



Minutes

APRIL 9, 2015

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

The Metropolitan Planning Commission met in regular session on April 9, 2015 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. Jeff Roth
Ms. Laura Cole	Mr. Jack Sharp
A Mr. Art Clancy	Mr. Scott Smith
Ms. Elizabeth Eason	Ms. Janice Tocher
Mr. Mac Goodwin	Mr. Jim Wakefield
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 9, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MARCH 12, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

COMMISSIONER LEN JOHNSON AND SCOTT SMITH RECUSED FROM VOTING ON THE POSTPONEMENT LIST.

Wayne Kline, 617 Main Street, Knoxville. Here on behalf of the community. Number 12, Beals Creek A & B has asked for a 30-day postponement. They asked for it last night. I got an email from Mr. Seymour about a 30-day postponement asking for the postponement to talk to the community. We

want to talk to Mr. Smith and Mr. Seymour; however I cannot be here in 30 days because of my calendar. Mr. Woodale cannot be here in 30 days so we cannot effectively represent the community. We are good with 60 days. We can be here in June, but we can't do 30 days. When talking with Mr. Seymour about the 30 days he had a problem. That is why we are before you at this moment.

Arthur Seymour, Jr.: 550 West Main Avenue. Here on behalf of the applicant. If it cannot be heard in 30 days I guess go ahead and hear it today. Maybe just pull it from the postponement list and we will discuss it at the appropriate time.

Kline: Unfortunately when I got the emails yesterday at about 5:00 p.m. I called the community. I called our engineer and I told them it was postponed. The community is not here. The engineer is not here. We are not prepared... well we are prepared but we can't present today. This was not my making. Okay. I even got an email from Mr. Kelly. Ask Dan Kelly. He knows everything.

Longmire: That is what was written on the bathroom walls. We will go with that. Mr. Kelly has been aggravated by us for a long time and has borne it gracefully.

Dan Kelly: And I have aggravated you for a long time also.

Seymour: I will stipulate that everybody that wrote a letter would be here saying the same thing that they said in their letter or email about this issue.

Longmire: We are going to remove it from the postponement list and have a discussion on how long to postpone and when to postpone at its regular heard time. So number 12 A & B are removed from the postponement list...

MOTION (ROTH) AND SECOND (LOMAX) WERE MADE TO APPROVE POSTPONEMENTS AS READ EXCLUDING ITEM 12A&B FOR 30 DAYS UNTIL MAY 14, 2015. MOTION CARRIED 12-0-2. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

MOTION (ROTH) AND SECOND (JOHNSON) WERE MADE TO WITHDRAWN ITEMS NO. 24 A&B PATRICK MCINTURFF, ITEM 31 THE MULCH COMPANY KNOXVILLE, AND ITEM 37. MOTION CARRIED 14-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

- 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.
- WILSON RITCHIE 3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.
- TREVOR HILL 11-A-14-SC
Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.
- 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.
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.
- 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.
- 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.

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).

908 DEVELOPMENT GROUP

Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.

a. Central City Sector Plan Amendment

7-E-14-SP

From C (Commercial) to HDR (High Density Residential).

b. One Year Plan Amendment

7-D-14-PA

From GC (General Commercial) to HDR (High Density Residential).

c. Rezoning

7-F-14-RZ

From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned 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).

SOUTHLAND ENGINEERING

7-A-13-UR

South side of Deane Hill Dr., east side of Winchester Dr. Proposed use: Attached residential development in RP-1 (Planned Residential) District. Council District 2.

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (JOHNSON) AND SECOND (ROTH) WERE MADE TO TABLE ITEM 23 TANASI GIRL SCOUT COUNCIL. MOTION CARRIED 14-0. TABLED

CONSENT ITEMS

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

COMMISSIONERS ELIZABETH EASON AND SCOTT SMITH RECUSED FROM VOTING ON THE CONSENT LIST.

MOTION (ROTH) AND SECOND (LOMAX) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-2.

MOTION (ROTH) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-2.

Ordinance Amendments:

P 5. KNOXVILLE CITY COUNCIL (Referred back to MPC by Council)

11-A-14-OA

Amendments to the City of Knoxville zoning ordinance regarding pet services.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **6. COUNTY COMMISSION**

4-A-15-OA

Consider approval of a recommendation to the Knox County Commission for adoption of an ordinance amending the Knox County Code, Appendix A- Zoning, Article 3, Sections 3.51.01 through 3.51.05, related to off-street parking lot layout, construction and maintenance.

STAFF RECOMMENDATION: Recommend the Knox County Commission adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

7. KNOXVILLE CITY COUNCIL

4-B-15-OA

Consider recommending adoption of an ordinance of the Council of the City of Knoxville to amend the City of Knoxville Code of Ordinances, Chapter 6, "Buildings and Building Regulations", Article II, Section 6-32 by adding subsection 105.5.5 related to delay and issuance of permits issuance for historically significant structures.

STAFF RECOMMENDATION: Approve the proposed amendment.

Dave Hill: This item was discussed at agenda review on Tuesday. In response to that discussion you can find a blue sheet that is a supplement to the staff report. As requested we prepared e suggested amendment that would go into the Building Code item which is 4-B-15-OA. The specific discussion centered around the idea that public notice ought to be offered before items that are considered to be locally historically significant be added to the historic structures inventory. As you can see there is an arrow in the left margin. There is a placement of two sentences and the wording is are two arrows and the wording is "Structures determined to be of local historic significance may be added to the Historic Structures Inventory by the MPC Historic Preservation Planner. For structures to be added to the Historic Structures Inventory, the property owner shall be notified of the determination in writing via the U.S. Postal Service, to be delivered to the property owner's address as listed by the Knox County Property Assessor." Furthermore and at the bottom of that sheet is if the Commission is so inclined there is a way to make the motion that would include that suggested amendment. Furthermore Commissioner Cole did submit three questions for Commission discussion. Staff took a shot at answering them as briefly as we could. We are waiting to see what kind of discussion or questions you may have. Yes we are done. I can talk more if you would like.

Scott Smith: I think these are good questions. I am glad they were brought up because I had some of the same questions

myself. I was wondering in the notification the way this is drawn they would notified after the fact instead of maybe notifying a property owner that their property was being considered for this list. I guess I don't understand how that process would work and is there a hearing like a zoning hearing or is it just... Maybe you could tell me how that would work.

Hill: The way that the process would work if amended as suggested by staff is the decision would be made and the owner would be notified by mail. I specially put in the staff response that this is not an advance notice nor would there be a process as currently written where there would be discussion and negotiation regarding that. As noted in the staff response there are many different ways to do this; I didn't say that. But as noted in the staff response, we are trying to work within a fairly quick turn around time and we are trying not to extend the process. I think we are cognizant of the fact that it does not have what you would consider to be a public review component to it.

Longmire: Does that answer your question? Kind of.

Hill: The answer is no.

Michael Kane: Once it gets on the list if the property owner comes and provides additional information or clarification or whatever it can be taken off the list. Is that not correct?

Hill: Yes sir. There are a couple of different way things could occur. There could be simply a voluntary discussion that I know that Kaye Graybeal would make herself available to anybody, any property owner whose property is on the list. I know she would spend time with them to talk about it. If the conversation shoed that maybe it should not be on the list, I know she would do so. There is also a way to appeal the decision of an Administrative Official. So there would be another avenue for... just as a building official or any other official makes a decision those are appealable under either City or County code.

Laura Cole: I just want to make sure I understand how the process works. If a third party or someone decides that a piece of property should be reviewed and considered for the inventory, the owner of that property would not be notified unless the decision was made to add it to the inventory. So you, the owner of the pretty wouldn't know that the process is going on unless a decision was made to add that piece of property. Is that correct.

