



Minutes

April 11, 2013

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

The Metropolitan Planning Commission met in regular session on March 14, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	Mr. Michael Kane
Mr. Herb Anders	Mr. Nate Kelly
Mr. Bart Carey, Vice Chair	Mr. Charles F. Lomax, Jr
Ms. Laura Cole	Mr. Brian Pierce
Mr. Art Clancy	Mr. Jeff Roth
Mr. George Ewart	Mr. Jack Sharp
Mr. Len Johnson	Mr. Wes Stowers
	Ms. Janice Tocher

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF APRIL 11, 2013 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MARCH 14, 2013 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

George Ewart: Mr. Donaldson there are some residents from Forest Heights here today in the audience. Would you please explain to them about the postponement on Item 25 and how we have to do it to postpone 60 days.

Mark Donaldson: Item number 25 is an application that was submitted by the Planning Commission for a general rezoning of the Forest Heights neighborhood. As such it qualifies as an automatic postponement and we

can't act on it now because it was automatically postponed. We will continue to postpone it until the neighborhood is ready to go forward with it and not until then. We will be working in close contact with neighborhood representatives and Councilman Grieve on continued postponements if necessary.

Arthur Seymour Jr., 550 West Main Avenue. Request that item 6 Pike Enterprises be postponed for 30 more days at that time we will either bring it forward or ask that it be tabled.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE AGENDA ITEM 6. MOTION CARRIED 15-0. POSTPONED 30 DAYS UNTIL THE MAY 9, 2013 MPC MEETING.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

UNTABLE AND WITHDRAW-MPC ACTION REQUIRED (Indicated with **U/WD**)

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE AND WITHDRAW 8-A-08-OA AND 8-O-08-RZ. MOTION CARRIED 15-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

- | | | |
|--------------|---|------------|
| U/WD | <u>METROPOLITAN PLANNING COMMISSION</u>
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. | 8-A-08-OA |
| U/ WD | <u>METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE</u>
Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District. | 8-O-08-RZ |
| | <u>WILSON RITCHIE</u>
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4. | 3-F-10-SC |
| | <u>METROPOLITAN PLANNING COMMISSION</u>
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | 6-A-10-SAP |
| | <u>METROPOLITAN PLANNING COMMISSION</u> | 7-C-10-SP |

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

WILLOW FORK - GRAHAM CORPORATION

- a. Concept Subdivision Plan 11-SJ-08-C
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.
- b. Use on Review 11-H-08-UR
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

- a. Concept Subdivision Plan 4-SC-09-C
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.
- b. Use On Review 4-D-09-UR
Proposed use: Detached dwellings in PR (Planned Residential) District.

TIPPIT VILLAGE - SITES TO SEE, INC.

- a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.
- b. Use On Review 9-E-10-UR
Proposed use: Detached dwellings in PR (Planned Residential) District.

LONGMIRE SUBDIVISION

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

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

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

EARL KAPLAN PROPERTY RESUBDIVISION OF LOT 2

South side of David Ln, south of Durwood Rd, Commission District 6. 10-SG-12-F

STEVEN & PATRICIA JOHNSTON PROPERTY

Northwest side of Schaad Rd, northeast of Beaver Ridge Rd., Commission District 6. 2-SB-13-F

JAMES L. MCCLAIN

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

- a. Northwest County Sector Plan Amendment 9-A-09-SP
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).
- b. Rezoning 9-A-09-RZ
From A (Agricultural) to CB (Business and Manufacturing).

CITY OF KNOXVILLE

7-D-10-RZ

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 2-SB-13-F. MOTION CARRIED 15-0. ITEM UNTABLED.

CONSENT ITEMS

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

JEAN MATHES, 6626 BRIGGS LANE, ASK THAT NUMBER 28 BE TAKEN OFF CONSENT.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEM NO. 28. MOTION CARRIED 15-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEM NO. 28. MOTION CARRIED 15-0. APPROVED.

CHAIR LONGMIRE READ NOTICE OF MPC WEBSITE CHANGE.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION

4-A-13-OA

Ordinance amendment regarding funeral establishments, crematories, cemeteries and associated facilities.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibits B and E. The highlighted text represents changes from previous recommendations.

Mark Donaldson: Hopefully this will bring a conclusion to our work relating to crematory and funeral establishments at least on this round. A process that started back in December 2011. This version I would characterize as pure wordsmithing. Clarifications are being made to several phrases in order to make them more understood. They are relatively minor. We recommend approval.

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

Alley or Street Closures:

6. PIKE ENTERPRISES

3-A-13-AC

Request closure of unnamed alley between eastern boundary of parcel 107NJ003 and western boundary of parcels 107NJ006 & 011, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

7. WESTLAND PLACE

4-SA-13-C

North side of Westland Dr., east side of Morrell Rd., Council District 2.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 15 conditions.

Dan Kelly: As noted this is a proposed 17 lot subdivision on 9 acres located at northeast quadrant of Morrell and Westland Drive. This is probably the 4th or 5th plan we have received for this property over a period of years. The number of lots that have been approved in the past ranged from 15 up to 20 or 21 lots in the past. This applicant is proposing 17 lots no variances are required. The property is zoned R-1. We are recommending approval with conditions. To my knowledge there is only one condition that the applicant has issue with and that is condition number 7 regarding approval of 5 foot wide sidewalk with 2 foot wide planting strip along Westland Drive frontage of his site. Staff is recommending that that sidewalk be put in. I believe he will get up and tell you that is going to be an expensive venture and would like to be relieved of that requirement. Staff made this recommendation based on what is called out in the subdivision regulations it talks about connecting to existing networks. It talks about providing sidewalks where you would be providing access to either commercial, educational or recreational facilities. In this case you tie this sidewalk into the one on Morrell Road and walk up the hill and you are at West Town Mall. We have made that recommendation based on language of the

subdivision regulations and we are recommending that to you. With that we are ready for questions.

Longmire: I also understand this also serves Rocky Hill?

Kelly: It does. There is a sidewalk that is proposed internal also. The applicant to my knowledge does not have any objections to building the sidewalk in the internal portion of the subdivision.

Longmire: Is this in the parental responsibility zone?

Kelly: Yes ma'am.

Longmire: So that means the children will walk to school. Does this also impact the community center?

Kelly: Dean Hill recreation center is just to the north of this side on the other side of the railroad tracks.

Russ Rackley, Rackley Engineering. Here representing the applicant. The developer for this project. As Mr. Kelly stated the only objection we have is the one portion of item 7 regarding the sidewalk along Westland Drive. While we agree with the intent of the ordinance to create sidewalks in walkable communities as properties develop this portion of Westland Drive is all developed. If you look at KGIS it is a mile to 1.3 miles to the next parcel that is larger than a single lot that could be developed. So essentially this requirement would have us build 400 foot of sidewalk to nowhere that connects to nothing. Our frontage on Westland Drive stops short of the next intersection. We are actually not doing any construction on Westland Drive. We are extending an old street on this last parcel of an old early 90's subdivision. We ask for approval of the concept plan with or without the requirement of the off site or the sidewalk along Westland Drive. We would ask for your consideration to remove that requirement. It would be a costly endeavor and in today's economy every penny counts to make a successful development. We feel like we have provided a really nice layout. Unlike some concepts we have left the area with the creeks and abutting the railroad wooded as a common area for the community as opposed to trying to squeeze additional lots in. Thank you for your time. We respectfully request approval of this concept plan ideally without the requirement of the deadend sidewalk along Westland Drive.

Elizabeth Duffy Jones, 714 Lawford Road. My biggest concern has to do with stormwater problems along Westland. When it rains hard all through Westland is very heavily traveled area and water stands from this area here. I don't know how this development is going to affect that or how the city plans to work with stormwater problems we have in that area. My lot particularly is down Lawford from where this property the development will be. The backside of my property is very marshy with water kind of being held there and I think that would be a concern for any development in that area.

Rackley: Per engineering requirements the stormwater system will be designed such not to increase the discharge from this property in a post developed state as what exists in pre development state today. We don't have any concerns that the stormwater runoff can be handled. Coincidentally this property is already predominantly open grassy area so our detention requirements will simply be for increased roadway, driveway and rooftop area. It can be very easily managed.

