



Minutes

DECEMBER 11, 2014

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

The Metropolitan Planning Commission met in regular session on December 11, 2014 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF DECEMBER 11, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF NOVEMBER 13, 2014 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL JANUARY 8, 2015. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.

Arthur Seymour, Jr. asked if number 39 could be postponed 60 days. The applicant Brad Salsbury is stuck in an accident at airport.

The owner would like to meet with people who expressed opposition.

Longmire: Asked if any opposition.

COMMISSIONER MICHAEL KANE ARRIVED TO THE MEETING AT THIS TIME.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM 39 FOR 60 DAYS UNTIL FEBRUARY 12, 2015. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO WITHDRAW ITEM NO. 36. MOTION CARRIED 14-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

KNOXVILLE CITY COUNCIL (REVISED) 12-B-13-OA
Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

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

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

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

WILLOW FORK - GRAHAM CORPORATION
a. Concept Subdivision Plan 11-SJ-08-C
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.

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

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

b. Use On Review 4-D-09-UR

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

LONGMIRE SUBDIVISION

1-SA-11-C

West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

2-SO-09-F

Intersection of I-40 and McMillan Rd., Commission District 8.

HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9

12-SJ-13-F

North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.

RESUBDIVISION OF GEORGE HOSKINS PROPERTY

4-SE-14-F

North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.

CITY OF KNOXVILLE

7-D-10-RZ

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

908 DEVELOPMENT GROUP

Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.

a. Central City Sector Plan Amendment

7-E-14-SP

From C (Commercial) to HDR (High Density Residential).

b. One Year Plan Amendment

7-D-14-PA

From GC (General Commercial) to HDR (High Density Residential).

c. Rezoning

7-F-14-RZ

From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

SOUTHLAND ENGINEERING

7-A-13-UR

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

MR. PAUL MURPHY

7-E-14-UR

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

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.*

Ms. Sharon Davis, 4014 Holston Hills Item No. 32 The Stovers. I would like to know more about that and the discussion on that.

Dennis Jessie 1404 N Campbell Station Road. Item 30 W Boyd Lonas.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING 30 AND 32. MOTION CARRIED 14-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS 30 & 32. MOTION CARRIED 14-0. APPROVED.

Ordinance Amendments:

5. **METROPOLITAN PLANNING COMMISSION**

12-A-14-OA

Amendments to the City of Knoxville Zoning Ordinance, Article II and Article IV, Sections 2.2.7, 2.2.8, 2.2.9 and 2.5, related to Floor Area Ratio (FAR) and other area requirements for certain commercial zoning districts.

STAFF RECOMMENDATION: Approval of Option #1.

Dave Hill: This is a proposed amendment to the City of Knoxville Zoning Code. This is part of the area requirements for commercial properties. The measurement is known as Floor Area Ratio abbreviated as FAR. The FAR is a measure of the amount of square footage of floor area in relation to the overall site area. Typically it is expressed as a maximum measure for different types of land uses. In the city zoning code the particular zone districts that contain FAR requirements that are subject to the amendments are C-4, C-5 and C-6 zones. The reason for the amendment is really corrective. In years since 1971 when the FAR was first introduced, the measure was calculated differently than it is now. Over the years the discrepancy between the actual definition and the measures used in the different zone districts changed. All we are trying to do is get back to the original 1971 intent of the code. We have done that and we also made to changes to make sure that the measures in the zone districts are the maximums allowed which was not mentioned in previous versions. From a stand point of the staff correction or the staff recommendation we recommend approval and recommend you forward this on to City Council.

Art Clancy: Mr. Hill do we have to approve Option 1 or 2 or just pass it as approved? I would think we have to be specific as to which option we are going to approve.

Hill: Our recommendation is you simply go back to the original intent which is option 1.

Longmire: Staff recommends Option 1. At this time, the best course of action may be to correct the FAR requirements for the C-4 and C-5 zoning districts to match the intent of the 1970 FAR requirements, correct the FAR definition (and calculation), and clarify that all FAR measures are the maximums allowed. The FAR requirements will likely not control development intensity unless a multi-story hotel or motel is constructed. Instead, other area requirements combined with required parking will typically continue to determine maximum development density. That is the option 1 that you are making the motion for.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION AS PER OPTION 1. MOTION CARRIED 14-0. APPROVED.

