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Minutes

August 11, 2011

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

The Metropolitan Planning Commission met in regular session on August 11, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

Chair Robert Anders introduced the new Planning Commissioner, Jeffery Roth.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*** 2. APPROVAL OF AUGUST 11, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF JULY 14, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE SEPTEMBER 8, 2011 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

METROPOLITAN PLANNING COMMISSION 8-A-08-OA
 Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Section 4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

WILSON RITCHIE 3-F-10-SC
 Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.

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

METROPOLITAN PLANNING COMMISSION 7-C-10-SP
 Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

U **BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION**
a. Concept Subdivision Plan 1-SG-08-C
 Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.

U **b. Use On Review** 1-J-08-UR
 Proposed use: Attached residential subdivision in PR (Planned Residential) District.

U **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.

U **b. Use On Review** 11-H-08-UR
 Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT
a. Concept Subdivision Plan 4-SC-09-C
 Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.

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

TIPPIT VILLAGE - SITES TO SEE, INC.

- a. Concept Subdivision Plan
Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6. 9-SA-10-C
- b. Use On Review
Proposed use: Detached dwellings in PR (Planned Residential) District. 9-E-10-UR
- LONGMIRE SUBDIVISION 1-SA-11-C
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.
- U** **DAVIN AND STURM RESUBDIVISION OF LOT 1R2** **10-SQ-08-F**
South side of Kingston Pike, south of Walker Springs, Council District 2.
- U** **LECONTE VISTA** **11-SP-08-F**
Kelly Lane near intersection of Kodak Road, Commission District 8.
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Road, Commission District 8.
- THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC. 6-SA-11-F
At the intersection of Shipetown Rd and Mitchell Rd, Commission District 8.
- METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE 8-O-08-RZ
Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District.
- JAMES L. MCCLAIN
Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

 - a. Northwest County Sector Plan Amendment 9-A-09-SP
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).
 - b. Rezoning 9-A-09-RZ
From A (Agricultural) to CB (Business and Manufacturing).
- CITY OF KNOXVILLE 7-D-10-RZ
South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).
- U** **LISA HOSKINS** **4-F-08-UR**
Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in

R-1 (Low Density Residential) & R-2 (General Residential) District.
Council District 5.

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 (EWART) WERE MADE TO UNTABLE 1-SG-08-C, 1-J-08-UR, 11-SJ-08-C, 11-H-08-UR, 10-SQ-08-F, 11-SP-08-F AND 4-F-08-UR. MOTION CARRIED 11-0. ITEMS UNTABLED.

CONSENT ITEMS

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

COMMISSIONER GEORGE EWART RECUSED FROM VOTING ON THE CONSENT LIST.

Steven Jones, 1617 Chandler Road. Asked that no. 11 Beacon Park be removed and heard.

Lauren Rider, 229 E Scott Avenue, Asked that item no. 7 and item No. 29 be removed from consent and heard.

Patrick McInturf also requested item no. 7 and 29 be removed.

MOTION (CLANCY) AND SECOND (CAREY) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT 7, 11 AND 29. MOTION CARRIED 10-0-1.

MOTION (CLANCY) AND SECOND (CAREY) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS 7, 11, AND 29. MOTION CARRIED 10-0-1. APPROVED.

Ordinance Amendments:

- * 5. **OMNI (OLD MECHANICSVILLE NEIGHBORHOOD INTERESTS), CATHY GONZALEZ**
Revision of Design Guidelines for the Mechanicsville H-1 (Historic Overlay) District. Council District 6.

8-A-11-OA

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 6. **KNOX COUNTY COMMISSION**

8-B-11-OA

Amendments to the Knox County Zoning Ordinance regarding the raising and maintenance of domesticated chickens in certain parts of Knox County.

STAFF RECOMMENDATION: Recommend to Knox County Commission that regulations comparable to those of the City of Knoxville for the keeping of domesticated chickens be provided at Chapter 6 (animals) of the Code of Knox County and that no amendments to the Knox County zoning ordinance appear to be necessary at this time.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

7. **PLUMBERS & STEAMFITTERS LOCAL 102**

8-A-11-SC

Request closure of Gratz St between southwest corner of tax parcel 081LL015 and northern terminus, Council District 4.

STAFF RECOMMENDATION: Approve the closure of this portion of Gratz St., subject to any required easements.

Lauren Rider, 229 E Scott Avenue. I am here on behalf of business owners and community members that are neighbors. We just found out about the variance request, the rezoning request I think or whichever one we are talking about. And we just wanted to ask for a 30-day delay so that we could find out what it is all about and confer with the requestor.

Robert Anders: This is the street closure.

Rider: Right. We have no idea what it is about. The sign, I actually took pictures, the sign is at the end of a dead end hidden behind a building in a bunch of cud zoo. Nobody knew anything about it. We have no idea why there is a street closure requested.

Charles Fletcher, 3618 Fairmont Boulevard. I am the apprenticeship and training director for Local 102. The reason, and we would welcome discussing this, the reason that we are putting in for this road closure is because it is not actually a road at all. It is a gravel alley. I think the term that City Council, that you all use is it is a paper street. It runs from Wells Avenue and dead ends into the chain link fence at Channel 6 News. There is no street there at all. The part that we are wanting to close is only on our property. Our property is on both sides of the imaginary street and we are wanting to close it only on our property. What the property right now is being used for and I know because I clean that area up is obviously to me drug use and I find used condoms out there. I am the one that cleans it up. We are wanting to close that alley on our property and consolidate the property and improve the area. We have also had problems with our night lights being broken out either with

rocks or bb's or something. I replace them. There is no conspiracy going on here. We want to close the road where we can have better control over it, improve the property and clean our property up. That is the reason that I am asking for this closure.

Mike Brusseau: Basically what Mr. Fletcher said is the case. They own both properties on either side. We have had no objections from City Engineering who we rely on heavily for closure reviews to allow them to consolidate the property or gate it off or however they are wanting to do to prevent access back there.

Patrick McInturf, 1127 Luttrell Street. I live about 1/2 block from where the alley is proposed to be closed. There has been, we would welcome dialog and conversation to understand what is going on exactly. I certainly agree with cleaning up blight. There are multiple properties on that alley. There is a house on one side and I believe there is a video production company on one side of the alley. So there are multiple businesses there. If I understand correctly rumor has it that the union property this gentleman is speaking of is under contract for sale. We would just like to know more details about what is going on. We might even support him then. Thank you.

Fletcher: The property is not for sale. We have in that property, out local has been there since 1917 1914. The building has been there since the 40's. We are the only owners. We have no intention of going anywhere. The other issue is we are not wanting to close the alley that the other properties butt up to it; only the part that is at the end of the alley. Not the end where the house and business is. That would remain open. We are only wanting to close the part at the end of the alley where there is just a parking lot.

Anders: Michael I am a little confused. Is that exactly what, is that all that is going to be closed? The upper part of this would not be?

Brusseau: It is a portion of the alley. It is only the portion that sits between the two properties that they control.

Art Clancy: Basically that alley would dead end right at their property

McInturf: Just so you understand, if that alley is closed there is no thoroughfare. The alley would then be a deadend. Right now you can go into the, it enters into a very large parking lot. I have driven through it and I have seen traffic drive through it. What we are requesting is just a 30-day delay so we can have a discussion. We have not discussed this with anyone at MPC. The sign is no where in sight of the street. It is at the end of the parking lot area. No where close to the nearest street where it would be visible.

Bart Carey: In looking at our map here I am not sure if Ms. Rider and her group can see from what is going on up there. Is the fence on the south end or north end of this black line. The north end. The alley would come down, is there a left and right hand turn that you

can make if you are going north headed toward where they propose to cut this off? Is that a city street there on the dash line?

Brusseau: No it is a deadend. I would basically move the deadend from that northern most point of the area depicted to the southern most point.

Carey: There is no prescribed traffic. There is no thru traffic going through there right now because it dead ends on the north end into a chain link fence. Opposition are you all aware of the length of the closure?

Rider: We are not necessarily in opposition to what he is asking. We just didn't know what it was about. It just came on people's agenda really kind of this morning. I did walk the property to see where the sign and found the sign this morning.

Carey: Is it clear now where he is talking about?

Rider: It is very clear and I totally believe you that you have problems with finding drug deals and condoms on the ground. I believe that 100 percent. I know that is a problem and I clean that kind of stuff up around town myself. I think part of the thing is that I am hearing some sources saying that the building is now owned by somebody else. No, no. I am just saying that is what people were reacting to. It was supposedly announced at a public meeting. I guess it is rumor and it is not true. I will make sure I go back to these people and tell them that the Plumbers and Steamfitters do indeed still own the property and that that is somehow is incorrect information. I don't know that it is relevant to you at all. I think the point is the sign is hidden from public view and that the public did not know about this and the public as neighboring properties should know why this street is being closed. I am not sure the problem is going to be solved to close it part of the way. You are still going to have a dead end for unsavory things to happen. That is all. I guess that is not his property to close if the rest of the alley is to be closed. I am saying the community had no idea about the sign.

Carey: I am not happy with the way the sign was posted. I understand your concerns. What I am trying to work toward here is if we could come up with information that might make you comfortable with going forward with this today. It is your right to request that postponement. I think there is some clarify that has been arrived in regards to where this is. Is there enough for you to consider that?

Rider: I will take his word that he owns the building and plans to stay there and just wants to make it part of his property to take care of drug issues and other problems that are going on in the alley.

Carey: I guess my question is are you still going to strongly request that this be postponed?

Rider: No, I am saying, I personally will say I have no problem. We just wanted to know what it was about and the only means to figure that out is to come down here and say what's the sign about that we noticed from your agenda that gets emailed out and oh, look there is a sign in the bushes, which this man has nothing necessarily to do with. We came down here to find out what the sign in the bushes was about and ask if we can have time to talk to him to say what is being closed, what is being changed, why is it being closed. I feel satisfied with his answer. I am no longer in opposition. Thank you very much.