Virginia Thompson, 7425 Bellingham Drive on the corner of Lawford and Bellingham. It is true this property has been presented to MPC several times and the people in that community would appreciate if we had something that would go in with what we have invested our money in; real nice homes. Most of them have been built one acre lots and the lots were sold for over \$45,000 to \$50,000. If we have houses there is no access on Westland Drive on the property that they want to put 17 house on which would be on small lots and would be equal to what is already there in our area. That would reduce the value of our property. That would make the city have to lose tax assessments on our property because we would expect to pay the same tax rate as they do on their 17 houses. Another thing is the railroad is very heavily traffic now. Each morning it is bumper to bumper... I said Westland Drive and Morrell Road are very heavily traveled. I don't know if you all have ever taken any records of how much traffic is there. It comes from north, south, east and west. Up Lawford Road is school bus and every morning I can look out my back door and see traffic on Westland and Morrell and all of those. On weekends it is bad especially when we have UT games. Now on Dean Hill where the golf course was they are building I don't know how many homes are being built there. There is no way Westland or Morrell can handle all that traffic that is coming that way. I think it would be an eyesore to have those houses sitting down below and there is water that stands on Morrell Road quite a bit. I just think it would be nice to have something built there but I think the city should take account of what those people who already have invested their money there. When Mr. Schubert sold my husband the property he asked Mr. Schubert what would be put there on those lots before we invested in it. Mr. Schubert, the elder Mr. Schubert who has since passed away, told my husband that he would have something that would be comparable to the homes there. Over from Westmoreland Estates land is Westmoreland Hills which is a nice area. I think Knoxville our city gets so much traffic from other towns that we should have our city looking as nice as it can look.

Kelly: With regard to lots size the lots proposed in this development are probably in the range of $\frac{1}{4}$ to $\frac{1}{3}$ of an acre Westmoreland Estates which being tied into those lots are probably in the $\frac{1}{3}$ to $\frac{1}{2}$ acre size. These lots are a bit smaller but well exceeded the minimum requirement for the R-1 lot size.

Longmire: Would you also speak to the sidewalk to nowhere comment.

Kelly: The sidewalk to nowhere is that it does tie into a sidewalk that will go to Deane Hill recreation center, West Town shopping center, various other locations. If you think of it that way there is one lot between the end of the proposed sidewalk and Lawford Road. If the city chose to extend the sidewalk about 100 feet then at that point you would tie in and it would be a very easy pedestrian connection for all the people in Westmoreland Estates to make it through that sidewalk. There is pedestrian traffic at that location right now. I have seen people trying to walk down through there. From that standpoint, again, all we are doing is tying into an existing network. If we are tying into a network it could not be a sidewalk to nowhere.

Longmire: I would remind commission that EatPlayLive initiative in our county and the city is really involved in right now promotes sidewalks so that walkability of neighborhoods is a big concern.

Rackley: Our main point about the sidewalk, the offsite sidewalk is that our property does stop short. It wouldn't actually connect to a neighborhood street. If it connected then obviously... we just don't want to put our resources or money out there that presumably would be difficult to use or would promote people to walk on the white line on Westland Drive to get to it.

George Ewart: This isn't actually going to be walking to Rocky Hill. Right?

Kelly: This is going in other direction.

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

Kelly: This is a revised staff report with 15 conditions.

Longmire: Fifteen conditions but the only one that is contentious is number 7. So that would be...

Clancy: approval of the plan subject to 15 conditions.

Jeff Roth: I think it is a great idea to have sidewalks where appropriate. I am looking at the plat the actual map on this phone here as we talk about it. I don't really see the necessity for it there along Westland Drive. I don't see where it is tying in anything. I don't think it would be appropriate to ask them to spend that extra money for a sidewalk. That is just my opinion.

Michael Kane: I appreciate the situation here. I am very much in favor of sidewalks I also understand the situation. What is presented here is the cost of the sidewalks. What makes this situation more costly? One could argue that when you

purchased the property assuming that you purchased it already that you knew that you were the parental responsibility zone and that would be something that you would be expected to put in. So that would have gone into your calculations when you purchased the property. What makes this more unique than what you should have anticipated when you purchased the property?

Rackley: Actually we did not since we are not connecting the driveway to Westland Drive, a new entrance. We did not anticipate that requirement would fall on us at that point. In other words if we had a direct access to Westland Drive and had internal sidewalks and then tied the sidewalks in that would make sense. Since we are extending what is essentially the last phase of a decade old neighborhood and our property just happens to abut. The back of these lots will abut Westland Drive. We did not anticipate, which is my fault for not anticipating that. What makes this situation to add sidewalks costly is that based on ADA standards of a minimum 2% slope based on Westland Drive the first portion of it has a pretty good shoulder and then it goes away. Part of it has a curb and gutter. Part of it has an extended curb and part of it has no curb. Essentially two foot into the roadway is going to have to be engineering can correct me if I am wrong here is going to have to be removed and reconstructed to try to tie everything in and then a shoulder built up. It is more than just dragging the grass off and putting concrete down. It is quite an endeavor to get a sidewalk that will be a legal ADA sidewalk in that area.

Kane: I apologize it sounds like I am being negative. I am just really trying to figure out different angles here. One would argue also that you are benefiting from the infrastructure that is already there. Essentially the former subdivision created the road the entrances to the subdivision. You are not making an entrance onto that. In terms of public infrastructure that you are providing a lot of that has already been provided to you as part of other endeavors.

Rackley: All the infrastructure stops at the perimeter of the property.

Kane: I understand but the entrance from Morrell and all that kind of stuff. Not Morrell Westland excuse me.

Rackley: From the road that dead ends into it.

Kane: Right. If that dead-end had not been there you would have had to connect to another place and you would have had more infrastructure requirements.

Rackley: It would have been other than some radiuses, it would have been the same amount of infrastructure whether that

access is there or not. My only point was we didn't anticipate improving the road side on Westland because we weren't doing any activity or construction along Westland at the back of our lot.

Kane: So part of it is that you felt like you didn't understand the requirements when you bought the property.

Rackley: No I was addressing your question of why didn't we have this in our initial plan. In past experience which has provided to be wrong my past experience, if I border on three streets and I am connecting to one I am not required to improve the other streets around me necessarily that my property happens to back up to. So it was an oversight on my part and my duty to my clients to have everything covered on the front end. Again we ask for your approval today with or without the requirement. We will then go back and see with some preliminary design and construction numbers of contractors to see if we can make this development work. We just don't want to put impervious area down the concrete and rock down on the ground that is going to go down and stop 100 to 150 feet short of the next neighborhood road or not connect to anything.

Kane: I think this comes up a lot in the city and county if they have opportunities to partner with folks on these kinds of situations because there are road improvement that are often planned the future that kind of could help with these kind of things. Seems to me like needs to be discussion between developers and the appropriate government agency on what can be done. What future things might be going on to kind of help with this? Thank you.

Bart Carey: I have got two or three things that I question. The sidewalk in particular. I am not sure so much that it is a sidewalk to nowhere; it is more of a sidewalk from nowhere. It goes to West town Mall eventually but someone has to walk down Lawford 150 feet along the shoulder of the road with their back to traffic to get to that. I think use of this sidewalk is going to be minimal. I think a more practical thing... I know there is a cut bank on the Westside of your property going up to Morrell. A more practical thing would be to connect from Morrell down from proposed sidewalk in neighborhood over to the existing sidewalk in the neighborhood. I know it is not in this plan, but that would... I wonder in a future time if that might be in the subdivision plan that might be. Someone could walk all through the Lawford system ultimately from the water wheel at Sherwood almost two miles away all the way to West Town without getting on Westland. If the proposed sidewalk, I think the last time we studied this it was like \$300 a square foot. The developer's responsibility would be somewhere around \$120,000 based on those average costs. To me that would

make a whole lot more sense if we could find way to connect to the existing sidewalk without having a sidewalk nobody can use. Again that might be brought up in a subdivision plan. I am not going to vote against the motion for this reason. By the way parental responsibility zone would be generated because of Rocky Hill School which is I guess what Mr. Ewart was saying. These kids do not go to Rocky Hill School. They will never be walking on any sidewalk unless they wanted to walk about three miles the wrong way to get to the Bearden School they are zoned for. There are a lot of things we are kind of looking at on the surface, but in reality they are different in real life. I have walked and biked that section before and it is dangerous. There is no question about that. There probably needs to be a sidewalk there, but again we are putting a huge responsibility on them. If the city never comes in and ties that to Lawford it is going to be \$120,000 plus very challenging ADA sidewalk to basically having weeds growing between that two foot strip.

