



Minutes

October 14, 2010

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

The Metropolitan Planning Commission met in regular session on October 14, 2010 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF OCTOBER 14, 2010 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF SEPTEMBER 9, 2010 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE NOVEMBER 10 2010 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>METROPOLITAN PLANNING COMMISSION</u>	8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	
<u>KNOX COUNTY SCHOOLS</u>	1-C-08-SC
Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	
<u>WILSON RITCHIE</u>	3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u>	
a. Concept Subdivision Plan Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	1-SG-08-C
b. Use On Review Proposed use: Attached residential subdivision in PR (Planned Residential) District.	1-J-08-UR
<u>WILLOW FORK - GRAHAM CORPORATION</u>	
a. Concept Subdivision Plan Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.	11-SJ-08-C
b. Use On Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.	11-H-08-UR
<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>	
a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.	4-SC-09-C
b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.	4-D-09-UR
<u>HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18</u>	8-SB-08-F
South side of Woodlawn Pike, east of Southwood Drive, Council District 1.	

	<u>DAVIN AND STURM RESUBDIVISION OF LOT 1R2</u>	10-SQ-08-F
	South side of Kingston Pike, south of Walker Springs, Council District 2.	
	<u>HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4</u>	11-SO-08-F
	South side of Hardin Valley road between Schaeffer and Iron Gate, Commission District 6.	
	<u>LECONTE VISTA</u>	11-SP-08-F
	Kelly Lane near intersection of Kodak Road, Commission District 8.	
	<u>HART PROPERTY</u>	12-SH-08-F
	East side of S. Molly Bright Rd, south side of Asheville Hwy., Commission District 8.	
	<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u>	2-SO-09-F
	Intersection of I-40 and McMillan Road, Commission District 8.	
	<u>WYRICK PROPERTY</u>	8-SC-09-F
	East side of Tazewell Pike, north of E. Emory Rd, Commission District 8.	
U	<u>BRANDYWINE AT TURKEY CREEK PHASE I</u>	8-SP-10-F
	West side of Fretz Road, south of Campbell Station Road, Commission 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>PROPERTIES DIVERSIFIED, INC.</u>	
	Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.	
	a. North County Sector Plan Amendment	8-B-08-SP
	From LDR (Low Density Residential) to C (Commercial).	
	b. Rezoning	8-E-08-RZ
	From RB (General Residential) to CB (Business and Manufacturing).	
	<u>METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE</u>	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.	
	<u>JAMES L. MCCLAIN</u>	

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).

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.

MIKE ELLIOTT

2-A-10-UR

West side of Arthur St., north side of McGhee Av. Proposed use:
Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay)
District. Council District 6.

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO UNTABLE 8-SP-10-F BRANDYWINE AT TURKEY CREEK PHASE I AS READ. MOTION CARRIED 11-0. ITEM UNTABLED.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO TABLE ITEM 10A&B AS READ. MOTION CARRIED 11-0. ITEM TABLED.

CONSENT ITEMS

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

COMMISSIONER MOSE LOBETTI ARRIVED AT THE MEETING AT THIS TIME.

Commissioner Michael Kane asked how we could remove a plan amendment and still hear the rezoning?

Mark Donaldson: After taking the application for the one year plan amendment, we found that the zoning request was already in conformity with the plan so we didn't have to amend the plan.

Citizen asked for Agenda Item No. 26 be removed from consent.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING AGENDA ITEM NO. 26. MOTION CARRIED 12-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING AGENDA ITEM NO. 26. MOTION CARRIED 12-0. APPROVED.

COMMISSIONER STAN JOHNSON ARRIVED AT THE MEETING AT THIS TIME.

Ordinance Amendments:

- * 5. **KNOXVILLE CITY COUNCIL** **10-A-10-OA**
Amendment to the City of Knoxville Zoning Ordinance allowing the keeping of domesticated chickens in all residential zone districts pursuant to City of Knoxville Ordinance No. O-116-2010.

STAFF RECOMMENDATION: Approve proposed amendments to the City of Knoxville Zoning Ordinance at Article II; Article IF, Sections 2.1.1 and 2.1.4; and Article V, Section 4, as proposed in Exhibit A.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

NONE

Street or Subdivision Name Changes:

6. **RICK EMMETT FOR KNOXVILLE PUBLIC PROPERTY NAMING COMMITTEE (Revised)** **10-A-10-SNC**
Change Hutchinson Avenue to 'Bill Williams Way' between Edgewood Avenue and Rosemond Drive, Council District 4.

STAFF RECOMMENDATION: Deny name change to Bill Williams Way.

Mike Brusseau: I would like to start by saying first of all we don't have anything against Bill Williams. The reason we are recommending for denial of this request is because it doesn't meet the requirements of the Uniform Street Naming and Addressing System Ordinance. There are two issues with it. First issue is the use of Way as the road type. This is generally an east western road that should either be an avenue or a drive. Second issue is that the, a street that continues past an intersection should not be changed unless that intersection is with a collector or arterial street. In this case the street that it is crossing Rosemond Drive is just a local street. Basically you would have Bill Williams Ave or Way and at a local street changing to Hutchinson Avenue. This application has been revised twice since first applied for. At one time there was something that we could have recommended approval for which was a section of the street that you see on the map there that would

stop at the 90 degree turn right where he is showing you there. Also at one time the application was for Avenue and that would be certainly acceptable. We would be able to recommend approval of that were the request, but the request is what you are seeing on the map there. So with that we have to recommend deny.

Rick Emmett: 400 Main Avenue I am on the Public Property Naming Committee representing Mayor Haslam. Our process as the Public Property Naming Committee is there a number of members of that committee. Four City Council members, representatives from various City Council districts, engineering, law, MPC is on there. Unfortunately this meeting where this approval happened, MPC was not represented at that meeting. So members of the Committee weren't clear on the MPC rules necessarily as far as what Mr. Brusseau was just saying. This is the first time we really tried to name a street, an actual street like this using this process. So we are sort of going through it for the very first time. We took it upon ourselves to file the application with the planning commission. I did on behalf of Chairman Bailey of our Public Property Naming Committee. As Mr. Brusseau said the first application I turned in was based on some conversations I had overheard and was not a party to that it would go up to 90 degree. And then I talked to Mr. Donaldson somewhat and we named it the way we did. But then when I reviewed the application of the minutes from our meeting, we actually approved Bill Williams Way as the name. It was not anything else. So what we did was just really apply just exactly as the applicant had applied. Mr. Jeff Lee with WBIR is here. He was the applicant for this. And Mr. Lee indicated the area that he wanted it the way he wanted it to go. So I reapplied exactly the way the applicant had gone forward and exactly like we had approved it. We had a Public Property Naming Committee meeting since then and Mr. Donaldson was there at that second one. A similar situation came up. Mr. Donaldson did explain all that and it still got overruled by the committee. So it puts us in a strange posture. We are, but I just applied just exactly as the applicant had wanted us go apply. He is here to explain his reasoning on that if you would like to hear that.

Jeff Lee, 7409 Frontland Drive. I am the manager of WBIR TV. What we are after is to change our legal address. We want to honor Bill Williams. As he has mentioned many people have no problem with that. The short section of street is not our mailing address. We would like to see this on our business cards, our stationary and every way that we could possibly use it. We are after that section of street if that is possible.

Rebecca Longmire asked if he would be willing to accept Bill Williams Avenue. He agreed.

Longmire; I would like to make a motion that we support the street name change to Bill Williams Avenue.

MOTION (LONGMIRE) AND SECOND (CLANCY) WERE MADE TO APPROVE BILL WILLIAMS AVENUE. MOTION CARRIED 13-0. APPROVED.

Chair Anders: Bill Williams is like Santa Clause around here. The last thing we want to do is do anything against Bill Williams. So I am glad we got that settled.

Plans, Studies, Reports:

7. METROPOLITAN PLANNING COMMISSION

12-A-09-SAP

Hillside and Ridgetop Conservation Plan.

STAFF RECOMMENDATION: Adopt the Knoxville-Knox County Hillside and Ridgetop Protection Plan, which represents amendments to the General Plan and Sector Plans, and forward the plan to City Council and County Commission with recommendations for adoption in order to make the amendments operative.

Mark Donaldson: This plan was prepared by staff of MPC on behalf of the Joint City and County Taskforce on Ridge, Slope and Hillside Development and Protection, a long title for a large group of people that worked for a very long time to prepare the plan. One of the affects of the plan if it is adopted and amends the General Plan, is that it will replace the currently designated slope protection areas in our sector plans with the geography that was documented in the plan. There was an extensive public participation process in addition to all kinds of tasks force and sub-committee meeting. There were 9 community meetings scattered throughout the county, surveys and then most recently two public meetings; one east and one west to kind of wrap up the process. I am not going to get into all the recommendations. There are several members of the task force here that probably want to speak. Generally the policies and recommendations were developed to offer a means to develop on the hillsides in a manner that would not be harmful to the natural resources while still preserving the development rights of those people who own the property. The plan represents a first step in the process with the next steps being then adoption of rules and regulations into the City and the County Code of ordinances to implement these regula... these recommendations. Those efforts will have their own public process. So there will be ample opportunity for anybody interested to participate in the development of the actual rules and regulations that may be implementing this plan. So with that we have Liz Albertson and Mike Carberry from our staff to answer any hard questions. And several member of the task force are out in the audience.