Commissioner Amy Broyles. I represent this area on County Commission. My home address is 316 E. Scott Avenue. I am still opposed to this and would like it postponed for 30 days because even though Lauren has had her questions answered there are a lot of neighborhood and community members that are not here right now to hear these explanations. In order to feel comfortable moving forward, I think that we need to allow due process for people to ask their questions and have them answered. Regardless if may have satisfied our concerns, but there are a lot of other people in the neighborhood who are affected by this who are also understandably confused and very disappointed that this was not handled in a way to facilitate questions and answers. I am asking for, and I have absolutely no opposition to the union and I appreciate everything that Chuck does to clean up that area. It is messy. That is an understatement. We would just like to ask for the neighborhoods to be respected please and to allow 30 days for everyone to have their questions answered before this is enacted.

Wes Stowers: One question. There was a parking lot reference. Is that parking lot on your property? Somebody talked about a parking lot on that alley. Is that on your property or is that before you get to it?

Fletcher: The alley empties out into our parking lot. If I could I would like to go on record as saying what we do in that area that is being discussed is, our job is to train and educate apprentices, young people of Knox County. That's what we are about. We want to help people and this is going to help us do our job I just wanted to go on record as saying that.

Stowers: I am disappointed just like Commissioner Carey and I think everybody else that the sign wasn't put in a prominent place. This is a pretty simple up or down thing. It is there property. It has no impact on any other property owner. I think it would be a waste of everybody's time to postpone this 30 more days.

MOTION (STOWERS) AND SECOND (CLANCYO WERE MADE TO APPROVE THE CLOSURE SUBJECT TO ANY REQUIRED EASEMENTS PER STAFF RECOMMENDATION.

Donaldson: Just to remind folks of the role of the Planning Commission in this particular application is to make a recommendation to City Council. The Planning Commission does not have the authority to close public rights of way. This will be heard by City Council its two September meetings in the event there is a positive vote on the motion.

David Massey, Neighborhoods Coordinator for the City of Knoxville, 400 Main Street, I think it is important to note in light of what Commissioner Broyles said. I sent an email earlier this week to Carol Nickle, President of the Fourth and Gill Neighborhood Organization, to let her know that this item was on the agenda. I did not hear back from her. I assumed she must be out of town. Fourth and Gill Neighborhood Organization and the property owners abutting this property in the 1200 block of Luttrell Street have not officially been informed of this so far. Thank you.

Laura Cole: Mr. Fletcher, I would just like to know in the interest of building relationships in the neighborhood, how do you feel about a 30 day postponement.

Fletcher: I would like to move forward because we still have two City Council readings to go. I wasn't expecting this at all. I thought this was going to be a simple thing.

Cole: It is a pretty simple thing. I just, I am taking into consideration your feelings to a postponement.

Fletcher: I am against postponement.

Carey: In light of what Mr. Donaldson said, the fact that we are not going to approve anything we are just passing it on. Mr. Fletcher, if this does get passed would you be willing to meet with any neighborhood association and answer their questions before the City Council meetings where this would come up?

Fletcher: Yes sir.

MOTION CARRIED 10-1 (SHARP). APPROVED.

Street or Subdivision Name Changes:

- * 8. **UNIVERSITY OF TENNESSEE**
Change Unnamed street to 'Solutions Drive' between EJ Chapman Dr. and northeast parcel line of 108FA001, Council District 2.

8-A-11-SNC

STAFF RECOMMENDATION: Approve the street name 'Solutions Way'.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

- * 9. **METROPOLITAN PLANNING COMMISSION** **8-A-11-SAP**
 South City Sector Plan Update. Council District 1 & Commission District 9.

STAFF RECOMMENDATION: Adopt the South City Sector and forward it to both the City Council and County Commission with recommendations for adoption.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

- 10. **FOX CREEK, PHASE II - S & E PROPERTIES** **7-SA-11-C**
 - a. **Concept Subdivision Plan**
 West end of Fox Cove Rd., west of Fox Rd., north of Tan Rara Dr., Council District 2.

STAFF RECOMMENDATION: Approve variances 1 & 2 and APPROVE the concept plan subject to 6 conditions.

Eric Mosley, 405 Montbrook Lane. I would like to go along with staff recommendation. I don't think there is any opposition here.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. VARIANCES APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. CONCEPT PLAN APPROVED.

- b. **USE ON REVIEW** **7-C-11-UR**
 Proposed use: Detached residential subdivision in RP-1 (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 74 detached dwellings on individual lots subject to 1 condition.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.

- 11. **BEACON PARK** **8-SA-11-C**
 Southwest terminus of Chandler Rd., southwest of Northshore Dr., Commission District 5.

STAFF RECOMMENDATION: Approve variances to road designs as shown on plan sheets L1.3 - L1.7 unless addressed by a specific condition of approval or as modified by the Knox County Dept. of

Engineering and Public Works and APPROVE the concept plan subject to 21 conditions.

COMMISSIONER GEORGE EWART RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM

Doug Campbell, Law Firm of Waggoner Myers and Sanger for Beacon Park LLC, 1801 First Tennessee Plaza. I will let Mr. Jones introduce himself. I am happy to proceed and I will be very brief. This is essentially the same concept plan that was submitted to this body in 2006. It comes back to you again with staff recommendation. The developer Beacon Park is happy with staff recommendation and the numerous conditions that have been recited in the report that is before you. I will defer the rest of my time and allow Mr. Jones to speak.

Steven Jones. 1617 Chandler Road. I wanted to state to this body that we are not in overall opposition to the development but we are in opposition to some of the proposed plans in the development. One of the things I would like to submit in the record is some letters I already submitted but I wanted to bring them up because it was 5 years ago when you saw them last. I don't know if these letters were taken into account when this was brought before you again. I have a few suggestions. I represent a few people that live on Chandler Road near Northshore Drive which is the section of Chandler Road that will be affected. One of the main things that we have objections to is that Chandler Road will be the only entrance in and out of this 800 plus unit development. Right now Chandler Road is 14 to 16 feet wide as put forth in the Beacon Park package. What I wanted to bring to your attention is right now there are about 20 homes down that road. When you consider the traffic on this country lane as they put forth as well you are going to have a 4,000 percent increase in traffic on this road. Now that is a lot of cars. Right now doing simple back of the envelope calculations, we get about 2-4 cars an hour. When this development is complete we are going to have about 2-4 cars every minute. This is the only way in and out of this large development. We brought these concerns before you all before and our concerns are really for the public safety and the ability of emergency response to get into this subdivision. It is, we have had problems even with just 20 houses. We have seen this before where a breakdown or a tree down can pretty much tie up the road for on hour, two hours, a half a day. When we had the hale storm we had a very large tree fall and it was about 12 to 15 hours before that tree was taken care of. That would make it hard when you consider that many people in this area, you are looking at essentially a small town within the community of Knox County. There is a statistically greater chance of any problem someone might have whether it is a fire, injury, health problem or something that requires law enforcement. What we are requesting is that this board consider a second, not an alternative, but a second entrance into this development. In one of the letters I have presented to you I have a proposal that an entrance be considered

that would actually go through the River Sound subdivision. That would alleviate some of the traffic on Chandler Road and allow for multiple access points for emergency response and safety. Another reason we bring this up is that back in 2006 Mr. Trey Benefield, who was a member of the body back then, stated it was County Policy to require at least two entrances for any proposed development with over 150 houses. We think that this is a reasonable consideration. The area within River Sound abuts right up against, very close to the property. There is an empty lot. The cul-de-sac just butts right up against it as though it were planned to be an entrance. I don't know if that is the case or not. That is one of our major concerns. Another concern we have is the road improvements that are planned for Chandler. At present as proposed will all take place on the north side on the Chandler Road resident side of the road. On the south side of the road is the River Sound subdivision. There is a hedge between Chandler Road and the property that River Sound property owners have. I am not representing River Sound. They requested that the hedge remain. I see some merit to that because I do not want to look at the back of their houses and they don't want to look at the front of mine. Right now the proposal is to widen Chandler Road to a minimum of 20 feet. Right now it is 14 to 16 feet wide. That means they are going to be using quite a bit of the easement on the north side of Chandler Road. It was also suggested that utilities would probably have to go outside of the existing right of way. Those of us on Chandler Road would rather not see that happen. I would also ask this body to consider going forth approving this with that as a condition as well as that the utilities remain within the existing right of way. It has got a 50 foot right of way. There is right of way on the River Sound side, but there is that hedge there that they requested remain. The third thing I want to bring up is one section of Chandler Road down right at the entrance to Beacon Park it is about a 0.2 to 0.3 mile section of road. It is proposed to be closed. I think the term is to quit claim that road, to remove the existing asphalt and to essentially create it as a buffer between the Beacon Park development and River Sound. That section of road is heavily used by walkers and bicyclists as well. I am not proposing you don't close it to automobiles. I would ask that you all would reconsider that as a greenway for bicyclists and walkers. That is all I have to say.