Kelly: With regard to the parent responsibility zone, the kids that live in here are zoned at Bearden Elementary School today. We don't know where they are going to be zoned to next year or the year or whenever. The sidewalk is going to be there if the zone changes. With the construction of the new elementary school, south Northshore elementary school, I have no idea how many elementary school zones are going to be impacted by the rezoning of those kids. To go back to the idea of a sidewalk to nowhere, I guess you can say the existing sidewalk that was constructed through the improvements to Morrell Road at the bridge over the railroad tracks and construction of the sidewalk by the apartment development between Dean Hill and the shopping area to the north at that time I guess we are calling this a sidewalk the existing sidewalks is a sidewalk to nowhere if you are making the claim regarding this. What you are doing is adding to the network. Every time you add to the network you add opportunities for people to expand their opportunity for pedestrian movement.

Longmire: Commissioner Anders can I ask City Engineering. Is there a potential for filling the gap?

Chris Howie, City Engineering: There is always potential. I think that one of the questions mentioned or comments mentioned earlier is working with the city and the developer. I think the problem in that is our budget. When we are looking at the forecast we are years apart in the timeframes that we are looking at. I don't think we have anything on the docket right now for a sidewalk in that area. It is possible that something could be done but with maintenance of existing sidewalks and a lot of the other connections that we are doing I don't know what the time frame would be if and when we could do a connection for that piece.

Longmire: But 150 feet isn't as bad as three miles.

Howie: That is true.

Anders: That was my question.

MOTION CARRIED 13-2 (Pierce, Ewart). APPROVED.

Final Subdivisions:

- * **8. THE JAMES BRADY PROPERTY** **4-SA-13-F**
Southeast side of Pleasant Gap Rd, southwest of Hill Rd.,
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. ESTATE OF JULIA MAE ETHERTON PROPERTY** **4-SB-13-F**
Southeast side of Campbell Rd, between Flint Gap Rd and
Drinnen Rd., Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. CUMBERLAND ESTATES RESUB OF LOTS 16 & 17** **4-SC-13-F**
West side of Gingerfield Rd at intersection of Pepperhill Rd.,
Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. STAUB, VAN GILDER & HENDERSON ADDITION** **4-SD-13-F**
RESUB OF
LOTS 335, 337, 339, 341, 343, 373, 375, 377, 379,
381, 383 AND PART OF 385

At the intersection of Morgan St and Third Ave and Lamar
St., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 12. R. LANE & IRENE EASTERLY PROPERTY** **4-SE-13-F**
At the intersection of Merchant Dr and Wilkerson Rd., Council
District 3.

STAFF RECOMMENDATION: Deny Variances 1-4, Approve
Variance 5, and Deny Final Plat.

Tom Brechko: This is a subdivision of approximately 2 and one half acres that is primarily is dividing an existing tax parcel by the zoning boundary lines. The majority of the property along Merchant Road is zoned O-1. The property at the intersection of Wilkerson going up Wilkerson is zoned A-1 agricultural. They are using that zoning line as the new lot line between the two proposed lots. Anytime there is subdivision of property under the subdivision regulations we have to look to the major road plan. If the existing right of way along the public streets does not comply with the major road plan then there is a requirement that the applicant provide the required right of way basically it is half of what is missing. It is based on the centerline of the roadway. In this case there are four variances related to that, two right of way frontages and two intersection radiuses. Those radius requirements 25 feet is residential and when you have a nonresidential there is a 75 foot radius which the city can approve down to 50 without a variance. The applicant has submitted a plat that is showing right of way based on existing conditions. They are not proposing to dedicate any right of way based on the major road plan. They have identified under the variance request for the hardships that with the recent or proposed Pleasant Ridge improvements that the State is involved in because of Federal funding there is intersection improvements that take you down Merchant to about Wilkerson and they have my understanding already purchased right of way needed for that intersection improvement for that road project. It does not address any future road improvements along Merchant beyond that intersection improvement. The city in looking at this has taken the position that the right of way dedication is needed and they do not support the variances. It has been staff's position if the city or county on any development does not support variances. We will not support it. Therefore we recommend denial of the variances and the plat.

David Harbin, 4334 Papermill Drive in Knoxville. What is different about this plat and other plats is that here we have a set of construction plans already prepared that shows right of way needed in this area. You know the major road plan looks at the overall road plans in Knoxville and Knox County and paints with a broad brush. They classify the roads as arterial or collector and say in here generally we do need 44 feet or 33 feet from centerline and that is what the major road plan does. Here I have set of plans prepared in conjunction with TDOT and City engineers that shows what the road improvements are going to be in that area. In that they needed about 30 feet off of Merchants Road and about 21 feet actually on Wilkerson it is a little bit further because they are actually moving centerline of Wilkerson Road over. The existing centerline of Wilkerson Road is about 21 feet.

This road improvement will have three lanes in that. We will have sidewalks on each side. The engineering plans have looked at that. That is the road they want to build right now. They have secured the right of way that they need to. Our request then is to comply with what has been purchased out there. I don't understand why we need to then look for the next road project coming on. How far do we need to just put that into the bank for the city to use? Seems like to me this is a reasonable approach. This is what the city wants. This is what they need to build a road out there. It is a very narrow piece of property. It has got a lot of road frontage. It is a considerable amount of land that the city is just basically taking right here. If we do that then the existing structures there are two structures on the site right now both of those would not be in compliance with setback requirements at that point. That is basically our argument. We have got the plans. That is what the city wants to build out there for this roadway. We are asking for relief from the major road plan. Similar situations like this I have got these variances granted routinely from the city and the county. If there are plans available generally they comply with what has been put down. I will reserve the rest of my time for comments.

Pat Fenabakeri 2412 Monterey Road. I am a member of Norwood Homeowners Association and here to state that our position is to oppose this request. It will block long planned and much needed road improvements at Merchants and Wilkerson that in its present form is very dangerous already. I am a resident of the Norwood Heights area and use both Wilkerson and Merchants Road. I drive a small that is not turbo charged so going from Wilkerson Road onto Merchants or from Merchants back onto Wilkerson is taking life in limb every time you do that especially during rush hour. Also very importantly there is a day care center on the corner of these roads adding more traffic and precious cargo just at the time when Merchants Road is the busiest. There is no turning lane. On Merchants Road there is a curve which decreases visibility when you are making a left turn onto Wilkerson. Basically adding another structure or structures to this area will only compound the traffic dangers right now. I thank you for your consideration.

Lynn Redmon, 5246 Oakhill Lane in Norwood Community. I am President of the Norwood Homeowners Association but I am also here representing an organization called BRINK. BRINK stands for Better Road in North Knoxville. If you are not familiar with us we were formed in 1987 when we decided that 20 years without a road project in north Knoxville was too long. In the past 25 plus years we have lobbied for hundreds of millions of dollars for road projects all over Knoxville, This road improvement we have worked on since 1995 also including the improvements to this

intersection at Merchants. Mr. Ewart at Agenda review asked a very good question and that is why is it fair to simply land bank land if a project is not going to happen for 50 years or something like that. We talked to City Councilman Brenda Palmer on Tuesday night at our homeowners meeting and she is the City Council representative for TPO. She said these road improvements are on schedule for 2015 for financing. So this is not a long time thing. It is very important to keep the land that we need or we essentially block the ability to do the Wilkerson Road interchange right there. Another way to look at it is if our homeowners group came up with a plan to sort of gimmick an intersection and didn't want something built and we got an applicant to ask for all kinds of variances that would kill off the road plan, you would be furious with us. You would be outraged. I am not imputing their motives at all. That is not their motives. The result is the same thing. If you grant those variances then that is going to lock it in. We won't be able to swing the entrance of Wilkerson over like it needs to be. We appreciate you following the recommendations of City Engineering. We would appreciate your following your own staff recommendations and turning this down.

Harbin: There is just one thing to reiterate. These variances will not do anything to stop this roadway project right here. This is already designed. What Mr. Redmon is talking about in 2015 will get built. It matches the right of way that is there. What City Engineering wants to do is they want to land bank this area for the next project that comes on here maybe in 40 or 50 years they may want a 5 lane in there. Maybe not. I don't think it is right to ask a landowner to dedicate land for something that won't even be on the books for another 40 years probably. I am 47 years old and this will be the first project on Merchants Road that I can remember in my lifetime. If this gets done now it will probably be another 40 years even if it is even needed then. I don't see the wisdom in that. I think that is a hardship that you are asking property owners to make the dedication for plans that may or may not happen for another 40 or 50 years or so. I ask for your consideration in granting these variances.