Ron Shreevs; 7812 Ambercrest Trail, Knoxville, 37938. The Harvey Broome Group Tennessee Chapter of the Sierra Club welcomes the opportunity to provide comments on the subject draft plan on behalf of our 1100 members residing in the Knox County area. I make

these remarks as a member of the Harvey Broome Group Executive Committee though they also reflect my personal convictions. A separate letter has been submitted to the MPC by the Executive Committee. We wish to commend the members of the task force for their dedication and efforts in drafting this plan in what was undoubtedly a lengthy and contentious process. We believe the plan is a very good first step towards assuring the preservation and protection of some of the last remaining green spaces in Knoxville and Knox County. As the plan points out 50 to 60 percent of the forested land in Knox County is located on hillsides and ridgetops and over the last 20 years almost 30,000 acres of forested land has been lost to development. Some 15% of county lands exceed the 25% slope and most of this is currently forested. Forest land not only provides not only protection for water quality and improved air quality, it is essential habitat for most of our native plants and animals. Such land might also provide a means for citizens of Knoxville and Knox County to have meaningful experiences in nature without having to travel for several hours to state or national parks or national forests. Given the value of the sloping land in its natural state, both to its nonhuman inhabitants and to the residents of the County with the ecological and recreational services it currently provides and could potentially provide, it seems only common sense to try to find a way to preserve its ecological functions. Indeed as pointed out on page 19 of the Protection Plan this is a policy injected into the 2033 General Plan as approved in December of 2003. I quote "Ridges should be for preserved for wildlife and plant habitat as part of our respect of nurturing of Knoxville-Knox County's heritage areas." The only way to honor that policy objective is to keep these critical areas from being developed. We suggest the City and County expand on the concept of the urban wilderness and historic corridor as championed by Legacy Parks Foundation. To this end we strongly endorse the implementing mechanisms set forth on page 55 of the plan which include both private donations and public funding among others. However, we recommend and ask that the plan provide more emphasis and more specifics on implementing public and quasi-public corridor efforts. There should be something that appears with emphasis in the preface and nearer to page 1 of the report instead of being buried on the last page. If it is too late to incorporate this into the plan, than perhaps a separate document would be appropriate. We further recommend the establishing of a follow-on taskforce to work on mechanism and governance processes for establishing the desired corridors. I leave you with two thoughts. We won't get designated conservation corridors if we only rely on a piece meal approach. We need an aggressive strategy to identify the corridors early on before extensive development ruins the chances. Knoxville-Knox County government should have an advocate to push for the corridors. Perhaps that will be MPC, but my experience would indicate that you need an individual somewhere in County government who is going to do that. Thank you.

Mark Campen, 1309 Adair Drive, Knoxville, TN 37918. I am here to speak as a member of the Hillside and Ridge Top Development Task

Force. If we look at committee members and MPC staff that worked on this for more than two and one half years, we see a knowledgeable group of people accomplished in diverse professions. The joint resolution as approved by City Council and County Commission that initiated this process support the effort to support undeveloped hillsides and ridge tops. The background study included consultation of other cities and counties that have dealt with this issue. The resulting data indicate that property values in these areas have increased or have not been affected by local protection measures. The plan has been well thought out and written is a sound basis for conservation of woodland, hillsides and ridges which define in part the character of Knox County and East Tennessee. I want to thank you all today for considering this proposed protection plan. Thank you.

Dan Garrigan, P.O. Box 20084, Knoxville, TN 37940. I am coming before your committee today to oppose the approval of this plan. I am a Knox County resident for 20 years and a property owner who will be directly affected by this plan. I have read all the documents that the MPC, and I can tell there was a lot of work and study put into this. And I do appreciate the work that has been done, but I also have to look at the fact that it seemed to me that there is a lot of emotion that is around the conservation issues and not enough protection for the property rights of the individuals who actually own this property. It seems to me in reading these reports that for some reason that the people who live on the flatter ground seem to have, seem to think that they have a right to my property simply because it is on a hill and because it has trees on it and that is not the case. I pay property taxes on that land. I pay a mortgage on that land and therefore I should have my rights protected. In the report that was produced by this, by the task force it mentions property rights only one time. During that one time it also couples it with public rights. And I just am at a loss to see you know why my property will be devalued based on what I can do with it. If I decided that I didn't want the hill on my property any more, could I bull doze it down? That's not addressed. Does the County now have the ability to not allow me to change the landforms of the property that I own? If for instance I found some precious metals or something under the ground, does that mean that the County has the right to tell me what I can do with my land? I don't think so and I do believe there is a balance, but there is also only 33% of the County that is going to be impacted by these new regulations. If you look in the administrative record of the task force, you cannot find any public input in terms of minutes and comments and what the people are actually thinking other than the survey that they produced in the report which is not scientific and it doesn't mean anything and it shouldn't be presented in the report anyway. As far as the report itself goes, I think there were a lot of emotional statements in there. There wasn't any economic analysis of how there would be an increase in property values on the flat slopes or on the flat sections of the County and what it would do to my property values. Because now essentially in a zoning area where I can have 1 house per acre

this ordinance, depending on how the analysis would shake out, might drop that by 50%. Now to any developer or anybody with a minimum amount of math, if you can put 10 houses on 10 acres and you change that law to be one house per 2 acres then you have basically withdrawn 50% of the utilization of my property based on this law and it won't affect the other 66% of the property owners in Knox County. And that is, I believe if you look at the Knox County Parks and Recreation, the slope protection plan was, is already incorporated into a plan that was approved in January. Yet this has not even been voted on. It has not gone through the City Council. It has not gone through any other sort of review. So it kind of seems to me that the purpose of this legislation, and I agree that there should be some sort of regulatory mechanism, but I don't think it necessarily needs to be codified so much rather than making it a collaborative effort. And the fact is that the plan as I read it basically negates maybe 50 to 60 % of the usable land on there; and that will be given over to the County or the Legacy Foundation which is basically kind of a legislative blackmailing, you know for lack of a better word. We will let you build here on this area, but you have to give us 40 to 50% of the pro... of the land area so that it can be associated with the greenways. And I think this needs a lot more study, a lot more economic analysis. I appreciate your time in letting me speak. Thank you.

Gary Norvell: Member of task force. I hadn't planned on speaking so I will be real short. I do not have anything organized. When we started this committee and when I was asked to serve, it was my understanding that the purpose of this committee was to come up with a viable means of regulations of hillside and ridge top developments and not a means of keeping development from those area, but just a means with coming up with regulations that would better help to lessen the impact those kinds of developments on hillsides and ridges. With that in mind, I have been a part of that committee for the two and one-half years. I am a little bit concerned about, I guess, the flavor of the report because of the direction that the majority went. We still don't have anything as far as hardcore regulations or anything like that. I just wanted to add that because I am afraid, in respect to the Sierra Club for instance where the opinion or the thought process that comes through there is that this is a complete preservation of all hill tops and ridgetops. As a member of that committee, I don't think that is the case. I think it is a matter of coming up with regulations that will help to make any kind of proposed ridgetop or hillside development a less impact on the community.

Victor Jernigan: 815 Sunnydale Road, Knoxville, TN 37923. I am also a member of the task force. I voted no to move it forward because I wanted there to be discussion on several of the issues that the taskforce considered. The job that the members of MPC did was really as a yeoman's job over an extended period of time to work to get public involvement and a number of people, as many people as possible involved. They had advertisement. They had all kinds of

things. But the reality is we never had anybody of any consequence 200 people I think over two years in all the public meetings that were not public officials or involved in the process. The Sierra Club who as here today I don't believe spoke at any single public meeting that was help previously. So the comments come in today as an example of how I perceive things are going to be going forward. The issues that I had with the vote and with the way the process was set up was in three primary areas one of which is the slope that's was being protected. Originally it was the ridgetop protection area and it winds up being 15 to 25%. Now it is severe limitations. Almost no opportunity to build multi-family projects and severe limitations on commercial projects on slopes of 15 to 25%. Significant clearing restrictions and footprint restrictions on office developments in those same areas making that percentage of land mass almost undevelopable to a lot of property that is already zoned for multi-family and commercial inside the City and the County. The ability, at one time the restrictions in the report were 25% and higher for most of the restrictions that are in the plan. I do believe myself and many of the other people involved had no problem with any of the other restrictions until they brought in these additional restrictions on the 15 to 25% slope. And this is an area that is going to, I am confident, bring numerous, like Mr. Garrigan spoke and he spoke at other public meetings, will is guaranteed to bring lawsuits to the County. The issue on the agricultural zoning. Regardless of everything that is involved, there is nothing that we can do and there is nothing in the report that puts these restrictions on the agricultural zoning. And if you look at raw information the land that is outside of the hilltop prevue, over 50%, it is between 50 and 60% of all of the land area left in Knox Count is in the Ritta community out Washington Pike, Tazewell Pike towards Roberts Road and in the Carter community. These are heavily agriculturally zoned areas. The ridge tops, especially when you get out into the Carter community, are almost all agriculturally zoned. So the net effect is people will no longer look to go to planned residential zoning. The net effect is through the development process you will see fewer planned residential zonings and more people simply developing in the agricultural zone because they don't have to meet any of these restrictions. The unintended consequence of these plans, if they are put in without some control over the agricultural zone is that you will create greater impact on the ridges than you do now because there is going to be more and more emphasis on developing in the northeast and east part of the county and on property that is currently zoned agricultural where there previously might have been some interest in developing it under some other zone. The other issue, and its the last issue and it goes along with what Gary just mentioned, is that in the report everything that involves the actual construction of something the words may and could are used. Never is there used the word shall or will such as in a density bonus that would given for not developing in an agricultural zone. Rezoning the property planned residential and getting a density bonus to be able to build on the flatter portions of the property. I can speak from personal experience that moving density from one part of a property to another part of a

