

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

Suite 403 • City County Building
100 Main Street
Knoxville, Tennessee 37902
365 • 215 • 250 C
FAX • 215 • 206 E
www.knoxmpc.org

Minutes

AUGUST 13, 2015

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

The Metropolitan Planning Commission met in regular session on AUGUST 13, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.

Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*** 2. APPROVAL OF AUGUST 13, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF JULY 9, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

Chair Longmire and Commissioner Scott Smith recused from discussing or voting on the postponement for 30-days list.

COMMISSIONER BART CAREY ACTED AS CHAIR AND READ THE 30-DAY POSTPONEMENT LIST.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL SEPTEMBER 10, 2015. MOTION CARRIED 12-0-2. POSTPONEMENTS APPROVED.

COMMISSIONER LONGMIRE RESUMED AS CHAIR.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 60 DAYS UNTIL OCTOBER 8, 2015. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 90 DAYS UNTIL NOVEMBER 12, 2015. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO WITHDRAW ITEMS 45 NORTHSIDE CHURCH OF CHRIST AND 55 BRACKFIELD ASSOCIATES. MOTION CARRIED 14-0. ITEMS WITHDRAWN.

REVIEW OF TABLED ITEMS

- | | |
|--|------------|
| <u>KNOXVILLE CITY COUNCIL (REVISED)</u>
Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities. | 12-B-13-OA |
| <u>WILSON RITCHIE</u>
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4. | 3-F-10-SC |
| <u>TREVOR HILL</u>
Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1. | 11-A-14-SC |
| <u>METROPOLITAN PLANNING COMMISSION</u>
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | 6-A-10-SAP |
| <u>METROPOLITAN PLANNING COMMISSION</u>
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | 7-C-10-SP |
| <u>WILLOW FORK - GRAHAM CORPORATION</u> | |

- a. Concept Subdivision Plan
Southeast side of Maynardville Hwy., southwest side of Quarry Rd.,
Commission District 7.

11-SJ-08-C
- b. Use on Review
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway)
District.

11-H-08-UR
- HARRISON SPRINGS - EAGLE BEND DEVELOPMENT
- a. Concept Subdivision Plan
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd.,
Commission District 6.

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

4-D-09-UR
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1
- Intersection of I-40 and McMillan Rd., Commission District 8.

2-SO-09-F
- HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9
- North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission
District 6.

12-SJ-13-F
- RESUBDIVISION OF GEORGE HOSKINS PROPERTY
- North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby
Lane, Commission District 8.

4-SE-14-F
- HOOD PROPERTY
- North side of Rhea Road, southwest of Spangler Road, Commission
District 9.

7-SR-15-F
- CITY OF KNOXVILLE
- South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning
from I-3 (General Industrial) to R-1 (Low Density Residential).

7-D-10-RZ
- TANASI GIRL SCOUT COUNCIL, INC. (REVISED)
- Southeast side Merchant Dr., east of Wilkerson Rd., Council District
5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood
Commercial) to RP-1 (Planned Residential).

4-J-14-RZ
- BUFFAT MILL ESTATES - CLAYTON BANK & TRUST
- 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).

4-B-10-UR
- SOUTHLAND ENGINEERING
- 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.

7-A-13-UR

ITEMS REQUESTED TO BE UNTABLED OR TABLED

CONSENT ITEMS

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

CHAIR LONGMIRE AND COMMISSIONER SCOTT SMITH RECUSED FROM VOTING ON THE CONSENT LIST.

VICE CHAIR CAREY TOOK OVER SERVING AS CHAIR.

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

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

COMMISSIONER LONGMIRE RESUMED AS CHAIR.

Ordinance Amendments:

- P 5. KNOXVILLE CITY COUNCIL 11-A-14-OA**
(10-8-15) Amendments to the City of Knoxville zoning ordinance regarding pet services.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Alley and Street Closures:

- * **6. REED'S ENTERPRISES 8-A-15-AC**
Request closure of Unnamed alley between W. Caldwell Avenue and W. Quincy Avenue, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **7. MICHAEL BRADY, INC. JOHN PATTESON 8-B-15-AC**
Request closure of Unnamed alley between northwest corner of Lot 6, Block 16, Geyland Heights Subdivision and southeast corner of Lot 20, Block 15, Geyland Heights Subdivision, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **8. UNIVERSITY OF TENNESSEE 8-C-15-AC**
Request closure of Unnamed alley between Cumberland Avenue and White Avenue, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. UNIVERSITY OF TENNESSEE** **8-D-15-AC**
Request closure of Unnamed alley between Thirteenth Street and western terminus, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. MICHAEL BRADY INC. JOHN PATTESON** **8-A-15-SC**
Request closure of Log Haven Dr between Candora Road and eastern terminus, Council District 1.

STAFF RECOMMENDATION: Approve with conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. MICHAEL BRADY INC. JOHN PATTESON** **8-B-15-SC**
Request closure of Cherokee Cove Rd between Log Haven Road and northern terminus, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. UNIVERSITY OF TENNESSEE** **8-C-15-SC**
Request closure of Chi Phi Ave between Lake Avenue and Terrace Avenue, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. UNIVERSITY OF TENNESSEE** **8-D-15-SC**
Request closure of Melrose Ave between Melrose Place and Volunteer Boulevard, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. UNIVERSITY OF TENNESSEE** **8-E-15-SC**
Request closure of Melrose Place between Lake Avenue and Melrose Avenue, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. UNIVERSITY OF TENNESSEE** **8-F-15-SC**
Request closure of Volunteer Blvd between Todd Helton Drive and Cumberland Avenue, Council District 1 and 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. NMI RESIDENTIAL INVESTMENTS LLC** **8-G-15-SC**
Request closure of Horizon Drive between southwest corner of Lot 212 and end of cul-de-sac at lot 243, Council District 2.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

- W 17. MICHAEL BRADY INC. JOHN PATTESON** **8-A-15-SNC**
Change Log Haven Dr to 'Loghaven Dr' between Candora Road and eastern terminus, Council District 1.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- P 18. LONGMIRE SUBDIVISION** **1-SA-11-C**
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 19. HARDIN VALLEY SUBDIVISION - SHADY GLEN, LLC** **7-SA-15-C**
 - a. Concept Subdivision Plan**
South side of Hardin Valley Rd., southern end of Westcott Blvd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. USE ON REVIEW** **7-C-15-UR**
Proposed use: Detached residential subdivision and apartments in PR (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 20. VILLAS AT MALLARD BAY - HUBER PROPERTIES, LLC** **7-SC-15-C**
 (11-12-15) **a. Concept Subdivision Plan**
 Northeast side of Harvey Rd., south side of Raby Way, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- p b. USE ON REVIEW** **7-H-15-UR**
 (11-12-15) Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **21. CHOTO MEADOWS - HUBER PROPERTIES, LLC** **8-SA-15-C**
a. Concept Subdivision Plan
 North side of Choto Rd., south of Choto Mills Ln., Commission District 5.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **8-H-15-UR**
 Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

STAFF RECOMMENDATION: Approve the reduction of the peripheral setback from 35' to 25' along the rear of lots 7-9 as identified on the Concept Plan. APPROVE the plan for up to 14 detached dwellings on individual lots subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * **22. U. T. CHEROKEE FARMS** **5-SK-15-F**
 Alcoa Highway at Cherokee Farms Way, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. HATTIE'S PLACE** **7-SG-15-F**
 North side of Ball Camp Pike at the intersection of Fitzgerald Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

24. UNIVERSITY ADDITION TO KNOXVILLE RESUBDIVISION OF P/O LOTS 68-70, 69R

8-SA-15-F

W. Glenwood Ave at Armstrong Ave., Council District 4.

Staff Recommendation: Deny variance and Deny final plat.

COMMISSIONER ELIZABETH EASON RECUSED FROM THIS ITEM.

Tom Brechko: This is a request for resubdivision of property which is combining three lots into two. There is a variance required for the intersection radius at the corner of Armstrong and West Glenwood Ave. The request for the variance is from 25 to 0. The original lots did not have corner radius on them when they were approved. The applicant is requesting a variance from that requirements. City Engineering has recommended denial of that variance request. It has been our practice when Engineering is recommending denial of a variance that we support that request. That is the issue. The reason for denial is denial of the variance therefore denial of the plat as presented.

Rick Howley: When we evaluated this particular site there is a traffic circle which you can see by the round portion kind of the intersection of the road. With those types of improvements over the years sometimes we need additional right of way to make those larger or more functional. In this particular case that is why we were requesting that the radius be part of the dedication for inclusion with this plat.

Nathan Kelly: Is there any opposition because I want to wait if there is?

Longmire: Is there opposition? Except City Engineering.

Nathan Kelly: 125 West Glenwood Avenue I along with Blair Christian are the folks who own the properties that are involved. As Mr. Brechko said our request is to have a variance approved that would allow us to combine three lots into two. The current situation is that Blair's residence is on one of the lots. My property is on the other lot and we acquired the vacant lot between the two which we now want to divide up in half and then connect to our existing residential lots. A bit of background first of all. Why did we want to do this? We want, mainly we want to acquire some additional guaranteed access to green space. Having a two year old daughter we realized that our lot was looking a little bit small and we had the opportunity to acquire the empty lot next door along with our neighbors. We wanted to do that and have guaranteed access to some additional space. The second goal was to prevent additional development on that empty lot so that we could maintain the character of the historic neighborhood that we live in. The third goal was to bring the existing Christian lot into compliance on the lot width requirement. It is currently more narrow than 75 feet and so we wanted to widen that lot so that it would be in compliance.

Why the variance? Our lot depth on the lot that is on the corner of Glenwood and Armstrong is already limited due to a previous subdivision that happened before the current subdivision regulations were in place. As you know giving up additional right of way gets in the way of having guaranteed access to that entire lot moving forward. That right of way may or may not be eventually used. We like the idea of maintaining our right to use that full lot space in perpetuity. Secondly the current lots are nonconforming in two ways. Without conforming.. in two ways. One is the width requirement on the Christian lot and the second is the radius at the intersection. Approving this variance will actually move us to a situation where there is only one issue of noncompliance rather than two even with the variance. We would ask that you approve the variance. Finally I think the need for the additional right of way due to that traffic circle strikes me as fairly speculative. The intersection is already quite large. Big vehicles go through there all the time probably faster than we would like to despite the existence of the traffic circle whose purpose was to calm traffic. Moving forward it strikes us as not the best idea to make additional quote unquote improvements to that intersection that would actually allow traffic to traverse through there more quickly when just a few years ago the traffic circle was put in specifically for the purpose of slowing traffic down. So giving us the variance would help prevent that in the future. But that said the existing right of way if you look at the final plat that we submitted, the existing right of way that is there is actually substantial. It goes quite a bit toward the front of our house. So if that intersection did need to be widened, obviously I defer to City Engineering on this, but it looks to me like that that intersection could already be widened with the existing right of way quite substantially if need be in the future. I don't really see the need for the grant of the additional right of way. Respectfully I would request that you grant the variance and approve the plat as submitted. I will reserve the balance of my time in case there are any questions or anything.

Art Clancy: I would like to make a motion that we waive the 9-day rule and approve. Second Cole.

Longmire: You have to do that as two separate motions.

Clancy: I got it.

Brechko: On this case we actually had the plat submitted in the proper time frame. It is the issue of the denial of variance is denial of the plat. So this is not a 9-day waiver issue.

Clancy: Okay I make a motion that we approve the variance.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE VARIANCE.

Herb Anders: I have got a question for City Engineering. Actually two questions. Have any of the other three corners been granted that 25 foot radius and are there any city plans to do anything further to that intersection?