Hill: Yes ma'am. And to add to that it wouldn't just be the notice it would also include the documentation that was used to make that conclusion.

Herb Ander: I just want to ask why. Why the property owner would not be notified that they are being considered for a list. Is that normal procedure?

Hill: Quite frankly it does kind of buck what planning commission or the planning staff normally uses as their processes. I will be honest about that. The position we feel that we are being placed in is it is fairly simple and you know that you have had state and federal review when you have National Register or eligible property. For local structures we are trying to acknowledge that fact that we have a fairly short 60 day delay. We were trying to avoid extending that by having some kind of a review and discussion period because we think that would, that could potentially delay this even further. We even talked about having the Preservation Planner make the initial determination then go through Historic Zoning Commission for the City. We found that if it has to be publicly noticed to be placed on the agenda, we are talking about as much as a 42 day delay depending on the timing of the determination.

Longmire: If the sentence were changed so that for structures to be added to the Historic Structures inventory the property owner shall be notified. If it could it be changed to for structures being considered for addition to the historic structures inventory. Would that relieve some of the questions involved? That would be notification that you are being considered. Would that increase the amount of time involved that you are concerned with?

Hill: From a staff perspective I think that once we know and that the historic preservation planner has begun the work to evaluate and make a determination, we would have fairly quickly the information we needed in order to send that letter out immediately.

Longmire: But there would be no advantage.

Anders: If that discussion did not go, if it went against what the property owner thought was correct if he did not want to be on that list and he appealed that decision and lost then he really doesn't have any choice. I mean the decision is made, He has appealed it and goes on there even against his wishes.

Hill: I don't think it would stop there. I think there would be civil remedies to be able to pursue it further.

Anders: I am not sure I can support this currently because that puts a homeowner or property owner in an appeal process that possibly could be considered a civil matter and at some expense if time only.

Hill: I don't want to mischaracterize this. The first stage of the appeals process I don't think would be to go to court. Do you

want a little bit explanation of that? Crista Cuccaro is here from the City Law Department.

Cole: I would like to hear from her.

Anders: I would.

Crista Cuccaro: City Law Department, 400 Main Street. I just want to point out that this is simply an inventory. It is not changing what a property owner can do with their property. It is not a zoning designation. It is simply adding their property, the address, to an inventory. So I do want to point out that if Kaye puts that property on the inventory the property owner doesn't really have any injury that would give rise to any sort of appeal or a lawsuit until they are denied a demolition permit. So I want to point that out as far as the process goes. Just because their name is on the list doesn't mean necessarily that anything is happening or going to happen. Once they apply for the demolition permit and they are denied, then that gives rise to a claim that they would be able to appeal. So I wanted to point that out as far as the process.

Longmire: If they are on the historic structure list, the inventory, and they chose demolition, they apply for the demolition, there is a 60 day time period. They cannot demolish prior to the 60 days.

Cuccaro: That would be correct. They would already be on the list so they would be identified as one of those properties. They would receive notification of that from the Building Officials office then there would be a 60 day period for waiting. Then after that period unless there was some agreement otherwise, they would be issued that demolition permit. The point of the 60 day period is to allow for negotiations if the owner wants to entertain those. Most certainly we cannot make an owner talk to us, talk to Knox Heritage, or whoever may be interested in protecting that property. But it provides a time period to allow for that. At the end of that 60 day period if they don't want to talk to us we are obligated to issue that demolition permit.

Smith: I think the bottom line of what we are doing here is good. I think the majority of people that have historic homes are going to feel rewarded to be on this list. There is going to be a section of people that this bothers. Really no benefit to the tax payer that gets put on this list. I don't know that if during the 60 days if Knox Heritage offers them money for their mantel, I don't know how that works but I am concerned about the notification thing. We get to look at these and I know that when they go to City Council they can say MPC approved it, it has got to be good. I just think we want to make sure that what we end up with achieves its goal but does it in a way where people are treated fairly. I don't have a problem if we put this off 30 days and try to work on

this notification thing. It is just a suggestion and see if we can't clear up some of the stuff in here that is a little bit cloudy.

Jeff Roth: I think a couple of my questions were answered in the discussion. I want to be clear about what I heard Tuesday. I could support this based on the fact that it is not codifying a rule that says after 60 days we can't tell a homeowner they can't demolish their building if they so choose. I want to go on record to say I understand that to be the case with this. It is simply a time period to give other interested parties to discuss it with the owner. Maybe 60 days is too long; maybe it is not. I don't know. I think I could support it based on that.

Longmire: I would remind you that we are dealing only with item 4-B-15-OA. The first one; not the second one.

Elizabeth Eason: I too if I am understanding this this in no way would deny the demolition permit to an owner. It is simply a 60 day delay in the process.

Hill: That is correct.

Eason: I think that the additional of notifying the owner is probably a good one. I would like to make a motion that we recommend adoption of the draft ordinance, Agenda Item 4-B-15-OA with the addition of the two sentences to section 105.5.5.1.

MOTION (EASON) AND SECOND (JOHNSON) WERE MADE TO ADOPT THE DRAFT ORDINANCE WITH THE ADDITON OF THE TWO SENTENCES TO SECTION 105.5.5.1.

Roth: I did not hear the first part of it. Did you make a motion to approve it or...

Longmire: As per staff recommendation.

Bart Carey: I have a question for Ms. Graybeal if she could maybe approach the podium. We are dealing to some degree in new terminology and new concepts that we don't deal with every day. This inventory list I think you said is revised from time to time or added to. Can you, and you talked a little bit about this in agenda review, but just for today's sake how large is the inventory list presently roughly?

Kaye Graybeal: I believe there may be around 300 properties. That doesn't include properties that are within a historic district necessarily. Just contributing properties, individual properties within a district.

Carey: Or would it include I guess on the National Register those would already, those are already approved and that wouldn't be included there either.

Graybeal: They are inherently included because the district is listed on the list so all the properties within that district that are contributing would be subject to the delay.

Carey: I know things are subject to change but how often and what volume are changes made or additions made to the inventory list? How many a year might come into this?

Graybeal: I don't know that I can answer that question. I don't know that there is a pattern. We have applied for historic inventory update to be a comprehensive, city wide update. It hasn't taken place, a comprehensive one has not taken place since the original survey in 1986. Periodic surveys have been done every 5 or 10 years. This would help us to hopefully capture the majority of the properties considered to be historically significant at this one effort. We just want to have the leeway that is more are discovered that perhaps we didn't know about that we could add to the inventory as needed. There is always that chance that there may be something that we may have missed. There may be some properties removed because they lose their integrity because they have been altered. The list is dynamic and will need to be updated and maintained to be accurate.

Carey: As far as the third party goes, I am sure that is always a possibility. Is that a very common occurrence? I guess Knox Heritage has already been mentioned, they would be I am sure an organization that would be anxious to keep track of that.

Graybeal: I know Knox Heritage would have some ideas on that but a lot of time individual property owners ask to have their property recognized as historic because they want to leave that legacy.

Carey: Have you dealt with any issues concerning third party problems in the last couple of years?

Graybeal: Not particularly that I can think of. Just maybe the St. John's.

Carey: We are familiar with that. Yes. Thank you.

Longmire: This is only the City. This only concerns the City.

Graybeal: Yes. The pre 1865 delay is already in the County's ordinance. It is already in their code.