property has been incorrectly labeled density transfer in Knoxville. There has been no political will to be able to get that accomplished. So the fact that it is even mentioned in the report as may be possible is realistically not true. If the report had in there it shall be done, then I think you would see a completely different dynamic from everybody also involved, but none of that wording is in there. So the unintended consequences of the report are what I object to. The goal of protecting and creating view, it is absolutely true that if you protect the view shed the property values go up for every body who looks at those view sheds. No questions about that. Mr. Garrigan is correct that the people who own those properties, the ability to develop those properties, the value of those properties do decline. That is something that the legislative process can work out depending on the amount of impact, which again goes back to the reason that I am saying limit the report to 25% slopes and higher. Thank you.

George Ewart: I want to commend the committee for spending the time and doing this report. I think it is, in the long run, it is going to be beneficial to Knox County and the City of Knoxville. However, this has been worked on for two and one-half years. I receive a final report on Friday for me to review. And I do not feel comfortable about going forward with this either way until I can digest this a little bit further and maybe wait another month or something to get more of the ramifications that adopting this will place for the residents of Knox County. In my mind I would rather postpone this. I don't know how the other Commissioners feel, but I don't feel comfortable right now voting one way or another on this until I can digest this a little bit further.

Wes Stowers: I want to echo Mr. Ewart's sentiments for postponement and add one more thing. I think it is incomplete. First of all I do want to congratulate the task force. This is a tremendous amount of work and scholarship. I learned a lot. I read it twice now. I am still not comfortable but echo some of the other things I have heard. I am in this industry. 15% slope is that 15 to 25% zone I think we have a strong possibility for some unintended consequences. It's case in point, this was used as a reason to deny in a previous meeting a zoning request from Parkwest Hospital because of the slope protection on a hill. The whole hill could be removed from a practical point of view. If we are going to end up with large commercial projects held hostage to a 15 to 25% rule, there's places where they don't belong and there are other places where they do. I think we open up a hornet's nest and put a lot of our property off limits and probably end up over time using up more of our agricultural land than we would otherwise. The other issue is property rights. I am a strong believer if somebody owns property and somebody devalues it or wants to get an easement across it, I am all for greenways and I think we ought to try to develop them. But if you are going to take somebody's property, you need to pay for it. I would support postponing this and reexamining with a broader range of expertise this gap between this 15 to 25% slope.

There are places where development will not be appropriate, but there are other places where I think it could be addressed through retaining walls and better construction techniques. Furthermore, the implication that anytime you grade something greater than 15% you have an erosion problem is simply not true. Using proper practices it can be done very responsibly. Some of the pictures in this book do play to emotion. It shows if everybody that was guilty of doing one of these things ought to be fined and probably was. It's against the law to leave something open and contaminate the water. So I would just suggest that we go back and have a good hard look bringing in some of the industry points of view as well as the Harvey Broome Chapter of the Sierra Club to ensure that we have a balanced look before we come into something that becomes law and that we have to live with year after year.

Art Clancy: I would like to commend Commission Stowers for reading it twice. I am about halfway through it and about halfway through understanding the half that I have read. I think it is, there are a lot of good points. I have a problem with 15 to 25% slope issues and scale of development kind of plays in for me. I am not all the way through it so it may be in what I haven't read. I am going to support a postponement as well. I think everybody needs to read it as many times as Wes has.

Stan Johnson: I just wanted to know.. First of all I want to say thank you for doing that great work. I just want to know how many of the property owners that actually own ridge tops and hill tops right now did we engage in the process? It seems like we have property owners that want to do things with their property that wasn't involved in the process. I was wondering if we didn't do that, how do we get those people involved in that process to make sure they also understand what is going on and see if they want to or don't want to be a part of this.

Dan Garrigan: I was at the Farragut meeting. And we had discussed the participation, the point that you made. The GIS system will show actual property owners that will be affected. And we were saying that it would be possible to use that program in order to print out a card just like you get your water bill on and send it to the affected property owners and tell them, not to scare them, just to say this is going on and it may affect you. You might want to check this out and give a web site. But there was not a lot of participation. I think there were four individuals at that meeting; myself being one of them.

Bart Carey: I would support Commissioners Ewart, Stowers and Clancy in their idea to maybe digest this a little deeper. I would like to kind of frame the context of a couple of things here. I sat on the task force as representative of this body. It was a long process and I learned a lot from it. I met a lot of great people also through that process. I was at the Farragut meeting when you spoke and you have some valid points. I can assure even though maybe we can

count the number of times that property rights is mentioned in the report, I can promise you that was a major topic in many of our discussions, especially in my subcommittee. I have concerns. That's one of the reasons I wanted to be on the committee. We had, to kind of give you an idea of who was on this committee, it wasn't just environmentalists or it wasn't just developers. It was a very broad cross section of representatives. I just listed a few as I was sitting here thinking. There were commercial and residential developers on the task force. There were environmentalists. There were water quality people. The utilities were represented. There were foresters, civil engineers, architects, planners, lawyers and politicians and I am sure I am missing some. We spent a lot of time and there was nothing that was ever unanimous. We were, we weren't in fist fights or big huge arguments. It was all civil, but we had differences of opinion through the whole process. Is it a perfect document? No it is not. Is everybody going to be happy at the end of the day? No way. I do firmly believe that the impetus of this plan is going to be a great thing for Knox County. Just the discussion of between 15 and 25%, I think that is a broad stroke myself. Could there be an intermediate of 20? Could you stick another layer in there? Possibly. I would support the idea of holding off for 30 days or to the next meeting or whatever this group decides. But it has been a pleasure to work with this; and I think we are headed in a good direction for Knox County.

Chair Anders: I want to make one comment and have you guys thinking about this. If we choose to postpone this for 30 days or 60 days, it is incumbent upon us to give clear direction to the task force on, and MPC, on what we want considered. I do not think it is acceptable. We have looked at this thing, they have looked at it for two and one-half years, to say. We are going to postpone it just take it back and look at it. I think we have got to say there are some specific things that we have concerns about and we want you to address those specific things. With that, Commissioner Kane.

Michael Kane: I do also want to commend the task force and all those people involved. The level of understanding that those people have is significant compared to what we have just reading a report. I do support the idea of a postponement for probably 60 days also to address Mr. Anders' concerns that we go forward with really understanding what the core issues are and also what the implications are in terms of in the planning process, because it is again now being adopted as part of the Growth Plan and what does that really mean in terms of guidance to us in the future. I would also support that.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO POSTPONE FOR 60 DAYS.

Chair Anders: Again I would ask that we hone in on that postponement to address certain issues.

Stowers: Just to follow up on your point Chairman Anders, I think this, 60 days may not do it. There has been a lot of work and I do not want to take a bit away from the people who have invested so many hours of their own time by putting this together. It is a good piece of work. My concern is this 15 to 25% slope. It's a broad spectrum and we are going to use this thing as a blunt instrument once it becomes law. I don't think we, I could vote on this today if you started at 25% on. I am very uncomfortable that it's too black and white for the 15 to 25. I would suggest that part of this is going to take longer than 60 days to do justice to it. I would strongly encourage you to get the, some folks that do this for a living involved in this process so you can better define it. Otherwise I am going to have to vote against it if it remains like it is. I would like to ask both Mr. Norvell and Mr. Jernigan how much input did development industry and the association of general contractors, the home builders association, people that deal with this every single day; cause an unintended consequence once we get this in place, it will drive the cost of building anything in this community to a place where it will have a negative economic advantages. People that build things create jobs, pay taxes, build homes where we all live and etc. That is an unintended consequence. When you don't build something, it goes somewhere else. Perhaps to another part of this state or country.

Jernigan: The group as it started out, continued, the process went on for as they pointed out 24 months. The group continued to get smaller and smaller until at the end of the process it was hardly possible, it was not possible to get a quorum of all the members present at any particular meeting. During that period of time because it took so long the opportunity to create some momentum with homeowners, with the building community sort of got lost actually. And we could not get any number of people to attend the different meetings. Just like the homeowners didn't understand that their property was being impacted. One of the consequences which was pointed at out at one of the public meetings, that the engineering that is going to be required for the property that is inside of the hillside area, and depending on how much of your land the cost continues to go up on the engineering side. But just the additional engineering costs will add approximately \$7,000 to \$10,000 additional cost to every home that is built regardless of the additional cost of construction. Just the engineering costs will add that much extra cost to the cost of the homes that would be constructed. And again you look at the unintended consequences of no control of the agricultural zone and what happens by directing basically development to go toward a part of the county that has been extremely resistant to development and which has limited infrastructure in the northeast and east county sectors.

