



Minutes

APRIL 10, 2014

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

The Metropolitan Planning Commission met in regular session on April 10, 2014 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. Charles F. Lomax, Jr
	Mr. Bart Carey, Vice Chair	Mr. Brian Pierce
	Ms. Laura Cole	A Mr. Jeff Roth
	Mr. Art Clancy	Mr. Jack Sharp
	Ms. Elizabeth Eason	Mr. Wes Stowers
A	Mr. Mac Goodwin	Ms. Janice Tocher
A	Mr. Len Johnson	

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF APRIL 10, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MARCH 13, 2014 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

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL MAY 8, 2014. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMSWILSON RITCHIE

3-F-10-SC

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

METROPOLITAN PLANNING COMMISSION

6-A-10-SAP

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

METROPOLITAN PLANNING COMMISSION

7-C-10-SP

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

WILLOW FORK - GRAHAM CORPORATION

a. Concept Subdivision Plan

11-SJ-08-C

Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.

b. Use on Review

11-H-08-UR

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

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

a. Concept Subdivision Plan

4-SC-09-C

Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.

b. Use On Review

4-D-09-UR

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

LONGMIRE SUBDIVISION

1-SA-11-C

West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

2-SO-09-F

Intersection of I-40 and McMillan Rd., Commission District 8.

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 (PIERCE) WERE MADE TO TABLE ITEM 23 RESUBDIVISION OF GEORGE HOSKINS PROPERTY. MOTION CARRIED 12-0 . TABLED.

CONSENT ITEMS

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

Chair Longmire: Number 40 was put on the consent list by mistake and will be heard at its regular time.

Kevin McKennon, 125 E Emerald Avenue. Item No. 33.

Arthur Seymour: I am here on behalf of the applicant, American Campus Communitive. I received a call today from somebody from Rohm & Haas wanting that postponed. I told them I would have to contact my client. I have not been able to reach my client. Maybe we ought to leave it open for discussion. Items 35 a, b, c. off consent.

Tom Moore: Dowell Chemical Company. I have been in discussion with Seymour about item number 35 and we would like to discuss it further.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 33 AND 35 A,B,C. MOTION CARRIED 12-0.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS 33 AND 35 A,B,C. MOTION CARRIED 12-0. APPROVED.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION

10-B-13-OA

Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations.

STAFF RECOMMENDATION: Staff recommends that the planning commission postpone the proposed sign ordinance amendments to its May 8th meeting.

Mark Donaldson: As many of you know City Council's task force on the sign ordinance has been meeting for about 2.5 years now. I thought we were getting close to some resolution but in the workshop that City Council held a few weeks ago there were some issues that came up. I have been and told that the

task force is going to reconvene. I have been hoping for that for a long time. Finally it looks like it might happen. In hopes that they would do this within the month, I am asking that we postpone this until your May 8th meeting.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. POSTPONED UNTIL MAY 8, 2014.

6. KNOXVILLE CITY COUNCIL (REVISED)

12-B-13-OA

Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

STAFF RECOMMENDATION: Staff recommends postponement of this item to the MPC May 8th meeting.

Mark Donaldson: A couple of month ago we first considered this at the request of City Council. We held a public meeting last week that had fairly good attendance and good discussion. About noon today I got a request from City administration to meet with the neighborhood council on May 14 which is after our May meeting. I would like to do that before the Planning Commission considers it, so I would like to change my recommendation to postpone this for two months to the June meeting in hopes that we get resolution by then.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE UNTIL THE JUNE MPC MEETING. MOTION CARRIED 12-0. POSTPONED UNTIL JUNE 12, 2014.

7. METROPOLITAN PLANNING COMMISSION

4-A-14-OA

Amendments to the City of Knoxville zoning ordinance regarding definitions, appropriate zone districts and development standards for day care facilities.

STAFF RECOMMENDATION Staff recommends postponement of this item for two months to permit a public input process and provide time to propose appropriate definitions, locations, and development standards.

Mark Donaldson: This is the third of three ordinance amendments on the agenda. As you will recall we had a recent case involving a day care facility that was approved by the Planning Commission, appealed to City Council whereupon the decision was overturned. It got me looking at the way other cities handle day care facilities and day care centers. It appears to me that the City of Knoxville is out of step with most other communities in the area; most other metropolitan areas in the State of Tennessee and surrounding states. I have been working with a group of neighborhood leaders and they have agreed to create a process over the next two months to go from

neighborhood to neighborhood to discuss changes to the zoning ordinance regarding day care facilities. I will be working with them over that period of time. At which time I hope we will have a good set of amendments for your consideration.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. POSTPONED UNTIL JUNE 12, 2014.

Alley or Street Closures:

- * 8. **CITY OF KNOXVILLE** **4-A-14-SC**
Request closure of Cora St between Morris Avenue and the northern property line of parcel 094PC017, Council District 3.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 9. **CHRISTOPHER J. PEASE** **4-B-14-SC**
Request closure of Abilene Place between N. Sixth Avenue and eastern terminus, Council District 4.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * 10. **METROPOLITAN PLANNING COMMISSION** **3-D-14-SP**
East City Sector Plan Update.

STAFF RECOMMENDATION: Approve the East City Sector Plan and Amendments to the General Plan and Sector Plans.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

- P 11. **MONTEREY OAKS** **1-SB-14-C**
Northwest end of Monterey Rd., northwest of Globe Dr., Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 12. CENTURY PARK AT PELLISSIPPI** **2-SB-14-C**
Southeast side of Dutchtown Rd., northeast side of Sherrill Blvd.,
Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

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

- P 13. THE LEGENDS OF WESTLAND** **3-SD-14-C**
North side of Westland Dr., east side of Morrell Rd., Council
District 2.

STAFF RECOMMENDATION: POSTPONE until the May 8, 2014 MPC meeting as requested by the applicant's engineer.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 14. THE CAPE AT ROCKY HILL - THE CAPE PROPERTIES** **4-SA-14-C**
a. Concept Subdivision Plan
Northwest side of S. Northshore Dr., northeast of Woodridge Dr.,
Council District 2.

STAFF RECOMMENDATION: Approve variances 1-3 and the Concept Plan subject to 6 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- b. USE ON REVIEW** **4-B-14-UR**
Proposed use: Detached Residential Subdivision in RP-1 (Planned
Residential) Pending District.

STAFF RECOMMENDATION: Approve the request as shown on the concept plan for up to 12 detached dwellings on individual lots, subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 15. BRANDYWINE AT TURKEY CREEK** **4-SB-14-C**
West side of Fretz Rd., west end of Woodhollow Ln., Commission
District 6.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the Concept Plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. RESUBSUBDIVISION LOT 7 - NORTSHORE TOWN CENTER** **4-SC-14-C**
North side of S. Northshore Dr. east side of Thunderhead Rd.,
Council District 2.

STAFF RECOMMENDATION: Approve variance 1 and the concept
plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- P **17. HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9** **12-SJ-13-F**
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **18. ANNE R KILLEFER & JEANIE R SNODDY PROPERTY** **3-SF-14-F**
South side of Kingston Pike, west of Neyland Dr, Council District
2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. CENTRAL MARKET COMPANYS ADDITION RESUBDIVISION OF LOTS 19-22** **4-SA-14-F**
East side of N. Broadway and north side of Emory Place, Council
District 6.25.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. HUBBS HAVEN** **4-SB-14-F**
South side of McCammon Road, due east of Martin Mill Pike,
Commission District 9.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. CLEAR VIEW HILLS RESUBDIVISION OF LOTS 1R2 & 8R** **4-SC-14-F**
South side of Clinton Highway at the southwest quadrant of the
intersection with Allen Drive, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. HIDDEN MEADOWS, UNIT 1, PHASE II** **4-SD-14-F**
Across from Golden cloud Lane on Gray Hendrix Road,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T **23. RESUBDIVISION OF GEORGE HOSKINS PROPERTY** **4-SE-14-F**
North side of N. Ruggles Ferry Pike, on a private right of way
known as Rugby Lane, Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * **24. STOOKSBURY CORNER** **4-SF-14-F**
At the southeast intersection of E Beaver Creek Drive and Dry
Gap Pike, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P **25. FINAL PLAT OF THE JALAL BOURDARGA PROPERTY** **4-SG-14-F**
Southeast intersection of W. Woodland Avenue and Davanna
Street, Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **26. CASCADE VILLAS PHASE 3A** **4-SH-14-F**
Northwest end of Gatekeeper Way, northwest of Beacon Light
Way, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. BRANDYWINE AT TURKEY CREEK** **4-SI-14-F**
At the end of the public right of way of Woodhollow Lane, west
side of Fretz Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. TAYLORS VIEW RESUBDIVISION OF LOTS 6-10** **4-SJ-14-F**
Southwest side of Taylors View Lane, southeast of Meredith Road,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

29. H.E. CHRISTENBERRY

1-F-14-RZ

South side Kingston Pike, east of Kingston Ct., Council District 2. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 4 du/ac, subject to one condition.

Arthur Seymour Jr., 550 West Main Avenue on behalf of the property owner, the Christenberry family and Mr. Murphy who proposes to develop the property. This is property that is about 5 acres that goes from Kingston Pike down to Ft. Loudon Lake. The property slopes from the back of the house which is one that is in your report on Historic Preservation, the Christenberry Home. It was built in 1907. Basically three families have lived in there since that time. Since Dr. Christenberry died the house has been vacant and has been on the market for 7 to 8 years. Mr. Christenberry or the Christenberry family had a developer propose to buy the house. He met with opposition. That proposal went away. Mr. Murphy who is a resident of Kingston Pike and lives a couple of doors down has become interested in the house and has it under contract and will proceed if he can obtain the requisite zoning. Mr. Murphy proposes to restore the house. It is in disrepair. He recognizes it will be a money pit but he and his family live just a couple of doors down Kingston Pike from there. They took an old house, the Taylor house, and restored it at a huge sum and now live there. What he proposes to do is restore the house, if he can build 25 to 27 condominiums at the back of the property that would be down by the lake. There is opposition to that because it is said it would destroy the scenic highway along Kingston Pike and it would be a blight on the neighborhood. Where he proposes to build these units is in an area that would be visible only from Fort Loudon Lake and the Cherokee Farm property across the river. It will not be visible from Kingston Pike. If Mr. Murphy is successful in his application today and before City Council, he will build these units and restore the house at the same time. There are allegations that this will result in commercial development. I have had a survey done that shows there are along Kingston Pike and in Sequoyah Hills 550 units, probably more than that but that is what we could count, in multifamily developments. It is alleged that Kingston Pike cannot handle the traffic. Kingston Pike is a heavily traveled street. So is Broadway. So is Chapman Highway. So is Alcoa Highway. So is Clinton Highway. There are number of arteries in the city that carry high volumes of traffic. In reviewing the traffic statistics however one thing that was

interesting that came up is that traffic has actually declined on Kingston Pike by 1700 trips per day from 2009 to 2012 the last date that we have statics on this. When the original proposal was made there was an outcry over the demolition of the house. Mr. Murphy has resolved that issue. He can only expend the money to restore the house if he is able to utilize the balance of the property for multi-family. It would be condominiums as he has said in a letter which he submitted to you all. His target market would be empty nesters. Mr. Murphy is aware of the problems on Kingston Pike. He and his family and children travel it everyday. We have talked to a number of people who live on Kingston Pike. One Ms. Sharon Miller, who lives a couple of doors down from Mr. Murphy, Mr. Trotter, everybody that we have talked to that lives on Kingston Pike supports this project. They are not concerned about the traffic. They use Kingston Pike everyday. You certainly have to make adjustments, but that is no reason to deny restoration of a house that was built in 1907 and maintain the vista along Kingston Pike rather than letting the house go down and a number of units be built there. Mr. Murphy has a track record on Historic Preservation. Kingston Pike recently had another redevelopment there, the old Holloway house. They call it Westwood. I call it Holloway House growing up. It is now the headquarters and office of Knox Heritage. I think that received community support. We would ask that you approve the request of Mr. Christenberry and Mr. Murphy to allow planned residential at up to 5.99 units per acre which is low density. Thank you.

Longmire: Thank you Mr. Seymour and we will add 15 seconds to opposition.

