



Minutes

AUGUST 8, 2013

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

The Metropolitan Planning Commission met in regular session on August 8, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*** 2. APPROVAL OF AUGUST 8, 2013 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF JULY 11, 2013 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL SEPTEMBER 12, 2013. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.

Buz Johnson: Item 48 should have been on postponement rather than consent.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE ITEM 48 FOR 30 DAYS UNTIL SEPTEMBER 12, 2013. MOTION CARRIED 12-0. POSTPONED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

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.

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

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

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

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

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.

U 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).

U **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).

METROPOLITAN PLANNING COMMISSION (REVISED) 4-H-13-RZ
North side Sutherland Ave., east and west sides Forest Heights Blvd., Council District 2. Rezoning from R-1 (Low Density Residential) & RP-1 (Planned Residential) to R-1E (Low Density Exclusive Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST 4-B-10-UR
South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 9-A-09-SP AND 9-A-09-RZ JAMES L. MCCLAIN. MOTION CARRIED 12-0. ITEMS UNTABLED.

CONSENT ITEMS

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

COMMISSIONER BRIAN PIERCE RECUSED FROM VOTING ON THE CONSENT LIST.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 11-0-1.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 11-0-1. APPROVED.

Ordinance Amendments:

None

Alley or Street Closures:

- * 5. **UNIVERSITY OF TENNESSEE** **8-A-13-SC**
Request closure of Johnny Majors Dr between Lake Loudoun Boulevard and Pat Head Summit Street, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 6. **UNIVERSITY OF TENNESSEE** **8-B-13-SC**
Request closure of Lake Loudoun Blvd between Volunteer Boulevard and Neyland Drive, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 7. **UNIVERSITY OF TENNESSEE** **8-C-13-SC**
Request closure of Chamique Holdsclaw Dr between Lake Loudoun Boulevard and Pat Head Summit Street, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 8. **UNIVERSITY OF TENNESSEE** **8-D-13-SC**
Request closure of Pat Head Summitt St between Chamique Holdsclaw Drive and Andy Holt Avenue, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 9. **UNIVERSITY OF TENNESSEE** **8-E-13-SC**
Request closure of Fraternity Park Dr between Pat Head Summitt Street and Todd Helton Drive, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. UNIVERSITY OF TENNESSEE** **8-F-13-SC**
Request closure of Frances St between Melrose Avenue and Andy Holt Avenue, Council District 1.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. UNIVERSITY OF TENNESSEE** **8-G-13-SC**
Request closure of Andy Holt Ave between Volunteer Boulevard and Melrose Place, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. UNIVERSITY OF TENNESSEE** **8-H-13-SC**
Request closure of Twentieth St between Terrace Avenue and Andy Holt Avenue, Council District 1.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. UNIVERSITY OF TENNESSEE** **8-I-13-SC**
Request closure of portion of Melrose Place between Andy Holt Avenue and Melrose Avenue, Council District 1.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- * **14. CASCADE VILLAS - PHASE III** **7-SA-13-C**
North end of Gatekeeper Way, northwest of Ball Camp Pike., Commission District 6.

STAFF RECOMMENDATION: Approve the concept plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

15. PRIMOS RESIDENTIAL DEVELOPMENT ON GRAY HENDRIX ROAD - PRIMOS LAND COMPANY, LLC

a. Concept Subdivision Plan

8-SA-13-C

Southeast and east side of Gray Hendrix Road at the east end of Garrison Dr., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 12 conditions.

Anthony Campworth, 8525 Boss Road. My property adjoins this in the back. I am going to be sharing my time with Mr. Joe Rector with our 5 minutes. We have some we did a petition of people in the community who oppose this subdivision and we have 120, 320 signatures and I believe you have a copy. Yes she just turned in a copy to you. That petition opposes the zoning of that to a multifamily or to a residential zone. We also have photographs of the major artery street intersections where you can see that the traffic is going to be very congested. It is congested now and all this additional load from additional development is going to cause this congestion to worsen in a tremendous increase. I have a... (Stepped up to the board and cannot pick up audio on his voice anymore. Showed intersections feeder road that gets to this subdivision is not going to save the traffic outside of it. Very congested area and emergency equipment have a very difficult time. Small two lane road only 17 feet wide.)

Joe Rector, 2216 Frostland Lane. I am here to speak on just a here couple of items. Most of us are not necessarily so much opposed to the development of this subdivision as we are concerned about the safety of the people in the community. I passed out a packet. As you will see there will be an increase according to the national average of about 400 cars per day on these roads. The national average for a road is to be 9 feet in lanes. In the curve the worst part of the curve on Gray Hendrix Road is 17 feet 8 inches from pavement to pavement and that doesn't take into account the rails. The fire department cannot pass through that curve that road with another vehicle there. We have a letter from the president of the Karns Fire Department and a picture that shows that, stages that and shows you that it is impossible. We have had two bus wrecks the last year on that road. We don't want to kill the development. What we might like to do is ask for a delay of 30 days so that we can work with the developers and the planners and maybe come up with some solutions for these roads. I have given you a list of those things that we would like to accomplish. We are concerned about the Sherwin connector and would like to talk about that. We would appreciate a delay so that we can talk to the developers about these things.

Longmire: Do I need to have that moved so that you can see the podium or are you okay?

Josh Sanderson, 4909 Ball Road representing Primos Land Company, the owner, and SmithBuilt Homes the homebuilder who will be building homes on this property. First of all I just want to say how excited we are about this project. Not only for Knox County but the Karns Community as well. Every since day one we have had great conversations with Knox County staff and with Knox County Engineers. We have kind of had the laid back approach. They have asked a lot of us and we have kind of laid back and said yes to everything. For example the sector plan calls for 5 units per acre. We were told that we were only going to get 4 and we did not fight. We said okay we will accept the 4 and only utilized 3.25 units per acre. We have multiple entrances to this property; two on Gray Hendrix and one attached to Golden Meadows which wasn't our idea it was Knox County staff. We didn't care either way whether we tied into Golden Meadows or not. That just allows another access for this property. We have sidewalks. We have sidewalks galore on this property. Someone is going to be in really good shape if they walk these things every day. There is also ten acres in the back that we stayed off of because of slope protection. The biggest thing we did was we give land to Knox County the right of way for them to improve the intersection at Gray Hendrix and Garrison Road. In our opinion that is going to be one of the major solutions to the oppositions points. Again we are excited about this. Any comments or questions I will be happy to save the rest of my time for any questions. Thank you.

