



Minutes

December 9, 2010

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

The Metropolitan Planning Commission met in regular session on December 9, 2010 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

A	Mr. Robert Anders, Chair Ms. Ursula Bailey Mr. Bart Carey Ms. Laura Cole Mr. Art Clancy Ms. Rachel Craig Mr. George Ewart *, ** Mr. Stan Johnson	Mr. Michael Kane Mr. Nate Kelly Mr. Robert Lobetti Ms. Rebecca Longmire, Vice Chair Mr. Brian Pierce Mr. Jack Sharp Mr. Wes Stowers
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* 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 DECEMBER 9, 2010 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF NOVEMBER 10, 2010 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE JANUARY 13, 2011 MPC MEETING. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.

MOTION (CAREY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENT 60 DAYS AS READ UNTIL THE FEBRUARY 10, 2011 MPC MEETING. MOTION CARRIED 13-0. POSTPONEMENT APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>METROPOLITAN PLANNING COMMISSION</u>	8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Section 4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	
<u>KNOX COUNTY SCHOOLS</u>	1-C-08-SC
Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	
<u>WILSON RITCHIE</u>	3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	
<u>METROPOLITAN PLANNING COMMISSION</u>	6-A-10-SAP
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>METROPOLITAN PLANNING COMMISSION</u>	7-C-10-SP
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u>	
a. Concept Subdivision Plan Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	1-SG-08-C
b. Use On Review Proposed use: Attached residential subdivision in PR (Planned Residential) District.	1-J-08-UR
<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
<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>	
a. Concept Subdivision Plan	4-SC-09-C

Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd.,
Commission District 6.

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

TIPPIT VILLAGE - SITES TO SEE, INC.

a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission
District 6.

b. Use On Review 9-E-10-UR
Proposed use: Detached dwellings in PR (Planned Residential)
District.

HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18 8-SB-08-F
South side of Woodlawn Pike, east of Southwood Drive, Council
District 1.

DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F
South side of Kingston Pike, south of Walker Springs, Council District
2.

HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4 11-SO-08-F
South side of Hardin Valley road between Schaeffer and Iron Gate,
Commission District 6.

LECONTE VISTA 11-SP-08-F
Kelly Lane near intersection of Kodak Road, Commission District 8.

HART PROPERTY 12-SH-08-F
East side of S. Molly Bright Rd, south side of Asheville Hwy.,
Commission District 8.

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

WYRICK PROPERTY 8-SC-09-F
East side of Tazewell Pike, north of E. Emory Rd, Commission
District 8.

BRANDYWINE AT TURKEY CREEK PHASE I 8-SP-10-F
West side of Fretz Road, south of Campbell Station Road,
Commission District 6.

OLIVER A. SMITH
Northeast side Lake Heritage Way, southwest side I-140, southeast of
Westland Dr., Commission District 5.

a. Southwest County Sector Plan Amendment 6-H-06-SP
From LDR (Low Density Residential) to O (Office).
b. Rezoning 6-S-06-RZ

From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

PROPERTIES DIVERSIFIED, INC.

Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.

- a. North County Sector Plan Amendment 8-B-08-SP
From LDR (Low Density Residential) to C (Commercial).
- b. Rezoning 8-E-08-RZ
From RB (General Residential) to CB (Business and Manufacturing).

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

8-O-08-RZ

Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District.

JAMES L. MCCLAIN

Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

- a. Northwest County Sector Plan Amendment 9-A-09-SP
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).
- b. Rezoning 9-A-09-RZ
From A (Agricultural) to CB (Business and Manufacturing).

CLAYTON BANK & TRUST

3-B-10-RZ

Northwest side McIntyre Rd., northeast of Buffat Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

LISA HOSKINS

4-F-08-UR

Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in R-1 (Low Density Residential) & R-2 (General Residential) District. Council District 5.

MIKE ELLIOTT

2-A-10-UR

West side of Arthur St., north side of McGhee Av. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay) District. Council District 6.

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

Sherry Startup, 1509 East Emory Road Ask Item No. 40, be removed from consent.

COMMISSIONER GEORGE EWART RECUSED FROM VOTING ON THE CONSENT LIST.

SCOTT DAVIS. P.O. Box 11315, Asked that 12-SA-10-C Item No. 15 to be removed.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS NO. 15 & 40. MOTION CARRIED 12-0-1.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 15 AND 40. MOTION CARRIED -12-0-1. APPROVED.

Robert Anders: There is obviously a lot of interest on one item on the Hillside and Ridgetop. There are five or six items behind it on the schedule. Commissioners if its okay with you, I would like to move that to the back of the agenda and put it as the last item.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO MOVE ITEM NO. 12 HILLSIDE AND RIDGETOP PRESERVATION PLAN TO THE BACK OF THE AGENDA. MOTION CARRIED 13-0.

Ordinance Amendments:

- * 5. **KNOXVILLE CITY ADMINISTRATION** 12-A-10-OA
Amendment to the City of Knoxville Zoning Ordinance, Article V, Section 6 (D) (5), regarding division of a lot.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

6. **KNOXVILLE CITY COUNCIL** 12-B-10-OA
Amendments to the City of Knoxville Zoning Ordinance, Article IV, Section 2.4.2, regarding changes to regulations in the OS-1 (Open Space Preservation) District.

STAFF RECOMMENDATION: Approve

Mark Donaldson: This request as well as item no. 7 and item no. 36, which will appear later in the rezonings, come at the request of City Council wherein they asked us to take a look at the existing OS-1

Open Space Preservation district and make recommendations on changes to it. And if in our opinion we needed a new zone district for active park and recreation facilities, to propose and recommend a new district. That is item No. 7 which we are proposing to be called OS-1; and then Item No. 36 is a general rezoning of all public parks within the City of Knoxville. Item No. 6 is a set of amendments and new definitions related to the existing OS-1 district which is titled Open Space Preservation. In your packet is a section by section analysis of what we propose and what we propose to stay the same. There are new definitions for community garden, greenway corridor, blueway corridor, conservation open space, recreation open space, and park. And then there is an exhibit which compares the proposed OS-1 text to the current text. Biggest change is applying these new definitions to the permitted uses and the permitted on review. Changing the language primarily dealing with maximum lot coverage which currently uses the phrase manmade structures or features and has a requirement that manmade structures or features may not exceed 5% of the lot area. We are proposing to change that to read as a maximum coverage by impervious surfaces and allow that buildings and other impervious surfaces shall be no more than 5% of the lot or parcel excepting greenway trails, golf cart paths, or small driveways. Driveways less than 12 feet in width are excluded from that calculation. That really is the biggest change that we are proposing other than definitions. In the purpose section, changing the citation to the current Knoxville-Knox County General Plan rather than the Agricultural Forest and Open Space Plan of 1976. With the dimensional requirements, we have rewritten those keeping the same dimensions but rewriting them in a consistent format and a format that we have been using in other zone districts. With that we recommend that the Planning Commission recommend approval to City Council.

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

7. KNOXVILLE CITY COUNCIL

12-C-10-OA

Amendment to the City of Knoxville Zoning Ordinance, Article IV, regarding the addition of a new OS-2 (Park and Open Space) District.

STAFF RECOMMENDATION: Approve the proposed amendments to the City of Knoxville Zoning Ordinance adding new definitions at Article II, as found in Exhibit B, and adding in its entirety Article IV, Section 2.4.3, as found in Exhibit C.

Mark Donaldson: This is the companion piece to the previous item. It is proposing a new zone district for the City called OS-2 Park and Open Space. Its purpose is oriented towards active parks and recreation facilities. When you compare it to the OS-1 list of permitted uses it literally replaces recreation centers with houses, and museums, libraries, public safety facilities or other public facilities for the multi dwelling structures or developments that are allowed in

OS-. The dimensional requirements allow for much more intense development of these parcels because they will have active recreation facilities on them including recreation centers. The biggest change or difference with the OS-1 is that maximum lot coverage is proposed to be 20% compared to 5% in the Open Space Preservation district with a provision that buildings and other impervious surfaces can exceed the 20% with a use on review process to approve a development plan. OS-1 as proposed to be amended is oriented toward passive conservation of open space and OS-2 is oriented towards active parks and recreation facilities. Staff recommends approval as shown in Exhibit C and the definitions shown in Exhibit B.

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

8. KNOXVILLE CITY COUNCIL

12-D-10-OA

Amendment to the City of Knoxville Zoning Ordinance, Article VII, Section 6, regarding the requirement of public notice to property owners in cases of general amendments to the zoning map.

STAFF RECOMMENDATION: Due to its potentially dramatic cost to MPC and its potential deterrence on future general amendments to the zoning map, staff recommends that the planning commission recommend denial of the proposed amendment to the zoning text to require written notice to all property owners and posting of signs on property that is part of a proposed general amendment to the zoning map.

Mark Donaldson: This amendment again comes at the request of City Council. They quite literally had an ordinance amendment on their agenda, it's included in your packet as they had worded it, that would require written notice by first class mail to all property owners within any proposed general rezonings plus the posting of signs on all properties that are not contiguous not in a whole as part of a general rezoning. To put that in perspective, later on Item No. 36 is a general rezoning that includes more than 100 noncontiguous parcels. Had this ordinance been in place, we would have had to post the signs on each of those, some of which are accessible only by boat. Not only post the signs, maintain the signs. We would literally have to buy the signs for this many parcels. The current Zoning Ordinance for the City exempts general rezonings from any mailed notice or posting of signs. The only requirement in the current code for rezonings is publishing in the newspaper. MPC administrative rules for applicant initiated rezonings does have a provision for mailing notice for both the property owners and all property owners adjacent to the property as well as posting of signs. The potential cost to the MPC for actions not of its own choosing could be very dramatic. You could characterize it as an unfunded mandate. We have got coming up in the future some general rezonings regarding the adjustments to the floodway that comes as a recent adoption of new flood maps where

we will be dealing with large numbers of noncontiguous properties. As we discussed at the Tuesday meeting, we provided an alternative recommendation for you to consider; one that recommends the mailing of notice to property owners, but not the posting of signs on the property for a general rezoning. That is included as a blue sheet in your packet and that is an option that you have. Staff recommends denial of this request due to its dramatic costs. Ultimately it could lead us to changing our Administrative Rules and requiring all applicants to pay for mailings and posting of signs which is very common throughout the rest of the county. It's a cost that we have taken on and included in our application fee structure. It is something we could handle under the current code, but the new code would have a dramatic impact on us. So we lay that alternative at your feet and see what you want to do.

COMMISSIONER STAN JOHNSON ARRIVED AT THE MEETING AT THIS TIME.

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

Rachel Craig: I am not in favor of what City Council requested. I am not in favor of sending letters by certified mails or posting signs because it is obviously prohibitively expensive both in terms of money and in staff time. However I think the alternative recommendation that staff has in front of us to just send post cards is something that is doable, isn't cost prohibitive and we really should consider. I think we should give notice where we can, where it is easy, where it is not too hard. So I would be in favor of the alternative recommendation rather than what City Council asked or just flat out not doing anything.

Wes Stowers: I just would echo Commissioner Craig. I think when you do something and people don't know about it that creates lots and lots of problems and expenses down the road. For something that is big enough that is going to affect a wide area somewhere somebody needs to come up with the funding, especially if it is driven by the government itself. I think that City Council needs to address where the money comes from, but I am not for strapping it on MPC.

Bart Carey: With the upcoming flood revisions, what kind of numbers are we talking about on that?

Donaldson: I am not sure, but I am sure it will number in the 1,000's. We want to explore some alternatives to our current method of zoning those a basic zone district and consider an overlay zone district and that would probably involve even more properties. Well it's a lot. The most recent flood maps have changed the boundaries of the floodway and the flood zone fairly dramatically. So it will be a major effort and that effort will be well publicized as we proceed through it.

Clancy: If we want to submit an alternative amendment, do we not need to deny this one first.

Donaldson: Not necessarily. You could chose either of those two actions by denying this and having the alternative in the packet, you literally are considering it and passing it on to Council so that they can choose without having to send anything back.

CLANCY WITHDREW HIS MOTION FOR RACHEL TO MAKE A SUBSTITUTE MOTION.

Craig: I was going to make a substitute motion, but if he has withdrawn his then it won't be a substitute.

Longmire: Somewhere along the line people have to take responsibility for informing themselves. We have a multi, or multiplicity, I suppose, of media in this area, newspapers, radio, television, internet. The MPC has a wonder web site. I think people are going to have to pay attention to the world around them and take responsibility for knowing when something is going on in their neighborhoods. I know just as clearly as anything we could send 10,000 postcards and there would be people who would never read the postcard. I just feel very strongly that if we use the media available, that it should not be necessary to have mass mailings and mass signs. I think I am sure you can correct me Mr. Wise, but to have some sort of legal announcement, it just has to be published in the newspaper available to everyone. This to me, the newspaper has done such a good job with Hillside and with many of the other things we have dealt with. MPC is very often in the news. Sometimes people have to take some responsibility for their own actions.

Craig: First of all let me make it clear that I agree 100% with everything Commissioner Longmire just said. I think we have a difference between rezoning and plans, in my mind. When we are actually going to rezone someone's property, I think sending a postcard is the reasonable thing to do. I feel very differently about the way we handle plans. I will completely agree with you when we talk about plans, but in terms of this rezoning I am going to make a motion that we.

MOTION (CRAIG) AND SECOND (CLANCY) WERE MADE TO RECOMMEND MAIL NOTICE BY POSTCARD TO ALL PROPERTY OWNERS SUBJECT TO THE PROPOSED GENERAL AMENDMENT OF THE ZONING MAP, BUT NOT THE POSTING OF THE PROPERTY AND THAT THE AMENDMENTS TO ARTICLE 7, SECTION 6.B, AS PROPOSED IN EXHIBIT A BE APPROVED.

Nate Kelly: I think like most of us I am all for public notification on a wide variety of issues, most particularly rezonings. The question is about cost and who pays. Pretty clearly even if we go with this alternative that has been but before us, the bottom line cost for the

Planning Commission will increase even if we are just talking about postcards. In supporting this we would essentially be voluntarily taking on additional costs for which we have no promise for support down the road. I don't think that it is a good idea for us to unilaterally take on additional costs before there is some promise for support coming from whatever entity. I think it would make sense if there is another governmental entity that is proposing that that government entity take on the costs; if it is a private entity that they take on the costs. I don't think the right thing to do is to increase our bottom line costs when it hard enough for us to get funding for what we do here. While I am very supportive of the concept of notification, I am troubled by the implications that this has for who pays for these things. I don't think I will be supporting.

Robert Anders: You would be in favor of the applicant bearing, whoever that applicant may be, governmental agency or private individual.

Nate Kelly: Yea, I think that makes sense. Sometimes that would be us in fact when we are initiating things. That is perfectly reasonable. If we are initiating something, we should pay for it. I think that is a very reasonable idea, but if we are not initiating I don't think we should be bearing that cost.

Anders: I agree with you.

Michael Kane: Is there a way to have a recommendation to City Council that includes something about the funding? Is that appropriate or is this... is that appropriate?

Donaldson: Their proposal was specific to amending the zoning ordinance. There was in fact discussion when they considered this at Council about who should pay. I am hopeful that that discussion will continue when it comes back to them. But ultimately we have the ability through our Administrative Rules to create rules that dictates who pays for various activities. We have it within our own means to deal with that if we want.

Kane: Of course, they could always provide the funding if they want to right.

Donaldson: If they initiate a general rezoning, then the legislative body would become the applicant.

Kane: We basically would force them to do that.

Upon roll call the Planning Commission voted as follows:

Carey	No
Clancy	Yes
Cole	No
Craig	Yes
Ewart	Yes

Johnson	No
Kane	Yes
Kelly	No
Lobetti	Yes
Longmire	No
Pierce	Yes
Sharp	No
Stowers	Yes
Anders	No

MOTION FAILED 7-7.

Clancy: I supported it because like Mark says they do have the authority within MPC to assign an applicant therefore a fee. That's how we get, when you go out and post signs and send out postcards, the fee you charge the applicant helps offset those expenses. If City Council or County Commission initiates a rezoning or a, and it needs to be notified, even if it is the floodway thing, you need to figure out how many people are being affected and how many postcards you are going to send and tell them this is a fairly large application that affects quite a few parcels of property his is the fee. It can be just exactly what it is going to cost you. You don't have to make money off it. You can offset your expenses that way. I agree what Commissioner Kelly ways, but I think there is a way. With this alternative recommendation to City Council I feel like there still is a way to get funds for the work and stuff we have to do for that. That's why I support it.

Anders: I am not trying to speak for everybody that voted no. The reason I voted no was I would rather clear it up right now. I am fine with the alternative recommendation, as long as we add that the cost of notification is born by the applicant. I have no problem with the postcard and I think it is a good idea. I just want to get that cleared up a little bit.

Clancy: I think that already exists.

Donaldson: It does not. We could amend our rules to make that provision. The current rules do not state that. So we bear the entire costs currently.

Anders: I think almost everybody that voted here was pretty close on the same thing. It is that little thing.

Clancy: Our rules don't state the applicant pays a fee?

Donaldson: They pay a fee, but that fee is the same regardless of the size of the application, well there are some thresholds. We currently have an ordinance that exempts general rezonings from that provision.

Kelly: I think we have fees. Our fees are just too low if we are going to take on this cost of sending these things out. I really don't think

anybody that voted yes or no is going very far apart on this substantively. To me I think we ought to really initiate the Administrative Rules change first before we go ahead and do this. Honestly I could see us approving this and coming back a bit later and having a discussion about changing fees and raising fees and then the context of that discussion becomes oh well we are charging people too much. Even if these end up being all government entities, they won't necessarily be all government entities and we will be talking about oh now we are raising fees and that is a problem. Our expenses are too much already. We have had these conversations before, so I would like to get us committed to changing the administrative rules before we go and take on additional costs.

