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Minutes

AUGUST 14, 2014

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

The Metropolitan Planning Commission met in regular session on August 14, 2014 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	Mr. Michael Kane
Mr. Herb Anders	Mr. Charles F. Lomax, Jr
Mr. Bart Carey, Vice Chair	Mr. Brian Pierce
Ms. Laura Cole	A Mr. Jeff Roth
Mr. Art Clancy	Mr. Jack Sharp
A Ms. Elizabeth Eason	Ms. Janice Tocher
Mr. Mac Goodwin	Mr. Jack Wakefield
Mr. Len Johnson	

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*** 2. APPROVAL OF AUGUST 14, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF JULY 10, 2014 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL SEPTEMBER 11, 2014. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>WILSON RITCHIE</u>	3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	
<u>METROPOLITAN PLANNING COMMISSION</u>	6-A-10-SAP
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>METROPOLITAN PLANNING COMMISSION</u>	7-C-10-SP
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>WILLOW FORK - GRAHAM CORPORATION</u>	
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.	
<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>	
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.	
<u>LONGMIRE SUBDIVISION</u>	1-SA-11-C
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.	
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u>	2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.	
<u>HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9</u>	12-SJ-13-F
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.	
<u>RESUBDIVISION OF GEORGE HOSKINS PROPERTY</u>	4-SE-14-F
North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.	

CITY OF KNOXVILLE

7-D-10-RZ

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

SOUTHLAND ENGINEERING

7-A-13-UR

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

Sally Namey: Opposed to the tabling of item 42.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEM NO. 6. MOTION CARRIED 13-0. ITEM TABLED.

CONSENT ITEMS

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

Dan Kelly: staff would like to have item 13 removed from the consent list. We need to add an additional condition before you act on that Madam Chair.

Brenda Pinner: Item no. 44.

Barbara Meyer, 1800 Cedar Lane. We are very much opposed to an extension of St. Joseph School. It is number 50. I did not get an agenda. There were not any left when I got here.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT FOR ITEMS 13, 44 AND 50. MOTION CARRIED 13-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT FOR ITEMS 13, 44 AND 50. MOTION CARRIED 13-0. APPROVED.

Ordinance Amendments:

P 5. METROPOLITAN PLANNING COMMISSION

10-B-13-OA

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

T 6. KNOXVILLE CITY COUNCIL (REVISED)

12-B-13-OA

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

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

7. METROPOLITAN PLANNING COMMISSION

4-A-14-OA

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

STAFF RECOMMENDATION: Approve the proposed amendments to the zoning ordinance as shown in Amendment A and Amendment B.

Mark Donaldson: This is a series of amendments brought to you by staff in order to ask you to make a recommendation that City Council amend the zoning ordinance with regard to small child day care services in the community. We have got three proposed amendments. One is to modify the existing definition of private day nurseries. The second is to create a new definition for child day care services for smaller services with four or fewer children and create language that makes that an accessory use to a house. The third amendment is to create a set of standards for that child day care service. At our Tuesday meeting we had a discussion about a couple of phrases within the definition of the proposed definition for child care services. One phrase that we talked about is who are not related to the primary care giver. I have passed out to you a white sheet with several alternatives shown on it. One is to show where we pulled that phrase from when we crafted the definition. It is explicitly from State Law in the definition for a child care agency which applies to providers to five or more children but uses the phrase who are not related to the primary caregiver. A second one is from Nashville who uses in their definition of day care the phrase who are not related to the primary care giver and in Nashville the scheme is to allow small services as accessory uses to a house similar to what we are proposing. There are other methods to speak to that particular phrase. Knox County uses the phrase any children who are related to the provider by blood or marriage or who are legal wards or foster children of the provider and reside with the provider shall not be included in this number. So there is a residency requirement. Memphis uses the phrase who are not related to such person and whose parents or guardians are not residents in the same house. Chattanooga uses a very similar phrase. Then we had submitted from the public a phrase in addition to the children living the premises or in legal custody of the primary care giver, referring

as an adjective to the four or fewer children. There are several examples of where you may want to go if you want to amend that one particular phrase.

Longmire: Do I have anyone in favor? I think we do. I have gotten about more emails in favor than I have gotten on anything else I think ever.

Mary Tom Adams, 4415 West Sunset Road. I ask the Metropolitan Planning Commission to adopt an amendment to allow small child care services in private residents with reasonable guidelines in all of Knoxville's neighborhoods. The amendment before the Metropolitan Planning Commission will promote the safety and wellbeing of neighborhood children, allow care of small children to take place in a domestic setting, build and enrich relationships among neighbors, enliven the neighborhood with the continuous daily presence in select homes, create an economic benefit both for the person offering the child care service and the families that use that service, provide a transparent legal mechanism that allows neighborhood residents to serve one another informally and unobtrusively, have a positive impact city wide to reduce computer traffic and decrease energy use. The amendment will not affect the current or future zoning of residences that are home to small day care operations. Our City regulations and guidelines must take into account the need of all residents including those children, their parents, neighborhood residents and the city as a whole. The regulation will build a stronger Knoxville community by promoting increased interactions among its citizens and neighborhoods. Thank you very much.

Carlene Malone: 6051 Fountain Road, Knoxville. I am not here in opposition. I am here asking for some changes. I support the concept of small child care facilities in the home with a resident care giver. The number four makes sense to me. My concern is simply whether or not the proposed language as it presently exists is enforceable. What we want is an enforceable ordinance. I appreciate the changes that have been made and would ask for some additional changes. The problem with just going with related to the caregiver is that the city has made it clear that it cannot enforce that. It made it clear over a lengthy discussion with the Neighborhood Advisory Council over the definition of family. That is why the concept of residing on the property plus the four additional children makes sense. I understand there was some discussion about what you do with home schooling and what do you do with grandparents' taking care of children. I don't think that is an issue and I will tell you why. Grandparents are ordinarily are not advertising for more grandchildren to take care. Grandchildren like our own children grow up. You are not looking at a perpetual condition of preschoolers in a situation where somebody is being paid to care for them. We also ask that the word instruction be

removed. It is true that instruction is part of child care. There is no question. But it is not the primary use. Child care is the primary use. Instruction is assumed under child care just as feeding a child is assumed under child care. If you are going to say you are going to provide instruction you are going to get into arguments about when is it a school versus a day care. In the City of Knoxville unlike Knox County in R-1 schools are a use on review; not a use by right. You are also going to get into a conflict with the tutoring portion of the Knoxville zoning ordinance which limits it to one student or two students per instructor. So I would ask that instruction be taken out. Again if you are going to feed kids and that is assumed under child care so is instruction. The primary use is child care. It is not dining and it is not instruction. Additionally there was a change made from principle to primary residence. I guess I don't understand why and would just ask that question. I would also omit under the standards little ii or otherwise unable to provide care when speaking of the primary caregiver. That phrase appears to totally undermine, in my opinion, the requirement that the primary daycare provider be living in the residence. If you would have a substitute for illness or quote "the primary daycare provider is otherwise unable to provide care". Also we would ask, or I would ask, when it comes to the storage and use of outdoor play equipment that it be limited to the rear yard. One of the reasons people get upset with day care next to them immediately next to them in a residential neighborhood or down the street from them is because the front yard shows the trappings of little children. Again this is not like you have 6 kids on your own property. Those six kids grow up. What you are looking at with a day care is a perpetual situation as long as the day care is in operation of preschoolers or early age children under 18. That is my request. Again this is not in opposition to the concept of 4 children by right in all residential zones as a day care service. Thank you so much.

Brenda Brooks, 5512 Crestwood Drive, I live in Holston Hills. I want to echo Ms. Malone's statements. I agree with those wholeheartedly. I also wanted to say that I am not here in opposition to the primary resident of a single family dwelling providing incidental child care to 4 children or less. My problem is basically three problems. The use of the term instruction in the definition of childcare. That opens the door to all kinds of unintended consequences. The ambiguity with using accessory is the person that is to provide care should be the family residing on the premises; but then if they become sick then there is an opening for a short term person providing care in their absence or inability to provide care. What is short term? Again that lends itself to ambiguity. Some other municipalities have solves that problem by saying it must be a family member that provides care and no else. That is the way they have solved the problems in some other municipalities that were pointed out as having good ordinances on this issue. My third

problem is if we do allow this type of home incidental day care...

Longmire: Your time is up but I am going to allow you to finish.

Brooks: Okay what... How do we know who they are? The City of Franklin and the City of Farragut both require an application process so that we at least know who is out there doing it. Franklin says applicants shall submit a completed customary care occupation application and the required fee to Town Hall. So we at least know that they are out there so we know that they are complying with these ordinances. The instruction causes me the biggest problem. It is a situation where we have use on review for home occupations for teaching. Teaching is instruction; instruction is teaching. So which control? Are we going to get ourselves into a situation where we have legislative or judicial review automatically because of the contradiction in these two ordinances? Thank you.

Art Clancy: I would like to make a motion that we approve this amendment per staff recommendation with the removal of the word instruction from the definition.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE AMENDMENT PER STAFF RECOMMENDATION WITH THE REMOVAL OF THE WORD INSTRUCTION FROM THE DEFINITION.

Michael Kane: I guess I was at agenda review I was the one that brought up the issue of redefining it in terms of the children residing on the property I guess in response to Ms. Malone's written comments. In looking at what is provided here as an example I am looking at Knox County's definition versus what's done here is one says in addition to children living on the premises or in the legal custody of the primary giver which seems like a simple definition versus what the Knox County has, any children who are related to the provider by blood, or marriage or who are legal wards or foster children of provider and reside with the provider shall not be included I this number. From a legal standpoint what is the difference? Is there a difference or does one just have more words than the other?

Donaldson: Probably that is the difference. Just a different way of stating the same.

Kane: In that case I would suggest we also include the changing to include "or fewer persons under the age of 18 who are not related to... well would have to be that is why I wanted something different. "Provision for a fee of care for 4 or fewer under the age of 18 who are not living on the premises or in the legal custody of the primary care giver". And then the other thing is in terms of this issue of instruction, I guess the motion

was to eliminate that and not without, it seems to me just on apparent reason. There is a conflict between that and with other ordinances which talk about teaching and stuff like that. Is that a valid concern because we brought that a little bit up at agenda review?

Donaldson: It is a concern. There are many differing schemes about regulating accessory uses in home occupations. The City of Franklin and the Town of Farragut were mentioned. They both allow home occupations by right in their residential districts. We do not do that in the City of Knoxville. They are uses permitted only after review. So there is a bit of an apples to oranges comparison. I put an instruction in there because instruction was specially brought out in the appeal of the case this winter. While everybody said instruction was a natural sort natural part of caregiving it was the attack point by opposition. Now that we have this understanding that instruction is a part of caregiving it may not be necessary to have that.

Kane: It is like the difference between somebody coming in for an hour and giving piano lessons versus somebody being there all day and part of that instruction might be one piano lesson so among other things. That is probably what we are talking about. I like the elimination of instruction.

Clancy: That is the reason I put that into my motion. Otherwise I think the staff's definition is adequate.

Kane: My only comment is I am in favor of this. But if that other thing is not in there I will probably vote no. I am in favor of it otherwise.

Longmire: There is a motion and a second to approve per staff definition minus the word instruction. Is that correct?

MOTION CARRIED 12-1 (Kane). APPROVED.

Longmire: As a person who used my neighbor to keep my children it was a wonderful experience. Besides I couldn't afford day care.