Alley or Street Closures:

- * **6. UNIVERSITY OF TENNESSEE** **12-A-14-AC**
Request closure of unnamed alley between Twentieth Street and Twenty Second Street, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **7. UNIVERSITY OF TENNESSEE** **12-B-14-AC**
Request closure of unnamed alley between Twentieth Street and eastern terminus, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **8. UNIVERSITY OF TENNESSEE** **12-C-14-AC**
Request closure of unnamed alley between Eleventh Street and Twelfth Street, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. UNIVERSITY OF TENNESSEE** **12-A-14-SC**
Request closure of Melrose Ave between Frances Street and Melrose Place, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **10. UNIVERSITY OF TENNESSEE** **12-B-14-SC**
Request closure of Twenty Second St between Andy Holt Avenue and northern terminus at UT N3 surface parking lot, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

- 11. SHERRI LEE** **12-A-14-SNC**
Change Leinard Lane to 'Joan Cronan Way' between Neyland Drive and Stephenson Drive, Council District 2.

STAFF RECOMMENDATION: Approve the street name 'Joan Cronan Street or Joan Cronan Road'.

Mike Brusseau: Commissioners the only reason staff is recommending road or street is because way is generally by the rules of the Addressing Guidelines within MPC's Administrative Rules, way is supposed to only be used for private easements that access 6 or 7 more lots. For streets such as this one that you know have connections on both ends, this one runs north-south, road or street is what the guidelines say or are supposed to be used for north-south running roads. Other than that it is fine.

Susan Williams, 9000 Legends Lake Lane, Knoxville 37922. I am not the applicant but I have been asked to speak for her. I did work with the Lady Vols for several years and know Joan Cronan quite well. Sherri Lee would have been here today but she has had replacement knee surgery and was not able to be here so she asked me to come. I understand your guidelines. I think Sherri is hopeful that you all will consider an exception to the guidelines on this case because she really believes that Joan Cronan Way makes a statement as opposed to street. I think most of you know Joan, if you don't know her personally you are probably familiar with her accomplishments. Sherry feels that Joan's way of leadership, positive, her impact on student athletes and coaches. She played within the rules. She did things right. She did it her way. Is fitting for that name as opposed to Joan Cronan Street or Road. If you would consider that I think Sherri would be very appreciative. It just is a little play on words. If it doesn't violate your guidelines too much I think she would appreciate it if you would consider that. I think we have someone from KUB here to speak to it as well.

Eddie Black: 1621 Duncan Road. Commissioners I serve as one of the Senior Vice Presidents of the Knoxville Utilities Board. As you know KUB is the only business along Leinard Lane. I am here today on behalf of KUB to speak in favor of renaming Leinard Lane to honor former UT Athletics Director, Joan Cronan. The University of Tennessee is not only KUB's neighbor, they are also our biggest customer for electric, gas and wastewater services and have been for several years. We have enjoyed a strong relationship with the University throughout KUB's 75 year history largely due to the fact that both KUB and UT are dedicated to excellence and to serving the economic development of the Greater Knoxville area. We believe that Joan Cronan's life and career exemplify the standards of excellence, leadership and service for which the University of Tennessee has come to be known and KUB is happy to support the renaming of Leinard Lane to honor Joan Cronan's legacy to this community.

Longmire: And you have no objection to Way.

Black: No ma'am.

Longmire: Just one question Mr. Brusseau. What is a lane?

Brusseau: I really didn't look at lane because that wasn't requested.

Longmire: I have always understood that a lane did not have an outlet.

Brusseau: I believe a lane is for a public dead-end street whereas a Way is for a private dead-end street. I am pretty sure that is correct.

Bart Carey: Madam Chair you kind of stole a little bit of my question there. That is fine. Lane I was going to ask about as well. I guess I want to know how critical this way rule is. I know it has always been left for JPE's or private roads. Are we going to create some 911 issue? Much like, the double meaning I think is excellent like Peyton Manning Pass, Joan Cronan Way would be an excellent thing. I would like to support that if we are not really breaking some serious rules. Lane was also going to be a question. Can we make, are exceptions acceptable?

Brusseau: They are acceptable if we have the votes for it.