Art Clancy: Can we hear from Cindy about any planned improvements to Garrison or Gray Hendrix?

Longmire: That is County Engineering.

Cindy Pionke: The planned improvement is the intersection of Gray Hendrix and Garrison Road. Essentially what is going to happen is as part of the study that was done out here they identified that there was a sight distance issue at that intersection. The County was also aware of it and felt that this was a good time to do a public, private partnership to make an improvement to the intersection. So what is going to happen is that Gray Hendrix will become the true through movement and Garrison will tie into Gray Hendrix. The curb will get softened. There have been problems with buses. If you look carefully at that map just to the right where Garrison intersects Gray Hendrix on the north property line there is a very short tight curve right there and is where we have had some problems with buses in the past that we are aware of. So that would definitely help fix the situation The developer is providing the necessary right of way to make the improvement and Knox County already has a designer on line who is doing the design work. We will also bid the project

out to actually get it constructed, Knox County will. As I said this was a problem that we were aware of this and this was an opportunity to get it fixed.

Art Clancy: Has grading already started on it or has anything started on that site yet?

Pionke: No. Nothing has started yet on that site.

Laura Cole: I just had a question for Ms. Pionke about the timing of the road improvements. Do you know what the schedule is?

Pionke: At this point I don't have a schedule but a lot of it depends on how fast it makes it through here and County Commission. In the meantime like I said the design is under way as we speak. As soon as we get everything lined up I would think that the latest it would be under construction would be next spring just due to the seasons and utility work and what not.

Michael Kane: Ms. Pionke, I guess a couple of things. One is this road improvement is that going to take care of what the community is saying is the vast majority of the traffic problems? I mean I heard about fire trucks not being to pass with other vehicles along the road. I also heard in our packet it talks about storm drainage. What are, we focus on one intersection here what about all these other concerns I guess?

Pionke: In regards to the roadways that surround this property they are essentially Garrison and Gray Hendrix through this stretch are considered local roads in terms of how we look at things. They are not on Knox County's schedule of improvements. Knox County traditionally has done their capitol projects on roads that we consider classified that carry a whole lot more traffic in terms of what is going on. The traffic impact study that was done indicated that the capacity of the roadways was not an issue. We have never had any problems in terms of experiencing any complains from that. In regards to crash locations within that area I want to say that Gray Hendrix is essentially about a mile and one half long. We pulled data for the last 6 years along that stretch and essentially there were 8 crashes per year which in the grand scheme is not very much and we have a tendency once again to put our projects, capital projects where we actually have known safety problems or known capacity problems. That is what I can tell you about the road situation. In addition we are aware that the road out there floods. One of the things that will be looked at by the developer when they do their design plan on the drainage is to take a look at the size of the pipe that goes underneath Gray Hendrix Road. From what I remember the pipe is not within the vicinity of where we are actually doing the road realignment. I think it is to the south of that. They will take a look at that. It may be that the pipe size needs to be increased to help that situation. Those questions will probably be better answered when they actually turn in their design plan for the drainage.

Kane: So that you are saying is that the traffic study basically said it is okay. Your traffic the crashes that have been there bad but not that bad.

Pionke: They have been spread out through that distance. There have been no concentrations as to any one location along that stretch of roadway.

Kane: Unfortunately I guess from a community perspective is they considering these things very serious but in the big scheme of things it is not enough to fund more money into the situation.

Pionke: That is correct.

Jeff Roth: I think you kind of hit the nail on the head. I am from that area. I live right around the corner. There is a flooding problem on some of those roads back there. There is also... I will agree that maybe the roads are not as wide as everybody would like for them to be. I think the only way these things change is through responsible development and an increase in the tax base to increase in people getting involved with their County Commission to convince them to spend the money. They don't plan on doing any road improvements unless there is a problem. I submit they probably need to be done now. They won't be unless there are some people that move into the area. I think that this a great use of land and I think it fits with the neighborhood.

Janice Tocher: A question back to Ms. Pionke. I am assuming that the concept that we have got in our packet does not show the improvements at that intersection. How far down either side of Gray Hendrix will be affected by that intersection improvement and what is the width of the street? Is the street going to be widened at that intersection?

Pionke: The street will be widened at that intersection for the length of the distance of the project. In regards to the total length of the improvement, the realignment actually shows up on the plan that you have there. I am not sure exactly how long that stretch is.

Tocher: That answers my question thank you.

Art Clancy: I understand the concerns of the neighborhood and I went down and looked at all of this. I used to worked a long time ago and helped build some of the houses in Golden Meadows. It is a small road. But like Commissioner Roth said this stuff does not happen unless there is tax dollars available to pay for infrastructure. It would be great if infrastructure came first and somebody stepping up to fund it. This is about as close as you get when you have a developer that number one has conceded just about every point, is developing below the density that we

have asked, has respected the slope restrictions the way they have and has donated a piece of property that is going to take care of one of the worse intersections out there. It is not a cure all but it is a good step up. That being said I would like to make a motion that we approve the concept plan subject to the 12 conditions with variances 1-3.

HANDED OUT PAPERS AND PICTURES TO BUZ JOHNSON

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

Lomax: I was looking at some of the concerns of the community, some of the proposals that were offered. Mr. Rector made mention of having a 30 day extension for delay rather to discuss. I was looking at it and all that the developer has currently done and I was going to ask what would be your primary purpose or goal of this 30-day extension because you have a number of different items listed here and 30 days isn't a lot of time.