Alley or Street Closures:

- * 8. **HAND PARTNERSHIP, L.P. (REVISED)**
Request closure of Unnamed alley between Metler Street and western boundary of parcel 081GB016, Council District 5.

7-A-14-AC

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE the closure of a portion of the unnamed alley, as requested, subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * **9. METROPOLITAN PLANNING COMMISSION** **7-F-14-SP**
Central City Sector Plan Update 2014.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

- * **10. EBENEZER - VOLUNTEER DEVELOPMENT** **6-SB-14-C**
 - a. Concept Subdivision Plan**
West side of Ebenezer Rd., north of Highbridge Dr., Commission District 5.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **6-E-14-UR**
Proposed use: Detached dwellings in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the request for up to 29 detached dwellings on individual lots and reduction of the peripheral boundary setback to 25' as shown subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. WESTLAND - VOLUNTEER DEVELOPMENT** **6-SC-14-C**
 - a. Concept Subdivision Plan**
South side of Westland Dr., west of Coile Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 10 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **6-F-14-UR**
Proposed use: Detached dwellings in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the request for up to 59 detached dwellings on individual lots and reduction of the peripheral boundary setback to 25' as shown subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. SONOMA PARK - SONOMA PARK**
 - a. Concept Subdivision Plan** **8-SA-14-C**
South side of Valley View Dr., west side of Knox Ln., Council District 4.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **8-D-14-UR**
Proposed use: Detached Residential Subdivision in RP-1 (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 33 detached dwellings on individual lots subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 13. THE GLEN AT HARDIN VALLEY - BENCHMARK ASSOCIATES, INC.**
 - a. Concept Subdivision Plan** **8-SB-14-C**
Northwest side of Hardin Valley Rd., northeast and southwest side of Brooke Willow Blvd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-5 and the Concept Plan subject to 7 conditions.

Dan Kelly: This matter was pulled off consent because we became aware, the staff became aware of some discussions that had occurred between the Knox County Engineering department and the applicant late yesterday afternoon with regard to some improvements that were yet to be completed in Phase One of the development. Phase One of the development has been developed. It is largely built out. There are still some paving issues and other street improvement issues that need to be addressed. The engineering department contacted us yesterday and asked that an additional condition be placed on the approval of this concept plan that would address, potentially address the lack of performance in Phase One. The condition we would propose a condition number 8 be added that a final plat based on this concept plan will not be approved by MPC until the final street paving and improvements to the

proposed public streets have been completed in Phase One of the Glen at Hardin Valley.

Longmire: Would you repeat that one more time. We are having to write this down.

Kelly: Are you just trying to see if I can come up with the same thing twice?

Longmire: You start out a final plat based on the concept plan will not be approved...

Kelly: by MPC until the final street paving and improvements to the proposed public streets have been completed in Phase One of the Glen at Hardin Valley. The Director of Engineering is here today. I don't know if he needs to speak. This gentleman standing here represents the applicant.

Benny Mormon, Benchmark Associates, 10308 Hardin Valley Road. I would like some clarification. I was aware of the need for the street surfacing. My developer is prepared to perform that service in the next two to three weeks. So definitely not that. We would like clarification on what other improvements are being represented.

Kelly: I don't know if there are any other requirements other than the paving. I don't know if all the storm drains or everything is in place, street signs. I don't know the actual situation so I put that catch all in there so that basically the roads would be in a condition where the County could sign off on them is why I added that in there.

Cindy Pionke: County Engineering and I believe Dwight is coming around to address that.

Dwight Vander Vate Knox County Engineering and Public Works, 205 W Baxter Avenue.

The principle issue is that final surface is not on those portions of the road that are platted to be public. There is a requirement for sidewalks as well that is shown on the plat. Those may go in at the lot level. The primary assurance we are looking for from Mr. Mormon and we have had extensive meetings some of the other involved parties over the last week is that final surface will go down and improvements or repairs will be made to drainage infrastructure that is in place. We are comfortable with it going forward with the condition attached. I am not sure I can answer any other questions for Mr. Mormon. But the final surface of the street, repairs to the drainage infrastructure such that it works per planned and eventual installation of the sides whether it is done at the lot level or when the subdivision builds out.

Mormon. Thank you very much for the clarification and we are in support of the additional condition.

Art Clancy: Mr. Kelly you did not have anything about the drainage or retention pond in your condition.

Kelly: The way it was communicated to me the primary issue is the paving.

Clancy: That is all I need to know.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE VARIANCES 1-5. MOTION CARRIED 13-0. APPROVED.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 8 CONDITIONS THE EIGHT CONDITION BEING THAT A FINAL PLAT WILL NOT BE APPROVED BY MPC UNTIL THE FINAL PAVING IN PHASE I IS COMPLETED TO THE PUBLIC STREETS. MOTION CARRIED 13-0. APPROVED AS AMENDED.

b. USE ON REVIEW

8-G-14-UR

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

STAFF RECOMMENDATION: Approve the request for up to 71 detached dwellings on individual lots subject to 1 condition.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.

14. CARL PERRY CONSTRUCTION, LLC - CARL PERRY CONSTRUCTION, LLC

a. Concept Subdivision Plan

8-SC-14-C

Northeast side of Pleasant Ridge Rd., west of Moss Creek Rd., Council District 3.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 6 conditions.

David Harbin, 4334 Papermill Drive, Knoxville. We are in agreement with staff for all conditions Road with the exception of condition number 3. That is revising the concept plan to include sidewalks along Pleasant Ridge Road in addition to the internal sidewalk. We are directly across the street from Pleasant Ridge Elementary. In our plan we have proposed sidewalks internal to our subdivision and plan to build those since we are aware they will be used and they are needed. However the need for sidewalks on Pleasant Ridge Road I would ask for relief for on a couple of issues right there. First of all the sidewalks we are

bounded by a subdivision both to the south and east and west of us right there. Those properties are not going to redevelop. It is residential lots. So the opportunity for these sidewalks to expand beyond our property is not there. Essentially our sidewalk is going to start nowhere and begin nowhere. It will be just in front of us. Furthermore the city has a project on the books to improve Pleasant Ridge Road. At that time the sidewalks will be built by the city and constructed then. If I put a sidewalk in right now it would be impossible to match the alignment because the alignment of the new road, the horizontal alignment has changed a little bit also the vertical alignment has changed. In the city's design the sidewalks is designed to come interval with the curb there is nothing between the curb and the sidewalk. So to require the developer at this stage to come in and build a sidewalk that when the road improvements come the first thing they are going to have to do is come in and tear it up and start from scratch. In the interim nobody will ever use it because it is not connecting to a sidewalk at either end. So in our opinion this is just, you know, additional costs that nobody will ever use. The sidewalks will come when the City actually builds the road out there. We would ask for relief from the requirement of building that.

Longmire: Mr. Brechko I am going to come to you first and I will be coming to City Engineering to ask about the Pleasant Ridge project. Your reasoning behind requiring the sidewalks on Pleasant Ridge.

Tom Brechko: It is a combined position of for both MPC staff and engineering staff that they install the sidewalks along that section. I think it is important because of the fact the school is across the street. This would provide the sidewalk to connect closer to the intersection where it would be a safer crossing. It is a condition that the sidewalk be put in as part of this development. The City has design plans available that would allow for the construction of that sidewalk so that it would not require to be tore up. There may be some slight modification but it is the city's position that it should be done as part of this development.

David McGinley: Like Tom said there are plans available for this. They are having some slight modification due to some drainage redesign but the horizontal and vertical alignment is available for them to build to so that this would match any future sidewalks as built.

Longmire: So you are not planning on widening the road?

McGinley: Yes it is part of the widening project.

Longmire: That sidewalk would not have to be torn up?

McGinley: There are plans available that would show where the sidewalk would be in relation to those widening projects.

Longmire: Is there a crossing there for the school?

McGinley: I am not sure.

Art Clancy: Right down the street. The intersection to Moss Creek goes right across into the school parking lot. I am very familiar with that stretch of Pleasant Ridge. I just think there is a sidewalk on the other side of the road but getting people from this subdivision to that intersection I think is critical. It is a parental zone already. I am going to make a promotion that we approve variances 1 through 3 because the existing sight conditions restrict compliance with the subdivision regs and the proposed variances will not create a traffic hazard.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE VARIANCES 1-3.

Bart Carey: Commissioner Clancy already answered one of my questions which was what is across the street and there is a sidewalk over there. I think my bigger question might be back to engineering. I think you mentioned the vertical and horizontal lines are already there and that the applicant would have to build his sidewalks to comply with those future lines. Is that right?

McGinley: That is my understanding. Yes.

Carey: In the mean time I am not sure what the distance is horizontally between the existing road and the proposed road but there is no way to have the curve integrated into the sidewalk now and then. If he builds a sidewalk can you tell me no one knows then what the difference is in the existing verses new horizontal lines are?

McGinley: I am not aware of that myself. I have not seen those plans.

Carey: Seems to be putting the applicant, the engineer in a problem situation to have to match a future road that has not been built yet. What he builds will not really be in compliance with the city standard of building the curb integrated into the sidewalk. Does that make sense? I feel like... it would be great if we could get it now, but we can't have it both ways. That answers my question. Thank you.

Longmire: I would like to draw your attention to the fact that on the white sheet you can see where the subdivision comes out a distance from Mossy Creek where the crossing is. In my opinion having a sidewalk would encourage the children to walk up to

that intersection and I can see that would be a... rather than just having them try to cross directly from that subdivision.

Janice Tocher: My question is along those same lines. To Engineering. Once a sidewalk is put in that location would that move up in the sidewalk plan a connector from the Mossy Creek... and my screen just went the other direction. What is the name of that other road? Would that move up in priority doing sidewalks to those two streets that connect to Pleasant Ridge?

McGinley: I don't know that it change the priority. I know those plans are being updated.

Longmire: How close to fruition?

McGinley: I am not sure I can answer that question.

Longmire: I know one rarely can but fairly soon?

Harbin: If I could ask one more question please. In front of Moss Creek right there a big drain tile comes underneath the road. There is a huge ditch right there just north of Pleasant Ridge Road about where my sidewalk would end. Kids would have to basically walk right on the shoulder of the road to get to that intersection you are talking about. I have driven that plenty of times. The operations of the school that is out there right now, there is actually a driveway just right across from mine and they have a crossing guard right now that lets the buses in and out. They would be able to walk directly across the street. There is a crossing guard there for you in the mornings and afternoons to allow for traffic patterns out there. I can't speak for the school but I would anticipate that

Longmire: You haven't spoken to the school system about that yet?

Harbin: No. That would be instead of walking down to the intersection there it would be more likely that they would come straight across if there are any school children. Sending them back to Moss Creek would not really be a safe alternative right now with the big drainage ditch and everything that is just north of Pleasant Ridge Road.

MOTION PASSED 13-0.

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

Clancy: Specifically because I think that if you can get the sidewalks close if it takes the City of Knoxville six years to get their sidewalks in at least you are going to have some sidewalk

there that they can use as a crossing as well. If they are crossing now up the street, they can cross their easier and closer to the school's proximity. Approve the plan subject to the 6 conditions.

Herb Anders: City Engineering stated that those horizontal and vertical elevations and everything is available. Nothing says that this developer is required to build to those. I am like Mr. Carey putting an integral sidewalk in with the integral curb at a future date is very unlikely and not good construction. I don't know that I can support requiring this developer to put that in because even if he tries to meet those horizontal and vertical lines it is probably going to have to come out to do it the way the City is going to require it.