Stowers: I don't want to come up with something that would arbitrarily put the cost on anybody at any time, but we are talking about something that doesn't happen often. Postcard telling someone where to go on a web site to identify if their property is affected, I think once every 5 years. When this thing happens it should be born by the entity that starts it, meaning the government entity in this case. I wonder if Commissioner Craig would accept and an amendment to her motion to put that wording on it.

Craig: Well I would, but we already defeated that motion. So I guess we need a new one.

Stowers: Would you make a motion with that on it?

Anders: Commissioner Stowers you are open to make a motion.

MOTION (STOWERS) AND SECOND (CLANCY) WERE MADE TO ACCEPT THE ALTERNATIVE AS STATED WITH ADDITIONAL WORDING THAT THE ENTITY REQUIRING THE REZONING PAY FOR IT.

Craig: I just have a question. If we pass this Mr. Donaldson, then obviously we would have to change the administrative rules.

Donaldson: It depends. We are making a recommendation on an amendment to the zoning text. So City Council ultimately has the authority to amend the code. They could take your recommendation and write into their amendment that in cases of a general rezoning, the City shall pay if it is initiated by City Council, or something like that. Your recommendation could in fact become codified. But not necessarily. I am hopeful that once they discover that they are simply passing what could be a significant cost burden onto us, that they will reconsider their motion and have a discussion about who should pay before they act on amending the ordinance.

Craig: I guess my question is, if we pass Commissioner Stowers' motion and if City Council then accepted that, would we need to change our Administrative Rules and how would we go about doing that?

Donaldson: We would bring that to the Commission as an amendment to our Administrative Rules.

Ewart: How many cards or signs does one get with the fee they pay right now?

Donaldson: It depends. Some of them are, have a lot of parcels around them within 200 feet in addition to the parcel that's being considered to be rezoned. But generally they are numbered in the tens. We have had within the past several years some general rezonings, particularly to the old R-1EN which is now EN-1 where we mailed out more than a 1,000 cards.

Ewart Is there anyway that we could have it that certain zones or certain types of rezonings that this applies to?

Donaldson: This as proposed applies only to what are called general amendments to the ...

Ewart: We are not talking about just going out and rezoning a piece of property, that is included in the actual fee. It is just for large tracts correct?

Donaldson: Well that is opposed to applicant initiated rezonings of their own property. One of our rules is that the property owner has to be involved in the application to rezone except for City Council, the Mayor and the Planning Commission.

Clancy: Does it make sense to deny right now. Come back next month with a proposal that changes the Administrative Rules and a proposal that contains the language of the alternate proposal that you sent out? Where if we deny right now is it dead or. It seems to me like, I know this kind of ties along with the open space amendments that we have done. It seems to me if we are going to make recommendations we could get the wording correct and get it taken care of. Or we could postpone.

Donaldson: There is a possibility that after reading the report from the Planning Commission City Council doesn't act on their proposed amendment. So it may be a moot point. All that state law requires is that all amendments to the code be considered by the Planning Commission and a report be provided to Council prior to the Council acting on it.

Clancy: It seems to put our best recommendation forward even though it may be 30 days later. It seems to me that wisdom could be had by waiting 30 days and putting together something that would address the issue of who pays for it and give them more clearly a recommendation of what we feel like is acceptable and workable and something that we would not have a split vote on.

Donaldson: We could prepare proposed amendments to the MPC's Administrative Rules and Procedures and adopt them contingent upon City Council acting the way that they have proposed. We could put that together as a package. They would then see that there is an implication to what their action is that bears on us. That is not a bad idea.

Clancy: We could postpone it rather than deny it. We would accomplish the same thing. Commissioner Craig is right we need to put, we need to do something with it, but we don't absolutely have to do something with it today. I think we step back and maybe come up with a little better plan that everybody is on board with. Give it to them, rather than giving them something. But I mean there is a motion on the floor and we have to do something with it.

Stowers: I like what I hear there. I would be willing to withdraw my motion.

CLANCY AND STOWERS WITHDREW THEIR MOTION.

Kane: Just an observation on the rezonings that we have for OS-1 and OS-2 that there would be a little over 30 postcards that would have to be sent out for those. Just an immediate example.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO POSTPONE UNTIL THE JANUARY 13, 2011 MEETING.

MOTION CARRIED 14-0. POSTPONED UNTIL JANUARY 13, 2011.

Craig: I was just going to ask if you could add to that motion that we postpone and ask staff to prepare the language changing the zoning code and changing the Administrative Rules. Would you accept that change to your motion?

Clancy: If it makes you happy Rachel. I told them that is what we wanted them to do. So that is the purpose for postponing, but if it makes you happy I will amend my motion as stated.

Anders: Mr. Donaldson is nodding his head that he fully understands.

Donaldson: I was about to say that I understand that you want us to...

* 9. **KNOXVILLE CITY ADMINISTRATION**

12-E-10-OA

Amendment to the City of Knoxville Zoning Ordinance, Article V, Section 7, minimum off-street parking, access and driveway requirements, regarding parking and driveways in the front yard, the provision of accessible parking spaces and driveway and curb cut dimensions.

STAFF RECOMMENDATION: Approve the proposed amendments to the City of Knoxville Zoning Ordinance as shown in Exhibit A.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 10. **METROPOLITAN PLANNING COMMISSION**

12-F-10-OA

Amendments to the Knox County Zoning Ordinance, Article 3, Section 3.30, definitions, and related sections, regarding side yard setbacks on corner lots.

STAFF RECOMMENDATION: Approve the proposed amendments to the Knox County Zoning Ordinance as shown in Exhibits A and B.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

None

Street or Subdivision Name Changes:

* 11. **UNIVERSITY OF TENNESSEE MEDICAL CENTER**

12-A-10-SNC

Change unnamed street to 'Medical Center Way' between Cherokee Trail and approximately 1500' north of Cherokee Trail along existing driveway, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

12. **METROPOLITAN PLANNING COMMISSION**

12-A-09-SAP

Hillside and Ridgetop Protection Plan.

THIS ITEM WAS MOVED TO THE END OF THE AGENDA EARLIER IN THE MEETING.

* 13. **KNOXVILLE CITY COUNCIL**

12-A-10-SAP

Amendment to the Knoxville Knox County Park, Recreation and Greenways Plan initiated by resolution of the City Council to correct language at page 9 and correct a map designation at page 43.

STAFF RECOMMENDATION: Approve corrections to page 9 and 43 of the Plan.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

P 14. **BRANDYWINE AT TURKEY CREEK**

11-SA-10-C

West side of Fretz Rd., southwest of N. Campbell Station Rd.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

15. HAMPSON COURT

12-SA-10-C

Northwest side of Nubbin Ridge Rd., west of Hampson Ln.,
Commission District 4.

STAFF RECOMMENDATION: Approve the Concept Plan for up to 13 detached residential lots and a reduction of the peripheral setback along Nubbin Ridge Rd. to 20 feet, subject to 7 conditions.

Scott Davis, P. O. Box 111315, 37939

I appreciate your alls time and will try to make this brief. This original concept for this predates the vast majority of you' all here that started in 2005. This is property located just west of Morrell Road on Nubbin Ridge. If any of you all have been down through there, this is where the old sharp double S curve was the road. If you have been through there recently, the new road has now been put in. When I began the process in 2005 the concept plan that I submitted, the Knox County Engineering asked me to postpone that because the county wanted to put in the new road and straighten road out. So I agreed to do that. There was negotiated conditions during that time with Engineering and Public Works in what I was will to do and what the County was going to do. I agreed to donate the land to the County whereby the County could put in the new road basically splitting my property into. I submitted a revised concept plan back in 2006 which was approved. That concept plan, because of what I had done and because of the contribution I made to the County by donating that land and they did pay some of the other property owners for the land. I never asked for compensation for that. As part of the whole process and it was barely inside the parental responsibility zone, I was not at that time required to put in sidewalks. We have now come back because the concept plan is expiring and the road was slightly changed, we changed our access which I think everybody would agree is a better access than coming off Nubbin Ridge in the curve. Now I am being asked to put in sidewalks. I understand your alls' desires to put in sidewalks on plans that come before you. This plan was approved in 2006, the first plan was submitted in 2005 and was approved in 2006. After I have come back for a resubmittal, I am being asked to do something that was not required to do on the original concept plan. All I am requesting, and I agree with everything here, all I am requesting is that I am allowed to adhere to the rules that I had originally with the original concept plan which is not to put in sidewalks. The property is zoned it is about 5,000 or 4,000 some feet from Rocky Hill School goes along Nubbin Ridge Road. There are no sidewalks between the property and Morrell Road. I don't think there is ever any anticipation of putting sidewalks up that part of Nubbin Ridge. That is all I am requesting is an amendment to this taking out the sidewalks as was originally approved.

Becky Longmire: Sidewalks. It is one sidewalk. A sidewalk on one side of the road I think is what the staff recommends. It is a sidewalk located on the east side of the joint permanent easement. And you are in the parental responsibility zone. It is something that we are trying very hard to make standard. I understand why you would not want to put it in, but at the same time it has been shown time and time again that a sidewalk in a development adds to the quality of the development. To put it in in the very beginning causes so much less disruption. I think that saying there wouldn't be a sidewalk on Nubbin Ridge or anywhere else, I think that we are swinging toward more sidewalks. I think I am known as the sidewalk queen as a matter of fact. When you are in a parental responsibility zone, no I don't say that out loud, the parental responsibility zone, I think it is really essentially that you have a sidewalk. I appreciate your concerns.

Davis: In all due respect if you go back and look at the history and creation of the parental responsibility zone you may recall that buses at one time refused to go pick up kids in subdivisions. That was a very brief history of our time, our bus service. The parental responsibility zone was created in that little small brief period of time and then the buses agreed to go back into the subdivisions to pick up kids. But the parental responsibility zone was never eliminated.. All I am requesting is that I am allowed to have my plan approved like it was originally approved. If not, I think I have, I think I am owed for the property that I donated to the County in the same fair and reasonable value that they gave to the other property owners which I did not agree to demand.

Longmire: I think you may be mistaken about the subdivisions sir because there are several subdivisions in my area that the bus stops at the entrance of the subdivision. It does not go back.

Davis: But the term parental responsibility zone was created during that short window of our public school bus history.

Longmire: The fact that the children still have to walk on the road to catch the bus is why we have sidewalks. For the safety. But I understand your predicament.

Cole: Mr. Wise. Are we treading on any troubled legal waters with the change that Mr. Davis is referring to?

Steve Wise No

Brechko: Just one point. We had this discussion with Mr. Davis at our development review meeting. The revised plans that we got back in from his surveyor added the sidewalk in, showed it. We just put in a condition changing the side of the street it was shown on. But they gave us revised plans that showed the sidewalk in there.

Scott: Yes because we were requested to do. It was my understanding I would come. I was requested to do so at the staff meeting and then I would come back here and request that it could be removed.

Clancy: That corner was a death trap. Mr. Davis I appreciate the fact that you donated the land to straighten the road out there. That probably saved more lives than that sidewalk ever will. I am sorry, but I am going to go ahead and make motion that we approve the concept plan.

MOTION (CLANCY) AND SECOND (EWART) WAS MADE TO APPROVE STAFF RECOMMENDATION REMOVING CONDITION 3.

Kane: I know this is a weird detail. What is the width of the road, this cul-de-sac? It is not that may lots. It is a very small subdivision. What is the width of the road?

Davis: 40 foot right of way with 18 foot..

Brechko: 22 foot of pavement there.

Carey: If Becky is the sidewalk queen, I am not sure if I am the sidewalk king. I am very familiar with this stretch. I drive through there all the time. The new road is going to be an improvement. I love the idea of sidewalks especially when they can connect to other sidewalks. The safety factor gained by having sidewalks in this small subdivision, a cul-de-sac subdivision, to me are minimal. I can drive down Nubbins Ridge and pretty much promise you that not in our lifetime will we see sidewalks down that road going towards the school. It is just one lot after the next. It would be a me... a huge undertaking that is never going to happen. For that reason I think the sidewalk in this case is unnecessary.

Donaldson: Keep in mind that condition No. 3 simply moves the sidewalk from one side of the easement to the other. You may want to make a motion that removes the requirement for a sidewalk all together.

Craig: Two things. One is I am sympathetic to a certain degree to the fact that this sidewalk would not connect to other sidewalks, but as I have said before if we accept that argument every time somebody doesn't want to build a sidewalk, we will never have sidewalks that connect to anything. We have to start some place. Second, this is within the parental responsibility zone where we are supposed to require sidewalks. So I will be voting against Commissioner Clancy's motion and I guess I am the sidewalk princess.

Clancy: I would like to amend my motion to state that we **EXCLUDE THE REQUIREMENT FOR SIDEWALKS.**

Ewart: Second that amendment.

Anders: So the **MOTION IS TO APPROVE SUBJECT TO 6 CONDITIONS NOTING THAT THE REQUIREMENT FOR SIDEWALKS IS REMOVED ALTOGETHER.**

Upon roll call the Planning Commission voted as follows:

Carey: Yes

Clancy Yes

Cole: No

Craig: No

Ewart: Yes

Johnson Yes

Kane No

Kelly Yes

Lobetti Yes

Longmire No

Pierce Yes

Sharp Yes

Stowers Yes

Anders No

MOTION CARRIED 9-5. APPROVED AS AMENDED.

* 16. **VILLAS @ TYLER'S GATE - TC & B DEVELOPMENT**

a. **Concept Subdivision Plan**

12-SB-10-C

Northeast side of Heiskell Rd., northwest of Copeland Dr.,
Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-9 and the concept plan subject to 5 conditions..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* b. **USE ON REVIEW**

12-E-10-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 26 detached residential lots subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

17. **WORLEY BUILDERS FRANCIS ROAD - WORLEY BUILDERS, INC.**

a. **Concept Subdivision Plan**

12-SC-10-C

West side of Francis Rd., west of Francis Station Rd., Council District 3.

STAFF RECOMMENDATION: Approve variances 1 & 2, Deny variance 3 and Approve the concept plan subject to 14 conditions.

Ron Worley, 8015 Majors Road. Thank you for taking time to consider this matter. I would like to address all the royalty of the sidewalks and say first thing that I am going to put sidewalks in. I wanted to clarify that. I sent out an email yesterday and I am not sure if everybody received it. I think I tried to articulate all my thoughts in this and would just like to read it. Although MPC staff is recommending approval of the concept plan and use on review, there is a variance request we are asking for, which Knoxville City Engineering is recommending to be denied. In layman's terms, Knoxville City Engineering requires, in my situation, that the proposed road intersection maintain a 25' radius at the property corner. In order to meet all other requirements, the road must be located as it is proposed. In order to maintain a 25' radius at the property corner, we would have to purchase a very small portion of the adjoining property (79 s.f. to be exact, see attached drawing). The major problem with that, is that the adjoining property has a mortgage on it, and the mortgagor would have to agree to release that portion of the mortgagees property. This is not likely, and would cause time delays which would cause us to abandon this proposed development. Please know that the actual road itself will have a 25' radius as required. We are only requesting the variance for the actual property corner. For all practical purposes, after the proposed road is built, the road itself would function according to the radius requirements. It is my understanding the City's concern is, if they ever bring a sidewalk down Francis Road, they would not have enough room to tie this future Francis Road sidewalk to the new proposed sidewalk which I will be installing within the proposed development. To improve the existing intersection, I have already agreed, per MPC's recommendation, to build the neighboring house a new driveway which would enter from the back of their property from our new proposed road. This will eliminate any congestion, or other problems. I would like to emphasize that we do have a 50' R.O.W., and are operating within this 50' R.O.W. Also, if Francis Road is ever widened, and the City does decide to extend a Francis Road sidewalk to tie into my proposed sidewalk, my engineer believes they would have to condemn property to successfully accomplish this. That would just simply not make sense. David Harbin, my engineer with Batson, Himes, Norvell and Poe, has had this same variance request approved many times over many years. This is not an unusual request. I am asking that you would please consider approving this variance request. If this variance is not approved at this meeting, I will not be able to proceed with this proposed development. I have personally given Brenda Palmer, City Council Representative for this district, a tour of this proposed development, as well as showed her our similar successful development down the street. She is hopeful that this development will be approved, and thinks it will be an asset to this area. As of Wednesday, December 8th, Mrs. Palmer is not aware of any opposition to this proposed development. The house currently located on this subject property is dilapidated, and this proposed development would improve the current situation. The current economic climate has been challenging for us all, myself included.

However, we have been blessed to have experienced some degree of success at The Village at Chesterfield, not far down the street. Our intentions are to build a similar community here on Francis Road. This would provide much needed work for our company, suppliers, subcontractors, engineers and many others if this variance is approved. Thank you for your consideration in this matter.

Robert Anders: Before we go to Commission, Mr. McGinley would you enlighten us a little.

David McGinley, City Engineering: The variance he is requesting is for the right of way there. The engineering department's concern has to do with the clear zone and safety standards there. The property corner comes within a few feet of the pavement. If they chose to build a retaining walk or some other impedance to the roadway it could pose a danger to the road travelers there. This is an issue but I don't think that is the main concern. There is also a variance for a broke back curve and on down for a horizontal curve. We are trying to look at each request individually and try to request or recommend approval for one that won't impose any safety hazards.