Rector: What we are most interested in is that section where you have got the picture where the fire truck stays and can't get through. We are concerned about that someday to make a wider. That road I measured this morning is 17 feet 8 inches which is below national standards. The other thing we would like to talk about is the traffic flow in front of the middle school on Gray Hendrix which is already backed up for a couple of hours every morning as people try to drop their kids off and then again in the afternoon when they pick them up. We are adding 400 plus cars everyday on that stretch of road. We are just trying to find out if there is some way that we can tweak something maybe widen some area at that bridge. You talked about maybe putting a new pipe under it and maybe in the process widening that so that a fire truck and emergency vehicles can get through that. Those are the things that we are most interested in are safety issues.

Longmire: Ms. Pionke would that widen there where the culvert goes under the drain goes under? Is that the bridge you are talking about Mr. Rector?

Pionke: In terms of putting the pipe underneath the road I don't think it would require any widening of the road per se. I am not sure what the actual length is between where our road project would end and where the actual pipe goes underneath the road. Essentially from what I gather we are probably widening the road for a length of 400 feet in terms of where the intersection improvement is going. If it turns out that it is close enough to where that ends on that ends there is a possibly we would widen down to there if it is not it won't happen. At this point I don't have a design in front of me that tells me so I can I can inform you yes this is the true length of what is going to happen.

Longmire: A questions that I have is both Golden Meadows and this new subdivision especially this subdivision has wonderful sidewalks in it that get the children to Gray Hendrix. Getting across Gray Hendrix to the middle school and having a sidewalk somewhere so they can walk there. Has there been any discussion of some sort of safe crossing or some sort of sidewalk on the school property to allow the children to safely walk to the school?

Pionke: When I have been out at the Karns School in the past looking at different projects and what not, the only school crossing guard I am aware of is actually on Oak Ridge Highway. There is nothing actually on Gray Hendrix itself. That would be something the schools would need to look into in terms of providing some kind of crossing guard on Gray Hendrix.

Longmire: That is something that community pressure would help bring about to have a crossing guard or some sort of crossing?

Pionke: Yes madam.

Clancy: I am confused I think when talking about things that need to be addressed by Knox County schools as far as safety issues I am not sure how widening Gray Hendrix Road is going to get them to load students any faster at that school. I mean if you have got a cue to load children you are going to have one no matter how wide that road is. That road widened isn't going to help that situation. I think you need to address how it is done and where you park while you are doing it maybe and look at it that way. I don't think widening the road has anything to do with the safety of the children and people loading and unloading at the school.

Longmire: In our experience is widening the road lets them go faster which is not helpful to the safety.

Kane: I am trying to go a little bit with the request for postponement. I just wondered if there is another alternative. What opportunity or process would the community have to engage in this activity if this does not get postponed and it moves forward through approval through the system? Typically I guess there is really not a place for engineering and the developer and the community to get together to talk is that correct? There is not anything in the process for that to happen.

Longmire: Can we turn that over to Mr. Donaldson to answer.

Donaldson: Perhaps I can help. Each year the Knox County Commission approves a budget that includes a capital improvement program that is worked through County Engineering and always includes projects. Should these projects rise to a level of importance they could be included in the annual capital plan

and the annual budget. Same process is used by the school district as far as preparing capital projects for their campuses sidewalks and road crossings are a part of that. They consider those kinds of things every year.

Longmire: And community involvement is key to that.

Kane: I guess it is kind of after the fact. I guess what I am hearing from the community is they want some things to happen in parallel. If this project goes forward they want things to happen and planning to be done and things to get on capital improvement plans as this development is being done; not after the fact or a year from now or something like that. They see this as significant activity in their community. They don't want it just to happen and then everybody feel the impact and then decide okay what are we going to do now. I think that is a very reasonable expectation they could have. What beside the postponement is there in the process? Is it a County Commissioner getting all the parties together? Is that the right way to do it and saying okay I am going to get these people together with County Engineering and the developer and all that kind of stuff? I think we should at least provide some kind of avenue for these folks.. I am not too sure a postponement is going to get that process going to the extent that it needs to happen. Is that our recommendation? We have got a lot of smart people here part of the system. What does the system do to help these communities?

Longmire: County Commission is a good place to start.

Tom Brechko: The rezoning for this has not gone before County Commission yet. It actually will be before them on the 26th of August. The neighborhood addressing some of these issues at County Commission when they actually consider the rezoning would also give them an opportunity to bring up some of their concerns.

Kane: And get a process started.

Brechko: It is up to County Commission how they react to the comments from the public.

Brian Pierce called for the question.

MOTION CARRIED 12-0. APPROVED.

b. USE ON REVIEW

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

8-A-13-UR

STAFF RECOMMENDATION: Approve the request as shown on the concept plan for up to 185 detached dwellings on individual lots

and the reduction of the peripheral setback from 35' to 25' for Lots 156 - 158, subject to 2 conditions

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

Longmire: I would strongly encourage the community that comes out so well and I thank you for that to speak to your County Commissioner and your school board members who have the authority to help you with these items. I appreciate your input. Thank you very much.

- * **16. MAITLAND WOODS, PHASE III** **8-SB-13-C**
Northeast end of Ancient Oak Ln., northeast of Sands Rd., Commission District 3.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 10 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. STANFILL SUBDIVISION** **8-SC-13-C**
Northwest side of Westland Dr, west of Craig Rd. Council District 2.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * **18. OVERBROOK ADDITION RESUB. OF LOTS 190R, 190R1 AND 190R2** **6-SL-13-F**
At the southeast intersection of Richmond Avenue and Dawn Street, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. A. A. METLER** **7-SC-13-F**
South side of Dutch Valley Road, east of Plummer Road, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 20. MRS. L L HOLLOWAY** **7-SG-13-F**