MOTION CARRIED 10-3 (Lomax, Anders, Longmire) APPROVED.

b. USE ON REVIEW

8-H-14-UR

Proposed use: Detached Residential Subdivision in RP-1 (Planned Residential) District.

STAFF RECOMMENDATION: Approve the plan for up to 13 detached dwellings units on individual lots subject to 1 condition.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.

* **15. LETSINGER RIDGE - ERIC MOSELEY**

8-SD-14-C

a. Concept Subdivision Plan

Southeast side of Snyder Rd., northeast of Hunters Green Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. USE ON REVIEW**

8-K-14-UR

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

STAFF RECOMMENDATION: Approve the request for up to 24 detached dwellings on individual lots and reduction of the peripheral boundary setback to 25' as shown subject to 1 condition

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 16. HENSLEY ESTATES - EAGLE BEND DEVELOPMENT

8-SE-14-C

a. Concept Subdivision Plan

Southeast side of Coward Mill Rd., northeast of Pellissippi Pkwy.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. USE ON REVIEW

8-J-14-UR

Proposed use: Detached Residential Subdivision in PR (Planned Residential) / TO (Technology Overlay) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

17. THE RESERVE @ WEST HILLS

8-SF-14-C

East side of Vanosdale Rd., south side of Sheffield Dr., Council District 2.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 7 conditions.

Tom Brechko: This review is for a concept plan only. It does not include a use on review approval as we see with most of the subdivisions that come through as a planned residential. Under the R-1E zoning you are looking at this for approval of the concept plan based on meeting the requirements of the subdivision regulations and meeting the zoning ordinance requirements for the R-1E district. It is staff's position that the proposed subdivision does meet the zoning criteria for the lots within that district and also that it meets the requirements of the subdivision regulations except for the three variances that are needed for the location of the street that is serving the subdivision. There is no location on the property on either Vanosdale or Sheffield that you could put a street that would meet the distance separation. It is 400 foot separation from intersections on Vanosdale and on Sheffield it is 300 foot separation. The location for the street for the proposed subdivision was placed at a location that would try to maximize the distance from Buckingham intersection to give enough visibility back in that direction for reaction time and also to stay back from the Sheffield Drive intersection so as not to interfere with some of the stacking that you would have at the stop sign at that location. There is also an off set for the subdivision across the street on their entry that is about 130 feet. It is staff's position that the proposed location is the best location for an access road for this site. The subdivision with 14 lots will be served by a joint permanent easement. A joint permanent easement is basically a private street. As proposed as a 40 foot right of way with 22 foot pavement width. The reduction to the 40 foot right of way and the 22 foot pavement is approvable by the planning commission but the planning commission makes that determination. It has to meet the street standards. It does meet the required pavement standards for a public street. The only change or reduction from normal standards is the right of way and the pavement width. The turnaround area because of fire

access and all has to meet the standard of a 40 foot radius for pavement and 50 for the right of way. The minimum lot size with this district is 7500 square feet. The lots proposed are from 8500 to the largest lot being 25000 square feet. Approximately 10 of the lots are over 10,000 square feet in size. It is staff's position that this subdivision meets the requirements of the zoning ordinance and subdivision regulations with the variance and recommends approval.

Richard LeMay, 10816 Kingston Pike. I am the engineer for the project. I am here with Mr. Medlyn who is the developer. We concur with staff report and staff recommendation. We would be glad to answer any questions.

Commissioner Jeff Ownby, 7113 Rockingham Drive. I am not here in my Commission capacity. I am here as a resident of West Hills. I came before you all on Tuesday to ask for a postponement because we have not been able to meet with the developer to discuss our issues or concerns. You instructed me to get with him and instruct him that we were planning on asking for a postponement. Which we did and tried to set up a meeting and he has been unwilling to meet with us at this point. He said that he would wait and see what happens today before he meets with us. We did offer him Monday night as our normal neighborhood meeting. We offered him a chance to come to that and he has refused or denied us of that until we find out what happens today. So Ashley Williams is the president of the homeowners association.

Longmire: Mr. Ownby you are asking for a postponement is that correct. I just want to make sure that you are asking for a postponement.

Ownby: Yes I am asking for a postponement of this for 30 days so that we may meet.

Ashely Williams, 522 Broome Road. I sent most of you all emails to try to keep this quick today. As you know West Hills our goal is to protect the integrity of the neighborhood. I had personally met with Mr. Peter Medlyn on a one on one basis after Commissioner Ownby suggested that you all wanted us to have a meeting set prior to today's hearing. I called Mr. Medlyn and invited him on several occasions through that phone call to attend our Monday night, this coming Monday night neighborhood meeting so that the entire community could address their issues. As Commissioner Ownby did say Mr. Medlyn's response was I don't see why we need to have the meeting on Monday because the MPC meeting is tomorrow. I would like to ask for a one month postponement so that we can maybe have the opportunity to sit down with Mr. Medlyn as a community and have everybody address their concerns. I would like to leave a little bit of time for any rebuttal.

LeMay: Yes. I have been involved on the phone, swapped calls with Ashley Williams. I never got ear to ear with him but Mr. Medlyn has. We have been available since the sign was posted to meet with the homeowners association. Spoke with Mr. Ownby four different times on the phone. They finally scheduled a meeting last Saturday. Mr. Medlyn was out of town and could not attend the meeting. We offered to meet with them Monday night, Tuesday night, Wednesday night up until today. Mr. Medlyn may want to speak to this issue also.

Peter Medlyn, 1044 Hamilton Ridge Lane, Knoxville. I just wanted to give a quick review on my side of the story on the meeting. On August 1 I finally got hold of Mr. Williams. He suggested that he was president of the homeowners association. I did ask for a meeting with everybody. He said that wouldn't be necessary. His role was for me to meet with him and tell him what we were going to do and he was going to pass that information on to the homeowners group. So I sent him an email on August the 1st outlining what the plan was, what sort of house we were going to do, what sort of materials. Then I scheduled a meeting with him to come out to our job site. We are doing two similar homes on George Williams Road right now so he could see the quality of the product and actually one of the houses we were building. I met with him on Tuesday per his request and then also met with John Heins who I believe is the president of the homeowners association behind the subject property. I think he was impressed with the type of home we were doing and the quality of the home. I was not available I was in Missouri last week. I found out about a meeting on Wednesday and I wasn't in town. I said I could meet Saturday, Sunday, Monday, Tuesday, Wednesday. Yesterday I was invited to a meeting this coming Monday. So I have been available and have provided the homeowners group with all the information.

Ownby: I just want to correct a few things. The meeting was last Friday, not Saturday. I did speak to Mr. LeMay several times. He said that Mr. Medlyn was out of town and I said that the whole community wants to meet with him, not just me. I don't make up the whole community and neither does Mr. Williams. I told him it was Friday. He said I can come if you want me to but I don't know anything about the project so I really can't give you any information other than the engineering aspect of it. As far as Mr. Williams saying that he offered to meet, we did. We called several times. I am sorry he was out of town, but surely somebody from his office could have come just to hear our concerns if anything. The meeting was on Friday. We just ask for a delay because all we want to do is voice our concerns that we have about the permanent easements. We are afraid that the sight distance for one, if you look at the school right now the traffic at that school backs up to Kingston Pike and Middlebrook every single day. Not to mention during the holidays you can't even get through that Vanosdale at all. I am worried about the city taking over these. If

the retention pond breaks down, who is going to be responsible for that because I don't think anybody is going to monitor a deed restriction. I know the city is not going to be able to go out there and make sure that they are paying the homeowners association fee to maintain that stuff. I don't want it to fall back on the city or the residents of West Hills. That is my concerns.

Art Clancy: Mr. Williams I got an email from you on Wednesday of last week about a meeting on Friday that didn't have a time or anything. I was trying to set my schedule but couldn't figure out what time the meeting was going to be on Friday. I can see where it might have been a little bit ambiguous. I think it is important that the neighborhood meet with the developer. I think that is crucial. In this specific instance it is an approvable plat. You need some variances that is true. We either have to approve it or have a legal reason for turning it down. I don't want to do either one of those things. What I would like to do is make a motion for a 30 day postponement and would highly recommend that the developer get in touch with the neighborhood and try to address some of their concerns.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE 30-DAYS AND RECOMMEND THE DEVELOPER GET IN TOUCH WITH THE NEIGHBORHOOD AND TRY TO ADDRESS SOME OF THEIR CONCERNS.

Michael Kane: I am in favor of the postponement. I do have some I guess some of my concerns are in looking at this proposal in of terms of what we see other proposals that we have. We often require detention ponds all over Knox County and the City of Knoxville. So I am trying to understand why this one would be of more concern than another one. The neighborhood to some agree will have to address if there are concerned about it why this particular detention pond would be worse than any of the other ones we are approving. The density issue is less than 3 dwelling units per acre in terms of the gross area of the development. There are a lot of other places in the city and in the county we are approving 3 1/2, 4, 5, 6 dwelling units per acre. I am struggling with at this density if we were talking about townhouses or apartments being out of character I am struggling with that of this being so significant. If we develop something under 3 dwelling units per acre we would consider that pretty good. We have had some stuff over near Gettysview recently that I think it was 3 we approved then County Commission approved it 3.56 or something like that. The one thing that does stick out for me is the traffic. I guess I don't know if City Engineering can comment on that at all at this stage. 14 dwelling units versus 10 versus 1. Or a development that is two blocks away from this but feeds into the same intersection, how is that different in terms of the impact on this particular stretch of road?

McGinely: I think we recognize that there are some traffic issues out there. We can see that on a daily basis driving out there. However at this level of development a traffic impact study isn't required. I am not sure that there is a specific answer to your question.

Kane: I mean is the impact of this development being right here different than if a block away we had the same development and it was being done but fed into the same street system. In terms of the impact on the traffic counts, the wait times, all of those things would it really be any different?

McGinely: The traffic count would be the same regardless of where it is. The impact depending on where it could be a slightly different but I would say for the vast majority it would be the same.

Longmire: And for my part I just don't like joint permanent easements.

Carey: Mr. LeMay looks like he has something to say I would like to see what that would be.

LeMay: The Commissioner basically commented on what I was going to say but I would like to add to that and make sure there is an understanding. Our subdivision as designed meets all the requirements. Regardless of community input there is no way to eliminate a detention basin developing the City of Knoxville. That facility has got to be there. All the other engineering parts of this development have to be there. The reason we had to ask for a variance was dictated by the shape and location of the property. We have to have that. Any development would require that variance. Basically the way I am looking at it we require no variances; we have met all the regulations; and I don't know from an engineering stand point what discussions we could have with the community.

Longmire: I think just what you said. I think to just say to the community we have to have the basin here. This is what is required. I think explaining to them that things have to be done a certain way and that you are doing them in the required way. I think that might help the situation.

Clancy: I agree with Mr. LeMay. This project has everything it needs to be approved except for some community involvement. I think it is a good idea to listen to these people and just like Commissioner Longmire said let them know what is required. You have got to communicate with them. This board has always tried to make sure that the developers communicated with the community and got some input so it could be an open process.

Longmire: Even though there may never be agreement. There at least will be an understanding.

Clancy: That is true.