Campbell: Thank you Mr. Jones raises a number of issues. I think the concept plan attempts to address those in a reasonable way. I will take them on one at a time as I made notes here. We understand that Chandler Road needs to be improved and that is to be improved to a 20 foot as was mentioned with shoulders. The reason, we have contacted, Mr. Ooten of Beacon Park contacted a representative who was involved in this concept plan in 2006 of the River Sound Homeowners Association. She was contacted this week and was made aware that this plan was coming back around to MPC today. We have not heard any opposition from the River Sound homeowners. The development ultimately as contemplated at this point is that all the vegetation along the barrier, excuse me, the

vegetation that is a buffer between River Sound, the back of those lots in River Sound, and the Chandler Road right of way would remain. It is true as Mr. Jones points that therefore there are some improvements to that road that would be needed on the Chandler Road residential side. We felt like it was very important to Mr. Jones point and to the River Sound homeowners to try to balance these interests and try to leave that vegetation in place and that that degree of privacy and buffer zone created by that vegetation, some of which is very nice trees is not maintained, excuse me, is not taken away. We understand a development of this size which will come on line over a number of years. There are not going to be 800 residents in there immediately though the developer certainly might wish that would be the case. The trips, we feel like the issue of the access by emergency vehicles, the number of trips can be addressed by the single entrance on Chandler Road once it is improved and keeping in mind as noted in the memorandum that handed out at the agenda work shop and is noted in the plan, there are a number of improvement at the intersection of Chandler Lane and Northshore including a realignment of Blue Grass Road and Chandler at that intersection increasing sight distance, signalization, all of that indicates to us, and I hope to MPC staff, that the traffic can be handled access ingress and egress by emergency vehicles would be greatly eased. The problem with two entrances of course is that this developer does not currently have the ability to provide two entrances. That is why the developer has been willing to commit to the time, trouble and extreme expense of improving Chandler Road, realigning the intersection, increasing sight distances, increasing the width of the road, providing for signalization all on the front end such that those issues can be addressed to the extent reasonable. I am happy to take questions about any issues Mr. Jones raised or to further the dialog. We feel like these concerns are addressed to the extent that they can be in the concept as proposed. I have been advised that the utilities will be in the road right of way.

Michael Kane: Mr. Campbell have you had any ongoing discussion with the neighbors on Chandler since this concept plan was put in place 5 years ago. Has there been any discussion with them at all.

Campbell: I was not involved and I can get Mr. Ooten at Beacon Park to, but I will answer part of that question. In connection with this concept plan which is essentially the concept plan submitted 5 years ago, I don't believe that there has been any significant dialog. I know there was dialog at the time that the original concept plan was proposed and approved by this body. Since that time I certainly have not had any communication with Mr. Jones. Mr. Ooten have you had any discussion since the... No we have not. Again I don't want to foreclose that there could be discussion. This developer, Beacon Park, has been very open at all times to discussing. With a project this size, this developer has been very open to discussing concerns of any associated homeowners, property owners. When you are dealing with something that is 500 acres, 380 which are

developed plus or minus it affects a lot of different folks. We understand that.

Kane: The people who are bearing the brunt of this change are essentially those 20 homes that are on Chandler Road. They are the ones bearing the brunt of any change because of this development.

Campbell: I would certainly say that they are bearing some of the issues.

Kane: The impact. Let me put it this way. Maybe the word brunt is not correct. But certainly their lives are being changed because of this.

Campbell: Certainly. I couldn't say that they wouldn't be impacted. That would be... Let me say this. I don't know where 20 comes from. I am told there are 4 homeowners that actually are on Chandler Lane from Northshore Drive to the entrance to the property that we know of. There are certainly 4 houses as I go down the road counting them.

Kane: Maybe, I can see why you say that. Maybe I don't know if Mr. Jones was counting the ones on the other side of the street that back up onto it or not.

Jones: I am counting all the residents of Chandler Road and there is a feeder road that comes off of there that is called Rogers Island Road. Part of the development will also encompass Rogers Island Road. They will also be impacted. They are at the end of the road. They are going to have to go through this as well.

Kane: Oh I see what you are saying. The connection to Roger Island Road is to Chandler and so those folks are affected as well.

Jones: Yes sir. The connection is right at where Beacon Park will start; the main entrance. I know that the concept plan is for some town houses to go down Rogers Island as well.

Jones: They said they are being open. I have not heard anything from them. They said they called the River Sound subdivision. I am not part of River Sound. We are part of Chandler Road. We haven't heard much from them in 5 years. The MPC sign the notices at the end of Kent Ingram's driveway. Only the people who live down there who drive past or walk past Kent Ingram's driveway can see the sign. It maybe because this is just a reapproval.

Kane: I guess personally I am reluctant. This is approved. Nothing has changed in terms of the actual concept plan. I believe that when this was first approved the connectivity issue probably should have been addressed. I understand why developers don't want to do that and why neighbors on the other side don't want to do that. Several weeks ago my neighborhood had multiple trees down. There were

three ways to get out of my street, actually four ways to get out of my street, and all of them were blocked. One tree got cut and there were 50 houses that were able to get out that wouldn't have been able to had we only had once entrance. I am very sensitive to that. Again it was already approved. So the problem is I think that again there is no communication going on with the folks that are directly affected. Sounds to me like there's pros and cons about this vegetation that abuts up to River Sound that most people want to see it kept because of the large trees and everything like that. My concern, what I would have thought was that you guys would have been concerned about maybe having a safe buffer area. I don't know how big your lots are how deep they are in terms of before the house. If you have kids trying to catch a bus or something like that do you need sidewalks that you didn't need before. Are you interested? Those are the kinds of things I would have thought that you would be considered with with only a 20 foot road. Are those not issues at all?

Jones: We had had some dialog with Shaad Development about issues such as that. We talked about things like that but as of our last meeting I had put some of those kinds of concessions on the table but never heard back from them. There are two parts of Chandler Road here. There is the part about 1/4 of a mile between Northshore Drive and where Beacon Park will start. There six homes there. I live in that stretch. My concern there is the utilities encroaching. You are right I would like to see the vegetation stay between our homes and River Sound right there. The other stretch of road starts right at Beacon Park and goes down to the entrance to the Kramer property. It is about 1/4 of a mile. It is a heavily wooded lane and goes right behind River Sound and that is the part that they want to close and create this buffer area. I am not opposed to the buffer area. It is heavily used now by the community. Not just by us; by folks from River Sound and folks from the other side of Northshore walk down this road and bicycle down this road. It is part of our community. They are proposing that we lose that.

Campbell: Again I would like to clarify something here that has already happened that some of the illustrations in the materials will show this. At the intersection, from the intersection of Chandler Road where Rogers Island takes off to the right if you will if you are driving down Chandler Road, you would if you follow from that point on Chandler Road is already closed. That action has been accomplished for some time. The, I am not certain that the deeds from the, as a result of the road closure have been delivered to the Beacon Park side if you will and the River Sound homeowners side. That road is already closed and it is no longer a public right of way.

Kane: This question about the utility, is that something that is in this body has any authority over in terms of where the utilities stay within the existing easement?

Campbell: If I wasn't clear, they are going to be within the existing right of way. We are not asking for an additional right of way for installation.

Kane: Is that what would happen; they would have to ask for additional right of way to put easements in that, I mean to put utilities in that area?

Mark Donaldson: The right of way is available for utilities. Should they choose to go outside of that right of way they would have to negotiate easements with individual property owners.

Chris Ooten: Beacon Park LLC, 150 Major Roams Place. I just wanted to answer a couple of questions that Commissioner Kane had about 2006 to present. Obviously as Mr. Campbell spoke of and staff reported, we have been involved in some litigation since 2006. Quite honestly we have not been doing anything with this property. I think hopefully that everyone would also be aware that we submitted requests to get this concept plan extended for a year twice at this body and have never heard from anybody about anything. We certainly would not have, although it probably would have been prudent, we certainly would not have contacted anybody else because we weren't doing anything different than we did in 06. So it is certainly nothing that we intended to do. We didn't intent to hide from anybody. We didn't even know if we were going to end up with the property or not. We are doing the same thing that we did. Mr. Jones and I have talked several times about what we could do for them to help them. The last time we had talked the reason it didn't go much further is because they were trying to decide with what actually would be more beneficial to them whether it be utility connections, driveway turnarounds. We even bought somebody's house. People were asking us to buy their houses. I think we have been very approachable. We just haven't been approachable for the last few years because we have been tied with some other things. We are the same people we were back in 2006. We are asking for the same things. In fact we have asked for one year extensions with no phone calls at all. Essentially is what we are doing other than submitting a pretty large fee to get reapproved. Hopefully that would...

Art Clancy: All due respect to Commissioner Kane I was here 5 years ago, I am sure you were too, when it all came about. That is a huge piece of Knox County and an important piece. It was discussed. The people from Chandler Road weighed in on that. The people from River Sound weighed in on it. In fact if I am not mistaken it was postponed 30 days just so they could have an opportunity to come back. I really feel like the developer has gone way out of his way for this. I didn't cast a vote 5 year ago lightly because it is a big piece of property. It is a chunk. We have got to be careful how we deal with that.

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

Carey: A couple of issues or questions maybe. Mr. Jones you made mention of the possibility of connecting through River Sound I guess it would be on Thimble Fields Drive. You said you don't represent them.

Jones: I don't represent them. I am just making that as a suggestion that we would ask this body recommend or consider.

Carey: Nobody is here to push back from that. I would assume we would get a huge push back from that on that issue.

Jones: You are kind of looking at David and Goliath here. River Sound is a very large subdivision. I am representing probably 4 homes. The reason why he said when he contacted he got to opposition is because River Sound has been given concessions.

Carey: That aside. Maybe a clarification. As Chandler comes south and hits the property, you mentioned the road would be closed and a buffer. That actually maintains as the main entrance to the subdivision. Correct.

Jones: Where I am talking about is there is a fork where Rogers Island and Chandler occur. Right at that fork as it continues on away from Northshore that stretch will be closed.

Carey: Question for Mr. Campbell. I know from the plans there are going to be extensive walkways, greenways, biking trails, etcetera. Would the members, would the homeowners on Chandler have access and availability to utilize some of those assets?

Ooten: It is a private development. It is something that we talked about at one time. That was something that they brought on their original list when they talked to us back in 2004 whether or not we would give them access to the pool and such and walking trail. Just from a liability standpoint and other things, it just wasn't something that we could work out.

Carey: I wasn't here at that time. That helps.