Northwest side of Kingston Pike at north intersection of Boxwood Square, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **21. CARTREF ADDITION RESUBDIVISION OF LOTS 9R1, 10R1, AND 17R1** **8-SA-13-F**
South side of Sherwood Drive, east side of Water Wheel Way, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. JAKE S. WATSON PROPERTY RESUBDIVISION OF LOTS 1-2** **8-SB-13-F**
At the northern intersection of Mayes Chapel Road and E Emory Road, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. KINGSTON PIKE ADDITION RESUBDIVISION OF PART OF LOTS 1 & 2** **8-SC-13-F**
North side of Kingston Pike, west of Forest Glen Drive, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. THE STANDARD AT KNOXVILLE** **8-SD-13-F**
West end of Forest Avenue, west of S. 23rd Street, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. MONTGOMERY PROPERTY** **8-SE-13-F**
At the intersection of Olive Rd and Second Dr, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 26. WITHDRAWN PRIOR TO PUBLICATION** **8-SF-13-F**
- * **27. CENTURY PARK LOT 7** **8-SG-13-F**

West side of Century Park Blvd., south side of Investment Drive,
Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. BRANDYWINE AT TURKEY CREEK RESUBDIVISION OF LOTS 1R45-1R47** **8-SH-13-F**
South side of N Campbell Station Road, west side of Fretz,
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 29. WITHDRAWN PRIOR TO PUBLICATION** **8-SI-13-F**
- * **30. TIGER INVESTMENTS ON KNOX ROAD PROPERTY** **8-SJ-13-F**
South side of Knox Road, west of Broadway, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **31. KINGSTON CORNER** **8-SK-13-F**
North side of Kingston Pike, east side of N Cedar Bluff Road,
Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **32. COURTYARD ESTATES AT WESTLAND** **8-SL-13-F**
North side of Westland Drive, east and west sides of John Paul
Lane, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. LORENA MATTHEWS WOODS RESUBDIVISION OF LOTS 1-2** **8-SM-13-F**
North side of Blossom Road, northeast of Wade Lane, Council
District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. BROOKVIEW TOWN CENTER** **8-SN-13-F**

West side of N. Northshore Drive, east side of N. Weisgarber Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

P 35. HUBER PROPERTIES / CLEARWATER PARTNERS **6-D-13-RZ**

Southeast side Hardin Valley Rd., southwest of Valley Vista Rd., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to PC (Planned Commercial) / TO (Technology Overlay).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

36. M & M PROPERTIES **7-M-13-RZ**

Northwest side Westland Dr., northeast side Morrell Rd., Council District 2. Rezoning from R-1 (Low Density Residential) to R-1A (Low Density Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) zoning at a density of up to 3 du/ac.

Arthur Seymour Jr. 550 W Main Avenue. Here on behalf of the applicant. We would like to go first. This is a proposal by M&M properties for a tract at the end of Westland Drive at the intersection with Morrell Road. There has been discussion over the years about this tract. It is presently zoned R-1 under the City zoning ordinance. Recently there was a concept plan approved for houses there. The applicant has requested R-1A to do assisted living. Staff has recommended planned residential. The applicant is in agreement with staff's recommendation of planned residential up to 3 units per acre. As I mentioned the purpose is to do an assisted living facility which is permitted under planned residential or R-1A, but is not under R-1. An assisted living facility would be a use on review which would require plans development review by MPC staff and bring it back to you all for public hearing. If an assisted living center is not developed there or proposed planned residential would allow housing there again subject to a use on review. I am aware... I don't know the basis of the opposition but I have read an email that came to you all that sets out four points in opposition to this request. One; the only entrance to the property is via the neighborhood entrance and roadway. That is true. But that is going to be true whether you all recommend this zoning or not. There is a public road stubbed out into this property and is presently the only authorized access point to it. If a nursing facility and I assume they mean any kind of health care facility is built there senior living, lighting would bleed over into the

neighborhood. Under your alls use on reviews in the past especially with convenience stations and others you have set lighting standards at the periphery of the property. That can be dealt with at that time. There is a drainage issue. That is not an issue that is before you today. That is an issue regardless of what the zoning is. Whoever develops something there is going to have to comply with the city stormwater ordinance and will. Apparently the last objection is that R-1 is a change from the existing zoning. Actually planned residential will give more protection to the neighborhood than the existing R-1 which is an unplanned zone. The applicant has done extensive work on planning assisted living facility for this property. There is a definite need and demand for that type of facility in the area as the population ages. The applicant has also been in contact with several people in the neighborhood; one of whom is here today, Mr. Herb Coveston who lives I think right adjacent to this property. They are planning meetings later this month to discuss the proposal for an assisted living facility at that property and he has also discussed it with a number of other people in the neighborhood who do not seem to have any opposition specifically tot his rezoning and generally to the idea of an assisted living facility. MPC has set out very good grounds for recommending planned residential verses the existing R-1 zone. We would ask you all to approve pursuant to staff recommendation. If I may I would like to reserve my 45 seconds.

Scott Briggs 7400 Lawford Road just around the corner from where this is proposed to be. We understand the applicant's desire to put assisted living there. Our concerns are traffic in this area is already congested as it is. Adding an assisted living we think would increase that particularly if the only access granted is through our subdivision. Through discussions that some of the members of our subdivision had with people attached to the applicant, they said they are going to try to get an entrance off of Westland and they would close off the Bellingham entrance so that our subdivision would be completely separated from this property. I did not hear that from Mr. Seymour at this time. That is an additional concern. The concern if you came off Westland as the traffic or engineering department looked into that feasibility since there is a short distance from the corner of a very busy intersection there of Morrell Road and Westland Drive to be able to put an entrance other than the entrance to our subdivision. The other concern I have in this area we have with this proposed zoning of RP-1 is you look at your own map it is R-1 all around. The only areas that are RP-1 currently have apartments on them. We don't think this is at all in concert with the zoning in our subdivision. There is concern as Mr. Seymour pointed out if this is not approved by council it would open it up to other types of zoning. In addition to that it has just been before you all back in April to get it rezoned. I think it was rezoned for 17 free standing individual lots. We don't know why

at this time we are coming back just a few short months later wanting to rezone it for a different purpose. We have some other people in the neighborhood that want to speak also.