Stowers: Do you think in 60 days this could be cleaned up to address these concerns? Or do we need to have a broader, I would, is it impractical to use the GIS survey, find all the property owners and send them a letter asking them to participate.

Jernigan: I believe the issue with that is the cost of doing it. I suggested that we sent everybody that shows up on GIS in their mail a little card that says, Your property values may change. Please attend this meeting. That would, I felt confident, get the property owners to show up. It would also get the building community. There is significant cost with that and there is no to be able to make that possible. We brought up in the meetings, and its for sure Bart was really to the point, there were strong discussions. But everybody has a clear goal of making Knoxville and Knox County a more beautiful place to live. We want to create an environment where people want to live here and what we have is attractive to every body, not just to a limited number. Figuring out how to get that done is the issue.

Mark Donaldson: Just in response to the inquiry about notifying people within the designated protection area, we have run the numbers on that using some assumed costs as far as postcards and postage and it would be about \$17,000 to \$18,000 to notify everyone via postcards in the area. And then when you start notifying people immediately down hill from the area and that would be affected by any development that starts to multiply fairly rapidly.

Stowers: That is also the cost for one or two houses for extra engineering costs if this is put into place. If this is significant enough, then maybe we don't need to have a postcard. I think was reading something, I don't remember what it was, but 200 people I think of the general public have come to these meetings. I am not taking a bit away from the work, but for some reason I don't think that the general public that we are here to represent are really aware of what this is. No one wants another water tank. Amen. No one wants to cut another hill down and make another Sharps Ridge. Amen. At the same time, I think if you look at half the neighborhoods that are on an 18% slope and you are saying you cannot do that anymore, that may not have widespread support.

Chair Anders: It is probably not practical, but developers are the ones that are going to bear the costs of that additional one to two homes. Maybe it is in their best interest to access the GIS numbers and maybe fund the postcard. Because I get to look at MPC's budget, I tell you we don't have \$17,000 standing around right now.

Donaldson: If someone would come in with check in hand, we would do it with pleasure.

Laura Cole: First of all I want to say that quite frankly I think I see signs of emotion on both sides of this issue. I don't want any part of a bunch of cards going out telling people their values are about to go down because I think that will set off a real problem for us. I do support postponing this for further study. But I am also very concerned that we are going to drag this out for a very long time. I would like to see if move forward. So I want clarification on exactly what we are asking the task force to do. I want to be very specific

before we take that vote. Are we asking them to focus on the 15 to 25%? And what else are we asking them to do?

Ewart: I am not asking them to do anything. I want more time to digest what report was given to me. 60 days later I think that is when we come back to them with what we think they should be doing or if the plan is okay I don't know. To give me 2.5 years worth of work on Friday and have me digest it by today and vote on it, I can't do it.

Cole: I am hearing something different I think.

Stowers: I think some input I have received from calls there is a concern on the 15 to 25%. 25% is steep. 20% is steep. 15% is not. It is, it depends on where it is. To come with an all or nothing slope description. How many acres are impacted. Is part of it 15 and part of it 30? I just think this thing has not been thought through from a true impact. When you take out that 15 to 25%, it changes the footprint significantly.

Anders: We can talk a little. They did two and one half years. We are heading on two and one-half years right here, I think. But is there any other issue besides the slope.

Clancy: That is the one I have got.

Longmire: The problem is as Commissioner Ewart said, that is a lot to say. I may not know the questions I want to ask yet. Maybe 60 days from now we can, or even 30 days. I can read it in 30 days. Art, I will help you. To say let's focus in on this, I am not sure what needs to be focused in yet. I think that is what you are saying Commissioner Ewart. Let us have time to read it and really look at it and see what questions we do have.

Anders: Can I throw this out for an option? What if we postpone for 30 days for an opportunity to digest the report that we have got with the intention that in 30 days, when we come back in 30 days we will have direction for any concerns that we have got to the task force to address and try to make changes during the next 30 days.

Nate Kelly: That is exactly what I was going to suggest.

Kane: I would say also to staff in terms of MPC staff not just the task force. I think there are implementation issues that the task force may not all be aware of that the staff needs to advise us on. In addition to the, Mr. Jernigan brought up the issue of the higher density bonus and I do remember the zoning request that he had made and how there was lots of controversy on that. I think that is a valid point. There are lots of implications that we need to understand and understand as a community the benefits and the down side.

Donaldson: I would ask the Commission to keep in mind that you are reading a plan and not a set of regulations or an ordinance. The plan sets up future work that could turn into documents that say shall and must. Right now it says may and should as a plan should. Keep that in mind as you work your way through the document. This is basically the enabling document to go forward with ordinances that implement the plan.

Carey: Could you give us a road map going forward as far as going from the plan stage to codified or a set of regulations. Time wise how does that process work? Maybe you could elaborate on that and I have a second part after that.

Donaldson: Well there are many recommendations in there. Each one of them could be a free standing ordinance each of which could take on a life of its own and run as long as creating the plan runs. We have been working on a mixed use zone district in the City for 2.5 years. We haven't got it done yet. There are recommendations in there that we have heard discussed today about reforestation. An item like that may be able to be implemented quickly. There is the concept of the use of conservation subdivisions as an alternative means of developing property that sort of thing probably could be implemented fairly quickly.

Carey: That is kind of encouraging. At the point if the plan is approved or rejected, then we can kind of piece meal it going forward. I doesn't have to, it is not going to be a broad stroke cut off thing. I think the other thing I would throw out is would it be of benefit, after we have had a chance to digest this, it has got some very finite points that are objections. Instead of having a shot gun approach, we have a rifle going now. We have got 3-4 hot buttons that need to be addressed. Would it be possible to have a Commission workshop at some point for us to ruminate on those items and to get more familiar with them and to strategize? Not that we are going to make the decision, well I sit on both sides of the fence. We and we are going to ultimately going to have to bring something forward. I think it would be good for this Commission to try to get out hands around it together with staff support and those kind of things. Now we have some things to target on.

Anders: The suggestion could be before or after agenda review next time. I think the basic issue is many of us at this table aren't comfortable with our understanding of the plan, number one, much less making recommendations. I am going to ask Commissioner Ewart if he would revise his motion. Prior to that, we have been charged with something here. We have asked for time to digest. Certainly there is no reason why any one of us in this room should not come back at the November meeting fully well versed on this plan and ready to be able to talk about concrete issues that we are concerned about and direction we want to give MPC staff and the task force.

COMMISSIONER EWART AND CLANCY AMENDED THE MOTION TO POSTPONE FOR 30 DAYS. MOTION CARRIED 13-0. POSTPONED UNTIL THE NOVEMBER 9, 2010 MPC MEETING.

- P 8. METROPOLITAN PLANNING COMMISSION 6-A-10-SAP**
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 9. 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.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review:

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

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

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

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 11. BISHOP RIDGE 10-SA-10-C**
North side of Bishop Knoll Ln, northeast side of Bishop Rd, Commission District 7.

STAFF RECOMMENDATION: Approve the concept plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * 12. ROBERT D. FOREMAN PROPERTY 11-SD-09-F**
East side of Ellison Lane north of Wrights Ferry Rd., Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 13. **SIDNEY M. CAMERON PROPERTY RESUBDIVISION OF TRACT 3** 5-SB-10-F
West side of Whirlwind Way, south of Mascot Rd., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 14. **STEVE & ELIZABETH CARDWELL PROPERTY** 10-SA-10-F
Nickle Rd, 1100' northwest of Pleasant Ridge Rd, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 15. **ROSE MARIE FIRST ADDITION LOT 2** 10-SB-10-F
North side of Dutch Valley Dr, east of Plummer Rd, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 16. **KENNETH S AND KIMBERLEY CLABOUGH PROPERTY** 10-SC-10-F
At the terminus of Bowers Rd, south of Flint Gap, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 17. **PEBBLESTONE VILLAS RESUBDIVISION OF LOT 1** 10-SD-10-F
West side of Murphy Rd., south of Tazewell Pike, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 18. **HURD AND BRADEN PROPERTY** 10-SE-10-F
At the terminus of Messer Lane, northeast of Weaver Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 19. **HOLLIDAY PROPERTY RESUBDIVISION OF LOT 2** 10-SF-10-F
North side of Ebenezer Oaks Ln, northeast of Ebenezer Rd, Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. FAR VIEW HILLS BLOCK E RESUBDIVISION OF LOTS 2, 3, AND 4R** **10-SG-10-F**
West side of Nocona Dr, north of Farland Dr, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. BISHOP RIDGE RESUBDIVISION OF LOT 1R-1R** **10-SH-10-F**
North side of Bishop Knoll Lane, northeast side of Bishop Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. MANORHOUSE RETIREMENT FACILITY** **10-SI-10-F**
At the intersection of S Northshore Dr and Branton Blvd., Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- T 23. CLAYTON BANK & TRUST** **3-B-10-RZ**
Northwest side McIntyre Rd., northeast of Buffat Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * **24. TN VALLEY SURVEYING, INC. (Revised)** **9-E-10-RZ**
East side Branch Ln., north of N. Ruggles Ferry Pike, Commission District 8. Rezoning from A (Agricultural) and RA (Low Density Residential) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density up to 3 du/ac subject to 1 condition: No clearing or grading of the site prior to use on review plan approval by MPC.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 25. CAD PROPERTIES**
Northwest side Tazewell Pike, northeast of Smithwood Rd., Council District 4.
 - a. North City Sector Plan Amendment** **10-A-10-SP**

From MDR (Medium Density Residential) to O (Office).