Michael Kane: I apologize I just want to make sure I understand. In our packet we have got three, see four lists. The first list is the National Register. The second list is the National Register eligible structures in districts and the third is the pre 1865 residential. The fourth is locally significant historic structures which has nothing on

it. If I understood that. The debate we are talking about in terms of this notification only applies to the locally significant historic structures of which there is nothing on it right now.

Hill: Correct. It is not populated at all.

Kane: Things could come on or off these other lists. They just come on automatically through their own processes. If we find a house that is on pre 1865 that we weren't aware of it, it goes on the list. There is no debate with the owner that State law requires that. If something is through the National Historic Register it is a process that is already done.

Hill: Yes sir.

Kane: Okay. I just wanted to make sure. Thank you.

Cole: That is related to what I wanted to point out is that there are two national registers at the State level. What we are talking about here today is a completely new administrative process that inventories locally significant historic structures. We don't really know how often we are going to have people coming and going on that. I wanted to say too I think this is a good thing. I think we are moving in the right direction. I am really concerned about... I could support it if there was notification to the owner when their property is being considered instead of after the fact. I think there are others that may have some concerns about that. I wanted to ask Crista, in this process if a property is put on the inventory and they are requesting demolition is there, where does it go from there. Is there any step in the process where the board can deny demolition?

Cuccaro: The Board being...

Cole: The Historic Zoning Board. I am clear on once you ask for a demolition permit and your property is put on the local inventory, which is completely new to us, then where does it go from there for consideration and who makes the call. At any point could they be told I am sorry you can't tear this down?

Cuccaro: So if it is on the local inventory and we are just talking about the delay. A property owner would apply for a demolition permit. That property is already identified as being locally significant so we don't have to go through that ten days where Kaye gets several business days to consider it. The Building Official has a couple of more days. We would know right off the bat that this is subject to the demolition delay. Once the permit is denied then the applicant would have some sort of appealable decision. I don't have my building code in front of me. There may be an intermediary process where appeals of decisions by the Building Official pursuant to the Building Code go to the Board of Building Adjustments and Appeals. That determination would then

be appealable to court but I would have to check on that. Again I don't have my building code in front of me. It would either go to the Building Code or the Building Board first that decision of denying the permit or it would go to court.

Longmire: If I may interrupt Mr. Hill has something to respond to your question also about that.

Cole: I want to make sure it sounds like somewhere in the process move beyond just the 60 day delay to telling someone they cannot.

Cuccaro: What you are saying is once someone challenges that denial of the permit that engages some...

Kane: No. You have moved too far. I am hearing you say two different things. I apologize but after the 60 days you said that there is nothing within the Historic Preservation process to deny that. I think I am hearing you say the Building Official becomes the authority to grant or deny based upon whatever other criteria they have. Is that correct? Not necessarily related to historic preservation. Is that correct?

Cuccaro: Sure. I mean that is across the board.

Kane: I think that is what we are trying to understand is in the historic preservation process is there any way to deny a permit if you are on the locally significant historic structure. What I thought this process was is no there is no way for that process to say no. It is through that process there is no way to deny it. Now if the building official has other criteria to deny that is the normal process.

Cuccaro: That is right. There is no basis to deny the demolition permit at the end of the 60 days unless it has been otherwise agreed to by the parties involved. It sounded like maybe Commissioner Cole what you were saying is that once that process of challenging starts then where does that leave the property owner and that could be a process that takes longer than 60 days is that where you were going?

Cole: Right.

Cuccaro: I do think that would probably be the case in just sort of thinking this through at the end of that 60 days I think the City if they wanted that property to be still be standing, I think we would have to file an injunction against the property owner because we have that 60 day process running.

Longmire: But it would not be based on the historic aspect of it. There is no denial simply because it is on that historic structure inventory.

Cuccaro: Correct.

Longmire: So they may decide to deny it for another reason and at that point that is when the property owner might challenge. Does that make sense?

Roth: Let me say one thing though right quick if you don't mind. I think what we are all concerned about is we are not codifying another method for the building, giving the building official another method or another reason for denial of a demolition permit.

Cuccaro: Correct. This does not give the building official the authority to deny the demolition permit at the end of the 60 days. The only basis for denial of a demolition permit is regarding that pre 1865 structure but it sounds like most of this conversation is about the local inventory.

Hill: The one thing I just wanted... I am hearing like an intermixing between the building code portion which is really the central issue for the 60 day delay. The 60-day delay has nothing to do with the historic zoning commission and has nothing to do with zoning regulations or H-1 or NC-1. So you actually have a decision tree where if a demolition application is received, if it is in a historic district it goes to the Historic Zoning Commission and that is the way the regulations are worded today. That is the way the current language is. This is only for those properties that would not be normally processed or reviewed by the Historic Zoning Commission. So it is purposely set up to be administrative. The decision lies with, it is basically a two part decision. The Historic Preservation Planner can review it to determine whether it is historically significant or on the list or should be on the list. Secondly it is the Building Official's decision as to whether or not to issue the permit. I heard some discussion about the Building Official will deny the application. First I prefer we use the language would indicate that there is a delay. Because they are not really denying the demolition permit. After 60 days it is very clear in the language that says that demolition permit will be issued. I think what Commissioner Kane said there may be other conditions in terms of safety, things like that. But that is a whole different set of regulations.

Kane: I think that was the problem was the word denial meaning it is not an immediate approval or disapproval. That is not a denial it is a delay only.

Len Johnson: Mr. Hill, my question is all of this delay is basically triggered by the owner applying for a demolition permit. Is that correct?

Hill: Yes sir. Even if you have a third party request for a local determination nothing really happens unless they want to try to demolish the property.

Johnson called for the question.

Upon roll call the Planning Commission voted as follows:

Anders	No
Carey	Yes
Cole	No
Eason	Yes
Goodwin	Yes
Johnson	Yes
Kane	Yes
Lomax	No
Roth	Yes
Sharp	No
Smith	No
Tocher	Yes
Wakefield	Yes
Longmire	Yes

MOTION CARRIED 9-5. APPROVED AS AMENDED.

8. KNOXVILLE CITY COUNCIL

4-C-15-OA

Consider recommending adoption of an ordinance of the Council of the City of Knoxville to amend the City of Knoxville Code of Ordinances, known and cited as the "Zoning Ordinance of the City of Knoxville, Tennessee," amending Article III, "Definitions," Article IV, Section 5.1, "H-1 historic overlay district," Article IV, Section 5.2, "NC-1 neighborhood conservation overlay district," and Article V, "Supplementary regulations applying to a specific, to several, or to all districts," related to TN Code Ann. § 7-51-1201.

STAFF RECOMMENDATION: Approve the proposed amendment.

Dave Hill: This item and there was some discussion related to this at the agenda review meeting. The questions related to the proper course of action for appeals I think was... we would actually characterize that as a housekeeping measure. It is really not triggered by the need to make the amendment. The real change here is simply acknowledging State law as it regards to demolition of pre 1865 residential structures. This as we indicated in our white paper is a direct reflection of State law also borrowing from Metropolitan Nashville/Davidson County code they have already adopted.

MOTION (EASON) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

Alley or Street Closures:

None

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:**9. METROPOLITAN PLANNING COMMISSION****4-C-15-SP**

Northwest City Sector Plan Amendment. Council Districts 2, 3, 5, & 6 & Commission 6 & 7.

STAFF RECOMMENDATION: Approve THE 2015 NORTHWEST CITY SECTOR PLAN, ALSO AMENDING THE KNOXVILLE-KNOX COUNTY GENERAL PLAN 2033.