Michael Chesney, 7324 Lawford Road just down the street. I am seeking clarification concerning flooding. I want you to really understand the picture. If you stand in front of Westmoreland Hills and the water heading west toward Morrell in that natural ditch line. That ditch line does not go all the way to Morrell. It stops in the front of Westmoreland Hills Estate. If you have every tried to drive through there in the rain you can see the 4 to 12 inches of water that pool in front of that making it very difficult to get in much less emergency vehicles. The water then takes a turn through the culvers right into a massive field which is really a watershed and eventually goes into Fourth Creek which divides Westmoreland Hills Estates from the railroad tracks and the upper level property. I am concerned that whatever you build over there, whatever you culvert, whatever size pipe you use you are still going to have more volume, more flowage, more force into Fourth Creek raising it quicker already exacerbating flooding that is occurring on Lawford Road as it is with all those property owners down there. Unless you continue the drainage ditch down Westland I don't know how you can fix this. The second part of this I would very much like to challenge and ask for clarification on Tennessee Riparian water rights both prior and post 1977 amendments that talk about ecological, biological and environmental concerns that affect this sort of thing as well as runoff; not just drainage but runoff from upper land to lower land that has to accept natural runoff from the upper but not directed water. This is deliberate directed water that you have to direct into fourth creek. It is going to rise very quickly. So that is my concern. That is what I would like clarification on in due time

Drew Morton, 7136 Lawford Road. My main concern is if don't get approval to get an entrance off of Westland which would be very hard to do given the proximity to the Morrell and Westland intersection. If it is an assisted living facility they would have commercial trucks. The commercial trucks cannot go on residential roads. So then it leads me to think then how could they put apartments in with this new zoning and scratch the assisted living. So I was very concerned about that. If you look at the map it is all residential so that proposed assisted living does not fit with the character of the neighborhood. They got zoning for 17 homes which fits in line with the neighborhood. Also I called on assisted living homes for many years. They have a tremendous amount of commercial deliveries, commercial vehicles. They have emergency vehicles that come in and out and a large amount of traffic with three shifts of employee staff. The congestion at that intersection is already very... we had one neighbor who was hit by a vehicle while walking along the road at Westland and Morrell. With this increase in commercial traffic

it concerns me with the safety as well as not fitting into the character of the neighborhood. Also it could lead to property values going down for the whole neighborhood.

Longmire: I will ask if there is other opposition and if there is I will give you extra time. Alright? Very briefly sir and that time will be added to the applicant's time.

Jim D. Miller, 729 Lawford Road. I would just briefly state that I would be in favor of your recommendation in April. We know that the requested R-1A is not appropriate for duplex development. It states that in your evaluation. I am very concerned that access through the neighborhood two turns through the neighborhood with all the commercial traffic that has been suggested. I am very concerned. I think we should only approve RP-1 if it is contingent upon some kind of access off of Westland.

Seymour: First it is the intention of the applicant to access this property off Westland Drive if approved by City Engineering. That is something that would require extensive discussions. I am going to give you an antidote. About 10 to 15 years ago Manor House wanted to go in this location. There was opposition. They pulled the application because they had a location down Northshore Drive that they could go into without any approvals other than building permits. They went there. Earlier this year we filed an application to extend the property that Manor House could use out there. We went to the neighbors and asked them their attitude. They loved them. They said it was one of the best neighbors they had ever had. Assisted living I submit is residential it is a good neighbor. Traffic is very limited verses a single family home. On the water issue you cannot increase the runoff off of your property in a manner that is different from what it is at the time predevelopment occurs under the City stormwater ordinance. That is not an exact statement but that is the intent.

Longmire: We will ask Mr. Brusseau or City Engineering about the water problems. Does anybody want to take a shot at that?

Rick Howie: City Engineering. As far as the water problems go they will have to meet the guidelines stipulated in our stormwater and street ordinance. Basically that would be a detention pond that would be required to be located on the site with intent of calculation of what the predevelopment runoff would be and making sure that the pond was designed to limit the peak flow coming off that site after the fact. So in order to manage that drainage off the property they would have to meet those standards as part of that ordinance.

Longmire: Has there been any thought to extending the drainage ditch there on Westland?

Howie: I am not sure which ditch exactly they are referring to but in general the direction and location that the water goes currently is the location where the water needs to go after the development. We can't let them shift the water to a location where it does not currently go so I am not sure that the ditch on Westland is really a factor in runoff that would be contributing from this site.

Longmire: Mr. Chesney after the meeting I am sure that City Engineering would love to talk to you about that because that is getting into a little more technicality than we can deal with.

Janice Tocher: This is a question for City Engineering. I understand that there is going to be lengthy discussion required, but how likely is it that there will be access off Westland?

Howie: Probably unlikely. Before we see a plan it is kind of hard to make that final determination. With the traffic volumes and the backups that currently existing at the intersection, I think that it would be unlikely that we would be able to allow an access point on Westland Drive.

Art Clancy: I think the best way to deal with the water issues is to hold the developers responsible for making sure the water comes off their property in the same manner in which it was. In most instances a development will improve a watershed than exacerbate it. With that I would like to make a motion that we recommend that City Council approve RP-1 Planned Residential zoning at a density of up to 3 dwelling units per acre.

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

Michael Kane: Yes I would like to ask Mr. Seymour to respond to the issue about the property being rezoned not too long ago and now we have another proposal before us. Do you happen to know what happened and why single family residential doesn't seem to apply?

Seymour: Sorry I ran out of time. I had that next on my pad. The property was not rezoned. It remained R-1. A concept plan was submitted for 17 homes which was approved. I am not privy as to why that is not going forward. I would say the economy is responsible for that involving the price of the property there. They are nodding yes.

Kane: Of course in our process RP-1 does not guarantee that an assisted living facility would be approved.

Seymour: That is correct.

MOTION CARRIED 12-0. APPROVED.

- * **37. STARBOARD** **8-A-13-RZ**
Southwest side S. Seventeenth St., southeast side White Ave., Council District 1. Rezoning from C-3 (General Commercial) to C-7 (Pedestrian Commercial).