Redmon: One thing to remember about his whole process and half of Pleasant Ridge has already been improved. It has been improved from 640 up to Merchants Road and we are working on the other half. These plans while they may be on paper right now are a moving target. They will be revised, probably will be revised. Certainly that is a possibility. Certainly BRINK has suggestion that we are going to give TDOR and the City of Knoxville Engineering Department for some revisions in those. So to say I think City Engineering is very provident, and we are not talking 50 years. We are

talking a year and one half to 2 years before this gets built. It will get built once and then we will go from there.

Longmire: Thank you. I would like to go to City Engineering.

Howie: The roadway project that has been proposed out there, the right of way that has been allocated it is enough to build the plans that Mr. Harbin. Mr. Redmon did mention that things are subject to change and if things did change that may or may not be the case. But as of today the alignment and the configuration that they are showing there is sufficient right of way. When we evaluated this plat to see whether we would support or oppose this particular variance we are always interested in the same thing that the commission is: what is the hardship what is the reasoning behind wanting to do that. We really didn't get what we were hoping for. Normally a use or development or something associated with it so we can see what are they trying to build, what are they trying to use, what is going to be the end result of their development and how it may impact the roadway project or the intersections or the land use out there. We unfortunately weren't given any response back. I think the hardship the only response that I have been given was that the hardship was there was no compensation for the land that was being requested for the right of way dedication. Based on not having enough information to evaluate what their use would be in this particular case we were concerned about not asking for that right of way to be dedicated with this plat.

Art Clancy: In response to City Engineering, the hardship and the problem I am having with it if they do what engineering department wants they have got two structures on that property that both become nonconforming. Is that fact?

Mark Donaldson: There is already in the zoning ordinance a provision for this very case when a right of way dedication affects the setback then it becomes legal as it is created.

Clancy: So that is not a hardship in and of itself. I tend to side with Commissioner Ewart's comments about banking land and telling a property owner that he has to set aside land that may never get used when he has got a proposed use which granted we are not seeing what that is right here. It makes these two parcels very difficult to make any use out of them if you dedicate that much land.

Bart Carey: Mr. Harbin could you address what your intentions what is the objective of your changes?

Harbin. This basically it looks like a remnant property right here. The person called and asked me to look at subdividing

the property for them. They inherited it from their mother. There are two heirs. Simply they want to divide the property into two right now is what precipitated the events that lead us here today.

Carey: That is the practical application for why you are. When my light went on I was going to ask engineering about this. I think we are kind of hearing that we need to deny this because the road is going to be built soon but this has nothing to do with the one that is going to be soon it is the one after that. That to me changes this. Tuesday I was seeing a totally different thing than I am now. I do think it is a burden on the property owner for us to speculate down the road whenever that might be that we need to do another widening. Maybe there is that area is growing. There is an importance to do it right. I hope we are doing it right in 2015. That changes things for me.

Michael Kane: There are a couple of arguments that I am hearing. One is that we don't like the general policy I guess we disagree with the policy that we when lots get subdivided then we basically give right of way. We just categorically disagree with that. I don't think we really should have the authority to do that. I think what we are looking at is any particular case the application of this and I think the argument has to come back to is what is reasonable that there is already a road improvement project that is already coming and there is right of way established. The next thing that comes along that is what you are banking. My problem is it is just especially along Wilkerson it is just kind of an odd shaped parcel. I think it is going to be very difficult to do it. Until I heard why it was being subdivided my recommendation was not to subdivide it at all. But now I understand that there is a very practical thing in terms of land ownership. This is really a difficult one I think. I am trying to hear something to sway me one way or another because right now I see arguments on both sides.

Georg Ewart: First of all Mr. Howie the variances that Mr. Harbin is asking for all of those variances will meet the road improvement that is slated to happen in 2014 or 15 I mean soon. Is that correct?

Howie: Say that again. If you all grant these variances ...

Ewart: If you all grant these variances will you still be able to do the project without acquiring any additional right of way?

Howie: As the plan have been designed as of today yes.

Ewart: I have done several projects along thoroughfares that claim property over the years. A couple of them on Tazewell

Pike. They have been there for 15 years and they have been land banked. It is just not right. I think you need to take whatever right of way you need to take and do the improvements and be done with it then buy the property if you want to do it twenty years down the road. Motion that we pass this and approve variances 1-5.

MOTION (EWART) AND SECOND (PIERCE) WERE MADE TO APPROVE VARIANCES 1 - 5.

Herb Anders: I have a question for Mr. Donaldson. You made the comment about the setbacks. In event that one of those houses was perhaps destroyed in a fire or something like that would their rebuild fall under the new code or grandfathered in?

Donaldson: That would be grandfather in. The codes speaks to a final plat may be approved which results in no new nonconformity. That would establish the setback at whatever it is at that time and they could rebuild within the same footprint.

Clancy: At the risk of dragging this out a whole lot at agenda review Dan Kelly you made a comment to what George had to say that make me think. But can't remember exactly what it was. This one actually made sense so I was paying attention.

Kelly: Was it in support of staff position or not.

Clancy: It was in support of the staff position. It was something like well if you don't do this in every situation it was an if then kind of thing but I can't remember.

Kelly: I am thinking that it may have been talking about the cost of infrastructure. What we are doing is through the deduction of right of way we are reducing the public cost of infrastructure because the individuals are then picking up that cost. If you want to think of a project where through this land banking process George is talking about Ebenezer Road from Northshore Drive basically up to the railroad tracks that was all done on free land because of all the subdivisions that had been developed up Ebenezer Road. That is how the right of way existed to be able to 5-lane Ebenezer Road. It was free to the County. You can ask Brian Testerman about that.

Clancy: Sorry to put you all on the spot.

Longmire: As I said Tuesday it hurts my feeling to have to pay for land that we gave away then have to buy it back.

Kane: From the discussion of the grandfathering of the business currently the parcel that I am primarily concerned about is the one along Wilkerson. Right now it is zoned A-1 surrounded by office and R-1. I can't remember if in the city there is a minimum lot size for A-1.

Donaldson: 10 acres in the city

Kane: It is already nonconforming from that standpoint. I am guessing that someone is going to want to rezone it to office and that is probably the setback requirements and again we will be hearing variances for the setback for that. As much as I feel for heirs it was not a good design when it was first replatted and now we are living with the consequences. I am not so sure that this will just become another example of poor subdivision.

Carey: Mr. Redmon you look like you had another issue or question back there.

Redmon: The last person talked about it. What we are doing here we are doing this all backwards. We should rezone the portion from Agricultural to residential or office whatever matches. I don't think homeowners would oppose that. We are creating a substandard lot today and we shouldn't be doing that. We are creating a 0.9 of acres agricultural lot inside the City. The proper way to do this is kill this off come back do a rezoning then let them come in and talk about rezoning and things like that then perhaps the heirs will have some idea of what they want to do.

Donaldson: People have the right to plat their property. One of the reasons to plat it is to enable people to convey it according to state law. We encourage platting whenever possible. It is also the way to implement the long range plans of the city which call for an arterial road Merchants Drive and I take this opportunity to direct commission's attention to the subdivision just to the northeast with Sunnywood Lane and you can see where that subdivision was developed in compliance with the 44 foot of right of way dedication for a future arterial road on Merchants. You have many instances like this throughout the city as property gets plated the proper right of way dedication is made and eventually you get the right of way necessary to make the ultimate road cross section that is planned.

Nate Kelly: I certainly understand the frustration with the idea that there is a plan in place to build a road and the right of ways that are there now are sufficient to build that road. I think that this point that has been made that there is really a trade off being made between property owners providing land for future road development and the public as a whole

providing land for future road development by buying purchasing land is a really important one. I think we need to remember that we can't have our cake and eat it too. I think of this like a three legged stool and one leg is low taxes and other leg is private property owners being able to keep their land and the third is nice roads. I don't think you can make a decision here that doesn't undermine any one of those legs. If you undermine the policy that allows the right of way to be widened then we potentially create additional tax cost down the road if you want nice roads down the road. If you say we are going to do the right of way extension that helps keep taxes low and allows us to have nice roads or you can say well we are just going to forget about low taxes and we are going to make sure that property owners can keep their land but that really undermines the third leg of nice roads in the future. That doesn't necessarily establish which choice we should take. I think we just need to recognize that whichever one we chose we are undermining those other goals.

Kane: I am so glad we have a PHD who can really put that before me.

Ewart: Can I say one thing to clarify Mr. Kelly's comment. Just to make it clear there is not enough right of way on this road and they are dedicating right of way in this road. They are doing that to sufficiently build the right of way project that is under place now. It isn't like they are trying to say no we are not giving any right of way. They are giving right of way. They are just not giving as much as the city wants. Is that correct Mr. Howie?