STAFF RECOMMENDATION: Adopt Resolution 10-A-10-SP, amending the North City Sector Plan to O (Office) and recommend the City Council also adopt the amendment.

Chair Anders: Asked if the applicant was present and if there was opposition. Asked the applicant if he wanted to go first or the opposition to go first. Opposition please.

Jamie Rowe: I will be glad to speak first, but your administrative rules say the applicant is suppose to go first.

Chair Anders: No, the applicant has the option to go first or defer to their opposition.

Charlotte Davis: I reside at 104 Crawford Road and I am here to represent Fountain City Town Hall. Dr. and Ms. Byrd attended a Fountain City Town Hall board meeting several months ago to present their intention of asking for a rezoning of their property from R-2 to O-1. At a later board meeting members of Fountain City Town Hall board voted to support the O-1 rezoning with the following conditions: We request to be excluded the permitted uses in O-1, uses permitted and regulated in R-2, funeral homes, private clubs and lodges, public and private schools, beauty and barber shops and halfway houses. Additionally, we are asking MPC to exclude the following from uses permitted on review in O-1: any use permitted on review in R-2 district and multi-dwelling structures or developments, hospitals, hotels and motels, business colleges, public and private colleges with student residence and dormitories, assisted living facility, churches, methadone treatment clinic or facility and halfway houses. We thank you for your consideration regarding these conditions. This allows flexibility or different kinds of offices that the applicant said they were seeking and at the same time protects the neighborhood. I would like to add that this neighborhood is fragile. There are residences to the north and to the east. We just want to protect the neighborhood from further encroachment of, from businesses. Thank you so much.

Jamie Rowe: Fountain City Town Hall but I am not representing them that is Charlotte tonight. My address is 4215 Tazewell Pike. But I am representing the Tazewell Pike-Beverly Station Neighborhood Coalition who is directly affected by this. First I would like to explain that and remind MPC and any Commissioner who might have been here when Penuche hair salon, which is in the same block, was here seeking a rezoning to O-1. We were told by MPC that if we would go along with that rezoning no others would be asked to be rezoned or recommended rezoning in that block, but that has not been the case. Maplewood is another development that was rezoned O-1. And now we have this one being asked for. We do ask that this be the last O-1 rezoning in this area honoring the agreement that MPC had with our neighborhood thereby stopping the domino affect. Our

neighborhood is in complete agreement with Fountain City Town Hall regarding this rezoning and conditions. The different types of offices offer the applicant the flexibility they told they needed, but the conditions allow our neighborhood some protection. The applicants did tell us that MPC had advised them to meet with Town Hall so that Town Hall could identify any conditions for the rezoning. We are happy to compromise and we feel we are compromising so that the applicant's objective can be accommodated. This particular piece of property was up for rezoning for O-1 before you all about two years ago and it was turned down. We do understand the dilemma and restrictions on the applicant's property; therefore, as I say, we do not mind any office use for which they would like to use this property. We thank you for your consideration regarding the rezoning and also the conditions that Fountain City Town Hall has elaborated and I won't go through those again.

Lisa Byrd, 5235 Bent River Boulevard. I am here with my husband, Doctor Byrd and David Hutchins who is also the architect from our building that we built in 2003. The second thing is I don't do very well speaking in public, so excuse me for rambling a little bit. The points I want to mention is that when Jamie Rowe brought up is that when our building, and I hope that I can address this because I did provide some pictures, that north of our office, that is our building we actually own that building and it is actually a home and it is R-2. We plan on doing nothing with it. It is a rental home. The last thing we want to do is add anymore. We are very content being where we are and having what we have. MPC in 2007 actually gave us a 12-0 vote. We got all the votes. There was no opposition to that. Jamie is wrong by telling you that. I would like to present you this picture of our building to show you that is building is not a building that you can come in and just knock down. We have put \$750,000 to \$800,000 in this building more than increasing the value of Tazewell Pike when you look at the other pictures around us. I don't know who to give this to right now or do I wait? Chair Anders: Everyone who was at agenda review got those pictures. Byrd: My husband and I we have been practicing for over ten years in Fountain City. My husband being the physical; I am the nurse. We work very hard. We had the option, we rented for six years, we had the option to actually move away. But we wanted to stay. We love Fountain City. So we built this office and now this is our price and joy, this 3403 Tazewell Pike CAD Properties. We put a lot of, like I said, a lot of hard work into this. We are asking for O-1 because all of our neighbors around us, right beside us. July 2005 she received O-1 Maplewood and all around us we have O-1. This is kind of personal for Jamie Rowe when she brought this up about Penuche. She already said she was coming to go after MPC to make some changes. So please understand for this is very personal too. One of the things I want to point out, the reason why we went with O-1 was because, again I know it is in your general description, but the general description states it is to provide centralized, compact locations for business offices, clinic, medical and dental offices, as well as suburban locations near residential neighborhoods. Please

understand clinic, medical and dental, we do not have that option. We only have one option and that is a medical office. That is it. We have no other options. We can't put an insurance agency. We can't put an architect firm, anyone else, private school, whatever it may be. We have no options. And we still have nine years left on this building. With the Medicare, Obama-care that is taking place, it is very difficult for us to know if the physician next door, if he is going to stay in practice. So that is a big hardship for us. I really don't know if I have anything else to add except that I just really would ask for your consideration in this. If you have any question, please let me know. And also she said there was opposition from Fountain City. I do have letters and her neighbors and stuff with Fountain City with all the people that signed here saying there is no opposition to this whatsoever. So I can add this as part of evidence too.

Anders: Just to define the debate you guys, we have three things to be voting on. In talking with Mr. Donaldson, I don't think we right now need to hone in on any one of them. We just have general discussion and we will adjust these one at a time.

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

b. One Year Plan Amendment

From MDR (Medium Density Residential) to O (Office).

10-A-10-PA

STAFF RECOMMENDATION: Approve O (Office)

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

c. Rezoning

From R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

10-A-10-RZ

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

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

ROBERT G. CAMPBELL AND ASSOCIATES

Southeast side E. Emory Rd., southwest of Emory Pointe Ln., Commission District 7. Rezoning from A (Agricultural) to RA (Low Density Residential).

10-B-10-RZ

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

Robert Campbell: Just had some neighbors who had a question. 7523 Taggart Lane. I believe they own the property to the southeast below where that is hatched in. I think that is actually the property the sign may have been placed on. The piece of property is 1.6 acres. The gentleman that is buying the house actually owns the property to the northeast. He wants to cut out the house, kind of refurbish the house. But the problem is the property is 1.6 acres. Its agricultural zone, which to cut out a lot our of an agriculture zone you have to have one acre. Residential RA allows us to go to a residential zoning which allows us to cut out the house, which is going to be approximately 0.06 of an acre. But instead of going through the Board of Zoning Appeals process and all that good stuff, it seemed a much cleaner process to try to go rezone the piece of property, get it to 10,000 square foot lots. That way if the property, the remainder is sold to people in the subdivision, they can add that property to the back and we do not have to go through this zoning appeals type process. I think that was my understanding in speaking with the neighbors that was the confusion. If they want to say something, they can speak to that.

Murray Carter: My mom lives at the property that borders this. We just had a concern because we didn't really know. The sign was put in her front yard. Our concern after we listen to what they have to say is the property to the lower part if it were actually subdivided, we didn't want any more drainage over on our property. That is what I was trying to say.

Chair Anders: Are you satisfied with the response? Carter agreed.

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

- * 27. **DAVID BAILEY** **10-C-10-RZ**

East side Chapman Hwy., south of Sevierville Pike, Commission District 8. Rezoning from CA (General Business) and A (Agricultural) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: Approve CB (Business and Manufacturing).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 28. **TENNESSEE LAND INVESTMENT PROPERTIES, LLC** **10-B-10-SP**
 - a. East City Sector Plan Amendment**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P** **b. One Year Plan Amendment** **10-C-10-PA**
 - From MDR (Medium Density Residential) to LI (Light Industrial).

STAFF RECOMMENDATION: Approve MU (Mixed Uses) (Commercial, Office, Residential, and Civic, using planned development zone districts).

Arthur Seymour, Jr. 550 West Main Avenue. Ask for approval of the one year plan amendment and the rezoning pursuant to staff recommendations with conditions set forth therein.

Chair Anders: I will ask again, is there any opposition.