MOTION CARRIED 13-0. POSTPONED FOR 30 DAYS UNTIL SEPTEMBER 11, 2014 MPC MEETING.

Longmire: And it would benefit both sides to listen as well as talk.

Final Subdivisions:

- P 18. RIVER'S EDGE APARTMENTS 7-SC-14-F**
South Side of Island Home Ave, west of Spence Place, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 19. GLENSTONE II RESUBDIVISION OF LOT 23 8-SA-14-F**
North side of W Emory Road, southwest of Clinton Highway, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 20. J M FORDS RESUBDIVISION OF LOT 1 8-SB-14-F**
West side of Blount Avenue, south of Redwine Street, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 21. WHITES PARK PLACE RESUBDIVISION OF LOT 18R1 8-SC-14-F**
At the intersection of Twenty Second Street and Cumberland Avenue, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 22. FINAL PLAT OF THE WALTER H RULE PROPERTY 8-SD-14-F**
Southwest side of Martin Mill Pike, southeast of McCammon Road, Commission District 9.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 23. PACE PROPERTY II 8-SE-14-F**

At the intersection of Ball Road and Bakertown Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. RIDGEFIELD ADDITION RESUBDIVISION OF LOTS 20-21** **8-SF-14-F**
At the intersection of Ridgefield Road and Merchant Drive, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. THE MARKETS AT CHOTO RESUBDIVISION OF LOT 5** **8-SG-14-F**
The intersection of Choto Road and S. Northshore Drive, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. TIPPIT VILLAGE, UNIT 2, LOTS 66-67 AND RESUB. OF LOTS 68-69** **8-SH-14-F**
South side of Rose Cottage Way at Gisele Way, north side of Andes Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. LKM PROPERTIES, LP WESTERN AVENUE AT SANDERSON ROAD** **8-SI-14-F**
At the intersection of Sanderson Road and Western Avenue, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. EMMETT P VAUGHN, JR RESUBDIVISION OF LOT 11R-1** **8-SJ-14-F**
At the terminus of Pinellas Drive, northeast of Fairfield Road, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **29. LINWOOD ADDITIONS 1 & 2 RESUBDIVISION OF LOTS 1R,** **8-SK-14-F**

5R, 11-13, & 14R

At the intersection of Coram Street and Radford Place, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **30. WILLOW BAY** **8-SL-14-F**
North side of Quarry Road, northwest of E Emory Road, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **31. MAITLAND WOODS, UNIT 6, RESUBDIVISION OF LOTS 4-5 & 151R** **8-SM-14-F**
At the terminus of Ancient Oak Lane, northeast of Airtree Lane, Commission District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **32. BALL & GREENFIELD PROPERTY** **8-SN-14-F**
West side of Diggs Road, south of Lovelace Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- 33. HAND PARTNERSHIP, L.P. (REVISED)**
South side Atlantic Ave., north side Radford Pl., west side Metler St. Council District 5.
a. Central City Sector Plan Amendment **7-B-14-SP**
From LDR (Low Density Residential) to LI (Light Industrial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #7-B-14-SP, amending the Central City Sector Plan to LI (Light Industrial) for a portion of the site and recommend that Knoxville City Council also adopt the sector plan amendment.

Mike Brusseau: As you said there are three different applications which we sometimes see in the city. We have got the sector plan change from LDR to Light Industrial and the same thing on the City one year plan. Both of them required because of the request

for I-3 zoning on the entire parcels. Staff is recommending that the plans and zoning be approved but only to the alley, south of the alley that runs between Atlantic Avenue and Radford Place. The reason for this is because extending the industrial uses across the alley would place them directly across from residential uses which is a very standard planning principle to not locate incompatible, unlike uses directly facing each other. This section of Atlantic Avenue is developed with established residential uses on both sides. We are recommending that the rezoning only go, excuse me, the plan amendments and rezoning only go to south of the alley and that would be exactly the same situation that you see to the east of the property where the industrial zoning goes to the alley but the residences on Atlantic Avenue remain zoned R-1. Essentially that is the reason for the partial recommendations. The recommendation maps are included behind the regular maps in your package. I am available for any questions if there are there.

Longmire: There are three different things. There is a sector plan, one year plan and a zoning.

Brusseau: There is an individual report for the sector plan and then there is a combined report for the one year plan and rezoning behind that.

Arthur Seymour Jr.: We will go first if we may. I am here on behalf of Hand Partnership, the applicant. Mr. Hand is here with us and Mr. Winkle is here with us and our engineer, Mr. Sharp, is here with us also. Hand Partnership is the Eagle Distributing company here in Knoxville. It has been in business at this location for a number of years. At least since the 50's this has been the location of a beer distributing business. Prior to that it was an industrial area. The industrial zoning has existed on this property for a long, long time. As you can observe it is adjacent to railroad tracks and it is also adjacent to a neighborhood. Hand Partnership and Eagle Distributing is in the process of expanding on the existing location. They want to stay in the central city expand and yet be good neighbors with the residential district around it. They think they have been for a number of years. We agree with staff on the first, second and third items but we would like to extend light industrial from the alley which you all closed earlier today, or recommended it be closed earlier today, to Atlantic Avenue. The purposes is to place a maintenance facility for their vehicles on this location. Right now with the plat approve which occurred earlier today Eagle Distributing can go ahead with a major warehouse expansion on their existing. But for their future development they need these 7 lots or 8 lots for a maintenance facility. Staff has recommended I-3 from the alley south to Radford Place on appropriate plan amendments. Mr. Brusseau has already recommended as an alternate for the lots north of the alley that light industrial; and this is a default recommendation, he is not recommending it but he suggested it,

that that area be zoned I-1. I-1 requires approvals of the plans and we are fine with that because the only purpose Eagle Distributing has for the use of that property is a maintenance facility. They are more than happy to buffer with fencing and landscaping the area so the neighborhood will not observe it. It is not for your heavy trucks. It is for tractors that pull the beer trucks and for their fleet of vans and cars for that. If they can get approval for this, they can continue to grow in the existing location which is in the central city. As you all saw on the discussion Tuesday at your agenda review, this is a diverse district. Central city has residential to heavy industrial. This is light industrial. It is simply a distribution center for beer. Beer comes in and then goes out on the trucks. So there is no manufacturing going on here at all. We are simply asking for the ability to continue operate in this location with this minor change in the zoning. Mr. Hand, Mr. Winkle or Mr. Sharp would be happy to answer any questions. I would like to save the remainder of my time for rebuttal.

Carol Jeffries, 304 Atlantic Avenue which is on the adjacent to the property that is being reviewed. I do agree with the MPC recommendation or the MPC staff recommendation. I do not oppose that. What I do oppose would be for the area to be zoned I-3 because it is in a residential area; actually it is right next to my property. We would have very big concerns about what that would do to our property values and the entire neighborhood. I am not sure if this is something that should even be mentioned at this time or something that would be reviewed after the finalization. If it were to be approved to I-1, for one I did not realize that they were looking at building a maintenance facility there. What my concern is their vendors that drive the semi-trucks use Metler Street as access to their facility already and for several years they have run through my yard, through the corner of my yard, and hit a tree in my yard several times and they have done a lot of damage to it. With that being if it were to be rezoned to industrial I would be real curious to find out what is going to happen to my property there. Is there another way that they could access their location through the existing property if it were to be rezoned to I-1?

Longmire: You are comfortable with knowing the differences between I-1 and I-3 as far as the buffering and everything.

Jeffries: Right.

Seymour: The problem she raises about trucks coming in off Radford Place to the business is one that Eagle Distributing is aware of. They have tried to improve that and think they have by directing deliveries to a different address. Truck drivers operate by GPS. They go wherever is on their screen in front of them and by changing the address for deliveries, trucks typically will come off at Merchants Road, follow Central Avenue around

to Bruhin, come up over by Central and enter at it would be the southwest corner into the property and not get onto the neighborhood streets. We can't guarantee they will not get in there but if they follow the GPS to the delivery address they will not go back into the neighborhoods at all. They have worked for a number of years to make sure that occurs and hope we can stop that.

Longmire: I do want to ask. So you are saying, and I don't know which of you gentlemen needs to answer this, that the entrance to the maintenance yard will be off Radford. It will not be off Atlantic nor Metler?

Seymour: It will be off Atlantic. Mr. Hand can direct...

Ray Hand: 310 Radford Place is my work address and 1155 Scenic Drive is my home. Let me address that. I don't blame her. I am proud of my home too and wouldn't want a truck running through it. I agree with her. I do not like that. She and I just met not too long ago and her husband, I believe am I correct has the place across the street had a business across the street from us which backs up to her house and would not want anything that would cause damage to her yard. We have tried to do everything we can to get them to come in another way. I would say this to you. Whether you zone this or deny this will not change her problem. That is already existing and done. Since 1952 the trucks have come in. We try to get them to come the right way and it is getting better with the GPS but when somebody makes a bad turn off 640 down Broadway those things you know how they work, and I assume everybody in here does, and they come the back way and have no business doing it but there are other businesses coming that way also.

Longmire: Again I am asking you, the entrance to the maintenance yard, the new thing that you want, will it be off Radford or will it be off Metler or will it be off Atlantic?

Hand: It will mostly be off Atlantic, I am sorry off Radford. I get mixed up and I haven't been there but 30 years. Anyway they will come across the street from our place into that way. Our trucks will not come the other way. We know how to control that. That we can control. She is talking about over the road. I might throw in the other day there were 15 KUB trucks and a tractor truck which one of those were parked in the edge of her yard. Everybody unfortunately makes that mistake. Again I am very sympathetic with her problem.

Longmire: I understand. Thank you sir.

Bart Carey: Ms. Jeffries you said you live adjacent to the property. Could address the podium and tell us. I am trying to get clarification of which house is yours.

Jeffries: I can. It is directly well let me look at my copy of the map. I can probably see it easier to give you the number. I am on Atlantic. It is 304 Atlantic, but on your map it is number 1.

Carey: There is an empty lot. Do you own the empty lot on the corner as well.

Jeffries: Correct.

Carey: I got you. I went by there after agenda review because I wanted to kind of see what that looks like out there. I love the neighborhood. I think the architecture out there, people are taking care of their places and it looks really good. We can see this eventually here. We can't see what topography looks like. I pulled down and sat at the corner of Metler and Radford for maybe 10 minutes just to kind of observe traffic patterns but mainly to look at the lay of the land. I think we are all sensitive to how high any improvements there might be in relation to the existing architecture. What I learned and I will share with Commission is there is a moderate slope going down to the corner of Radford and Metler. In other words all the houses on the back street are considerably higher elevation wise. This is kind of the low place in that whole block. That helps relieve any improvements that might be made there. I think the GPS might be working because while I sat there partially in the gravel lot and partially I the road not one vehicle came by while I was there and I did see a number I am not sure if they were over the road trucks or other trucks were coming in I guess as they were directed on Radford. I was pleased to see that this did not seem to be a huge issues. I was mostly curious as to where you are and now I see what you are talking about there.

Michael Kane: Mr. Seymour in looking at the math and you talked about the expansion of the business. If we look at the map on the north side of Radford Place it is already zoned light industrial. Is that correct? Or at least it is on the sector plan as light industrial is my understanding would be to the east of this property.

Brusseau: To the east of the property is correct.