Howie: I believe the right of way that has been already acquired has been purchased. They are not proposing to add any additional right of way. They are basically asking for variances to stay with what the State has already purchased. So it is no additional right of way dedication with this plat.

Ewart: I thought when I asked you about the variances... I didn't ask a proper question.

Howie: I tried to make sure I understood by saying if you grant the variance the land remaining which is what has already been purchased would be sufficient for the TDOT project which is just for Pleasant Ridge and Merchants intersection. It is really not an improvement of Merchants Drive itself.

Ewart: But the right of way is already given one way or another.

Howie: TDOT has already purchased that right of way.

Anders: Mr. Donaldson, you made a comment about Sunnywood Subdivision and that land had been dedicated when that was developed. What about the land from that subdivision back toward Clinton Highway? Do you know about those right of ways when those subdivisions were developed if those are in place?

Donaldson: To the east it appears that the right of way that has been dedicated along that segment of the road is not as wide as the Sunnywood portion. I don't know the date of this particular subdivision. It might have even predated the subdivision regulations. There is other evidences as go southwest toward Pleasant Ridge. There is the C-3 property where right of way dedication has been done properly for an arterial road. I would remind you that a 30 foot right of way which is half of 60 is what we require for a collector street and Merchants Road is way more than a collector status. It is an arterial road that will ultimately have to be developed to arterial standards at some point in the future.

Len Johnson: I would like to thank the applicant and opposition and commissioners and call for question

Longmire: Your motion was to approve variances 1-5 and then will it take a second motion to approve final plat? One is okay. When we vote you are voting to approve variances 1-5 and to approve the final plat.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 8-7. APPROVE VARIANCES 1-5 AND APPROVE FINAL PLAT.

A BREAK WAS TAKEN AT 2:50 P.M.

- * **13. YARNELL STATION UNIT 2 & RESUB. OF LOTS 28-30 UNIT 1** **4-SF-13-F**
 Yarnell Rd at the intersection of Yarnell Station Blvd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. ROBBINS ADDITION TO INSKIP RESUB OF LOTS 7R & 9R** **4-SG-13-F**
 Northeast side of Rowan Rd, northwest of E Inskip Dr., Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. EDDIE SHARP PROPERTY** **4-SH-13-F**
 Southwest side of Spring Hill Rd between Monta Vista Rd and McIntyre Rd., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. WINDSTONE RESUB OF LOT 97R UNIT 2 AND JOHNSON'S ADDITION RESUB. OF LOTS 19R & 20R** **4-SI-13-F**
 At the terminus of Hickory Stone Ln and the north side of Helen Dr., Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- 17. BROWDER METAL RECYCLING**
 East end of Valgro Rd., east of Sevierville Pike, Commission District 9.
a. South County Sector Plan Amendment **3-A-13-SP**
 From LI (Light Industrial), AG/RR (Agricultural/Rural Residential) & SLPA (Slope Protection Area) to HI (Heavy Industrial) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: ADOPT RESOLUTION #3-A-13-SP, amending the South County Sector Plan to BP (Business Park) Type 1 & SLPA and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.

Arthur Seymour Jr. 550 West Main Ave. here on behalf of the applicant. First we would request that the sector plan amendment and rezoning be approved in accordance with staff recommendation. We are in agreement with that. This area is out near the Sevier county line. It is a place where development got way ahead of zoning and land planning. There are a number of businesses and industries in this 25 or so acre area that to a large extent are zoned agricultural. Apparently what happened this was the old Camel tent manufacturing area portion of the property is owned by decedents of Mr. Bowers. The purpose is to operate a recycling facility. Frankly this should be coupled with item no. 30 because if item number 30 does not pass this is mute, my agreement with staff recommendation and everything else. That is the use determination on this. What our client proposes to do is take an old manufacturing building which has in most recent years been used for boat repair and use that for a collection facility for recycled materials. There will be minimal processing there also automobiles. There will be a fenced area there with security etc. Under the recommendation of the planning commission the zoning and use determination are only the first step. We will have to come back with a plan for submittal to MPC for use on review of the site which would include security. There have been road issues mentioned also. One of the issues in spite of all the businesses that operate out there and they do generate quite a bit of truck, tractor trailer traffic the road is not the best in Knox County and part of it may not even be a public road. That is one of the issues that will have to be resolved during this process. It is 15 or 16 feet wide. It needs to be repaved. Our client if we obtain approval will work with other businesses in the area to see about upgrades to the road. They met yesterday with the other business owners in the area. The concerns they hard expressed were one is the road which MPC has already identified as an issue and that will need to be worked out. The other one is security. There apparently is some theft that goes on in the area. A modern recycling facility is buying product. This project in good times is very valuable. So security is very important in the recycling business. The Browder Brothers are already in this business. As far as security goes for their facility it will be fenced; there will be video cameras, probably a security guard present when the facility is not open because as you know copper and other metals have the equivalent value almost of gold today. There will probably be the usual bad dog sign and bad dogs presently on the property also to reduce theft. What you have here is an existing industrial area. The building they propose to buy and use is zoned light industrial but it is not permitted to be industrial under the rural designation that the plan has for this area. We are asking that the plan be amended in accordance with MPC recommendation; that the use be approved item 30 and that the rezoning be to County Commission. I did not properly introduce Ed and Chris Browder are and the property owner's representative is here also for any questions.

Bonnie Finchum, 8902 Valgro Road representing property and business owners on Valgro Road. Our concern is increase in traffic on a road that is already falling apart. The edges are crumbling. Right now if you meet a car or a wide vehicle you have to stop or run off the road risking damage to your vehicle or nails in your tires. We are concerned about the traffic for sure. I made several calls to the Knox County Planning Board let's see Public Works to determine who actually owns the road. I have been told that it is a county road and I have been told it is a private road. Since we purchased the building over 20 years ago there have not been any repairs to this road at all. You do risk damage or head on collision with the incoming vehicles. Along with increase in traffic, most people do not know that this development is back there. You have to know that it is there to get there. You drive by there and no signs that indicates there is a manufacturing firm there at all. There is a day care center located on the corner of Valgro Road and Sevierville Pike. Our concern is along with the traffic the type of traffic if the recycle center is allowed to receive metals from individuals that it will perpetual the theft of metal for sale for quick income. We are concerned about having to purchase expensive monitoring systems and cameras that we don't have to have now because there is not that much traffic in our complex. Most of our businesses I don't think are open on the weekend I know ours are not. If the recycle center operates on weekends there is going to be additional traffic and a lot of people are going to be introduced to our location. We are concerned with the plumbing, the sewer system. We have a water tower to be used in case of an emergency fire. The issue needs to be addressed about who is going to be responsible for keeping water you know maintaining the cost of putting water in this tower. We have inadequate sewer already. Like Mr. Seymour said this was all developed before there was a Planning Commission. I would like to have a review on who actually owns this road. I would like to determine who owns the road to see how we can get repairs whether there is a recycle center allowed there or not we need to definitely have some improvements to the road. That is our main concern along with the additional traffic that would increase exposure to traffic and theft on our properties. Thank you very much.

Cindy Pionke: I had a feeling you were going to say that. Essentially what we have out here is Valgro Road is both county road and private. In the southeast quadrant of Sevierville Pike and Valgro road you see the footprint for a large building that is there. To the east side of it you will see a driveway that also ties to the north side of Valgro, essentially once you get past that driveway entrance which is roughly 500 feet from the intersection of Chapman Highway that is where the public portion ends. We confirmed that right before lunch today in terms of contacting the maintenance supervisor for south part of

the county. From what he said it is very obvious when you actually go out and visit the site you can actually tell where the good pavement ends and where it becomes really obvious that we don't maintain it. Evidently there also used to be a fence that was out at that location as well denoting where the public road ended and the private started.

Longmire: This property we are talking about is well beyond the public road portion.

Finchum: I wanted to ask are there taxes being paid for this property where the road is. Is there a record of property taxes being paid? Where she is saying it is a private road. I didn't find one. I don't even know who supposedly owns the road. That is our question.

Art Clancy: Best I can remember from Tuesday all the buildings in this development are nonconforming. Is that correct?

Brusseau: Certainly buildings that are located in the agricultural zone are nonconforming Don't know for certain there is a better chance that a few buildings just to the west of the subject property that are actually zoned LI may be in compliance and they may not. Definitely the Ag zone is out of compliance.

Clancy: The majority of the buildings at the end of this road are nonconforming.