Jim Bletner: 3819 Glenfield Drive. I am speaking on behalf of Kingston Pike- Sequoyah Hills Association, the Bearden Council and the Sequoyah Hills Preservation Society. Will those that are present who are opposed to the rezoning please stand. (About 7 people stood) I might add that we had about three times this number the past couple of months but we were postponed. I think they have been worn out. Contrary to what you hear and I would like to find out where those 500 multi-family units are on Kingston Pike. He must be going all the way out to Farragut. Contrary to what you hear the Rouge Condominiums is the only place on Kingston Pike that not zoned R-1. This was done in 1981. Since that (inaudible) organizations were debunked. Since that time none have been rezoned. We are not opposed to reasonable development and requests for property on Kingston Pike. The one you had before you today on the consent agenda today, the Kelleford property; we are in support of that. They saved a house and they subdivide it into three and it was coming out at a reasonable point with no sight line issues. However a building that is 4 stories tall and will have a 20,000 square foot or greater foot print and is located on the most dangerous curve in Knoxville will not only change the character of our

neighborhood but impact the safety of all those who travel Kingston Pike. While we would like to save the house we are most concerned with saving lives. I think that is a greater cause. We all recognize that the drive is dangerous. Over the years many efforts have been made to improve the situation. You have a list of them which we submitted to you. I would like to point a couple of them out to you. Calvary Baptist Church hired two suicide police to stop traffic for events on that curve. The city reduced the speed in the curve to 35 miles per hour; installed a warning sign which sits on the west end of the Christenberry property and has a blinking overhead light which is perpendicular to the property. That tells you that area is dangerous. They have also installed chevrons. They have installed smart signs in an effort to reduce the speed of the traffic. They have also reduced the speed limit to 40 miles per hour. Despite those efforts the number of accidents has stayed the same for about a 20 to 30 year period. You have a list before you that documents I believe about 82 to 92. You will see that they average about 35 per year. I want to put this in perspective. The last 9 month period of 2012, which is all that the city has in their database, 27 accidents. That is 3 greater than Kingston Pike and Northshore which is always recognized as a very dangerous intersection. Three greater. That makes the list. Kingston Pike area does not make the list because traffic accidents are written up by the intersection that they happen at. In this particular case you can have an accident that happens at one location and it could be written up at 6 different intersections. Are they intersections? No. Why are they one – because they are little cul-de-sacs? There are two cul-de-sacs and one Lindsay Place which most people don't even know exists. How about deaths on the Pike. Since 1987 there have been 17 deaths there. Over more recent years there have been more than 40. Listen to the experts. You do have a list of those deaths by the way. The October 3, 1993, Knoxville News Sentinel article about accidents on the Pike quotes Officer Terry Moyer, a Knoxville police officer who is trained to investigate fatal crashes. I quote "Coming east bound on Kingston Pike there is absolutely no room to maneuver if something is wrong. What you can't see is what kills you." The factors that Moyers sites as examples of the problems on the Pike are 10 foot wide lanes instead of 12 which is the standard. The curves on Kingston Pike are so tight for east bound motorists visibility of the roadway ahead is extremely limited. If you are on the inside tract you don't have much visibility at all.

Longmire: You have about 30 seconds.

Bletner: There are no shoulders on either side of the road outside lanes and there the curbs begin; therefore curbs, trees and other obstacles leaves little margin for error. We have had many people come forward to offer to help. One is here today. He submitted a report to you, Dr. Chris Cherry. He is UT professor and is national expert in traffic engineering and traffic

safety. He has compiled this report and its conclusions are approval will cost lives.

Longmire: Sir your time is up unless any of the Commissioners want to ask a question.

Bletner: I think you let Arthur go over about 30 seconds. I will give you about...

Longmire: 15 seconds.

Bletner: I have one sentence here. In closing we would like to ask that you vote to turn down this request keeping the character of our neighborhood the same. Do not undo the safety improvements that have been made on Kingston Pike. Keep it safe for all those who travel it. Thank you.

Longmire I had added the extra to your time. I would like to call on City Engineering for a comment.

City engineering. Chris Howley: Some of the information I don't have available to me as far as the number of accidents and the number of fatalities and some of that. Typically our process we get more into those details if we have a site plan or something specific that we are looking at as opposed to just looking at the rezoning to rezoning at this time. The speed limit out on Kingston Pike in this section has recently as far as in the last two years has been lowered from 45 to 40 miles per hour. The speed that was selected, the 40 mile an hour speed, was based on using the curvature and back calculating what the appropriate speed would be based on that curvature is how they came up with that 40 mile an hour design speed and the posting of that 40 mile an hour speed limit sign. The curve of the road it has had, I think notably so, a number of different well publicized accidents that have occurred there. I don't really have the records to indicate how that number or quantity refers to other areas in the community. I think the biggest concern I would have regarding this location would be allowable site distance when they come up with where their driveway location is based on the 40 mile an hour design speed, is there sufficient sight distance to be able to see oncoming traffic in either direction. That information we do not have at this point. That is something we would put the burden on the development when we did see a site plan.

Art Clancy: I look at this and think we have a rare opportunity. We can save a house that was built in 1907 that everybody wants preserved. It is not easy to do that financially. I am in one of those money pits myself. We also have a chance to show case how our hillside and slope development can work and can make a positive impact on our community. I understand the argument from the Sequoyah Hills people but at the same time the people

that are actually living on the Pike, some of them I have gotten letters from and email from, are in support of this project. They live with this traffic day in and day out. I think if they felt like it would be even more dangerous they wouldn't support it. I think there are some very positive things about this development or the opportunity to develop. What we are trying to do here or what they are trying to do here is get the zoning approved. He needs to come up with a concept plan that gives us adequate sight distance and something that we feel like is good for our community and can be approved. In order to do that we need to give him some zoning depending on what he comes up with. I think it would be a good idea for us to approve this. I am going to make a motion that we ask City Council to approve RP-1 Planned Residential zoning at a density of up to 5.6 dwelling units per acre subject to the one condition.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE RP-1 PLANNED RESIDENTIAL ZONING AT A DENSITY OF UP TO 5.6 DWELLING UNITS PER ACRE SUBJECT TO THE ONE CONDITION.

Elizabeth Eason: I have some of the same comments. I understand the concerns about safety but hearing from City Engineering and site locations I think that rezoning would give us a chance to restore the house.

Laura Cole: I support this also as Mr. Clancy and his comments but I wanted to ask Mr. Seymour if his client had taken a look at changing the location of the entrance or plans to in the future?

Seymour: Right now there is a circular driveway. Right now without engineering certification we cannot ascertain the sight distance available. To use the west entrance next to the church that will be an issue and will have an acceleration lane I am sure and at some point would like to talk to the church about a secondary entrance using one of the driveways.

Longmire: I want to ask you all to speak into the microphones because the sound is still off.

Kane: A couple of questions. One did Commissioner Clancy say 5.6? The other question is for City Engineering. From your standpoint is the number of units coming out of these driveways the amount of traffic would that affect your recommendation in all in terms of details at this point in time. If you had details what would that mean in terms of density?

Howley: I think that if we were just talking about a single family residential house we would call this a driveway. We would look at it as an existing situation been there moving to multifamily dwelling type opposed to 27 to 30 some units I think that we would be willing to have the same sight distance if there were

100 or 200 units at that location. We want to make sure there is adequate sight distance for that driveway for any type of development.

Kane from your view point where it is three or 4 or 5 or 6 once you reach a certain point there is a safety factor that will have to be met regardless of the density. Is that what you are saying? The other thing what is difficult for me is obviously it is a high traffic area and so I think that counsel made the argument that these additional cars aren't going to make a difference on Kingston Pike through Sequoyah Hills as a whole. So then the question is is this particular location more dangerous. I think that is what the neighborhood association Mr. Bletner is describing. So on one hand I find that argument pretty compelling. On the other hand I am not hearing from City Engineering that from their standpoint I guess the argument would be two dwelling units per acre verses 6. The threshold is ... what is the threshold in a situation like that?

Howley: Think there is certain level of grey area in the middle. If you were talking about two or three units at that location, I think the existing driveway configuration would probably be acceptable. If we are talking 20, 30 plus units I don't see that there is any other way besides making sure that there is adequate sight distance. In addition to that we will review the crash history in that specific area and make sure that there are no other issues that will result from adding this driveway of a higher capacity nature. In general the number of trips per day expected from a 27 to 32 unit development like this would probably be in the range of 300 give or take trips per day additionally added to the capacity of Kingston Pike in that area. Those are factors that will be taken into consideration.

Kane: Would you say once you go through the engineering analysis of what the developer proposes you could say I am sorry this is just not... we can't do it. We can't have this number of trips coming in an out of this location. Would he have to reduce it? Is that something you guys would say?

Howley: If there was inadequate sight distance I can imagine us saying that this is not a viable development of this magnitude at this location. I think if there are existing problems that we identify from the crash history at that location we would present those issues and their engineer would either develop a solution for it or we wouldn't be able to approve that development. I think taking the sight distance and the crash history into consideration we are looking for somebody to provide a proposal that would address those issues.

Kane: That would seem to be the first priority of any development is to do that first before they do anything else regarding where we are going to locate a condominium building

or anything like that because what you are saying is it could reduce.

Howley: It could be a deal killer if you don't have that in line and ready to go you may be spinning your wheels for no purpose if you can't get the access location that meets the safety criteria.

Kane: That makes it hard to make a decision on density to some degree if this particular location has such a critical issue on that. The other thing I guess even though the neighborhood association did not indicate the saving of the house. I think that is important. I think that is a very important thing. I also own one of those money pits and I certainly understand that. I also understand that part of this is all involved about the price of the land. The price of the land is high because other people have invested in their neighborhood and they have large estates along Kingston Pike and Sequoya Hills. There is this tension that you have. I think overall the neighborhood is benefited by having this house restored in coming to some conclusion of how it is going to happen to make it economically viable. I personally think that 5.6 is probably too high.

Longmire: I believe he said up to...

Kane: Up to I understand. There is no condition on here to save the house. At this point in time there is no concept plan that says...

Longmire: It says no clearing, grading or demolition shall occur.

Kane: That... okay thank you.

Longmire: Before I call on Commissioner Carey and Commissioner Clancy. First of all the 40 mile per hour speed limit as I have traveled Kingston Pike is a suggestion rather than a rule. If people would slow down to 40 miles per hour it would be a much safer place. We also have with us the Historic Preservationist of MPC. Ms. Graybeal would you like to make any comments about the house?

Kaye Graybeal: Historic Preservation Planner for the Metropolitan Planning Commission. I would just add that at the time that the Kingston Pike National Register Historic District was put in place this house was thought to be eligible for that, eligible for the National Register; however I believe it is my understanding that it was not included because of the compromise contacts with the church developments on each side so it wasn't contiguous. I think the boundaries stopped just short of including that house. It is a significant house on its own without being included in the district. It is an exemplary craftsman style that has been unaltered over the years. I just wanted to add that part about the significance of the house.

Bart Carey: The previous applications have come to us on this property - previous projects - I had a hard time owning up to those for one big reason and the house was that reason. I have been in the house a couple of times. I see it as a genuine treasure on Kingston Pike and for Knoxville in general. My understanding is that house is not protected. There could be a demolition permit pulled and the house destroyed today. In this motion we basically prevent that. There are four properties of similar size going east to west I believe is Calvary Baptist and then the Christenberry home, a Methodist church and Peru which are similar in size; one is a little bigger. There is kind of a pattern. All of these contribute more to the traffic right now except in the case of the Christenberry home, but obviously an increase in traffic when its time came. I know that people have looked at this project before and the house and tried to do a cost analysis. It is almost prohibitive. Mr. Murphy evidentially has come up with a way to make this work. I want to support it because of that. Saving this house to me is critical aspect of this because it does that I am going to support it.

Art Clancy: I want to reiterate that my motion specifically protects the house which is not protected. We are not telling Mr. Murphy he can build 27 houses on this piece of property. We are asking him to come back with a proposal that says this is how I intend to make it work. This density gives them the flexibility to do a quality development and make the numbers work and save the house. I think we are in a win-win situation. I know the neighborhood doesn't think that but if you look at what could happen aside from the traffic studies and all that, he has to get sight that is where the nuts and bolts come into it. He is going to have to figure out sight distance for the number of units he is putting in. The burden of doing that is on him. He is going to have to be creative and come up with some real good concepts for us to look at before we will approve anything going on this. But for now we protect the house. I think what he comes back to us with is going to determine whether we can keep protecting it and work with them. This is just for the zoning. This is just to give him the opportunity to prove to the commission and the community that he can do something there that is going to work and that is going to benefit everybody.