Kane: Right what staff is saying is it is a logical extension of the light industrial if you went on the north side I guess would be west to keep it before where the unnamed alley is. Right. That is what you are saying is a logical extension. My question is what happened is your applicant has essentially bought property where planners would say is really beyond what planners would say would really be beyond what would be the natural extension. Why is the property which would be south of the unnamed alley why wouldn't that be more likely your growth area as opposed to father up Atlantic Avenue?

Seymour: I may want Mr. Hand or Mr. Winkle to address that. To relocate the maintenance facility they are going to need enough space to get the vans and trucks in there. By the way it will be an enclosed facility. That is the limit of their expansion for 25 to 30 years you all told me. They are adding warehouse space to the existing warehouse space. Based on their business prospects they think....

Kane: This isn't like AmeriSteel where houses will be gobbled up every year for expansion as far as this business.

Seymour: This is it as far as they are concerned. Gerdau was directed to buy some of those houses by the EPA.

Kane: Of staff could just refresh our memories on what the difference is between I-3 and I-1 is in terms of uses and setbacks and buffering and stuff please.

Brusseau: The uses really aren't a whole lot different. Both of them are primarily indoor, you know, non-manufacturing type industrial zones. The biggest difference is the fact that the I-1 zone requires a use on review approval for all development. We are not necessarily recommending the I-1 it was just placed in there as an option if the commission were inclined to approve something all the way to Atlantic that that would be probably the best, certainly the best zone that could be considered to allow their use. They are both primarily indoor light industrial type uses. Through the use on review process as Arthur said we could, staff could recommend appropriate buffering and potentially look at architectural styles so it blends in better. Regardless no matter how you slice it you are still placing industrial uses across from residential uses which is why we maintain that it should not be approved north of the alley. One other thing that may be helpful just going off of what you mentioned Mr. Kane. In the report I have got some numbers on just acreage. We are recommending 0.7 acres to be rezoned. The entire area that they asked to be rezoned is 1.6 acres. Here is the point. You had mentioned why not expand all south of the alley. If they were able to obtain those other properties south of the alley which I gather is part of the reason they are asking for what they have got is because these other properties weren't available, but if they were able to do that obtain those properties and expand in that area it gives them about 3 acres and we would support I-3 zoning south of the alley further west of this property. Hopefully that answered your question.

Kane: So really the differences there is not any required setbacks to some degree, you know there is more setback requirements that would be lost in I-3 I mean that would be lost going to I-1 because it is a use on review essentially.

Brusseau: I honestly have not compared the setbacks. I assume they are fairly similar. You will have the ability to recommend appropriate...

Kane: In a neighborhood situation like this I like the idea of a use on review. I think that helps the neighbors understand more exactly what they are going to get. To some degree I even like that even on the property that is south of the unnamed alley. I tend to like that especially after Commissioner Carey's discussion about the neighborhood. I have driven by her before but I did not sit to the extent that Commissioner Carey did. It has a... it is a different feel driving along Atlantic because it changes so much from one section to the other. Some is very residential. Some of it has got businesses. It is that mixed use and how do you preserve something and allow growth. I think it can be done. I think it can be done more on use on review process. If that wasn't workable I would only support the I-3 on the south side of the unnamed alley.

Seymour: If I hear a suggestion if this will help. I think I-1 would work for us on the whole property don't you. If you are inclined to approve grant I-1 north you might as we would ask that it be on the south too so we are subject to the same. It is going to be one use.

Clancy: Michael based on the recommendations we have right now, we have got a resolution to amend the Central City Sector Plan. The other two things we have are zonings on two different parcels. If we wanted to adopt I-1 on both parcels could we just do it in one resolution or does it still have to go to two resolutions?

Brusseau: The request, I mean everything that has been requested is in play so you all could recommend the whole thing or partial.

Clancy: I understand that. What I am asking is do we need three motions to do all the property in I-1.

Brusseau: Two motions would be for the plan amendments for LI and LI covers either I-1 or I-3.

Longmire: The head of the table says yes we do need those.

Clancy: That being said I would like to make a motion that we adopt resolution number 7-B-14-SP, amending the Central City Sector Plan to LI (Light Industrial) for a portion of the site and recommend that Knoxville City Council also adopt the sector plan amendment.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO ADOPT RESOLUTION NUMBER 7-B-14-SP, AMENDING

THE CENTRAL CITY SECTOR PLAN TO LI (LIGHT INDUSTRIAL) FOR A PORTION OF THE SITE AND RECOMMEND THAT KNOXVILLE CITY COUNCIL ALSO ADOPT THE SECTOR PLAN AMENDMENT.

Buz Johnson: Are you doing it for the whole site?

Clancy: I am going to make a **motion that we use I-1 for the entire site.**

Buz Johnson: I think you said portion and the way it is written it is for the south.

Clancy: That is why I asked if we needed all of them.

Brusseau: The way the recommendation is written in the report is for the portion that we recommended.

Longmire: So it needs to be changed to the entirety of the site?

Clancy: I did.

Pierce: I amend my second.

MOTION AS AMENDED TO ADOPT RESOLUTION NUMBER 7-B-14-SP, AMENDING THE CENTRAL CITY SECTOR PLAN TO LI (LIGHT INDUSTRIAL) FOR THE ENTIRE SITE.

Longmire: So we have a motion and a second to adopt resolution 7-B-14-SP amending the Central City Sector Plan to LI for the entirety of the site and recommend that Knoxville City Council also adopt the sector plan amendment.

MOTION CARRIED 13-0. LI FOR ENTIRE SITE APPROVED.

b. One Year Plan Amendment

7-A-14-PA

From LDR (Low Density Residential) to LI (Light Industrial).

STAFF RECOMMENDATION: Approve LI (Light Industrial) One Year Plan designation for parcels 081GB013-016 only.

MOTION (CLANCY) AND SECOND () WERE MADE TO APPROVE LI LIGHT INDUSTRIAL FOR ONE YEAR PLAN DESIGNATION FOR THE ENTIRETY OF THE SITE. MOTION CARRIED 13-0. APPROVED.

c. Rezoning

7-B-14-RZ

From R-2 (General Residential) / IH-1 (Infill Housing Overlay) to I-3 (General Industrial) / IH-1 (Infill Housing Overlay).

STAFF RECOMMENDATION: Approve I-3 (General Industrial) / IH-1 (Infill Housing Overlay) zoning for parcels 081GB013-016 only.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO RECOMMEND CITY COUNCIL APPROVE I-1 PLANNED INDUSTRIAL AND I-H-1 INFILL HOUSING OVERLAY ZONING FOR THE ENTIRETY OF THE PARCELS UNDER DISCUSSION. MOTION CARRIED 13-0. APPROVED.

34. CARL H. LANSDEN

Northwest side Asheville Hwy., west side Nokomis Rd. Council District 4.

a. East City Sector Plan Amendment

7-C-14-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION #7-C-14-SP, amending the East City Sector Plan to O (Office) and recommend that Knoxville City Council also adopt the sector plan amendment.

Applicant: I defer to my opposition. I have some material I would like to give Mr. Johnson.

Bill Kerry, 1501 Washington Avenue, Knoxville. I am staff of Knoxville Habitat. We just acquired a lot adjacent to this property which we had... It was multiple lots and we had it divided into two lots. We currently have a building permit and have started building on 106 Nokomis. We have a homeowner that has also chosen 112 Nokomis. I am concerned the property value if it is changed from R-1 to C-3. Also I heard from MPC staff that this is the third time that the applicant has gone for C-3.

Brusseau: There was a previous request for O-1 I believe in 05 and that is the only one I am aware of.

Kerry: We are just concerned that the property does not touch any commercial properties and it will be by itself if gets zoned O-1 or C-3.

Longmire: Your property is number 5 on the corner of Nokomis and Asheville Highway. Can you see it? It is on the corner of Nokomis.

Kerry: Yes. There are going to be two houses. We do have a current building permit and have started clearing the lot. We don't build speculative houses. We build for homeowners.

Sharon Davis: 4014 Holston Hills Road, 37914. You should have in your packet a couple of letters signed by our neighborhood association chair, Ashley Williams, opposing the O-1 rezoning

and supporting C-1 zoning that staff has recommended. For many years Mr. Lansden has desired to increase the market value of his property by rezoning. He contacted me earlier this year because he knew I had supported and do support development on his lot. He set up an appointment with our neighborhood association board to present his case and asked us for support of the C-3 zoning. After many days of study and review we just could not support the C-3; however we were excited about what the C-1 zoning offers and we still are. We are not against development at all. This week we learned that staff recommended the O-1 zoning. We have reviewed that and in your packet the letters I refer to were issued to you after we reviewed the O-1 zoning. We do not feel that is best for the neighborhood and in my personal opinion it is not the best for Mr. Lansden to market that property under the O-1; rather the C-1. MPC has taught us and you as commissioners and the city of Knoxville has taught us that as neighbors we should be involved in the plan and in the development of our neighborhood. That is what we want to do. We want to encourage you to support the C-1 zoning for this area and opposed the O-1 recommendation. I think that it goes along with the one year plan you have that in front of you don't you. There is no sense in my reading that to you. Anyway I trust that you will support the neighborhood in the C-1 rezoning and support the neighborhood in their desires.

Carl Lansden: I am going to have Kim Pardon speak first on my behalf and O-1.

Kimberly Parton, 8500 Rayworth Trail, Powell, TN

I own the next three properties going up on Nokomis Road. I also own an additional lot and I have owned those properties for approximately 7 years. I have spent a great deal of time working on them and trying to get them in much better condition than when I bought them. Additionally I own a lot, excuse me, a residential property on Asheville Highway almost directly across. I have had first hand experience the last few years working there in the neighborhood and trying to bring my properties up and look nice and improve the neighborhood. Unfortunately this is an area that... well let me say first. Habitat we welcome them and we are glad that they are there. I have some concerns however. We need change in this neighborhood because otherwise in the course of my tenure there I have watched the neighborhood deteriorate. That Asheville Highway area between the interstate and Chilhowie School and unless we act and make some changes right now I fear that this is going to turn into a very unsafe area. I support the recommendation of the Commission.

Carl H. Lansden, 5315 Asheville Highway. Six years ago former MPC Chair Trey Benefield wrote an oped in the News Sentinel. It was basically talking about sustainable development. His theory

or thesis was why do we spent millions on infrastructure and go to the furthest outreaches of the County instead of using existing corridors that we have in place now. The main corridor that he commented on in that oped was Asheville Highway. Six years later we are at a critical point. I am sure you read the east end liquor shop owners review on Asheville Highway. That skaving report you just heard from Ms. Parton, myself, my next door neighbor, Irene Hodges. I want to state that none of us are members of Town Hall East. The reason being Town Hall East does not have our best interest in their accord. We are at a critical time. Six years ago when Mr. Benefield wrote that article, I would say Asheville was at a walk in clinic. Now it is on code blue in the ER. Myself, Ms. Parton, the people that have a vested interest on Asheville Highway, property owners that make their livelihood on Asheville Highway, are asking you to concur with Mr. Brusseau and MPC staff as far as O-1. I realize myself Town Hall East and this gentleman, we all have a bias but the one body in this entire thing that we are dealing with today that does not have a bias is MPC staff. They are educated and informed in this matter. Once again I think we as property owners on Asheville Highway would concur and agree with the O-1 zone.

Longmire: Both parties have some time left. Do you want to use it now or do you want to... Do you have anything else you would like to say in opposition or...? If not I am going to ask Mr. Brusseau to speak to the difference between the C-1 and the O-1.