Carey: Ma'am is your last name Finchum? I have a question. Are you a resident in the area or are you occupying one of the buildings?

Finchum: We own one of the buildings we bought from the Bower family 23 years ago.

Carey: Where is your proximity to building in question?

Finchum: It would be south of the building in question.

Carey: 272.03 is that the lot. Yes. You have been using the road for 23 years but not really knowing who it belonged to.

Finchum: Yes like I said I have made several attempts to see who owns it. Each time I call well it's a private road and I called again yesterday and was told it was a public road. Then Ms. Pionke called me today and said it was only a public road so far.

Carey: Is that building a manufacturer facility for boats or maybe refurbishing for boats. Is there something there? The building that is being sold.

Finchum: Yes sir.

Carey: This is basically the same process you went through 23 or 24 years ago just a different application then so to speak; a different use of the building.

Longmire: You didn't go through this.

Finchum: No we didn't go through zoning.

Carey: Process I am speaking of is you bought your property from Bower family and started operating there that long ago and they are going through the process now of doing that. No you didn't go through the zoning part of it or the rezoning part or the change of what the zoning is going to be. I just wanted to make sure you are not a homeowner down the road that had kids playing in the street not that that should make any difference in the way we rules but I... You have been through what they are going through. You did this same thing, not the zoning part, but buying property and putting that property to use in your business and you all have been using the road for 24 years.

Finchum: We bought the property and made an initial investment of like \$175,000 for improvements when we bought it from the Bower family 23 years ago to the building.

Longmire: Haven driven on that road nobody has improved that road at al.

Kane: Just a couple of questions the light industrial what are currently allowed uses for that which this parcel is zoned for?

Brusseau: There is a long list. I will try to summarize basic warehousing provided all materials are stored indoors, manufacturing of products, retail sales not produced on the site and has to be indoors, processing food products, assembling or package of any products which can be manufactured on the site, repair of any product which can be manufactured on the site...

Kane: So things that would generate a lot of traffic or potentially. I guess what is on our proposal today that staff and the applicant is in agreement for is to have the employment center zoning which essentially requires now a use on review where the things like access in terms of the street and condition of the street and all those kinds of things would be addressed as opposed to if it were left just the way it is that would not be required. I think there is some advantage to do the rezoning to address some of the concerns which we would not have if left it at the current zoning. To clarify the other item which Mr. Seymour identified in terms of equivalency that would be if we voted in favor of equivalency on that that's essentially and that is item no. 30 that would essentially allow this in the light industrial

center. Is that correct? In other words if we voted in favor of the similar use determination in light industrial.

Brusseau: Similar use determination is for EC zoning.

Jeff Roth: I have a question for engineering. Where the roads stops in the county is that a right of way back to there?

Pionke I have not had a chance to pull the plat. The County actually maintains the first 500 feet when you go back an additional 1800 feet to where you see Valgro going up in between the buildings on your sheet.

Roth: In that case the people back there would have to agree amongst them for any improvements to the road.

Clancy: Do we put the cart before the horse if we approve this without approving 30?

Donaldson: To a certain degree no matter which order you do it the cart will be before the horse because on the zoning and plan amendment it is not final until county commission acts on it. You are final authority on similar use determination.

Clancy: Ms. Finchum what exactly do you all do in this building that you bought 20 years ago?

Finchum: We are a manufacturer of package for wiring cable, protective packaging for wiring cable for all types of cable, co axle cable any of the major wiring manufacturers in the United States as well as China as well as other countries.

Clancy: You are a manufacturing facility. You know that you are not zoned for that.

Finchum: We have never been told us otherwise.

Clancy: Just did. At some point you all are going to have to get together and figure out how to make this road improvement. Just so you know your building is what is known as nonconforming you shouldn't be manufacturing in that building under an Ag zone. That is kind of the way we were told.

Longmire: Question about the road. Could the County take over that road?

Pionke: Yes. We would treat this just like we would any other development. They have to bring it up to County road standards. We would be out there with our inspectors making sure that it met our road standard then we would be willing at that point to take it over.

Longmire: Which basically means it has to be widened and paved before they will take it over.

Seymour: If you are curious as to what happened out there I think I have a pretty good idea from checking the registers office. If you are not curious I won't bore you. When Bowers sold off the acres out there they sold it in 5 acre tracts. You can see there have not been subdivision plats recorded. A 5 acre tract is" not a subdivision" under Tennessee law. What they did is sell it off in 5 acre tracts. The road laid out beyond I assume at one time Cindy their lot terminated where the public road ended. The lots have not been platted and this was just a driveway and it remained a driveway.

Longmire: Was it prior to zoning?

Seymour: That is probably a good question. Nobody knows.

Longmire: I tell you when you get out there in south Knox County it is just...

Seymour: It is prior to issuance of building permits by Knox County so you really can't time when the various buildings were built.

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

Anders: You mention some things allowed in light industrial LI and there was a couple of those that must be done indoors. I guess I would want to direct my question to Mr. Seymour or one of the owners. How much of their activity will be outdoors?

Seymour: Storage only will be outdoors the recycling Mr. Browder is here. Maybe I can get help from him.

I am Edward Browder co-owner, 1126 Firethorn Way 37923. Our business plan allows for the building for everything to be contained inside the building for the nonferrous preparation for shipping part of the business. The outside lot that is across from the joint easement across from the building is going to be used. It is going to be fenced in, graveled with a privacy type security fence and that is going to be used for storing our trucks. Also the automobiles that we bring in will be broken down in that yard and fluids removed from them and various metals. Then those metals will be transported inside the building and prepared for shipping. We would like to have an automotive towing facility also. Which we are required to have a secure facility for the hold yard. That will be used for that as well.

MOTION CARRIED 15-0. APPROVED.

b. Rezoning

3-D-13-RZ

From LI (Light Industrial) & A (Agricultural) to I (Industrial).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE EC (Employment Center) zoning.

MOTION (COLE) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO AMEND AGENDA TO HEAR ITEM 30 AT THIS TIME. MOTION CARRIED 15-0. AGENDA AMENDED.

- 30. **Consideration of Similar Use Determination for a metal recycling facility with storage yard and a holding yard for an automotive towing service in the EC (Employment Center) zoning district.**

4-A-13-OB

STAFF RECOMMENDATION: APPROVE a metals recycling business, including an automobile towing service, in the EC (Employment Center) zone, subject to the review of a development plan by MPC, as required.

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

- * 18. **HATCHER-HILL PROPERTIES, LLC**

West side N. Gay St., east side N. Broadway, south of W. Fifth Ave., Council District 6.

a. One Year Plan Amendment

4-A-13-PA

From GC (General Commercial) to CBD (Central Business District).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE CBD (Central Business District) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning**

4-A-13-RZ

From C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-2 (Central Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 19. RUFUS H. SMITH JR. & COMPANY**

Southeast side Deane Hill Dr., northeast side Winchester Dr.
Council District 2.

a. West City Sector Plan Amendment

4-A-13-SP

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. One Year Plan Amendment

4-B-13-PA

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P c. Rezoning

4-B-13-RZ

From R-1 (Low Density Residential) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **20. JOHN A. MCCAY**

Southeast side Linden Ave., southwest of Nash Rd. Council District 6.

a. East City Sector Plan Amendment

4-B-13-SP

From C (Commercial) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 4-B-13-SP, amending the East City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. One Year Plan Amendment**

4-C-13-PA

From GC (General Commercial) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential) One Year Plan.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **c. Rezoning**

4-C-13-RZ

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

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **21. DONALD J. ROBERTS**

4-D-13-RZ

West side Francis Rd., north of Bearden View Ln., Council District 3. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

22. KNOX COUNTY

North side Middlebrook Pike, east side Francis Rd. Council District 3.

a. Northwest County Sector Plan Amendment

4-D-13-SP

From PI (Public Institutional) to NC (Neighborhood Commercial) and O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 4-D-13-SP, amending the Northwest County Sector Plan to O (Office) and recommend that City Council also adopt the amendment