Longmire: I have a question to Mr. Brusseau could you speak please to the slope?

Brusseau: Staff is recommending a lesser density because of the slope of the property. All of that slope is in the rear portion of the site adjacent to the river. If you look at the other properties there along that stretch most of the buildings are located on the northern part of the property. I heard Mr. Seymour that they are proposing to put all of their structures in the slope area which I think probably would be necessary in order to keep the house

because the house is fairly well centered on the site. However that is exactly what slope protection policies are trying to prevent and part of the reason for our lesser density recommendation. When applying the recommended policies of the hillside plan, it came up to a density of slightly over 3 units per acre.

Longmire: I think your recommendation was up to 4.

Brusseau: A good portion of this site is over 25%. Obviously density is limited in those areas based on the plans recommendations. Being in the city with the low density category that allows up to 6 that makes the numbers go up a little bit because for every acre 6 units per acre would be allowed on the flat land. Basically when you crunch the numbers it came out to slightly over 3 but because of the property's location on a major arterial, in the city with all utilities available and between two churches we chose to bump it up to 4 to give them a little more flexibility in how to develop the property. As always it is an up to 4 it doesn't necessarily mean they are guaranteed to get 4 but it sounds like the proposal that they would like to do is well above that. That is specifically what the hillside protection policy is trying to prevent is grading out hillsides for development. That is where we stand

Longmire: After the disaster in Washington State several people said it could have been prevented by zoning. That puts a great deal on us as far as the soil for the possibility of safety.

MOTION CARRIED 11-1 (Kane). APPROVED.

- * **30. CYNTHIA YOUNG** **4-A-14-RZ**
 Southwest side Mascot Rd., southeast of Old Rutledge Pike, Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **31. WILLIAM CLABOUGH** **4-B-14-RZ**
 Southeast side Ball Rd., east of Dyestone Gap Rd., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **32. RUFUS SMITH & COMPANY** **4-C-14-RZ**

Southwest side Dry Gap Pike, northwest side E. Beaver Creek Dr., Commission District 7. Rezoning from A (Agricultural) & F (Floodway) to PR (Planned Residential) & F (Floodway).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

33. EMERALD YOUTH FOUNDATION

Northwest side E. Emerald Ave., northeast of N. Central St. Council District 5.

a. Central City Sector Plan Amendment

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

4-A-14-SP

STAFF RECOMMENDATION: ADOPT RESOLUTION #4-A-14-SP, amending the Central City Sector Plan to C (Commercial), and recommend that City Council also adopt the amendment.

David Welch, Emerald Youth Foundation organization 1718 N Central Street. I am representing the applicant for Emerald Youth Foundation regarding this property. The property prior to Emerald Youth Foundation acquiring the property in 2013 was condemned, demolished, that property became vacant and we acquired it the end of 2013. This property adjoins the parking lot of Emerald Youth Foundation and across the street is a parking lot. Emerald Youth Foundation has experienced quite significant growth in their programs and this additional parking is very much necessary to accommodate the folks coming to our place for program usage during day and evening time as well as for our transportation vehicles. Also we need to have a secure property to place those on as well for the ministry. We have had and do continue to have good and open relationship with neighbors such as Mr. McKinnon in our discussion about how we might use the property and place vehicles in such a way as to produce good relationships.

Kevin McKinnon, 125 E Emerald Avenue which is the property next door connected to these two lots being proposed for commercial development. I spoke with Mr. Welch and spoke with a few other neighbors and the United Methodist Church. I am not in opposition and my neighbors are not in opposition to the rezoning and making a parking lot. It was just yesterday... I mean we are in favor of support of our youth and keeping them out of trouble and keeping them active. Just yesterday there were six youths playing on their five gallon buckets with the drums. Unfortunately they were a work in progress. They were not as skilled as on the streets of New Orleans. We are all in favor of the youth and what the foundation provides. What came out of the discussion I had with the neighbors was possibly restricting some of the buses and vehicles I have seen at times.

They have to warm up idling until kids come out or cooling off in the summer until the kids get out. I am concerned about carbon monoxide that may come up to the property as buses are idling. I have a two year old grandson and concerned about carbon monoxide coming up to the property. I spoke with Mr. Wells about that to consider not making the property lot all the way up to the property line where the carbon monoxide could dissipate into the air and not infiltrate the air in the residential area. Second part that came out was possibly in the construction of the parking for commercial was to put up a possibly a privacy structure that would maintain some of the integrity of the residential community and somewhat separate commercial from residential structures. I am most affected because my property is sitting right next adjacent to these two lots that are going to be changed over to commercial and rezoned for parking. We are in favor. But I think just my neighbors and everyone involved said maybe consider those two considerations: health and privacy structures so the kids may have their privacy in the parking lot. They run and they play in the summer until it gets dark 9 or 10 o'clock at night. They should have that opportunity to have that. But the residents would like to have some type of separation on those two separate zones.

Longmire: I am going to ask Mr. Johnson to

Buz Johnson: What we included in one of the conditions is the installation of what we call a type B landscape screening along that boundary that would adjoin your property as well as the property I think it is an alley on the other side to install the landscape. It is a pretty substantial landscape screen that would include evergreen trees reaching a mature height of 20 feet with branches touching the ground at a maximum of 2 foot center. We didn't necessarily anticipate your particular concern but we did see the need to provide some separation. There will have to be enough room to plant those trees so there will be a little more space and you will have the trees there and some point they will provide a nice block between your property and the foundation property. That will not only help you from an aesthetic standpoint but it will also help with the issue of emissions and all that going on with the idling buses. We kind of anticipated the needs, not exactly as you stated it but that certainly would fall into why we need a landscape screen between your property and Emerald Youth Foundation's property.

McKinnon: And the landscape would be brush type screen?

Johnson: It would be trees that would be there all year around.

Longmire: Evergreen trees. I believe Mr. Welch you said it would also be fenced?

Welch: Should we move our big buses and vehicles over there that would have to be done. It would not have to be done initially just for general parking. If we were to move our vehicles over there then we would need to put a fence there for security purposes. Not anticipating or knowing the recommendations we have actually had discussions in line of conversations with Mr. McKinnon to do that very thing. Knowing that we are on the same page is great.

Longmire: I sympathize with Mr. McKinnon. I taught for 30 years in a classroom where the air intake was near the buses idling.

Welch: One of our buses is a diesel bus. The others are gas buses so they don't require a warm up period. We don't leave them there. We start the vehicles and we go out and go to schools and pick up children and go to centers in the surrounding community. We are not there with the buses for a very long period of time.

Longmire: That was my excuse for brain damage. I did fail to add one recommendation and that is to adopt resolution number 4-A-14-SP, amending the Central City Sector Plan to C (Commercial), and recommend that City Council also adopt the amendment. They are on two separate pages so make sure that you have your pages and your recommendations.

McKinnon: Understand about the buses not continually idling. But there are families when they bring their kids over they have to allow their vehicles to idle up just for the convenience of when they have their children coming out of the center particularly in the winter their cars are warm when they come out and jump into the car or it is cool when they come out and get into the vehicles. They have to idle and warm. That was my only concern maybe not so much as the buses idling but the citizens need the opportunity to idle and warm their cars without restrictions. That is why I was hoping to create some space along with the barrier creating some space so the air can begin to filter.

Longmire: The barrier just by the definition of it will have space other than the trees. There will be a buffer zone and the evergreens. Also I think educating the people that yes it does need to warm up but it does not need to sit there for 30 minutes idling. I think working together is an option. There will be a buffer zone if this is approved and evergreens that will help absorb the emissions.

Art Clancy: First of all I would like to say thank you for Emerald Youth Foundation. There are very few ministries in Knoxville that are as well run and as successful as this program.

**MOTION (CLANCY) AND SECOND (LOMAX) WERWE
MADE TO APPROVE RESOLUTION #4-A-14-SP,**

AMENDING THE CENTRAL CITY SECTOR PLAN TO C (COMMERCIAL), AND RECOMMEND THAT CITY COUNCIL ALSO ADOPT THE AMENDMENT.

Herb Anders: Does that parking lot plan come back to MPC for approval of the requirements.

Johnson: No.

Longmire: Would that be a codes issue then?

Johnson: Yes it would be an issue when they go to get their permit with the Plans Review Department.

Eason: I have an additional question for Mr. Welch. Are you parking your buses currently on the lot across Central?

Welch: Currently across the street at a property that is owned by Higginbotham.

Eason: So you guys don't own that one?

Welch: We do not and they charge us rent to be there.

Eason: In terms of parking just wondering if you have reached out to any of the neighbors who have parking that might not be used at the same time to see if there were any agreements to use some of the surface parking lots?

Welch: We have good neighbors thankfully. We have been afforded the opportunity from time to time in the evening after business hours. The Besto building that is beside us has allowed us to utilize their parking from time to time. We have tried not to wear out our welcome. They have been gracious to accommodate us from time to time. We appreciate that.

Eason: I wanted to just add that answers a lot of my questions. I do see a lot of vacant surface parking lots in that area in a historic neighborhood. I question the need for taking some potential infill housing lots away from a historic neighborhood when those lots are far and few between for this particular area in converting to a surface parking lot. I understand the need for parking and if you don't have your own parking and having to rent elsewhere I understand it but I am also concerned about losing potential lots that could be maintained as residential specifically as infill.

Longmire: It is difficult having a business and letting someone else park in your parking lot, especially during business hours. But anytime because of the insurance and liability problems that might arise. I would be nice if that could happen but I understand your concern.

Kane: Mr. Welch do you have an idea of how far off the property line your parking curb would be or how far off your buffer area would be. I am trying to get Mr. McKinnon an idea at this point of time what are we talking about. Are we talking about 5 feet, 10 feet for the buffer zone for his particular property line? Not from the road but from his property line.

Welch: Well we don't have a particular design. I think as has been stated here that there is a certain amount of space that would be required by your recommendation. That would be not only required to keep trees on our property but first of all and then have that space between the two. If we are planting for instance Leland Cypress trees which is the type of tree we are speaking of there would have to be at least 5 to 6 to 7 feet in order to have the girth to not be on his property when they become full grown.

Kane: So you are thinking potentially 5 to 10 feet; 5 to 7 feet?

Welch: I would think 5 to 10 feet.

Kane: So it could be as low as 5?

Welch: It could be depending on the size of the trees. I would think that would be pretty small.

Longmire: Commissioner Kane if you will look at your... at the top it does. It says a minimum of 12 feet in length, excuse me width. A minimum of 12 feet in width.

Kane: So it has to be 12.

Longmire: Landscape buffer strips should be a minimum of 12 feet in width.

Kane: 12 feet in width. So we are talking 12 feet.

Longmire: That is what it should be.

Kane: That is what I am trying to give him an expectation.

Longmire: The expectation is 12 feet. I expect 12 feet sir.

Welch: We will meet the expectations.

MOTION CARRIED 11-1. (Eason). APPROVED.

b. One Year Plan Amendment

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

4-A-14-PA

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1 (Eason). APPROVED.

c. Rezoning

4-D-14-RZ

From R-1 (Low Density Residential) / IH-1 (Infill Housing Overlay) & R-2 (General Residential) / IH-1 (Infill Housing Overlay) to C-3 (General Commercial) / IH-1 (Infill Housing Overlay).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-3 (General Commercial)/IH-1 (Infill Housing Overlay) zoning, subject to two conditions.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1 (Eason). APPROVED.

* 34.

DORA HERCULES

4-E-14-RZ

South side Bluegrass Rd., west of Ebenezer Rd., Commission District 4. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

35. AMERICAN CAMPUS COMMUNITIVE

South side Forest Ave., east and west sides S. Twenty First St. Council District 1.

a. Central City Sector Plan Amendment

4-B-14-SP

From MDR (Medium Density Residential) and O (Office) to HDR (High Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 4-B-14-SP, amending the Central City Sector Plan to HDR (High Density Residential) and recommend that City Council also adopt the amendment.

THIS ITEM WAS REMOVED FROM CONSENT EARLIER IN THE MEETING.