Howley: I don't believe any of the other three corners have received that variance. As far as plans to do any alternations to that work, we currently don't have those plans. The gentleman was correct. The reason that was installed was for traffic calming to slow traffic down. The size of those circles are very small in nature and often don't slow down traffic as well as it would if it were a larger circle. The larger circle creates a bigger meander in the lanes which is an enhanced benefit as far as traffic calming goes and would probably have been bigger if there had been sufficient funds and right of way to produce something at a little bit bigger radius. That is the reason that we look at that for long term. But currently don't have specific plans for this intersection location to do that piece of work and we don't have the other corners at this time either. So that is something that we would have a difficult time considering without that additional right of way.

Anders: If there were plans to do something to that intersection if the highlighted area is actually the property line, there is still sufficient sideway area and that sort of thing to do something. Is that correct?

Howley: There is some area but without a design it is hard to say exactly how much of that area would be needed to produce that. In some cases we offset those circles to some degree when there more right of way on one side than the other. So for instance if two of those property owners on one side or the other of the intersection if we had sufficient right of way it could be offset and produce the same effect without having all four corners. But at the same time we currently don't have a project for that piece of work.

Longmire: I want to make sure I understood what you said. The more narrow the traffic circle the faster the traffic goes. Then a bigger circle is more...

Howley: If you take out that circle then you have straight of way. If you put in a small circle there is a slight meander so you have to slow down to some degree to go around it. If you put a bigger circle in you have to slow down even more to be able to handle the radius around that. The larger the circle, the slower the traffic.

Longmire: I understand. It seems counterintuitive, but I do understand.

Michael Kane: Kind of vocalizing this a bit. A couple of years ago we had a situation on Westland Drive where somebody was doing a very small subdivision I guess to realign there and we had the same situation where there was a request for a variance not to give

up the right of way. It was just one little section. As a result of that I think staff had said they were going to go back and review their policy for these kinds of one lot subdivisions. With lots of changeover in staff in the last couple of years I didn't want to lose that as something we might want to look at.

Scott Smith: I was just noticing this right of way currently is 40 feet from the center line. Is that what it is on Glenwood Avenue. That seems to a large right of way. It would be an 80 feet right of way total. Seems to be quite a bit of space. Is that right 40 feet?

Howley: The plat does show a 40 foot from the centerline right of way.

Smith: The property that the City want to take would it be rounding that corner that is in the intersection. Is that how you would...

Howley: Yes that is correct.

Smith: It seems to me there is a lot of right of way to work with there. I can't imagine that we should deny this guy's variance.

Commissioner Clancy called for the question.

MOTION CARRIED 13-0.1 APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 13-0-1. APPROVED.

- * **25. VINCENT RODRIGUEZ PROPERTY** **8-SB-15-F**
Northeast side of Bud McMillan Road, southeast of Washington Pike, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. FOUNTAIN CITY CO. ADDITION RESUBDIVISION OF LOTS 3-4** **8-SC-15-F**
South side Pruden Dr., east of Gresham Rd, Commission District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. BLACK OAK HEIGHTS RESUBDIVISION OF LOTS 122-124 & P/O 121** **8-SD-15-F**
Southwest side of Second Lane, southeast of Black Oak Drive, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 28. HAROLD D. AND RUTH A. MYNATT PROPERTY 8-SE-15-F**
South side of Tell Mynatt Road, southwest of Bell Road,
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 29. CREEKSIDE MANOR 8-SF-15-F**
South of Hickory Creek Rd. and east of W Gallaher Ferry Rd,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 30. HATTIES PLACE 8-SG-15-F**
East side of Fitzgerald Road, north of Ball Camp Pike, Commission
District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 31. KCDC CENTER CITY REDEVELOPMENT RESUBDIVISION OF LOT 292 8-SH-15-F**
North side of West Vine Avenue, at northern intersection of Locust
Street, Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 32. FINAL PLAT OF THE S/D OF THE 1501 AVENUE LLC PROPERTY 8-SI-15-F**
At the northwest intersection of James Agee Street and White
Avenue, Council District 1.

STAFF RECOMMENDATION: Deny variance one reducing the
required intersection radius at White and James Agree, approve
variances 2 & 3 and Deny the final plat.

Tom Brechko: There was an issue about the variance request. There was a recommendation initially to deny a variance. They have since worked out that issue with City Engineering. We have received a revised plat that is my understanding now is acceptable to City Engineering and could be approved with the variances as identified. The Planning Commission would have to waive the 9-day rule on in this on a revised plat and the date that it came in. Then there are... the three variances would have to be approved and then the plat approved.

Jim Howell: 121 Dorothy Drive, Talbott, Tennessee.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO WAIVE 9-DAY RULE. MOTION CARRIED 14-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1 – 3. MOTION CARRIED 14-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 14-0. APPROVED.

- * **33. LOTS 4, 10 & PART OF 8A PROPERTY OF L&N RAILROAD** **8-SJ-15-F**
South side Middlebrook Pike, east of Weisgarber, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. RESUB OF LOT 1 OF ROBERT REID S/D** **8-SK-15-F**
East of Fox Rd, north side of Foxview Rd, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **35. SMITH VENTURES LLC PROPERTY** **8-SL-15-F**
Northeast intersection of S. Central Street and Willow Avenue, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **36. RIVERFRONT WILLOW STREET REDEVELOPMENT PROJECT RESUBDIVISION OF LOT 6 & P/O LOT 5** **8-SM-15-F**
Northwest side of Willow Avenue, south side of Campbell Avenue, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. MOUNTAIN VIEW ADDITION RESUBDIVISION 169 AND PART OF 168** **8-SN-15-F**
Northwest side of E Scott Avenue, northeast of Cornella Street, Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. PEDIGO & TAYLOR PROPERTY RESUBDIVISION OF LOT 1** **8-SO-15-F**
At the southwest intersection of Forestal Dr and Felix Rd, Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **39. BEALS CREEK** **8-SP-15-F**
Northeast side of Mourfield Rd, south of Westland Dr, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **40. SNEED, KING & CO. ADDITION RESUBDIVISION OF LOTS 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, & 79** **8-SQ-15-F**
North side of W Depot Avenue between Williams Street and Ogden Street, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning:

- 41. KNOX COUNTY COMMISSION/ FIRST KNOX REALTY LLC**
East side Snyder Rd., north side Outlet Dr., Commission District 6.
a. Northwest County Sector Plan Amendment **8-C-15-SP**
From MDR (Medium Density Residential) to HDR (High Density Residential).

STAFF RECOMMENDATION: Deny the request to amend the Northwest County Sector Plan map to HDR (High Density Residential).

Arthur Seymour Jr. 550 West Main Avenue, Knoxville 37902. I am here with Mr. Gentry, the owner of First Knox Realty. I do have opposition and Mr. Gentry has opposition. It is from MPC staff. I am not going into the history because we were here I think two or three months ago about why we are asking for high density residential for this piece of property. I would point out though and remind you that since the sector plan was approved, I believe, Outlet Drive has been improved and is a very fine road. Knox County spent over \$3 and one half Million dollars improving it. It carries a very small traffic load. The property in question is on Outlet Drive between two major interstate exits, Lovell Road and Campbell Station Road which has just been improved by TDOT and reopened in the past two or three months. A very fine

interchange. Both interstate interchanges are considered in good shape and there are no plans to improve them in the future. I understand staff does not like high density residential in the county where there is no public transit. There is no public transit in the County. So ergo staff does not want any high density residential anywhere in Knox County. If that is correct you ought to make a recommendation to the County Commission to abolish high density residential from the zoning ordinance. It is there and is allowed. Where is a good place to put high density residential? On a major street that has been improved that carries very little traffic that is between two major interstate interchanges where there is demand for housing. This place fits them all. Town of Farragut with TDOT just passed a resolution to expend \$20,000 with TDOT doing \$80,000 to study a connector between Parkside Drive and Outlet Drive. I have put that in your packet, where there would be a roadway across I40 to make Parkside and Outlet Drives connected roads. I understand staff poo poed that; this will never happen, etc. etc. I have heard that from other people too. I cannot imagine that Farragut and TDOT expanding, at least for TDOT, that amount of money. It is not that great considering their total budget but the Town of Farragut expending \$20,000 to study this if it is not something that may in the future occur. If that occurs this piece of property is suddenly connected to the largest shopping area in Knox County. It has parks nearby. I realize there is opposition to the use of Snyder Road. We would be happy with a condition that the only access from this property be to Outlet Drive. I cannot imagine anybody living in apartments on this piece of property using Snyder Drive unless they want to visit somebody up there when you have got Outlet Drive connecting to Lovell Road and to Campbell Station Road. So we cannot envision if there is no outlet onto Snyder Road that traffic there would be a problem. Knox County designed this road. I was present when there was some of the debate at Knox County Commission was to improve development on the north side of I-40 in this area which is just opposite of Turkey Creek. Make it available for office, residential and some commercial. I would ask that you all consider approving this sector plan for high density residential and zoning of up to 18. Staff indicated also, and Mr. Gentry is here he will confirm it, that he was not willing to pay enough to acquire acreage from the adjoining neighbor. He could probably, he has been running an auction. He raises the price every so often trying to acquire three or four acres from that person. They will not sell for some reason. Family property. It has been in the family for 100 years. They are under no compulsion to sell. So we can't compel him.

Mike Brusseau: I think Arthur hit... one of our main concerns with it is first off they have got reasonable use of the property with the current density 160 units on 13.36 acres. We consider that to be reasonable use. I think the second and more important factor is I understand the property owner may not be willing to sell, but if you combine those two properties there is the potential for 379

units out there without having to go to HDR. The second thing is inevitably if this does get approved that property owner will probably very shortly become interested in selling with the potential to get 18 units there. It is very precedent setting where rather than 379 units on that 30 acres or so you would be looking at upwards of 500 to 600 if that were to get rezoned to 18 units per acre as well. The point that Arthur made initially is absolutely correct. The sector plan, general plan studies says that HDR should not be supported in areas where there is no transit. The point is taken that transit does not exist in the county therefore that is why there is not much HDR in the County.

Jeff Roth: I think this situation... we are moving west and have been moving west for a long time. I think when you find situations like this where we have had a road change. It is larger the traffic is fine. I just don't see any valid reason to not approve this sector plan change and approve this proposal.

Laura Cole: I appreciate the great advantage it would give a person to go to this area and get the double sector plan amendment, but as a planner I am making my decision based on the sector plan and I have to have a reason to change the sector plan for an individual. I don't see that there is any justification or anything that has changed since we discussed this last. I would like to make a motion that we take no action and let this go back to County Commission and let them make that decision.

MOTION (COLE) AND SECOND (ANDERS) WERE MADE TO TAKE NO ACTION AND SEND BACK TO COUNTY COMMISSION.

Art Clancy: To me it comes down to density and reasonable use. I am landing on the side of staff. With 12 units to the acre with both those parcels put together that is a pretty good size apartment development. If that is what you are wanting to put there, that is reasonable use of the property. When you have reasonable use, I don't see that a sector plan change is merited. That is all I was going to say.

Herb Anders: I agree with Commissioner Carey. One of the reasons is that if the adjoining property goes to 18 per acre and it adjoins a single family residential area, I don't think that is a battle any of us want to fight nor do those residents. I could not support the 18 with the reasonable use of 12 per acre. That is the way I would go on the thing mainly because it adjoins the single family residential the potential of the adjoining property does.

Bart Carey: Michael I would like to ask you. What do you feel about the sector plan amendment. Is the transportation upgrade a viable that is one of the criteria we submit to is the transportation corridor changed any there?

Brusseau: That was how we justified raising the density from 6 to 12 back early this year which was changed because it was LDR excuse me it had always been designated MDR. Because of the road improvements we did recommend that that density be up from 6 to 12 which was I believe supported unanimously by this board.. When they came in initially with this request, I just want to remind the planning commission, that this was denied the first time around. The only reason it is back is because it was appealed and sent back to us from County Commission. The General Plan and sector plan specifically state for HDR you have got to you should have transit. That is not here and I don't see any way that will ever be here unless the County starts working with KAT although that hasn't happened to this point. KAT's services are strictly in the City. The reasonable use is staff's primary reason to deny this. They certainly have reasonable use under the current density.