Wes Stowers: Just right now is there any... I have driven out there and looked at it. I don't see there is no retaining wall there. It's unlikely that property is going to, someone build a retaining wall there.

McGinley: Maybe not a retaining wall, but they could build a fence or another wall or something else. Also the road that they have proposed comes in at a skew angle rather than lining up with the road directly across from it. I think that has some negative effects as well.

Stowers: To me it looks like they have done everything they can with the parcel they have to put in the best possible use of that property other than it just stays empty and....

McGinley: There are other ways to develop that property without making it a public road. Or they can purchase the radius.

Stowers: How are you going to purchase property that is in foreclosure?

McGinley: I am not aware of the state of that property.

Stowers: I didn't mean foreclosure that has a mortgage on it that is... I think this is something that has been given variance to in the past. It's .. when you compare it to the other property that they developed down the road, I think they dotted their eyes and crossed their t's. Really the only fundamental thing is if they ever build a sidewalk on Francis Road they will have to do something with that particular parcel if that person has an objection. That will be a long time I think before a sidewalk goes on Francis Road

McGinley: I don't think the sidewalk is the Engineering Department's concern. I think it is maintaining a clear zone and the safety standards for the road safety.

Stowers: Only if the existing parcel built something that is not there.

McGinley: Plants a tree. I am just saying that the city doesn't have control of clear zone and safety standards that they normally would require.

Worley: Would that clear zone, I might ask the question. Would that clear zone fall within the right of way of Frances Road or are you talking about on the actual property itself. If it is on the property would that actually be an issue?

McGinley: It would be the property corner itself. Yea.

Michael Kane: I am just trying to think of a solution here. Is this the only design for the road. I can't be moved so that it doesn't involve this corner?

Worley: In order to meet all the other requirements with the intersection, it is my understanding, I might just pass this on to a professional.

David Harbin, 4334 Papermill Drive. Commissioner Kane if you look across the street there is Francis Station Road. We are trying to get the alignment so where is not a skew there. That is designed to keep those facing each other at that intersection. That necessitated moving the road down slightly from the center of the right of way. Right now as designed I have got 7 or 8 feet from the edge of the pavement to the property corner of Mr. McKinnon (inaudible).

Kane: It is less safe to move the road essentially so it doesn't align or almost align with Francis Station Road?

Harbin: Absolutely for something that may or may not be built there.

Dan Kelly: The situation would be where it is right now the, Francis Station and proposed road line up. If they push the road to the north, which would allow them to obtain their 25 foot property line radius, at that point they have an offset to an intersection and would need a variance in order to be able to do that. Either way they design the project they are going to need a variance. If you want to or if the decision is that the corner radius should be put in place or the only way that it could be considered would be the applicant I presume could approach Mr. McKinnon with the idea of obtaining a site distance easement across his property. That may or may not make it palatable for the engineering department, but at this point without having at least an easement is what Mr. McGinley is saying that the site plan with that corner would not be adequate.

Harbin: Sight distance is fine. It is not a sight distance issue. I have got sight distance in the right of way. It's basically the clear zone the Engineering Department wants to the edge of the road I do have adequate sight distance there.

Art Clancy: Seems like we have seen this same thing about a half dozen times. The big problem here is that the road is skewed. Is that engineering?

McGinley: It definitely adds to the problems, yes.

Clancy: Seems like it is skewed the way it helps the problem out. I am not an engineer.

McGinley: Well like David said I don't think the sight distance issue, I think it is a clear zone issue. Making sure that you have enough clear zone so that there is not immovable objects that are traffic hazards.

Clancy: I have had situations where people built fences on their property that obscured the right of way from an intersection and the city made them come down and take the fence down to a 4 foot fence. You have that jurisdiction, but you don't here? If somebody planted a tree and it obviously caused a safety issue you would knock on the guys door and say look you can't put that tree there where you can't see.

McGinley: There are regulations for fences and how high they can be and more specifically where they can be located, but I don't know... It is more difficult to regulate where somebody can plant a tree.

Anders: We always talk about how much trouble we have with enforcement.

Clancy: The sidewalk thing I don't think is an issue. I guess engineering doesn't think it is that big a deal either. I feel like we have approved variances on this a dozen times before since I have been here. I think it better that the road be lines up with Francis Station Road and have one corner of it not meet the radius. It does have radius and it has sight distance. I do not see a good reason not to go ahead and approve the third variance. I don't see any reason to deny the third variance.

Laura Cole: I am really concerned that we would base a decision like this that deals with safety and public welfare on we've always done it this way in the past. It may be funny to you, but we don't have a good record when it comes to enforcing something. When Engineering says that strongly that they think it should be denied, well then I am going to support it. I am going to support staff's recommendation as it is written.

Worley: Can I have clarity on, and I am not sure I got everything, but Dan had mentioned the sight easement as a potential, but its not a distance a sight distance issue. I just want to clarify again. Ask the question for clarity. Is it a sight distance or is it not a sight distance issue?

McGinley: If they certify their sight distance, then I don't believe the sight distance is the problem. I believe it is the clear zone issue that we are talking about.

Worley: I don't understand what is a clear zone. Can you please define it for my lack of knowledge.

McGinley: ASHTO Green book, which is basically your traffic safety handbook, requests that you have 10 feet of clear space so you don't have an immovable object there for traffic to hit.

Worley: How many feet do we have approximately?

Harbin About 7 or 8 feet there off the side. The road that I am building is coming up to a stop sign anyway right there. Not changing anything along Francis Road. It has been there for years. Not changing anything right there. So.

George Ewart: It appears to me, maybe I don't know if Mr. Harbin or Mr. McGinley wants to respond to this, but it looks like where the common area is that there has been some taking of right of way. Is that correct?

Harbin: The only taking of right of way is what Mr. Worley has agreed to do with this plat.

Ewart: 30 feet off the center line of the road at that point, there is no right of way that has been taken by the City.

Harbin: The actual taking will take place when we record the plat.

Ewart: I understand. But in this plan right here you have designed it to have them take right of way. Is that correct? Harbin: That's correct. Ewart: And then the property that is across the street where the one story house is, there is no right of way being taken there because nothing is being done there. Harbin: That's correct. Ewart: But if we did a 25 foot radius if you purchased a 25 foot radius or easement from these people, would there then be property taken away on right of way then? Maybe Mr. McGinley.

McGinley: Without a variance request they would have to meet the major road plan.

Ewart: So somebody that they really don't, I mean they are not involved in this process per say other than giving up a

McGinley: If they requested a variance I would think that the Engineering Department would support that. Support not taking the right of way.

Ewart: If they got 79 square feet from the property, you would not make the people that owned the house give right of way up correct?

McGinley: We would support that variance, yes.

Kane: Just want to make sure I understand. We have a driveway that is being relocated. So the current property owner has agreed to the relocation of the property. The concern is that the mortgage company would not agree to the subdivision of this property to eliminate 79 square feet. Contact has been made or is it just a fear?

Worley: There has not been clarify on the contact. I have talked to the property owner about that. He has pursued that, but does not have an exact answer. Really that is where it is right now. My fear is with what little bit I know about real estate law is that they are going to have to give him, without getting into his finances, they are going to have to release that. In this particular situation, I don't see that taking place.

Kane: No amount of money would essentially allow that to happen.

Worley: Based on my knowledge of the situation, again without getting personal, I don't think that would take place.

Bart Carey: Before today I was not really familiar with this clear zone situation. A couple of things jump out at me. I was just shaded in that little triangle, 79 square feet and looking on how that is functioning on this map here. Our fear is somebody could put a pine tree there or some immovable object, any kind of tree. It is not so much it blocks vision line but it's an immovable object. Is the driveway Mr. Worley for sure going to be moved around the corner? Is that an absolute?

Worley: Yes sir. MPC recommended that and we conceded along with other things doing the sidewalk. I have talked to the property owner. He will allow me to move his driveway to help. If you do look directly behind the one story brick home, you can see it says proposed driveway which we would build off the new proposed road.

Carey: That is a huge improvement. Maybe it was conditional on you doing that. I don't know. To me that is so much more important that that driveway, that somebody is not backing out into the intersection. Even if that little triangle was released and you did have an easement or you owned it, someone could still plant a pine tree right on that line and pine tree would grow right out into that same space. I don't know if we are splitting hairs, but to me the likelihood of that, I think we are dealing with what's the long shot worst case possibility and somebody comes and puts a concrete post

there that someone might run into one day. That's probably not going to happen using common sense and reality. I think I could support, especially with the fact that you are moving the driveway and getting it out of the intersection. That to me is an improvement that far offsets that 79 square feet.

Stowers: I just want to echo what Commissioner Carey said. We are dealing with something that is extremely unlikely and in fact the plan itself improves the situation with the driveway. They have a 25 foot radius. There are no obstructions there. There is good sight distance. I am ready to make a motion that we approve all variances.

MOTION (STOWERS) AND SECOND (CLANCY) WERE MADE TO APPROVE ALL 3 VARIANCES.

Clancy: Mr. Harbin, why did you align up with Francis Station Road?

Harbin: From a safety standpoint it is much better to have two intersections, two roads across from each other to be lined up to where you are not offset. The worst thing to do is offset it 7 or 8 feet where you are facing oncoming traffic from the other way. You really get a game of chicken there when they try to pull out. By far the safer situation here is to vary the property line radius right there and have an intersection to line up.

Clancy: Is there anything in the ASHTO Green Book that tells you you have to do that?

Harbin: I think what the ASHTO book they have minimum intersection spacing and other than that they say to stay away from it. They don't, I don't remember off top of my head for local streets what the intersection spacing would be.

Craig: Just so Commissioner Cole does not feel like the loan range, I just want to say that I agree with her that if engineering is as concerned as they seem to be about the safety factor, then I am loath to question their judgment and go against them. I will not be supporting the motion on the floor.

Clancy: Just for the record, my decision to support or not support would not be because we have always done it in the past. I am hard pressed to disagree with City Engineering. That is not my intention is to just go along with something because we have always done it. I think there is a lot of merit in the plan. I think it addresses more safety issues than it causes. I feel like that's a good use of the piece of property and I think the engineer has done a really good job trying to make as safe an intersection as possible. That would be why I would support or not support.

Longmire: I too support the motion. I think the safety issue of having the roads aligned is much more important than the possibility

of having something planted there. There is nothing there now. I don't see someone getting a sudden impulse to put a huge pine tree up. I feel like that right now this is definitely the best solution. I would support the motion.

MOTION CARRIED 12-2 (COLE & CRAIG). VARIANCES APPROVED.

MOTION (STOWERS) AND SECOND (LOBETTI) WERE MADE TO APPROVE CONCEPT PLAN AS RECOMMENDED BY STAFF

Anders: Let's add to that approve the concept plan **SUBJECT TO 14 CONDITIONS.**

Dan Kelly: One of the conditions talks about the corner radius, condition No. 1. So you may want to eliminate condition no. 1 since you have approved the variance already.

Stowers: Thank you **WITH ELIMINATION OF CONDITION NO. 1.**

Anders: So the motion and second is **APPROVE THE CONCEPT PLAN SUBJECT TO 13 CONDITIONS WITH THE ELIMINATION OF CONDITION NO. 1. MOTION CARRIED 12-2 (COLE & CRAIG). APPROVED.**

b. USE ON REVIEW

12-A-10-UR

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

STAFF RECOMMENDATION: Approve the request for up to 25 detached dwellings on individual lots subject to 1 condition.

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

Final Subdivisions:

- * 18. **STEVE & ELIZABETH CARDWELL PROPERTY** **10-SA-10-F**
Nickle Rd, 1100' northwest of Pleasant Ridge Rd, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 19. **MARY HERRELL PROPERTY AND PART OF THE JIM DAVIS PROPERTY** **12-SA-10-F**
Southeast side of East Raccoon Valley Rd, northeast of Heiskell Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 20. **JAMES R CARDWELL S/D**

12-SB-10-F

Southeast side of E Emory Rd, east of Dixon Springs Lane, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 21. **SWAN FAMILY LIMITED PARTNERSHIP S/D REPLAT**

12-SC-10-F

Southeast quadrant of Dutchtown Rd and Cogdill Rd intersection, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 22. **LEROY K AND FRANCES ALLISON PROPERTY**

12-SD-10-F

South side of Thorn Grove Pike, west of Flint Gap Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

23. **Withdrawn prior to public notice**

12-SE-10-F

24. **Number not assigned**

12-SF-10-F

* 25. **THE OFFICES AT SAINT ANDREWS**

12-SG-10-F

Terminus of E Walker Springs Lane, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 26. **JACKSON ARMATURE**

12-SH-10-F

South quadrant of S. Gay St and W. Jackson Ave., Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 27. **THE VILLAS AT TYLER'S GATE**

12-SI-10-F

Northeast side of Heiskell Rd, northwest of Copeland Dr., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 28. **SILVER LEAF PHASE I**

12-SJ-10-F

Southwest intersection of Skyline Dr and James Rd, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 29. **DAVID AND GLENDA WELLS PROPERTY RESUBDIVISION OF LOT 2**

12-SK-10-F

Southwest side of Catlett Rd, northwest of Gilbert Dr., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 30. **COVENTRY CREEK LLC PROPERTY RESUBDIVISION OF LOT 1R1 AND HAWKINS ESTATES LOT 1**

12-SL-10-F

Northwest side of Washington Pike, southeast side of McCampbell Dr., Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezonings and Plan Amendment/Rezonings:

31. **CAD PROPERTIES (REFERRED BACK BY CITY COUNCIL)**

10-A-10-RZ

Northwest side Tazewell Pike, northeast of Smithwood Rd., Council District 4. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services) or O-3 (Office Park) as requested by City Council.

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

Lisa Byrd, 5235 Bent River Boulevard. No there is not. There is no opposition to O-3. We are asking for O-3. After meeting with Nick Delevope, a City Council member, on Monday and some of the members of Fountain City Town Hall Monday, we decided that in the best interest for everyone that O-3 is acceptable to all parties. I appreciate your time in the last meeting. We are asking for O-3. Sorry I misunderstood you.

Mike Brusseau: We prefer O-1. O-3 is a zone that is generally better suited to larger properties. O-3 is called office park. It is intended to be for multiple offices in a campus like setting. But that being said, either O-1 or O-3 are consistent with the plan. If the request was

for O-3, I can't say we would necessarily recommend deny of it. O-1 is a better suited zone for this particular property as well as the fact that there is O-1 all around it as well as R-2 zoning which O-1 zoning allows R-2 development also. I don't think we have any particular issue with it if they have agreed to O-3.

Craig: Do you have any opinion about if, there is no O-3 close to this, do you any opinion about if we rezone this O-3 rather than O-1 if we will get other requests for O-3. Or is that just a complete unknown?

Brusseau: I would say you are more likely to get requests for O-1 because O-1 is a little more permissive as far as the uses that are allowed and there is a significant precedent of O-1 out there. There is one property that was zoned O-3. I am not sure what the history on that is. It is down the road on the opposite side of Tazewell Pike. Similar size property also.

Art Clancy: I am prepared to make a motion. I have got one questions before I do. How many times do we have to recommend this to approve O-1 to City Council where it doesn't come back?

Donaldson: It came back to us only because with the original application we did not consider O-3. And State law says that in order to amend the zoning map the Council must have the Planning Commission consider an action. Since we didn't discuss O-3 at all, the application was for O-1. Our recommendation was for O-1. Now that that is on the table, the only other office option is O-2 and I don't think we will get that.

Clancy: That being said. I know that O-3 is trying to get everybody in the neighborhood to work with them and all that. I really feel like the size of the property dictates that it should be O-1. I think O-3, like Michael said; it is for a larger piece of property.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION TO O-1.

Becky Longmire: I would like to point out that our petition that we have in our file, the neighborhood supports O-1 rezoning also.

Charlotte Davis, 104 Crawford Road, I am here to represent Fountain City Town Hall. To give you a little bit of background on this rezoning request, in August of this year Doctor and Ms Byrd, at their request, met with Fountain City Town Hall Board and presented their desire to have their medical property on Tazewell Pike rezoned from R-2 to O-1. Their stated reason for this request was to have more flexibility in the types of offices that are permitted in an O-1 zone. This was their only given reason at that time. At this meeting the applicant told Fountain City Town Hall Board that MPC had advised them to meet with Town Hall so that Town Hall could identify any conditions for the rezoning. At a later

board meeting members came up certain conditions designed to remove incompatible uses allowed in the O-1 zone such as private clubs and halfway houses. These conditions were presented to Dr. and Ms. Byrd. On November 4th Councilman Delevope met with reps from Fountain City Town Hall and Dr. and Ms. Byrd. The conditions were discussed and there was disagreement about some of them based on the fact that an agreement could not be met regarding the proposed conditions and also on the fact that conditions connected to rezoning had not really been tested in the City. It is Fountain City Town Hall's opinion that the O-3 zone best accomplishes the stated goals of all parties while providing the necessary protection in the neighborhood. There is O-3 zoning across the street. Another concern is that Dr. and Ms. Byrd own the lot immediately behind the property on Tazewell Pike. The second lot is zoned R-2 and has a house on it. The only access to this lot is through the lot on Tazewell Pike. Without any public hearing the two lots could be combined. A reason why it is important to very carefully chose the proper zoning on this lot which is adjacent to a very viable neighborhood. These are the reasons that we ask your support for an O-3 rezoning.

