. There has been no feedback from the homeowners' association regarding those options. They did however express their concerns and I did immediately start addressing those concerns. I already started addressing them. I got feedback from a certified appraiser and multiple realtors who represented upon review of what limited information as of today that as long as this was done in good character they saw no negative impacts to property values. That is their opinion and one of those is a certified appraiser. We have got feed back from the neighborhood that it is their concern and one realtor. As far as the stormwater report I received that as of about 9:28 this morning. I immediately got it to MPC and you have it in your possession. It presents that in that engineer's belief this improvement will have no impact on the stormwater situation in the area. I would like to call your attention to the fact that we are only talking about 400 square feet and only 400 square feet. We are allowed to build a garage of 1100 square feet. Through this process we could expand to 1500 square feet. That is all we are here about today. Both City codes and MPC staff recognize that the planned improvements are in compliance with zoning codes and building codes. I provided a copy to you earlier of the

Westmoreland Hills restrictive covenants which based on our review and legal review it is our position on both fronts that the planned improvements comply with their restrictive covenants. In closing I would say the only issue before us today is 400 square feet. I was not trying to be controversial by the 1100 square foot building being closer to the property line. Due to site constraints the 1100 square foot building for what we are trying to store requires three garage bays. The only way I could meet that footprint was to make it a V shaped building instead of an L shaped building so it does project it back closer to the residents at the rear of the property. That is just the site constraints. At 1500 square feet it will be further away just because it will work that way. I think you again for your time and apologize that this has been drawn out to the extent it has.

Longmire: I just want to make sure of something that the green space that keeps being referred to is owned by individual property owners and not community.

Mooreman: The green space in question is Ms. Philips rear yard. The only thing that is represented as green space is people's private property. I did speak early on with some of the residents. They represented to me that when they bought their property it was represented to them that it was green space and would always be green space. I apologize and hate that for them but that was misrepresentation from a realtor.

Krieg: This so called green space does include a 50 foot wide drainage easement. We do not want to enjoy Ms. Philips' property. The neighborhood just does not want to be damaged by what they do. The owner's proposal negatively impacts adjacent property owners and increases stormwater. It is easy to say we are talking about only 400 square feet when put the 1500 footprint and the driveway you have 6000 feet of impervious substance surface that will increase stormwater runoff. There is a problem now. That is why you have the drainage easement. It is going to get worse. I don't have the benefit of the engineer's plan that you saw for the first time. There are no plans for the proposal for the v shape building and the L shape building. We have seen no plans for that because I am told in an email that they were not prepared.

Mooreman: There are no plans further than what you have represented on the board because that was enough and an expense that we are not ready to incur until we knew which direction we are going. They have seen that.

George Ewart: Is there anybody here from the homeowners association? Could you come forward please?

Richard Rawe, 920 Westmoreland Blvd

Ewart: Did this come before you all at a homeowners' association meeting yet? Last time we met here task was to go back among and talk and try to come to some resolution. I guess one of the things we were hoping is that it would come in front of you guys and you would help resolve this.

Rawe: Yes, we did meet with not only appropriate representatives of the board but also adjacent property owners and discussed the 5 proposals that Benny offered.

Ewart: Was he in attendance?

Rawe: No he was not in attendance. He was not invited

Ewart: How can you get resolution with just one party sitting down?

Rawe: Because the board met and thought that those proposals were so outlandish that it didn't make a whole lot of sense to bring Benny into the process at that time. This is why an email was written saying hey we haven't really heard anything how can we move ahead. The next thing we have is the last letter done a couple of days ago from Benny.

Ewart: You did not vote on any motion. We are back in the same place where we are going to make a decision on something and we asked you to get involved in this and solve your own problem.

Rawe: We have tried to get involved. The extension of an offer to do that has remained open. Our phone works just as well as his.

Ewart: I am disappointed that you had a board meeting and you did not invite him and it was supposed to be a public forum. We are going to have to make a decision. We were hopeful that your neighborhood association and you guys could come to some agreement.

Rawe: We really do appreciate what we are doing. I have to say I think this is taking a lot of your valuable time as well as our valuable time. It seems like a process that could be fixed fairly easily by an up front process where somebody that wants to build something either the homeowner or the contractor comes in with at least a signed notarized document that says something to the effect that we have met with the homeowners' association who happen to have deed restrictions and they have approved this at the permitting process. Therefore it is done if you have got the approval

letter you move on. Then you wouldn't end up in this particular environment.

Ewart Then we wouldn't be needed. There are several buildings in here and I have gone back through looking at them and there are large pool houses. There is one lot on the street right behind that has the main house and three buildings on it. It has a pool in the back yard. I see a lot of things happening in this neighborhood. I don't know how policed it is getting until now. I am disappointed that nobody sat down and had conversations with everybody around the table. That is all I have to say right now.