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

Michael Kane: I did go up to the area and went up to the residential area that is at the back of the property and spoke to one resident. He did say there was a meeting with the residents. About 90% of the residents where there, he said. The developer talked about what they wanted to do and there seemed to be general agreement. The only thing I would sais is that he asked when the meeting was and I said today. He said well they were supposed to let us know when the MPC meeting was. I would just relay that to the Council to let you know there was a little bit of communication problem possibly.

Seymour: I think there were actually two meetings, because a couple of people didn't make it to the first meeting and Mr. Collum met with some other people later. Did you not?

Bud Collum: Yea. 6312 Kingston Pike, Knoxville, 37919. I am one of the managing partners in the development. Mr. Kane we did have a meeting that lasted about three hours. I left thinking if not pretty much unanimous that they were in favor of what we wanted to do. I think I will take blame for dropping the ball. I think what they wanted to say is if you need us to show up for the meeting or if you think that we need to write letters or whatever, just let us know. I don't want to sound presumptuous at all, but we have met with the staff extensively on this and felt like this was a situation as opposed to going through and utilizing all of the minutes on both sides that we thought we had it under control. I will take blame for that. We certainly want to keep the communication and dialog open with them.

MOTION CARRIED 13-0. APPROVED.

b. Rezoning – Northshore Market Investors, LLC
From TC-1 (Town Center) to PC-1 (Retail and Office Park).

10-G-10-RZ

STAFF RECOMMENDATION: Approve PC-1 zoning for the portion of the tract described in the attached map, subject to 5 conditions.

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

Uses on Review:

- * **32. THE KROGER COMPANY** **7-D-10-UR**

North side of Kingston Pk., west side of N. Cedar Bluff Rd. Proposed use: Retail development in PC-1 (Retail and Office Park) pending District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a retail shopping center containing up to 138,925 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 15 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. SMITHBILT, LLC** **10-A-10-UR**

Northwest side of Belle Terra Rd, south of Robinson Rd. Proposed use: Duplex units in RP-1 (Planned Residential) District. Council District 3.

STAFF RECOMMENDATION: Approve the request for the three duplexes as shown on the development plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 34. CHARLES BRETT RICHARDSON** **10-B-10-UR**

North side of S. Northshore Dr, west of Thunderhead Rd. Proposed use: Liquor Store in TC-1 (Town Center) District. Council District 2.

STAFF RECOMMENDATION: Deny the request for a retail liquor store because the proposed use is contrary to the general principles of the TC-1 zone and the approved development plan and would not be in keeping with the adjoining low density residential developments.

Arthur Seymour, Jr. on behalf of applicant.

Dan Kelly: We discussed this on Tuesday. The property is currently zoned TC-1. At the time the TC-1 zoning was put in place, part of that process requires that a conception plan be submitted that designates the core area of the development as well as the peripheral area. The site in questions is located in what is called the periphery area of the Northshore Town Center development. On Tuesday I handed out a copy of the permitted uses in the TC-1 zone. If you recall the very first item in that listing was retail sales and it was permitted in the core area on the ground floor, core area upper floors, but it was not initially permitted in the peripheral area. If you go on over into those permitted uses though, it talks about any other use that the planning commission determines a shop or retail trade that can be accommodated that it is your discretion. Whereas in the core area there would be no question that a liquor store could be permitted in a core area or general retailing, it doesn't necessarily have to be a liquor store but general retailing would be permitted in those locations. The question then came

up how they had the right to apply for the request to submit the request for the retail sales in the peripheral area. We accepted their application and have reviewed their application and we believe that retail sales in this particular location, general retail sales, would be inappropriate. The primary reason being proximity to low density residential use, limited access to the site. The intent of the TC-1 zone in regard to retail sales is that it is intended to be a shopping district to get people out of their cars. To get people more in a pedestrian mode where it would be a shopping experience rather than a convenience shopping. The idea is that you would be out of the car, moving about, going from one shop to another potentially to a restaurant the whole shopping experience. The proposed use certainly would not be add to that idea or would not be appropriate with that idea in mind. In summary on Tuesday I made the analogy of if this property weren't zoned commercial today, if it weren't zoned TC-1, and it was sitting there adjacent to detached residential development at the very edge of a commercial development where you have already established a transition area, I don't think you would come in and zone it say C-3 at that point because I believe you would think that that would be inappropriate. I think that is kind of where we went with our recommendation. The final thing, Mr. Seymour submitted to you a couple of pieces of information today, yesterday and today, you got them today, regarding a certificate of zoning they received from our office as well as a resolution from the City Council dealing with the approval that they could then go to state and ask for their license for the liquor store. The certificate of zoning states that retail sale is permitted in the TC-1; however, that certificate goes on to say subject to meeting the requirements of the TC-1 zoning district. In this particular case in order to be able to locate a retail outlet at that location, they need to have this use on review. If they obtain the approval of the use on review, then they can have retail sales. If they do not, they cannot have retail sales at that location. The action of City Council is just one step that is needed in the process of in getting their liquor license just as getting this plan approved is one of the steps that they have to do in getting their liquor license.

Chair Anders: Mr. Seymour I did not ask if there were other opposition beside staff. Do we have opposition? Mr. Seymour would you like to go first?

Seymour: Yes, if I may. I sent a letter that hopefully got into all, I sent it to Mr. Kelly, got into all the hands. TC-1 this is admittedly, the TC-1 zone provides for certain uses of right in the core area, certain uses of right in the peripheral area, if I am correct Dan, and then certain uses that are up to you in the peripheral area. This property is admittedly in the peripheral area. Mr. Richardson and his son intend to utilize this site for a liquor store. Staff estimates, and I think this is based on the books, that it would generate 200 trips per day which is minimal especially this will be a neighborhood liquor store simply catering to people along Northshore Drive and residence of the Town Center. Uses that would of right on this location are eating and drinking establishments. That's a bar a restaurant. In the City of Knoxville they

can stay open until 3:00 a.m. in the morning seven nights a week. A liquor store can only stay open until 11:00. Mr. Richardson intends to not be open later than 9:30 during the week and 10:00 p.m. on the weekends. This is based upon discussions with other liquor store operators in the City of Knoxville. If you all want to place, if you would grant him this use, he would be more than willing to have a limitation on those hours. In consultation with other liquor store operators in the City of Knoxville, wine stores primarily which he and his son intend to operate, 85% of their business occurs before 6:00 in the evening; people going home and on Saturdays. The traffic that comes late at night, which they would not have because they don't intend to operate then, is not the type of store or not the type of traffic a good wine and liquor store wants. As a matter of right in the peripheral area the following uses are permitted: I mentioned eating and drinking establishments, personal service establishments. I got my hair cut the other night at 9:00 at a barber shop in Fountain City, it was getting pretty raggedy. So there are no hour limitations there. Business services establishments, commercial and job printing, hotels and motels, which I don't think this is a likely site, but it is at an interstate interchange and could potentially be developed as a hotel and motel. Those general traffic about 24-hours a day, interstate hotels do anyway, and office including medical offices and clinics which have no hour limitations either. We think this would be an appropriate use for this property. Certainly consistent with the uses that are already permitted at this location and would not generate, again according to the Town Center ordinance, more noise, odor, dust, vibration, blasts or traffic than those enumerated above. That is those that are permitted, the hotels and motels. We submit that this liquor store would not generate noise, odor, dust, or anything more than any of the permitted uses. This is primarily a wine store. Wine stores typically offer discounts for case prices. So you would need car access to them. If you get into where the wine store was originally looked at, I am not sure how the parking arrangement would be. This site on the plan conceptualized, and I think Mr. Kelly would agree, that the design of the building meets the town center definition because the architect did make changes to it. If we can get approval for this location, we will ask for a reduction in the parking. This has the requisite parking required by the zoning ordinance. Consultation with other liquor store operators show that 16 spaces max is all you need. We are showing about 23 or 24 there. This is going to be a wine store similar to what you have in other neighborhoods, Ashes which abuts right up to a residential area. I am running over my time. There are a number of other wine stores like that in town and they can reside comfortably next to residential uses. We would ask that you approve this. Mr. Richardson and his son are both here and would welcome any questions. Mr. Sullivan is here and Mr. Hickey is here. They are involved. They are the realtors on the project. They would certainly welcome any questions any members of Commission might have.

Lyle Patton: 9800 Kristi Drive, Northshore Landing subdivision. I do reside in the subdivision right next door to where this liquor store is proposed. It is a family-oriented subdivision with young kids, young

families. I do not think it is a appropriate place for a liquor store right next to my family and my kids. Kids play in the street, play basketball, ride bikes, ride scooters, people walk their dogs. I just do not think it is the proper place. My wife has spent the last two days walking the neighborhood and the neighborhood across the street, Admirals Landing, and of the 30 homes she went by and got signatures on the petition she only had one person say they were in favor of a liquor store at this location. My understanding there is a school proposed to be in this same development area. I am sure if there is going to be a school added to this area there will also be day care centers and after school cares in this area. Just based on that I do not think this is a proper location for a liquor store. I do have the petition that was taken so I will give that to you.