Arthur Seymour, Jr.: 550 W Main Avenue. This is the one that Rohm and Hass I think is interested in getting postponed. I did not get hold of my client had my cell phone off as instructed. I do not see that he has called in the mean time. I received a message this morning from Mr. Moore with Rohm and Hass. I tried to call my client and have not been able to reach him.

Tom Moore, Dowell Chemical, 730 Dale Avenue. We are proposing that agenda item number 35 be postponed two months to give Dow Chemical a better chance to assess impact of this potential development on the operations of the plant. Number one with Dowell is the safety of our employee and their health but also safety and health of our neighbors especially in the communities that are around our plants. We noticed the dramatic increase in density population and construction just adjacent to the property. This also has become a concern with Norfolk Southern Railroad. They have contact us and between Norfolk Southern and Dowell we are going to prepare a emergency response table top drill that will be conducted on August 14 to assess whether the emergency response plans both of the fixed facility of Dowell Chemical and the city and county of Knox have the ability to respond to high density populations like the apartments in the Fort Sanders area. Issues that are of concern to us are sheltering in place which is a common practice when hazardous materials incident and also potential evacuation of the neighborhood. An issue that also concerns us due to the high population of students in this community is how can we best do crisis communications if there were to be a hazardous material event at our plant or in transit with a rail car of Norfolk Southern or a tank truck on the highway how can we get word out to the community and the neighborhood that sheltering in place is a first step to take and follow that up with potentially an evacuation. In preparation for this emergency response table top drill on August 14 we are doing a lot of work with Norfolk Southern to identify new technology for mass communication, mass notification with the citizens of Fort Sanders. I have spoken with the Knox County purchasing department. They have just recently bought a new communication tool that they will be turning over to Knoxville Emergency Management Agency which we feel will give us a great opportunity to contact people who only have cell phones. A lot of people don't have land lines any more. The reason that we are requesting the two month postponement is to give us the ability to assess the new technologies, the new ways of making contact with the neighborhood so that we can do what we feel is our corporation responsibilities to the neighbors and that is to protect their safety and health.

Longmire: Mr. Moore you are asking for 2 month which would put it into June and that would give you adequate time?

Seymour: I always tell my clients to be prepared for a 30 day postponement when they come up for the first time before MPC. I am not going to jump up and down about a 30 day postponement, but I would certainly object on behalf of my client to a 60 day postponement. The immediate use for this property... Right now it has got some abandoned buildings on it. What they want to do is clear the property and use it for parking

for another development that is just a block or two down the street. That would be the use of the property for the foreseeable future. Any construction as apartments or residential is several years down the road if it ever occurs. Right now they just need parking. I am not going to jump up and down about a 30 day postponement. I would certainly object to the 60 day postponement especially when you get called the morning of. He called me last week and asked me what we were doing and I explained to him.

Longmire: Mr. Donaldson, if they are going to use it for parking do they need all of that done?

Donaldson: Yes as the short answer. Yes in order to include this property in the same type of zone district as the residential development. That smoothes the way for the remote parking aspect.

Longmire: I would like to draw your attention that there are three different staff recommendations and you would have to have three different motions. That is because one of the properties is across the street. Is that right?

Donaldson: With respect to the one year plan we only need to address the one year plan on one of the properties whereas with the sector plan and rezoning we have to address all the properties.

Wes Stowers: Mr. Moore. It is my understanding that you all just found out the last day or two about this proposal?

Moore: Fairly recently. Part of the problem is that the notifications were apparently mailed to Dowell in Flacamine, Louisiana. When you get a big corporation sometimes communications are not that smooth flowing. The Knoxville facility was not aware of the plans even though the notification had been sent.

Stowers: I understand what you are saying. It says apartments, warehouse building and parking. Now understanding that it is going to be a parking lot for the near future does that change your need to have two months?

Moore: The reason we requested two months is that the nature of the investigation that we have got to go through with ourselves and Norfolk Southern and Knoxville Emergency Management Agency. It takes some time. Two months will give us enough time to assess and gather all the information and to be prepared for the August 14th drill.

Bart Carey: Mr. Moore I think you mentioned that at this time the area is primarily students. I have a daughter there right now.

It is just a suggestion but I would guess that most or very high 90% of UT students have cell phones. UT has an emergency system set up that allows them to contact them by cell phone the entire student population with one touch of a button it texts them and lets them know what is going on. I guess it would go to the entire student population. If you had a spill or train detail you would want the entire student population. That is a really effective way. They have used that the last couple of years.

Moore: We have had discussions with the UT Emergency Response Agency and are aware of that system. The very interesting aspect of the new system is that all cell phone providers whether it be Verizon or any of them they do not have their own cell towers. They all use a common cell tower. The new system Knox County has got if I am correct FEMA can give Knoxville Emergency Management the ability to access a given cell tower with an emergency notification and every cell phone that is serviced by that cell tower whether it be students, permanent residents and even people driving through the area if their cell phone is currently in communication with that tower. To fully understand that capability and get plugged in will take a little time.

Carey: Sounds like you have obviously been doing your homework on that subject. Mr. Seymour wants to get it stepped up a little bit. We sent from something that was on consent an hour and half ago to something that we are postponing. I would hope to could maybe get it done in 30 days.

Art Clancy: If you have got concerns as far as safety and evacuation I am pretty sure there are a lot more people are at risk a lot closer to where you are and 60 days are going to help them out. If you have got issues you need to consider the people that are contingent to the railroad and your property. This building is being demolished or whatever. I don't think 60 days is going to affect that one way or another. I will support a 30 day postponement. Get hold of your and see what his intentions are and see what.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE 30 DAYS UNTIL THE MAY 8 MPC MEETING.

Seymour: His intention is to use for parking. One reason 60 days would hurts us is we have got to be ready in August.

Clancy: I understand that that is why I made the motion to postpone for 30 days. It gives both sides some opportunity to give us some answers that would help us make a little more intelligent decision...

Kane: I have two divergent questions I guess. One question is related to land use planning. In looking at the argument for

changing this from MDR to HDR my question is to staff do we de facto essentially supporting every application for HDR on the north side of this neighborhood basically? Seems to me like this is what we have done. Is that okay. Is that what everybody says we should be doing; supporting high density on this side? That certainly would have something to do with Dowell Chemical with high rises all around their chemical facility.

Mark Donaldson: There has been a future land use plan in effect for the Fort Sanders area for some number of decades now. For some time now the property along the railroad corridor has been designated for high density residential. We have been moving that up towards the hospital in that particular area as development pressure has increased and as UT has decreased the number of beds on campus at the same time increasing enrollment there is more demand for property in the Fort and in the campus. We are supportive of these types of densities in close proximity to the campus in an infill situation. We have always considered the railroad corridor as a pretty good boundary and buffer between Fort Sanders and the industrial style of development that has been there for an equal amount of time. Dowell Chemical is nearly surrounded by the railroad, interstate and Alcoa Highway with a KUB substation on one side. There are a couple of other properties adjacent to them. One currently has residential zoning on it. Yes the land use plan has been in place for a long time.

Kane: I want to make sure the neighborhood knows that a line has been drawn. You said the railroad corridor. I apologize I don't know exactly how big a railroad corridor is. Is it 2 blocks, 3 blocks, 4 blocks, 1 block? What is it?

Donaldson: I think this particular right of way is probably close to 200 feet in width which is equivalent of a half block. There are other tools in place within Fort Sanders to protect the neighborhood character. There is a neighborhood conservation overlay area on a significant part of Fort Sanders particularly east of 17th street.

Kane: Second one Mr. Moore maybe. I work in Oak Ridge in Department of Energy facility and we have to do safety based analysis and those kinds of things for high hazards and chemical not just radiological. Does is your facility actually have to do that? Do you do formal safety analysis? You talked a lot about doing emergency management. I didn't know if essentially high density development even though there is some buffer does that actually affect your safety bases at all?

Moore: Oh yes. Risk assessment and risk mitigation is the real foundation of our industry. When you have got sounds like a buffer or corridor 200 feet is not much of a corridor or buffer. You have to do a lot of studies and a lot of capital expenditures

to improve and get your systems and your procedures in and your equipment where the risk is acceptable to the neighborhood.

Kane: I support the 30-day postponement. I hope that really the discussion between you and the developer you evaluate all the kinds of impacts not just your facility essentially your facility on them. We are also talking about the safety of the people living in these things. Really the development needs to learn more about Dowel Chemical and what the potential impacts could be on the residents and their properties.

Dan Kelly: With the 30 day postponement proposed the matter would come back in May for rezoning. The rezoning process takes 45 days. There is going to be a use on review for the parking lot. The use on review may very well be impacted by the planning efforts that Mr. Moore and his group are involved in right now. It could very well be July or August before the plan is approved for reuse of this property.

Herb Anders: I appreciate Mr. Moore and Dowell Chemical's efforts to reach into the community. With Mr. Seymour's initial statement that the initial use for this is to demolish the building and put in a parking lot, why cannot he not be allowed to move forward with that at the same time Mr. Moore reach out to him before the building process starts?

Longmire: As Mr. Kelly said whatever we do today is not going to be an immediate action. Is that right Mr. Kelly?

Kelly: The process itself takes time. You have probably got another 90 days minimum at this point before anything can be done with this property. Whether it is going to be a parking lot or going to be apartments, I am sure Dowell Chemical would like to have their efforts done in order to comment one way or another on the development.

MOTION CARRIED. 11-1 (ANDERS)

- * **b. One Year Plan Amendment** **4-B-14-PA**
From O (Office) to HDR (High Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE HDR (High Density Residential) One Year Plan designation.

- * **c. Rezoning** **4-F-14-RZ**
From C-1 (Neighborhood Commercial), O-2 (Civic and Institutional) & I-2 (Restricted Manufacturing and Warehousing) to RP-3 (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-3 (Planned Residential) zoning at a density of 24-60 du/ac.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE FOR 30 DAYS 35 B & C. MOTION CARRIED 11-1 (ANDERS). 35 B & C POSTPONED UNTIL MAY 8, 2014.

* **36. SIGNAL MOUNTAIN GROUP, LLC**

Southeast end Fennel Rd., southeast of Elyria Dr. Council District 5.

a. North City Sector Plan Amendment

4-C-14-SP

From MDR (Medium Density Residential) & HP (Hillside/Ridge Top Protection Areas) to GC (General Commercial) & HP (Hillside/Ridge Top Protection Areas).

STAFF RECOMMENDATION: ADOPT RESOLUTION #4-C-14-SP, amending the North City Sector Plan to GC (General Commercial)/HP (Hillside/Ridgetop Protection Area), 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-14-PA

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

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **c. Rezoning**

4-G-14-RZ

From RP-1 (Planned Residential) at up to 16 du/ac to C-6 (General Commercial Park).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-6 (General Commercial Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **37. MCDONALD'S USA, LLC**

4-H-14-RZ

East side N. Cedar Bluff Rd., north side Cross Park Dr., Council District 2. Rezoning from PC-1 (Retail and Office Park) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

38. RAY HUFFAKER

Northwest side Callahan Dr., southwest of I-75, Council District 3.

a. One Year Plan Amendment

From MDR (Medium Density Residential) & OS (Open Space) to GC (General Commercial).

4-D-14-PA

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation to a depth of 550 feet from the edge of the Callahan Dr. right-of-way.

Brusseau: As you can see from the zoning pattern out there there is plenty of established general commercial. Staff is not concerned with allowing commercial on the front of the site, but we have recommended that the zoning be limited to 550 feet because once you get beyond that point it gets into the slope protection area. There is a ridge line that runs along the back of all the properties along Callahan. There are some that go all the way back but as you can see there are also others probably based on our recommendations that have limited commercial use to the front of the property. So we are basically just recommending consistent with some of the other properties out there to not allow the potential grading and site work that would be required to allow commercial uses in those areas by not allowing the zoning.