Brusseau: The C-1 zone is neighborhood commercial. It basically just allows very limited smaller type commercial businesses that are in theory are more compatible with neighborhood uses. The problem we have with C-1 and it is something we mentioned in our review as a possibility but basically you have got to stop the commercial development coming away from that interchange somewhere. There is C-1 directly across the street that is vacant and has been vacant for a long time. That right now if you see the zoning line on the map there that is where the commercial zoning ends. That side of the street is not as heavily developed with residential as the north side of Asheville Highway. The rationale that we used was the property is probably not as desirable for residential use certainly not as desirable as any of the interior lots in that subdivision being it is located near an interstate interchange on a 4 lane highway. It is kind of at the edge of commercial development. We kind of looked at it as an opportunity to establish a transitional area where the office zone is a very... we often recommend office for basically to establish a stopping point for commercial. In this case it would be to establish that stopping point and basically create that good transition between the residential and the commercial. If this property were located in the interior of the neighborhood not on Asheville Highway we certainly would not be supportive of any zoning change here. But being so close to that interchange and

on that highway, we feel it is appropriate for the O-1. The C-1 like I said just allows smaller less intense commercial uses. The O-1 allows of course professional, medical offices as well as residential uses as permitted uses. Now the residential uses allowed in O-1 are basically all the uses allowed in R-2 which include single family and duplexes as permitted uses by right. But the difference between R-2 and O-1 is that if you are going to propose any kind of multi-family attached development it requires use on review whereas in R-2 it would be just a permitted use. Basically if this were approved for O-1 it would give the applicant of either seeking out office users or some kind of a residential use on that property. Under the current R-1 all he could do is single family homes. The property is big enough that it could be split up into 4 or 5 lots. Obviously that is not what the applicant is interested in. I can field any other questions if there are any.

Janice Tocher: I do have a few questions. C-1 then does not allow the same sort of things that O-1 has in it. There can't be offices or halfway houses, or anything like that in the C-1? Or a private club?

Brusseau: Not in C-1. C-1 allows retail uses where the Office zone does not. It could be a convenience store or a small restaurant, things like that; whereas those would not be allowed in O-1.

Tocher: I would like to ask Ms. Davis a couple of questions. When we spoke I understand that you had a concern not only about the Halfway houses but about the potential for private clubs and lodges.

Davis: That is correct. The exact things that the C-1 has is what the neighborhood desires things that it allows. We are not in agreement with the O-1 and the things like the halfway houses and the private clubs. Those things we are not in favor of having in that neighborhood. I trust each of you have taken the time to go out and look at the area. There is no need for transition from commercial to residential. It is already there. The transition is there. The neighborhood needs a little bit of commercial but we don't want the things that the O-1 offers. The marketability of the property from the residential that it is now to the C-1 in my opinion as a veteran realtor of over 25 years maybe 30 is that Mr. Lansden would actually the property would be enhanced by the C-1 for him and the community so everybody would win.

Tocher: I also have a question for Mr. Lansden. Your original request was for C-3 but you do not want to do a C-1 you would prefer to do an O-1 over a C-1?

Lansden: I would prefer O-1. That is the reason I brought the letter relative to Mr. Birdwell's property. He states clearly that he has been for sale over there for half a century. I feel like I don't have that kind of time on my calendar basically sort of where I am. The halfway houses, Sharon brought that up. I am going to have ownership of this property whether it is a ground lease or something in accordance with O-1. If I am successful in this today I am going to be coming back up in front of you guys. There is no way that I am going to, I don't even see how I can make a financial wherewithal with halfway houses. That is not going to happen.

Tocher: Neither a private club or lodge.

Lansden: A private club. I am on record saying that.

Charles Lomax. I have a quick question going back to the C-1, O-1 differential. Under C-1 is that limited as far as being a single level structure operating and is there a level in relation to the O-1?

Brusseau: C-1 height regulation is 35 feet which is three stories. O-1 I believe is the same. Let me double check. For residential it is the same as the R-2 district which I think is fairly high. For an office use it is 45 feet. The O-1 would potentially allow a higher building. I was going to add... Oh the halfway house I was just looking at halfway houses and lodges and some of the things that were mentioned as not wanted by the neighborhood, they all require a use on review. They could not just go in there and pull a permit for those and build any of those as well as multi-family under O-1.

Laura Cole: Mr. Brusseau. All of those things would require use on review including multi-family if it were zoned office. This is in my neighborhood and I drive by that area almost every day. I am well aware of some of the struggles that are going on. I would tend to support office because I think that is a reasonable area for that transition and especially learning that a use on review is in place where there are some controls put on how that O1. I feel pretty comfortable with that and I am going to support it.

Carey: I am sensitive to the residential improvements that are being made across Nokomis. We dealt with a situation similar to this on Chapman Highway a few month back where a car lot was going in right across from some residential areas. We are not at the time today to do this but when we get... if this comes back to us under O-1 or under any rezoning, we will have the chance to do a major screen request between Nokomis and the subject property. I think that is a real important part of this going forward. We have that down the road but I just wanted to plant that seed now. Be thinking towards that.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO ADOPT RESOLUTION #7-C-14-SP, AMENDING THE EAST CITY SECTOR PLAN TO O (OFFICE) AND RECOMMEND THAT KNOXVILLE CITY COUNCIL ALSO ADOPT THE SECTOR PLAN AMENDMENT.

Mac Goodwin: I would like to ask Habitat a question. If you had to choose between a C designation whether C-1 or C-3 or an office which one would Habitat like to go with?

Kerry: It sounds like C-1 is a better designation to be right next to R-1.

Longmire: We really can't negotiate. That is negotiation. We do this pretty often. Don't worry about it. We really can't say which would you like better that sort of thing. There may be a way of asking that question without sounding like negotiation. Right now that is not something we can do. Thank you Mr. Kerry anyway.

MOTION CARRIED 12-1 (TOCHER). APPROVED OFFICE.

Kane: I was just getting ready for the next one. The next one is amending the sector plan to... don't we rezone it to office in this case or sector plan.

Longmire: We did the one year plan designation. I want to comment on the zoning aspect of it. The office zoning, this is in response to Commissioner Carey, office zoning does not require, all uses don't require a use on review in office zoning. If we wanted some kind of screening for any use then we had better do it now because it is not going to happen unless the applicant wants to come back with a use on review. I don't think the office zoning has screening on side yards. Is that correct? Yea. If we want to do that then we would need to do that at the time of the rezoning to office.

Carey: Only on office though. Is that correct?

Kane: We just did the sector amendment to office but when you do the zoning the zoning would need to come with conditions to provide a screen for that side yard or facing Nokomis.

Carey: Would it be negotiation if I ask the applicant if he would be willing to screen the property? I cannot as you that sorry.

Longmire: Commissioner Clancy yours was the resolution right. I misstated that I read it as the one year plan.

Clancy: It is the City sector plan and I don't see anything on that.

Longmire: Okay it is on a separate sheet. Your motion was to adopt the resolution. Is that correct?

Clancy: Adopt the resolution amending the East City Sector plan. Yes.

Buz Johnson: The resolution in here will have to be corrected. But you are asking them to adopt a resolution for O Office.

Clancy: Correct.

Longmire: Your motion was for the resolution. I read the One Year Plan and that was a mistake. That was my mistake. I am going to read your motion. That motion was to adopt resolution 7-C-14-SP amending the East City Sector Plan to O Office and recommend the Knoxville City Council also adopt the sector plan amendment. That was the correct motion and correct second. Mine was the misreading. It will be vote on the correct motion now.

MOTION CARRIED 12-1 (TOCHER). APPROVED OFFICE.

b. One Year Plan Amendment

7-B-14-PA

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

STAFF RECOMMENDATION: Approve O (Office) One Year Plan designation.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE O (OFFICE) ONE YEAR PLAN DESIGNATION. MOTION CARRIED 12-1. APPROVED OFFICE.

c. Rezoning

7-C-14-RZ

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

STAFF RECOMMENDATION: Approve O-1 (Office, Medical & Related Services) zoning

Longmire: Commissioner Kane would you like to make a motion on the rezoning since you had an idea about adding a condition.

Kane: This is difficult. Really what I want them to do is to come back to staff and propose a buffer and essentially that be done without having to come back to Commission. I don't really think that is possible. I don't know how to word that in any way. We could say a Type A buffer for the areas along the street.

Longmire: Can you not just say to come back to staff with a plan for a buffer without having to come...

Kane: Can I do that. That is what I would like to do. I would like to recommend that City Council approve O-1 Office, Medical, and Related Services zoning with the condition that they come back to staff with a recommendation for a buffer along Nokomis and before it gets... just stop.

MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO RECOMMEND THAT CITY COUNCIL APPROVE O-1 OFFICE, MEDICAL AND RELATED SERVICES ZONING WITH THE CONDITION THAT THE APPLICANT COME BACK TO STAFF WITH AN APPROPRIATE LANDSCAPE BUFFER PLAN.

MOTION CARRIED 12-1 (Tocher). APPROVED AS AMENDED.

- P 35. 908 DEVELOPMENT GROUP**
Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.
a. Central City Sector Plan Amendment **7-E-14-SP**
From C (Commercial) to HDR (High Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. One Year Plan Amendment** **7-D-14-PA**
From GC (General Commercial) to HDR (High Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P c. Rezoning** **7-F-14-RZ**
From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 36. WITHDRAWN PRIOR TO PUBLICATION** **8-A-14-RZ**

- * 37. JEFFERY MORRIS** **8-B-14-RZ**
South side Highland View Rd., west side Shade Weaver Rd., Commission District 7. Rezoning from PR (Planned Residential) to A (Agricultural).

STAFF RECOMMENDATION: Approve A (Agricultural) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 38. RUFUS H. SMITH**

North side E. Beaver Creek Dr., west of Dry Gap Pike, Commission District 7.

a. North County Sector Plan Amendment

8-A-14-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION #8-A-14-SP, amending the North County Sector Plan to LDR (Low Density Residential) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

8-C-14-RZ

From A (Agricultural) & CA (General Business) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 5 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **39. JERRY & PEGGY CARDWELL**

8-D-14-RZ

North end of Berkford Rd., north of Hannah Brook Rd., Commission District 7. Rezoning from PR (Planned Residential) and CA (General Business)/F (Floodway) to A (Agricultural) and F (Floodway).

STAFF RECOMMENDATION: Approve A (Agricultural) and F (Floodway) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **40. CHRIS SPILLER**

8-E-14-RZ

Northwest side Piney Grove Church Rd., west of Helmbolt Rd., Council District 3. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **41. FAITH AND DOUGLAS MCDANIEL**

8-F-14-RZ

North side E. Glenwood Ave., east of N. Broadway, Council District 4. Rezoning from R-2 (General Residential) to R-2 (General Residential) / H-1 (Historic Overlay) with design guidelines.

STAFF RECOMMENDATION: Approve R-2 (General Residential) / H-1 (Historic Overlay) with design guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

42. MR. PAUL MURPHY

7-E-14-UR

South side of Kingston Pike, east of Kingston Court. Proposed use: Apartments and Residential Condominiums in R-1 (Low Density Residential) District. Council District 2.

Staff Recommendation: TABLE the application, as requested by the applicant.