Jamie Rowe 4215 Tazewell Pike with the Tazewell Pike-Beverly Station Neighborhood Coalition. The applicants are requesting a rezoning from R-2 to Office. In 2007 application was made to rezone this same property to O-1 and the rezoning was denied by City Council. The applicants came to a recent town Hall Board meeting and said that they were seeking rezoning in order to have more flexibility. We understand that economic times are such that it would be advantageous to the applicant to have additional options and we are willing to compromise. Our neighborhood is concerned that many uses that interfere with the integrity of the neighborhood with regard to increased traffic, noise and other issues. Even in the MPC staff report, MPC acknowledges the impact on the street system would depend on the type of development proposed. What makes this property unique is as Ms. Davis said, another lot zoned R-2 adjoins the property. Access is through the property you are discussing. Therefore these uses must be considered more carefully. We ask MPC to consider the O-3 zone. As you can see on the map, there is O-3 on a smaller piece of property diagonally across the street. The O-3 zone is the only office zone that actually uses the term transition zone. O-3 is a transitional zone that offers many office uses and other uses while limiting more intrusive uses that we find objectionable. There is no size regulation within the O-3. In other words, the O-3 would be a win-win solution for the owners in the neighborhood. SUBMITTED A COPY FOR RECORD.

Kane: I would like to respond to Commissioner Clancy's statement about the size of the parcel regarding it being an office park. I do agree with that in general. But I would say that precedent in recent cases; we have a property This 'n That on Middlebrook Pike that was proposed by this Commission as C-6 Commercial Park which is a much smaller piece of property and City Council I think has voted

in favor on that limiting the amount of items that could be displayed near the building. I agree with your concept. I think this is a case where we have had other precedents and if both the applicant and these neighborhood organizations have come to agreement, then I think we should support it.

**MOTION CARRIED 9-5 (Cole, Kane, Anders, Longmire, ?)
O-1 APPROVED.**

* 32. **TENNESSEE LAND INVESTMENT PROPERTIES, LLC
(REVISED)**

Northeast side Pelham Rd., east of Rutledge Pike, Council District 6.

a. East City Sector Plan Amendment

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

10-B-10-SP

STAFF RECOMMENDATION: Adopt Resolution 10-B-10-SP amending the East City Sector Plan to LI (Light Industrial) and recommend City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. One Year Plan Amendment**

From MDR (Medium Density Residential) to LI (Light Industrial).

10-C-10-PA

STAFF RECOMMENDATION: Approve LI (Light Industrial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **c. Rezoning**

From R-2 (General Residential) and I-3 (General Industrial) to C-6 (General Commercial Park).

10-D-10-RZ

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 33. **PARNELL C. POWELL, JR.**

Southeast side Oak Ridge Hwy., east of Karns Crossing Ln., Commission District 6. Rezoning from A (Agricultural) to CB (Business and Manufacturing).

12-A-10-RZ

STAFF RECOMMENDATION: Approve CB (Business & Manufacturing).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 34. **ROY L. AND MARIAN JO HAUN, JR.**

Southeast side N. Ruggles Ferry Pike, southwest of N. Wooddale Rd., Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

12-B-10-RZ

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 35. **CEDAR SPRINGS PRESBYTERIAN CHURCH**

12-C-10-RZ

South side Brandon Rd., west side Clearfield Rd., south of Kingston Pike, Commission District 5. Rezoning from RAE (Exclusive Residential) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

36. **KNOXVILLE CITY COUNCIL**

12-D-10-RZ

Park locations city-wide. Rezoning from Various zones to OS-1 (Open Space Preservation) or newly created zone.

STAFF RECOMMENDATION: Approve OS-1 and OS-2 rezoning for park locations noted on Exhibit A.

Mark Donaldson: This item has been referred back to us by City Council with their accompanying request to consider amendments to the OS-1 district and possible creation of a new district which were items 6 and 7 on this agenda. This is a general rezoning of all public parks. We have in the staff report created a master list of all park lands accessible to the public within the City. I think we discovered some parks that no one knew existed before or at least forgotten about. In analyzing them we tried to, keep in mind that we have previously made a recommendation on those parks that met the, that we recommended for the old OS-1 zone district. So if the proposed amendments to OS-1 and the new OS-2 don't go through, then we kind of fall back to that recommendation. We've tried to break down all of the public park lands in the City and analyze them as to what parks met the proposed amended OS-1 zone district and which parks met the proposed new OS-2 zone district. We also have a collection of parks that we recommend retain their current zoning for various reasons. We have tried to break them down into City owned parks, parks owned by other entities, parks currently zoned OS-1 that should stay OS-1, parks currently zoned OS-1 that should be rezoned to OS-2, parks that are zoned other than OS-1 that should be zoned OS-1. I have a long list here. We included parcels that contain recreation centers operated by the City. In doing the analysis we discovered many parks that are owned by entities other than the City. That may come into play when the City Council actually gets down to rezoning them. We have several parks that are owned by private individuals that are operated under agreements by the City but the ownership has remained private ownership. Perhaps the parks that we aren't recommending to change their zoning is where we should focus. We have identified the parks that are in the downtown area: Krutch Park, Market Square, World's Fair Park and Volunteer Landing Park.

They have a variety of zoning districts that kind of match their current land uses; and we think they should stay in place. There are many commercial activities that actually take place within these parks and rezoning them to either OS-1 or OS-2 would make those uses illegal. There are two parks out near Badgett Road: Badgett Road Park No. 2 and Park No. 3 that are currently zoned F-1, which is the Floodway zone. We recommend throughout that any F-1 zoning remain in place. We don't want to replace that with either the OS-1 or the OS-2. Probably the most controversial or the most discretionary recommendation involves Lakeshore Park. We've broken the Lakeshore Park property which is entirely owned by the City now into two different segments: one that we are recommending for OS-2 and the other where most all of the buildings are and where there is still much civic and office activity retain its O-2 zoning until such a time as buildings begin to be removed and converted to park space. There is still a lot of activity in the area. I am not sure if it is all related to the mental health institute or not. Driving through yesterday it appeared that many of the parking lots were full and people were streaming in and out of the building. It's an area that we tried to describe to capture all of the existing structures, parking lots. We recommend that that remain as O-2 zoning which is our civic and institution zone district. Exhibit A is documentation of current zoning and proposed zoning for each of these groups of parks that we have created. Our recommendation is that the Planning Commission recommend to City Council that they rezone parks in the City as shown as Exhibit A.

Clancy: I would like to thank staff for their meticulous and somewhat exhaustive gathering of information that went into this agenda item.

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

Rachel Craig: I want to offer an amendment to this. My amendment has to do with on Page 4, Park Lands To Remain Zoned As Is, Market Square has an H-1 overlay on it and that was omitted from this table. I know the motion is not to change that zoning, but to make Exhibit A totally correct I would like to make motion that we include H-1 both in current and proposed zoning for Market Square.

MOTION AMENDED TO SHOW H-1 OVERLAY ON MARKET SQUARE. MOTION CARRIED 14-0. APPROVED.

- * 37. **BROWNING CAPITAL AND INVESTMENT CORP.**

12-E-10-RZ

Northwest side Foust Dr., southwest of Mascot Rd., Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review:

W 38. T-MOBILE SOUTH LLC

10-G-10-UR

North side of Dante Road, west of Dry Gap Pike. Proposed use: 220' Lattice Telecommunications Tower in CB (Business and Manufacturing) District. Commission District 7.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

P 39. BRETT HONEYCUTT

11-A-10-UR

(2-10-11) North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC (Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

40. JAMIE HICKS

11-D-10-UR

North side of E. Emory Rd., west of Norman Jack Ln. Proposed use: Veterinary clinic in A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request for a veterinarian clinic at this location as shown on the site plan subject to 9 conditions.

Dan Kelly: She left. This was an item that on the consent list and she took it off. I talked with her after that. The issue she had was a matter that needed to be discussed with the Board of Zoning Appeals and not the Planning Commission. She asked that the plan be approved as recommended.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMENDATION. MOTION CARRIED 14-0. APPROVED.

41. W & L PROPERTIES, LLC

12-B-10-UR

Northwest side of Lovell Rd., southwest side of Centerpoint Bv. Proposed use: Convenience store in PC (Planned Commercial) & TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a convenience store containing 3,990 sq. ft. with gasoline pumps as shown on the site plan subject to 11 conditions.

COMMISSIONER BRIAN PIERCE RECUSED FROM DISCUSSION OR VOTING ON THIS MATTER.

Arthur Seymour Jr. Mr. Bill Weigel and Sherry Foust are here on this issue. I hope everyone received a letter that I emailed out

yesterday. We are in agreement with staff recommendation with the request that there be a minor modification of condition no. 5. If you look at this piece of property, it is a couple of acres. It is at the intersection or located between Yarnell Road, Centerpoint Boulevard fronting on Lovell Road. Lovell Road is presently under construction. It is a TDOT project. The store will not be built until that is finished. There will be another lot created after the Weigels is built and it will be to the east and it will have an entrance on Centerpoint Drive. Condition 5 says before a certificate of occupancy can be issued for the Weigels store, that a sidewalk be built along Centerpoint Drive. We are not asking that the sidewalk not be built. We are simply asking that the requirement that the sidewalk be built come upon completion of the second construction on this site. Our construction manager says if we go ahead and put the sidewalk along Centerpoint Drive in now he will get to build it twice because construction equipment would destroy it during the building of the second facility on this site. The State is building a sidewalk on Lovell Road. Weigels is building it along the new Yarnell Road. We are simply asking that the building of the sidewalk along Centerpoint Boulevard be postponed until development of the second facility on this site. That can be ensured because of it being in a Development Corporation business park it requires their approval. It requires approval of the Tennessee Tech Corridor Development Authority, which has already occurred on this site as well as MPC use on review. The sidewalk that will be built on Centerpoint at this time does not connect to anything in the Centerpoint development. It would come to a stop at the next lot. We are simply, for those who are in favor of sidewalks, not asking that it be not built, but simply that the construction be deferred so we don't have to build it twice.

Becky Longmire: I think that sounds imminently sensible. One doesn't want to drive heavy equipment over a sidewalk. Your word is bond sir that the sidewalk will be built.

Art Clancy: Whatever comes on the other piece of that parcel, will it come under our review. I know it comes under the Corridor's review, but as long as we have that.

Dan Kelly: Yes, the property is zoned planned commercial. It would require use on review approval.

Clancy: As long as we have that his word doesn't have to be....

Anders: You don't feel like we need to just take no. 5 and just add onto the back of that?

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION ADDING TO CONDITION 5 REMOVING THE CONDITION OF OCCUPANCY PERMIT AND THE SIDEWALK.

Craig: Mr. Kelly. Does staff see any problems with altering that condition?

Kelly: The sidewalk was shown on the plan. We are recommending approval of what they showed on the plan. Again, we are the ones that requested they put it on there and they put it on the plat. So therefore that's why we requested that they go ahead and build the thing. The property when it does develop, if it develops, will come through this Commission. There will be a condition for approval at that time. The primary reason the staff asked for the extension of the sidewalk to that portion of the property is if you have been out to Centerpoint there is an extensive walking trail system in Centerpoint. It doesn't seem to matter anytime of day that you are out there, there appears to be people walking in that business park. You are about one and one half lots removed from the end of this sidewalk to that walking trail. So hopefully at some time a pedestrian connection could be made between those two points. Mr. Weigel may very well have pedestrian traffic coming to the store.

Clancy: Which would be in his best interest to finish it if something, if the rest of the site was going to lag behind in development, it would be in Mr. Weigels best interest to put the sidewalk in even if he has to tear it up just to get the pedestrian traffic inside.

Anders: I just want to clarify. I know the motion is to approve per the 11 conditions with what modification to number 5?

Clancy: Let's just say with the removal of condition no. 5.Removal of "prior to obtaining occupancy"

Rachel Craig: Actually could we use Mr. Seymour's language from his letter which says the sidewalk would be built at time Phase II of the remainder of the site is developed?

Anders: I like that much better.

Kelly: I thin that would clarify particularly for the engineering department and those who are required to enforce the conditions of approval of this use on review. It would clarify the fact as to when the sidewalk is to be built. Right now if you don't specifically address it and it is still showing up their plan, there would always be the question do you have to do it now or later.

Clancy amended motion as read in by Rachel Craig:

MOTION TO APPROVE THE REQUEST FOR A CONVENIENCE STORE CONTAINING 39000 SQUARE FEET WITH GASOLINE PUMPS AS SHOWN IN THE SITE PLAN SUBJECT TO 11 CONDITIONS WITH CONDITION NO. 5 BEING CHANGED TO CONSTRUCTION OF THE SIDEWALK ALONG CENTERPOINT

**BOULEVARD AT THE TIME PHASE II OR THE REMAINDER OF
THE SITE IS DEVELOPED.**

MOTION CARRIED 13-0-1. APPROVED.

42. FALCONNIER DESIGN CO.

12-C-10-UR

West side of Washington Pike, south side of McCampbell Dr. Proposed use: Church, assisted living and master sign plan in SC-1 (Neighborhood Shopping Center) & RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the development plan for a church, an 84 unit assisted living facility and a master signage plan for the Arlington Place development, subject to 8 conditions.

COMMISSIONER JACK SHARP RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Damon Falconnier 4622 Chambliss Avenue, Knoxville.

Tom Brechko: You received a blue sheet staff report today that had two revised conditions. The first one was regarding the requirement of a left turn lane in Washington Pike at the subdivision entrance. That has been revised to require that left turn lane at the time of the second phase of the church development unless the city's road improvement project is completed, then it would not be required. The other condition was No. 3 which dealt with access to McCampbell Drive. We previously required that it be paved to 20 feet. That has been revised to allow that access to McCampbell Drive without any pavement improvements for the first phase of the church and for the assisted living with a condition that there be a gated entrance that would be controlled by a key card or other similar device and that on Sundays for a period of 4 hours during the morning church services that the gate could remain open. All other times it would remain closed. The pavement requirement to a 20 foot pavement width would come with Phase II of the church development. Those are the two changes made from your previous report. Staff is recommending approval of that change.

Kevin Murphy, 4508 Murphy Road

Mr. Falconnier and members of the church met with the neighborhood about 3 weeks ago. We did have a productive discussion and the neighborhood is in favor of the church and planned assisted residential development. We got an excellent review from Nathan Benditz and John Hunter on the city's proposed transportation improvements and we understand what the plan is there. We are okay with that. We did not discuss the signage when we were at that meeting and that is just one concern we are looking at today. It's a 300 square foot shopping center sign 36 feet tall. I am trying to imagine how tall that is on the wall over there. It is pretty high. It is directly across the street from a residential area. If I read the City zoning ordinance correct, it talks about lighting. I

can't tell if it is direct or indirect that's allow and I can't tell from the sign plan that was submitted what is going to be proposed. It just says the light can't shine on the adjacent residential property which is directly across the two-lane street from it. Might be prudent to think of a condition that deals with the lighting intensity of the sign. I would say a 300 sq. ft. sign is pretty large. We have not had an opportunity to really discuss this with the church. I just wanted to bring that up. Thank you.

Falconnier. What we proposed on that sign is a 36 foot tall sign. The ordinance allows us to make it 50, so we are well below what the maximum size for that could be. At this time we don't know if it is going to be internal or external. Of course it would be whatever the ordinance would permit us to do. The lighting of the sign would be per the ordinance whatever the ordinance would allow us to do. My feeling is it would probably be some kind of internal illumination, but I don't know right off the top of my head if that is permitted in the ordinance.

Anders: Is that what you were referring to Mr. Murphy the lighting of the sign? Yes. Okay I didn't know if there was anything else out there.

Rachel Craig: Mr. Brechko can you give us a quick summary of what the lighting what the ordinance says about the lighting for this particular sign.

Tom Brechko: I cannot. I am not sure exactly what that lighting standard is with the City. The mast sign plan though does in allowing a, in a sense, an off premise sign for identification of businesses within this overall development that may not be located on the parcel where the sign is located. It has a provision in there that you cannot obtain any variances from the sign standard. So actually there is a little benefit to being in a master sign program. The maximum square shown would be there to allow identification of the different tenants there and depending on what occurs on the commercial property that may be limited and there may actually be less square footage. I don't have the ordinance and would be guessing on the lighting requirements.

Donaldson: I am looking at the master sign, is this a master sign plan? It actually requires plans including sign illumination. So at some point it needs to be declared and that point would be now I suspect. It is something that needs to be decided as we approve this. Simply punting it down the road doesn't work

Michael Kane: I was wondering if that is the case especially since that has been brought up by a community member whether or not a postponement may be in order to allow the applicant to make a full proposal in accordance with the requirements.

Lisa Starbuck: 6233 Babelay Road, Knoxville. We do support the church and their efforts to locate on this property. This property is part of the property that was originally owned by Victor Jernigan and the community cooperated with them to get it rezoned. And then after his plans fell through there were a lot of concerns about what would happen to the property because we had allowed some commercial to go into a residential area that wasn't neighborhood commercial, it was shopping center. This is part of the property that the church is actually working on right now I echo Kevin's concerns about the sign because this is again in a residential area on a two lane road. This is a large sign. I think they do need some signage there, but I question whether we really need a sign this big considering that this is really just for a church at this point. There may or may not ever be any other commercial development that occurs on the other pieces of property that are adjacent to it which is what I think they say they are planning for. The property has some real constraints. One of reasons that this property was done the way that it was was that Mr. Jernigan had a unified plan that was to kind of merge together all of these commercial properties so they could avoid things like the head of Loves Creek which is on this property and some other issues that restrict what can really go on the property in spite of the zoning. I think that while I certainly don't want to put a kink in the church's plan and don't want to start off on a bad note with them, I think the sign is something that we did not, I was at that meeting that Kevin was referring to and we really didn't talk about that. But one thing that I was very encouraged to hear is that the church did assure us that they would work closely with the neighborhood in making sure that any of our concerns were addressed. Perhaps a postponement is might be the thing to do.