Carey: There are two things that jump out. We seem to be in a discussion. I love our mass transit. I love our KAT. I think the user ship is up significantly over the last few years on that. If there are no routes there they obviously can't run there. We are speculating about the adjacent property and the fact that it is next to... we are not voting on that today and that property is not really in the equation. I don't see how we can even... It has to stand on its own and it is not even part of what we can consider. If we were going to consider that we might consider that there would be a connector road between Parkside and Outlet Drive that would enable KAT to come out of the city property. Isn't Turkey Creek in the city. Is that part of KAT service? That is a long shot. That is not really going to happen. I think we have got to focus on the fact that this property stands on its own. It is not adjacent to the subdivision. The density is a little high. We have seen many apartment complexes that come to us with that magic number. It seems like 240 to 260 is what we have heard over the last three or four years. That seems to be the number that all these apartments to be able to support the amenities that they want to have and to have all the things that make them work that seems to be their magic number. I am kind of torn as to why this wouldn't work there.

Scott Smith: That is kind of what I was going to say in a way. The apartment complexes that I have seen that are going through everybody wants in that 200 to... is this about having... I have been told that it's about you can't have on site management and really staff an apartment complex at number less than 210.

Seymour: 225 is what I...

Smith: 225 is what you need. The way it was currently approved it give you like 160 units right? And that is just not viable is what you are saying.

Seymour: Correct. To do your maintenance. To have the amenities, the pool, club house and everything the magic number to day is 225.

Roth: Mr. Carey said what I was going to say.

Longmire: Alright there is a motion on the floor to take no action which will send it back to County Commission and let it be their decision.

Upon roll call the Planning Commission voted as follows:

Anders	No
Carey	Yes -No
Clancy	Yes
Cole	Yes
Eason	No

Longmire: Let me remind you that it is to take no action which will send it to County Commission so yes is you are agreeing not to take an action. This is one of those backward things you are agreeing.

Goodwin	Yes
Johnson	Yes
Kane	Yes
Lomax	Yes
Roth	No
Sharp	Yes
Smith	No
Tocher	Yes
Longmire	No

Steve Wise is there anyone that would like to change their vote. Mr. Carey from yes to no.

MOTION CARRIED 8-6. NO ACTION TAKEN.

b. Rezoning

5-E-15-RZ

From PR (Planned Residential) @ up to 12 du/ac to PR (Planned Residential) @ up to 18 du/ac.

STAFF RECOMMENDATION: Deny the requested increase in PR (Planned Residential) zoning density from 12 to 18 du/ac.

MOTION (COLE) AND SECOND (ANDERS) WERE MADE TO TAKE NO ACTION. MOTION CARRIED 13-1 (ROTH).

* **42. LA CORONA FINE PROPERTIES**

8-A-15-RZ

North side Commerce Ave., west of S. Central St., Council District 6. Rezoning from C-3 (General Commercial) / D-1 (Downtown Design Overlay) to C-2 (Central Business District) / D-1 (Downtown Design Overlay).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. 700 BROADWAY GP** **8-B-15-RZ**
East side N. Broadway, northeast side N. Central St., southwest side Lamar St., Council District 4. Rezoning from C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: Approve C-2 (Central Business) zoning, subject to one condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. BRYAN E. CHASE** **8-C-15-RZ**
Northwest side Pelleaux Rd., southwest of Norris Fwy., Commission District 7. Rezoning from RA (Low Density Residential) to A (Agricultural).

STAFF RECOMMENDATION: Approve A (Agricultural) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W 45. NORTHSIDE CHURCH OF CHRIST**
Southwest side Bishop Rd., northwest of E. Emory Rd., Commission District 7.
a. North County Sector Plan Amendment **8-A-15-SP**
From LDR (Low Density Residential) to GC (General Commercial).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W b. Rezoning** **8-D-15-RZ**
From A (Agricultural) to PC (Planned Commercial).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **46. WILLIAM AND BRENDA BIDWELL** **8-E-15-RZ**
Northwest side Francis Rd., southwest of Socony Ln., Council District 3. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 47. HERBERT TOLLIVER, JR.**
Northwest side E. Raccoon Valley Dr., east of I-75, Commission District 7.

a. North County Sector Plan Amendment

8-B-15-SP

From MU-SD (Mixed Use Special District) (MU-CO5) to MU-SD (Mixed Use Special District) (MU-CO5) with Heavy Industrial.

STAFF RECOMMENDATION: Approve ADOPT RESOLUTION #8-B-15-SP, amending the North County Sector Plan to HIM (Mining) and recommend that Knox County Commission also adopt the sector plan amendment.

Longmire: We need to briefly go back to 42 because there were two things we needed to vote on. I apologize.

Arthur Seymour Jr. 550 W Main Avenue. Here on behalf of the applicant. We ask approval pursuant to staff recommendation. In the interest of full disclosure and I don't want to mess this up, we are coming back. We have just obtained contracts or will obtain contracts this week on two adjoining properties. We will be coming back for zoning for them in November with a mining plan for all of this property.

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

Elizabeth Eason: I have a question. I am trying to do my math and figure it out. Is this in the hillside protection area?

Mike Reynolds: It is within the hillside area. The hillside protection plan specifically speaks to strip mining or what do you call it when you get the soil. It doesn't specifically speak to quarries but it does talk about getting soil off of hillsides. So it is two different things that the Hillside protection plan talks about in terms of mining the hillside. This type of operation it doesn't address so it is neutral on quarries or mining operations. This area is within the hillside protection area because it is a ridge. The hillside protection plan does not specifically speak to quarry operations and whether or not they should be allowed within in the hillside protection area.

Longmire: But quarries dig out stuff.

Art Clancy: There is a quarry on it now.

Longmire: Yes I know that I have seen it. It is just kind of an interesting...

Upon roll call the Planning Commission voted as follows:

- Anders Yes
- Carey Yes
- Clancy Yes
- Cole Yes
- Eason No
- Goodwin Yes

Johnson Yes
Kane No
Lomax Yes
Roth Yes
Sharp Yes
Smith Yes
Tocher Yes
Longmire No

MOTION CARRIED 11-3. APPROVED.

b. Rezoning

8-F-15-RZ

From CA (General Business) to I (Industrial).

STAFF RECOMMENDATION: Approve I (Industrial) zoning.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-3 (EASON, KANE, LONGMIRE). APPROVED.

48 DAVID HENSLEY

East side Maynardville Pike, north of Brown Gap Rd.,
Commission District 7.

a. North County Sector Plan Amendment

8-D-15-SP

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

STAFF RECOMMENDATION: Deny the North County Sector Plan amendment to GC (General Commercial)

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

b. Rezoning

8-G-15-RZ

From RB (General Residential) to CA (General Business).

STAFF RECOMMENDATION: Deny CA (General Business)

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

*** 49. DAVID PRESLEY**

North side Hardin Valley Rd., east of Hardin Farms Ln.,
Commission District 6.

a. Northwest County Sector Plan Amendment

8-E-15-SP

From TP (Technology Park) to GC (General Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 8-E-15-SP, amending the Northwest County Sector Plan to O (Office) and recommend that County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **8-H-15-RZ**
From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 50. SHADY GLEN LLC** **8-I-15-RZ**
Northwest side Lovell Rd., northeast of Bombay Ln., Commission District 6. Rezoning from A (Agricultural) & RA (Low Density Residential) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **51. SHADY GLEN LLC** **8-J-15-RZ**
South side Hardin Valley Rd. , west of Westcott Blvd., Commission District 6. Rezoning from PR (Planned Residential) at up to 4 du/ac to PR (Planned Residential) at up to 6 du/ac.

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE the requested increase in PR (Planned Residential) zoning density from up to 4 to up to 6 du/ac

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 52. RON WORLEY** **8-K-15-RZ**
Southeast side Ball Camp Pike, southwest side Bakertown Rd., Commission District 6. Rezoning from I (Industrial) & A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 3.25 dwelling units per acre.

Mike Brusseau: I spoke with the applicant before the meeting and he said that he is okay with the recommendation on the density. The density was recommended to be reduced because of the slope on the site. Unless there is any questions for me I will just let it go.

Ron Worley: I am fine with the staff recommendation.

Sam Wilson: 3015 Bakertown Road. Our property is adjacent to the property they are discussing. We just found out about it. With the amount of traffic on those roads this is going to be an extremely dangerous situation. Bakertown Road is a cross road. The only one a through fare which is only wide enough for two

cars. We already have ambulances, We have buses. We have all sorts of cars that use that road continuously and that is without the extra homeowners. That is our main concern. Too much traffic and too dangerous. That corner if you notice the corner there that is not a straight through corner that is an extremely dangerous corner. That also is a problem with getting in and out. I think when they bring in all the extra houses all the extra people that is going to be a bigger issue for a lot of people and especially the kids on the school buses. There is no shoulders on those roads. That is all.

Longmire: County Engineering. Would you like to speak to the roads please?

Pionke: Bakertown Road is not unlike most of the County roads in that there is not that much between 18 to 20 feet wide, no shoulders, is pretty much your typical County road. At this point there are no plans to improve Bakertown, but we have been looking at long range plans in terms of where our needs are and this is one of the ones that has shown up but it is probably within the top 10 of 15 in terms of two lane roadways that need improving. Right now there is currently no money in the budget to do it.

Longmire: Does the jog in the Bakertown intersection is that a noticeable problem?

Pionke: No ma'am. In terms of we monitor our crash data and that has not been a problem in terms of what goes on. The bulk of the traffic is more in fact you are not trying to use the northern leg of the Bakertown. More of the traffic is on the south leg which is where this development is.

Wilson: I know you said that that corner is not an accident prone corner. But if you sit on that corner you will realize the amount of traffic and the people that have no idea if they can come and go. That traffic backs up for blocks. Someone has to go out and at least monitor and check it before you decide there is absolutely no problem with that corner.

Longmire: Ms. Pionke has there been monitoring of that or are you just looking at accident data?

Pionke: We have been looking at accident data. We have not actually gone out to investigate the intersection for potential improvements.

Longmire: I will say Ms. Wilson the county roads as a whole are not very wide. But we have found when roads are widened more people go on those roads and they drive faster. That is not an answer I know. I live on a very narrow road myself. If

County Engineering says it is okay. County Engineering says it is okay.

Wilson: I understand thin roads, little roads is a norm down here. Again ambulances use that road, school buses. They don't have room. In order for two buses to meet on that road one has to pull off. There is no shoulder. You add extra traffic and there are going to be accidents. I know you are not going to slow people down. I am talking about the amount of traffic and the possibility of accidents.

Lomax: I am very familiar with Bakertown Road. I know the conditions that she is speaking of. I was actually I guess back in the 90's involved in a couple of school bus accidents that were on Bakertown. One of the accidents the bus actually flipped over because of the lack of space. I used to have nightmares about that. I do understand what she is saying. I would like to see some sort of study done to look at the traffic yield that goes through to see how that would be of impact.

Kane: This is for Mr. Worley I guess a question. Mr. Worley I...

Longmire: Before you start Mr. Worley I failed to ask you to give your name and address since you didn't speak.

Ron Worley, Worley Builders. I reside at 8015 Majors Road, Corryton, TN 37721

Kane: Have you started any of your concept plans yet for this?

Worley: We have not. Obviously all the traffic and entrance conditions and everything would be taken into consideration. Of course we would be working in conjunction with your all's recommendation with Knox County Engineering.

Kane: To staff. Is that something in the concept plan that would be considered in this situation? I know this isn't a large number of units but is this something that would be considered in terms of requesting some kind of realignment of that intersection? Is that a consideration?