Michael Kane: I certainly support the renaming and value the contribution Ms. Cronan has made. The problem that I have is that we have had other requests like this in the past, Bill Williams Way and others and we denied them. I am struggling to find out what particular situation this might lend itself to, for the exception. I would be open to hear that.

Longmire: I think Ms. William's explanation that way has a double meaning here in addition to a roadway

Kane: I think that was the same argument we had with Bill Williams Way as well.

Longmire: Then I think out near me there is a Horseshoe Mesa Trail. As far as I am concerned Corryton have very few mesas and a trail generally is not a paved thing, it is more like a cow path. I am kind of wonder how much wet quibble on things.

Kane: I am just trying to be consistent more than anything else.

Longmire: I shan't quote Alexander Pope to you about small minds. Sorry Commissioner Kane.

Jeff Roth: I think recognizing Coach Cronan for what she has done for University of Tennessee in Knoxville, I think this is a great way to do it. This road is near the university if not on the university. Recognizing it as Joan Cronan Way I think is a great way to do it. I would be in support of it. I think sometimes we have to sit here and thing about what makes sense and not necessarily conform to things just because we have conformed to them in the past. I think I can support that.

Art Clancy: It kills me to side with Michael on anything. It doesn't really Michael. I just... we did we had this same argument with Bill Williams Way. Coach Cronan, like Ms. Williams said, she always played within the rules. She always did it the way it was supposed to do done. It would almost be more of a testament to here if we didn't bend the rules to match what might be more a little bit more of a play on words. It seems ironic though to me. I can support either one, but I just... the last time this came up we went the other way.

MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE APPLICANT'S REQUEST TO JOAN CRONAN WAY. MOTION CARRIED 13-1 (ANDERS). APPROVED.

Plans, Studies, Reports:

None

Concepts/Uses on Review:

12. THE COURTYARD AT TOOLES BEND - RACKLEY ENGINEERING
a. Concept Subdivision Plan

10-SA-14-C

North side of Badgett Rd., east side of Tooles Bend Rd.,
Commission District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the
Concept plan subject to 7 conditions.

Helen Tews: I reside in Amberly Subdivision which is 8768
Hollingsville Drive, 37922. We have a small subdivision right

adjacent to where this property is and some of our concerns have been a possible green area between two subdivisions and understanding what the building variance will be on properties that are built there and exactly how many lots they are going to put in.

Longmire: Have you all invited the developer to come speak to you in any way?

Tews: They have not. Not that I know of. I am not on the board of the subdivision but nobody could come today except me. No we have not had a meeting. So those are just some of the things that I... we would love to have a green space between and trees not be cut down next to our fences that go right up to this subdivision. I don't know what is customary there. I understand but I haven't heard for sure where or not there is a variance requirement on properties, how close to their property line they can build structures.

Longmire: In the subdivision regulations there are guidelines. Let's see if the developer would like to speak to those questions.

Russ Rackley, Rackley Engineering, P.O. Box 30456, Knoxville, 37930. This is a proposed 6 lot subdivision on almost 4 acres with a private easement for a gated drive. These are average around half acre lots in west Knox County so you can imagine the price point of home that is going to be going in there. Currently we are not... originally we did ask for a periphery setback adjustment that required 35 feet to 25 feet to allow on one or two lots a little more flexibility in housing siting. Based on the original opposition by the neighbors on the current plan that you are looking at today to be voted on is for the standard required 35 foot periphery setback along the borders of Amberly Subdivision. Along the road frontage we are asking for that to be reduced to 25 feet. Again where we are kind of sliding things toward the road a little bit to allow that 35 foot setback to impose the usability of the lots too much. We are just as concerned if not more so about maintaining tree cover between the subdivisions being that the price point in these homes in this small gated subdivision will be substantially higher than the price point of the homes in Amberly. We respectfully ask for you to approve the concept plan based on staff recommendation...

Longmire: Mr. Rackly you might want to get with Ms. Tews and you know let her know contact information in case there is further questions.

Rackley: I was contacted by phone and email by one of the residents back in October. I returned her call and had quite a long conversation and answered all of her questions. From my review of the emails from the Amberly residents that were

copied to me with the application from MPC when they mailed it to me the majority of their concern was on that reduction from 25 feet to 35 feet which we have listened to their concern and are now asking for the required 35 feet as required by zoning.