STAFF RECOMMENDATION: Approve C-7 (Pedestrian Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 38. JACOB DUNAWAY**
East side Ebenezer Rd., east of Highbridge Dr., Commission District 4.
a. Southwest County Sector Plan Amendment **8-A-13-SP**
From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. Rezoning** **8-B-13-RZ**
From A (Agricultural) to CA (General Business).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 39. METROPOLITAN PLANNING COMMISSION** **8-C-13-RZ**
An area generally located between south of Cedar Ln., east of Rowan Rd. and north and west of Inskip Rd., Council District 5. Rezoning from R-2 (General Residential) to R-1 (Low Density Residential) or R-1A (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) and R-1A (Low Density Residential), as shown on attached 'MPC staff recommendation map'.

Mike Brusseau: Basically the whole process with the Inskip Small Area Plan started in 2009. City Council requested that MPC take a look at that area which resulted in a study for the area. It is a larger area than what we are looking at right here. It resulted in the Inskip Small Area Plan being adopted in 2011. This specific request resulted from a City Council resolution that was passed I believe in May asking us to look at the residentially zoned areas of Inskip and study whether or not certain areas would be appropriate for what I call a downzoning from R-2 to R-1 or R-1A. The resolution did not specify any specific areas it just said residential areas. We decided to take the approach of doing it in phases. The initial plan is for three phases of general rezonings. The general rezonings are necessary to basically implement the concept of the plan. We are recommending approval of R-1 and some R-1A mainly based on the fact that most of the development in there is single family dwellings and it would

eliminate the possibility of some of what has been done sporadically throughout the Inskip area which is having multi-dwelling units sitting on lots surrounded by single family. The R-2 zone allows that as a use by right. It doesn't require any kind of plan review. The neighbors really can't do anything about it. We had two meetings out there on July 22 and then August 5th, Monday of this week. The first meeting the attendance wasn't too good so we tried to do a more involved notification. Apparently it works because we had close to 40 people at the meeting on Monday. Generally my impression was that they were supportive of the request. There were some people that had some questions but basically once we were able to explain to them what was going on it seemed generally supported. We are recommending R-1 for the majority of the area with the exception of basically the northern most areas which we are recommending R-1A in there for a couple of reasons. There are actually a few duplexes developed in that area. R-1A of course allows duplexes as a permitted use as well as it is kind of a transitional zone from the more intense residential development that is along Cedar Lane to the north down into the R-1 what we are proposing to be the R-1 zoned area. The main goal is to provide a little more stability to the neighborhood and preserve the neighborhood as well as we can by preventing any further multi-dwelling developments on small lots that is permitted by the R-2 zone.

Anita Case: 1107 Henrietta Drive. I would like to speak in favor of R-1 zoning for my community. I have lived in my home for about 28 years. I have raised two children there with my husband. There are far too many apartments, condos and duplexes in my area. Inskip has the most densely populated community in Knoxville after UT and Fort Sanders. Our community doesn't have the infrastructure to support this increased population. It is not walkable. It is fragmented, disconnected. There is more noise, more transient and it is unattractive. Inskip lost much of its character as a family community due to this type of encroachment. In the past years before there were so many apartments, condominiums and duplexes Inskip was more peaceful and quiet. This situation has affected the property values of our single family homes. My concern about R-1A zoning permitting duplexes is some of the properties do have duplexes that are concentrated on one or two lots and it is almost like apartments. I would just like to maintain as much of our old community as possible.

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

- * 40. **KNOX COUNTY**
Southeast side Commerce Ave., southwest side S. Central St., Council District 6. Rezoning from C-3 (General Commercial) / D-

8-D-13-RZ

1 (Downtown Design Overlay) to C-2 (Central Business District) / D-1 (Downtown Design Overlay).

STAFF RECOMMENDATION: Approve C-2 (Central Business District) / D-1 (Downtown Design Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **41. MPC FOR JACK WALKER (REVISED)**

South side Tillett Ln., northeast of Corryton Rd., Commission District 8.

a. Northeast County Sector Plan Amendment

8-B-13-SP

From NC (Neighborhood Commercial) to RC (Rural Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #8-B-13-SP, amending the Northeast County Sector Plan to RC (Rural Commercial) and recommend the Knox County Commission also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

8-E-13-RZ

From RB (General Residential) to CR (Rural Commercial).

STAFF RECOMMENDATION: Approve CR (Rural Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

42. Number not assigned.

8-F-13-RZ

43. HARLEY E. BITTLE

8-G-13-RZ

North side W. Gallaher Ferry Rd., north of Hickory Creek Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density up to 0.6 du/ac. subject to one condition.

Rusty Bittle, 4929 W Gallaher Ferry Road.

Longmire: Alright Mr. Bittle just a second please. Is there opposition? There is opposition. What I would like to do before we start is to have Mr. Brusseau present the staff recommendation and then the applicant may go first.

Brusseau: I will start by saying this is a property that is located in the far northwest corner of the county adjacent to the Clinch River. It is located in an area that is designated as rural on the growth plan as well as ag rural residential on the sector plan. What that means is that the maximum density that could be considered on this property is one unit per acre which is what the applicant requested. It is surrounded by agricultural zoning

and primarily larger lots with homes on it in the ag zone. By larger meaning at least one acre which is what the minimum lot size for the Ag zone. We have in conducting the slope analysis basically and field visit a good portion of the site 69% of the site has slopes of greater than 15%. Just to give you an idea of what the site is like a lot of the flatter portion is in the access drive that goes to the site and also just the basically the southern most portion of it. If you exclude the access drive which won't be able to be developed there is probably somewhere around 2 acres, 1.5 or 2 acres of flat developable area. As we always do with any site that has slope constraints we did the slope analysis and basically applied the formulas based on the policies of the Hillside Protection Plan. When you crunch those numbers which I believe I put into the package how that was done it yields a total of 4 units. When you take the 4 units based on the 7 acres that comes out to 0.6 units. We thought that 4 units is probably still, is very reasonable and is still more dense than what is surrounding there. However it does meet the requirements of the slope protection policies and felt like that was a reasonable giving the applicant reasonable use of the property. I guess I will leave it at that for now.