Carlene Malone: 6051 Fountain Road, Knoxville, TN. I am here on behalf of Fountain City Town Hall and also the head of Community Forum. Those groups have sent letters. Our position has nothing to do with the specific content recommendations for land use within the Northwest City Sector Plan. What it has to do with is the inclusion by reference of PlanET. This is not to throw PlanET under the bus or anything else. Here is our concern. Under Tennessee Law land use decisions must be consistent with the General Plan. Here you are throwing something not approved by planning or legislative bodies into the mix. Where PlanET is not consistent with the General Plan what you will have by reference and what you will bring to the General Plan is damage and confusion to the planning policies of the General Plan and the planning process under Tennessee Law. Be aware of the fact that all other plans cited in the General Plan and that make up part of the General Plan are legally based. They have been adopted by this body, by City Council, and by County Commission. We just had a long discussion which was very interesting regarding process. Understand that PlanET whatever it is and the clarification memo says it is says it is a regional plan and says it is not a regional plan. But whatever PlanET is there was no formal adoption process. There is no formal amendment process. It may have been a visionary planning process. It may have been an excellent one; it may be a wonderful one. We don't challenge those issues. It is very important to understand when the staff says we would be disingenuous by not citing PlanET because we consulted it, look carefully at the Northwest City Sector Plan. No other document is cited. Even though statistics are given from the Board of Education I am sure; from the City inspections department. I am sure concepts from other professional organizations, meetings, books, documents, publications have all been used. All of this is not original MPC. You know it. I know it. They know it. Let's take away the emotion here and look at what we have. We have an unadopted, unvested something that may or may not even be a regional plan depending on which

paragraph of the second page of the clarification memo you believe. Also understand whatever is good in PlanET that is not already in the General Plan, and staff admits a lot has already been put in the General Plan; whatever is good that is not in the General Plan it can be put into the General Plan by the adoption process that is codified and legalize right now. For these reasons the staff says it doesn't hurt the content of the Northwest Sector Plan to remove it. We simply ask that you remove the references to PlanET and all of its parts. Thank you.

Tommy Helms. 290 Beard Valley Road, Maynardville, TN. This is for informational purposes. As the lady spoke on PlanET. For those of you who don't know I am going to give you some information. For those of you that do know; you know we know. I am going to give you some... the first thing I am going to read is an email from a freedom of information request that I did from the City of Knoxville. Knoxville is a member of an organization called International Council for Local Environmental Initiatives ICLE for short. ICLE is an international nongovernmental organization that was picked by the United Nations to carry Agenda 21 to all the local governments because the United States Senate would not ratify it. This is an email from Sirius Begwar, sirus@icle.org, to Suzanne Southerland, who by the way was the first sustainable development director of the City of Knoxville. It says "Suzanne. Thanks for your inquiry about the relationship of the great work you are doing in Knoxville. Your participation in the ICLE network and local Agenda 21. I have attached a full response for your review. As always please don't hesitate to contact me with any questions or comments." All we got was denial after denial that it was Agenda 21. All we got was conspiracy theory. So while I was going to the forums I ordered this book from the United Nations. This is Agenda 21. ICLE wrote Chapter 28 in Agenda 21 which is local agenda 21 and how to do it from the local governments because they have more contact with more people than the Federal government does. House Bill 3571 was introduced in the Tennessee General Assembly. ICLE wanted to know how they could fight. ICLE is a nongovernmental, international organization wanting to know how it can approach our legislature and defend itself for the City of Knoxville's right of free association. Now I ask you. Who is the government? Who is the government? Can someone answer that?

Longmire: It is a government of the people, by the people and for the people.

Helms: That is exactly right. So the government is the people. Can anybody just join? I mean you can individually if you chose. But as an entity for the City of Knoxville or as a person from the City of Knoxville joining an organization like this. I mean is that legal?

Longmire: Mr. Helms I am not trying to interrupt you but how is the affecting this particular amendment?

Helms: I am showing that this that PlanET is Agenda 21.

Longmire: Okay and you are objecting to any use of PlanET in this form.

Helms: Absolutely. Every bit of it. If I could... the lady said she wasn't here to throw it under the bus. I will throw it under the bus if I can.

Longmire: I appreciate that you have made your...

Helms: Is my five minutes up?

Longmire: You didn't have five minutes because the opposition has a total of five minutes I have actually given you...

Helms: I am here on behalf of myself. I am not opposition. I oppose the whole thing.

Longmire: That is kind of opposition. I want to make clear your opposition is not to the Sector Plan. It is to the inclusion of PlanET mention in the plan.

Helm: And the stealth way that they went about getting this information. Judy Graham was the Chamber of Commerce president in Union County. Then she went to work for PlanET. Now she sits on the Board of Directors as the Executive Director of East Tennessee Quality Growth which by the way is the continuation of Nine Counties One Vision. She said at a January 11th, 2014 meeting and I have it recorded that PlanET was not a plan. All it is is a suggestion. That is all they told us at every one of these forums. This is just to get information from the people. At the Union County, at one of the Union County Commission meetings she claimed that they had 10,000 responses after the three year process. Ten thousand responses for the total population of the five counties is 1 percent of the people.

Longmire: I understand that. I need to move on with this. I am taking into consideration as are all the Commissioners. Please be ready to answer questions if there are some.

Helms: I will be happy to.

Scott Smith: I really appreciate Ms. Malone's comments. I was curious about the specifics of the plan that we were shown yesterday. It seemed very reasonable. Were there any comments about other than PlanET and Agenda 21.

Helms: What you would have to do because this plan is so complex...

Longmire: Sir that was directed to Ms. Malone.

Helms: Sorry. I am sorry.

Scott Smith: Ms. Malone thank you. Since we have to do something on this plan and I know you are familiar with all this. So what about the plan other than PlanET.

Malone: No. No. No. In fact we take no position whatsoever on the content. We leave that to the people of the Northwest City sector. It is simply the references. It is simply because of the nature of PlanET statutorily. Okay. Hasn't to do with the UN or anything. But under Tennessee Law it is very important that there be consistency. Again if there are any ideas that are not already included in the General Plan that are good ideas in PlanET, there is a process for amending the General Plan and putting them in. We have no problem with that process and some activity or effort of that kind going forward. It is just by reference wholesale that we have grave concerns about consistency and the underlying of the strengths and policies of the General Plan. Thank you.

Smith: Does staff have any problem with removing PlanET from...

Longmire: Or why it was put in in the first place.

Jeff Welch: The PlanET process was a three year effort Commissioners which many of you were aware of and many of you participated in. It is a strategic guide for this community that is purely voluntarily to be used as a resource for communities, neighborhoods, local governments, city governments, or county government to look at the more strategic ways to develop their communities. It is strictly there as a resource for folks to utilize. It is a playbook. It is a resource and a playbook identifying over 40 types of documents and reports and ideas and strategies that are out there that is to be used again you develop your specific community's plans. As you develop your City and County plans. You can capitalize on the information that is there. That is purely what it is being utilized here for as a resource. This has not been and was not adopted by any jurisdiction and it is referenced here again in the sector plan as a resource as a tool that we used.

Laura Cole: I wanted to get comments from Mr. Wise and then I had a question for Ms. Malone. About the legality of the document being melded with a visionary document.

Wise: There is no problem with that legally.

Cole: I wanted to ask. We are looking at this as a just a reference to some solid planning principles. I wanted to know from your

perspective what is an example of what could go wrong by including PlanET in this document?