Art Clancy: Doesn't condition 5 address signage issues? Am I missing something here? Subject to the 8 conditions. Let's see number 5, all signage for the development is subject to approval by the Planning Commission staff and the Knoxville sign inspector. They will use whatever the ordinance is to base their approval or non approval.

Donaldson: I can't, the only thing I can find in the ordinance right now is that it says no illuminated sign shall be permitted within 100 feet of property in any residential district unless the illumination of the sign is so designed that it does not shine or reflect light upon such property. So you could do that several ways. You could do it internally and it wouldn't shine upon the property or you could be very careful about the external illumination on the sign and not shine it so. Punting it to the general requirements doesn't state what you are doing; it just states what you can't do.

Anders: Mr. Falconnier would you have a problem with postponing this thing for 30 days?

Falconnier: Yes, we could not postpone. What we will do we will meet with the neighborhood and work to an amicable solution for the church and the neighborhood.

Michael Kane: Just a point of clarification. I know we have had in the last several months people come and change their master sign plan and we had to approve that. If I recall correctly that was Market Place maybe on Kingston Pike or somewhere along there. I am curious to see how that situation had to come back to Commission and we have this other situation where it is based upon Planning Commission staff and Knoxville Sign Inspector. I just, there is an apparent inconsistency there.

Dan Kelly: The Market Place situation Commissioner Kane was, they did not have a master signage plan. They were dividing the property creating some lots in there that previously it had all been on one piece of property. Therefore in order to avoid having off premise signs they had to come through and get approval of a master signage plan. That is what happened at Market Place.

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

Longmire: Mr. Kelly perhaps you can remember too we deal with a sign at the new Walmart Center on at Halls on Norris Freeway. We had to have... do you remember that?

Brechko: It wasn't part of a master sign plan. That is in the County, but there was an illumination issue regarding distance that they had to obtain a variance on through the Board of Zoning Appeals.

Longmire: I am not so concerned about the height of the sign because it is a hill side. I do understand why the sign needs to be tall. I am concerned about the lighting. Although I will say that the night lighting in the subdivisions and at the convenience store at the corner of Murphy Road could probably outshine anything you all do. I do think that the lighting does need to be addressed.

Clancy: Mr. Falconnier, did you say you would support a postponement?

Falconnier: No. We cannot postpone. This particular property is with the bank and they have to close before the end of the month. This has to be a ...

Clancy: That is what I thought. I remember last month. This isn't something that is not timely because we had people that wanted it postponed.

Kane: I understood. I just assumed that that part had been taken care of and then this... I apologize.

Craig: I want to be sure I understand what Mr. Donaldson said about the master sign plan. Is the master sign plan supposed to be part of this use on review package?

Brechko: A master sign plan is required to go through the use on review process.

Craig: Okay, do we have a master sign plan here?

Brechko: Yes we do except for the fact that the lighting is not addressed as a part of that.

Craig: So we sort of have an incomplete master sign plan?

Brechko: Unless there is a statement or condition added as to how that lighting will be done.

Craig: I just wanted to clarify exactly where we were.

Dan Kelly: If there is no specified condition placed on the sign, it would at that point fall back to the general standards that Mark read to you about the illumination residential zone not directed onto the property.

Carey: Which would in turn be obtained by either internal lighting or very pinpoint external lighting. Is that correct? Maybe that's not the only options. If we could get you together with the neighborhood on some agreement right now, we can put this to bed. Go ahead Ms. Starbuck.

Starbuck: If I could just say, we are fine with working with the church. If they can't do a postponement, we would prefer it just go ahead and go through because we do want this project to happen. We will take them at their word that they will work with us.

Carey: That's great neighbors. That's what we love to see.

Anders: Mr. Kane would you agree to...

Kane: Yes, I want to rescind my motion.

Clancy: Great I will make a motion.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE DEVELOPMENT PLAN FOR A CHURCH AND 84 UNIT ASSISTED LIVING FACILITY AND A MASTER SIGNAGE PLAN FOR THE ARLINGTON PLACE DEVELOPMENT SUBJECT TO THE 8 CONDITIONS WITH THE ADDITIONAL LANGUAGE ON CONDITION NO. 3 AS PER STAFF RECOMMENDATION. MOTION CARRIED 13-0-1. APPROVED.

Anders: I want to note that next time that we have a situation where developers and neighborhoods don't seem to work together we can realize that it does happen every now and then. I appreciate it and appreciate you guys working together. It makes our jobs a lot easier.

* 43. **FAITH PROMISE CHURCH**

12-D-10-UR

South side of Faith Promise Ln., northeast side of Pellissippi Pkwy. Proposed use: Church and parking expansion in BP (Business and Technology) & TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for the church expansion as shown on the development plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

12. **METROPOLITAN PLANNING COMMISSION**

12-A-09-SAP

Hillside and Ridgetop Protection Plan.

STAFF RECOMMENDATION: Approve with recommended changes.

Robert Anders: Alright we have two agenda items left and obviously the one the majority of you all are here for is the Hillside and Ridgetop Protection Plan. Let me just frame this debate a little bit today. Obviously we have had numerous public meetings. MPC itself, we discussed at the last two meetings. A lot of great input. We want to hear the input. We have had a lot of great input from staff and from Commissioners and we have come back and we have made some changes and I think we are getting closer on this thing. But I do want to stay focused. I really do. The way we are going to handle this is I am going to go to Mark and Mark is going to make a few comments and then staff is going to make a brief presentation and then we will go to the floor. I wanted to announce this up front because what we are going to do is extend the debate time for both sides, sides that are in favor and opposed, to 10 minutes. So please coordinate so that we can get this done in 10 minutes each. It is not that we are trying to curb conversation or debate, but we have heard a lot of sides of this thing. I am afraid if we are not careful we will just hear the same ones over and over again. I know there is a lot of passion in this and we want to hear it. I know that those in favor have talked and coordinated a little bit. I didn't get a chance to talk to some of the folks here that are opposed, so if you would please kind of put your heads together while this presentation is being done and figure out how you guys want to present what you want to talk about. Is that acceptable to Commission?

Clancy: Yes it is.

Mark Donaldson: Thank you Mr. Chair. As you mentioned we have had a formal public hearing last month as well as fairly extensive discussion amongst the Commissioners from which staff was able to

derive a list of issues that needed to be further discussed and dealt with. We did that at a work session last week. In your packet is a memo from staff providing a little background on the recent history and recommended changes and additions to language regarding medium density residential and office uses within the area that we are calling 15 to 25% slope, some provisions for and criteria for plan amendments in the creation of special districts for office and commercial uses, some amended language regarding commercial and industrial uses, amended language regarding stream buffer proposals and a summary of incentives that we are proposing be added to the plan as appendix H. In the work session and in Tuesday's agenda review we were able to go over much of this. At the Commission's request, Tim is here to go through his presentation on the creation of the model and how it might work on some example properties. Commission felt that the public may gain a little knowledge from this discussion. So I will turn it over to Tim and we have got it up on the screen.

Tim Kuhn: GIS manager with MPC. We had some additional slides that were shown in the previous workshop that went through the model delineation. I think some of the feedback that we got at the agenda review, the feedback that we got there that we probably should just focus on the proposed planned residential rezoning procedures and the slope analysis procedures that we would be doing under this new plan. So we are just going to skip to that part of it. I will show you, there are three items on this slide, I will show you a little bit more in detail item one where we talked about the way we are breaking down the slopes on the site. But the second point is there are density bonuses that will be given for conservation of land within the hillside preservation area under certain situations. The second is that this new framework for establishing density also includes a site disturbance budget that is set by this slope analysis procedure that we are going to show you. I should probably say for people who are just diving right into this, when there is a planned residential when there is rezoning to a planned residential zone the Metropolitan Planning Commission staff make a recommendation on density and the procedures that we show here are an example of how that is exactly done. We are going to provide an example. It's just a sample parcel. It could be anywhere in the County. But we are going to show you in detail how the actual process works. So this is our existing density framework. When we do a slope analysis on a parcel to try to establish what the density would be, we break the parcel down into three components. It component subclasses 0 to 15%, 15 to 25% and over 25%. The 0-15% slopes are assigned just kind of what the planned zone is what the base zone is compatible with the surrounding zones. In slopes 15 to 25% it is a maximum of 2 dwelling units per acre. In slopes over 25% it is a maximum of 0.5 dwelling units per acre. Our sample parcel that we are going to be working is going to be in the urban growth boundary which is the third column there. I am sorry it is in the planned growth area that is why I have it highlighted in red.

Clancy: Tim, excuse me. This is how we do it now?

Kuhn: This is how we do it now. This is the proposed framework. Highlighted in the third column again the planned growth area. We are adding two additional classes. We are breaking down the greater than 25% slopes. So we are adding a class for 25 to 40%. We are adding a class for 40 to 50% and we are adding a class for over 50%. The two 1 to 15 and 15 to 25% categories are unchanged from the previous framework. In the new framework 25 to 40% gets 0.5 dwelling units per acre, 40 to 50% 0.25 dwelling units per acre and no credits for land over 50% slopes. The far right column is maximum disturbance. So in 0 to 15% it is 100% disturbance allowed and then it just kind of wraps itself down as the slopes get steeper. We are going to look at a parcel in east Knox County. We will just go through a couple of slides to show you about that parcel and how it is situated. The parcel is forested in the front and also in the rear. It is kind of, it has got some pasture lands on some fairly gentle slopes in the middle of the parcel. The overall acreage of the parcel is 190 acres. It is currently zoned Agricultural. Again this is just a sample parcel that we are going to show this calculation on. It is currently zoned Agricultural and under this scenario we are going to be looking at a rezoning to a planned residential zone. It has PR 1-3 units per acre to the east and that is going to be the basis for our recommendation in this example. This is hill shading showing the parcel and what its topography looks like. Again

Craig: Tim wait just a minute. Is there anyway we can turn some of these lights out so that is easier to see for the audience?

Kuhn: There is the aerial photography again. 190 acres of the parcel, I am sorry 190 acres, 109 of it has woodland forest on it. The zoning map again. The hill shade we want to highlight two things. One is I am going to use the laser pointer up here on the screen. One is kind of a ravine and gully area in the front where there is going to be some slope. The majority of the slopes are on the back of the parcel which is drainage into the Holston River. Finally here is the slope breakdown of the parcel. So it has got some very significant slopes along the back of the parcel going down into the river. And then some kind of ridge type features and hillside features and gullies that compose the remainder of the parcel. We are going to do 2 scenarios here. What we are going to do is assume a rezoning to 3 dwelling units per acre. And then that will be the base zoning that we are going to use. Two scenarios. One is that we are going to try to use density bonuses to.... In one scenario we use the density bonuses. That is scenario 2 where we use 10% of the units. If you conserve the entire hillside or conserve some portions of the hillside area, you can transfer units out of those into the non hillside portion. When you do that and get credit for those units and you also get a 10% bonus on top of that. The second type of bonus that is allowed is a 20% bonus density if you provide a conservation easement and provide for public access. Then we will

also do one that is a more traditional subdivision example that doesn't, the subdivision it doesn't take advantage of the bonus framework that has been proposed. The area highlighted in orange now is the proposed hillside and protection area. We haven't talked a lot about that, but this is the area where the density framework would apply, where the incentives would apply and where the kind of variances that reduce road right of way, those types of incentives, could be taken advantage of inside the hillside and ridgeline protection Area. Under this first scenario we are just going to do a traditional kind of subdivision that will not do conservation inside the hillside and ridgeline protection area. So the first step in doing that is to determine how much land is inside and how much land is outside the hillside protection area. So in this example we have on the front part of the site anything that inside the magenta line that is not in the orange totals up to about 106 acres, I can't read it from here, 103 acres. So that is 103 acres in the back part of the site. The area inside the hillside protection area is 86 acres, 87 acres. So the area, the first step in doing this is to take the area that's sloped 0 to 15%, that totals 103 acres, and assign a base density to it. That's total of, that's 3 dwelling units per acre. Then its multiplication 103 times 3 provides you 310 units and a maximum disturbance of 100% inside that area. So this is typical of a very large subdivision. The second step in determining the density for the parcel is do a slope analysis for the back, for the hillside and ridgeline protection area. In this case it is the area at the back of the parcel. Here we take the 87 acres that is in the back of the parcel and we break it down into its components, into the slope groups. We can see 0 to 15, 15 to 25 and so on. We total up the amount of acreage in each of those categories. So 0 to 15 has 20 acres of slope, 15 to 25% has 29 acres of slope and so on so you can move on down there. In the fifth column where it says maximum density, that's our density framework showing up there now. So it's 3 dwelling units per acre and then kind of rationing down as the slopes become more steep. It's the same multiplication that's used. So the total acreage of the slopes in that category times the maximum allowed density yields dwelling units. So in the case of 15 to 25%, 29 acres times 2 dwelling units per acre is about a total of 58 units. In the far category, let's sum up the dwelling units. If you do that math for all five of these slope classes, for the 87 acres you would be allowed a total of 132 units. The disturbance area is kind of calculated using that same framework. So 100% disturbance in 0 to 15% slopes. So 20 acres you have 20 acres of disturbance area. Half 50% disturbance on 15 to 25% slopes. So 29 acres yields roughly about 14 ½ acres of disturbance on those slopes. You add up that total you get about 38.9 acres of disturbance budget that you are allowed to work with in preparing the site. That's about 45% of the total area of the hillside and ridgeline protection area. The 100% disturbance area is outside the... Here is how we take the non-hillside dwelling units and add those to 132 units that yields 442 units on 190 acres. So 442 divided by 190, over all site density of 3.2 dwelling units per acre. In the second scenario what we can do is a very similar exercise, but the end product as far as the units that

end up on the ground is quite different. In this scenario we will be talking about using the bonus density framework to transfer units that are inside the hillside and ridgetop protection area out into the front half of the parcel in the non hillside areas and then receive bonus for providing conservation of the hillside area. The steps are the essentially the same, Calculate the 310 units for the areas outside the hillside and ridgetop protection area at 3 dwelling units per acre, the same as the first scenario. Actually the calculation for determining the amount of units that can be transferred outside the hillside and ridgetop protection area is the same ad determining how many can be put inside it. So you yield 132 units. Same thing; same amount. The difference comes in applying the bonus units to the units that were transferred by providing conservation. So in this case the site density is determined by adding up the non hillside dwelling units plus the units that are being transferred outside of the hillside protection area and adding bonus units. In this case the bonus units is 10% for providing conservation easement on the, where the 132 units would have been back in the first scenario. By conserving that you can get a 10% bonus density. That would give you 132 times .1 is 13 units. So an additional 13 units could be added to the front half of the site. That yields a total of 455 units on 190 acres. So by utilizing the bonuses you have increased the density from 2.32 to 2.29 and added a few more units along the way. The second scenario you could also provide public access to that conservation easement through a trail system or some sort of other means of letting people access that back half of that site for recreational purposes. That is a 20% bonus density. So the math now becomes 310 plus the 132 units transferred out of the back and into the front into the non hillside area times, in this case .2 so you get an additional 26 units that you can add in and that becomes a total of 468 units on 190 acres. You have increased the bonus density, the total density from 2.3 dwelling units under the traditional subdivision model to 2.46 with a conservation easement in the back. This is the table that showed the comparison to the conventional procedures, the conventional subdivision under our current slope analysis procedures. Remember we are just using three slope classes in that one: 0 to 15, 15 to 25%. If you do that same analysis that I just showed you, you have a total site density of 2.22 dwelling units per acre and the total number of dwelling units is 422. There is no disturbance budget that specifies the hillside and ridgetop protection area. The first scenario that I showed you was a subdivision that has development inside of the hillside and ridgetop protection area. 442 units total with a 2.32 dwelling unit per acre final density and a disturbance budget of 40 acres. The total number of units from our current procedures has increased by about 20 units. The conservation subdivision scenario where the hillside and ridge top protection area preserved, in this case it is preserved in entirety for simplicity, increases the total number of dwelling units from 422 to 455 with the 10% bonus for the conservation easement and with a public access is 469. The point of this exercise is to say that under all three scenarios it is possible to achieve equal or potentially

exceed the existing slope analysis procedures that we use for making residential density recommendations.

Craig: Tim, can you briefly explain how we can get 442 units with the new procedures that are in the plan and only 422 under our current analysis.

Tim: I have one more slide. I kind of forgot this. Thanks for that reminder. The existing slope analysis procedures that we use are conducted on the entire parcel. They are conducted on the entire area inside the magenta, so the entire area where the subdivision will be placed. If you look at the slope map in this case, we have got a kind of ravine, kind of a gully system on the south half of it that is draining down into a stream here. Under current procedures, slopes that are in those types of areas are included in the density calculations that we do. We really don't have the means by which to split out hillside from non hillside areas. So by moving to this hillside and ridgeline protection area model that we have developed, we have a means to split it out and break it out and really only have the slope analysis procedure applied to the features that we are most interested in identifying and that is truly the hillside and ridge tops. I hope that explains the difference. In essence this area down here is excluded from the calculation in this instance and that is kind of where; that and the bonus density allows that to happen.

Carey: This may could come later, but you kind of interchange the terms conservation area and conservation easement. In looking at our screens here and looking up there, I don't know if you ever locked in on those. Can someone give us definition as to what we will be dealing with there?