Mike Brusseau: This is one of the situations where in the city there are two plans that apply the sector plan as well as the one year plan. In this case both of those plans proposed this property for public institution type uses which I assume was just lumped in with the rest of this Bearden Middle School Property which surrounds it. So for that reason the two plan amendments were needed; one for the sector plan which is a separate report and for the one year plan which is in a combined report with the rezoning. The C-1 and O-1 zoning that the county requested is not consistent with the plans. That all being said you have got two parcels they have now been combined by the time of application they were two parcels and that was what the break the line was used for. The 2602 which is the one right on the corner has frontage on both Francis and Middlebrook Pike they have requested C-1 zoning on. Then the 2603 which contains the house they requested O-1 zoning on it. O-1 would allow either continued residential use or would also allow the option of someone to come in and use the house for some kind of professional office. We are recommending approval of a non residential zone in this area. In this situation we certainly feel that it is not reasonable to just continue residential use at this location being on the intersection of a collector and arterial street. We certainly feel it is appropriate for some sort of non residential. However staff is not in favor of the C-1 neighborhood commercial zoning there. Primary reason being is there is already commercial land use designation as well as zoning on the two opposite corners to the west of this property. The corner that is kind of catty cornered to this the southwest corner of that intersection is zoned C-1 and has a vacant commercial property that has been vacant for a number of years. So the thought there is there is no need to establish new commercial when you have got existing commercial in the immediate area that is

underutilized. On top of that there are access issues. Essentially because of the center median that exists on both Francis and Middlebrook near the intersection essentially this property would only have right in and right out access on either road. It is already limited as far as accessing the site. Also being at the or near the intersection of two signalized fairly major streets getting the curb cuts there just on that corner would be awfully close to the intersection and that creates a potentially unsafe situation. Again office is going to generate traffic too be it is a much less intense zone. The types of uses that would be permitted are less intense than C-1 potentially could be. Like we said because of the situation we feel that nonresidential is justified but not necessarily commercial nonresidential use. So we are recommending office on the entire thing. Essentially the effect of that would be that an office development could occur. The house could still be used for residential or office and it would not allow the retail, any type of retail use there that would certainly generate more traffic that could potentially create more problems. I will be happy to answer any questions.

Hugh Holt, 1000 North Central. I am the county's purchasing agent and I am here representing Mayor Burchett. Purpose of our request is two fold. One obviously we have subdivided the property and would like to preserve the home that was built there in 1932. Hopefully we can do that either residential or office. The corner lot we have two viable purchasers for that lot if it has a zoning designation of C-1. That is the reason for our request.

Longmire: You understand the fact that there is no break in the median has complicated that issue.

Holt: Yes ma'am. I completely understand that.

Clancy: Mr. Holt, so O-1 is a potential deal breaker.

Holt: Yes it is.

Clancy: It is a practical zoning for that.

Holt: Correct. We have not been approached by anybody for that particular zoning designation, only C-1.

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

Anders: Question for Mr. Brusseau. You mentioned the right in, right out. Do you have any idea from office zoning to neighborhood commercial whatever it was? Is there any rule of thumb figure that gives any indication of the increased traffic?

Brusseau: I would say not really. You kind of have to break it down further into very specific uses to get any numbers. I am sure there are numbers, but would I know them off the top of my head, no.

Ewart: If we adopt the sector plan of O can we still have NC.

Longmire: In case you didn't hear that that was a no.

MOTION CARRIED 10-5. (Anders, Ewart, Johnson, Pierce, Roth) APPROVED.

b. One Year Plan Amendment

4-D-13-PA

From P (Public Institution) to NC (Neighborhood Commercial) and O (Office).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE O (Office) One Year Plan designation on entire site.

MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-5. (Anders, Ewart, Johnson, Pierce, Roth) APPROVED.

c. Rezoning

4-E-13-RZ

From R-1 (Low Density Residential) and R-1A (Low Density Residential) to C-1 (Neighborhood Commercial) and O-1 (Office, Medical & Related Services).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE O-1 (Office, Medical & Related Services) zoning for the entire site.

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

Upon roll call the Planning Commission voted as follows

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

MOTION CARRIED 9-6. O-1 APPROVED.**23. D.J. CORCORAN**

Southeast side Tazewell Pike, northwest side Ridgeview Rd.,
Commission District 8.

a. Northeast County Sector Plan Amendment

From AG/RR (Agricultural/Rural Residential) to RC (Rural
Commercial).

4-E-13-SP

STAFF RECOMMENDATION: ADOPT RESOLUTION #4-E-13-SP,
amending the Northeast County Sector Plan to RC (Rural
Commercial) and recommend the Knox County Commission also
approve the sector plan amendment, to make it operative.

Kevin Murphy: 4508 Murphy Road. Speaking primarily about the concerns about amending and updating the sector plan associated with this rezoning. If you look at sector plan today for northeast Knox County this general vicinity within about a mile of this vicinity is just about all agricultural. I believe there is one parcel that has a neighborhood commercial sector plan on it. It is very clear from the sector planning process that the intent was for this area to be agricultural and low density residential. I don't think there is a qualification for a change to the sector plan. One the underlying conditions of the area have not changed. There has not been a major roadway project or something else. The underlying property that is underneath it right now is currently zoned agricultural. There is not a mistake in the sector plan as it represents this parcel. The only reason to change is because somebody wants to rezone the underlying property. There is not an obvious significant error in the plan for this particular plan amendment. There are a number of underlying parcels in this area. I think there are about 6 or 7 that have a mix of CA or CB underneath them but the sector plan is all agricultural. If there was a desire to correct an error in the sector plan an obvious omission or something then I would expect to see a sector plan amendment come through for all these parcels that are currently commercially zoned. That is not what is in front of this body. Instead it is a sector plan amendment for a parcel that is correctly zoned. It doesn't seem that this is quite right. There are commercial uses in the area today in terms of zoning and use, not this particular property. That commercial has been established but it hasn't been recognized when the sector plan was adopted. The use is inconsistent with the planning strategy and vision for the area. The northeast county sector plan the verbiage underneath it calls for some specific types of development to be encouraged like traditional neighborhoods, conservation subdivisions, mixed use, village center, heritage areas, business park. Establishing neighborhood commercial nodes wasn't called out as part of the development process. Tazewell Pike wasn't called out as a commercial corridor either. Rutledge Pike was called out as a commercial corridor but not Tazewell Pike. Harbisons Crossroads was called out to encourage

schools and activity at that commercial node. Then on the other end in the city Tazewell Pike has a neighborhood conservation overlay on it. Seems like a spot amendment on the sector plan. If there was going to be a correction I would expect to see that they all these commercial parcels should be designed at once. That is fairly significant and that is something that is better accomplished as part of the sector planning process not just a single update. The community has not been involved in this and the community has not had any kind of opportunity to speak on its behalf of establishing a commercial node. Of course if it was updated to bring the sector plan into agreement with the underlying parcels that is actually tricky because CA and CB would not be encouraged uses of zoning in the rural area. This is rather tricky. I am not sure this request represents a thorough analysis of the situation. My big fear is that time and time again once I see a sector plan recognizes a commercial parcel in the area that is used over and over to say well this adjacent property has commercial plan designation we are going to expand that. I am not sure where does it stop and what the boundary is. That wasn't really addressed. Thank you for your time.

Longmire: As a life long resident of this area that triangular piece has been nonconforming. It has been a store as long as I have known it.

Brusseau: Out of the four conditions warranting amendment of land use plan that you see under sector plan requirements I would say two of them do not apply. Certainly as Mr. Murphy said no improvements have been made to Tazewell Pike or Ridgeview Road. Then the last one trends and development as you said it has been this way a long time and nothing has really changed there. But I would say I don't know the reason why the sector plan did not recognize zoning. This CA zone obviously was placed there years ago before any sector plan amendments were required. It is there. We have got an application. I agree with Mr. Murphy this would be more appropriate to address as part of the sector planning process but we have got to deal with the application before use and try to make an intelligent recommendation on this. I would say because of the long time established use there and because it is not inappropriate you could make a case that there is an omission in the plan. The third condition I would argue that government policy being that the County Commission deemed that the site just to the north was appropriate for commercial that is setting a government policy for this area. This very minor extension of a larger much more intense zone the CA zone is exactly that very minor. That is the argument for the sector plan amendment. As far as the rezoning goes I will just speak briefly. It is an established commercial use. It is adjacent to other more intense commercial zoning. Being that it is in the rural area the CA zone is not permitted in the rural area. The only option we had as far as making a recommendation for commercial is CR zone. CR zone

specifically says in its criteria for locating, locational criteria specifically says these sites should be placed at intersections of commercial and/or arterial streets which is this situation. The idea is that you place the uses at crossroads where a lot of traffic that is fanning out to the rural areas goes by that intersection. You don't just plop it somewhere where there is not going to be more traffic. We feel that the request is appropriate. It is a long-time established use and it is adjacent to a much larger commercial zoned site.