Fred Sisk: 1916 White Arum Lane. My property is within 500 feet of the proposed liquor store. I just want to reiterate what he said plus add just a little bit more. We don't think this is an appropriate use for this property. Among other things, the new school is going to be developed probably 500 to 600 feet from this site. It is also right across the street is a bus stop for kids going to school. This is a subdivision with 65 homes in it. I believe there is 40 homes in the subdivision right across the street made up of families with young kids. As you know, you try to protect you family just as well as much as you can. As Mr. Seymour was talking just a few minutes ago, in the core concept there was a place for liquor store in the core. This is the peripheral area this is being proposed for and it is right next door. It is adjacent to the property line of Mr. Patton within hundreds of feet of the entire subdivision. Based on that and to help protect our home, our property values, we respectfully ask that you decline this application.

Chair Anders: If this was part of a full fledged development plan under TC-1, Mr. Kelly correct me if I am wrong, liquor store in that location, they would have the right to put a liquor store in that location.

Kelly: No. This is in the peripheral area. In order to be able to do what they are asking the Planning Commission would specifically have to approve that. They would certainly have the right to propose it. But it is not a permitted use per se. Even at that every plan, everything that is done in the TC-1 zone, every plan that comes through here has to be approved by this Commission. So from that standpoint, even if it were permitted there would still be some discussion as to you could limit the hours. There a number of things that you could do to lessen the impact of this particular use or any other use that would be proposed. Anders: Even a restaurant? Kelly: That is correct sir.

Michael Kane: Several questions.

Anders: Just a minute. Sir we are at Commission now. We will call on you here in a minute

Kane: Clarification. Will we be voting on every single business that comes through on this Town Center?

Kelly: No, no. The.. if this were in the core area I don't think there would be the discussion that we have having know. I think you would have the right though, if you chose to, say as part of their use on review or development plan review you could make a condition that would limit the hours of particular businesses or business type. Things like that. That is part of the review process. Whether or not you could say yes or no specifically to a liquor store at this, in the core area I don't know that you could do that. But you could certainly condition that approval.

Kane: Let's focus on the peripheral area though. Say we, we are voting on a liquor store, not all retail is that correct?

Kelly: That is correct.

Kane: So if another business came in we would have to vote, let's say we approved it, then they moved out and another business came in, we would have to approve that business?

Kelly: In the peripheral area. In this particular case, there is a plan approved for this property. It is for a like a 6,000 square foot office building has been approved through the use on review process for this particular piece of property. Basically what they are doing is asking for an amendment to that plan to be able to put retail sales at that location.

Kane: Thank you that helps a lot. I guess going over there I was struck... We talk about this being pedestrian friendly and people walking. I guess what I was struck is that the front of the development and this corner with the way this proposal is laid out, it doesn't matter what building is there, it is not pedestrian friendly. There is nothing that brings people from the other neighborhoods to walk to this particular area of the development. There is no sidewalk. There is nothing that brings people from Northshore Landing or Admirals Landing. Also and I don't know if the people from Northshore Landing want this or not, but there is no connection. There would be an obvious connection from Northshore Landing to the development right at this piece of property. And I would think that if that neighborhood would want to be able to go down there safely and walk to the amenities that are there, that that would be part of the development. I didn't see that in this concept plan. Now granted you probably would want to have some discussions with the neighborhood about that. But just overall I just kind of think that this is poorly thought out or explained to all the neighbors. I do understand the concept plan that was already approved had this as an office. There are retail establishments next to residential areas. You live in an older area, Fountain City or anywhere else, there is lots of commercial development. And it can be done well. I just don't feel like as it is being proposed it's something that I can approve.

Anders: Before I stay in Commission, Mr. Richardson I will give you a little opportunity here, but please stay on anything different than what

we talked about and try to limit it to one minute sir. I need your name and address.

Charles Richardson: 416 Kituwah Trail, Knoxville. I would just like to ask Mr. Kelly, I am a little confused. I am not being sarcastic here. In the core you are allowed to have retail and low density residential in the same block, in the same area, abutting up to one another and contiguous to one another. Is that correct?

Kelly: Yes. I think that's a choice. If you want to think of it in the sense of the central business district, you have people who make the choice of living in a commercial area, a high density commercial area. We have numerous people who live in the downtown area. They live there specifically for the purpose of being able to do their business, day to day business, in most instances without having to get in their car.

Richardson: I am a little bit confused in that I don't see a lot of difference between what we are proposing, which is adjacent to a neighborhood, and the core area, which is adjacent to a neighborhood, that you have laid out other than those people chose to be there like you said.

Kelly: I think if you look at the approved development plan you will also see that there are transitional areas between the core area. In most instances there is either medium or high density residential development that abuts the core area or open space. There is an open space network that is associated with the core area. I guess one of the things we need to keep in mind is that the 11 acres or so, I forget the number, 9 acres that's associated with this, the former owner of this property was also the owner of the larger development tract that is just to the east of this. And this was more or less an add on and the core area that is associated with this particular portion of the development was very limited because the idea was that the primary commercial retail area would be over on the 125 to 140 acre site that is immediately adjacent to the property that you are in.

Richardson: How long has this property been proposed for TC-1 zoning?

Kelly: It was approved in.. this particular piece of property was approved in 2005.

Richardson: So its 5 years and nothing has happened out there. All I can ask you to consider is that we are willing to invest a lot of money, build a nice building that would be compatible with and a nice addition to the neighborhood and we would generate jobs and taxes. Thank you.

Clancy: This isn't as easy as it appears. The TC-1 zone that we did in 2005, the plan was exceptional. It was kind of out of the box. Looked like a good idea. It just hasn't banned out. If there was a lot of sidewalks and infrastructure coming that looked like it was going to tie

everything into a shopping experience, I would probably feel different. But I am looking at what's proposed. I am looking at where it is sitting, how it lays into any kind of development scheme. I just don't think it is a bad idea. So I am going to make a motion that we approve the request for a liquor store on the piece of property.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE THE REQUEST FOR A LIQUOR STORE ON THIS PROPERTY.

Rebecca Longmire: My concern is that we have approved TC-1 in several places with the idea there would be a central retail area and the peripheral areas would be things that would lead into residential areas. If we start tampering with TC-1, my concern is there are some other TC-1's that we've approved that wouldn't have as good a plan. You all have a lovely plan. But I am concerned that it would change the total character of TC-1 which is to have that transition from retail into residential.

Bart Carey: I've used the term exceptional times in the past. I am a huge fan of TC-1 and the town center concept. When it came out of the ground, I wasn't on this commission then, but I applauded the Planning Commission at that for some forward thinking. I love the concept. I have enjoyed it in other parts of the country. It hasn't passed its time. There may be a time in the future that this is a viable concept. I think from what I understand just now there is a TC-1 in the County out in Powell. But it also is sitting idle. Nothing has happened there. Whatever we do here wouldn't stop us from making other arrangements in better times. In 2004 – 2005 things were blowing and going and it seemed like a great idea. If you drive through there it is a moonscape. The previous applicant, we tweaked something there to make something work there so we could get something going. I understand there is a slip exit. I think it is called a slip ram there that is going to allow for traffic to get easier on and off, excuse me, easier off of the Pellissippi Parkway. This isn't an inner city store that is going to basically just recycle somebody else's tax revenues. We have a huge traffic lane that is carrying Blount County and Anderson County traffic. There are some new tax dollars right there. I think this project looks like it is ready to go forward. It kind of puts a knife in my heart to break down the TC-1 concept. It is so well conceived, but I think I will support this project just because we have something ready to go. They use that term shovel ready; I am tax ready. I think Knox County needs some projects and let's put some people to work.

Anders: I understand slippery slope that you start on when you start cobbling apart these plans, but we are not talking about putting a 25,000 square foot light industrial building in there or something. This is a small piece maybe it could even spur some more development out there. I share concerns about unraveling something that a lot of folks spent a lot of time and a lot of effort in. With that I will turn to Commissioner Stowers.

Stowers: You just echoed the last comments. This fronts Northshore. I live out there. I pass it every single day. It is sitting now idle. This is a transition zone and this to me is about as low intensity facility that you could put in there. It is not a multi-story office building. Its not a hotel. Its not a bar, restaurant. It is something that the applicant has already stated there could be a much smaller parking area that what is depicted in front of us that would generate most of its traffic during normal business hours. It's to me a very subtle transition from the office building to the right of it to the neighborhood it abuts. That Northshore area itself, it is very, very busy. I hope this area picks up. This could be one of the catalyst I think to start making it look more attractive for other people to come in and invest. This isn't stimulus money, this is private money people are willing to put forth, build something, pay taxes and make jobs. I think we need to do it.

Nate Kelly: This is not a super easy issue because I am very sensitive to not wanting to unravel the town center because that is a very attractive idea to me. I think I am going to support this. The reason I am going to is because my judgment is that this particular proposal will not lead to an unraveling of town center. I think that it's small enough. It's on the kind of scale that won't lead to the inability for us to maintain the essence of town center even after this is approved. I am not convinced by the argument of these are hard economic times. Because really when there are hard economic times, that's when we have the hardest choices to make. We have to decide if we want to stick with the character of the community that we decided that we want to have despite the fact that we might lose out on some tax revenue in the short run. I think in this case it is a compromise we can make. It is a relatively small development. It is not going to unravel town center. I think I will be able to support this.

Kane: Did the motion contain anything about restricting hours of operation?