Rusty Bittle, 2949 W Gallaher Ferry Road. First I would like to say I am a resident of Hardin Valley and have been since 1969. I have lived on W Gallaher Ferry since 1989. As a developer by trade I am probably more concerned about Hardin Valley or as concerned about Hardin Valley as anybody that lives in that area. I think you guys had gotten a letter from one of the neighbors talking concerns about high density development which is not my intent at all. This conversation I guess started with Mike back 6 to 8 weeks ago. My intent was to develop the land. Under my current zoning Ag I can go in there and build 7 houses and disturb the slopes which would be a pretty big disturbance but I could do it. I had some correspondence with Mike and I guess my purpose was to go in there and get the zoning so that I could move the houses to a denser area and not disturb the slopes which I think has kind of become the consensus of the county. I feel like I am trying to do something that is retroactive but I feel like the policies the constraints that might have on them kind of keeps me from doing that. Couple of other points. The property does sit off of West Gallaher Ferry. Visibly to the neighbors there is only one neighbor that could possibly see what I am doing in there. We are not looking to go in there and do mass disturbance of the land. We are willing to take the one area that is flat and do minimal grading, set the houses on the slope and try not to disturb the slopes at all other than putting basements in. We are looking at doing the community septic fields to keep the septic fields down to a minimum.

Berry Omasta, 2744 W. Gallaher Ferry Lane. This particular area most of the houses are built on the back of the property. They would be interfered. They would be able to see the adjacent

property right there. Secondly there is sink holes. I have got one at the end of my property which is adjacent to theirs. The next neighbor has to two sinkholes; the next one has two sinkholes because of the underground river that goes under the property. There is also in that area there are underground caves. Also the property was subdivided by the original owner. There is a declaration of restrictions which prevents it from being rezoned and only allows one house to be built on the properties. I have got a picture and the document if you want to have that. I believe if they are planning on building anything there if they are able to get a geological survey to find out if the ground is actually stable enough to build there.

Longmire: Would you like to speak on how we can deal with those?

Steve Wise: MPC Attorney. Dead restrictions are private covenants and they are enforced judicially. It is not an appropriate issue for this body. You are merely looking at land use issues that are separate prohibitions on proposed use that would be between the parties that have an interest the homeowners but it certainly is not criteria that is appropriate for consideration by this body.

Bittle: There are no deed restrictions on the property that I am looking to develop only on the piece of land he may live on.

Longmire: As Mr. Wise said we as a body cannot consider deed restrictions as a judicial matter and we certainly are not judicial.

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

Len Johnson: I have a question for Mr. Bittle. What we are doing by rezoning this is restricting your ability to build on it more or less to the density of what could do but what you can't do you can't get one acre per unit.

Bittle: I can but it is going to make a mass disturbance to the slopes.

Johnson: You are basically wanting to build 7 units.

Bittle: That is my concern. I would be happy with 6 units. I was hoping that the committee here would see that I do have a choice to build 6 or 7 units but I would prefer to not disturb the slopes and go to the flat areas to build.

Johnson: That was the last, you submitted a plan.

Bittle: I think every body has a plan showing that I can do that very easily. The tracts are all above like 0.6 to 0.7 of an acre.

Stowers: That was my question on this. This shows 7 units. One of those is an existing correct?

Bittle: There is an existing on lot 5. You can see it underneath the proposed. The house that is more I guess to the east I would be willing to get rid of that and be happy with 6 units.

Stowers: So basically you would have instead of 4 you would break that down to three there on the western side?

Bittle: No sir. The one house that sits by itself would be on the right hand side of the drawing up towards the top of the drive. I would get rid of that house and the other houses would stay down on the flat area which would be 6 units verses 7.

Stowers: So under lot 7 that house goes away?

Bittle: Yes sir. Basically that property would become a part of lot 6.

Stowers: But lots 3, 4 and 5 would stay the same?

Bittle: They would probably get a little bit bigger in that case, probably as much as an acre so there would probably only be two lots, lots 1 and 2, that would be less than an acre at that point.

Stowers: Looking at this contour essentially what you are saying then almost all the construction with the exception of the basement would be on the flat so there would be very minimal...

Bittle: Exactly. You can see with the current house there we are sitting on the same contour as the current house sits on.

Stowers: Then I guess what you would like to discuss is 6 verses 5.

Bittle: Six versus 4 actually. It was almost 5. I can't remember. What was the number Mike? 4. Something. 4.16. I am asking for 6 total units. I think the math is about 0.85 units per acre.

Stowers: Just looking at this the slope is obviously exponential in the back, but it is not nearly so in the front. This is one of these things with this hillside thing when you are trying to do 8th grade math with... from a practical standpoint I would agree with the applicant. I think that would be easily done and you would have zero disturbance on the steep slope. I know we have got a motion on the table, but I would like to find out a little bit more about how this would work. Mr. Brusseau.

Brusseau: I do not agree with Mr. Bittle that he could not get 7 units on this site under Ag. It is hard to say exactly but you would not be able to count the access drives. We actually did count the access drives which helped him. If you excluded that out of the slope analysis we probably would end up recommending even less density. You can't count the access drive toward, obviously it is too narrow to become a lot. My guess would be maybe 5 units in ag making all one acre lots. There is certainly a benefit both from his standpoint and the slope protection standpoint in going to the PR which is why we are recommending that. The density is two fold. It is one is to keep it more compatible with the surrounding development as well as to preserve the slopes. On his plan I am not going to comment too much on that. That is something that we can take up with the required plan review that would be the next stage if this gets approved. As long as it stays on the flatter portion of the site that will honor the slope protection policy but I think there is also the issue of compatibility. The recommendation is still allowing far more intense development than anything around there is. I think that needs to be taken into account too.

Mark Donaldson: Mike addressed part of it. Keep in mind that the Ag zoning has a one acre minimum lot size. That does not equate to one unit to the acre because you have to hold out the access and with 6 lots off of a joint permanent easement the road improvements would have to be to a much higher standard than with the 4 that we had recommended.

Stowers: The 7 too me also looks pretty crammed, but going to 6 frankly that open up quite a bit. We are talking about limiting it to 4 and will be voting here in a second, but I think that is too restrictive from what I was looking here at the topo map. It is extremely steep in the back. It is a lot flatter at the front. It is possible to put houses on a slope. People do it all the time. I would hope we could give him more than 4 on this.