Bill Blankenship: I am an architect and president of Blankenship and Partners, 6016 Woodvale Lane Suite 110. Members of Commission, Members of staff than you very much it is an honor to be in front of old friends. I will be brief. I received a copy of the staff recommendation in my office Monday when I was out of town. Tuesday morning it was handed to me by my assistant. I thank you very much to staff for their consideration and their recommendation to revise this to commercial designation. I didn't know what to think when I first saw it 550 feet from the edge of Callahan right of way which is at the bottom of the sheet. Just to make sure I understood it the way staff understand it I got in my car and drove down to the office and had a conversation with them. They were very nice and courteous and generous with their time. I thank them very much. We have designed this project. It is not a pipe dream. It is moving forward. We are actually in process of review with Hyundai about it. That is the type of automobile it will be. They are very positive about it. If you look at exhibit number one it shows the grading plan, the footprint of the building and a white area all the way around the building which obviously will be parking for new automobiles. We presently have completed a schematic design on this project. We have submitted rough grading package of documents to the City Engineer's office for a grading permit. That is due. They told us the latest review would be tomorrow. We have from the right of way line we designed

this facility and these grounds back 575 to 580 feet to the bottom of the slope that you see in the rear of the building on exhibit 1. I thought that is what staff was referring to with the 550. I am thinking 550 to the bottom of the slope. They were thinking 550 feet from the top of the slope which moves that slope a long way forward which is shown on exhibit two. The diagonal hatched rectangular area is the sloped area on both Exhibit 1 and 2. On exhibit 1 which is the way we designed the facility, it is quite a ways back. On Exhibit 2 the bottom of the slope is right on the back of the building which is impractical. It will not work. My purpose of standing here is to ask to amend that dimension. We will gladly accept 550 or 560 or whatever it needs to be at the bottom of the slope rather than at the top of the slope. Also there are two numbers on the each of of these exhibits. Exhibit 1 shows we are only using 39% of this site which means the other 61% is well left in landscaping and virgin timber basically all the way up to the top of the hill. On Exhibit 2 that would force us into using having only 27% usable site area which won't work. I am being very honest with you. I just want to note all disturbed land will be thoroughly landscaped.

Longmire: I am going to give you about 30 more seconds because your time is up.

Blankenship: It is going to be a showcase in landscaping when it is finished. We are making no sharp cuts vertically which will required unsightly retaining walls and that is my point. Just request a revision to that 550 feet.

Art Clancy: Mr. Brusseau is there any way we can compromise here or will that compromise our slope and hillside protection.

Brusseau: The recommendation is based on where the bottom of the slope is. If it goes back any further it will be cutting into the ridge to allow for development. I am not saying that has not been done out there. It has been but we certainly would not endorse that idea. We can't really back down on our recommendation but it is certainly in your alls court as to what you would like to do with it.

Donaldson: One of the recommendations of the hillside and Ridgetop protection plan is to revegetate in a certain way those slopes that you do disturb. The plan makes a variety of recommendations for what has been done in reclaiming coal lands. So if you where to extend that line back to 750 feet some sort of acknowledged that there would be revegetation of the cut slopes consistent with the recommendation of the plan might be a good compromise.

Blankenship: We support that. Revegetation we thoroughly support it.

Art Clancy: I was going to make a motion.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE GC (GENERAL COMMERCIAL) ONE YEAR PLAN DESIGNATION TO A DEPTH OF 750 FEET FROM THE EDGE OF THE CALLAHAN DR. RIGHT-OF-WAY WITH THE CONDITION THAT ALL GRADING INTO THE SLOPES BE REVEGETATED AS PER THE SLOPE AND HILLSIDE PLAN.

Wes Stowers: Commissioner Clancy made my point.

MOTION CARRIED 11-1 (EASON) APPROVED AS MODIFIED.

b. Rezoning

4-I-14-RZ

From A-1 (General Agricultural) & R-2 (General Residential) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning to a depth of 550 feet from the edge of the Callahan Dr. right-of-way.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE C-4 (HIGHWAY & ARTERIAL COMMERCIAL) TO A DEPTH OF 750 FEET FROM THE EDGE OF THE CALLAHAN DR. RIGHT-OF-WAY WITH THE CONDITION THAT ALL GRADING INTO THE SLOPES BE REVEGETATED AS PER THE SLOPE AND HILLSIDE PLAN. MOTION CARRIED 11-1 (EASON). APPROVED AS MODIFIED.

P 39. TANASI GIRL SCOUT COUNCIL, INC.

4-J-14-RZ

Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

40. ANTHONY P. CAPPIELLO, JR.

4-K-14-RZ

East side Henley St., north of W. Hill Ave., Council District 6. Rezoning from R-3 (High Density Residential) / D-1 (Downtown Design Overlay) to C-2 (Central Business District) / D-1 (Downtown Design Overlay).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-2 (Central Business) / D-1 (Downtown Design Overlay) zoning.

(No one spoke or came to the podium.)

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

* **41. DALE THOMPSON**

Northwest side Keith Ave., southeast side Virginia Ave., northeast of Schofield St. Council District 6.

a. Central City Sector Plan Amendment

4-D-14-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION # 4-D-14-SP, amending the Central City Sector Plan to C (Commercial) 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-E-14-PA

From LDR (Low Density Residential) to GC (General Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **c. Rezoning**

4-L-14-RZ

From R-1A (Low Density Residential) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

42. KNOXVILLE CITY COUNCIL

North side S. Northshore Drive, west side Thunderhead Road Council District 2.

a. Southwest County Sector Plan Amendment

4-G-14-SP

From MU (Mixed Use) to HDR (High Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION #4-G-14-SP, amending the Southwest County Sector Plan to HDR (High Density Residential) and recommend that City Council also approve the sector plan amendment to make it operative.

Buz Johnson: This is a request that actually in another form had been to City Council. If you recall this body recommended denial of three previous requests that would have ended up rezoning the property if it had been approved to planned residential at up to I think 24, up to but not to 24 dwelling units per acre. It kept it in the medium density residential range for development. This is a project we have been looking at a dealing with for quite

some time. There is a companion use on review request that has been postponed. It is for an apartment project that is if you look at your map it is going to be essentially in the southwest corner of the Northshore Town Center development area. I think our thinking has evolved over time ever since we came up with the town center concept several years ago. You have had a lot that has happened on the site. You have had a major supermarket. You have had a department store. You have had other smaller developments that have taken place and have been proposed. Earlier today you approved on consent First Tennessee Bank which is going to be on an out parcel in this area. Then you also have the elementary school. A lot is coming into play here in terms of what we think is a town center pattern that certainly should be supported. It's putting in place a lot of principles that we see in town center development: commercial development, office uses, mixed uses, a variety of residential uses from low density residential all the way up to what we have here on the agenda is high density residential. What City Council had on their agenda that they considered and the reason that you have this was the rezoning request again that you all recommended denial for which was essentially RP-1 in the medium density range. Mark was at that meeting he may be able to fill in some blank spaces. Essentially it resulted at County Meeting was to refer this back, refer the rezoning back to MPC as well asking MPC to craft one year plan and sector plan recommendations that would allow consideration of high density residential. A number of units were mentioned which is being proposed now for the actual apartment development. The specific number was 246 units that just happens to be a shade over 24 dwelling units per acre. It is like 24.8 dwelling units per acre. That is why you have this before you. You have got the three: the sector plan, the one year plan and the rezoning to deal with. Staff is in favor of this request as we were some time back when we had a similar request for high density residential at this location. We feel like with the school and the development that is taking place this is really coming together as a real true town center project, if you look at the entire property. We feel that the mass, the economy of scale here that you have makes sense at this location. You have a location of an arterial with an interstate. Through the PlanET process as we evolve through that two and one half year effort we began to identify Pellissippi Parkway as a quote unquote "Main Street for the Region" in the recommendations we have made and the decisions you have made here especially with regard to the Westland Drive, Pellissippi Parkway rezoning for apartments, that is the kind of use and kind of intensity we need to see in this area where all of these other factors and characteristics are in place. You have the recommendation before you for the HDR for the sector plan and for the one year plan and then a recommendation for RP-2 zoning at include no greater than 246 units for the development. This will go back to City Council. At that time they will have all three to make a recommendation on. I refuse to even indicate or try to assume

how they will vote but they will have that before them to consider at their meeting probably coming up in May.

Mark Donaldson: As the staff member who was at that City Council meeting the directions were pretty clear to us to do the necessary plan amendments to allow them to consider rezoning this property for planned residential at up to 246 units. The vote to send it back to the planning commission was unanimous. The things that have changed since the last time you as planning commission looked at this is that the existing neighborhood within the Northshore town center is now on record in support of this project. We received an emailed letter to that effect this morning and it was passed out to you before the meeting. They spoke at the City Council meeting in favor of the project. The one thing that keeps all of this tied together as a town center style development are the set of guidelines that have been attached to the previous rezoning and are attached to this rezoning and will be applied to any development plan that you then consider in the event that the zoning is changed.

Arthur Seymour Jr. 550 W Main Avenue. Here on behalf of the applicant. This is back before you having been sent back by City Council. I am here on behalf of Flournoy Development the applicant although technically the applicant is Knoxville City Council as explained by Mr. Johnson and Mr. Donaldson. What Flournoy proposes is to bring residential development to the Northshore town center. This project originated in 2004 on Northshore. When the zoning was put in place part of the development proceeded. Then the recession or depression intervened. The purpose of a town center development is to provide a development in which there are offices, retail and residences. The overview for this project identified the residences as comprising single family homes, apartments and condominiums and town homes. Since Mr. Cullum's group took over the Northshore town center development there has been good commercial development. There is good office development. There are two office buildings that are open adjacent to this property that have just been completed. I believe I saw they are in the process of being leased. Residential has lagged behind the office and the commercial. There is at the top of the hill or at the lower bend of the project residential development that is getting under way. Ms. Butler lives. I think 10 or 15 homes occupied now maybe more... 30 homes. There are other homes going up there. But the town center development if you look at the Urban Institute's or Urban Land Institute's criteria for town center development have 12 criteria. Most of it includes or involves dense residential development in there to support the office and the commercial. The original plan envisioned for this development they totaled 800 to 850 residential units. Existing now are the 30 to 35 homes Ms. Butler described. Part of the residential development cannot occur now that was originally planned because of the Northshore

elementary school which has gone in and opened last year. That reduced the available area. The property Flournoy is discussing with you today was originally planned for 160 town homes. What Flournoy is asking is that they be allowed to build 246 homes there, apartments. We started out Flournoy frankly look at a standard suburban apartment development there. That provoked opposition from neighbors internal to the town center development. We have met with them repeatedly and have revised plans completely. Flournoy now understands what the design guidelines they need to comply with are. The resolution before you would attach those design guidelines to any rezoning. We are prepared to go forward with that and bring residential to the Northshore town center. We unfortunately have never been able to reach an agreement with the neighbors to the immediate west Northshore Landing. We have met with them on several occasions. If successful we will continue to meet with them to discuss fencing and buffering between them and the Flournoy project. We would ask that at this point the plan amendments be approved so Flournoy can go forward with the zoning and then come back to you all with a use on review plan that would fully comply with the Northshore town center guidelines. We will do our best to make our neighbors to the west happy. I don't think they are now, but I think when they see the end product they will be. We pledge to continue working with them as well as Ms. Butler who has provided excellent architectural advice at no charge so far to the development.

Just a point of correction before I start. The vote at City Council was not unanimous to send this back to MPC. Mark Campen was the one who voted against sending this back. Is that correct Mr. Donaldson?

Donaldson: That might be. It was 8 to 1.