Donaldson: This whole scenario is most likely to revolve around the creation of a planned residential zone district which requires development plan approval. So you quite literally could prescribe on your development plan a conservation area without actually putting an easement on it.

Carey: So it could be deeded or restricted to be forever kept in a conservation area.

Donaldson: Yea, or just being consistent, developed consistent with the development plan that has been approved will keep it in a conservation area.

Carey: When you get into a conservation easement will require a sanctioned body like the Foothills Land Conservancy or someone like that to...

Donaldson: There certainly is more surety when you have an easement in place. Somebody is going back there to check on it every year.

Carey: It is a lot more cost as well.

Donaldson: Correct. Any development plan, of course, is subject to amendment years down the road and somebody could come back and get the property rezoned and get a new development plan approved.

Anders: Okay we will come back to Commission. I do want to open it up to the floor now. I am going to let those in favor of this plan go first. If you would as you take your turns be sure to give us your name and address so that we have that for the record. And again coordinate 10 minutes.

Tony Norman: Co-Chair of the Task Force We have got several people here that would like to speak. If that is permissible. I will let them introduce themselves and the organizations that they are with.

Axel Ringer: 1840 Lafayette Road in New Market, I am the conservation chair of the Harvey Broome Group of the Sierra Club. You all have received a number of communications from me about this plan culminating in an email I sent yesterday in which I provided you with this report. What the report talks about is the benefits of preserving and protecting open space. They don't make any more land these days. What this report points out is that there are cost benefits both direct and indirect to preserving particularly in this case hillsides and ridgetops which are among the few areas in Knoxville and Knox County that are not yet developed. I am not going to go into any details on it. I would point to you map on the wall that shows some of the major ridge area of the county and city. I would urge you as a first step to approve this plan with a view long term towards turning these areas into permanently protected areas for the benefit of the people of Knoxville and Knox County.

Gene Burr: 3621 Maloney Road, I am glad Axel pointed out that mural up there. I think it is an excellent reminder of what a small portion of the County we are actually talking about protecting. It is a privilege to address you today on behalf of Scenic Knoxville which is dedicated to protection and enhancement of the communities scenic and cultural resources. I urge you to recommend adoption of the proposed Knoxville Knox County Hillside and Ridge Top Protection Plan in the public interest. We recognize that in the same sense that you previously recommended appropriate policies and design standards in the downtown, Cumberland Avenue, and development of the south river front it makes just as much sense for us to protect the hillside and ridgetops that constitute the defining features of our county with standards that discourage abuse from overdevelopment. The clearance and resulting erosion of east Tennessee hillsides that precipitated the creation of this joint city-county task force in our county as well as in adjoining counties is virtually irreversible on steep slopes. As an architect and planner with over 35 years experience in east Tennessee, I know and respect the challenge of designing projects on hillside sites and have

observed as have you the predictable consequences of ill considered development. MPC staff recommendation of use on review procedures along with reduced building footprints to deal with proposals on slopes in excess of 15% is commendable. The use of steep slopes is particularly problematic for any commercial development and the prohibition of any future commercial zoning on slopes in excess of 15% should be a foregone conclusion. Use on review procedures should encourage the use of a licensed landscape architect for preparation of site plans and steep slopes in the same sense the building code requires licensed architects to build most structures. This is a major step toward preserving our scenic resources for future generations. We commend the proposed plan. Just wanted to also mention a comment from one of our members, Mike Fowler, a highly regarded landscape architect. Mike points out that recent additions to our ridge tops in the form of transmission towers, cell towers, water tank and multiple smaller building and development projects are glaring examples of the need for regulation. Certainly from my perspective it would be helpful to have landscape architect as part of the use on review process. Thank you Mr. Chairman.

COMMISSIONER STAN JOHNSON LEFT THE MEETING AT THIS TIME.

Jamie Dobbs: President of League of Women Voters, I represent 176 members. The league honors the work of the task force and the MPC staff that produced this plan that you are considering. The leagues land use position is aligned with the plan which supports placing reasonable restrictions on development of ridges, slopes and preserving open spaces and vegetation that are critical to maintaining our community's air and water quality, our historic and scenic character and our bio diversity. We urge each of you to support the plan and the recommended changes. In our estimation the plan does a good job of encouraging a balance of development and conservation. It gives our County some essential development tools like the density incentive and land disruption element that help us protect the property of thousands of down slope residents and our nationally celebrated quality of life, our life sustaining environment and our valuable economic prospect as a scenic destination. We urge you to consider the common good, the property protection of many thousands of citizens, both now and in the future, and vote to adopt the plan.

Kevin Murphy, 4508 Murphy Road. I am here from a perspective of a citizen that has moved to Knox County in the last three years. One of the reasons I moved here is because it is a beautiful place. This is a plan. I am in front of the Planning Commission who has put together an excellent plan. The staff and task force put a lot of great time on this. This is something that I think is really important to do to preserve the area where we live, where we work and where we recreate and we hope that others visit. It is a plan. There is a lot of further discussion that will happen if the plan is enacted in terms of enacting legislation for the plan. I heard a lot of interesting

arguments about property rights and if we get it right, if we don't get it wrong what the impact is. I do want to remind you there is, there are appeal paths for if regulations are enacted and they are unfair. We do have the appeal paths. We also have the ability to make changes later on if we discover that something we have done is a little bit too restrictive. We can always pass changes later if we decide they are problematic. This is not a plan that's about property rights. We've got two big zoning ordinances books that already regulate it if we decide we want to do some regulation of things in the County. It is not a process about notification. We passed a number of things today that affect all City and County residents. It is not something about preserving investment value for land. If a person wants to invest in land and they are concerned about the value, they need to be active. They need to be here. They need to be involved in the process. Land is also an investment. Land goes up and it goes down in value. I am here to support this plan. It is an excellent, excellent document and something the community should be very proud of. All of you on the Commission should be proud of having a task force and a staff that have put this together.

Scott Smith, P.O. Box 11315, 37939. I completely agree with what the gentleman before stated. That right there is a perfect example if you look at the purple zoned areas which are clearly easy to identify. Those are the areas that we are attempting to protect as I understand this process began. It is now involved 166,000 acres. The area identified up there is probably about 23,000 acres. If we can identify it on a mural on the wall, why can't we identify it on a map that we can all agree on? In addition when I was here before I asked each of you to go back and look at the Fifth Amendment and how it affects property rights. I asked Arthur Seymour Jr. to render an opinion on this. He has done so and I tried to get a copy to you all. If you didn't get it I will make sure you get it by tomorrow. Just reading a couple of brief statements from Mr. Seymour, "Specifically the Fifth Amendment to the United States Constitution provides that no person shall be deprived of rights, liberty or property without due process. Depending on the manner in which the proposed plan is implemented, there may be challenges on procedural due process grounds regardless of the affairs of the procedures used on the ordinance regulations fails to advance legitimate government interest. A taking challenge does not typically question the delivery of the ordinance, but whether the regulation goes too far in its application and requires the government to fairly compensate the property owner. There is no bright line rule on how restrictive the zoning regulations has to be before it amounts to a taking." This is a taking. When we were here last time I asked you all to identify the number of the affected property owners. I haven't heard the answer to that question. We asked you all to see what it would take to identify each of these proper owners. I haven't heard the answer to that question. We have had a huge list of questions from the last time we met of which maybe 1/3 of those questions have been answered today. Why? In addition we have had at least 50 changes to the proposed plan, and to my knowledge it has not gone back to

the hillside task force for review. Why? You had the task for pt this stuff together. They presented it. You make 50 plus changes. Should not the task force have the opportunity to review it again? I got the amendments yesterday. I don't know when the rest of you all got them, but I know everybody has not had a chance to review all the amendments. As it related to water towers, transmission towers, this plan does not address water towers and transmission towers period. It has no impact on that whatsoever. In addition, why are we calling this a plan? It is not a plan until it is ratified and approved by both legislative bodies. This is a report. It should be presented as a report and not as a plan. It is not a plan until it is approved by both legislative bodies. There is obviously a whole bunch of issues and I would like to give some other people a chance to speak. Thank you.

Arthur Seymour, Jr. 550 West Main Avenue, Just a couple of comments. The December 6 memo, I am happy to see the requirements on setbacks for streams and so forth seem to be recommended for elimination in there. I tried to put all the paper I have gotten on this together. The TDEC and EPA regulate that. That doesn't need to be regulated by this plan. We would certainly urge you to withdraw that. My clients, and I am representing several home builders some of whom are seated back here, are primarily concerned about the slope requirements. As Mr. Davis said, if we were talking about the purple ridges there, I don't think there were be much debate in here. One those ridges are either in governmental hands or cannot be built on as a matter of fact. Although my home is on top of one of them. It has already been built out. The problem comes when you get areas like Parkwest Hospital where that was designated as a slope protection area under the current plan. We are talking about an individual analysis of every piece of property in the County when it comes up for some sort of review. That is going to be one an engineering and architectural full employment act. It is going to add another layer of regulation to the development of each property in the County. I think my clients are not as concerned with over 25% slope. Economics is going to take care of the development of that. Two horror stories that were shown at the beginning of this operation was the water tower on the bluff just across the river. That is not impacted by the plan, that's a public utility. Cell towers are pubic utilities. Transmission towers are public utilities and cannot be regulated by this plan. The other one was the furniture store on Old Callahan Road off Clinton Highway. There might have been a few homes shown. That's about it. Economics drives what developers can do. You cannot build on a 45% slope by and large. I think my clients would be a lot happier if there was not attempt to regulate under 25%. If you clearly delineated what you are talking about Black Oak Ridge, Sharps Ridge, Beaver Ridge, Copper Ridge and so forth, there is no problem there. Nobody can build much more on those ridges. If you look at the normal development patterns between Black Oak Ridge and between Beaver Ridge, look where the building has occurred. It has occurred in the valleys. It has not occurred on the ridgetops or hillsides. I question the whole necessity of the plan, but I would specifically ask

that the setbacks and streams be taken out per the amendment that was presented on December 6 in that memo and that you look seriously at regulating anything below 25%.

Anders: Mr. Seymour, I want to give a point of rebuttal just a second. The Parkwest property to me almost is an example of how the system worked right. It came before us. It is under slope protection. We denied it. It was appealed and you won the appeal. The process worked. That doesn't necessarily mean that because of that piece of property we shouldn't have slope protection in the County.

Seymour: Well I think you are adding another layer of regulation that is..

Anders: I understand that, but there is a lot of concern about the protection in these areas. I think that is a good example that you used. If we looked up and said because of Parkwest we are going to eliminate all slope protection in Knox County, I don't think that would be the proper thing to do.

Seymour: No but you are using two examples for this regulation which governs what 170,000 acres in Knox County, two examples that have occurred in the past ten years. Anders: So are you. Seymour: I am using one example. I think the burden is on the regulator. Why is the regulation necessary at all times? Our zoning code when I started practicing law was probably about 120 pages. How thick is it now Mark. It is probably several hundred, 400 pages, and it's growing. Plans likewise were very slender. They are growing. The subdivision regulations, etc. I think the burden is on the legislator to prove the necessity of additional regulation. I am a libertarian I will confess that. I am probably cutting my own throat. I make a living off, partially off this. But I think before you make the leap you ought to say, what are we really trying to do here and what can we do here. I wrote the letter, I will give it to Steve Wise, on the takings issue. I will discuss that briefly. The U.S. Supreme Court in a number of cases has recognized that a regulation can be a taking of real property for which the governmental entity has to compensate the property owner. The most recent one I believe is the South Carolina case Steve where the U.S. Supreme Court said the State of South Carolina was going to have pay a number of property owners for prohibiting building within certain areas of the beaches. That's sort of standard law. Each incident is very fact based so you have to look at it in its actual application. I want to make that clear. But that certainly does raise issues of taking in this case on certain properties; not all properties, but certain properties. Anybody else want to add anything?

Brad Boling, 11945 Black Road, 37932. I just wanted to point out that the examples that they used for calculating the density, it is arbitrary and it is impossible to model every scenario possible. Most of that property is in the county and you can give it as much density

as you want. The more you squeeze it down the less lots you are going to get because sewer is not usually available and septic. Certain lots have to be much larger than your standard lots in the sewer service subdivision. The other thing that I have a question about is how do these regulations pertain to say an existing site that is zoned CA? Would it impact them if they didn't have to come for rezoning but they were in the slope protection?

Donaldson: Let me respond to that right now. These are not regulations. This is a plan. The plan actually recommends that no commercial zoning be changed even if it falls within the protected area.

Boling: My question is not whether this plan calls for it to be rezoned, but it is whether or not it would impact the amount of clearing that could be done on the site.

Donaldson: If the property is greater than 15% slope, yes there are recommended land disturbance factors in there that would if enacted as regulation prohibit the clearing of an entire property. But this is a plan. It makes recommendation. It does not codify anything. It is not regulation.

Boling: It is already trying to be implemented on some properties as Arthur mentioned on the Parkwest property.

Donaldson: Let me clarify that. The Parkwest property is already designated in the current Northwest County Sector Plan as a slope protection area. The result of that was a recommendation from staff that any rezoning be done with a planned district. Staff recommendation was to go from planned residential to planned commercial. The recommendation coming from the Planning Commission was to go with office zoning with site plan approval. The approved zoning was office.

Boling: I understand that, but we, the whole thing come about, our knowledge of it because of this current plan that is in place. I would also request that it be renamed to report, not a plan.

Buz Johnson: I was trying to keep my mouth shut and maybe I should. I am going to dive into it anyway. Arthur mentioned not doing anything below 25%. We have been doing, making recommendation on slope areas from 0 up to, what is it Mike 40%.

Mike Carberry: We have been making recommendations for various gradation of slope on zoning cases for 15% dating back into the 1990's with our General Plan.

Buz Johnson: The basis for that is the Growth Policy Plan for Knoxville and Knox County and the Town of Farragut. Everytime that you see a rezoning and you have had several of them over the years where you see a recommendation. You see we have done a slope

analysis and we have indicated to you in the recommended density what that slope we feel as a staff can be done on that particular site. That is a recommendation based upon an adopted policy statement that was adopted by City Council, Knox County Commission and the Town of Farragut. That is and we have done that consistently for several years. This body has the prerogative to take that recommendation and to amend it to go up or to go down based on the testimony that they hear with regard the request from the applicant, from staff from people opposed to the application, whatever it may be. Mr. Seymour, and I hate to pick on him, but he represented two cases on the very steep part of Knox County on the south side on Cherokee Trail and I believe both of them were on Cherokee Trail right across the street from each other. On both of those cases the staff made a recommendation based upon the slope of the property. In working through that in the testimony that Mr. Seymour made with the client, and I think the client was the same on both properties, you reached and we reached a determination of what that density was going to be. It was based on recommendation from staff. I believe in both cases the density was a little bit higher than what was recommendation by staff. That was a decision that you made as the Planning Commission. The recommendation was passed on to I believe County Commission in both cases. In looking at the development plans that came through, we worked with the development plans in terms of how those units should be laid out. I believe all things considered it was a process where we ended up as best we could to save the steeper more constrained parts of the site. All of that was based on a policy statement that was a recommendation by staff. Staff had no regulatory power whatsoever. Another case on Edington Road which was south of those parcels that Arthur represented, we had a similar situation where staff made a recommendation on rezoning of property for a similar kind of development at a certain density. As I recall you as a board recommended a slightly higher density. When the site plan came in we were able to work with the developer to position those units on the site given the density so that we could respect and try to protect as much of the steep area as we could. In fact we kind of talked about maybe using that as kind of the example of what we are trying to achieve. In all those cases there was no regulation about it. As any rezoning case that you get as a Commission staff makes a recommendation. You have the prerogative of supporting that recommendation or denying the recommendation and approving what the applicant requests. That goes on to the only two bodies in this County that can change zoning and that is County Commission and City Council. They make the final determination and in that case it then becomes a regulation establishing the zoning on the property of what can be done. So this is really not something that should be totally new to anybody in the development committee or anybody that deals with planning in Knox County. What we have attempted to do through the task force is to begin to identify ways where we think these properties can be developed. I wish people could understand more that we are trying to identify ways that these sites can be developed. It is not a matter of saying okay we are

going to designate them slope protection, let's leave them alone and we are going to move on. We tried to identify ways through incentives, through bonuses, through changes in regulations that make it easier to develop property. That's what we tried to do with this plan. So you know, whatever comes up with regard if it is based on this plan has to come through this body and eventually through County and City Council to change the zoning of the property in order to incorporate slope analysis. We have been doing slope analysis for years. This is not something brand new. It isn't.

Rocky Smith: 4909 Ball Road. I don't know if I am in opposition. I guess I am. I am on the task force also so I am kind of mixed. Scott said that we asked for certain things. The motion at the last meeting was to find out certain answers and present them back at this meeting. As a member of the task force I am eagerly waiting to hear the answer to those things that were requested and put in the motion last meeting. How many people are affected? What does it cost to notify them? There is a list of things in the motion and I feel like all the people here last time. I have come back to hear those answers. I hope we hear those.

Donaldson: Staff addressed all of those issues to the Planning Commission at the workshop held last Thursday night and at Tuesday agenda review meeting. The specific answer to the question how many parcels are affected within the proposed slope protection area is approximately 60,000 and approximate cost of notifying all of those people with simply a postcard is \$17,000 which would represent a 100% increase in our public notice budget. I believe staff addressed each and every issue that was raised by the Planning Commission at the workshop and at the agenda review meeting.

Smith: The motion said we would go over it at this meeting is what the motion said that we would hear it at this meeting. If it is just \$17,000, and it's a money issue on notifying these people, I think we can raise the funds to privately to fund that.