Tom Brechko: Well in the report it identifies that a traffic study would not be required for a concept plan. Unless it was some type of condition type issue it would not be required. I don't know if Engineering has any issues because they will also be looking at the concept plan.

Pionke: We will also be looking at the intersection. Based on the number of units that he is going to get out of this, it is not necessarily what we would call a fair burden in terms of what he would have to pay for verses what is a known and potential problem but County Engineering will go out and take a look at

the numbers in terms of what is going on out at the intersection and see if we can come up with some suggestions. At this point there are no plans to fund anything at that intersection.

Kane: You said this might be in the top ten. Is that what you said?

Pionke: No. That was for Bakertown Road for that southern leg that goes down towards Middlebrook Pike.

Art Clancy: Again it is the chicken and the egg argument. Infrastructure or development; which goes first. I think we beat that to death in here. I would like to make a motion that we recommend that County Commission approve PR Planned Residential zoning at a density of up to 3.25 dwelling units an acre.

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

Mike Brusseau: I was just going to comment on the plan review. The other thing that for sure would be taken into account is wherever they propose the entrances to the development would have to certify they have clear sight distance. That will at least ensure that the people exiting the development they will see to get out. I also just wanted to point out that unlike most of the PR cases the current zoning on this property, half of this property is zoned industrial which would allow a lot of heavy trucks if it were ever developed. It is something else to consider.

MOTION CARRIED 14-0. APPROVED.

- * **53. RICK WILKINSON** **8-L-15-RZ**
South side Bob Gray Rd., east of Gray Eagle Ln., Commission District 6. Rezoning from RA (Low Density Residential) / TO (Technology Overlay) to PR (Planned Residential) / TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) / TO (Technology Overlay) zoning at a density of up to 4 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **54. THOMAS CARPENTER** **8-M-15-RZ**
West side Tazewell Pike, southeast side Twin Oak Ln., Commission District 8. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 4 du/ac, subject to two conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review:

- W 55. BRACKFIELD - ASSOCIATES, GP **5-A-15-UR****
- Southwest side of Tice Ln., southeast side of Neal Dr. Proposed use: Self storage facility in PC (Planned Commercial) District. Commission District 7.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Commissioner Charles Lomax left the meeting at this time.

- 56. BRANCH TOWERS **5-B-15-UR****
- Northwest side of Ridgecrest Dr., east of Hollyhock Ln. Proposed use: 150' Monopole Telecommunication Tower in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 150' monopole commercial telecommunications tower in the R-1 (Low Density Residential) zoning district subject to 7 conditions.

Tom Brechko: I feel like I have talked to you about this a dozen times or so but this is the first planning commission meeting that we will have actually discussed this case. The request is for a 150 foot monopole for a telecommunication tower in the Ridgecrest Drive in the Fountain City area. The proposed carrier for this tower is T-Mobile. The tower as proposed is designed to handle up to 4 carriers. I know some comment had been made because of the pad that is at the base of the tower identifies future carriers that this is additional towers. That is the equipment pad for carriers that would be located on this one tower. There are no other towers that would be approved as part of this case. The proposed tower does meet the zoning requirements for setback. There are additional issues regarding access that they have designed the tower to meet the utility access driveway requirements. Our consultant Larry Perry has reviewed the application and has determined that the need is justified for the carrier T-Mobile in providing service to this area. One of the issues that has been a main discussion item over the past couple of months has been the telecommunication tower facilities plan and what we do in utilizing that plan as far as review for proposed tower locations. I pointed out at different meetings that this plan was developed in 2002. At the time that the plan was developed the technology and the way cell phones were used is a lot different than it is today. Around 2007 when the smart phone was introduced it changed some of the demands in areas that cell tower service is needed. In the past

those people used phones for traveling on the road and commercial areas and areas away from because most people used their landline. Today there has been some analysis shown that possibly over 40 percent of people do not use a landline at home and they use their cell phones. In the past where there wasn't that demand in residential neighborhoods now there's increasing demand. Some carriers have service in this area. Other carriers in this case T-Mobile does not. They are the ones that are trying to fill the service need of the residential neighborhood. We have talked about the need to reevaluate the plan. To look at it and update it for the changes in technology and have it so that hopefully we will look at it more often for updates as technology changes and the needs change. Staff has recommended approval of this. One thing I want to point that in the matrix that we have used in our analysis there are opportunity areas, sensitive areas and avoidance areas that we look at. Each tower may change the number of applications in that matrix. In this case here there were three areas that we identified. One is that the tower is within 500 feet of a residence; that it is on a hillside below a ridge line; and also that it is in a residential neighborhood. On the first two I mentioned there were sensitive area and a moderate monopole is considered... well a moderate monopole goes up to 150 feet. This is at the maximum of a moderate but it takes a neutral position on both within 500 feet for that size tower and on the hillside below a ridge line. The issue that is considered to be an avoidance issue is the within a residential neighborhood. Again when I introduce the issue about the facilities plan it was at the time the plan was developed there wasn't the demand in residential neighborhoods we are seeing today. Again staff is recommending approval. From your last report we changed and eliminated one condition. I want to point out that in the application that was revised materials submitted by the applicant in that they were offering another option to a monopole. It is in your revised materials that you have and that is often referred to as a mono-pole. A tower that is made to look somewhat more natural than normal tower. But the application of that tower in staff's opinion it would not look natural in this setting. Staff is recommending against the use of that type of tower. We are recommending approval of a monopole. Previously we had recommended that they change the design and use a flush or close mount antenna array instead of the normal platform set up for each carrier. The downside of going to that is the single carrier may not be able to get all the antennas they need at one location and may have to use up more of the array locations on the tower. We in talking with our consultant he recommended, felt that it would not be very useful to go to that design because of the fact that it would reduce the number of carriers that could locate on this pole and would increase the need for additional poles potentially in the area in the future. It is still an option. I have seen some stuff recently too where an additional instead of just a flush mount where the antennas are up against the pole there is kind of a close mount that they are set off about 18 inches or so the bars the antennas are attached to from the

pole which brings it closer into the pole. It allows for some additional antenna locations, but not as much as the normal platform. In your application package there is additional material submitted by the applicant and there are additional materials submitted by the neighborhood. Those when we submitted, sent out the revised application we tried to put those in the front of the neighborhood comments and the applicant's comments so it is easier to find out what the changes were.

Mary Miller, 2108 Kellerbend Road, Knoxville. We would like to defer to the opposition first.

Kelly Ellenburg, 2206 Ridgecrest Drive. Thank you for the opportunity to speak with you. We have passed around a hard copy of our statement and will reference that with the appendices stapled to the statement. On behalf of many of the residences of Martha Berry, Ridgecrest, Hollyhock and Belcaro Drive thank you for the deliberation you have already made with regard to this case. Since we have already submitted several points regarding our opposition in our correspondence on August 5, I would like to begin at the header titled alternative site analysis. We would like to speak to the results of Branch's alternative site analysis and in doing so ask that the Commission keep in mind that T-Mobile is the provider and not the applicant. Branch Towers the applicant only makes money if they build a tower. Therefore it can logically be assumed that they have no interest in finding a collocation site for T-Mobile as such a site would negate the need for their services. The City Ordinance on commercial telecommunications facilities states in Part B.1.c that the applicant shall also provide written evidence that location on an existing structure is not feasible. However the document presented by Branch does not qualify as evidence. Please see Appendix A in the handout we have distributed. It is on the third page titled regarding collocation. We have detailed in the appendix the lack of evidence provided with regard to each of the sites. There is no evidence that the applicant negotiated in good-faith with the property owner. There is no evidence regarding a lack of radio coverage for the site. There is no evidence of claims of increased liability. And there is no evidence of inability to meet setback requirements. With regard to setback requirements meeting these requirements is only a problem when one is trying to build a new tower and since the provider may be able to put antennae on an existing structure that would negate the need for setbacks. On the following page we have copied an excerpt from the ordinance Part B.1.d. with regard to the required letter of intent from a licensed provider to locate on the proposed tower. Please see Appendices B and C of the handout that we have provided. You will see two letters from T-Mobile that were submitted in the application materials. Each of these letters refers to a different location from the proposed 2119 Ridgecrest Drive. The letter shown in Appendix C is a letter of intent. However it refers to a different location 6780 Fountain City Road, Halls, from the proposed Ridgecrest tower. Additionally the

site name in Appendix C which ends in 314B and we have highlighted that for you, does not correspond to the site name in the coverage map you see in Appendix D which is 314A nor does the coverage map in Appendix E which have that listed here as well 353B correspond to either of the above. Essentially we see three different site names and two different locations neither of which is 2119 Ridgecrest Drive. Thus there is no letter of intent from a licensed communication provider for the tower proposed at 2119 Ridgecrest Drive and the requirement of a letter of intent as stipulated in the ordinance, part B.1.d. has therefore not been fulfilled. We would also like to ask the Commission given these inconsistencies and failures to present the correct matching documents does that not leave on to question the validity and integrity of the entire application. Given the lack of evidence regarding alternative sites and the clear omission of a letter of intent, we hold that the Commission has both legal authority and an ethical obligation to deny this application. We respectfully ask that the Commission will exercise this authority to deny. Thank you again for your attention and for the work you have done on our case.

Longmire: I did want to ask is this from you all also or is this from...
Branch okay.

Mary Miller: First I would like to address the two issues that she raised. One about collocation. Branch has been working with T-Mobile for the last almost year on a site in the southeast and they have done 30 collocations for them on other towers which Branch did not build. In regards to the letters of intent. We noticed there was an incorrect letter of intent submitted with the application. We submitted a correct letter of intent on June 11. I provided that to Mr. Brechko It should have been in the file and I am not really sure why it didn't get included. I apologize for that. I would like to tell you why this is a good site. It is a large site. It is well screened. It does meet all of the requirements of the zoning ordinance and it complies with the principles of the wireless facilities plan. We looked at eight other sites. When we looked at those we had RF engineers run RF maps. We looked at setbacks. We looked at liability issues. None of those would work. They would not meet setbacks. They wouldn't work for radio frequency coverage. There were a number of reasons. Let's talk about this site though in the facilities plan. It does comply. But remember the facilities plan is only advisory but this does comply. The facilities plan says that that is a matrix designed as a general guide to siting decisions. There will be instances where new towers will be acceptable in a sensitive area or an avoidance area with proper siting, appropriate design or effective screening. This is a perfect example of what they were talking about when they did the facilities plan. It describes siting and screening as options to make this site acceptable. It is a five plus acre parcel. As you can see from the pictures provided in the blue folder, it is almost entirely covered with woods. We have agreed to enter an agreement with Ms.

Corey of which the neighbors would be third party beneficiaries that would require us to leave a 40 foot buffer on the eastern, western and northern sides of the property. This area has a sloping curving terrain which also helps shield the tower. It is a relatively low tower. In Knoxville in the city alone there are 60 towers within 500 feet of a residential zone. Only 12 of those are 150 tall or less actually 155 tall or less. There are towers that are 250 325 feet within 500 feet of a residential zone. This proposed tower is only 150 feet tall. We think it does comply with the ordinance and the facilities plan. I would like to let a next door neighbor, David Marque, speak now.

David Markey: I live at 2108 Ridgecrest directly across the street from this proposed site. I want the Commission to know that I have no objection to this project at all. It wouldn't bother me at all. I have lived there for 12 years now. I would urge the Commission to approve the application. Thank you for your attention and for your service to the Commission.