Frank Slagle, 1924 White Arrow Lane. My wife and I own one of the homes that is adjacent to Northshore Town Center, the property Flournoy is asking to be rezoned to allow high density residential apartments. We have lived in our home for more than 20 years and have seen this property change drastically over the years. We are not against development and we are not against apartments. We did not resist when the town center concept was first introduced. We understood why it needed to be adjusted to allow Target, Publix and the new elementary school. However we can't go along with this small 10 acre plot in Northshore Town center being rezoned to allow 246 apartments and 425 parking spaces that we don't believe will provide a reasonable transition between the commercial part of Northshore town center and single family residents of our neighborhoods. This is the same application that you heard and denied in January of this year. We are asking you to affirm that decision today. In January we explained the reasons we opposed this particular plan. 246 apartments and 425 parking spaces are too big for this

small 10-acre site. There are better sites within Northshore Town Center for a project this size. They are planning on raising the level of the property that adjoins our property by 10 feet which makes these oversized buildings even taller. They are planning to provide only a 10 foot space between their huge parking lot and our property lines. 10 feet is the width of a parking space. That is not a buffer. Emerald Youth Foundation has at least 12 feet as a buffer and they are asking for 10 feet. In 2010 we were promised by MPC that the rest of this site would remain TC-1 in exchange for our not opposing the rezoning of Target and Publix. All these plans are still valid because Flournoy continues to be unyielding and unwilling to consider any compromise on the issue of density. Today we would like for you to consider the parts of the Knoxville Knox County General Plan 2033 which are contrary to this apartment development. Section 9.3 says ensure that the context of new development including the scale and compatibility does not impact existing neighborhoods and communities. Section 10.4 says rigorously enforce zoning regulations and conditions of approval to maintain public confidence with development process. Section 10.11 says allow higher densities, smaller yards and narrower lots for portions of planned developments that do not abut or face conventional suburban elements. This one does. Section 11.5 says avoid abrupt incompatible changes in density, scale and building appearances from one development to another. All through these sections of the General Plan are in derelict conflict with this proposed development. For all these reasons MPC was correct in voting against this oversized, out of scale development in January and by doing so supporting the General Plan 2033. This plan will create a 10 acre parking lot punctuated by 10 separate buildings of which 5 of these buildings will be the 5 tallest buildings within a 5 mile radius of this site. We do have petitions with over 1200 signatures opposing this rezoning. We have a dozen neighbors in opposition to this rezoning in addition to the Council of West Knox County Homeowners and most of the parents we have talked to at Northshore Elementary school. Please vote against rezoning this property and letting Flournoy wedge in a complex that may be appropriate for an interstate interchange but is not suitable for a property that adjoins mature neighborhoods of single family homes and a site that does not have enough room for an adequate or effective buffer between our homes and this sprawling complex. Please uphold the commitment made by MPC in 2010 to maintain TC-1 zoning on this property. Please affirm the MPC decision from January to deny the request for rezoning. Please support the General Plan 2033 that is contrary to this request. Please vote against rezoning this property.

Margot Kline: 8845 Ebenezer. I am president of the Council of West Knox County Homeowners. We have approximately 37 neighborhoods with many thousand of homes in them. Many of them live in this district. Promises matter. In 2010 MPC voted to

allow Target and Publix in that area to become commercial. The understanding then was that this would become a regional shopping area and the neighbors to the west agreed with that on condition that the area they live in would not be compromised. The land where Flournoy wants to put in apartments was promised to remain as a buffer. We have had discussions with Mr. Donaldson said I think that that refers to the land north of that which is where the elementary school went in. That could not be true because actually in the spring of 2010 prior to your vote to allow the rezoning of that commercial that land where the elementary school is now was already committed. We ask you to reaffirm what you did in January and vote no to the sector plan change. The only thing that has changed is that there are now over 320 apartments just down the road that have been approved. Many apartments are going in. The likelihood this development is not going to rest on these apartments and you are going to break a lot of promises if you allow this. Thank you.

Longmire: I am going to allow you a minute if you have something you would like to add. At the back did you wish to say something? And Mr. Seymour you will get a minute and one half if you want it.

John McPherson: 9835 Christie Drive. I live in Northshore Landing right next to Northshore Town Center. I have only one comment. This will be addressed to Mr. Seymour. Nice lipstick, but it is the same old pig.

Seymour: The proposal you have before you or at least the use on review proposal is quite different. It is compliant with Northshore Town center guidelines. It has been radically revised from what was first proposed by Flournoy. I realize you are not voting on that today. You are only voting on whether Flournoy can go forward with the plan amendment and rezoning. We have diligently worked with everybody. We have had repeated meetings. The councilman with the district has helped us get together with people. We have at least I think come to an agreement in that Northshore Town Center on what they want and what we can do. We ask that we be allowed to move forward.

Longmire: Mr. Johnson refresh my memory about the difference in dwelling units in HDR and medium density.

Johnson: The cut off is 24. 24 and above is high density residential. Up to 24 is medium density residential. This just happens to be about ½ unit above 24 threshold so it qualifies technically as high density residential.

Herb Anders: I would like to ask Mr. Seymour. You mentioned some revised plans to bring this in to comply with the Town

Center zone. Did that number of units change and did the buffer size change?

Seymour: I am going to get Brad Salisbury of Cannon and Cannon to answer that. It expanded a little bit. The site is tight admittedly. The units went down from 250 or 246. We keep shaving in bit as we go along.

Anders: My concern is and always has been the size of the buffer. I think it is probably a good sight for apartments. I am concerned about the density and the impact on the neighborhood having mostly to do with the size of the buffer. Ten to twelve feet to me is not an acceptable buffer.

Seymour: The property lines from our buildings... Come up here and help me out Brad. There houses are not right up against the property line. The actually physical separation would be what?

Anders: I understand your buffer will be from parking area to your property line adjoining that. I understand that but even at that I have a concern that 10 feet is not enough.

Seymour: We have told Mr. Slagle and people that we will work with them. We understand they are opposed to this but we intend to continue working with them on a buffer if approved.

Art Clancy: I think what we need to do is again give the developer a chance to come forward with a concept plan we can look at. I am for giving him approval or supporting his request. He has got to come back with a concept plan that shows separation and shows buffer and shows. Quite frankly I was quite comfortable with the first one they did. The pig he brought the first time was fine with me lipstick or not. I would like to go ahead and make a motion.

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

Bart Carey: We have been dealing with this thing a long time. We talked about a previous vote but I think this is the third time is a charm. Is that knot right. We approved this months ago and it got kicked back from City Council. I did not check the minutes but I think we approved it 8-6 and then we denied it on another vote. This is actually the third time. Where the school is located it was my understanding was that was going to be a location for apartments in the original town center. Is that correct. Yes. Obviously that shifted. That site backed up to the same maybe not identical to a residential neighborhood on that same boundary. We basically are shifting those two properties. The school was not part of the original plan neither was the big box development. The whole issue here is for this thing to thrive and function as a town center you have got to have people living

there. The walkability and the whole concept of town center is to be able to walk from your town home, your single family residence, your apartment to a restaurant on the water, to a bank, to an office complex, to a school. We basically have 30 units now with 30 that can be built on the original allocation. I am not sure about that number. But to get anywhere close to having enough heads on pillows in this place I don't see any other way to get there other than to have apartment complexes. Again I have concerns about the buffer like Mr. Anders. I looked at that... you all did bring us a concept plan a previous time. I paid particular attention to that I have looked at the concept plan several times. You did have that buffer. Didn't necessarily have all the plant materials but that can change between this one and that one. The width of the buffer is maybe not as important as the plant materials that go in that buffer. We will be able to assess that situation on a concept plan down the road. Everybody is talking about Leland Cypress being the greatest thing. I have issues with that. Again I am getting ahead of myself. I think a critical thing is what kind of buffer you bring. I just think we have to find a way to get residential units this thing if it is going to work.

West Stowers: I am going to echo what Commissioner Carey said. Personally what has changed since the last time is a lot more support from the people who bought into the Northshore town Center? There was a lot of opposition before. I think with the plan I know that is not what we are voting on this afternoon but apparently there has been quite a few changes in the design of the buildings themselves. I do have a problem when we tell people we will do something at one density level things change and then we come back and say something different. At this same time I do think this is very suitable for apartments. I guess you could put in apartments too that look like cell blocks. There are all kinds of things that could go into here. I think this is going to be a good looking development. I will echo what Commissioner Carey says. The big concern remains the buffer. If it is going to be 10 feet with a couple of bushes and if I am still on this body I will vote it down or vote against it. What we are talking about is allowing the developer a chance to come back with use on review to hopefully improve the situation they have now. That is my two cents worth. I do appreciate the hard work that has gone into this to try to get consensus. Something needs to happen or this thing will continue to sputter.

Beth Eason: I just want to say I support the town center concept. I understand things did change and had to change. I see that we still need the density for residential to make the concept work. So I support the density. I do not have any problems with density. Previously it was the design guidelines and use on review that made me hesitate. I think knowing that, and I look forward to the use on review concept when it comes

before us, knowing that the design guidelines have been more closely met that I can support this.

Anders: I think this is a property that is conducive to apartments. I am not sure based on the concept plan I saw with the vast parking area and density of 246 on that acreage that there is a lot of room for change. I don't know what they can do to create more buffer unless they went higher with the apartments or fewer apartments.

Brian Pierce: I want to echo Commission Carey and Stowers on the buffer and landscaping and paying attention to what type of plant materials they put in there. I also want to bring up the concern of site lighting and making sure all lighting in their parking is not lighting up the back yards of the adjacent development. When the use on review does come back I would like to see not just the lighting plan photometric to back that up and maybe think about using some different levels of lighting on the perimeter versus the interior of the development to help control some of that and be a little bit more responsible.

Longmire: I would personally more comfortable with medium density residential. I know from what Mr. Johnson said that high density is 24 plus and medium density is 24. I really would not like to see it go more than 24. For me having medium density residential would make me happier.

Kane: Is there a building height limit in on RP-3?

Donaldson: As I recall the wording it is whatever the Planning Commission approves.

Kane: I had two big issues and one of the issues was the design. At least based upon this letter from residents within Northshore Town Center and from what Mr. Seymour said there seems to be a big shift in that. Obviously we don't have anything to look at. At least that seems to be part of their intent. Going from medium to high in order to get one additional unit does seem to be pretty drastic. I guess from that standpoint it is going from town center to RP-2 if we got essential design, more zeal, more in support of that but I am not sure I can support high density.

Upon roll call the Planning Commission voted as follows:

Anders	No
Carey	Yes
Clancy	Yes
Cole	Yes
Eason	Yes
Kane	No
Lomax	No
Pierce	Yes
Sharp	Yes

Stowers Yes
Tocher No
Longmire No

MOTION CARRIED 7-5. APPROVED.

b. One Year Plan Amendment

4-F-14-PA

From MU (Mixed Use) (TND-1) (TC-1) to HDR (High Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE HDR (High Density Residential) One Year Plan designation.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 7-5. APPROVED.

c. Rezoning

4-M-14-RZ

From OS-2 (Park and Open Space) & TC-1 (Town Center) to RP-2 (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-2 (Planned Residential) at a density not to exceed 246 units for the subject property, subject to the following condition.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 7-5. APPROVED.

Plan Amendments (No Associated Rezoning):

43. KNOX COUNTY COMMISSION

4-E-14-SP

Southwest side Coward Mill Rd, northeast of Pellissippi Parkway Commission District 6. Northwest County Sector Plan Amendment from TP (Technology Park) to LDR (Low Density Residential).

STAFF RECOMMENDATION: DENY LDR (Low Density Residential) sector plan designation.

Buz Johnson: This is the second of the three items that were referred back to this body for reconsideration in one form or another. This is coming from Knox County Commission. They are the official applicant although the applicant previously represented is here, Mesana Investments LLC. Back whenever that was this body looked at the request from Mesana Investments. They were looking to rezone the property approximately 8.69 acres, Coward Mill Road northeast of Pellissippi Parkway from TP Technology Park to LDR low density residential. At that time again you voted to deny both of those

requests. According to State law his only option was to appeal the rezoning which he did. That was discussed at the February meeting of County Commission. Staff made presentation, the applicant presented testimony and there was also testimony from area residents. There seemed to be some sentiment toward the request for low density residential and the option that they had was to initiate their own plan amendment request which they did which got it back to this body for consideration. Depending upon and you can pretty much decide what you want to do but with your decision today this will be go back to County Commission and they will have the zoning appeal as well as this request to do as they wish. Staff still maintains the recommendation to deny. This is in the Tech Corridor. The intent of the Tech corridor has been to trying to foster in certain locations Technology Park type development. Over the years we have reduced the area that is designated as technology park development. We have pulled back that designation in some cases we have shown areas for what we call mixed use development. But this is a location where we have maintained the technology park use. Going over old testimony we pointed out that you have a business park to the north, Horseshoe Bend Business Park. You have a recent or will have an expansion of Caris Healthcare which is located to the southwest of this site at the intersection of Coward Mill and Pellissippi. Then to the south you have Pellissippi Corporate Center which is under the authority and supervision of the Development Corporation of Knox County that is undergoing development. At some point we hope to be able to look at an extension of Cheralala Boulevard to the north across Coward Mill and into Horseshoe Bend Park which will make a lot of these properties more attractive for technology park use and create value for these properties. We think there are reasons to maintain the use Technology Park designation. You supported that recommendation previously. As I say there seems to be a little of sentiment to look at low density residential. In looking at that we have an alternate consideration the very last thing we put in the staff report. We think TP should be maintained however if you are inclined to recommend approval of the low density residential designation when it gets to the zoning stage, we think three dwelling units per acre would be appropriate for the site. It seemed to be kind of in the middle of what was being discussed and what the property owners in the area were looking for. Staff... that is our report. The original applicant of record is here to speak I believe speak to the issue as well as I think we have some area residents.