Burr: The idea of leaving such a precious part of our community into some kind of legal non-policy realm galls me and I hope it does you as well. You wouldn't be sitting on this body if you didn't care what happened to the ridges and the hillsides that make up a large part of our community. Also from my own experience I found that the best developers welcome a healthy atmosphere of proper regulation. They find it a more fertile productive atmosphere to do business in and they welcome it because they know that their property is going to appreciate rather than depreciate because of abuse.

Norman: The speakers that we have had I think expressed very well our sentiments. Of course your staff has spent thousands, if we totaled up all the hours the task force and staff has put into this, it would be in the thousands. I think you should respect that. You

should respect this public process. This is a land use issue that will not come again. It could be over tonight. I think that ten years ago this is not a discussion that would be taking place in Knoxville in Knox County. This is a new day. We are more progressive than we have been. It is a great opportunity for us. I hope you will seize this opportunity.

Joe Hultquist: 2240 Fisher Place. The only thing I would add to that Mr. Chairman and Commission members is that there was a question about how the task force is going to be engaged from this point on. You know the process is in producing a plan that it has to go from MPC to the elected bodies, legislative bodies. We will reconvene the task force and get feedback from the task force. See if they are comfortable assuming that this body passes it. Then give that feedback to the legislative bodies. I think that is the appropriate way of handling it. Really the only way functional that we can address it. But I think that is going to work just fine.

Norman: One additional thing about the task force. There was mention of some of these changes not brought before them. All of these changes have been discussed by the task force. We thought it in the best interest of the plan, Joe and I and those involved, that we needed to go forward. We think this is a suitable compromise that has been brought forward by you and it has been addressed by our staff completely and thoroughly in every possible way since that last meeting.

Anders: Gentlemen I am going to close comments from the floor now and go to Commission. Commission reserves the right to ask questions of any of your guys. It doesn't have to be balanced in the same amount of time as opposed and against.

Cole: I am probably going to regret it but, the question of regulatory taking has come up many times. I am not an attorney, but that is why Mr. Wise is here. My understanding of a regulatory taking is that regulation has to remove all or most of the economic value on a piece of property. It does not mean that if you don't get the highest and best use out of your land, there's a regulatory taking. Is that correct?

Wise: Right. That's one of several standards. Yes. It has to be a virtual taking. The recent cases now have a nexus standard. It has to be a reasonable nexus between it. That whole question misses the point. It is a conceit of I think a misunderstanding. It is either a misstatement either deliberately or just by complete misunderstanding of what's going on. Those regulatory takings provisions apply to regulation. What's before you on Agenda Item 12 is not a regulation. It is a plan. It is a proposed plan. It is not a regulation. So any discussion about regulatory taking is a red herring. It is just nothing. It makes no sense at all and should be ignored.

Craig: I made sure I turned on my light quick this time and did not wait until the last minute. I hope my fellow commissioners will bear with me. I missed some meetings. I haven't had a chance to address this at Commission yet. I do have a few comments. First of all I do want to thank the task force and the staff who I name by name but I am afraid I would leave somebody out. For the work they did on this whether or not you agreement with every detail in this document, it clearly reflects a ton of very very thoughtful extensive work with lots of research. I really admire and respect the job that was done. I am sure my fellow commissioners agree with that. Secondly one thing I hear about this plan is that it is all about protecting views. Before we start I want to say that that is just another misconception. It certainly is partly about protecting views. We do have views in this County that add to our quality of life and frankly improve our economy because they are part of the reason that people want to come here and live here and do business here. Protecting views is only a small component of what this plan addresses. It also addressed flooding issues. It addresses water quality issues. It addresses erosion issues. It addresses safety issues. There are all kinds of reasons for thinking about how we do development of steep slopes. It is partly about views; it certainly is not all about views. As to property values and property rights like everybody else up here I respect those, but every single thing we do in this body has an impact on somebody's property. Every land regulation and land use plan is trying to find a balance between an individual's property rights and the property rights of the property owners around them and the interest of the community as a whole. Every single thing we do with respect to zoning and planning is a balance on property rights. I was going to speak to the takings thing myself. My understanding was the same as Commissioner Coles. So I am happy to have our attorney confirm that. So I won't go into that. I do want to say one thing I liked about the plan is the incentives. I think there are a lot of incentives in here. I am a big believer in using a carrot rather than a stick whenever you can. This plan has quite a few incentives that actually make it easier for developers and I am very happy to see those and very much support those. My concerns when I first read this plan mostly were around the provision on 15 to 25% slopes for medium density residential and commercial. I think a lot of people had concerns about those recommendations in the plan as it came from the task force. We have all discussed this and staff has given us alternatives in those areas that provides more flexibility, which I think is appropriate. 15% slope is not the same as 25% slope. What staff has given us in summary is the idea that there is sort of a gradient there and will allow for more intensive development toward the 15% end and less intensive development toward the 25% end and will accomplish this by having a use on review for medium density residential and office and by zoning commercial property planned commercial with a required a development plan. I very much think that those are acceptable changes. I like that added flexibility. It makes sense to me. I think it provides the kind of balance that is needed. Again this plan is a first step. It is a plan it is not regulation.

The things in this plan will have to be implemented by various ordinances, etc. As those come forward, they will come before this body. They will come before the legislative body. There will be lots and lots of time for people to discuss them, have input on them, cuse them or whatever else they want to do. It is not like we are passing this and it is to be all and to end all of the universe. I do want to thank Buz for bringing up the point that we have been doing this. We have already been addressing slopes. We have not done it in the detail in this plan. It is not a new thing. Knox County did not just make it up. It is not uncommon. It is not weird. I think it is time to move in this direction. I will also say to the people who say the water tower was the impetus that there are a lot of us that have been thinking about this long before the water tower went up. It was the public outcry and publicity that gave Council and Commission the emphasis to get this off the ground. But it is not all about the water tower. It is about a lot of other things. I want to speak briefly to the notification issue, because I was the one that was in favor of sending postcards to the folks in a general rezoning. Again I want to reiterate that was a rezoning. It was not a plan. A plan is a different animal. We don't do notifications on sector plans. We didn't do notification as far as I know for the new park and greenway plan. It's because, it would be lovely, in a perfect universe we would send out notifications on everything to everybody. But we don't live in a perfect universe, we don't have an unlimited budget. What has happed with this plan is that there have been I believe 11 public meetings, if I am not misspeaking. This is the third MPC meeting in which this has been discussed. There has been a joint MPC and Council workshop. It has been extensively covered in the newspapers. It is very difficult for me to believe that there are gazillions of people out there who want to comment on this plan and haven't done so. In fact I actually in south Knox County where I live beat the bushes trying to get input. Got in touch with every organization I could think of saying, didn't express an opinion of the plan just said this is in the table for us to look at. Here is where you can find it. Decision makers need your input. I waited two weeks. I heard nada. I waited two more weeks and I think as a result of my efforts we have gotten maybe three emails. They are all in favor of the plan. In addition to that in regard to the notification issue, there may be 60,000 parcels out there but the vast majority of them are in low density residential, rural residential or ag areas where the property owners are not going to be greatly affected by this plan. There's also a lot of those parcels that have been already developed. The back of my neighborhood has a very steep ridge. Those parcels would fall within the prevue of this plan. But hey area already developed. They have houses on them. The people that live in those houses who own those properties this plan has no impact on them. We sort of raise this specter of oh my goodness there's 60,000 parcels out there and all these people where in reality the people who area seriously, I guess significantly is a better word, impacted is much smaller than that. I think we have done a good enough job on notification. In fact I think we have done a better job than often gets done. I will remind you of Bob Becker's comment at the

workshop that we have gotten more response on this than City Council got when Mayor Haslam raised property taxes. That's something you usually expect to hear from a lot of people about. If we pass this and it goes to the legislative bodies and if they want to send postcards out to everybody, then that's their prerogative. If it needs to happen, they can do it; and they can fund it. So in conclusion, this plan does not prohibit developing on slopes. It simply tries to lay out a smart way for us to develop on slopes. A way that we can be smart and sort of work with the land instead of against the land and it also provides, as I have said before, many incentives for developers. So I am very happy with the plan with the addition of the changes that staff recommended to us at the workshop last week. I think I will just go ahead and make a motion that we approve that and get it on the floor and then we can have more discussion.

MOTION (CRAIG) AND SECOND (KELLY) WERE MADE TO APPROVE WITH AMENDMENTS FROM THE WORKSHOP

Stowers: To reiterate I don't think there is anybody in this room that has any argument with protection of view sheds of the ridgelines. I do think the water tower was one of the things that prompted it. The fact that this plan just makes a couple of comments utilities, I would like to see a process in place where there was better communication with KUB and this body and the other utilities, and there is a lot of them, in how this is done. This is to me extremely important on these ridgelines and it is barely addressed. There is a comment this is a small area we are protecting. I think it is a large area the way the GIS overlay from what I have seen is. I am sorry I could not be at the Thursday meeting. I had a conflict. I also spent hours on this. I appreciate the time I spent today with you Mark in your office. How this model is applied, I still have a lot of questions with. Tim I would like to ask you a question. If you could just for my education and everybody's here, when we do this GIS overlay you can run the model where you can get nothing but the tops of the ridge all the way to everything that is down halfway to China. Is that correct? What falls in or out, based on the area that you divide it into, into sectors?

Kuhn: The basis of it is slope.

Stowers: Isn't there a quadrant area that you divide it into the sectors? When you look at something and call it slope protection or not, isn't there a quadrant that you can break into by the foot or by the mile?

Kuhn: It starts with something called a slope group. The slope group is contiguous area of slope and the model that we developed the basis for it is 15%.

Stowers: I understand that but you can have a 15% bump in a 10 square, I mean how broad an area does it require a 15% slope before it registers as a 15% slope? What about a sliding board?

Kuhn: We have two classes that we are including. The first is areas of slope contiguous areas of slope exceeding 15% that area larger than 5 acres and exceed 40 feet in elevation. That slope group has to go up. It can't be something that is a side of a stream bank and just run down the stream bank for a mile and then that considered a slope group. Not, it has to gain elevation. The second type of slope group is a 3 to 5 acre range. Those are, we put the slightly smaller ones in, but they have to gain a higher elevation. So it could be a 3 acre slope group that gains a minimum of 60 feet. Just for point of information, the existing sector plans, North City and West City sector plans contain a very similar slope group process. Defining slope groups is just a first step in our new process. In the current, the old slope protection hillside protection areas that we are doing in North City and South City and actually 4 other sectors, North City and West City excuse me, and 4 other sectors, the basis for those slope groups was 2 acres. So in this plan we are actually making is more strict before an area is considered to fall into a slope group. Where are making it have to be a larger area and we are putting in the requirement that it actually has to gain elevation.

Stowers: So 40 feet is 5 acres. That answers that I am not comfortable, I don't know if that, if you make it 50 from 40. If you make it 6.. What I am getting at is we can make this thing come up or down. One of the arguments I have heard from some of the people on the task force that there could be some issue, differences of opinion really, on how this is applied. Again to protect these ridgelines, absolutely. There is a lot of ground in here that is not even close to being a ridgeline that can be cut and filled and whatever that might be 50 feet high. Again I am thinking about the one behind Parkwest. That is 80 feet. But that thing is of no consequence when it comes to protecting a view shed or a water issue for that matter.

Kuhn: Actually there are a significant amount of acreage outside the hillside and ridge top protection area that still exceeds, that is not included in those slope groups. There's 16,000 acres that area not included in slope groups that exceeds 15% in slope.

Stowers: What I would feel personally better about is if we could see pictures of the overlay. There is one in the book that, as you all defined it, where we change the criteria just to show how much acreage, just to show what the differences look like. A couple of other things. I really do applaud the attempt to put some of these amendments in. I read them and tried to plug them in. I am still a little confused on how they... I can read. We have got this that's been marked up; some things are coming in and some things are coming out. We have got them over here. We have done this it think for the best of reasons, but we are trying to push it to a vote

tonight. I would like to make sure we get this right today. Somebody made a comment we could always change it later. I would rather measure something twice and cut it once. It sure helps when, most things I do in my world, a little bit of prior diligence pays off big later. I think there are some task force members that have approached me, and its been more than one or two or three or five, speaking of task members there have been three, but other people in this industry that don't feel their voices have been heard on the task force. I would like to ask Rocky Smith a couple of questions if I could. Rocky as far as, this GIS overlay is a powerful tool, and I think a great took too from what I can see, it sure takes a lot of guess work interpretation out when properly used. Your experience on the task force, can you share some of your...

Rocky Smith: Staff did a great job as far as working with us, but it is just like we were talking about the slope protection area. There is no area in the slope protection area under 15%. You go through that whole thing that we had down.

Kuhn: That is incorrect. The slope protection groups have areas within them that are under 15% if they are smaller than 2 acres. If an area under 2 acres is entirely encompassed, entirely surrounded by slope protection, it is enclosed. Areas smaller, areas that are 0 to 15% that are smaller than 2 acres and are entirely surrounded are enclosed under current practices.

Rocky Smith: Under the slope protection area presently, how many acres are under that currently? Well if you look at that it is significantly smaller area. When we say we are taking greater strides to include less, how does it end up being two and three times the amount of acreage? It's the modeling that you do. When we first ran these models and knew some of these things, it hit something that looked like that with different spots and things. They had to keep working to get it better, but then we just kept getting a bigger bite of the apple. My point is we eased the standards, then how does it include twice as much acreage as the other. It looks to be twice as much, but I don't know what the exact acreage is.

Mike Carberry: Rocky are you referring to the slope protection area in our sector plans versus what we are proposing? Rocky: Yes. Carberry: You weren't at the workshop, but the long and short of that is back in the 1990's prior to a good the advent of a good GIS technology to put the science in, we had to rely on USGS maps and an index card and gave to our technicians to say okay guys you got to count 5 contours in this distance and start coloring the map. You can imagine how tedious that would be. It is fairly easy for those ridges there and that is artwork. But when you get into these other slope groups where it is convoluted rolling land like Browns Mountain area or what is out in East County or you get into Fountain City and Black Oak Ridge which is asymmetrical, we went over that fairly steep on one side but fairly gradual on the other. The development in those kinds of areas respected that. It is fairly large

lot residential. And 30,000 to 40,000 of those parcels have already been developed in this area. They are off the table and those people are not going to be affected. But we only identified 28% using that old hand drawn method of what really should have been identified as slope had we had the science of a GIS system. That is the major difference between the two.

Stowers: I would like to see...

Rocky Smith: And that's about the number 28%. I beg to differ that there is that much difference between doing it old school and new school that you pick up 120,000 acres by doing it that way. I don't agree with that. I didn't agree with it in the meetings. I don't agree with it now. You just can't 28% of that, that is about the right number. I can't imagine just changing grids that it would make that much difference. If you all believe that, that is great. I just, I don't see how that works. If someone, I didn't understand it then, I don't understand it now. I still don't understand it. When 60,000 property owners are affected, you are talking about a lot of, lot of tracts of property that cannot be in everybody's viewscape. That's my point, I don't understand the math.

Stowers: I would personally like see this model shown with a few different...(Kuhn offered to show a slide) okay go ahead.

Kuhn: It was bad at the workshop to start talking GIS two and half hours in.

Anders: You know we have been going for a couple of hours since our break.

Kuhn: The point of this slide is to demonstrate that this is not a radical increase in sectors where we have contemporary, modern GIS data. So the first 6 sectors that area listed in the green was the process that was described by Mike. Those are hand delineated on USGS quad maps ultimately transferred into our GIS. By going to the hillside and ridge top protection area we are increasing the amount of area we are covering by 428%, but keep in mind that we were only covering 28% of the slopes that were exceeding 15%. We were only covering $\frac{1}{4}$ of percent of what we should have been covering. The most recent sector plans that have been done that are based on KGIS elevation data which is the latest and greatest, among the best in the country, is the last two rows North City and West City Sector. It was done using a 2-acre slope group model. Here we are enlarging the slope group size and we are adding a process called watershed above those slope groups. We have not talked about that here, we talked about it in the workshop and reviewed it extensively. The point of this, this can be summarized really in the last two rows. By going from the 2 acre slope group models based on contemporary GIS date to the new hillside and ridge top protection area, we are increasing the amount of area that is covered by 6% to 7%. In those two sectors the amount of land, new land that would

be covered would be increasing by about 6%. The primary difference, you loose some of the smaller slope groups but what you gain is you cover the ridgetops. That's the difference between these two. As to the other question regarding can we change the model can we manipulate it. This slide was in response to the 25% basis model that was developed where we changed the basis for delineating slope groups from 15% to 25%. In doing that, again if you look at the last two sectors, which are the ones we really hold up as being good slope data, good elevation data as the basis for delineating, by going to a 25% model we would be covering only 40% of what we currently do today. So we would be looking at a 60% decrease in the amount of areas that we would be protecting. So that's some ways a step in a different direction by going this type of model of 25%.