Diane Corey: I am the owner at 2119 Ridgecrest. I have been an inhabitant of this ridge since 1959. I grew up running these woods. I more than anybody want to preserve the beauty of them which obviously is very important to me, my family and my neighbors. Today I come to you seeking the approval for Branch Communications to build a tower on my property. I bought this with property with my husband in October of 1983 with the idea of securing a place for our children to maybe one day build and raise their families. Children grow up and move away and spouses die and cancer strikes. Your plans and priorities change. I have been approached by several land developers and one other tower company in the past few years thinking that 2 to 4 houses per acres was really not something I wanted to live next to myself. I refused a lot of offers. Now as a 63 year old widow and a cancer fighter the most viable resource I have is my land. One I feel I should be able to exercise to my advantage and actually to the advantage of this community the offer by Branch Communications to lease a small portion of my five and one half acres. I find that to be much more positive than negative to the neighborhood. I completely understand my neighbors opposition. Nobody likes change but we do like our cell phones and we do like everything that communications bring to us. Because of all these reasons I come to you asking approval for them to build that tower on my property Thank you.

James Norris: 2014 Ridgecrest Drive. I would ask you to just look at the map. It is smack dab in the middle of a neighborhood. Cell phones towers don't belong in a neighborhood. That is all.

Longmire: Good job sir. You got your six seconds.

Jeff Roth: I would like to hear from our consultant Mr. Perry.

Larry Perry: 1146 Saga Lane, Commission's consultant.

Roth: I have got a question for you. There have been some on both sides... One side said there has been a whole lot of investigation of other places to locate this tower that would be more appropriate and the other side says there hasn't been enough. Has there been by you or by Branch or by T-Mobile been an effort has there been adequate effort in your opinion to check out other areas for this pole?

Perry: Mr. Roth let me explain something. As far as what we do as a Commission staff and as a consultant to them, I look at what is in front of me. I do not go around and try to design the system for them. I have. Can I do it? Yea. Am I doing it? No. In order to do this to look at every tower and every location within the one mile radius that they normally look at you are designing a system for them and that is not what we do. If T-Mobile or Branch Communications looks at the area that is up to them. What they end up doing is supplying us with an application for their preferred site. That is what they have done. That is what we look at. In order for us to go and look at all the other towers within say a mile radius of there, it takes a lot of time and a lot of effort and that is not before this Commission.

Roth: My concern is how do we know as Commission that that due diligence has been done. We have to really rely upon the carrier or the person building the tower?

Longmire: We also have to rely on people. Everything we do we rely on people telling us and from our own observations. From going out and I dare say everybody on here has gone out and looked and thought and read. There comes a time where we have to make a decision about which to believe and what to believe.

Perry: I think what we have to look at here is number one is there a need. The need is there. Number two does the applicant meet all the requirements of our ordinance, the state ordinance and Federal ordinance as well our local county and city ordinance. The answer here is yes. They do. The problem I think a lot of people and the public and a lot of the Commission I think at one time maybe didn't understand, your hands are kind of tied pretty close. A lot of the things that people look at in the community are not eligible to look at by this Commission because your hands are tied by Federal rules and by the telecommunication act of 1996 as well as their own policy. A lot of things we would like to look at or it makes some sense in a way but the Federal government preempted us on a lot of those. In that regard your hands are kind of tied as a Commissioner.

Elizabeth Eason. I have a question about the slope protection plan. Is there something that disregards the slope protection plan in the situation for a cell tower?

Brechko: I could say that with our recent review over the past two or three years we have put stricter standards on the tower companies on their access to sites and by having a maximum grade of 15% for access to the property in most cases takes it out of areas that are going to be extremely steep in slope in access. So just taking a different approach I think has eliminated cases where you are going to find them on steeper terrain or on ridgetops. I don't know if that gives you a full answer on it.

Eason: That answers the first part. The second part of the question is what is the slope on this particular parcel? I can't seem to find it.

Brechko: I can tell you the access drive does not exceed 15% to get to it. So I don't have that information what the actual slope is on that. I don't know if the applicant does. One additional thing. When we look at the matrix it has stuff again on discouraging being on ridgelines, on ridgetops. It does actually encourage a little bit more to be on a hillside so that you are not on a ridgetop. That is one thing that we look at. There are a number of things that have to be evaluated in that whole analysis. One thing that was brought up as we have been talking about what things we need to look at as far as the facility plan update, we have talked recently about that map that we produced that was basically in response to somebody says a tower has been put in other residential neighborhoods. I raised that question to staff and they did the analysis showing the towers that were either within a residential neighborhood or within 500 feet of a residential neighborhood. You had all seen a copy of that at the workshop and there were quite a few. One of the things we talked recently about is looking back as we look at having a better inventory of all the towers that are out there is also looking at what were they approved for. If they were four antenna arrays. Are they all full? A lot of the stuff when you look at a tower and you may see three antenna arrays on it and think why don't they locate there, well it was designed for having three. it will help answer some of the questions as to whether or not some of these other towers within a mile radius whatever distance is decided whether or not they are usable by the carrier. I just did have one additional thing. That was my error in not getting the corrected letter from T-Mobile in there. When we originally sent out the backup material for the May meeting we did not have the corrected letter at that. The first time around they requested postponement. When I got the letter it was my oversight in not getting the revised one in place.

Michael Kane: Several questions for different people. Mr. Perry this is a very quick it is more one of tone. In your summary report item number 5 you say there is no general use technology such as satellite communications that is available at the present time nor is there immediate future that would negate the need for the structure. The problem is when I first read this I thought this

doesn't, this sounds like these people don't have access to internet or anything else. Is that your intent by saying that? What is your intent?

Perry: No, No. What I am say is by saying that people are asking why don't we go to satellite that is coming downstream, four or five years downstream, instead of having to build the towers use a satellite. That is not going to happen in our lifetime for sure I guarantee you. There are other devices that are out there such as internet which is generally a wired thing but now it is going to wireless or for cell phone. I had reference primarily to your satellite or any other new technology similar to that was coming down the line. There is nothing out there right now that will do that.

Kane: I guess from my perspective it just seems like in this particular neighborhood that these people have lots of options already to get what they need. I don't think what you are saying is incorrect because if you look at it precisely you say general use technology. I am not too sure there is anything else besides cell phones that provide the general use but they do have lots of other options. The other one is a question is for T-Mobile or US Cellular I mean, Ms. Miller, Branch. In the packet that we have one of the pictures shows the existing towers I guess. I remember that a couple of years ago, it was 2014 on the Faith Promise Church, which is off of Oaklett and Haynes Sterchi there is a 170 foot monopole. I don't see that on here. Is that... Behind Sterchi Elementary School. I was wondering does that have any...

Miller: I don't know I would have to look. I can take a few minutes and try to look and see if we can...

Kane: I guess part of my question is you know when you are looking at areas where you are wanting to put and you are looking for a single tower. You were talking about the tower that was up the ridge on Grove and I think it said like an 83 foot spot was available. I can understand that that probably would not meet all your needs. My question is if there is an 80... people say there is a spot at 100 feet at the one behind Sterchi Elementary and then you have got the one on Grove would that provide most of the coverage that you are looking for?

Miller: I can go and look and see about that. What I can also tell you is we are on the one at Fair Drive, right off of Cedar Lane, and so that is probably too close. If I am thinking the right place because Sterchi Elementary isn't it on the other side of Cedar?

Kane It is down the ridge from this location.

Miller: Right. But I think it is pretty close to that Fair Drive site.

Kane: No. No. I don't think so.

Miller: In the sense of a horizontal. The problem is it is down low and it is fairly close.

Kane: The Sterchi site is on top of the ridge. The church site is higher on elevation than this one is. It is Oaklet Drive, 815 Oaklet Drive is what was on the application. I am just trying to make sure that... Again I did not see that in the packet whether that had been evaluated or not.

Miller: I will go find out very quickly. Any other questions?

Scott Smith: I wanted to talk a little bit about I guess we have been kind of left with the feeling that we don't have a lot of choice in approving this or not. Quite frankly I have gone back and forth on this so many times because I feel for both sides. Am I correct to understand that no matter what we do today it can be appealed. If we deny this there is a right to appeal to City County for the applicant. If we approve it, there is a right to appeal within 15 days for the homeowners. I just want to make sure that my understanding is right and that everybody in the audience knows that no matter what we do here that those rights and those avenues are available if they are not satisfied today. Is that correct. Yes. The second thing I wanted to say or ask really about Branch Towers is I was on the web site and I noticed on the web site it showed 6 towers some in Blount County and some in Knox County. When you click on each of them it says under development. I think this one is shown on the web site. Do you know, not that it means a lot, are any of those collocations? I think the residents would feel better about trusting that all the other avenues have been exhausted if they could, if they knew where those if you have a couple of cases where you have collocated with other carriers.

Miller: We have actually. T Mobile has collocated. The majority of the sites they have done have been collocations. Branch has done two collocations for them in this round of builds in the last 6 to 12 months. Now these 6 sites. No. Those are all new builds. Those are all sites though where we could not collocate on another tower.

Smith: I am just saying specifically Branch because I got on their web site. I didn't check K-Mobile.

Miller: They are built...Those 6 sites were all commissioned by T-Mobile. Branch was commissioned by T-Mobile to go out and build those, find those sites and build those sites. They look for towers that are existing to collocate on because it is less expensive, it is more efficient and they get to market faster. It is just a much better process. If you will go around, I have done a lot of towers in this market, if you will go around and see most of the towers we do start off with one carrier. They are being built for one carrier and by the time you get five years down the road, they are full.

They will have four carriers on them. I was looking, we did a site on Alcoa Highway by the UT Hospital and it was actually in response to one of the sites in Sequoyah Hills. It was for one carrier. It has 5 levels of antenna on it now.

Smith: Branch specifically, it is no more financially beneficial to them to build a brand new tower or to collocate if there is a need.

Miller: Branch, it is more beneficial to them to build a brand new tower. But it is not if there is another tower next door that people can, that is already built that people can go on because they can't get other people to go their tower you see. So it is not beneficial for them to build a tower when there is already another tower in place because they won't be able to get tenants because the tenants will be on the other tower.

Smith: I guess you are making my, you are getting... Branch has an interest in more of building a tower than finding another tower. Right?

Miller: Not really because it is like if you go and build an apartment complex beside a complex that is already there. Okay. And there is not enough demand. If there is already another tower in place then the economics of the situation make it difficult for them to be successful because there is already another tower there that all the carriers are on. So there is nobody to rent to. They will not make money on the tower with just one carrier. Honestly it is not beneficial for them to go out and build a tower if they think they are only going to have one carrier on it. They don't make money as a general rule off the first carrier. At best it is a break even proposition.

Brechko: Part of it is all in the name of the applicant. Usually when US Cellular comes in they will have US Cellular as the applicant. But when we get the plan in from them it says tower being provided by American Tower or some other company. The fact that in this case Branch has submitted the application. It could have just as easily been T-Mobile that came in and made application to put a tower at that location. I don't know if any carriers are building towers themselves. I think they have tower companies that go and do that. It is just the difference of whether or not the provider puts their name on our application or Branch Tower dopes. What they have to do now and I think in the past it may have been different, when a tower company came in and actually built towers and went out soliciting for carriers. Now because you are required to have at least one carrier that needs that tower, it is not just speculation.