Malone: There are many things that could be referenced as I said earlier that are included data that are included in this plan that there is no reference for. So the idea that you have to cite the source of every piece of information, data, professional idea from every professional book and journal is simply not the case because it hasn't been done for anything else except for PlanET. What could go wrong? If there is an inconsistency between something in PlanET, which is a big document, we are not sure if it is a regional, it is a regional plan, it is not a regional plan. It is a source of ideas and a collection of strategies and so on. What if one of those is inconsistent with the existing General Plan and if all zoning and land use decisions are based on that General Plan and you end up in court, you end up before this body here it says this and here it says that. That is not anyone's benefit. It is not in the developers benefit and it is not in the homeowner benefit if they are there in opposition. I will tell you why. Useless arguments because we can't get it right are useless arguments. We need to get it right.

Longmire: I would like to call Mr. Archer please. May I do that Commissioner Cole? Is this sector plan consistent with the General Plan?

Jeff Archer: Yes. In the presentation that I gave Tuesday as far as the agenda review I cited the references as far as PlanET basically in the background report section of the plan. The centers kind of concept and the corridors are consistent with the General Plan. I had references in that presentation as far as in the General Plan on page 22 of the 2033 General Plan it talks about understand the building blocks, the neighborhood districts and corridors in the region. We identified corridors just like we have done in previous sector plans. It talks about on page 45 of the General Plan, distinctive business districts which were identified in the plan. There are no new land use classifications that are being proposed in this plan that haven't been incorporated into other sector plans. The idea of neighborhood centers. I went through and looked at some of the other ones that are in the sector plans. Last year we recommended for adoption and went on to be adopted as far as the East City Sector plan. It talked about Five Points, Whittle Springs, the end of Delrose Drive as neighborhood commercial centers. Previous before that was West City the Rocky Hill Area and Northshore was identified as a Neighborhood Center. Sequoyah Kennesaw was identified as a neighborhood center. Looking at the South City Sevier at Lancaster was a neighborhood center, along South Haven was a neighborhood center, along Edington and Maryville Pike was a neighborhood center, downtown Vestal. This goes on with community centers and employment centers and corridors. As far as proposed land use it is very consistent with what we have done in other sector plans

and in the General Plan and it is only, PlanET is only made as a reference as stated before.

Michael Kane: I guess part of what I hear is there is, it is being used as guidelines but we have the word plan. So why did we use the term plan in the document?

Hill: In one of the memos we said, I think we just need to retract that. We are prepared to take any reference out that says PlanET is a plan. .

Kane: It is not a plan.

Welch: Correct it is not a plan.

Hill: The term was used inadvertently.

Malone: If I could please say something...

Longmire: Wait just a minute Ms. Malone please.

Kane: I was looking at this Urban Agricultural and Food Access. We had the input from the Knox County Health Department and the City of Knoxville and there was a bunch of recommendations that came from them that we have included in this sector plan. Correct. Obviously that wasn't a plan but we have included that in here as things that has come out of the community in terms of desires and things like that. That seems to be somewhat consistent with to some degree what I am hearing from a process where there is lots of community input and information coming from a variety of sources. I totally understand the issue of trying to clarify that this is not an adopted plan. Trying to clarify that completely. If it is not a plan, it is not a plan. If it is not adopted we need to clarify that for people who maybe confused about it. Whether it gets referenced or not seems to me... I am not strong about it but it does seem to me that this is a process that a lot of people in our community and our region had a lot of input in terms of the way they like to see things happen and gives emphasis to the things that are being proposed. I guess I don't really see the problem with that.

Welch: I think the process reaffirmed a lot of things that we heard 15 years ago when we were doing the General Plan for Knoxville/Knox County. The characterization in the sector plan they should not have indicated the word plan. It was a PlanET process that resulted in concepts, ideas and resources.

Cole: I guess I like Commissioner Kane I think that the sector plans that we use they belong to the community and they are very important to the community. I am weighing out the benefits of adding PlanET language into the plan versus some confusion later on down the road about a conflict between these two plans

or not plans. I could support deleting the language because staff is still going to look at those planning concepts and be able to use them whether or not the language is in the sector plan. It also alleviates the fears the community seems to have about adding this information into the legal plan.

Longmire: I think the unfortunate thing was it was consider to be clever to put PlanET because looked like Planet. I think if it were to be done again perhaps the name might have been changed although it is a good name.

Cole: I am going to make a motion, and correct me if I am wrong, that we approve the 2015 Northwest City Sector Plan also amending the Knoxville/Knox County General Plan 2033 without including any reference to PlanET.

MOTION (COLE) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE 2015 NORTHWEST CITY SECTOR PLAN ALSO AMENDING THE KNOXVILLE/KNOX COUNTY GENERAL PLAN 2033 WITHOUT INCLUDING ANY REFERENCE TO PLANET.

Welch: Staff has obviously voiced our opinion that we don't feel that is appropriate if we were to just take out the word plan. It is a resource that has been a positive aspect of the entire community and region so staff would encourage the continuation of that reference in the document.

Upon roll call the Planning Commission voted as follows:

Anders	No
Carey	Yes
Cole	Yes
Eason	No
Goodwin	No
Johnson	Yes
Kane	Yes
Lomax	No
Roth	No
Sharp	Yes
Smith	Yes
Tocher	No
Wakefield	Yes
Longmire	No

MOTION FAILED 7 TO 7

MOTION (KANE) AND SECOND (GOODWIN) WERE MADE TO APPROVE THE 2015 NORTHWEST SECTOR PLAN WITH MODIFICATION TO ELIMINATE PLANET AS A PLAN.

Kane: I think we said we could do that. Correct?

Hill: Yes staff is prepared to do that.

Longmire: So basically what you are saying is the motion to approve the 2015 Northwest City Sector Plan also amending the Knoxville/Knox County General Plan 2033 with the removal of the word plan in reference to PlanET.

Malone: If I could ask one question.

Longmire: It is with Commission now Ma'am I am sorry unless one of the Commissioners wishes to hear.

Cole: I would like to hear.

Longmire: Alright Commissioner Cole asks Ms. Malone.

Malone: One of the in the clarification memo of April 2nd there is a paragraph proposed to be submitted or to replace, to be substituted in place of some existing language. Are you still going with that paragraph which says PlanET original plan?

Hill: If Commissioner Kane's motion were to prevail, we would take any reference of plan out of that.

Malone: Even out of your substitute language?

Tocher: I am sorry but I would really like to know what the revised statement would be.

Longmire: Rather than plan what word might be used?

Tocher: I am looking at this memo and it does say the PlanET regional plan and products have been formally adopted. What word would be replaced?

Hill: I think what we could say and if you give us a little flexibility we would not tread onto the word plan. At worst case it would say the PlanET products.

Welch: We have the PlanET Playbooks and products will be basically.

Hill: There may be other terms that would be appropriate that I don't think would...

Kane: It is not referenced that many times. I went through it.

Roth: So it would still be referenced as PlanET but not as a regional plan.

Longmire: Just as a title, not a plan. Does that makes sense to everybody now? All in favor of approving the 2015 Northwest City Sector Plan also amending the Knoxville/Knox County General

Plan 2033 with the removal of all references to the word plan dealing with the title of the resource PlanET.

MOTION CARRIED 13-1 (Cole). APPROVED AS MODIFIED.

Longmire: And I would like to thank everybody who took part in that discussion.

Concepts/Uses on Review:

- P 10. LONGMIRE SUBDIVISION 1-SA-11-C**
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 11. HENSLEY ESTATES - COUNTRY HOMES SITE DEVELOPMENT, LLC 4-SA-15-C**
a. Concept Subdivision Plan
South side of Coward Mill Rd., east of Pellissippi Pkwy., Commission District 6.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * b. USE ON REVIEW 4-A-15-UR**
Proposed use: Detached residential subdivision in PR (Planned Residential) & TO (Technology Overlay) District.