Anders I was on this commission when we talked about this. We talked about it. We talked about it a lot. The River Sound folks were here. If I remember correctly we talked about another entrance through and obviously they were very opposed to that. What I hoped to hear and I didn't was what has changed since we approved this five years ago. There was, and I know we have a new Commission in a lot of ways, but there was a lot of, lot of conversation and debate over this and it was approved in 2006. I don't see anything that is different from it. So I am going to be in support of it.

Becky Longmire: I just would like to commend the developers for taking into consideration the health of Knox County citizens by providing walkways and trails and sidewalks. It is something that other developers I hope will follow.

MOTION CARRIED 10-0-1. APPROVED.

Final Subdivisions:

- * **12. DARRELL & KAREN LEACH PROPERTY RESUBDIVISION OF LOT 1** **7-SD-11-F**
West side of Childress Rd, off Scenic Meadow Way, a private JPE, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 13. TIMOTHY SANDS PROPERTY** **8-SA-11-F**
North side of Grey Hendrix Rd, past Shady Oak Ln, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **14. BURNETT PROPERTY** **8-SB-11-F**
At the southeast intersection of Deaderick Rd and Kimberlin Heights Rd, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. WILMA JORDAN PROPERTY** **8-SC-11-F**
North side of Clark Dr, northeast of Andersonville Pike, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. WESTMORELAND HEIGHTS RESUBDIVISION OF LOT 3 & P/O 18** **8-SD-11-F**
Northwest side of Stone Mill Dr, southwest of Sherwood Dr., Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. PAPER SOLUTIONS PROPERTY** **8-SE-11-F**

North side of South National Dr, west of Water Plant Rd.,
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **18. TOWE PROPERTY** **8-SF-11-F**
North side of McKamey Rd, southwest of Ball Camp Pike, Council
District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. MAC REALTY PROPERTY** **8-SG-11-F**
Southwest side of Gay Street, northwest of Summit Hill Drive,
Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. NORTH HILLS PART OF LOTS 22-24** **8-SH-11-F**
East of Whittle Springs Rd, northeast of Washington Pike, Council
District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. CROWN & GOOSE RESUBDIVISION** **8-SI-11-F**
West side of S Central Street at intersection of Willow, Council
District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W 22. KINGSTON CENTER** **8-SJ-11-F**
North side of Kingston Pike, northeast of Wellington Drive, Council
District 2.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 23. OLIVER A. SMITH**
Northeast side Lake Heritage Way, southwest side I-140, southeast of
Westland Dr., Commission District 5.
a. Southwest County Sector Plan Amendment **6-H-06-SP**

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b. Rezoning

8-B-11-RZ

From BP (Business and Technology) / TO (Technology Overlay) to OB (Office, Medical, and Related Services) / TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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28. STEVEN D. YOUNG

8-C-11-RZ

Northwest side Yarnell Rd., southwest of Armiger Ln., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to RA (Low Density Residential) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve RECOMMEND the Knox County Commission APPROVE RA (Low Density Residential) / TO (Technology Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

29. GRASSROOTS MINISTRY

8-D-11-RZ

West side N. Broadway, south of N. Central St., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: Approve RECOMMEND the Knox City Council APPROVE C-2 (Central Business District) zoning.

Parker Bartholomew, 8450 Old Colony Trail, Knoxville, 37923. We will defer.

Brandon Clark: 7603 Alki Lane, 37919. I oppose the rezoning. The reasons for it are pretty simple. The sign that was at the location was actually hidden in the weeds and I didn't even know anything about it as well as many other business owners that are here today. We didn't even know until this morning. We are kind of here as I think you discussed number 7 kind of the same sort of situation as far as recognizing what's going on in our business area and in our neighborhoods. That was just one of the reasons. The other one is I am concerned about the proposed use. I realize and I am not exactly sure why it would need to be rezoned from a 2 to a 3. So I would like to know a little about that as well as...

Anders: From a 3 to 2.

Clark: From a 3 to 2 this is my first time. You will have to give me some sort of concession. I will say that I feel really comfortable with discussing a report to the Mayor about the Fifth and Broadway Task Force, December 12, 2006, especially with everything that has gone on in the area with Minvilla and just the large concentration of

services to ministries and the homeless population in know back on 2006. I would just like to quote here "The purpose of the Fifth and Broadway initiative is to create with the City of Knoxville and Knox County a livable, enjoyable and sustainable environment that includes homeless care and business and neighborhood growth. The plan will stretch to encompass the logical reaches of the Fifth and Broadway intersection." You have already heard today that business owners and neighborhoods are having to go and pick up dirty condoms and see all this drug activity that is going on. I have a three year old daughter. I bring her to my office. I don't like to be there when it is dark. I know what is going on. I pick it up. My dad picks it up. Our family business, just like all the rest of them, we all pick it up. We are sick and tired of it. If you look on the second page here it says, and I am referring back to the report to the Mayor, "Work to avoid any further concentration of homeless services in the Broadway/Fifth area. Try to find a suitable, non-homeless service provider oriented use for Midway Building and other vacant buildings in the general area." This building has nothing in it. It is vacant. We are trying to build. We are trying to invest. The only way Knoxville to thrive is to build that area. I don't know that it is being done correctly right now and I think a lot of our neighbors in that area would agree. I don't really have anything further. Those are just some points that I do have. I will say I respect what he is trying to do and it is extremely hard for me to sit up here. But as a young person trying to scratch and claw and grow my family and build my neighborhoods, which I feel like I have done a whole lot for this community. I need somebody to give us a break. Give us an opportunity. Allow us to grow. All people back here, these are the one that have businesses. These are the people that have employees. These are the people that build this community. I ask that you guys please review. Who else would like to speak?

Melinda Whetsel: 1018 Luttrell Street. I live about 4 blocks from the property that is in question today. I am immediate past president of the Forth and Gill Neighborhood Organization and immediate chair person of Historic Zoning Commission. I serve on both of those at the moment. I am here to ask you to not recommend this piece of property to City Council. I know that staff recommendation is for you to recommend. I am asking you to not recommend for exactly the reasons that Brandon just spoke to you. Primarily the proposed use and although this is really about property rather than use, it is very clear what the use will be and how it impacts our neighborhoods. The staff recommendation is that it is consistent with the zoning which includes residential and historic areas. I would disagree that this is not consistent with what we have done in neighborhoods for 30 years. We have spent time, energy, dollars, passion to reclaim a neighborhood for the city. It is our home and we want to take care of them. Without trying to sound too cheesy or self congratulatory, it is bigger than that. We see us as reclaiming a part of the city. If the service providers are going to continue move all the way down Broadway, it negates everything we have done for the last 30 years. Please I am asking you to look at the bigger picture and pay

attention to what is going on and do not recommend this piece of property to be rezoned.

Bartholomew: I will try to answer some of those questions. The reason we are going from 3 to 2 is there is a requirement for a church in 3 that requires parking. Obviously because this is inner city location, it lacks parking. As far as business concerns I actually work for the company that owns most of Emory Place on the north side some 30,000 square feet of office space. We actually just recently completed a close to a million dollar renovation of that property and lease it to a company called Ivan Allen from the Alcoa area. As far as business concerns, I have a direct impact to the concerns of businesses around in that area. As far as the sign not being posted, it was over there this morning. I got some phone calls from some local business people about a week and one half ago I guess when the letters go out. Most of the phone calls came this morning from people asking what we are going to do there. We believe that C-2 is the right zoning. It is consistent with the sector plan. Consistent with inner city development. It is what was recommended for the Emory Place sector. The only real that this even has to be rezoned is for parking. All the services and a lot of the concerns for the homeless and the people that are down there now could be done in that building, but just outside that building. So what we are trying to do is allow it so people can actually come into the building and the services can be provided inside the building. In C-3 you are allowed to have a church. It is just a matter of how many people can be in the church. That is why the parking is so important because there is no parking and when you have people in a church, you have to provide for parking for them. In C-2 you don't. Will defer for later.

Dwight Guinn: 1249 Monroe Street, Park Ridge. I would like to point out that one of the other major differences in C-3 to C-2 is that C-2 allows beds. C-2 allows another overnight shelter that is not allowed in C-2.

Mark Donaldson: I will just remind the Commission that a church and a ministry is a permitted in all of our zone districts. We are forbidden by law from excluding them from any location in the city. We have been using the C-2 zone district in this part of the city extensively in the last two years to encourage the redevelopment of buildings simply because C-2 does not require parking where any use in C-3 does. The city requires any reuse of a building to meet the current code. So it is much easier for the applicant to apply for a rezoning than to apply for a variance from the parking requirement. Within the last year we have approved C-2 in two locations; one within 500 feet of this property and the other easily within 1,000 feet. Emory Place, the north side of Emory Place was approved; as I recall it was on our consent agenda and went through City Council without any discussion. The Mag Pie bakery and the new book store were rezoned from C-3 to C-2 in order to eliminate the parking requirement and provide for redevelopment in that area. This property is adjacent to existing C-2 zoning.

Commissioner Amy Broyles: 316 E Scott Avenue. One thing that has not been pointed out is that this organization has not contacted any of the neighborhood organizations in the area and tried to communicate with neighborhood organizations about what their plans are, what they are planning to do. I also understand from Jenny Weatherstone at Volunteer Ministry Centers that they have not been in contact with any of the current homeless service providers. I feel like there has not been adequate communication to the community or to the service providers that are already there to make sure what they are intending to do is not a duplication of services. Again I remain staunchly opposed to any new homeless service going into that area where we have worked so hard for neighborhood and economic development. This would be a huge step backwards for that area.

Art Clancy: If we were to vote to deny the C-2, are we legally bound to come up with a reason other than we feel like the services will impact the neighborhood negatively or can we just deny?