Art Clancy: That was the first thing I was going to say. I think we would have been a lot better off if T-Mobile had been in here applying for it and saying look we have looked for other places to collocate. But we are not. If you come to my shop and ask me if

you need cabinets I am going to tell you 100% of the time, yes you do need cabinets because I sell cabinets. Though it is hard when Branch Tower company walks in and says we have looked at all the other towers and we have to build one here. That is tough. It is tough on the neighborhood. I am like Commissioner Smith I have gone over and over and over. I boiled this thing down to five points and every single one of these five points brings me back to the same place. The first point is the facility plan update. It doesn't meet a single thing under the facility plan. We put the facility plan out. Take it just on that. If we update, if we did update the facility plan it would do more harm to the neighbors argument than it would do good. I mean if we updated it... okay it is outdated. Okay let's say for the sake of argument we update it, it is a slam dunk on this based on that. There's no doubt that we should approve the tower. So the facility plan update is inconsequential because it brings you right back to the point where, you know, if we update it based on new information, new technology it probably would tell us that we need to put the thing there. Okay. The second point negative impact on the property values. Nothing, nothing supports that. Apparently Mr. Markey hasn't read that his piece of property is going to be devalued by 50 percent. Third point health risk issues. Nothing supports that. It may exist but there is nothing to support that. There is literally as hard as you look you can't find anybody that will stand in a court room and tell you that there are definitive health risks from being around cell towers. It just doesn't exist. That brings you back to the same place. The fourth point; view shed. I get it. But in our business in our decision making process we hear it time and time again. I don't want to look at that. There is one thing in development that is absolute, 100 percent assurance. If you are buying a piece of property because it has got a great view, you had best be buying the view that you got with it because it is going to change. It belongs to someone else. You can't control other people's properties based on a view shed. I appreciate that fact. I want east Knoxville be as beautiful as everybody else does, but again if you buy a piece of property because it has got a great view, you had best be looking at what you are viewing and trying to purchase it because it will change. The fifth and probably the most restrictive point is the Federal Communication Act. Lord knows when I was a teenager I never listened to my dad. I mean I never did. When I got to be about 22 I sat down and I figured out you know if I had listened to him more often I would probably have been in a lot less trouble. We pay a consultant to give us the best advice for best practices for cell tower locations. Is he always right? Probably not. Is he a lot smarter about this than I am? Absolutely. (Chair Longmire: Amen) Probably on a lot of other things too. But I feel as though we are compelled to make a decision that keeps us out of law suits from cell tower companies. I also don't want to be in a law suit with neighborhoods either. But there is... These five points and I tried to dance all the way around because I have friends that live in these neighborhoods and people that I care about and trust. But I am hard pressed to make any

other decision but to approve a cell tower. So I will make a motion that we approve the request for 150 foot monopole commercial telecommunication tower in the R-1 low density residential zoning district subject to the 8 conditions. Right Tom.

Brechko: 7

Clancy: Did you add one?

Brechko: No I removed one.

Clancy: Okay to the 7 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE REQUEST FOR 150 FOOT MONOPOLE COMMERCIAL TELECOMMUNICATION TOWER IN THE R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT SUBJECT TO THE 7 CONDITIONS.

Gerald Green: Commissioners if I could... just one additional condition. In listening to the presentation here today there were a couple of comments made regarding the protection that would be afforded by the existing vegetation on this site. I would recommend that we clarify that there is a condition that speaks to that but to clarify that that existing vegetation you may want to determine it be preserved and that is conditional of approval to assure that that the buffer is protected because even though we tend to address that in one of the existing conditions I would like to make it clear to the applicants and to the neighborhood that if you do approve this tower that that existing buffer is maintained. You may want to set the width from the residential property line. It may be the setback that is required from the property line on the interior of this property maybe it is less but I will let you determine that but just clarify that that existing buffer has to remain and make that very clear.

Clancy: I am fine with adding that as an 8th condition that the existing buffer is to be maintained.

Miller: Could I make a comment about that? We have provided Mr. Kane with an agreement that we provided...

(Inaudible from the audience.)

Longmire: Excuse me. Wait just a minute. There is a person speaking and when someone is speaking we will listen. You will have your turn later on. Ma'am.

Miller: I apologize I just wanted to note that we provided Mr. Kane because he had raised this issue with a proposed agreement and it might be easier to make that agreement a condition. I will leave that up to the Commission.

(Inaudible from the audience.)

Longmire: Now sir would you like to make a comment? No sir I am asking you if you would like to make a comment. Go ahead.

Don Lee: I live next door to this property at 2007 Ridgecrest Drive. Mr. Clancy gave 5 points for wanting a tower in our neighborhood. I want you folks to think before you vote. Think of one other thing that you have not addressed. The water issue. We have a water runoff problem below this property now. Who is going to be responsible for flooding of those folk's homes? That is a question. That should have been studied. I brought it up two months ago. Thank you very much.

Longmire: I would remind you five minutes was the limit. If I give someone a minute to talk, the other side also gets a minute to talk. I try to keep it as fair as possible but we will listen when something is talking. Ms. Miller I would like you to address the water issue please. And at any time a Commissioner may ask a question.

Miller: I believe we have addressed that in the grading plan. We went over that significantly on the roadway and the grading issues with staff.

Brechko: I am going to defer to City Engineering on how they are going to address stormwater runoff. The one thing that comes to mind, we have stormwater runoff problems now and all that is out there now is residences. There's issues that have developed over the years and I think City Engineering is the best one to respond to that.

Chris Howley, City Engineering: We have been made aware that there were some problems with drainage in that area. We have had some of our folks go out to begin that evaluation. To date we don't have a completed assessment of what that drainage problem is in that area. Most of the community seems to be comprised of kind of ditches and driveway pipes. There is some maintenance needs in that area but as far as a total assessment of that and what folks are at risk from flooding that has not been finalized. In general the size of the development as far as impervious area how much water that they are going to create due to the construction that they are providing it is in general what our requirements would put at to have a detention pond or one of these other water quantity control devices; however in the assessment that we do if we determine that there is an existing problem that is that the installation of this development will contribute to or make worse than it is now, that will be something that when they apply for their site development permit that will be evaluated at that time and we take that on a case by case basis. To date it has not been included as far as this study goes because the requirements that

were placed to date on this are based on our general criteria without the knowledge of an existing downstream flooding problem.

Longmire: But did you say there is an ongoing study in this area to address the water problem.

Howley: Yes, it is being evaluated. Yes.

Longmire: Does that answer your question Mr. Lee?

Lee: No ma'am not really because I have done a small study of the area and based on what Branch measurements, the roadway, it's a 200,000 additional gallons of water going on the property.

Longmire: What City Engineering was saying is when the plan comes in at that point they will make a decision as to whether a retention basin or... we are not to that point yet. But the water issue is being considered and being addressed.

Lee: Thank you sir. I think this should be in front. I think before you start something we need to know what's going to happen, the end results. But the folks below us July the 4th there was two inches of water in the yard. The kids were playing with fishing rods. June 11th a few days later there comes a small rain, a small storm and the kids were back again playing in the water. There is a problem in that area.

Longmire: That is why they are doing an ongoing study. City Engineering is looking at that. I think at any time you want to contact City Engineering, they are more than willing to listen to you.

Lee: I tried to contact them. I went to their office. Mr. Brechko sent me to them and they were out. I left with... I left the receptionist with my name and number and they didn't call me back. I tried to call back and couldn't get in contact with him.

Longmire: He is here now so grab him as you leave.

Bart Carey: This is obviously a hot button. We had had this in front of us for months now. We postponed it and pushed it back. I think one good thing that came from that pushback is that we had a very timely discussion in our workshop. It was solely devoted to this topic. This is something that is hard to get our hands around. This is not an everyday land use situation we are dealing with here because there are Federal, State and local guidelines here that give us guidance. I don't think Mr. Clancy, Commissioner Clancy actually had five reasons he wanted the tower, he had five things he cited that helped weigh his decision. I think all of us have had a tough time with this. I was not personally familiar with this area. I drove out there and drove on every street, Belcaro, Ridgecrest

and I got lost a couple of times driving around. It is a beautiful view shed. It is absolutely incredible. I know this would have an impact especially on those houses more behind the property. We talked about hillside impact. Is this going to... on a hillside this is going to show more. That is kind of, from being on that property and looking over this site if you look across the valley at Sharps Ridge there are 5 or 6 huge thousand foot towers that are lighted that are on a top of the ridge for a reason. The higher those towers are the more significant their coverage is. I know it is a very passionate topic. We have taken it very seriously. I think, Mr. Lee, your comments about stormwater runoff, I don't know exactly what the technical perspective is on how much non permeable surface is generated in a cell tower but I would think it would be less than house. If you put five or six houses on this property with all the roof systems and driveways I would think you would create more runoff. Engineering can really... Ms. Ellenburg do you want to address that?

Ellenburg: In addition to the clearing for the 100 foot tower compound there would also be that 3 foot easement down the ridge. We are concerned that the access road is going to create a waterfall down the ridge and my house is down the ridge and our neighbors recently had to have their foundation repaired due to settling due to flood, due to stormwater runoff issues.

Carey: Right now that property I don't think is engineered. I don't think there is any controls in place to send the water where it is supposed to go. I assume in this plan whether it is a road for a subdivision or whether it is the access road to a cell tower, those roads have to be designed, engineered and maintained in order to keep runoff and meet stormwater guidelines. That is a must. It definitely sounds like there is a problem there. Whatever is eventually developed there whether it is a subdivision or whether it is a cell tower, it is probably going to be an improvement over the existing, the fact that there is no existing storm controls in place now.

Ellenburg: No. It is completely wooded currently. Having concrete and asphalt will not be an improvement in terms of stormwater runoff.

Longmire: That will be addressed at a later time with the plans.

Carey: It directed. That road can't be built without some direction of that water and containment of that water whether it is detention, retention it will be engineered where it is probably not... I understand what you are saying you are going to remove vegetation.

Clancy: Vegetation is not holding it now if you have got water problems.

Carey: I didn't mean to get too focused on that because that comes through our engineering department. I know you were a part of that workshop we had. You were there and you are very knowledgeable about the situation probably more so than a number of us on Commission. Your... the work you have done here and your diligence, your intelligence and what you presented to us is well taken. I think though again the unique situation we are dealing with here with the mandates we are given really are compelling in this situation. I think that affects the way I look at this thing.

Longmire: Ma'am I really need to go to Commission. If there is a question we will call on you. Because you have used time I now have to give Ms. Miller time to do that.

Janice Tocher: This is I have got questions for Mr. Perry please. I am sorry I should have brought my workshop notes but these questions will probably be helpful for the audience as well currently the ordinance for cell phone towers in Knoxville is that they must provide for four carriers or is it three?

Perry: Wait a minute I am not sure I understand. Are you talking about on a per tower basis?

Tocher: Per tower basis.

Perry: It depends on the height of the tower. The taller the tower the more the carriers we require. The shorter the tower the fewer because as you are getting closer to tree line it doesn't do any good. On a 150 tower we require three.

Tocher: This particular tower is going to have the ability to carry four carriers.

Perry: Three or four yea. My recommendation was when I talked to the staff was that we make a recommendation to the carrier, to the applicant, Branch Towers, to design this tower for 175, 180 foot tower and just build the bottom 150 foot at this time so we could stack on and go up and down if we needed to. The problem you run into there is if you stack on the top of it with their current application they won't meet the setbacks. So they are pretty limited. They are pretty locked in there. The question is the more carriers we have on there the better off you are going to be. That is what they are trying to do. That is the plus factor of getting outside tower companies coming in rather than the individual tower applicants.

Tocher: Currently we have 7 carriers in Knoxville, is that correct?

Perry: Correct.

Tocher: Out of how many? 13. What's the possibility of the other six coming into Knoxville?

Perry: That is kind of like saying how high is up. I am not sure how you would answer a question like that. Actually it is very, very good. The possibility of other carriers coming in as the technology changes and these carriers like T-Mobile, like US Cellular, like Verizon start filling up and they are getting that way very much right now. You are going to have to have other carriers come in to fill in the blanks because the more people that go to cell phones for all their communications needs; not just telephone but your data, your texting, your television programs, watching the UT ballgames on Saturday on your smart phone, that is going to exceed the capacity of the current seven carriers in a very short period of time and that is when your other carriers are going to start, hey wait there is a market down here let's go after it. Now how soon that is going to be, I don't know.

Tocher: The reason for that question was simply because of what Ms. Miller said about building a tower that nobody wants to locate on but if we have got other carriers coming in the area that makes a difference.