Arthur Seymour, Jr. We simply ask that this be tabled until we relook at the zoning again. It went to City Council. You all recommended approval of planned residential. City Council voted in favor of it 4 to 3; however 5 votes are required at City Council so it failed. Mr. Murphy had in the meantime filed a use on review. Obviously the zoning is not there. He may or may not proceed with the zoning. In the meantime I am trying to save him a fee and ask that the use on review be tabled.

Sally Namey, 1018 Scenic Drive. President of the Kingston Pike/Sequoyah Hills Association. We are asking you today to deny this request to table this use on review. As Mr. Seymour just stated it was denied at City Council on June 10th. Eight days before that Paul Murphy asked for a use on review which would ask for apartments and condos. He prematurely asked for that assuming he would win at Council. Since he did not win at Council this is no longer pertinent. You cannot ask for a use on review for apartments and condos in an R-1 zoning. It just doesn't make sense. We believe this is an administrative matter that needs to be cleaned up rather than clogging the agenda for months and years to come. If this is allowed and the item is tabled it sends a clear message to other developers that this is an okay practice to submit your use on review before City Council has made their decision. It is a waste of your time. It is a poor practice. To but this bluntly this request calls for apartments and condos. This is not allowed in R-1 zoning. This proposal is simply not possible and proper course of action is to dismiss the application since it cannot be legally approved under current zoning regulations. In fact after a review of the MPC meeting minutes for the prior 12 months we could not find a single incidence of the Commission tabling a use on review that asked for structure that were illegal under the current zoning. With that in mind it is only reasonable to withdraw the request. But we have a bigger reason that we need this request withdrawn. Mr. Murphy came to you all. Well there are several frustrating things. One was Mr. Seymour told you that everyone on Kingston Pike was for this rezoning. We have people in the audience who lived on Kingston Pike who were vehemently opposed to this rezoning.

We spoke with 47 homes and 42 of those signed a petition against the rezoning. I am not sure who Mr. Seymour was talking to but he did not talk to very many people. Another thing this is a reason to be tabled is Mr. Murphy says he wants to save the home. I want you all to know that we want to save the home. The Kingston Pike/Sequoyah Hills Association wants to save this home. We need to... This is a very historic home on a very high profile stretch of our city on Kingston Pike. A year ago we were told that this home could not be saved. We were told it could not be saved because it had been demolished by neglect. It had been abandoned. Nature had taken its course. It couldn't be saved. We went in there and determined that yes it can be saved but it is going to take a lot of money. We can't just let this just sit there. We can't let the house continue to be abandoned; continue to have no one in it and to let this sit indefinitely on the table. We need a decision to be made. We need to have another person have the opportunity to buy this property. As you all may know, there is another offer that was in June for \$1 million on the property and it was made by neighbors who pooled their money to save the home. The reason is we want to save the home in a different way that Mr. Murphy wants to save the home is because people were calling the way Mr. Murphy wanted to save the home premeditated murder because we had engineers that were coming up to us and telling us that this development will directly result in fatalities and a 500% increase in traffic accidents. That is the number one reason. The number two reason is that it sets a terrible precedent if we allow this home to be rezoned ...

Longmire: You have one minute.

Namey: in the name of apartments and condos it means that every other home on Kingston Pike will also be rezoned in the name of apartments and condos. We are not against development. We are pro development in the right places but we need preservation in the right places. So we are asking you to table this...

Longmire: Not table it. You don't want it tabled.

Namey: Yes we are asking you to deny the table, thank you, because we want this to be over and we think it is a ridiculous idea to table something that is illegal, apartments in R-1 just doesn't happen. It must be denied because it is asking for something that is not allowed with the zoning. It threatens the future of the home by delaying this decision and ultimately it proposes change that is neither progress nor preservation. It is a request that will muddle your agenda for months to come while the home is forsaken all in the name of profit for one developer at the expense of our community.

Longmire: Good timing. Mr. Seymour do you have any rebuttal. Good timing Mr. Seymour.

Clancy: Ms. Namey, I appreciate your passion for this. I don't know about premeditated murder but I do know that this house does need to be preserved. I think that the developer actually wanted to preserve the house and invest quite a bit of money in it or that was what was stated when all of this came about. When this went to the commission we approved and recommended approval of the project that he was proposing in order to save this house. We are like you. We think the house needs to be saved. A million dollars for the house is just a start. I don't know if your neighborhood association is willing to cough up another million or two to restore it. Let's assume that you will. He was there first and says he will restore it. We approved and recommended that City Council approve. I think that it was unfortunate that they did not approve it for lack of one vote. I think that is unfortunate for the house, for the restoration of the house and preservation of the house. Therefore I am going to make a motion that we table this. I don't think it will clog our agenda until the developer can see what is feasible with this project and give him the opportunity to... We are not going to let... As long as it is on our agenda and it comes across this table we are not going to let anybody tear the house down. I think our efforts are going to be to preserve the house. I understand what you say it can't go a long time. We will look at that as it comes about. I think especially since the developer isn't here. I know he is represented. I think it would be wise for us to go ahead and table it and give them an opportunity to relook at what their options are and see if they can come up with a feasible plan.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE.

Michael Kane: Just a point of clarification. There is no time limit on tabling. Is that correct? It could sit on the agenda for years. Is that correct?

Donaldson: We maintain a list of tabled items and carry it over from year to year. Periodically we will go scrub it and ask the applicants whether they want to continue.

Kane: As Mr. Seymour said this is basically a fee issue. Right? We see this often. Maybe not on this specific situations but we see it on other situations.

Carey: That answered part of my question. I would like for staff to elaborate, staff or legal to elaborate on the mechanism basis we are trying to reason through here because I don't think we have a lot of precedent but maybe we do.

Longmire: Mr. Brechko, what is your question Mr. Carey?

Carey: Ms. Namey said this is something that is never done and I am trying to understand what we are really dealing with. We are either going to table it and let it sit there for a while, we don't know how long or we are going to deny the tabling and then what happens?

Tom Brechko: I would say probably the closest thing to this action is when we have a final plat that has an issue on zoning that requires some kind of change or variance approval that the applicant requests that the final plat be tabled. We have had that done before. There are not situations where they would be able to go forward with the use on review application as they have it. It would have to be some type of RP-1 or R-2 type zoning that they would have to be approved in the future to be able to move forward with that project. When it is tabled they have to make a request or a request is made to remove it from the table and then it is placed on the agenda for the following month and advertisement is done and the signs posted and all to notify the public that this is back up for discussion again. When we had talked to the applicant we had recommended that indicated we wouldn't support a request for additional postponements that they would need to request to withdraw or table it until there is some change done to the rezoning.

Carey: We obviously can table it. Is there a precedent for us denying a tabling? Is that common? Do we do that very often?

Longmire: Then what would be the next move?

Kane: We would do withdrawal correct?

Longmire: If we deny the tabling then would we vote on this use on review deny or postpone again. We can table it. If we refuse the tabling then we vote on whether to deny or approve, we can't approve it because the zoning doesn't hold it, or postpone it.

Carey: What is the end result to the applicant?

Steve Wise: MPC attorney. Withdraw is only available through the request of the applicant. Tabling is the functional equivalent of your withdrawal of the action except there is the preservation of the filing fee.

Carey: Now I think the question is starting to get some focus of answers coming into focus. We only can postpone or table. We can't withdraw.

Longmire: We can't withdraw. That is the applicants place.

Wise: Denial would be the functional equivalent. You do have the power to deny.

Longmire: We could actually not table it and then vote on it and deny it. We can't vote on it and approve it because it is not the right zone. So did you make a motion?

Clancy: I did.

Longmire: And it is to table. Is that clear Mr. Clancy. We have a motion and a second to table the application as requested by the applicant. We are with the vote now ma'am.

MOTION CARRIED. 13-0. ITEM TABLED

Longmire: We are so limited in what we can do. This is the one time where the tabling is actually going to be a better thing for you and also for the applicant who saves a little money. The motion passes. It is tabled. There will be adequate notification if it ever comes off the table.

- * **43. DANNY AMANNS **8-A-14-UR****

Southwest side of Primus Rd., northwest side of Murray Dr. Proposed use: Self Storage Facility in CA (General Business) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for a self-service storage facility addition with a total building area of approximately 18,150 square feet in the CA zone, subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. SCOTT LEE GOEBEL **8-B-14-UR****

West side of Lovell Rd., northwest side of Snyder Rd. Proposed use: Apartment Development and Commercial Center in PR (Planned Residential)/TO (Technology Overlay) and PR (Planned Residential) District. Commission District 6.

RECOMMENDATION: Approve the development plan for an apartment complex with up to 328 residential units subject to 13 conditions.

Arthur Seymour, Jr. 550 W Main Avenue. I am here as attorney for the applicant. Mr. Henman is here and Mr. Fulgum is the engineer for the project. This is a rezoning you all heard in June, no May, after going before the Tennessee Technology Corridor Development Authority which recommended approval. It went to County Commission for approval in June on the rezoning. At the June meeting County Commission unanimously approved the rezoning. There were representatives from adjoining subdivisions there who made suggestions at County Commission because we

had a preliminary plan before them which was somewhat similar to this. The applicant has since incorporated those suggestions into the use on review which involved removal of a building, relocation of a road, etc. So we have neighborhood support from the neighborhood association that were around us. We are here asking for your approval of the use on review with the 13 conditions. There were a couple of modifications to the conditions that staff made which included sidewalks along the entire frontage of the property. We are happy with this. We understand that there is an issue from a neighbor across Snyder Road who is concerned about the drainage and I would like to turn that issue over to Mr. Fulgum who is the engineer for the project. But we are fine with all 13 conditions that...

Longmire: Do you want to hear from the lady first?

Seymour: It might be well if we could reserve the rest for Mr. Fulgum.

Brenda Pinner, 10900 Snyder Road. We live directly across the road from the proposed site. There is a natural watershed that comes down off that property onto our property. I am concerned with the additional buildings up there and where is all that water going to go. It is going to go on us and that is my concern. We have lived there for 34 years and I don't really want to be flooded out.

Seymour: I had better let our engineer Mr. Fulgum do it. I might state one other thing. This matter still has to go through the Tennessee Tech Corridor Development Authority for final approval from them also.

Billy Fulgum, 10330 Hardin Valley Road. I think this is similar to the conversation that was had earlier with Mr. LeMay regarding detention and development. We will have to have a detention pond; in fact this particular site drains different ways. It is on a high point. There are two culvers that are going under Snyder Road. So we will end up with two detention ponds, one of which will drain past if I understand Ms. Pinner was talking about where her property is and the other will on the other side of that so it will be divided in half. We intend on meeting all the applicable requirements of Knox County regarding the downstream water management and any management on site. We started working on that a while back addressing all the downstream issues.

Longmire: Ms. Pinner does this give you information that will be helpful to you? Do you have any additional questions for the engineer? Thank you madam.

Laura Cole: I just wanted to ask County Engineering who Ms. Pinner should talk to about her concerns.

Cindy Pionke: Ms. Pinner should get in touch with Leo LeCamera. He is on the stormwater staff for Knox County. You can reach him by calling the 215-5800 number and ask for him directly. He will be the one who actually reviews the design plan for the stormwater drainage.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.

Longmire: Sir Mr. Fulgum. If you would get with Ms. Pinner and answer any questions she might have I think that would help a lot too.

Fulgum: I sure will.