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

Becky Longmire: Speaking to the community, would having a 30-day postponement so that you can talk to Mr. Bartholomew help in any way at all?

Broyles: No ma'am it would not.

Anders: Mr. Wise you have always been very quick to tell us if we are stepping on thin ice. Please weigh in if we are.

Steve Wise: You are fine. This is a legislative process you are involved in now and not a judicial quasi legislative, not quasi judicial. You do have to have a reason for your judicial decisions for subdivisions and things of that nature. But this is a legislative process, you are in a different role and you can make decisions based on whatever rings your bell.

MOTION CARRIED 11-0. DENIED.

* **30. THE COURTLAND GROUP**

8-E-11-RZ

West side S. Central St., north of E. Summit Hill Dr., Council District 6. Rezoning from C-3 (General Commercial) / 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 Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- P 31. BRETT HONEYCUTT 11-A-10-UR**
 North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 32. PSC METALS 7-D-11-UR**
 Northeast side of Cogdill Rd., south of Starkey Ln. Proposed use: Metal salvage yard in CB (Business and Manufacturing)/TO (Technology Overlay) & RA (Low Density Residential)/TO (Technology Overlay) Districts. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a metal salvage yard at this location as shown on the site plan subject to 11 conditions.

CHAIR ROBERT ANDERS RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Commissioner Becky Longmire served as chair on this item.

Arthur Seymour, Jr., 550 West Main Avenue and Gary Rittenhouse with PSC Metals, National Drive. We are both here on behalf of the applicant.

Longmire: There is no opposition. Do you want to say anything?

Seymour: I waive my 10 minute speech. We would just ask that it be approved per staff recommendation. I would just add since the last time we were here last month, we have met with the adjoining property owners and the church and I think we have satisfied all their concerns. We are adding vegetation and fencing and so forth.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-0-1. APPROVED.

- P 33. AT & T/NSORO 8-A-11-UR**
 North side Kimberlin Heights Road, east of Porterfield Road. Proposed use: Approval of a 195 ft. monopole telecommunications tower in A (Agricultural) District. Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 34. PETER FALK 8-B-11-UR**
 East side Canton Hollow Rd., west terminus Flickinger Lane. Proposed use: Approval of an assisted living facility in OB (Office,

Medical, and Related Services) pending District. Commission District 5.

STAFF RECOMMENDATION: Approve the request for an assisted living facility containing up to 44 client beds in a building containing approximately 14,700 sq. ft. as shown the site plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

35. THE PAVILION AT HUNTER VALLEY FARM

8-C-11-UR

Northwest side Hunter Valley Lane, northeast of Keller Bend Road
Proposed use: Approval of pavilion and event facility in T (Transition) (k) District. Commission District 4.

STAFF RECOMMENDATION: Approve the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 10 conditions:

Arthur Seymour Jr. again with Joe Elmore who is the father of the operator of the events facilities and the straw boss on the construction project out there.

John King, P.O. Box 2425 Knoxville 37901. I am not here in opposition. I represent Sam Mishu, an adjoining property own who has had issues most of which have been cleared up. I am here observing to see what happens. I may or may not have any comments.

Seymour: I am going to turn this over to Mr. Elmore. Basically there are two issues left to bring this facility into conformity with the earlier approval. One is the Knox County stormwater and you all, you and your engineer Joe, are working to get that resolved. The remainder of the issues involve paving, driveway and parking. Joe will explain to you the issues other than cost what they intend to do and what they would ask you to do on the remainder. I think everything else has been cleared out. The fire department is satisfied with the water storage for the Fire Marshall. Rural Metro has been able to get down the road to the facility has been out there several times with Mike Brown, Deputy County Fire Marshall. Joe why don't you just take it from there and explain what the issues are. a

Joe Elmore, 9107 Hunter Valley Lane 37922

What we would ask to start with is if you could delete all the paving from the original plan and then let us go ahead start our paving as we can afford it and get it done to County specs. Going to concrete the lower part of it next to the pavilion and will be asphaltting the rest of it. As soon as we get the stormwater drains in, the rest of the drains in we will be concreting.

Becky Longmire: Would you mind saying again where the concrete will go sir.

Elmore: It will go from where the building is up to the first flower bed.

Longmire: Okay so not the driveway that goes past the neighbors house.

Elmore: No, not yet.

Seymour: We are asking, do you want me to elaborate? It would be nice if you could pave this road for \$100,000. Mr. Elmore tells me that to do all the paving required by the present plan would take somewhere in the neighborhood of 1/4 of million dollars. Everybody says Becky is making money hand over fist, but you have got to make it faster than that to pay for this kind of paving. We would ask that the paving requirements be stretched out. The concrete pad has got to be in there right of way to handle trucks that come in and so forth. But allow, but right now they simply cannot pave what the road by December 31.

Elmore: The letter we got I believe it is January 2nd.

Seymour: By January 2nd. What issues do you have with that Joe.

Elmore: We just can't afford to do it that quick. We would like to have, if we are going to have to do it all we would like to have do it in three phases. Do the lower part in the first phase. Do a road second phase and the upper parking lot, which is the just an overflow lot in the third phase over say three years.

Seymour: It is an economic issue. If we could wave a magic wand and do it, we would do it. The road is graded out per County specifications. Would have to reestablish the base there and then put asphalt down. I realize the zoning ordinance requires paved parking lots. Frankly we would like to get rid of that, but we are faced with the zoning ordinance. You don't want to pave as much of this beautiful farm if you can avoid doing it just to keep impervious, pervious surface there.

Laura Cole: Today I sent out an inspection report to Commissioners. It was late in the day so everyone may not have received it. Because I missed agenda review on Tuesday, I pulled an inspection report to see what the specific requirements were for this piece of property and there is a 22 item list that goes into more details about what Knox County Engineering is requiring. I would like to hear from Engineering about the status of those 22 items and what some of the issues. It seems to me that it is more than just a paving issue there are other issues going on there.

Cindy Pionke: County Engineering. Essentially the 22 item list was compiled on June 20th. The inspector was on site and was looking to see what still either needed to be done or had been done incorrectly. In addition to that he had gone out again last Monday and updated the list and essentially only 2-3 items drop off the list. From our standpoint there is still a substantial amount of work that needs to be done. Most of the work that needs to be done is stormwater related in terms of installing swells and pipes and the water quality devices, landscaping drains, relocating the fire pit out of the water quality buffer. Things of that nature in addition to the fact that nothing has been paved out there. There is more going on than what meets the eye.

Elmore: True. Since we got the letter of June 22nd you said, our approval ceased at that time and we have been waiting to come here today get it reapproved to start back to work.

Cole: In your opinion Ms. Pionke should those things be completed?

Pionke: All of these items were supposed to be completed for the business to be in operation. The business has continued to operate as far as we know based on the advertisements that we have seen. The list that was compiled on June 20 was sent to Mr. Seymour on the 21st by our Law Department and essentially it said be advised and please make your client aware that the event facility is not currently approved for use because the since the June date had already passed. And it says if necessary I will file an appropriate action to enjoin and anticipated unapproved use. It also mentions that there is possibility of civil penalties. It says if you have any questions, don't hesitate to call or contact. That was from the Law Director's office..

Cole: Mr. Seymour do you want to respond to that?

Seymour. I will be happy to. This by way of explanation. A large number of the events that occur out there are equestrian events. Becky Thornton teaches all horse riding. She has camps out there for children for horse riding. The issue has come up that was what it started out, a very fine stables. It has expanded. People want to get married out there. Businesses want to have their business retreats out there. The pavilion was built. Joe is responsible. They used to just occur in a tent out there. The pavilion was erected on the advice of Knox County codes without a building permit because it was perceived by somebody at the time as being part of the equestrian center. I will concede there are more events going on there than equestrian events, weddings, business meetings. This has just been... They got into more than they thought they were getting into when they started allowing people to have weddings and people to have birthday parties out there and so forth. It is an expensive process. When I got Dan Sanders letter, I think is the letter you referenced Cindy, I immediately sent it to Joe's daughter, Nancy. I have talked to them a number of times. Beyond that they are trying

to get the water quality facilities finished. How long will it take you to get the water quality facilities finished Joe? You are out there working everyday, I am not.

Elmore: It will take three weeks about to get all the ground water.

Seymour: Everything that is on Dan's list?

Elmore: Mr. Richard LeMay, engineer, is redoing the plans, they are supposed to be finished today, to address some of those problems. For instance the plans call for an 18 inch wastewater or groundwater line be put in. We put 24 in. We thought that would be better. It is not on the plans for 24 and that is what Mr. LeMay is doing. He is putting in the size of pipe that we are using rather than use small we use larger in every place except the pipe that goes, when you come off Hunter Valley Lane the plans call for a concrete pipe. All the rest of the pipes up and down Hunter Valley Lane are galvanized so that is what we put in and that is one of the problems on the list is the type of pipe we used there. We are trying to do it better than the plans call for. Again it is what was in the letter, but it is not what is called for in the plans. We are doing the plans right now.

Cole: I understand your predicament. I think you won't find a person in the room that is more supportive of an equestrian facility than me. But I am also very sensitive to what engineering is trying to accomplish. I don't know if we need to postpone this again. I feel like we haven't made much progress. So I am kind of in a quandary how to support it. I feel like we need to respond to engineering's requests before it is approved.

Seymour: Let me ask a question and may I address it to Ms. Pionke. As I, and this is what Joe has told me. The plans will have to be revised to a certain extent to reflect what has already been done out there. If Mr. Elmore is correct that it would take three weeks to complete the rest of the groundwater, stormwater facilities, those plans will still have to go back before he could continue work to you all. Would they not?

Pionke: We would actually have to sign off on the design plans that the revised plans w actually work. Until we would actually receive a set of design plans and run through the calculations and do all of that and return them to you, then at that point you could actually begin the actual work.