Perry: It does. You have to remember whenever... the way this thing works like I explained at the workshop both for the people and also for the Commission last week. The carrier I mean the applicant Branch Tower, AMT, Spectracide, whoever builds the vertical real estate that they are going to lease out, they don't build it unless they have a need for it. T-Mobile, Sprint, Verizon they will go and say hey we have a need in this area for a location within a radius. They will give them a search zone and generally it is about a half mile radius, or I am sorry, a mile radius typically. It will be up to Branch Towers or whoever the vertical real estate agent is to find something that area that will work that is not already in existence. The carrier is already, if Verizon or T-Mobile needed service in the area and there were other towers they would certainly go to them before they go spend a lot of money with Branch Towers to build a new one. That doesn't make any sense. It is to their, it is to our advantage, trust me to have vertical real estate people own these things rather than an individual carrier because like I mentioned in the meeting we have one carrier in the market right now that won't let anybody else on their tower. Didn't use too. We have changed that rule with them now but that used to be the case. We had that fight a long time ago.

Herb Anders: Related to Mr. Carey, I am sorry, Mr. Clancy's comments about property values and health risks and that sort of thing, we can't consider those things. I have a hard time considering a request similar to this when I cannot verify that the applicant has sufficiently certified or at least given evidence of a due diligence search for space on other towers. I know the letter is there. I know they have the revised letter in the application. I

don't know the validity of the maps or if they were submitted with the application. I know the maps that the opposition has submitted and I am just having a tough time with this understanding and verifying that the applicant has sufficient due diligence to show the need of this tower.

Longmire: What sort of documentation would you accept? I am not trying to be argumentative. I am just wondering.

Anders: A letter stating that they have done it. I can write a letter stating that I have been to the moon and back. I would expect somebody to check my story out. I would like to see some kind of verification that this due diligence has been done. Evidence may exist and if it does I would like to see it.

Eason: Tower is proposing to lease a portion of this site. Does that prevent any other use on any other portion of this site or are they leasing the entire property? Is that how that works?

Longmire: Ms. Miller can you respond to that please? Would you repeat the question please?

Eason: I am trying to understand the full use of the property. But Tower is leasing the full property not just the portion that they are locating on. Is that correct?

Miller: No. All we will lease is a 100 by 100 area along with the easement to go down to the road to Ridgecrest Road.

Eason: Does that mean that something else could occur or could be developed on other portions of that property?

Miller: Yes.

Eason: So that means it would be...

Brechko: The zoning regulates the use of the property. They could subdivide it to put a house or a couples of houses on the property. They could come back in for a subdivision approval. All we have before us now is this application. The conditions are applied to this use. But they could come back in and sell off part of the property as long as they do not create any nonconforming conditions for the tower approval.

Eason: I think my concern I was about to change my position on this. I think my concern was about maintaining the wooded area around the site. It sounds like there is no control over that. It could be graded. It could be cleared. But then something else could happen on another portion of the property.

Steve Wise: Not before... it would have to come back before you. The use on review conditions run with the property not with the

owner or with the lessee. If someone wanted to subdivide they would have to subdivide somehow subject to the existing conditions that are imposed on the property. If it is maintenance of vegetation which would make it impossible or they have to come back before this body and obtain relief in a different use on review application.

Eason: That is good. That is going back to what Director Green was suggesting. Does that mean that we could put conditions that all of the existing vegetation outside of the proposed graded area shown on the information before us be maintained?

Gerald Green: I've looked at the proposed agreement, preservation agreement. I think the bones of it are good. There is one concern that came out to me or issue that no tree greater than 24 inches in diameter can be cut. That means 23 inches and less can be cut. 23 inch diameter is a large tree so I would like if the Commission decides to approve this that then this be reviewed by staff to basically look at the trees on this site and determine if there are smaller ones. A tree of 10 inches in diameter or 6 inches in diameter can provide a great buffer. That is a good size tree. I am a bit concerned about setting that large a tree anything below that be cut. The distance of the buffer area is 40 feet. I would like us to look at it and determine if that and work with Ms. Miller or others with Branch Towers to come up and if you would leave that in our discretion we will report to you what we come up with and provide a copy of the final one. I think again this does provide good bones for that preservation agreement. There are just those two items I would like to look at before I agree recommending the agreement.

Cole: So is our 8th condition to ensure that the buffer remains as it is and wait for staff's recommendation subject to staff's review and approval.

Longmire: Subject to staff review and approval. That would be an 8th condition.

Scott Smith: Are we going to get to read that? We will vote before we get to read that I guess. With regard to clearing the one thing to me I mean the one thing about that site honestly is that it is heavily wooded. That would be the only reason I would be like on the fence anyway. The fact that it is so heavily wooded would be the positive factor as far as locating a tower there. What assurances, if they are only leasing the small site, are we leaving the whole site as it is outside of the work area?

Miller: The agreement that we proposed would be between the landlord and Branch and we provided that the neighbor, the adjoining property owners on the east, north and west would be third party beneficiaries and could enforce the agreement. Where we came up with the buffer zone of 40 feet and the 24 inch was

from the engineer. Forty feet from the property lines on the east. The reason we didn't do the south is because we have got to do the road. On the east, the north

Smith: The guys that were behind there that were up higher as I saw it, those huge trees it won't do much good if we tear all those down in order to protect them.

Miller: We are at least 40 east, north and west. We are very flexibly on that. I didn't know to be honest so I went to, we hired Curtis Stewart who is at UT to do the reforestation plan and he suggested 24 inches and 40 feet. We are flexible with that particular with the size of the tree. I am not... one of the things that he is saying in his reforestation plan is there is a lot of undergrowth in the middle of the property that it will be better to clear it off and reseed and replant with vegetation that is more natural to the area.

Smith: Okay. That would just be very, very important for me at least is to make sure the five plus acres other than what has to be disturbed to put the tower up to stay to where the neighbors get visual protection as much as possible.

Clancy: I would like to respond to Mr. Lee's comment that I want to put a cell tower in his neighborhood. That is actually not the case. I came up with five reasons, tried to come up with five points that can make me make a decision not to put one there. Every time I and again that was one of the things as far as negative impact on property values and view shed, there are a lot worse things to put a piece of property from a neighborhood perspective than a cell tower.

Longmire: Mr. Lee unless a Commissioner allows you to speak I can't allow you to speak right now.

Clancy: Without coming before this body they could put a mobile home park on that piece of property. Literally. We can do some things that will prevent anything like that happening. I feel like we need to make sure that some of that is. The reforestation plan and the conditions evergreen landscaping screen and all that those, I assume those addressed the issues of clearcutting of the property. I don't know how to craft that into a motion. The 8th condition but it is subject to staff review. Some Commissioners may have a problem voting on smoke.

Gerald Green: Again if you look at condition four, and I will ask Mr. Brechko to supplement what I might say, but with the reforestation landscape plan that is already subject to staff review. Then installing the landscaping screening and with the bones of this preservation agreement for the trees, I think we have, my impression is we have a very good skeleton to build that condition on. The question I have heard, Mr. Brechko has heard and Mr. Kelly heard the concern you have about the preservation of the

vegetation so we can assure that. We will report back to with our comments on the preservation plan, the reforestation plan if you... I am trying to think of a way and I looked at Mr. Wise also. How do we... If you approve that with those conditions that is up to staff review and approval. We have heard the concerns that have been expressed here, the direction from the Commission and would assure that that reforestation plan, the landscape plan and the preservation plan meet the intent of the comments that have been made here today.

Steve Wise: If the sentiment is the Commission wants to look at the plan again then you could cobble together a motion that would approve the application subject to the various conditions including a condition that the applicant in conjunction with staff come back to Commission for review and approval or denial of a landscaping plan.

Longmire: But that would be a separate motion. Right?

Wise: You could incorporate it into a single motion. It could be done that way. It could be in another... You have not done that before.

Clancy: That is what I feel like. I feel like I am cobbling together a motion, but I am not...

Wise: You can do it. There is nothing that prohibits.

Roth: Item number 4 does it not already cover that?

Wise: I can't speak for what your collegiate view is on that. The sentiment that I have heard is that you want more. Your Executive Director is suggesting that he would like an opportunity to flush it out. I think that is prudent to listen to Mr. Green on that issue. If you want... a lot of times those tasks are delegated to staff and given them the latitude to make the approval of their own based upon staff recommendation. Here is an instance where it appears you would like to lick the calf again and if so you can make the motion in the format or you can leave it with staff.

Longmire: Let's go on because I have other people who want to speak. In the very vote itself it will tell who would like to have it come back and who would like to just go ahead and trust staff to work in the appropriate way. Now I am going to Mr. Carey and then I am going to Ms. Eason and Mr. Johnson and we will just see who else pops up here and Mr. Clancy finally and Mr. Brechko.

Carey: First of all the motion has to be amended and we are calling it a cobbled motion and that kind of has a bad connotation. I think this is very effective. I think one of the biggest sticking points is what... a 24 inch tree. What does that have to do with anything? I think I question that. I also question I think we should specify

live timber versus standing dead. That dead trees of any size should be cut. That is a technicality. I really think that letting our staff flesh this out and come back to us that we would vote on it another day with the vegetation issue is a very prudent thing to do.

Eason: I could have this come back on another day or have staff handle it. What I do want to express is the concern on the 40 foot buffer. When I am looking at the roadway and I am looking at the grading it looks like it may be 150 more feet to either side of that roadway and I would want that to be maintain in vegetation. It is pretty critical for me. If I do vote yes, that vegetation is the only reason putting me into that category. So it is really important that vegetation be retained.

Longmire: Well one of the problems I see with that and I think the UT person spoke to it about forestation, if it is anything like the vegetation around my house you have invasive species that might do better to be cleared out and natural things put in.

Eason: I think that is great taking away invasive species is great. Reforestation is a term that makes me think we are taking everything out and coming back with new plants. I think that needs to be addressed a little differently.

Commissioner Johnson called for the question.

Longmire: You can't do it, not yet. I have still got people who want to talk.

Brechko: I wish I could refer to a page number but in the site plans that were a part of this package I know you can all see it from where you are sitting but there is a plan that shows the fall distance for the tower which in this case what they have actually shown is they have 168 feet. When I talked about any other development on that site based on the zoning the one thing they could not do for this approval is create a property line that would be less than that. So the land associated in a sense with this tower is going to be at least that distance so that a new property line that is created does not make the tower nonconforming as far as the height. That may be one thing that we can kind of focus on too. When we were working with the applicant on this request, we had them relook at their grading to try to reduce some of the grading issues. They made some change in the grading for base elevation for the tower to try to address some of those issues. Our plan, our condition on the landscaping was once they were done with the grading to develop this site they would come back with a plan to re-landscape it. So basically outside of your access, your turnaround and your enclosure area, we were looking at this place remaining vegetated either existing or with additional vegetation. So it almost kind of takes in that 168 foot radius around the base

of the tower as an area that you would keep undisturbed once you have revegetated it upon completion of the site work.

Smith: If we voted now and then voted on another day about the buffering and the tree plan and the neighbors were going to appeal, they have 15 days to appeal. How would that play into that? Would we have to wait till the landscape vote or would the clock start ticking 15 days from today?

Kane: Obviously the conservation or preservation was something that I brought up last meeting at another cell tower and it is something that I think very highly of. It seems to me that there just needs to be lot more work to work out some of these logistics before we can vote on it. I don't know if a postponement is better.

Wise: I believe that would constitute an approval. There is a time frame which action has to be taken on applications.

Kane: So the particular item, so what you are saying is if this can't be worked out today, then we are either approving it or denying it. Denying it is based upon the fact that in my opinion that we haven't worked out what makes this site in many people eyes a logical site which is the canopy, the trees, everything like that. That is not worked out in terms of how to preserve that; how to enforce it. It is not just having a landscaping, it is not a landscaping plan. It is an enforcement issue and that is not worked out.

Clancy: I am going to do something really stupid. Ms. Ellenburg, I am really nervous about asking you a question. It is like going into a gun fight with a knife. I wanted to say I appreciate all the work you have done on this. I have been to one of the workshop plus not just our workshop but one of your all's down at the Lions Club. I want the neighborhood and you to understand that this is extremely difficult for all of us. There are so many dynamics. You all have lived this for months and months now. I appreciate the neighborhoods position on this. There is no easy way out of this. Do you understand we are doing the best we can with this?