Upon roll call the Planning Commission voted as follows:

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

Jack Sharp: Madame Chair can I ask a question? What was the motion to keep it at?

Longmire: The motion was to keep it to approve PR zoning at a density of up to 0.6 dwelling units per acre which would give him the 4 dwellings as opposed to...

Sharp: Well I feel he should have more. I misunderstood. Can I change my vote? I will change it to yes. I mean no.

MOTION CARRIED 7-5. APPROVED.

Uses on Review

- P 44. FLOURNOY DEVELOPMENT 5-H-13-UR**
West side of Thunderhead Rd., north of S. Northshore Dr.
Proposed use: Apartments in TC-1 (Town Center) & OS-2 (Open Space) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 45. SOUTHLAND ENGINEERING 7-A-13-UR**
South side of Deane Hill Dr., east side of Winchester Dr.
Proposed use: Attached residential development in RP-1 (Planned Residential) pending District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 46. KNOX HERITAGE, INC. 7-C-13-UR**
Northwest side of Kingston Pike, northeast of Cherokee Blvd.
Proposed use: Museum and non-profit preservation organization office in R-1 (Low Density Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a museum and non-profit preservation organization office, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 47. ROYAL PROPERTIES, INC. 8-B-13-UR**
Southeast corner of W. Church Ave. and Market St. Proposed use: Commercial Parking Lot in C-2 (Central Business District) / D-1 (Downtown Design Overlay) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for the expansion of the surface parking lot as shown on the site plan subject to 5 conditions.

Dan Kelly: Staff at this point would like to change our recommendation from approval. We would recommend that the matter be postponed. Throughout the past month we have been looking at this under the... there have been two issues

that have come up throughout the month. One is of course the demolition of the building itself which is not an issue for this commission. Very similar to the issue you had a couple of months ago regarding the buildings that were associated with the church. What we were looking at was a parking lot was a reuse of an existing piece of property when and if the building is torn down. Second issue that has been raised over time is can you require the remainder of the block which is a parking lot can you require them to bring the landscaping up to standard on the remainder of that property. Prior to today we felt the answer to that was no. As of today the answer is I don't know. In 1996 when that parking lot was approved the land was being assembled at that time with the idea that there would be a new federal building built on that property. In 1996 the use on review request was came before the Planning Commission for the parking. The Planning Commission denied the request for a use on review because it didn't meet the landscaping standards. It didn't meet a number of things called for in the downtown plan. The matter was appealed to City Council and it was approved at City Council. I was talking with Mike Reynolds on our staff this morning who said that someone told him that they thought when went through City Council there were conditions place on the approval for the use on review. I go down to the City Records office and lo and behold there are conditions on the approval that basically say that if it weren't developed within 4 years that they were supposed to go back to City Council. I think that cast enough shadow right there in that it didn't say may go back to City Council it says shall go back to City Council. There is no permanent development on the property so the issue is what the standing of the larger parking lot is and since this parking lot relies on the access on the larger parking lot to get part of its access we feel that it ought to be postponed in order that we can get with the City Law Department to figure out what course of action this applicant does need to take in order to proceed. We have no issue with the idea of this being a surface parking lot. The issue is are we just dealing with this corner or are do we need to do a large one block parking lot?

Laura Cole: Mr. Kelly would a 30 day or 60 day be best?

Kelly: I would start with 30. The applicant, I talked with the attorney for the applicant right at lunch and I fully anticipated that they would be here represented this afternoon. I told them that I would suggest that they consider postponing it. But I don't know that they understood that to mean that it was going to be postponed. The matter is here you can hear it and act on it if you chose.

Cole: Based on what I just heard I am going to make a motion to postpone 30 days.

MOTION (COLE) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 30 DAYS.

Clancy: I was going to say 60 but that is fine with me.

Longmire: Since the opposition did take the trouble to come down is there anything you would like to say or are you satisfied with a 30 day postponement and just appear next time?

Kim Trent, Executive Director of Knox Heritage. I would prefer a 60 days postponement because I think this is going to have to be a conversation that has to be had with City Council is my understanding since they do have jurisdiction over this. Then it would have to get on their schedule in order to understand what the landscape requirements would be on the larger block because this is an entire city block on Gay Street.

COLE AMENDED MOTION TO POSTPONE 60 DAYS AND SECONDED BY CLANCY. JOHNSON RECINDED HIS SECOND.

MOTION CARRIED 12-0. POSTPONED 60 DAYS.

- P 48. D&M HOLDINGS, LLC 8-C-13-UR**
Northeast corner of the intersection of N. Cedar Bluff Rd. and Kingston Pike. Proposed use: CVS Pharmacy in PC-1 (Retail and Office Park) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 49. SIGNCO, INC. 8-D-13-UR**
East side of N Cedar Bluff Rd., north of N. Peters Rd. Proposed use: Proposed ground sign in PC-2 (Retail and Distribution Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the on premise free standing development directory sign for The Shops a Cedar Bluff Center on the N. Cedar Bluff Rd. frontage as shown on the site plan subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 50. CARIS HEALTHCARE 8-E-13-UR**
West side of Coward Mill Rd., northeast side of Pellissippi Parkway. Proposed use: Non-residential development expansion in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for additional parking and the addition of approximately 13,000

square feet of office space subject to the following 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 51. DANIEL LEVY, AIA** **8-F-13-UR**
Southwest side of Tooles Bend Rd., southeast side of S. Northshore Dr. Proposed use: Assisted Living Facility in PR (Planned Residential) District. Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 52. RETAIL PARTNERS** **8-G-13-UR**
Northwest side of Millertown Pike, southwest side of Miller Place Way. Proposed use: Mixed Commercial in SC-3 (Regional Shopping Center) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for the 7,500 square feet of retail space as shown on the site plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * 53. Consideration of Two-year extension of the concept plan for Fox Creek - 7-SA-11-C.** **8-A-13-OB**

STAFF RECOMMENDATION: Approve the extension of the concept plan for Fox Creek to August 2015.

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 3:03 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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