Anders: Add that as a thought. I think they are willing to do that and I think it probably would be a good idea.

Clancy: They have already stated the hours. What are they going to stay open until 11:00?

Seymour: We are suggesting 9:30 on weekdays and 10:00 on Friday and Saturday.

Clancy: To be honest with you, that is state law and I don't really want to incorporate that into my motion. I hope that won't cause it to fail. I did want to make one comment. Mr. Richardson, I made the motion to support your store, but I really want you to pay attention and stay true to your site plan. I want a vegetative screen between you and that neighborhood. I am sure it may not be the last thing you develop in Knoxville. But I am going to be looking to make sure that you are staying true to what you say you will do here and make an attractive

screen for your neighbors and their children that are playing basketball and all that stuff.

Richardson: We got a list of seven things that the staff at MPC wanted us to incorporate in the planning. One of those was a, for lack of a better word, a horticultural diagram and our architect went so far as to name the trees. We have got magnolias, dogwoods, shrubs.

Clancy: It is not uncommon for us to approve something and a horticulture plan be submitted and it gets done...

Richardson: Well let me just add one last thing. This is an owner-occupant situation. We are going to have that pride of ownership working for us. We will keep the parking lot cleaner than a lessee would. We will keep the landscaping trimmed and mowed better than a lessee would. I think that goes a long way toward maybe setting the neighbors mind at east a little bit that we will be good neighbors.

Laura Cole: When this was done as TC in 2005, who was involved in that rezoning Dan, Mr. Kelly? Was that neighborhood involved in that. Was that an MPC study? How did that go?

Kelly: Yes. There were public meetings held in the area as part of the zoning process.

Cole: So there was a lot of agreement among the community that this was a plan.. (indiscernible).

Kelly: Yes. The property had been zoned residential prior to being zoned TC-1.

Cole: I don't have a problem with the project on its face, but I guess I am concerned about making long term plans and chipping away at them especially since people have the expectation that we are here to uphold the plan. While on its face I don't have a problem with the project, I have a problem chipping away at a plan that everybody bought into. Because I think there are expectations there that we are going to uphold that.

Sisk: Mr. Richardson was talking a minute ago that we are going to do this, we are going to do that. The previous owner of the property made the exact same promises to us. You know we are going to have a buffer. You know this type of tree, this type of tree and the next thing you know they are grading right up to the property line. There has to be a way to hold these accountable. And then once again addressing the hours issue. We have families, young children riding bicycles and scooters on the street. Having a place of business opening until 9:30 or 10:00 poses some concerns; mainly people coming and going. Do we have to watch our children every minute of the day that they are outside?

Robert Lobetti: I owned two liquor stores for 25 years in neighborhoods. I never had any problem with children or what have you. It becomes a lot of friends in the neighborhood. You get to know a lot of people and they come to you about help for different things. I think it is an asset to a neighborhood to have a nice liquor store like he was talking about.

Anders: I do know that an upscale liquor store/wine store is any more inherently dangerous than any other business out there. I will say I am going to support this motion. But if the motion stays at unrestricted hours, then I will vote against it because I want the restricted hours in place. It is just my opinion. I don't view this as a liquor store with the connotation of that. I view this more as a wine store that will sell liquor as well and I don't think there is any need for it to be open full time.

Seymour: We will be happy however you want us to do it whether your motion incorporates that or we will amend the plan, ask the plan to be amended to limit hours to 9:30 at night Monday through Thursday and 10:00 on Friday and Saturday.

George Ewart: There is only one thing that I would like Commissioner Clancy to take into consideration on his motion, if he doesn't mind. There is one light fixture over there that is adjacent to the property line and I was wonder if that could be a cutoff fixture that we don't get light pollution over into the neighbors' property. And kind of like we did on Weigels in the development out on Northshore.

CLANCY AND STOWERS AMENDED MOTION TO APPROVE THE PROPOSED LIQUOR STORE PROVIDING THEY LIMIT HOURS TO 9:30 P.M. DURING THE WEEK AND 10:00 P.M. ON FRIDAY AND SATURDAY AND THAT THEY USE APPROPRIATE DOWNLIGHTING WHERE THERE IS ANY PROXIMITY TO THE NEIGHBORS.

Lobetti: When I was in the business, I don't know if they do now, but the State set the hours. I see some stores closed now earlier. I think they have to get permission from the State, because they control the hours.

Anders: Is this an acceptable motion we are making (to Steve Wise, MPC Attorney who answered yes with a nod)

MOTION CARRIED 10-3. (LONGMIRE, COLE, EWART) APPROVED.

* 35.

JOHN S. DRUMMER

North side of Western Ave, west of Palmetto Rd. Proposed use: Gas -N-Go Fueling Center in SC-1 (Neighborhood Shopping Center) District. Council District 3.

10-C-10-UR

STAFF RECOMMENDATION: Approve the request for a fueling station as shown on the site plan subject to 4 conditions..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. RAY WALKER - WALKER TRUCKING CONTRACTORS, INC.** **10-D-10-UR**
(Revised)
North side of Rutledge Pike, east of Rosewood Rd. Proposed use: Mining and mineral extraction (soil removal) and crushed stone storage and distribution facility in PC (Planned Commercial) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a mining and mineral extraction facility and a stone/gravel storage and distribution operation as shown on the site plan subject to 10 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. RACHEL LAYTON** **10-E-10-UR**
East side of Woodpointe Dr., north of Rhododendron Dr. Proposed use: Child Day Care Center in PR (Planned Residential) District. Commission District 3.

STAFF RECOMMENDATION: Approve the request for a child day care center for up to 7 children in the PR zoning district subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. LAND DEVELOPMENT SOLUTIONS** **10-F-10-UR**
Southeast side of Horseshoe Bend Lane, northeast side of Pellissippi Parkway. Proposed use: Church and Parking Lot Expansion in BP (Business and Technology) & TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for the church expansion as shown on the development plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 39. T-MOBILE SOUTH LLC** **10-G-10-UR**
North side of Dante Road, west of Dry Gap Pike. Proposed use: 220' Lattice Telecommunications Tower in CB (Business and Manufacturing) District. Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

- * **40. Consideration of Use determination for higher education business classes in the SC-3 (Regional Shopping Center) Zoning District.** **10-A-10-OB**

STAFF RECOMMENDATION: Approve higher education business classes as a use permitted in the SC-1 (Neighborhood Shopping Center), SC-2 (Community Shopping Center) and SC-3 (Regional Shopping Center) zones, subject to the review of a development plan by MPC (if applicable).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 41. **Consideration of extension of the concept plan for Loves Knoll until September 2012 - File No. 9-SA-08-C.**

10-B-10-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 3:32 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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

October 14, 2010

3:30 P.M. Immediately following monthly meeting

PLANNING COMMISSION RECONVENED FOR MPC ANNUAL MEETING

Mark Donaldson: I am going to lead off with what is extremely exciting news. Back on August 23rd in our MPC Update I wrote about a grant application to HUD for the Sustainable Communities Regional Planning Grant Program that was done by MPC and TPO staff on behalf of the City of Knoxville. Today just before noon we received word that we had been awarded \$4.3 million from HUD. Most of this money is programmed for consultant work on a regional basis, but there will be fringe benefits to the Planning Commission. Jeff Welch, our TPO director took the lead on putting this together along with Amy Brooks, Terry Gilhula, Liz Albertson, Ellen Zavisca, Katie Habgood, Sarah Powell, Bryan Berry worked long hours for about a period of three weeks herding like crazy. There are upwards of 20 partners involved in this ranging from the University of Tennessee to Oak Ridge National Labs down to the East Tennessee Community Design Center just down the street. HUD ended up awarding \$98 million to 45 different regional coalitions and only Seattle, Salt Lake City, St. Louis and St. Paul, Minneapolis, received a grant greater than ours. The application we ended up putting together looked great and read great. We hope that we can pull it off. It is pretty exciting news.

Annual report was in your backup. The first part talks about development services summaries for the year and there are lots of down 15% and down 65% and all of that, but the rest of the document is just chucked full of really significant achievements for the year particularly in comprehensive planning and transportation planning sections. Transportation planning completed their rewrite of the regional transportation plan and a transit development plan. That plan went hand in hand with the opening of the new transit center. The location of which was triggered by an offhand remark by Mike Carberry at the end of a meeting where we had looked at 30 different sites in down and as we were literally pushing away from the table, Mike said, You know you ought to look at the air space over James White Parkway. We all sat right back down because it was such a great idea. PBA ran the numbers and found they could save a bunch of money as well as saving a whole bunch of land available for future development. With the opening of the project coupled with the transit development plan, KAT is already noting dramatically increased ridership. GIS group just this last week won an award for the KAT maps that they completed under contract with KAT at the East Tennessee GIS group meeting. KAT is going to run with that as they make presentations to their various organizations as well. We have completed the work on East County Sector Plan and Hillside and Ridgetop Development Protection plan over the past year. The Knoxville Knox County Recreation, Parks and Greenways plan was really significant and was adopted last year. There are some very significant achievements in the long range planning area that have been completed this year.

Anders congratulated Mark and staff for excellent job with reduced people and hours.

Adjourned at 3:45 p.m.