Clancy: Although Mr. Murphy makes a good argument if you look at this piece of property... I mean if you leave it agricultural... If you break it down to just proper land use the best use of this piece of property they are proposing a convenience store. Quite frankly just about anything would be better than what is there now. I don't see anybody building a house right there on that.

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

Kane: I just really had some of the same comments that Commissioner Clancy had. I applaud Mr. Murphy for trying to make us stick to the sector plan and the sector plan process. I understand how these things can happen and your argument that the seed becomes many seeds and that becomes the argument for many more. I truly do support that argument. But I agree with Commissioner Clancy if you look at this particular case you have A agricultural zone on a very small parcel in the corner of it just doesn't make any sense. I just can't support your arguments in full. I do appreciate it and I think it is something that we all need to consider in other situations very strongly. I appreciate your comments.

MOTION CARRIED 15-0. APPROVED.

b. Rezoning

4-F-13-RZ

From A (Agricultural) to CR (Rural Commercial).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning.

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

24. PRIMOS LAND COMPANY, LLC

4-G-13-RZ

West side Cureton Rd., south of Ball Camp Pike, Commission District 6. Rezoning from A (Agricultural) and RA (Low Density Residential) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of 5 du/ac.

Longmire I don't see opposition you may speak if you wish. Silence is a virtue.

MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

P 25. METROPOLITAN PLANNING COMMISSION 4-H-13-RZ

North side Sutherland Ave., east and west sides Forest Heights Blvd., Council District 2. Rezoning from R-1 (Low Density Residential) to R-1E (Low Density Exclusive Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Uses on Review

*** 26. DAMON A. FALCONNIER, NCARB, LEED AP 4-A-13-UR**

South and west side of Alice Bell Rd. at the south end of Belmont Rd. Proposed use: Addition to existing church's family life center and parking lot expansion in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: APPROVE the revised parking layout for the existing church and approved family life center as shown on the development plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*** 27. SEAN M. VASINGTON 4-B-13-UR**

South side of Cherokee Trail, east of Candora Rd. Proposed use: Historic Park in RP-1 (Planned Residential) & R-1 (Low Density Residential) District. Council District 1.

STAFF RECOMMENDATION: Approve the development plan for the historic park facilities for Fort Higley and access to historic Cherokee Trail, subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

28. RONNIE PHILLIPS 4-C-13-UR

North side of Washington Pk., west of Alice Bell Rd. Proposed use: Duplex in RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for a duplex at this location as shown on the site plan subject to 7 conditions.

Brad Salisbury, 8550 Kingston Pike and I am the applicant's representative. Mr. Phillips has applied at MPC for a use on review for a single dwelling unit on the property with no objection to the staff recommendation and would like to see approval for it. Duplex pardon me.

Jean Mathis, 5266 Brigg Lane 37914 here on behalf of the Alice Bell Springhill neighborhood association. We are requesting a 30 day postponement on this item because Mr. Phillips did not come to us prior to making this proposal to the MPC. We have had several issues with this particular property and with Mr. Phillips in the past. The only reason why it has been rezoned RP-1 was because I think it was his last proposal was actually one that we agreed with and that is why we allowed it to be rezoned to RP-1. At this point in time we didn't know about this until last week when the signs went up. We got the package on Friday. We had a brief meeting with 5 members of our board with Mr. Phillips on Saturday morning at which time we didn't actually get any specific information from him. We would like the opportunity to present this to our entire membership come Monday evening at our regular monthly meeting.

Longmire: Is the objection primarily that it might be a duplex sir?

Mathis: That is part of it. This is putting what will probably be a total rental project in the midst of single family dwellings.

Longmire: And you said the sign went up when?

Mathis: Well two weeks prior to the meeting. But we had no information until last Friday.

Salisbury: It is my understanding that Mr. Phillips did meet with the homeowners association on Saturday. He presented his plans, architectural renderings, building plans everything that he has got for this duplex unit to them on Saturday. I believe 6 people showed up for that meeting. I respectfully request that this go ahead and be approved in this meeting.

Mathis: There were 6 people there but only 5 represented the Alice Bell Springhill association. Yes he presented us with pictures of possible idea. He said he didn't know if that would be what he would do. He gave us a floor plan which he didn't know if that would be what he was going to do. We asked specific costs involved. He couldn't give us any of that. We asked several other questions we wanted specifics on and he couldn't give us any specifics. At this point in time we don't know what he is planning on doing.

Clancy: I am going to make a motion but I have question for Mr. Salisbury. Can you your role in this is?

Salisbury: I am with Cannon and Cannon.

Clancy: That explains part of it. When this came through and we approved it for RP-1 there was a really good plan that went along with that. I am not sure that it was financially feasible, but of he puts this duplex on that piece of property that really tears up how you can develop the rest of it and it is to his detriment. Is their a reason in here? Are we spite to the neighbors or what? Can you shed some light there?

Salisbury: No sir. There is no spite to the neighbors.

Clancy: Seems like he is shooting himself in the foot here.

Salisbury: No sir. The unit was actually placed on a property in that location so that the remainder of it could be developed in a fashion like he had presented earlier. At this moment in time that plan has yet to be developed and he is not really ready to develop that plan yet.

Clancy: But you don't think that this duplex will have any bearing on that, the ability to do that though?

Salisbury: No that plan is still very much in his forefront. That is what he would like to see this development end up as. For right now at this moment in time this is what we can do.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE REQUEST FOR DUPLEX SUBJECT TO 7 CONDITIONS.

Kane: Often when we get these RP-1's we get a little more detail on the plans. My packet pretty much only has an aerial type of plan of this is where the building is going. Is this minimum standards? This is our last review of this. Is that not correct?

Kelly: We did not get a set of building plans on this one.

Kane: I guess that is what I am saying normally... We are not going to see anything again. This is RP-1. This is our last chance. We are not going to see anything about what the building is going to look like anything like that. Normally we see that when we see RP-1 type situations.

Kelly: I don't disagree with what Mr. Kane says.

Kane: That would be my concern. To me that is an argument for a postponement. The community they essentially had a

plan they supported the plan last time and now this is something different and they are not getting any more details. Seems to me that it doesn't meet our typical things that we see from a plan of this kind for an RP-1. I would recommend we go with postponement to essentially allow for some details that happen.

Anders: I would agree with that so that the entire homeowners association could have an opportunity to see what is coming. I would agree with the postponement.

Bart Carey: If we do postpone and they do have a meeting and they do get their hands around something that is favorable or unfavorable is it still required of them to build what they see or hear? I agree with the idea the neighbors were given a chance to meet and they met. What are we going to establish by having that meeting over the 30 days that couldn't change down the road anyway? It is not a subdivision plan or a final plan.

Donaldson: If for example building elevations were presented to the homeowners association you could turn around and make those a condition of your approval. Frankly I was... when this rezoning was pitched there was an overall concept plan that was shown. I would love to see how this particular building footprint relates to that previously shown concept. I can't recall exactly how it fits in there.

Kane: If guess if we go to the next stage where it is postponed I would think that motion would have some kind of expectation that we be provided more details on the amended plan put in.

Longmire: Let's go ahead and get a vote on the motion on the floor and see where we are. The motion is to approve the request for a duplex at this location as shown on the site plan subject to 7 conditions.

MOTION FAILED 5-10 (Yes was Clancy, Roth, Pierce, Anders, Johnson)

MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO POSTPONE FOR 30 DAY WITH THE EXPECTATION OF THE APPLICANT HAVING A MEETING WITH NEIGHBORHOOD ASSOCIATION AND PROVIDE MORE DETAILS OF THE PLAN, REVISE APPLICATION WITH MORE DETAILS. MOTION CARRIED 14-1. POSTPONED 30 DAYS.

W 29. HUBER PROPERTIES / WEBB-CHRISTOPHER SCHOOL OF LEARNING

4-D-13-UR

Southwest side of Andes Rd., northwest of Wisteria Way.
Proposed use: Child day care center for 40 children in PR
(Planned Residential) District. Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Other Business:

THIS ITEM WAS HEARD AFTER ITEM 17.

- 30. Consideration of Similar Use Determination for a metal recycling facility with storage yard and a holding yard for an automotive towing service in the EC (Employment Center) zoning district. 4-A-13-OB**

AGENDA WAS AMENDED TO HEAR THIS ITEM AFTER AGENDA ITEM NO. 17.

- * 31. Consideration of Mayor's Report on Preservation. 4-B-13-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. Consideration of City of Knoxville FY 2014 - 2019 Capital Improvements Program. 4-C-13-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:04 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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