Ellenburg: It seems that there is some missing information here. We have spoken to multiple places in the ordinance where the application does not meet the criteria of the ordinance. I would like to speak to the fact that the ordinance specifically says there needs to be written evidence with regard to attempts to collocate or find alternative sites. There has been no evidence submitted. That is a very clear place in the ordinance where the application does not fulfill the requirements.

Clancy: Other than the parts where you say that they don't and the applicant says that they do and we have other things here, I want you and the neighborhood to understand there is a lot of

thought has gone into this process. A lot of time and effort on all the Commissioner's effort.

Ellenburg: And certainly on our part as well.

Clancy: That is one of the reasons I wanted to bring you up because you seem to be spearheading this and I appreciate what you have done. It makes it even harder to make a decision. But a decision has to be made so we make one that we feel like is the right one and we try to protect the neighborhood the best we can. That is what I wanted to say to you and I appreciate everything that you all have done. That being said I think if we address the clearing...

Longmire: So you need to amend your motion to add another condition about the preservation plan.

Clancy: I already did.

Longmire: I don't think so. We talked about it but you did not say I would like to amend my motion.

CLANCY: I WOULD LIKE TO AMEND MY MOTION TO INCLUDE, HELP ME STEVE...

LONGMIRE: THE PRESERVATION PLAN TO BE REVIEWED BY STAFF

Wise: Is it your intention that the matter come back before this, the landscape preservation plan, come back before this body?

Clancy: No. I would expect staff to anticipate the wishes of the Commissioners as they cast their vote.

Longmire: And the community.

Clancy: And the community and let us know how they have addressed that and we will let them know if we are satisfied with that.

JOHNSON: I WILL SECOND THAT.

Longmire: Alright we have a motion that has been amended. **THE MOTION WAS TO APPROVE THE REQUEST FOR A 150 FOOT MONOPOLE COMMERCIAL TELECOMMUNICATIONS TOWER IN THE R-1 LOW DENSITY RESIDENTIAL ZONING DISTRICT SUBJECT TO 8 CONDITIONS WITH THE 8TH CONDITION BEING TO INCLUDE THE WRITTEN PRESERVATION PLAN SUBJECT TO REVIEW BY STAFF.**

Tocher: I am just wondering if Ms. Miller is up here to explain the conflict about the written evidence about the location of existing structure not feasible. Is that right?

Miller: I had an answer to Mr. Kane's question about the tower at 816 Oaklett. If you would like me to address that I am happy to.

Longmire: Mr. Kane would you like to hear that also?

Kane: Yes.

Miller: We talked to the RF engineer at T-Mobile. They did take the 816 Oaklett site into account. It is too close to two towers that they have that are south of that tower and so it would not work to provide the coverage that they are trying to obtain in this area. We submitted written evidence that we needed the coverage and couldn't locate on another tower and we submitted radio frequency maps. Those are in the package.

Longmire: So it goes down to your personal interpretation of what we have been given and what is required of us by the Federal government and what is required of us by everything. It is a really difficult decision. I know that is has been one that... and I would like to comment the Commission for all their due diligence because you all have really, really worked hard. Why is your light on sir?

Smith: Can I ask one question? We can't postpone? Can the applicant request a postponement? Would that be considered an approval? My point is I think there are some people on here that if this thing is flushed out might be behind it more but are really uncomfortable with it leaving it hanging out there and the preservation plan. I don't know I am just, that is all I am asking. .

Longmire: I would just much prefer a vote and let it go on to whatever wherever little votes we do go. Whether it is one side or the other appeals. I do think that we have done what we can do that it needs to go on to somebody that has the final authority.

Clancy: Michael is right. It doesn't matter. You can review it and we can make it part of the record but the enforcement issue is not going to be resolved. It is not going to be resolved on any level for any question and we can't do anything about that. You are right. How do you enforce that?

Longmire: We do that all the time.

Kane: We require conservation easements. We have things in the use on review that says no disturb area where within that you could have...

Longmire: It still has to be enforced by codes or whatever unless you want to go out and...

Kane: Bigger problem. I think if you provide something besides a private party agreement. I think a private party agreement is very difficult for the neighbors to enforce. We have talked about deed restrictions and how MPC and the government has nothing to do. Can't do anything with regard to private party agreements. I think that until we are able to get something besides private party agreement involved where the government has some stake in it and can represent the community, I think we have got a problem. I am very concerned about that.

Longmire: I don't think that we as a Commission have the ability to require a government to do that. I agree with you. It has been very disconcerting sometimes for us to work really hard and then find out that the enforcement is just not there. I am very sympathetic to this. We do what we can. We put it in our motions. We vote on it; this is what needs to be done. In a perfect world it would be done but some of us are imperfect and that is the best we can do. I am going to ask that we vote on the question to approve per staff recommendation adding an 8th agreement.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 8 5. APPROVED AS MODIFIED.

Longmire: I would like to commend all parties for the work that you have done. There is always appeal to the appropriate authorities. Thank you very much for your civility today. I appreciate it.

57. WORLEY BUILDERS, INC.

8-A-15-UR

East side of Bob Kirby Rd., north of Dutchtown Rd. Proposed use: Duplexes in RA (Low Density Residential) District. Commission District 3.

STAFF RECOMMENDATION: Approve the request for three duplexes with each duplex being on an individual lot as identified on the development plan subject to three conditions.

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

Longmire: And make them really nice because I am working hard to get people to not look at duplexes as bad things. Okay. Not a condition by the way, just asking. Thank you.

Worley: Yes Ma'am. I will do my best. Thank you.

P 58. ED CAMPBELL 8-B-15-UR

West side of Iron Gate Blvd., south of Hardin Valley Rd. Proposed use: Self-service storage facility in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 59. JIM MCMICHAEL SIGNS 8-C-15-UR**

East side of Falling Waters Rd., north of S. Northshore Dr. Proposed use: Wall mounted sign in PC (Planned Commercial) District. Commission District 4.

STAFF RECOMMENDATION: APPROVE the request for an internally illuminated wall sign containing up to 60 sq. ft. as shown on the attached plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

60. LKM PROPERTIES, LP 8-D-15-UR

Southwest side of Clinton Hwy., southeast side of W. Emory Rd. Proposed use: Access driveway and a sign in SC (Shopping Center), SC/F (Shopping Center / Floodway, F (Floodway) & CA (General Business) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for the driveway from Clinton Highway to West Emory Road and the monument sign as shown on the plan subject to 13 conditions.

Jonah Goodfriend: 3704 Holgate Lane in Powell right next to this. We are honestly not true opposition as much as we are curious neighbors because we have no idea what really is going on other than we think this might be a Weigel's that is going in.

Longmire: Ask him.

Goodfriend: Is this a Weigel's going in. We want to know what is coming in next door.

Clancy: Not a cell tower.

Chris Ooten 3100 Weigel Lane. Here on behalf of LKM and Weigel stores. This is a very unique piece of property for us because Mr.

Weigel and Weigel family, we traditionally are not developers. We just build our own stores. This particular piece of property just happens to be a lot bigger than what we normally purchase. I think most everybody knows where we are. We have an old store across the intersection here on Clinton Highway. We are relocating that store across the street. In order to do that we have to increase the intersection. We have to add a red light. We have to get access up to West Emory Road because of the divided median along Clinton Highway to provide access to the store. Because we were forward thinking enough to go ahead and show driveway and show the three lots we went ahead and brought all that to the commission today. The site where we are is zoned CA. We could have I guess effectively just shown the store to the county and gotten a grading permit and put the store in and just gotten entrance permits and such through TDOT and Knox County and not gone through all of this. We felt it was appropriate because part of this property is zoned shopping center to go ahead, show the road, show the access, get through all the big questions about how the property is ultimately going to be developed, and get that out. We have no plans on what's going to happen on the lot on the corner and we would not have any plans on what would be developed on the larger tract between the new road and the subdivision that he and the rest of the neighbors live in. What I would submit is that the shopping center zone requires a 25 foot non disturbance buffer and it requires a 50 foot building setback. Because we don't know what we are doing and because we know we have to resubmit a development plan to the Commission and staff to review we chose to leave a 50 foot buffer between our property and that property line because we just simply don't know what we are doing yet. It would be premature to go ahead and take everything out up to the property line. But because of the severe slope of the property from West Emory down to Clinton Highway and this intersection where we have to build a retaining wall and road up against all that floodway, we have to mass grade the property to get all that to work. So we sent ahead and did everything at one time so the County could be aware of all that was going on because there were a lot of moving parts on this particular piece of property. We certainly will be back with the neighbors and with the planning commission as we come up with the thoughts of what is going to happen on that other lot. When we submitted our traffic impact study we submitted a use of a bank up on the corner and we submitted a use of office and retail mix on the second piece. Quite frankly off of Clinton Highway onto West Emory Road, I am not sure who would want to develop on that lot. We are just having to do a whole lot of work for a Weigel's store.

Longmire: Okay but you will be keeping the neighbors informed?

Ooten: Yes Ma'am.

Longmire: Sir does that answer your question or do you have other questions or comments?

Goodfriend: We want to voice our one main concern and that is that the noise from Clinton Highway is substantial even with this large amount of woods between us. The more you take out of that the louder it is going to get. The more light is going to get through the trees. My bedroom window would be facing Clinton Highway. I am very happy at least 50 feet is there. We would like for more if at all possible. We understand of course Weigel's spent their money on it.

Longmire: That will be addressed at a later time here that you will be informed about that and I am sure they will keep you informed about it. Also light control. There are ways to do that too.

Ooten: I would like to point out too there is a very large piece of property that is a power line easement and floodway that we won't even be touching. There would be looks to me between the road and the subdivision there is about 350 feet separate between the road and subdivision. It looks to me like from West Emory Road down the hill that is probably 300 feet and it looks like there is only one house up against our property line where we would be developing even if we do it down the road. I would hope that there wouldn't be a whole lot of impact if you could give him a contact number in case there are further questions. Would that be helpful to you sir?

Goodfriend: Yes.

Dan Kelly: For the record you stated it was approval subject to 13 conditions. There is a blue sheet recommendation in your package today that has 14 conditions hopefully that is the one you are acting on today.

Longmire: It does say 13 and there are 14 on here. You changed it one place and no another. You tricky little devil.

Kelly: I should have kept my mouth shut.

Longmire: There are 14 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION SUBJECT TO 14 CONDITIONS. MOTION CARRIED 13-0. APPROVED.

P 61. BECKY MASSEY SERTOMA CENTER

8-E-15-UR

North side of McDonald Dr. east side of Avonmouth Rd. Proposed use: Duplex in EN-1 (Established Neighborhood) District. Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **62. HADEN REID** **8-F-15-UR**
West side of Tazewell Pike, north of Fairview Rd. Proposed use: Child day care center expansion in CA (General Business) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a child day care center for up to 92 children in the CA zoning district, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **63. HISTORIC SHERRILL HOUSE** **8-G-15-UR**
South side of Kingston Pike, west of Moss Grove Blvd. Proposed use: Changes to approved development plans in PC-1 (Retail and Office Park) / H-1 (Historic Overlay) (k) & PC-1 (k) District. Council District 2.

STAFF RECOMMENDATION: Approve the revised development plan for an office of approximately 4,000 square feet subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * **64. Consideration of extension of concept plan for Stanfill Subdivision for two years until August 2017 - 8-SC-13-C.** **8-A-15-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **65. Consideration of Report to City Council on alternative financial services and related zoning options.** **8-B-15-OB**

STAFF RECOMMENDATION: The report recommends two options; (1) developing a spacing standard in the zoning ordinance and (2) taking no action.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:15 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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