STAFF RECOMMENDATION: Approve the request for up to 10 detached dwellings on individual lots and permit reduction of the peripheral setback from 35' to 25' along the eastern boundary of lot 10 as shown subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 12. BEALS CREEK - ERIC MOSELEY 4-SB-15-C**
a. Concept Subdivision Plan
Northeast side of Mourfield Rd., southeast of Westland Dr., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-5 and approve the concept plan subject to 13 conditions.

COMMISSIONER SCOTT SMITH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Longmire: The reason we are hearing this is that the representative for the applicant wishes to postpone for 30 days

and there is opposition that would prefer to either postpone it for 60 day. In the meantime normally I would have somebody presenting, Mr. Kelly would be presenting. That is not really the problem. Now the problem is listening to the ideas of postponement. That is not really a problem to listen to you Mr. Seymour. Let's hear about what you have to say.

Arthur Seymour Jr: 550 W Main Avenue, Knoxville, 37902. We are only addressing the postponement issue as I understand. Under your administrative rules if somebody requests and item that for the first time on your agenda be postponed by Monday afternoon it is automatically postponed. That is why you vote, you don't vote on those. If an applicant makes a request to postpone after that date or after that Monday it must be considered and voted on by the Planning Commission. My client suggested in a discussion we had yesterday that we consider sitting down with Mr. Woodall and Mr. Kline and consider the memo that he submitted, it is dated Monday we received it Tuesday afternoon, that we consider that issue and discuss it with him because some of the matters that he is arguing in there might result in unintended consequences not only for the neighborhood but for the applicant. To that end I sent an email to Mr. Kelly at MPC with a copy to Mr. Kline. I would have sent it to Mr. Woodall but I couldn't find his email, requesting a 30 day postponement for the purpose of discussing this issue. I heard from Mr. Kline yesterday and he requested that we postpone 60 days. I told him after consulting with my client that we could not agree to the 60 days, we would agree to the 30 days and immediately meet with them to discuss this issue. As I understand and I don't want to put words in Mr. Woodale or Mr. Kline's mouth but they want only a 60-day postponement. For various reasons involved in the development process my client can only agree to a 30-day postponement. So if Mr. Kline does not want the 30 day postponement which he has made clear we would prefer to go ahead and hear this matter today. Now Mr. Kline I think will say based on what he said earlier that he had called off the dogs, the opponents. I am not meaning that in a derogatory way. Anyway he told everybody to stay home. I think Mr. Kline knew that it required MPC action for this matter to be postponed and if he knew we were not agreeing to a 60-day postponement and he could have had his clients here very easily and had the matter removed from the agenda at the outset for a 30-day postponement like he did just a few minutes ago. If we cannot get only a 30-day postponement, not a 60 day postponement we want it heard today. I would agree with Mr. Kline if it is heard today that everybody that wrote a letter in opposition to this were here they would say the same thing to you all. There would be I think 15 or 20 people here in opposition to it or however many were before. This is the third time this matter has been back on your agenda. We would certainly stipulate that. Our position is either give us a 30 day postponement or failing that we would like to have it heard

today. Thank you.

Wayne Kline, 617 Main Street. It is unfortunate that I am being put in a position to me of having to defend what happened yesterday afternoon when I received the first communication somewhere around 5:15 pm, 5:30 pm yesterday from Mr. Seymour. I also spoke with Mr. Kelly. The matter was being postponed. The reason it was being postponed was because they wanted to talk to us. My response was yes, we want to talk to you. However after talking with Mr. Woodale and consulting my calendar neither of us can be here next month. Mr. Woodale is out of the country and I am in depositions in a case. I have a law practice aside from this folks. It is a case in which a doctor has been sued and the depositions have been scheduled for a long time. There are many attorneys in it. I can't change that. So I called Mr. Seymour found him on his cell phone and said yes we want to talk to you. We understand your request for postponement, but we must have it until June. Mr. Seymour responded to me I don't think that is going to be a problem but let me check with my client. It was then that I called off the dogs as Mr. Seymour says. I called everybody and said it is going to be postponed. Well you said dogs. Community opposition is the better way to put it. We are not here today, we do have an engineer whom you have heard from before. This is the third time it has been before you. It is a very important issue about a concept plan and the Hillside Ridgetop and Slope Protection plan. I can never say it right. Now I am being told well if we can't have 30 days we want to hear it today. I don't have an engineer here today. I don't have our power point here for you today. I do want to give the opportunity to the community to input through due process into this body and this is the only time we can do it. So I would request a motion to postpone this for 60 days. Thank you.

Longmire: I will say that we don't hold Mr. Seymour accountable for what his client requested. Perhaps you have had clients that also maybe didn't do what you wanted them to do. I understand Mr. Seymour saying 30 days might you know he might be able to get the 60 days and then his client said no. We are not holding him at fault for that.

Kline: I am not holding... it is on my precursor. My preliminary remarks are its unfortunate that we are being put in this position.

Jeff Roth: I have a question for Mr. Wise about what the rules are when somebody requested postponement for 30 days and the other one 60 days.

Steve Wise: MPC attorney. The agenda is yours you can postpone it to hear it with some narrow. I this instance the agenda belongs to this body. You can postpone or take action if

you chose not to there is no

MOTION (COLE) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 60 DAYS.

Anders	No
Carey	Yes
Cole	Yes
Eason	Yes
Goodwin	Yes
Johnson	Yes
Kane	Yes
Lomax	Yes
Roth	No
Sharp	No
Tocher	Yes
Wakefield	Yes
Longmire	Yes

MOTION CARRIED 10-3-1. POSTPONED 60 DAYS.

b. USE ON REVIEW

4-C-15-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 54 detached single family dwellings on individual lots and approve the peripheral boundary setback reduction as shown subject to 1 condition.

MOTION (COLE) AND SECOND (LOMAX) WERE MADE TO POSTPONE 60 DAYS. MOTION CARRIED 10-3-1. POSTPONED 60 DAYS.

* **13. HARDIN VALLEY RIDGE - EJM PROPERTIES**

4-SC-15-C

a. Concept Subdivision Plan

Southwest side of Dogwood Rd., south of Solway Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 10 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. USE ON REVIEW**

4-D-15-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 38 detached single family dwellings on individual lots and reduce the peripheral boundary setback to 25' as shown subject to 2 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

COMMISSIONER JIM WAKEFIELD RECUSED FROM VOTING ON THIS ITEM.

14. EFFICIENT ENERGY OF TENNESSEE

4-SA-15-F

North side of Old Callahan Dr at Callahan Dr, Commission District 7.

STAFF RECOMMENDATION: Approve Variances 1-3 and Deny Final Plat.

Dan Kelly: This matter came to my attention day before yesterday. This is a final plat that is proposing to record the boundary of a fairly large tract of ground and the boundary of a joint permanent easement which adjoins that large tract of ground. It came to my attention though by virtue of addressing and street naming question. After hearing from the neighbors in the area or the adjoining businesses and talking with the surveyor, we need to separate the two items the planning issue and the addressing street naming issue are two different things. Today we are dealing with the platting issue only. The way the plat was reviewed by our staff we were under the understanding that what we were reviewing was a large tract of ground and separating the joint permanent easement from the property that currently owns it. Just today in talking to the applicant's representative we have found out it was their intention in doing this to obtain a right of access to the existing joint permanent easement. In order to be able to do that they have to submit a revised easement agreement that has to be reviewed and approved by the City law department before we can recommend approval of the plat. Based on that we are saying the plat is not ready to be approved at this point and therefore we are recommending denial of the plat today. I have talked with the adjoining businesses and the applicant itself. The approval of the revised joint permanent easement is a technical matter. It is an important technical matter. It is a technical matter which when it is resolved the staff will be in a position at that point where we will be recommending approval of this plat. I think the street naming and addressing issue then will come to bare at a later date. Right now we believe that probably next month we will have a plat that we can recommend approval of once the easement agreement is resolved.