- P 45. CHURCH OF THE GOOD SHEPHERD 8-C-14-UR**
West side of Jacksboro Pike, south of Grove Cir. Proposed use: Existing Church and Site Modifications in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 46. AMERICAN FAMILY CARE 8-E-14-UR**
North side of Kingston Pike, west side of N. Cedar Bluff Rd. Proposed use: Health Care Facility in PC-1 (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a commercial building containing up to 8,253 sq., ft. as shown on the site plan subject to 6 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 47. CHUCK WARD 8-F-14-UR**
East side of Kalmia Rd., south of Papermill Rd. Proposed use: Duplex in R-1 (Low Density Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the request to convert the existing dwellings on the site into a duplex as requested subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 48. NEW VISION FELLOWSHIP CHURCH 8-I-14-UR**
Northeast side of Midpark Rd., north of Middlebrook Pike. Proposed use: Child Day Care Center at Existing Church in C-6 (General Commercial Park) District. Council District 3.

STAFF RECOMMENDATION: Approve the request for a child day care center for up to 60 children as shown subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **49. OLD CITY PROPERTIES, LLC** **8-L-14-UR**

South side of W Jackson Ave. between Gay St. and Broadway.
Proposed use: Micro Distillery in C-2 (Central Business District) / D-1 (Downtown Design Overlay) District. Council District 6.

STAFF RECOMMENDATION: Approve the development plan for a craft distillery within the C-2 (Central Business District) subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **50. JOHNSON ARCHITECTURE, INC.** **8-M-14-UR**

Northwest side of Cedar Ln., southwest side of Montrose Rd.
Proposed use: Approval for Existing School and Proposed Addition in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the development plan for the classroom addition and future classroom area for the existing Saint Joseph School, subject to 4 conditions

Barbara Meyer, 1800 Cedar Lane which is across the street at the corner of St. Joseph's property. I have been there over 19 years. A few years ago the school decided to build a gymnasium or an auditorium and we didn't get notification that that was going to happen. Any rate they built the auditorium and after that we began to have a sewer water runoff problem from St. Joseph's property. It continues to this day. Our driveway has been completely destroyed. The property itself has changed to where it is just a mess. We never had water in the front yard before but when it rains we do know. We have taken a CD of pictures and video over to St. Joseph's School oh several years ago and nothing happened. We contacted the city about the water problem and finally someone did come out and told us there was not really anything that they could do about if there had been a problem with the drainage when they developed the gymnasium or auditorium that they could check into that. Which I am assuming that they did because after that someone came out and put a drain under the driveway of that property at St. Joseph's. That never really addressed that problem because it wasn't the problem. The problem still exists. I do have some photos with me I can submit and have a copy of that CD with video on it as well. (She took the pictures back and left the CD.)

Longmire: If you would give those to Mr. Brusseau please. Madam you said you live are you on Cedar Lane at the corner of Montrose?

Meyer: It is 1800 Cedar Lane. We are not at the corner. I think there are two houses.

Clancy: Are you at the last corner of the new entrance to the gymnasium?

The entrance comes around, on the gymnasium it kinds of comes around the gym and then it comes out right by our property. I can't see that. It is from the yellow two-story house. That is correct we are right across the street from them.

Longmire: Would that be 17 Mr. Clancy? Alright. Lot 17. Thank you ma'am. Were you finished?

Meyer: I just want to say that there is a significant drainage problem already and if we start developing more over there so that there is more roof line there is less drainage in the ground, our problem could potentially get much worse and since no one has chosen to address that issue we are in opposition to an expansion of the school until their drainage problems are corrected because they have not been addressed.

Rick Freel: Johnson Architecture, 2240 Sutherland Avenue and with me is Father Chris Michaelson who is a representative of the owner.

Chris Michaelson, 7200 Brickey Lane, I am President of St. Joseph School and have been for the last three years. This morning was the first time I was made aware there was any problem and we are more than happy to work with people to try to resolve that problem. My issue today is if you look at the topography map their entrance is, our building being built is 4 feet below where that is. So I don't think anything we are going today is going to run water backwards and uphill. If there is a problem there I am not sure what the problem is. This morning is the first time I was made aware there was a problem. We want to be a good neighbor. We have tried to be a good neighbor over 51 years on that property and we will be happy to try to see what the problem is. I can't address it because I haven't seen it. Because of the topography I can't get my head around how water is flowing from our property across the street given the topography going the opposite direction. The detention pond is in the very far corner because that is the way the topography goes.

Longmire: Ms. Meyers has some photographs I am sure she would like to show you. Mr. Freel did you want to say anything about that too?

Mr. Freel. The only thing that I would like to point out is that in the use on review that we have submitted the addition is small and it actually just replaces some impervious asphalt paving that is there. There are actually some portable units that have been removed from the time the gymnasium structure was built. So there is no change, there is actually probably a decrease in stormwater runoff by the impervious. There will be no changes made to the detention pond or the storm drainage.

Laura Cole: I am just wondering if City Engineering can help us get our head around what the problem is out there.

David McGinley: I am looking at the drainage map in the plan that was submitted by Johnson Architecture. The addition that they are planning is around the 1067 contour and I believe the applicant was right it is about 3.5 to 4 feet below the road right there. So it would drain back toward Howard Drive and the intersection there with Montrose and that is where their detention basin is currently. I don't believe this would have any impact on any drainage issues on Cedar Lane.

Cole: Are you aware of any flooding issues out there and do you have any ideas about what might be causing it?

McGinley: I do know there are some flooding issues along Cedar Lane in various spots. We would, if she would come and see me here in just a minute I would be happy to talk to her and try to get somebody to look at it.

Art Clancy: I think I can help. At the time that the gymnasium was put in, based on the pictures and I haven't seen this first hand but I am familiar with the property, when the gymnasium was put in the soccer field was graded. From those pictures it looks like you are getting drainage from the soccer field onto the driveway next door and running straight to your... I don't think the gymnasium had anything to do with it. It is as Father Michaelson said it's below grade where they are putting this structure. I also would like to point out something else on item number 3 on condition number 2 "meeting all requirements of the Knoxville Department of Engineering." All of that is going to have to be approved through City Engineering before they break ground. They are going to have to make sure that they retain their water. If there is a problem with how the soccer field is draining or how it is graded, that can be addressed probably easily enough. You would probably have a shot of getting that addressed by City Engineering if there is a permit pulled and they have to wait until that is taken care of before they start construction. Basically this is a use on review. I am not sure how grading comes into it. I am confused as to how we are to this point. A gymnasium was built and now we have got a use on review for another addition to the property. Why wasn't why don't we have this already approved the school as a use on review already? They are not adding an apartment or anything they are adding...

Tom Brechko: Going through the records I could not find anything to show that the school ever went through a use on review, even for the gymnasium. I can't tell you how the gymnasium got permitted. The City must have made a decision that because the school was there, it was not a problem to go ahead with the gymnasium. When they came through with the request for this addition inspections and I think it might have been through engineering also in their review a determination was made that a use on review was needed for this

addition. That is why it is going through the process. The engineering department when we do a use on review they take a look at preliminary drainage issues or concerns at that time. It still requires a permit approval through City. As a part of this review the applicant submitted drainage calculations and stuff to show that the stormwater facility on the back side of the project was sized to handle this addition. Still requires City approval after the use on review approval.

Clancy: Correct. That is why I think the system is working even though the gym wasn't approved or didn't have a use on review that went along with it, this one does. If the neighbors have a concern it will have to be addressed with City Engineering Department. I am going to make a motion.

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

Bart Carey: Ms. Meyer I have a question for you. I have already seen the pictures going around and half the commissioners maybe haven't. There is no question that you are dealing with water issue. I think we are all sensitive to that. I know City Engineering is. I don't know that we can look at those pictures and determine that the gym caused it or not. I think understanding that the improvements are below your elevation and that water will be going the other direction is a little bit comforting. It looked like to me a lot of that was coming down your driveway onto your property.

Meyer. That is not our, that is St. Joseph. That is the driveway that is at the side of St. Joseph's. It comes down their driveway across the road, through the corner of our yard and down our driveway. That is where all of our damage is come from.

Clancy: That driveway is on school property too if I am not mistaken.

Meyer: My concern is this. You are saying that my best recourse is to go through the City Engineering. I was told before... I am assuming that City Engineering approved the plan that was submitted for the gymnasium. We never had a problem, like I said I have been there 19 years and had no problems until they put the gymnasium in. I don't know if it is a soccer field problem. All I know is that we didn't have a problem and since it was installed we have a huge problem.

Carey: I think you got their attention now.

Longmire: I think Father Michaelson is willing now that he is aware of the problem, I think that... It is what we have been talking about with every case. Communication is a huge part of this. I know you have. You have done well. I think now that Father Michaelson is

aware of the problem that there will be steps taken to see what can be done to control the water.

Meyer: I really appreciate that. Father Michaelson may not have known but his people knew.

Longmire: I am sympathetic with Father Michaelson. Sometimes my people know stuff that I don't know. You are aware of it now Father and you will see that there will be something done.

Laura Cole: Forgive me but I am very sensitive to this issue. Ms. Meyer, did you understand that City Engineering is willing to talk to you today and work on that problem? Okay thank you.

Michael Kane: To City Engineering. If the soccer field is the problem is there anything that the City can do to compel the school to do something about their drainage?

McGinley We would have to look at the approved permit and see what was approved and what was built to make sure they comply with the approved permit. If there was a discrepancy then we could get them to fix some of those things. However I am not sure if they built what was approved there would be anything the City could do to compel them. Might be some things we could do together to fix some things though.

Randy Meyer. I am Barbara Meyer's husband. Our concern over the past two and one-half or three years that water has been coming over the road into our yard. Actually now they have put that culvert on the other side of the road which has ameliorated some of the problem. Our yard has actually changed due to, it has subsided some, due to the flow of the water. Our front lawn has been washed into the driveway. The driveway has been washed into the back yard. Now we get water even when it doesn't rain very hard. There is actually a change to the contour of our front yard. We get water off the road from down the road where we never got water before even though the flow across the road has been altered.

Longmire: That is why you really need to talk to City Engineering today. He is willing to talk to you and perhaps schedule a visit out and see what is going on because that is where your help is going to come from.

Meyer: We have talked to them in the past.

Longmire: Well I have faith that they are going to come through for you. Aren't you?

McGinley: We will make every attempt to; yes.

Meyer: The other thing I wanted to say was back in 2004 when there were dumpsters floating in Fountain City downtown, we didn't have a problem.

Longmire: I know that this year at my house has been a problem with rain. We have had quite a bit of rain at my house. Do talk to City Engineering. Keep working and keep trying.

Meyer: It is not our intention to take on God either.

Longmire: I think God is on everybody's side. It will be okay.

Herb Anders: With City Engineering and his answer to Michael's question about does the City have any recourse, if there is water leaving a property the City should be able to do something about it. Whether he has recourse or not in going back to documents and plans and such anything related to the construction of that regardless of what it says, seems like you all could regulate water leaving someone's property and causing damage to another property. I think the city has got to step up.

Longmire: I feel like between City Engineering and Father Michaelson there is going to be a solution.

Anders: I agree. I think the city is going to have to step up beyond his answer.

Longmire: We will be watching you. That is about all I can do.

MOTION CARRIED 13-0. APPROVED.

Other Business:

- * 51. **Consideration of Amendment No. 2 to MPC's FY 2014-2015 Budget.**

8-A-14-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Announcements were then made regarding the retirement of Buz Johnson and Mark Donaldson.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:20 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.