Stowers: If we kept the model of 15% that admittedly we have been using, between 15 and 25 there are some big shades of grey. If you changed your elevation from 40 to 50 or 5 acres to 8 acres or, I would like to see a range of what these models would look like on a map just to see what we are talking about. I think, this is capturing some ground that is arguable, not hillside or slope. Certainly not ridgeline. That's what, just let me summarize. I don't want to dominate the conversation. I think what's driving this push to put this plan in place right now, and I support it, is this new GIS technology. I think it is a big step forward. But I don't know, I am not personally convinced we got the formulas. If the people that actually have to do the work, it is easy for people who are in preservation groups, on Commissions, that are planners to come up with ideas. It is harder for people that actually have to build it to build it. We have five folks and one of them here is Bart who I hope will chime in, do this kind of thing for a living. I would like to see more consensus on this task force from those representing what some might consider the dark side that actually have to make this work. Second I would like to see a clean draft of this thing. I don't care if to save money you print it on newsprint. I would like to see a book that leaves out the stuff that is going to be left out and puts some of the stuff that is going to be put in with the amendments with the task force points on it before we vote on something that's frankly right now incomplete staff work. Third I would like to see, still like to see the notification of property owners. \$17,000 after a \$300,000 task force work over the last two years, \$17,000 is chunk change. They blow up more than that in two minutes of Booms Day. I think we can get some notification of people who are going to be affected so at least they can come on the web site. They can look at if it affects their property or not and educate them about what it is that is getting ready to happen to them. Once this becomes a plan, it's not going to be used as a guideline nearly as much as what we have got today. I think this will be something that will become codified. I just want to make sure we get it right. We owe that to the 60,000 property owners that this is going to affect.

Anders: I want to make one comment as we start to frame this thing. Lord we are way past start. It is going to be impossible to come up with a perfect plan. It's nice to strive for perfection, it really is and I think we always strive for that. Part of it is keeping the process moving. I don't want to pass it just to keep the process moving, but I think the majority of us believe that the vast majority of this plan is acceptable. I say not all of us. I am not speaking for everybody. But I think a lot of us believe the vast majority of this plan is acceptable and trying to keep that process moving and let other bodies take a run at it as well is part of our responsibility as well.

Longmire: I think mine is going to be kind of an addendum to yours. We are an advisory group. Nothing we do codifies it, makes it any more than a suggestion. There are two elected groups that need to hear from the people. We could listen forever and frankly, and I hate to say it, it doesn't really matter in the long run in some ways. We need, we have done and I feel very sure the staff has done the best that can be done for right now. It needs to go on to fresh eyes and the people who are concerned, whether pro or con, need to be able to speak to their elected officials about it. That's why I feel very strongly that the motion that is on the floor should be voted on so that this would be passed not because we are tired of it, not because we still don't have questions, not because it's perfect, but for us right now I think we have reached what we can and need to do. I think it needs to go on to the next level.

Nate Kelly: I have got to start by thanking a lot of folks that have been involved in this. Other people have already given those thanks, but I want to add my voice to that. The task force obviously did a lot of good work. I would just say I appreciate folks on the task force who are representing both sides today. I realize that is not a purely consensual process that has been going on there, but clearly some hard work has been done and some hard conversations have been had. There is not perfect agreement with it. Thank you to all of you for putting the time in on that. I know it has been a lengthy process that you all have gone through. So good work there. The public has participated with the task force and we certainly got feed back from the public. I am sure all of us are to varying degrees, very thankful for the input we get from the public so that we can hear what folks are thinking about and hear different ideas and new ideas about what we need to do to make the plan better. Obviously staff has done just a tremendous job over these past months. We have been directly involved with it. We have seen a number of presentations from them. They have done a really good job of being responsive to our questions and trying to present information to us in the best way they could to try to get the information to us that we need. Finally other Commissioners. I have been kind of a free rider on this for most of the time. I have come to a lot of the meetings. I missed the last Commission meeting, but read the minutes and fellow commissioners have done a really good job of asking a lot of really good hard questions that certainly raise some questions in my mind

about whether this is an appropriate plan or not. Not to single anybody out too much, but all of you have said things that have really affected my thinking, but Commissioners Ewart and Stowers have both said some things that really got my attention. That really leads us into the issues that I, the main issues that I think have been identified with the plan that have given me pause through the process of discussing this. But I would say that in my opinion they have been dealt with favorably. On the first issue broadly speaking is that the plan is not favorable enough to development. I am sensitive to a lot of the arguments that have been made on that point on the issue of limiting development and preventing the degree of development that might be ideal or more than ideal, depending on your point of view. I think that most of those issues frankly have been dealt with through the amendments that have been proposed by staff really at the Commission's request in many cases; especially the one dealing with how we address the 15 and up, that first range of slope. The fact that now they are allowing development in that area of commercial property, that makes a lot of sense. That was a good sensible change that really moves in the direction of making the plan even more favorable to development. I think that is a useful addition. That's helpful. So the changes that have been proposed, the amendments that have been proposed, I think are very useful. I support those amendments. Some of the things have been addressed by more information being disseminated. It was very useful for me to learn that under the new framework you can actually see more development happen on a piece of property than you could under the old framework, the current framework. That was very helpful to me in convincing me that the plan has moved in the direction that is favorable or sufficiently favorable to development to make it appropriate. One of the things that has come up today is the issue of how we define the area. Tim what triggers a slope analysis currently?

Donaldson: When application is made for a rezoning, the request is, well the request is generally residential in areas that have been identified for or areas near areas that have been identified as slope protection in the current plans, we will run our current best analysis on those parcels and use that in framing the density recommendation that comes from staff.

Nate Kelly: As we have seen in some cases, that means that you are actually doing slope analysis on a greater proportion of a parcel than in cases you would be doing under the new guidelines.

Donaldson: That's correct. Those parcels that are only partially covered by the proposed slope protection area, we now will not be running the slope analysis on that area that is not within that slope protection area. And quite often they do have areas of slope that were picked up by the previous method. That is probably the primary way in which somebody can get a greater density on a piece of property. We have done enough analysis that we are pretty comfortable with it. We know there are cases out there where

perhaps a parcel was completely within a slope protection area that might be plus or minus two.

Nathan Kelly: One of the things I like about the framework that is being proposed is that it really is scientific. I realize that changing some of the inputs to the model can change where the lines get drawn on the map, but I don't think the decision we are making here is an arbitrary one. Certainly once the lines are drawn on the map, we are moving away from not completely arbitrary, but we are moving toward a less arbitrary way of drawing the lines which I think is a very positive move and is very useful. I was going to mention issues with the taking but that was basically addressed by legal counsel. I was concerned about that. Just getting the answer that what we are doing here doesn't really apply until we start getting down the road to regulation. It was very helpful in framing that for me. The final thing that gave me some pause as we were going through this was the issue about input from the public and whether we were getting enough input from the public. That's where I think that the fact that we have slowed this process down and taking so much time to discuss it has been really helpful. We have gotten additional input from the public, as Commissioners we have gotten additional input from the public. I am really convinced we are at the point now of diminishing returns on additional input. By that I mean that the reason I value input from the public and other stakeholders is honestly in order to get a better idea about how to make better land use decisions. It's not really to understand people's preferences. I understand that people have preferences about things. I don't want this to happen to my land. I do want this to happen to my land. I don't want this to happen next door. I do want this to happen next door. But I feel like we in part because we are not elected officials are trying to make some technical analysis. Staff does the pure technical analysis and we bring a human face to it to see whether we sometimes shouldn't tweak that technical analysis and do something a little different. Ultimately the elected officials then make a determination after we got input on substantive issues about whether okay there is just enough sentiment out there against this in the public that we shouldn't do it. That I think is going to be the next stage of the process if we agree to it. Just pointing out the distinction made by some folks between a report and plan is really I think a distinction that is about a difference in terms of what we are doing. We actually have to have it be a plan that we approve before they approve it. Overall I think this is a good land use decision. It is not just about view sheds. It is about people, protecting people who are downhill from slopes especially with runoff and things like that. That is a big issue for me. I think it is interesting from both the pure environmental side and the pure development side, we talk just about those big ridge lines. But for me in terms of a land use decision it is about a lot more than just those ridge lines. It is about where there is slope on the land that creates some downhill costs for people if that is cleared completely. I think this is a very good plan with the amendments. I wouldn't use the term perfect, because there is just no such thing here on planet earth. I feel like this is an

excellent plan. It has gotten a lot better over the last three months. I strongly support it at this point in time with the amendments that have been offered.

George Ewart: I want to thank Mike and everybody else that have crafted all these amendments, because I think you really heard what we have been talking about in the last couple of meetings and have addressed everything in here. I have had I don't know how many phone calls or meetings with people about this whole plan or report or whichever one you want to call it. I think a lot of the issues that we brought forth have been addressed in this thing. I think it is a good plan. What I would like Mike or Mark is just kind of, one of the things we did say in the last meeting and Rocky is correct is that we were going to come back to them and report some of our findings that we had. I know they are in written form right now. I was wondering if you could just give them a highlight of what is in here and what we looked at and how we changed it.

Mike Carberry: There is essentially 5 or 6 changes to the text and the first one was on the graduated scale on medium density and office uses where we there is a difference between a 15% slope and 25 and let's give some leeway on those decisions on a graduated scale when somebody comes in with a development plan. The next most significant one is and this went back to observations where you couldn't do a Brookview. You couldn't do a Pilot; the Pilot you probably could have done under essentially under this plan because it is at the top of a low rise from Lonas and then a very steep slope on the back side. Say you couldn't do it exactly like that. What we are saying in the language in here on plan amendments and special districts where office and commercial is that there will be certain knolls that are not necessarily as knife edge ridges that could if they are near major intersections, interchanges be places for such development as long as the sector land use plan, in the case of Brookview it was office, lines up and there is a use on review and this body approves that then that is fine. Those are reasonable circumstances. The third one was on the commercial and industrial. On the commercial we felt that as long as the cut goes into 15 to 25% and the area, the new slope is restored with native vegetation and we have a method in there and there are other methods that could be used that was reasonable. We stated in here and there was an observation on industrial that essentially, background is on this that nationally 6% slope and less are used for industrial business park siting. We realize with the development corporation that this is east Tennessee and Knox County and you are not going to found that many sites. So we used a threshold of 15% startomg a decade aago on those studies. We found approximately 20 sites for business parks of 100 to 300 acres using that criteria plus the transportation network. Finally the buffer illustration. Commissioner Tony Norman had mention the committee that he is working with on NPDS2, the new stormwater regs. They are heading the direction of already looking at some of the new requirements on buffering. We feel that is going to run its own way. There will be regulations that

will affect that. We don't even know what they might totally be right now. The concept of buffering is still legitimate and we recognized that at the meeting the other day and we offered language on that. The final thing was just the appendix and rather than have the reader shuffle through many pages as far as incentives, we felt that it was good to summarize them and offer a means on how they would be reached as far as supplementary regulations changes. For instance the hillside development set of regulations in the zoning ordinance, the changes to the subdivision regs that would be needed concurrently with that and those are outlined as well. For those in the audience who have not had a chance to read that, that in a nutshell are the changes that we made.

Ewart: Commissioner Norman you mentioned that you all were going to take these back to the task force and hopefully they will agree to it or whatever. What I fear and what I don't want is I know there was a lot of discussion in your task force in the 15 to 25% range and now we have given some leeway in this new proposal. Is that going to be that we are going to have two separate issues or reports or plans going to City Council and County Commission?

Hultquist. I think the simple and easy answer is no. The task force will review, if this body approves the plan and passes this motion or hopefully there will be a motion, then the task force will review that review the changes as Mr. Carberry just laid out. If they are comfortable with it, fine. We just think that the task force should have an opportunity to speak to those you know just to make sure one way or the other. If they are comfortable with them fine, if not then we will compile, we will deal with it in a majority process, minority concerns, all that same as we did before and we will provide that information to the elected bodies. They will have that to back up whatever else they have in front of them, the plan itself. That is basically it. Just to make sure that because the task force has been working on this for two years plus that they have input if they choose to on those changes and that's it. The answer is no there will not be a separate plan.

Carey: I was afraid you were going to recognize my light. Maybe I should shut up. Of all the issues I have set through in almost three years I have been here and after spending 2 ½ years on the task force, I have never had an issue I wrestled with so hard. At the end of the day if this was passed as it was written right now, there would be some people, a lot of people in this room that would be displeased. It would be a way to get it off our desk and onto somebody else's, but that is not what we want to do. On the task force I was the thorn in the side for all the questions and issues on the land use subcommittee on the 15 to 25. I always thought that was a very broad spectrum of slope. As a builder who has built in the mountains in both east Tennessee and western North Carolina, there are right and wrong ways to do with everything. There are responsible ways to develop. What is a development? A

development or a developer is a project or a person that takes a piece of land for X number of dollars, makes improvements to that land and at the end of the day tries to make a profit. There's not a developer we have seen or heard from today that is irresponsible in this county. I know the people that have standing up here. I know their work and I know what they do. This plan to them basically only going to create not only, primarily it is going to create a layer of regulation as we have heard from them. Is that good? In a development when you take a piece of land for whatever \$100,000 and you put \$100,000 worth of improvement in it, you need to be selling it for more than \$200,000. The problem in Knox County is, and we have seen some of this, is there are some people that need to be protected from themselves. Some people will take a piece of land for \$100,000 and do \$100,000 worth of damage to it and at the end of the day we have issues like we see in the book. Those are very rare. They are exceptions. They are out there. I got the revisions maybe late. I didn't know exactly how to find them. I was reading the revisions at 12:30 this morning. I woke up at 5:15 and the first thing I did was go back and start reading the revisions again. There is still some ambiguities in the 15 to 25. The language that I think I am seeing says, there is language that doesn't clarify really. It is going to be weighted somewhat. We don't have anything that is cut and dry. I also want to mention I called Liz Albertson, by the way nobody has mention Liz's name. She is the facilitator basically of this whole thing and she has done an absolutely incredible job of basically I have said this term before of herding bullfrogs in a wheel barrow. She has kept it all pulled together and she has done fantastic job. So I came to her, she is kind of my point person, and asked her questions today. I think if we looked at the whole program top to bottom, we saw a scenario that Tim did for us today and saw how one 190 acre tract of land could be used during this scenario and that scenario. As much as I have been involved in this, I still don't have my hands around what that 15 to 25 is really going to shake out to be. I know we have had plenty of opportunities to see it. I had to leave the workshop early Thursday night for another commitment. If we struck that out the development community would go home and be happy with it. Nobody is going to build any development on a knife edge ridge. Those things, some of what we are protecting is great, but nobody is really got a beef with over half of what we are dealing with here. The 15 to 25 is the cut and dry. The 15 to 25 is where the rubber hits the road. In Knox County we mentioned that Agricultural, planned residential, excuse me what are the three categories that make up the majority of this land?

Donaldson: Within the proposed slope protection area which is about 130,000 acres approximately 95% of it is designated in our land use plans as agricultural, rural residential or low density residential.

Carey: Of that 95% what is, at the end of the day, what is the ultimate and actual change of the density on that property? Each one is its own model. Each one has its own set of criteria and each

one has to be defined separately. I would suggest that at least on agricultural where you have one unit per acre, the difference could even be enhanced. I still don't again, if we are going to wait this thing to more density toward the 15 and less more towards the 25, I still don't know what those numbers are. That's arbitrary as it can be and subject to basically somebody else's definition. I don't know how to get my hands around that.

Commissioner Cole called for the question.

Anders: I am going to allow Commissioner Stowers a little more time then we will call for the question.

Stowers: We are getting ready to vote on something that I think we all understood had amendments and then this task force is going to review them and they may change them. Is that what I understood you to say?

Hultquist: All the task force will do is if it isn't comfortable with the amendments it will communicate its discomfort to the elected bodies. It won't change the plan that goes to the elected bodies, if this Commission passes it. Any individual, whether on the task force or not, can do that anyway. But what we will do is we will convene the task force and talk about it and see if there is a consensus as to whether or not they are comfortable with these, if there is a level of discomfort where the majority of the task force is uncomfortable with any or all the amendments, then we will communicate that. I would be a little surprised if that happens, but that is a fail safe.

Stowers: What I would really like to see, I know there has been two years spent on this and a bunch of you all want to hang me right now and go eat some barbecue, but we have got an opportunity to put this thing in a book and have the task force look at it and make sure or we are voting on a bunch of stuff that is piece meal that some of us have only seen in the last three days.

Norman: You have had the amends to the plan for quite a while. The last MPC meeting, as I stated before, we did not anticipate the kind of difficulty that this body or some of this body posed for us in terms of some of these issues, say in the 15 to 25% area. That area was...

Anders: Let me stop you. The motion has been questioned. We gave Mr. Stowers an extra minute. We didn't mean to open up further debate. The motion on the table is to approve basically per staff recommendation with the amendments and we have a second.

MOTION CARRIED 11-2 (Lobetti and Stowers). APPROVED WITH THE AMENDMENTS.

Anders: It moves on now guys, but I want to applaud you for the debate. I want to applaud you for your work. Excellent job for this community, what this Commission did.

Norman: On behalf of the task force thank you to all the Commissioners. We really appreciate the work that you put into this.

Other Business:

- 44. Consideration of Election of MPC Officers for Calendar Year 2011.**

12-A-10-OB

ELECTION COMMITTEE RECOMMENDATION:

Laura Cole: Pursuant to Section IX, Article 4, of MPC Bylaws the Chair and Vice Chair of MPC are to be elected at the December MPC meeting. At the November meeting Robert Anders was nominated to serve an additional term as Chair and Becky Longmire was nominated to serve as Vice Chair.

MOTION (CLANCY) AND SECOND (CRAIG) WERE MADE TO ACCEPT THE ADMINISTRATIVE OFFICERS BY ACCLAMATION. MOTION CARRIED 13-0.

- * **45. Consideration of Fiscal Year 2010/2011 Budget Amendment 2 for added funding.**

12-B-10-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **46. Consideration of Purchase of computer equipment from Technology Express on Knox County Bid # 492 costing approximately \$14,000.**

12-C-10-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **47. Consideration of Updates to MPC Financial Policies and Procedures.**

12-D-10-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:45 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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