David McGinley: We just agree with Dan that until that easement agreement is reviewed by the law department and we are comfortable that there will be some way to maintain that road all the time we agree that we should deny.

Garrett Tucker 721 Fan Street, Tazewell, TN. Surveyor, engineer for Robert Campbell and Associates. I apologize for not getting this on consent. This breaks my record. We kind of moved cautiously on this because it is an old subdivision. I don't know if maybe some of you all looked at the plat but it is flag lot. The 50 foot joint permanent easement is owned by the rear lot which is the furthest one back from Callahan toward the top of the ridge which there is a lot of steep topography. A great percentage of the property has been given up due to the steep slopes and the topography of the site. We were trying to keep it simple. We have got 4, 5 lots using that now. The adjoining lot. It just makes sense for them to use it. We inadvertently caused some misunderstanding with the staff. We didn't intent to separate that 50 foot easement out. They have a new declaration of easement ready. We are ready to submit that to the law department. It includes some maintenance language in it. What we would like to do is ask that you approve the plat contingent upon us getting approval from the law department.

Steve Wise: The subdivision regs do not anticipate and actually prohibit conditional approval. A plat that... you really don't have any choice. This is what I was talking about earlier. There are certain circumstances where you do not have a lot of control and final plats is one of them. If the final plat does not meet the requirements of the subdivision regulations, it is unapprovable. In this instance the JPE approval from the City Law Department hasn't been obtained. It is a necessary requirement.

Gloria Graves: 1721 Old Callahan Road. I own the second building on that easement. There are a couple of other business owners here. We were not approached. We were actually contacted last Thursday about this was the first time we found out about this. My husband informed the gentleman who contacted him we could not get with him until Monday morning at 8:00. He wanted us to sign the paperwork giving him permission I guess for the road name change and the easement part of it. There are 4

buildings up that hill and we have all been there for years. The property that they are wanting approval for the plat actually has access off of Old Callahan Road and has its own address of 1739 Old Callahan Road. What they are wanting to do is get permission to use that easement and come up to the very top of it and build two commercial buildings is my understanding and use the road to go in from the left side. We are all very concerned because then that dictates there are six or more addresses on a private road and therefore will have to be a name change. When Callahan Road was redone however many years ago and changed to 4 lanes, at that time we all incurred a great cost in changing everything; our business license, tax returns, checks, invoicing everything to reflect the new address when they developed Callahan Road into four lanes. Now because this gentleman wants access off of the private road there even though he has plenty of room to access his property with the driveway that is there now, we will all incur a cost again after coming through an economic downturn and surviving as a business owner. This is a hit just so this gentleman can develop his property in what we consider an easier fashion than going up through his property. It is going to cause all of us business owners a great detriment. We have got to contact all our vendors, all our customers. I mean it is unbelievable the stuff you have to go through when your address is changed. We are known as 1721 Old Callahan Road. All of our customers have known it for years. As the other business owners and I, Mr. Harold Williams, offered the gentleman to get with all of us when he contacted him back in October about all of this and suggested we all get together as business owners up that road and discuss it. The actually went to each business owner. Did not offer to have a meeting. We were told Harold had agreed to this and Harold did not. Harold was told we agreed to it and we did not. There were a lot of things that were told that were inaccurate to the business owners. We would ask that this be considered when you all consider this plat, the effect that it will have on us as small business owners after what we have already been through.

Garrison: Yes I want to comment. I don't understand the MPC addressing rules. When we first started down this road we didn't expect to get into having to name the road. I wish in retrospect that we had set down with City Engineering and MPC and done some more looking at it. It was not our decision to name the road I guess is what I

am saying. It makes sense for this property is immediately adjacent to it. The roadway and the right of way immediately adjoin this property. It is just logical. To go to the additional expense and the impervious area that we will be creating, I just don't think it is the responsible thing to do. That is my opinion. If it is not going to be accepted today we would be glad to come back and try to work with the owners and come to something that is agreeable.

Elizabeth Eason: I just had a question for engineering about the reduction of the utility and drainage easement along the detention basin. Are there any issues with that?

McGinely: No. We typically encourage that. We don't want utilities under the detention basin.

MOTION (KANE) AND SECOND (LOMAX) WERE MADE TO DENY FINAL PLAT. MOTION CARRIED 13-0-1. APPROVED.

- * **15. MASCOT S/D RESUB. OF LOT 21 AND 21R** **4-SB-15-G**
At the intersection of Tipple Dr and Number Two Dr, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 16. WITHDRAWN PRIOR TO PUBLICATION** **4-SC-15-F**
- * **17. BEAU MONDE PHASE 2 RESUB. OF LOTS 10-17** **4-SD-15-F**
Southwest side of Clingmans Dome Dr, northwest of Thunderhead Rd, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **18. CHARLES & LINDA COX PROPERTY** **4-SE-15-F**
At the intersection of W Beaver Creek Dr and Martingale Dr, Commission District 6.

- * **19. CREEKSIDE MANOR, PHASE I** **4-SF-15-F**
South side of Hickory Creek Rd, southwest of Hardin Valley Rd, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. RON & REBA KENNEDY PROPERTY** **4-SG-15-F**
 Northeast side of Cooper St, northwest of W Fifth Ave, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. B H SPRANKLE ADDITION RESUB. OF PARTS OF LOTS 5 & 6** **4-SH-15-F**
 North side of Homberg Dr, east of S Mohican St., Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. JMB INVESTMENTS N BROADWAY & EDGEWOOD** **4-SI-15-F**
 Northeast side of Broadway at southeast side of Edgewood. Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- T **23. TANASI GIRL SCOUT COUNCIL, INC. (REVISED)** **4-J-14-RZ**
 Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- W **24. PATRICK MCINTURFF**
 East side N. Broadway, south side East Glenwood Ave., Council District 4.
a. One Year Plan Amendment **1-B-15-PA**
 From GC (General Commercial) to CBD (Central Business District).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W **b. Rezoning** **1-B-15-RZ**
 From C-3 (General Commercial) to C-2 (Central Business District).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 25. BARBARA HOOPER**

Northwest side Wilson Rd., southwest of Gap Rd., Council District 5.

a. Northwest City Sector Plan Amendment

2-C-15-SP

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

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential) designation.

Lynn Redmond: 5246 Oak Hill Lane in the Norwood Community. I am here this afternoon representing the position of the Norwood Homeowners Association in this matter. Basically we agree with the very strong staff recommendation to turn this request down. We have got great respect for Ms. Hooper. She has been a long time neighbor. Right now... first of all this property was rezoned to planned residential low density in 1984 way before we were a homeowners group. As it stands now she can build 24 and one half apartments on it. If she gets the new zoning she can build 88. That is a tremendous increase especially if you are familiar with the Wilson Road area. Again I won't read the staff recommendation to you but on every point they say it doesn't meet the criteria for rezoning and it should be turned down. I will leave it at that and reserve time for a rebuttal.