Seymour: How long would that process take? Usually plans are submitted. They are reviewed. Comments back to the designer. They are revised.

Pionke: Typically we do a five business day turnaround on plans.

Anders: I am going to go to Tom Brechko. Real quick I want to echo something that Commissioner Cole said. We talk about a lot here.

We complain about on passing things and agreeing on things and then we complain that there is no enforcement. That it can be done and that somebody else needs to go enforce it. I kind of see in this situation that we are kind of cutting Knox County Engineering's legs out from under them if every time we turn around we go well I know you said you were going to do this, but since you didn't we are going to go ahead and approve it anyway and move it forward. I just wanted to make that comment.

Tom Brechko: Usually on a project like this, until the project is approved there is nothing out there operating and until the improvements are put in place there is nothing out there operating. So all the costs associated with this project would have to be put in up front before there is any return on the business. In this case it started as a little expansion of the equestrian facility but has blossomed to something a lot more. Our comments at different meetings have been about different events that we are aware of going on. Only the applicant knows or could tell us how many weddings, receptions, business meetings and stuff have been out there. We have not been opposed to the proposed use of the property for this event facility. We have worked with the applicant. We have worked with the neighbors to try to come up with something that everybody was as close to being agreeable as possible on that provided adequate facilities for the site. We have supported each time. Every time we have had an approval we placed a deadline on improvements being put in place is because it is already being used. Usually when it is not being used you have a certificate of occupancy that allows them to open the business and that is kind of control. In this case the only control we have is enforcement action being taken. It is kind of unique here to because if you go and shut them down, my guess is there is already events planned that would have a major impact on others if you decided to shut it down today and they can't have any events there, especially I would think brides for their weddings that are planned out there. When we have had the approvals and put a deadline on improvements, we have gone to the applicant asked them when they could thought they could complete it. We have suggested a couple of more months to make sure they can get it done. This is the third time we are back because of that. They have asked for an extension of at least the phased pavement. Three years is think for some of it is too long of a stretch. We recommended a two phase program. To us one of the important parts on this on the paving end is the main road going into the facility providing access back to the pavilion to the turn around. That is more important I think than pavement directly up next to the building when you have to go over gravel to get there. First Marshall's office as we have discussed this with them, they have less concerns on issues because a number of things have been done. They do have a wider roadway to get in there. It is gravel. They have the fire flow issue that's been addressed. In our discussions with the Fire Marshall's office their position is still that that road needs to be paved. To us it is one of the more important factors. That is why the parking of 64 spaces

which comes off of that main road we set as the second phase and talked about a year and one half from the time for that being completed. To us the main issue is the road. I know on the stormwater, and Cindy has responded to questions about that, but there is a bond that has been posted for a guarantee of completion of the stormwater facilities. Of course it may cost more now than if they had it put in by the original plans because it has been modified. That is in the process. To us if you look at a phasing on pavement, I think the road is the primary issue. I know in discussions with John King he had mentioned and his client that a lot of the stuff has been addressed as far as landscaping and buffering to his client the adjoining property owner, but the gravel road has the potential of creating dust problems. We tried to move it as far away from the adjoining property as possible when we went through this review. I think that may still be an issue with them. We support the project. We just think that certain things need to be put in place for it to continue.

Clancy: Mr. Elmore, when was the pavilion built?

Elmore: It was, this is the fourth year.

Clancy You have been operating the pavilion for 4 year and you want another 3 year to get the asphalt in. Why would we think that in 3 years you would have enough money to asphalt?

Elmore: You see we had not planned to asphalt the driveway to start with because we have got a paved driveway coming in. It is it just not 20 feet wide. It accommodates cars very well. We got the one for the fire department 20 feet wide. They don't have a problem with it according to Mr. Brown. He was out the other day and said that the only reason they wanted, was stressing it to be paved is because it is on plans to be paved.

Clancy: I will be really honest with you. Seems like since this has come about I have heard more about this project than I ever wanted to. I support it. I supported it right up front. But we keep coming back and saying okay we are supposed to do this; but we didn't do this, can we do this. It is getting to sound like a broken record. To address some of Commissioner Cole's questions and concerns, I am landing well on her side of the fence but I am looking at the 10 conditions. If we pass this and approve this, one of those conditions is that if you don't have your engineering done and Knox County on board by prior to January 2, 2012, which isn't that far away and if you don't have the asphalt in prior to 2013, actually you are out. I mean that is it. You have been operating 4 years out of compliance. We are scratching our heads to figure out why we can't just get it done and get going. I understand it is expensive, but things like, an idea that good and a place that attractive and you obviously done a lot of work down there. Did we start out with a business plan that would have taken some of these expenses into consideration so that we aren't back and forth with all of this? I am

sure that Mr. Seymour is very inexpensive, but the rest of this is getting, I mean, convoluted. It just seems like, and I see why, Tom I see why you have got the conditions in here like that, but Laura I think that addresses them. I am getting tired of hearing them, you know; we can't get this done, we can't get that done. This is restrictive and it doesn't give you 3 years to get asphalt in. You are going to have to figure out a way to stay in business and get it in if we go in this direction.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE THE DEVELOPMENT PLAN WITH 10 CONDITIONS PER STAFF RECOMMENDATION.

Kane: I am just trying to make sure I understand the approval, the previous approval and what is being proposed by staff and is on for vote right now. In the letter dated April 20, 2011, from Law Director Sanders, it states that MPC basically approved the use on review applications for the event facility and MPC's approval required that 9 be met before the facility could be used by the public. And then it says that in summary you've got to stop using the facility. Sounds to me like what we approved before is all those conditions had to be approved, be completed before the event, any events could take place. What I am reading now is that we are not saying that. If we approve staff recommendation we are essentially allowing them legally to have events there, as long as they can do that up until January 2, 2012. At that time if they haven't finished phase one then they would have to cease. Is that correct? Is that the correct understanding?

Brechko: Since I wrote the conditions, the issue of enforcement and what they can do as far as operating the business comes from codes and in this case from that letter from the County Law Department. What we are doing is approving the use out there. The difference is they are operating a business.

Kane: I am saying are they legally? Because according to the interpretation from the Law Director they were not legally allowed to operate as an event facility before with our previous review. I am confused about why we are even there today. If they want to do this they need to put it in. I will support it. I will vote for it when the work is done. But I don't understand why I keep on having to vote for it. Am I voting for something to allow them to continue to illegally operate or am I just approving something that when they meet the conditions then they can operate? Because I have no belief that they are going to make it. I don't believe that they are going to meet these conditions on this schedule. I would like to know what I am doing.

Brechko: Anytime we grant a use on review approval it allows them to go forward and put the facility into place. They still have things to improve to do that. The last letter from the law department, prior to the email that was just sent in June, stated that until the conditions

were met they should not have any events out there that are not equestrian-related. The fact that they are out there operating creates a problem for us. As with any use on review it is approving the use with required improvements to be put in place. They cannot go and work on these improvements unless you give them some type of approval. I think that is part of the problem. They need an approval for the event facility to be able to move forward with construction and completion of the facilities. There could be a condition stating that until the improvements are in place that they can't operate. I think that is an option you could look at. The law department has made that indication.

Anders: I didn't mean to interrupt you, but even if we approve this couldn't Knox County law department to in a shut them down anyway?

Brechko: They could take legal action against them.

Donaldson: If the rational was that it was inconsistent with the approved use on review and plans, that would go away if we replace it with a new plan and a new phasing structure.

Kane: Basically what I am hearing is that because of the involvement of Knox County Engineering, basically they can't do any of the improvements unless they have an approved plan. I mean Knox County Engineering cannot get involved unless there is an approved plan. Is that correct?

Pionke: I am not sure about that. The problem all along is they have continued to operate a business. Normally this is not an issue because nobody is already up and running. As they build their facility and what not, we are also getting all the other stuff that is in the plans.

Kane: My problem is why do we keep phasing this? That is what my problem is. Why do we keep phasing this? What is the purpose of the phasing?

Pionke: We are trying to get them to get into compliance. That is what we are trying to do. It hasn't happened.

Kane: Phasing assumes they legally can operate if they continue to operate. That is what it says. That is why you put a phase in because okay you legally can operate. So we put a phase in and once you meet these requirements, if you keep on meeting these requirements, you continue to be legally able to operate. But what I heard is no they can't operate even if we put these phased approach in, they can't legally operate. So my question is why are we putting these phased approaches in? Am I just missing something, please tell me.

Donaldson: The last approval had date certians for making improvements. They passed that, so they are no long in compliance with that plan. That was the basis for at least some of the stipulations that were made in the letter from the County Law. This application would replace that previous and establish a new set of date cetains.

Kane: And if the interpretation from the County Law Director is the same, they still couldn't operate any event activity during that phased time. Is that correct?

Donaldson: If rational was that they weren't complying with the approved plan, there would be a new approved plan that sets a new set of ...

Kane: He wrote that letter on April 20 which was before the expiration date of the plan.

Brusseau: There was one in the packet that was sent out in April after the second approval was granted basically saying until you get these improvements addressed, you shouldn't have anything going on out there.

Kane: It was June 9; if the required improvements were not completed by June 9. They wrote the letter on April 20th. That would tell me that the Law Department said you can't operate until these improvements are done period. Not whether you completed them or not by the schedule because the schedule hadn't been finished yet. I am I missing it? Is that wrong?

Brechko: Because we are dealing with a business that has been in operation, it is not as simple as the normal conditions we put on there. You could make it as simple as saying and the law department could do the same thing by a follow up letter to whatever action you take, that until the conditions are met you cannot operate. We put a, with a phasing plan our position is that they need to get the roadway put in place and we set a date to try to get that completed. The parking lot is not as much an issue for access and for safety our concerns are not as great on that. If they don't complete that by the second phasing date, the County can take action on them to get them to complete the paving under that plan. You could do what you were indicating the law department has already stated previously and say that until these items are done, you cannot operate the business and state that if you think there should be a phase on the paving that once items say 1 through 9 are completed, then you can move forward with the business and you have an additional year to do the paving of the parking lot. There are a couple of ways you can address it. Either way it comes down to an enforcement issue. If they operate before that time, it is up to the County to take legal action against them.