Deborah Pedit, 10451 Whirlpool Lane. We decided as a group to not support this. We do not want the rezoning. We have come to several meetings and discussed this. Some still agree with MPC with the recommendation to deny this. All of the reasons that you stated was because of traffic, the condition of Coward Mill, the Tech Corridor that you already mentioned and the impact on

surrounding homes and property. We felt, we did meet with Scott and discussed this at a meeting. But I felt that there was kind of a scare tactic being used that if we did not agree with the 3 that he could build up to 5 per acre. I think that scared some of the people at the meeting I felt. We were given the indication by some people that were attending the meeting that the MPC was going to vote against us anyway. Then after the City Council meeting we were given that same indication that we would be voted down. So I think that scare tactic made some people think that if we don't take 3 we might be facing 5.

Longmire: I enjoy psychic readings. That is what this Commission is going to do because I never know what they are going to do.

Al Stults, Hawk Haven Lane which adjoins Coward Mill Road. The issue that I want to address is just safety. I think the MPC made the correct decision back when we last had the decision. But to allow this development to go forward without at least making some changes in Coward Mill Road is going to create at least two new safety hazards on that road which has already got safety problems. I have got some handouts here showing pictures of Coward Mill Road and the subject property. I did not bring enough for everybody so two of you can share one that would be great. That is all I have got to say. Thank you very much for your time.

Scott Davis, P.O. Box 11315 Knoxville, TN 37939. As you all recall the TTCDA recommended approval of planned residential for this property. Per County Commission's request I did go meet with the homeowners group who ask me to on March 5th It was reported back to me from that meeting that there was a vote of the residents and they agreed to what my compromise was which was 3 buildings per acre. Until I came here today I did not realize there was any opposition. I do not want to speak on behalf of the group but it was reported back to me that it was almost an unanimous vote of the homeowners to support planned residential zoning. I agreed to a compromise down from 5 units per acre to 3 units per acre. County Commission I can't recall what the vote was. It was unanimous sent back to you all recommending planned residential up to 5 units per acre. They asked to meet with the homeowners and try to come up with a compromise which I did. I am doing everything that MPC has asked me and everything that County Commission has asked me to do. TTCDA has already approved this for planned residential zoning. This was back in September or October. When was that meeting I can't remember? I am not good with dates and times. My wife gives me grief about that. The recommendation from County Commission was to approve planned residential zoning up to 5 units per acre. I have agreed if I go back to County Commission I made a promise to the residents that I would not request it more than 3 units per acre. TTCDA has approved

planned residential. County Commission is recommending planned residential. The residents that I met with reported back to me that they supported planned residential. Anything other than that I think is not in the best interest of the property and the community. I would be glad to answer any questions.

Stults: I think there is a little bit of confusion there about what happened at the County Commission. I wasn't able to attend that meeting but things got interpreted in some way other than what the neighborhood intended. We had had a neighborhood meeting before the Commission meeting and we were opposed to the change in zoning. But we kind of had a consensus that if it were going to be allowed what would we go for and we decided on 2.5 houses per acre. That was not our intent that we were going to propose changing it to residential at 2.5 houses per acre. That was our compromise. Somehow at the County Commission meeting this got misinterpreted that the neighbors were proposing a change to residential at 2.5 houses per acre. That was not our intent.

Bill Ballou: 10427 Willow Point Lane. I will disagree with Scott on the unanimous decision that was sent back to him and it had to be by Commissioner Ownby because he was at that meeting. There was never a consensus like you have here. You agree and everybody says aye. That never happened at that meeting. We were originally at the MPC meeting and we wanted, well agreed at 2.5 per acre. It was denied. My question now is to the attorney. When we went to the Commissioner meeting Scott brought up the point that the attorney here for you people said that you could not change the planning sector. Is that still in tact now from technology to low residential?

Steve Wise: Sir I am not certain I recall that being what I may have said at that time. I am sorry.

Ballou: I am just repeating what Scott said.

Michael Kane: That we have to come up with a reason and what was that reason and we couldn't come up with a reason when we voted the last time.

Wise: That sounds reasonable.

Kane: So County Commission may have come up with a reason although I haven't heard what that is other than they wanted... Mr. Smith said go back to the neighborhood and come up with some kind of compromise. That is not a reason for us.

Longmire: We can't just change a sector plan unless there are specific, we have specific guidelines. There have to be changes in certain areas. For example new roads or an error in the plan. We have to be able to pinpoint why we think the sector plan

ought to be changed. I agree with Commissioner Kane. The problem was there was no reason to change the sector plan at that time. As our attorney pinned that we had to have a reason. Unless there is a reason to change it we can't change it. Apparently County Commission thought there was a reason but they didn't tell us did they.

Mark Donaldson: Let me just take this moment to remind us where we are at in this process of exchange between County Commission and us. This is a plan amending that was initiated by County Commission and as such according to State law they sent it to the Planning Commission for a recommendation. We are not changing anything. We are making a recommendation on the County Commission's initiated plan amendment. Then when our recommendation goes back to the County Commission they are not obliged to follow our recommendation.

Longmire: Let me see if I understand that. They say said they saw a reason to change or that we needed to change...

Donaldson: I don't know that they specified a reason to change.

Johnson: I think there was enough discussion, enough sentiment they felt like it was worthy to have a second look at it.

Longmire: Basically they did not tell us anything. We are looking at it from the get go.

Johnson: I didn't gather... I hesitate to say how anybody is going to vote. There was enough sentiment they felt like let's initiate our request. Also to by doing that that gets both requests back to them at their next session so they are considering the whole package; the rezoning appeal as well as the plan amendment.

Ballou: We went from 0 to 2.5. There are 85 there are 84 acres between three subdivisions which are just down the road from this property. In those three subdivisions of 84 acres it is a 2.5 density.

Longmire: Your time us up sir. Briefly make your point.

Ballou: All of those subdivisions it is 2.5 per acre. We did open the door when we said we weren't opposed to letting the inheritance go to these ladies but yet we wanted to stand at 2.5. Scott didn't come down. He didn't know he was going to get 5. It sounds like he thought he was going to get 5 and he came down to 3. We are willing to meeting halfway in the middle.

Davis: This has been very confusing. I think we are all learning through this process. I think records of County Commission will reflect I don't want to speak on behalf of any of the people that came to County Commission that the mass majority of people

that came and spoke at County Commission supported residential. They did not want the density of 5 units per acre. That is what the big discussion was what the density would be. That is when they asked me to go back and meet with the residents which I did. That is when we compromised on the density at 3 units per acre. County Commission has requested of this body in County Commission's opinion, at least the way I interpret this, County Commission is in agreement that it should be planned rezoning zoning and has requested of you to approve this for planned residential. Obviously you can deny that and send it back to County Commission. Which it will go back to County Commission. The way I understand it County Commission has referred back to this body and has requested that this body approve planned residential zoning. If there is something contrary to that please let me know what that is. That is my understanding how this process works. They are asking you all to approve planned residential zoning. It is also my understanding that County Commission does not have the same criteria that you all are under. County Commission has the prerogative to change a piece of property's zoning and does not have to adhere to the same standards that you all have to adhere to. If this is correct please let me know.

Longmire: I think that is absolutely correct.

Cole: I just wanted to make sure I understand this. I understand the process and I understand when it comes back to us we have an opportunity to change it, to agree with County Commission, and send it back or to take no action. Either way they are going to make the decision. But they do not have the same criteria when amending the sector plan that we do? I thought they also had to... Okay I wanted to make sure of that.

Donaldson: That criteria is specified within the General Plan.

Cole: Right that does not mean that they will provide a reason but that is how it is supposed to work.

Clancy: I feel like I am more confused than anybody. On our last approach at this didn't TTCDCA approve residential?

Johnson: Yes they did approve his request on the rezoning. What they did was approve a certificate of appropriateness for the applicant to proceed down the line to receive the zoning of planned residential. That was the official rezoning. That is still the official rezoning request through appeal that is at County Commission.

Clancy: When it came to us in order for us to do planned residential we have to change the sector plan. Is that correct? We couldn't come up with a good reason to change the sector plan so we voted it down and sent it to County Commission. It

was appealed to County Commission. It is back on our plate. Staff recommends to deny low density planned residential. The comment in our packet says in keeping with the intent of Technology Corridor, the Technology Corridor who has already said that we think it is appropriate that it be residential and our reason for denying it is because the technology corridor the area designated for technology corridor should be maintained even when the TTCDA says it is appropriate. That is why I am getting confused. Our staff's recommendation is based on the fact that the technology corridor and the areas designated for Technology Park should be maintained. Our staff is saying that TTCDA is not right which is a portion of our...

Kane: They do not have to make a decision based on sector plan changes.

Clancy: That is right and I get that. I understand that. But now we are at denial of PR. So there is...

Longmire: You just have to find a way. If there is a reason we can do it. If there is no reason we can't. If you look down here at the changes of conditions warranting amendment of the land use plan as I am reading it I don't see that we have a reason. I may be reading it wrong but I keep seeing no significant changes, no improvements, no this or that. That is just what I am seeing. The alternate consideration is one and then we can vote to take no action.

Clancy: That is the same as denying.

Cole: It is not. I am sorry I didn't mean to interrupt. I think this is one of the situations where it is appropriate to take no action because we are being boxed in. We are told that we can't do something but we are being asked to do something. So I will make a motion to take no action.

MOTION (COLE) AND SECOND (CLANCY) WERE MADE TO TAKE NO ACTION.

Carey: Can staff tell us what that really means?

Donaldson: State law quite literally says that on a plan amendment initiated by the legislative body that is sent to the planning commission for recommendation I think the wording is that the legislative body may agree on X whether the Planning Commission voted for, against what the planning commission recommended for, against, or took no. The phrase for, against, or took no action or something very much like that is in the State Law so that is one of three options that were considered by the State legislature when they created this loop for the County Commission to initiate a plan amendment.

Cole: I think that is appropriate because if they do not agree with our recommendation their only choice is to send it back to us again to give us a chance to respond but it is really a formality if they have another plan.

Longmire: I just don't see that we have a reason to make a change.

Bart Carey: I agree with Commissioner Cole. Taking no action. We are between a rock and hard place right here. The last time around with this thing we saw the road was adequately wide for this development going west towards the arterial and we saw issues with homeowners that needed to sell their property and could find no buyers and they were waiting on an extension of Cheralala to come with no promise or guarantee of that happening. County Commission... I got totally confused with the homeowners issues at County Commission and with the developer. I don't know how all that came about. I could not follow all that. I think if we take no action we ultimately let County Commission make that call.

Longmire: They ultimately do anyway.

Clancy: So can they change the sector plan?

Donaldson: Now that they have initiated this particular amendment they can act on that amendment regardless of the actions of the Planning Commission.

Carey: I see every reason to pass it except that we have not had a workshop yet that teaches us how to interpret the issues dealing with sector plan changes.

Janice Tocher: I don't mean to keep bringing up this thing about confusion. What was different in what we are looking at now compared to what we looked at last time and voted. If we vote it down from what I understand from Commissioner Cole if we deny they will just send it back to us again?

Donaldson: No that is not correct. The last time we saw this it was a plan amendment initiated by the applicant, Mesana. In that role the planning commission acts on that plan amendment and then takes a vote of the legislative body to make it operative. Since we denied that plan amendment and the zoning was appealed to the legislative body, the legislative body indicated some interest there in exploring the rezoning. In order to do the rezoning they have to have a plan classification that supports that. They initiated their own. Under the State law provision they have to send to the planning commission for a recommendation but then they are not obliged to follow that recommendation when it comes back to them.

Scott: For your all's benefit and purposes I respect what you are doing as it relates to the...

Longmire: It is with Commission right now.

Kane: I will support Commissioner Cole's proposal. I do not see any reason for a change in the sector plan. I see that this opens up the door for other folks along the technology corridor to want to have zoning changes to residential where there is no justification because it raises their expectations that it is possible. I just feel like County Commission needs to state what their reasons are because we couldn't come up with one. We looked at it a second time and we still can't come up with it.