Tews: We have no objections then and we welcome our new neighbors.

Longmire: That is very kind of you all. Would that everybody be that welcoming.

Michael Kane: Just a question of Mr. Rackely and this isn't contingent upon my approval it is just clarification I think for the homeowners and the additional property. Is more likely these will be bought the property will be developed with spec houses or somebody essentially buying a lot and selecting their own builder and that kind of stuff?

Rackley: These will be presold. These will be custom homes. It will be one builder for all. This size home you don't speculate on. They will be presold.

Kane: I meant in terms of just selling the lot and let them decide...

Rackley: They will be very strong and structured codes, covenants and restrictions that go along with this.

Kane: A lot of the issues the adjacent subdivision will come out in that when you have the deed restrictions put on. Is that correct.

Rackley: Well the codes and covenant restrictions. Everything being developed and constructed in house. All the architectural will be held to high standards.

Kane: So if they have some input that you would like to consider that could happen during that stage. Correct.

Rackley: It can. I don't know the mechanism for that. Again this is an upper bracket community going in there.

Kane: I am not suggesting it is not necessarily something that we get involved in. I am just trying to educate the neighbors on the process in which case where they would have some input. Obviously that is based upon you being a good neighbor in terms of listening to them.

Rackley: I don't think they will have any concerns with what is going in there. It is our... this isn't a slab lot subdivision. We are not going to cut every tree down. We are trying to selectively protect trees. They won't have any concern with what is going

in here. We welcome... I will give her my card and be happy to get with them. But they have contacted me already so they are welcome to contact me at any time...

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION FOR VARIANCES 1 & 2. MOTION CARRIED 14-0. APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION CONCEPT PLAN SUBJECT TO THE 7 CONDITIONS. MOTION CARRIED 14-0. APPROVED.

b. USE ON REVIEW

10-A-14-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 6 detached dwellings on individual lots and the reduction of the peripheral boundary setback to 25' adjacent to Badgett Rd. and Tooles Bend Rd. as shown on the plan subject to 1 condition.

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

P 13. SHADY GLEN - ERIC MOSELEY

12-SA-14-C

a. Concept Subdivision Plan

Southeast side of S. Northshore Dr., southwest side of Holder Ln., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. USE ON REVIEW

12-D-14-UR

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

P 14. WESTLAND GARDENS

10-SJ-14-F

South side of Westland Drive, west of Coile Lane, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 15. THE GLEN AT HARDIN VALLEY, PHASE I

10-SK-14-F

Northwest intersection of Hardin Valley Road & Brooke Willow Blvd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **16. JAMES F BROWN ESTATE RESUBDIVISION** **11-ST-14-F**
North side of W Emory Road, north of Oak Ridge Hwy.,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. JUSTICE PROPERTY RESUB. OF LOTS 1R & 3R** **12-SA-14-F**
Northeast side of Foust Hollow Rd, west of Maynardville Pike,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **18. NORRIS FREEWAY COMMERCIAL CENTER, RESUB. OF LOT 7** **12-SB-14-F**
North side of Kinzel Way, east of Millertown Pike, Council
District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. DEANE HILL VILLAGE** **12-SC-14-F**
Southeast of Deane Hill Dr, east of Morrell Rd, Council District
2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. EMERALD RIDGE S/D UNIT 2** **12-SD-14-F**
At the terminus of Emerald Ridge Lane, southeast of E Emory
Rd, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. CASCADE VILLAS PHASE 3B** **12-SE-14-F**
Northwest end of Gatekeeper Way, northwest of Beacon Light
Way, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. LEGACY COVE AT ROCKY HILL** **12-SF-14-F**

North of S. Northshore Dr, east of Rudder Lane, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

P 23. TANASI GIRL SCOUT COUNCIL, INC. (REVISED) **4-J-14-RZ**

(2-12-15) Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).

24. ALEX LOZANO **11-E-14-RZ**

Southeast end Hilton Rd., south of S. Middlebrook Pike, Council District 2. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial).

STAFF RECOMMENDATION: DENY I-3 (General Industrial) zoning.