Mooreman: I would like to just mention that my initial phone call after our meeting was to Mr. de Rohan who was by the documents that we had one of the board members. I started that dialog. I got no feedback whatsoever until I drafted the email with options.

Clancy: I am confused a little bit. This handout that was sent around was it from Mr. Mooreman. You don't have a copy of it? It says that you offered them "someone can purchase the entire property for the purchase price Carol gave initially. This is offered even though she has made multiple additional investments in the property over time. Please note that this is the only option that eliminates us from making improvements suitable for our plans to merge two families and exist on the premises". When it states in our comments that this is not a request for a carriage house/ additional residence. That really does look like you... there is you say a garage.

Mooreman: This is a garage and storage area. There is going to be a merger of these two families by marriage. We are going to sharing the home. What we have got is multiple, two boats, campers, ATV's.

Clancy: Is that your doghouse.

Mooreman: Pretty much.

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

Jeff Roth: I would just like to say I always like to see neighborhoods get involved. I think we have discussed this for a long time. We have heard people say this is going to injure the neighborhood. I fail to see how that is going to happen. George made the observation that there are multiple out buildings on some of the homes. The homes are close together. I think the plan is to do it tastefully. We have heard testimony if you would that it does fall within the guidelines of deed restrictions which we are not even dealing with here, just

zoning and property use. I support the motion and we should move on with this.

Bart Carey: I revisited the site again and trespassed I guess on the property lines between the houses that basically are going to be affected here. I think what I see here there are other outbuildings in the neighborhood. I don't know what their approval process was. Some are pool houses and some are on an upslope. The ones that are mentioned three in one yard are on an upslope which creates the building being built down in a hill instead of in this case this structure is going to be the high elevation is going to facing the neighbors across the ditch. They are going to be looking at something maybe 30 feet tall on the back elevation. The larger the footprint then the larger its construction. I can't support 1500 feet. I know 1100 is another option. I have gone back there and looked. It is going to be a very tall structure relatively close to their property line. I wouldn't want it in my backyard. I guess it is NIMBY, not in my backyard. After looking at this that is my position.

Wes Stowers: I am very torn on this too because I know parties on both sides of the issue. Would it make a difference to the homeowners if it were 100 feet or 1500? It sounds like to me that it is an all or nothing and it is at an impasse. The applicant is within their rights to dot his from a strict point of view. The homeowners' guidelines are not within the purview of this group. There is another avenue to do this. I would hate to see it go there. Whether it is 1100 feet or 1500 feet or 300 feet it makes no difference. I hate to be in this situation, but I think the applicant is within their rights to put this there and I would have to support it.

Upon roll call the Planning Commission voted as follows:

Anders Yes
 Carey No
 Clancy Yes
 Cole Yes
 Ewart Yes
 Johnson Yes
 Kane Yes
 Kelly Yes
 Lomax No
 Pierce Yes
 Roth Yes
 Sharp No
 Stowers Yes
 Tocher Yes
 Longmire Yes

MOTION CARRIED 12-3. APPROVED.

- * **22. MIDWAY REHABILITATION CENTER** **11-A-12-UR**
North side of E. Magnolia Ave., west side of Myrtle Ave.
Proposed use: Medical facility in O-1 (Office, Medical, and Related Services) District. Council District 6.

STAFF RECOMMENDATION: Approve the development plan for a medical facility (80 occupant drug and alcohol rehabilitation center) in the O-1 zoning district, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. ROBERT JUST** **11-B-12-UR**
Northwest side of Tacoma Dr., northeast of Whittle Springs Rd. Proposed use: Detached residence in RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for one detached dwelling unit on Tax Parcel 070HB015, subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. SITE INCORPORATED** **11-C-12-UR**
West side of Millertown Pike, north side of North Mall Rd., southeast side of Knoxville Center Dr., and southwest side of Kinzel Way Proposed use: Sam's Club retail expansion and addition of a 12 pump fuel center in SC-3 (Regional Shopping Center) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for the Sam's Club retail expansion and addition of a 12 pump fuel center as shown on the development plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- 25. Consideration of Nomination of Officers for Calendar Year 2013.** **11-A-12-OB**

Jeff Roth: Pursuant to Article 4, Section 8, of the MPC Bylaws the nominating committee is convenient to identify the slate of nominees for the following the offices of chair and vice being 2012 nomination committee presents the following nominations for Chair Rebecca Longmire for Vice Chair Bart Carey. The floor is now open for additional nominees.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO CEASE NOMINATIONS. MAKE MOTION CARRIED 15-0.

MOTION (CLANCY) AND (EWART) WERE MADE TO APPROVE NOMINATIONS BY THE NOMINATING COMMITTEE. MOTION CARRIED 15-0.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 2:45 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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

**MPC'S ANNUAL MEETING
WAS HELD IMMEDIATELY FOLLOWING THE MPC HEARING.**