Longmire: I understand your frustration however as always we serve only to recommend to the bodies and that is it.

MOTION CARRIED 12-0.

Longmire: Sir I know you are going to ask me a question as to what that means. I have not a clue. It goes straight to County Commission.

Inaudible comments from the audience.

Donaldson: We have taken no action on the legislative bodies initiated plan amendment. They failed to make operative our denial. Then they initiated their own amendment and when following State law we can approve, deny, or take no action and they can vote however they want regardless of the action of the Planning Commission. They will have both the zoning and the plan amendment in front of them the next time they meet.

Longmire: They will do what they will do. You need to talk to your Commissioners. It was a very confusing thing.

Johnson: For the benefit of the audience that will probably be on their May agenda. If you want to confirm that with us please do, but I think that would be on their May agenda.

44. KNOX COUNTY COMMISSION

4-F-14-SP

North side Hall Dr, east of Mabry Hood Rd. Commission District 3. Northwest County Sector Plan Amendment from LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: DENY C (Commercial) sector plan designation.

Buz Johnson: Let's try this one. They were in a sending back mood at this meeting. This is a request that they initiated. Original applicant is the property owner, Steve Hobbs. There was an issue with regard to the fact that he not only has school bus

storage yard but he was also conducting incidental retail sales of school bus parts, and possibly a school bus or two. It was determined that even though the school bus storage aspect of the operation was never approved it was grandfathered because of the time how long it has been in operation. At this point there is no real question that he can continue to do school bus storage. There is some of that going on in the county. We redid the zoning ordinance to address that issue because it is an activity that where we need some locations for that. So the issue is retail sales. It would have to be zoned to a commercial designation to allow them to continue the retail sales. It is staff's opinion then as it is now that retail sales and CA commercial zoning at this location is inappropriate. Hall Drive is not adequate to handle commercial traffic. Its in an area if you look at your zoning map in terms of the plan amendment and that is what you are considering the CA commercial part of it is still at County Commission. What you are looking at now is County Commission's initiated request for the commercial plan designation. If look at your plan map, not the zoning map, but the plan map you see one small commercial piece to the east of the property. You see a mixed use area located to the west. The mixed use area does include commercial zoning that does have better access to arterial and collector roads that feed into Pellissippi Parkway. But if you look at the subject property it is right in the middle of an area where the predominant zoning is residential or agricultural as I recall. It was noted that there may be other operations in the area that are of a commercial nature but the zoning is not there and we are not convinced that is a good reason to make this changed based upon on what may be going on that might not be legal. Staff maintains their recommendation to keep the sector plan as low density residential. Again another alternate consideration if you are inclined to approve the commercial plan designation as initiated by County Commission, we feel like we should look at a larger area to see if it does make sense to look at changing the plan designation to accommodate more intense uses. It could be a commercial designation or it could be a mixed use designation. This would make a request like this a little bit more feasible to accept because right now it is a spot amendment. It is a spot plan amendment or a spot rezoning. So we think that ought to be the direction if you are inclined to approve this one small piece. We think we need a broader context to look at a broader frame to consider whether or not changing the designation for the plan amendment is appropriate.

Longmire: What would that involve; general community input and things like that?

Johnson: Yes. It would be a plan amendment study to look at for a larger area to determine if in fact something more than residential is appropriate but for a larger area.

Donaldson: Then perhaps a plan to upgrade the infrastructure in the area to support commercial development.

Arthur Seymour Jr. 550 West Main Avenue, Knoxville, 37902: I thought Mr. Hobbs would be here. He asked that I be here. Apparently he is not here. Let me point out just a couple of things. This property is probably a hold over from the where the area before Pellissippi Parkway was built before you had intense residential development out there. This place used for school bus storage and other activities. Right next to Mr. Hobbs is another lot with a lot of school buses parked there. Hall Road is small. Hall Road is small. The school buses go up and down Hall Road everyday apparently without accident. They are going out in the morning and returning in the morning and going out in the afternoon and returning in the afternoon. Directly to the south across the road I am not sure how you would describe that property when you look at the photograph. I think Mr. Mullins or one of his descendents owns that. It is used for a variety of purposes and has been for years. There are vehicles stored there. There are some school buses even there. I think this is really an area that existed out there in what was formerly the far west end of Knox County and suddenly things have changed around it. What Mr. Hobbs wants to do... he sells parts to people who store their school buses there. He does not sell to people who just drive in and say I want a school bus tire. He might do that. The big thing where he went afoul in what he is doing what he is permitted to do is the sale of school buses. Various counties have limits on how long you can run school buses. Knox County is 15 years. I think the legislature was looking at that this year but I don't think they changed it. He would like to be able to sell school buses to somebody. School buses seem to go to die in Guatemala and Mexico if you have been there-old school buses. They are used in a variety of purposes. People live in old school buses. You see them in rural areas. That was where he went afoul with codes. He was selling school buses. He does maintenance there on the school buses that are used for Knox County and other county school systems. I hear what Mr. Johnson and Mr. Donaldson said. I would concur there are... what you will see if you drive down part of it looks like a commercial area. There are three major properties there. I think the person next door to him may be selling school buses also. I don't want to squeal on anybody. I think across the street they are probably selling more than school buses, cars, etc.

Longmire: As my mother used to say if everybody jumped off the bridge would you jump off the bridge too.

Seymour: No. You will find this in the far reaches of Knox County, north, south, east and west. We found an area last year out in south Knoxville where plants had been operating probably since World War II that was zoned agricultural. It was the industrial era. This is a commercial area here. It might not be

bad to look at it. Mr. Hobbs just wants to be able to sell school buses from this property which he is not allowed to do at least according to County Codes. He has a grandfathered operation though I understand he may have been doing that for a number of years. That is what he wants to keep doing what he has been doing for many years. I rest my case with that or answer questions. I am not going to argue about Hall Road but it is adequate to what is going on out there. There is a nice office park immediately to the west there at Pellissippi Parkway. There is commercial activity again to the east there on Dutchtown there is a nursery operation and several other operations there.

Johnson: Again this is the same situation. They have the rezoning appeal to commercial CA. They kept the appeal and then initiated their own application for consideration of commercial so it is similar to the one you just reviewed and came back to us. You can make any recommendation you want to but it will all go back to County Commission and will have both items together to make whatever decision they deem appropriate.

Eason: I would be interested in considering the option of the consideration of a larger area for some mixed use or some other use that would be more appropriate which I assume that would be something we could not take action on today but we would request that MPC have a look.

Longmire How do we go about if we want to consider a larger area? What do we do?

Donaldson: You can take no action on this. You could put it on the table and you could postpone ultimately in order to look at a bigger area. The Planning Commission would have to initiate a plan amendment. We can't make the May 8th meeting so it would be June before we could get that advertised properly which would hold up this particular property for several months.

Eason: If I could add one more thing. It sounds like it is not just this isolated property that may be we may have issues with a larger area.

Carey: I have got three question marks I made on my paper here. We can't hold up this application would anything change? They are still selling school buses and school bus parts I assume. They haven't ruled that they can't. Have they got a stop order on them now?

Seymour: The way the County works they will issue you a stop work notice I think but then they will not seek to enforce it as long as you are trying to correct your actions and zoning is one of those actions.

Carey: They are paying you to buy time so they can keep on selling parts

Seymour: I don't think he really wants to pay me to buy time.

Carey: I am just saying we are not putting a hardship on the applicant by buying time if he is still able to do his thing.

Seymour: As I understand it...

Carey: Let me go to more important. I have an issue with trying to change the whole area if infrastructure is an issue. If Hall Road won't support a commercial parcel why would it support 12 commercial parcels? I don't want to get the cart before the horse on infrastructure development forcing the county to go out there and spend thousands of dollars to fix that road. If we it is almost like the previous deal. There are a lot of reasons that we should approve this except we can't. I am confused about one more thing. Typically these things are complaint driven. The County goes out and inspects because somebody does not like something that is going on or there is something going on where there is an issue and the County comes out and listens. If nobody is here today to complain about this has there been opposition in the neighborhood?

Seymour: This will be the third hearing. First time MPC, second County Commission and then back today. There has been no opposition. Frankly Mr. Hobbs owns most of the residences around.

Longmire: As I recall apparently there was a disgruntled employee.

Seymour: The reason the complaint came up they think is an employee was discharged.

Stowers: I like the concept Commissioner Eason brought up of looking of this thing as a mixed use area. I think most of the property owners are already doing it and that will clean it up. These things have been going on long before anybody even cares. We need school buses. I think right now if you look at just about every one of those tracts something is going on or at least several more of them there is commercial activity that happened a long time ago. I think it would help us to clean it up.

Art Clancy: I don't think I know MPC staff is sitting around with nothing to do and they really want to do some more research into this but a broader look at this. I don't see how it helps. They guy can still sell his school buses. He can still sell them out of his little tiny office and in C-4 where it is perfectly allowed. As soon as they are sold they can drive them off the lot. Seems like we are trying to hammer a tack in with an elephant here.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY. MOTION CARRIED 11-1 (KANE).

Kane: I would like to make another motion after this. Pending County Commission's review of this I would like to request that staff make a general look at the sector plan in this general broader area to see if a commercial or mixed use designation might be better. That is a motion.

MOTION (KANE) AND SECOND (COLE) WERE MADE TO REQUEST THAT STAFF MAKE A GENERAL LOOK AT THE SECTOR PLAN IN THIS BROADER AREA TO SEE IF A COMMERCIAL OR MIXED USE DESIGNATION MIGHT BE BETTER.

Stowers: This isn't just the school buses. I am looking at the whole map of the corridor overlay. I think this would enhance the value of this property if it were zoned commercial. I think you will find it will be good for the overall community, not just the buses. That is not just to help the guy with the school buses but for the broader community.

Johnson: If I may add we are in the process probably earlier than later in the process to update the Northwest County Sector Plan where this is located.

Kane. I think it would be nice if we could look at just that area.

Johnson: We could pull it out as a special piece and bring it back or we could bring it back in the context of the whole sector plan.

MOTION CARRIED 10-0-1. (Clancy) (Lomax left the room momentarily).

Uses on Review

P 45. FLOURNOY DEVELOPMENT

West side of Thunderhead Rd., north of S. Northshore Dr. Proposed use: Apartments in TC-1 (Town Center) & OS-2 (Open Space) (RP-2, Planned Residential pending) District. Council District 2.

5-H-13-UR

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

46. NEW CINGULAR WIRELESS LLC (FORMERLY AT&T WIRELESS)

West side of Beaman Lake Rd., south of Sunset Ave. Proposed use: 125' monopole commercial telecommunications tower in RP-1 (Planned Residential) District. Council District 6.

3-A-14-UR

STAFF RECOMMENDATION: Approve the request for a 125' monopole commercial telecommunications tower in the RP-1 (Planned Residential) zoning district subject to 7 conditions.

Eric Frampton: 5449 Bells Ferry Road, Acworth, GA. If you could move me up the agenda I would love it.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

Brusseau: We had a couple of inquiries on this. In the past we made a decision not to put cell towers on consent. That is why we have not put them on consent. If the Planning Commission would like unless we have specific calls we could put something on consent up front.

- * **47. SLAVIC GOSPEL CHURCH** **4-A-14-UR**

Northwest side of Buffat Mill Rd., at the north end of Ellison Rd. Proposed use: Church Parking Lot in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: APPROVE the existing church facilities and proposed parking lot as shown on the development plan subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **48. FIRST TENNESSEE BANK** **4-C-14-UR**

East side of Town Center Blvd., north side of S. Northshore Dr. Proposed use: Branch bank in PC-1(k) (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: APPROVE the request for a banking facility containing up to 2562 square feet of floor space and the proposed sign plan as shown on the site plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * **49. Consideration of Mayor's Report on Preservation.** **4-A-14-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 50. Consideration of City of Knoxville FY 2015 - 2020 Capital Improvements Program.** **4-B-14-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **51. Consideration of a use determination that a private middle school can be permitted in a C-4 (Highway and Arterial Commercial) district.** **4-C-14-OB**

STAFF RECOMMENDATION: Approve the request that a private middle school be a permitted use in the C-4 (Highway and Arterial Commercial District)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **52. Consideration of staff retirement payment over \$10,000.** **4-D-14-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **53. Consideration of Amendment No. 1 to MPC's FY 2013-2014 Budget.** **4-E-14-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:47 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.