Barbara Hooper: 2016 Bradshaw Garden Drive, Knoxville. I would like to ask you all to vote yes today for the rezoning. I have had this for sale now for a couple of years and I have had no offers on it. My husband passed away two years ago. Now it is a financial burden to me because of the taxes; because I have to see that the yard is kept up. It would just be wonderful if you all could rezone this where I would have a better chance of selling it. This property adjoins an apartment complex. I don't see any reason why people would oppose having a few more apartments there on this property. I think it would help the neighborhood. I would think it would make some nice buildings on that property, I think it would be really nice. I would like to ask you all to consider to rezone this one. Okay? Thank you.

Mike Brusseau: The property is currently zoned RP-1 at 5 units per acre which is well more than anything to the east, west or south. Basically this stretch of Wilson Road the straight show that goes between Tillery and 640, with the exception of this property, is all zoned R-1 which does not allow apartments, does not... It is only individual homes on individual lots. This property already has a higher density potential. It is subject to use on review. It already has the potential for 27 units on there which in staff's opinion would be out of character with the rest of the development along that stretch anyway. We feel that the owner has reasonable use of the property currently. If you introduce that 16 units per acre that far exceeds any density that is along that stretch. We do acknowledge that there are apartments to the northeast adjacent to this site, but they are accessed by a section

of Wilson Road that has a distinctly different character to it than this stretch. This stretch has maintained R-1 with the exception of this property since at least, prior to 1984 because this basically was the first one that ever did get rezoned something other than that. We just feel like it is completely out of character with the surrounding area at least on this particular stretch of Wilson Road.

Longmire: I will remind you that if we have to amend the sector plan we have to have a reason or that amendment.

Kane: Is the five dwelling units per acre is that the max that can be done under RP-1 in the City?

Brusseau: In the City low density residential allows consideration of up to six. You could put 5.99.

Kane: That is what I was thinking. My concern is that there is no justification for changing the sector plan.

MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY. MOTION CARRIED 12-2 (LOMAX AND ROTH) DENIED.

b. Rezoning

2-D-15-RZ

From RP-1 (Planned Residential) @ up to 5 du/ac to RP-1 (Planned Residential) @ up to 16 du/ac.

STAFF RECOMMENDATION: Deny RP-1 at up to 16 du/ac

MOTION KANE) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY. MOTION CARRIED 12-2 (LOMAX AND ROTH). DENIED.

P 26. SCHAAD PROPERTIES

3-D-15-RZ

North side Kingston Pike, west of Downtown West Blvd., Council District 2. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

WITHDRAWN PRIOR TO PUBLICATION

4-A-15-SP

P 27. ZAKIRHUSAIN G. SHAIKH

4-A-15-RZ

Northeast side Foxvue Rd., east of Fox Rd., Council District 2 and Commission District 3. Rezoning from A (Agricultural) & OS-1 (Open Space Preservation) to RA (Low Density Residential) & R-1 (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 28. HARRISON CONSTRUCTION**

North side Rutledge Pike, east and west sides Spring Hill Rd.,
Council District 4.

a. East City Sector Plan Amendment

4-B-15-SP

From LI (Light Industrial) to HI (Heavy Industrial).

STAFF RECOMMENDATION: Approve HI (Heavy Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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b. Rezoning

4-B-15-RZ

From I-3 (General Industrial) to I-4 (Heavy Industrial).

STAFF RECOMMENDATION: Approve I-4 (Heavy Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

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29. UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION

12-A-14-UR

West side of Alcoa Hwy., north of Cherokee Trail. Proposed use: Proposed Cherokee Farm Innovation Campus Master Plan and Development Guidelines in BP-1 (Business and Technology Park) District. Council District 1.

STAFF RECOMMENDATION: APPROVE the Master Plan for the Cherokee Farm Innovation Campus subject to 13 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 30.

COLONEL J. D. EDDLEMON & HENRY J. BRIGHT, III

2-C-15-UR

Northeast side of Schaeffer Rd., north of Lovell Rd. Proposed use: Office and research and development in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

W 31.

THE MULCH COMPANY KNOXVILLE, LLC

3-D-15-UR

Southeast side of S. Northshore Dr., just north of Bickerstaff Blvd. Proposed use: Commercial mulching operation in A (Agricultural) District. Commission District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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32. MEAD MONTESSORI SCHOOL - ELLA JONES

4-B-15-UR

South side of Bafford Pl., south of Island Home Ave. Proposed use: School enrollment expansion in RP-1 (Planned Residential) & H-1 (Historic Overlay) District. Council District 1.

STAFF RECOMMENDATION: Approve the request for a private school for up to 120 students at this location subject to 6 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. BOB ALCORN ARCHITECT** **4-E-15-UR**
Northwest side of Kingston Pike, southwest side of West Kings Way, east of Ebenezer Rd. Proposed use: Covered patio with outdoor seating in PC-2 (Retail and Distribution Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a covered outdoor patio area of approximately 864 square feet for an existing eating and drinking establishment, subject to 5 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. JOHNSON ARCHITECTURE, INC.** **4-F-15-UR**
Southwest side of Cogdill Rd., northwest side of Lexington Dr., north and south side of Petsafe Way. Proposed use: Building additions and parking lot expansion in PC (Planned Commercial) / TO (Technology Overlay) & CB (Business and Manufacturing) / TO District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for the building additions and parking lot expansion as shown on the development plan subject to 8 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. TDK CONSTRUCTION COMPANY, INC.** **4-G-15-UR**
Southeast side of W. Emory Rd., southwest of Central Avenue Pike. Proposed use: Multi-dwelling development in PR (Planned Residential) District up to 19 du/acre. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for a multi-dwelling development with up to 220 apartment units, subject to 14 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 36. JMB INVESTMENT COMPANY, LLC** **4-H-15-UR**
East side of Circle Oak Dr., north side of W. Governor John Sevier Hwy. Proposed use: Dollar General Store in PC (Planned Commercial) District. Commission District 9.

STAFF RECOMMENDATION: Approve the request for a retail commercial store of approximately 9100 square feet as shown on the development plan subject to 9 conditions.

Rebecca Longmire: I would say that one of those conditions is to utilize an all brick façade on three sides of the building and that was something that I got a lot of email about, I think.

Jason Brown, J&B Investment Company, 325 Arron Drive in Knoxville. I will let opposition go first if that is alright. We agree to all the 9 conditions of staff recommendation.

Robert Thompson: 8136 Jonesboro, Knoxville. With the South Doyle Neighborhood Association. We do not oppose provided all the conditions in the staff report are met. Mr. Brown was kind enough to meet with us and assured us that they will go with that. We are very appreciative of that particularly the brick and the monument sign. We do appreciate MPC as well as the developer recognizing the scenic highway status of Governor John Sevier Highway. That is something that is very important to our neighborhood. It is critical to our neighborhood identity and again we try to preserve that Thank you that is all.

MOTION (ROTH) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

Other Business:

- W 37. Consideration of a similar use determination that retail, sporting goods, foodservice, event venue, recreation, photography studio and gift shop can be permitted in the SC-3 (Regional Shopping Center) zoning district. 4-A-15-OB**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 38. Consideration of Historic Preservation Annual Report 2014. 4-B-15-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 39. Consideration of restated Bylaws of the Knoxville-Knox County Metropolitan Planning Commission. 4-C-15-OB**

STAFF RECOMMENDATION: Adopt the restated Bylaws.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 40. Consideration of one year extension of concept plan for Fox Creek Subdivision, Phase II, on Fox Cove Road through August 2016 - 7-SA-11-C. Council District 2. 4-D-15-OB**

STAFF RECOMMENDATION: Approve the one year extension of the concept plan for Fox Creek Subdivision, Phase II until August 2016.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (ROTH) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:21p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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