Kane: I see no value in having a phased approach. We can approve the plan. It is up to the county to decide when they want to enforce it. They can give them as much time as they want or as little time as they want. It is up to the county to enforce it. I think it is a great plan. I approve it. I will approve it today. I will approve it next week. I don't like the phased approach.

Anders: Let me talk out of the other side of my mouth here. I would be more adamant about the enforcement side of this thing I think if we had other people being affected by this. I know Mr. King has a client that has some questions about dust and that kind of stuff. This is not like it is an area that is our there that is being a burden on neighbors and other folks. That's my yeng and yang on this thing. The other wide of it I really do believe we have gone too far in letting it go too far. At the same time I am trying to see the damages here, who else is being damaged out here. These guys are half way through a project or three quarters way through a project. I am throwing out my confusion on this. Maybe that is why we have talked about this as long as we have.

Longmire: There are three concerns if have. The first is the checklist that came from the County. Not only it wasn't just that things weren't done, its the things that were done that were done shoddily or using substandard equipment or whatever. To say that you are working on it doesn't count if you are not doing it the way it is supposed to be done. The second thing, I have sat here for a long time and there have been businesses doing business that we have stopped from doing business because they are not in compliance. We have a grocery store. We could not have operated that grocery stored without a paved parking lot. We would have been shut down and it cost a whole lot of money. I am very sympathetic to that. But when one goes into business, that is part of being a business person is to have a plan and have the finances. I am sympathetic with your success. That is the problem you have been successful. I am sympathetic with all the brides or whatever. But at the same time Commissioner Anders says there are not really people hurt. Fair is fair. What we expect from businesses ought to be across the board. It would be nice if I said no you can go ahead and do your business. I know it its expensive so you don't have to do whatever right now. But we have rules. If we don't support those rules, what are here for anyway? I don't understand. Mr. King's client, I have a half mile gravel driveway. I guarantee dust is not an insignificant problem; particularly in this summer period. It can totally destroy outdoor living. He has as much right to enjoy his outdoors as you have to use yours for business. I will say that I am disappointed. We have okayed plans before. I think it is a wonderful plan. I don't feel like you all are upholding your end of it at all.

Seymour: May I offer an explanation about the roadway because that seems to be the primary focus. The roadway that is not paved is one that the Fire Marshall required to be put in. There is an existing paved driveway into the equestrian facility which attracts

most of the traffic. It was not sufficient with the fire department because it could not be made into a 18 foot paved road without taking out the entrance gates to the facility and a number of trees. It is sort of tree lined.

Longmire: I understand. I have been to the place.

Seymour: Most of the traffic frankly uses that. The road that the pave issue arises over is one that has to be there for emergency vehicles.

Longmire: I understand that and that is all the more reason to pave it. It is an emergency access road.

Seymour: Fire trucks have been out there haven't they Joe.

Elmore: They brought fire trucks out to show me where to put the dry hydrant in and where to cut it off.

Longmire: And where to pave it.

Elmore: They didn't say anything about paving it. Rural Metro didn't.

Brechko: Every meeting that we have had with the applicant, we have stated the fact that part of the issue is the Fire Marshall's office. From a planning standpoint also engineering we were requiring a 20 foot wide driveway for this type of facility. They only had a 13 foot wide drive that we said one option was to widen that. They decided not to follow that because of having to remove some trees and some other costs associated with it. We told them we needed a driveway that we were asking the Fire Marshall's office to determine what they felt they needed as a minimum width and that was 20 feet. The purpose of this road is not just for the fire access. It's to be the approved road for the access for this facility unless they wanted to go back in and widen the existing road that goes back there. Everything we go to these meetings I hear the same thing; for the Fire Marshall's okay. It was only their requirement. This is something that planning staff, engineering staff and the Fire Marshall's office were recommending. If you look at some other approvals when we deal with cell towers, the standards that the County is requiring, both engineering and the Fire Marshall's office, for an access road to a telecommunication tower is a 16 foot wide paved road. Even in those cases they are requiring pavement for the emergency vehicle access. But this, it is that and it is the combination of the use and multiple cars and vehicles that go into the site.

Bart Carey: I think I am more confused now than I was 30 minutes ago. Commissioner Kane brings up some real interesting points and I am not sure I understand it fully like he does as far as where are right and where we are wrong in trying to approve or not approve this. My first questions is what is the motion on the floor right now.

Anders: The motion is to approve per staff recommendation with a second.

Carey: Commissioner Cole talked about a possible postponement until engineering could be brought up to compliance before our next meeting. This is obviously not part of what we have on the floor right now in terms of a motion. I am not sure what we are stepping off into. I don't think there is anyone in this room opposed to this use. I am a neighbor and I own property on this same lake. I think everybody in the neighborhood is applauding what they are doing. It sure beats the heck out of 100 houses sitting there. Maybe how they are getting there is a little bit of an issue. I then put myself in the position of a bride who has a wedding slated for September 24th and invitations, or whenever it is, and plans have been made and every other facility is already booked and then where does that person go. There are issues, we do have date and there are timelines and there are all these things we are talking about, but then we have got to bring in the practical. We do not have a line of neighbors out here raising cane about us approving something that doesn't need to be there. I think we can offer flexibility that we might not on some other things. I am not really sure where I am going. The motion is there. I think I support the motion as it stands. If we have serious issues as a body and we are very divisive here and we don't know where we are going, then I think a postponement would be a solution. I am going to leave it on the floor with that.

Anders: I think one of the bigger issues is that there is a lack of confidence that it is going to get done. We are going to pass another extension. Let me not speak for you all, just for me. If I had the confidence that January 2 this was going to be done, I would have no problem with this. I would be asking for a vote right now, but there is nothing in the past has, should give us confidence that this timeline would be met.

Carey: Is a postponement, would that be something you all would consider?

Seymour: Let me respond to that Mr. Chairman. I think. I have known Mr. Elmore for a couple of years. He has just recently taken charge of this project for his daughter. Mr. Elmore is pretty good at getting things done. I don't know if he would agree with that. I think the stormwater facilities can be done right away. He has not stood up here and told you he could finish the road within the time line. That is the issue; the pavement. Joe you can get the stormwater done.

Elmore: As soon as we get their approval it will be done in two weeks.

Seymour: If Joe says that, it will get done. The roadway is a financial issue. The road is in. The berm is in. It is just getting it paved. Now if oil would drop back to \$40 or \$50 a gallon and asphalt followed accordingly that might be possible.

Anders: Arthur, I don't know that you are helping your case a whole lot. You have a lot of folks on this Commission that don't want to approve as per staff recommendation and you are basically telling us that you can't even meet staff recommendation.

Seymour: Well I don't think Joe wants to stand up her and I certainly don't want to stand up here and tell you that we are going to do something that Joe, Mr. Elmore, has told me they simply can't afford to get done by the end of the year. It is a quarter of a million dollar project to get basically the road. Well some of that is the parking you know.

Anders: Even if you are on Commission and you support, you have got to almost vote no on the motion because they cannot meet the requirements.

Seymour: Mr. Elmore doesn't want to tell you....

Anders: I understand. I appreciate that. I would much rather hear that than yeah and then on January 2nd we are back here talking about it.

Wes Stowers: Let's get to the nubs of this. Mr. Elmore, it is apparent you can't meet what staff has recommended. I have been to the facility. It is beautiful. I have been to several functions there. There are lots of rules. I am not here to debate the validity. The rules are the rules. I would suggest perhaps we look at what you can do and let this board vote. We need a commitment because this thing has been rolled and rolled and rolled for the best of intentions. We can't just ignore what is legal. What are you willing to commit to this council here or Commission here and which of these stipulations recommended by the Board would you want to change and specifically what would you want it to say?

Elmore: I can say we will have the road paved and the lower parking lot paved by December 2012, not January 2012. Next year.

Stowers: Mr. Seymour, if were to look at the staff recommendations and make pen and ink changes what would you recommend they state if it is impossible financially to do this as per staff recommendation.

Seymour: On condition 6 change that to December 31, 2012.

Longmire: Basically an additional year.

Anders: It would not be phasing, it would be all of it.

Elmore: Yea. All the road. Yea. \

Seymour: And the parking lot 2012 also. That would be condition 7 changed January 2...

Elmore: We will have the parking lot paved before the end of the year. This year.

Seymour: Those are the only two things.

Anders: You would have to eliminate condition no. 3 meeting all requirements of the Knox County Fire Marshall's office.

Seymour: I don't know whether they have set. You can't eliminate you have got to do what the Fire Marshall said. I think those two dates. The landscaping stream is already in. There is a requirement that it be changed to stormwater facilities. That can be done by year end or right of way. It has got to be done by September to get in the construction season this year. The directional sign shall be changed to identify the new access drive. How long will it take to do that.

Elmore: It will take two weeks to get a sign.

Seymour: That can be done right of way.

Anders: Mr. Stowers, I appreciate where you are going, But we really can't negotiate that.

Stowers: I understand. We are dancing around. I can land an airplane on that road as it sits right now. It's not going to... if we approve this thing and the thing can't be done and we are all back in the same mess again, I am suggesting we look at what they can do and see if we want to vote for it or against it and quite voting on something that isn't going to happen. Cause I am tired of bringing this thing up over and over again too.

Donaldson: It seems like the nub of this is that we are shifting the roadway paving from phase I to phase II essentially.

Ewart: One thing I think that you had mentioned that you don't know who this hurts. I think it hurts other caterers and other event planners around that operate legally and have been competing against somebody that is not operating in a legal manner here. We have got a building that was built in 2007. It came to this body and was approved in 2009 for zoning and approved on use on review in 2010. Here we are again and nothing has been done. I just have.. Even if these statements... We revised paving this and we don't have money and now we are going to pave the whole thing by the end of

this year. I just have a hard time with this. To me I just can't support it at all because it just seems like every time we do something, something is changed. We submit a set of plans to engineering. We don't put it in right. They come down and get another engineer to draw another set of plans to make it right and they resubmit it. Now they have got to get it approved. And so on and so forth. I am sorry. My confidence with this thing after dealing with this thing for the past two years is just not very good. I just can't support this motion.

Cole: I just wanted to say when we get to this point where we are getting down to the details and we are getting more confusing, I try to step back a little bit. I think part of the problem is you guys are just not ready. I am not hearing that you are set on a plan. I am not hearing that you are actually following the plan that you have got. My thinking was I am going to struggle with supporting this too. Frankly I don't think your ducks are in a row. I hear you making changes at the podium. My thought was another postponement. Although I think it is pretty liberal to go with another postponement. It would at least give you another chance to get your thoughts together and come back to us when you are ready and tell us what you think you can do and when.

Elmore: The reason why we are drawing another set of plans is that the original plans are not working the way we thought it would. Also to address the size of piping that we put in that was not in the original plan. I wasn't involved with it then. I don't know why they didn't put 18 inch pipe instead of 24 inch pipe. That is what happened. The new set of plans are going to address all of that. This lady up here was talking about putting shoddy equipment in. We hadn't put any shoddy equipment in. It has been either what is called for or better or bigger.

Cole: Mr. Elmore, is it Mr. LeMay that is drawing up new design plans then?

Elmore: Yes.

Seymour: Let me make this suggestion just following up on that Joe and see if you are happy with this. You are not going to be happy. To postpone for 30 days. Two weeks before the next meeting which would be later this month you send a letter to Mr. Brechko and the members of the Commission outlining your construction plans. And the only permits that remain to be modified are on the stormwater facilities. Is that correct? Elmore: Yes Seymour: And ask that it be postponed until that time and then you all act in accordance with their submittal whether you agree with it or disagree with it.

Kane: I apologize I was focused on what I was thinking and not what Mr. Seymour had just proposed so I want to finish that. Assuming for instance we say that the motion on the table gets denied, an alternate would be to have the staff recommendation

minus the phased approach period. In other words take those dates out. If that got approved that means it is approved. It is approved in perpetuity. Right? Can't say the word. But anyway it is approved, just like anything else we approve. Then it is Knox County Engineering and Knox County Law Director to make sure that everything gets implemented. Is that correct? And it doesn't come back to MPC. Am I correct?

Donaldson: You are proposing that that motion would include a list of things to be done, but no date by which they have to be done.

Kane: Right. In other words there is no milestone. They have to do it and we could put in there that they are not supposed to do it until, they can't operate until they get those things in. And then it is up to Knox County engineering and Knox County Law Director. If they want to allow weddings to continue, that is up to them. It has nothing to do with us. Is that correct?

Donaldson: Those folks who have enforcement authority could make the call that they could shut it down because they didn't meet all of the code required or they could work with them on their own phasing plan.

Kane: Right. Okay. Thank you.

Anders: I hear what you are saying. I don't think we have an argument on this body about the land use. Nobody is saying this is an inappropriate use of the land. I think everybody is agreement with that. I think we are looking at the enforcement side of it.

Clancy: Mr. Seymour, while you are coming up with all these great ideas of what a postponement will do and you come back with what you will do. I've made a motion that I am having a really hard time voting yes on now. That rarely happens. I will support a postponement. You have got to figure out how you can get done what's in these conditions and not tell us how you can't get it done. Go to a bank. Borrow the money. It is a business. You make money.

Seymour: You may be interested in why we are here. The only reason this thing ever started up was they were renewing a loan. BB&T said get a zoning letter. So they go down and get a zoning letter and it does not cover an event facility. Nobody ever complained about this That is when we started trying to figure out, I think two years ago, what kind of zone would permit this facility. If BB&T had renewed the loan without asking for a zoning letter, we would...

Clancy: Well, we gave you the zoning letter, but you have not done the engineering it takes to get it done.

Seymour: Now Mr. Clancy. They have done everything except two things; the stormwater facilities and the paving. The roadway is

graded which is expensive. It is in, just not paved. The 22 items on the list, if you break them down they fall into those two categories.

Anders: Before you do anything, let's hear from the most patient Mr. King.

King: I want to recall a little bit of history. The road has been there from the start. I would say to you that I fully understand and appreciate the position that they are in and the cost of the money. But it is based upon a choice made by the applicant when they decided to start doing things other than equestrian events. If they don't want to do those things and they don't want to incur that expense, then they can stop having events other than equestrian events. But it is a choice that they made to do that. One of your conditions from staff is the road that has now been constructed, that 20-foot wide road that is supposed to be paved, one of the conditions is that there will be signage at the other entrance directing people to enter at the new entrance. That road. That is the one you use to go to the event. It is not some access for emergency services. It is to be the main entrance into the facility. The choice was made by the applicant at the time when this whole thing started. You had a road there. They had some columns. It was not wide enough. It was further away from my clients property, my clients boundary. We initially said widen that road use that as your entrance you have already got it partially paved. The answer was because of expense they didn't want to do that. So there was a negotiation over where the road was going to be located. It ended up being close to my client's boundary line and again not where we were suggesting or asking that it be put further away from our boundary line because putting it where we were suggesting costs too much. Now we get the road in closest to us. It is going to be the main entrance and paving it costs too much. My client as I say wants to be a good neighbor, wants to support this as most of the members of this body does. All I ask is that whenever you do and you approve it that we be assured that that road is there and paved and that is our interest. I got a lot more to I could talk about the history on this. All of you have been part of it, with one exception. Most of you have been part of that history. I don't want to recount it all. My client is interested in seeing this thing go forward, get approved, get in compliance, but he wants the protection of his interests, or the appreciation of his interests, as well. This is this road whatever you do don't leave us in limbo with a gravel road out there while somebody is trying to decide whether this is an approved facility or not an approved facility and up to somebody else to take care of. None of us want to be left in limbo. All I am asking is that whatever you do that the road be required to be paved. That is what the current condition is and it gives them some time to get it done. I agree that maybe a postponement is in order while everybody sort of sorts this all out. I have no objection to that. All I can say is the longer time goes by the more card there are using the gravel road.

Clancy: If I withdraw my motion which addresses just about every issue I have with the whole deal by putting conditions on it that should be met even though as Commissioner Kane points out we have done that in the past and we are right here without conditions being met again. I have no faith that these conditions will be met by these dates. It doesn't seem like they are taking it seriously or something. Who knows? I draw my motion to support a postponement motion for 30 days. My question is if we postpone for 30 days, can they actually work on getting their stormwater done or do they have to get their plan first then come back and not any work be done to the site. Are we dragging this out another 30 days waiting on plans and all that?

Cindy Pionke: My intention is as soon as you vote on this today is to get in touch with law department to find out what they can and cannot do.

Clancy: The reason I am, that is why I am asking. I would hesitate to support a postponement if it precluded them going forward and getting some of this list done. We are just giving them an excuse for being 30 more days behind on these deadlines.

Anders: I am certainly not trying to pass the buck, but I am more in favorer of what Commissioner Kane was saying that we are viewing this as a land use issue just saying we will take those time tables out and say listen from a land use standpoint we agree this is a good land use and these are the things that need to be done. Then we turn it over to Knox County and the law department. We have done our job as a land use body. That is what we are. We are not an enforcement...

Clancy: Are you agreeing with Michael?

Anders: It is hard to believe but I did.

Clancy: I withdraw my motion.

Anders: I think that may be, again I am not trying to pass the buck, but...

Clancy: I think that is what I essence we do though.

Anders: No I think we do our job as land use body and then we let other people do their jobs as enforcement bodies.

Lobetti: Do like H. T. Hackney and run them out of town.

Clancy: I will withdraw my motion. Mose withdraw your second.

Anders: Mose you made the second on the motion. Are you withdrawing your second?

Lobetti: I guess I will have to.

MOTION (LOBETTI) AND SECOND (EWART) WERE MADE TO POSTPONE FOR 30 DAYS.

Upon roll call vote the Planning Commission voted as follows:

Carey	Yes
Clancy	Yes
Cole	Yes
Ewart	Yes
Kane	No
Lobetti	Yes
Longmire	No
Roth	Yes
Sharp	Yes
Stowers	Yes
Anders	No

MOTION CARRIED 8-3. POSTPONED 30 DAYS.

* **36. JOSEPH BRUGGER 8-D-11-UR**

Southwest side Haynes-Sterchi Road. Proposed use: Home occupation of digital printing of personalized items (mugs, coasters, name badges, etc.) in R-1 (Low Density Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the home occupation for digital printing of personalized items, subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

* **37. Revisions to the Tennessee Technology Corridor Development Authority (TTCDA) Design Guidelines allowing for the review of medium and high density residential developments in the Technology Overlay. 7-B-11-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **38. Consideration of Two-year extension of concept plan for 8126 Greenwell Road, R & R Associates, until January 2013, Commission District 7 - 12-SA-07-C. 8-A-11-OB**

STAFF RECOMMENDATION: Approve extension until January 2013.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **39. Consideration of Two-year extension to the concept plan for Alpine Meadow Unit 5B, Council District 5 - 8-SB-09-C. 8-B-11-OB**

STAFF RECOMMENDATION: Approve extension until August 2013..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **40. Consideration of annual leave retirement benefit payment exceeding financial procedures limit for Ann Bennett. 8-C-11-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 3:48 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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