Arthur Seymour Jr., 550 W Main Avenue. The applicant consulted with me I think before the last meeting. Certain arrangements were to made and have not been made. I haven't heard from him since then. I see a light going on probably for a denial. I would certainly like the opportunity to talk to him and see if he is still interested in pursuing this.

Longmire: Okay. So you are asking... you really can't ask anything can you. You haven't really spoken to him.

Seymour: I have spoken to him. He came by the office. He just has not made the arrangements that we discussed. I think he had a use determine on there too at the end of the agenda.

Clancy: I guess we can all make more money off of him. He can just pay another fee. Make a motion that we deny I-3 general industrial zoning.

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

Herb Anders: I did have a question. Has this not been before us once before?

Longmire We postponed it. There was discussion last month it centered around, I think, Commissioner Lomax as I recall.

Brusseau: We discussed it at agenda review last month but then the applicant requested postponement before the meeting.

Anders: I just wanted to make sure I had the same item in my mind.

MOTION CARRIED 14-0. DENIED.

25. JERRY GREEN

12-A-14-RZ

East side S. Northshore Dr., south of Kingston Pike, Council District 2. Rezoning from F-1 (Floodway) to C-4 (Highway and Arterial Commercial) / F-1 (Floodway).

STAFF RECOMMENDATION: DENY C-4 (Highway & Arterial Commercial) / F-1 (Floodway) zoning.

Mike Brusseau: This case has come about because the property, well the property is actually zoned F-1 but there are several commercial business. That little strip there on the east side of Northshore is all zoned F-1. There are several commercial businesses that have been developed in that area with the... basically under the premise that codes will allow as long as they meeting the F-1 guidelines the similar uses to the adjacent zoning which across the street is C-3. This property is actually currently has the right to do C-3 uses. The problem has arisen, the applicant is and has been for an undetermined period of time displaying automobiles for sale in this property. A complaint was filed and it was brought to the inspections, or I don't know if it was a complaint but an inquiry was made to the inspections department. The applicant talked with them and it was basically determined that what they would need to do to legitimize the automobile sales is to seek a limited rezoning which is allowed by the F-1 zone. Basically retains the F-1 regulations but would officially allow the C-4 uses that are going on. The C-4 zoning would be required to continue selling automobiles there. Staff is recommending denial of their request based on the fact that we the applicant has reasonable use of the property and more compatible use of the property under C-3. He is entitled to do C-3 uses on that site because of the adjacent zone that I mentioned earlier. There are a couple of C-4 zoned properties along this stretch of Northshore but they aren't really being used for C-4 specific uses. The C-4 is Highway and Arterial Commercial zoning. It is the only zone that allows unscreened display of automobiles for sale. Basically that zone is normally reserved for big highway corridors like Chapman Highway, Clinton Highway and Kingston Pike. This section of Northshore, although it is an arterial street, doesn't really fit that criteria that we typically would look at for C-4. So staff is recommending denial of the request. There is no opposition that I am aware of.

Stewart Cassell, 707 Market Street. Here on behalf of my client Jerry Green. We are here to ask that the Commission approve this. This property is a consistent use within this area. My client has owned Budget Transmission next door has been in business 20 years. For the past 9 years he has had C-4 on both of the lots abutting this lot together. There is C-4 across the street. Additionally this new lot a 5,000 square foot building in it which he has already started to use for his transmission business. His intention is to continue his transmission business in the same manner that he runs the one on the two adjoining lots. He has added three employees since he has acquired this property. The use would be consistent with what is right next door. We would ask that they approve this request. I am going to let my client if have any questions answer them. He may have a few comments.

Longmire: And there is no opposition present?

Jerry Green, 3656 Hood Circle, Louisville, TN 37777. I started there in 1995. I only had 302 Northshore. That was the only lot that I had. After about 9 years I purchased 300 Northshore which that was 13 years ago. As my business has continued to grow I came here before the commission back in, it has been 9 years ago, and I got the C-4 so that I could also purchase and dispose of automobiles. That grew into something I never expected. As I started meeting new people from these various, I am talking about big accounts from Car Max we do all of those now. It is just once I got in touch with some people it continued to grow. I am not doing one thing different from what I have always done for 20 years. As I know of I haven't had a complaint with anything in 20 years. I have always tried to business the proper way. It just simply comes to one point. I have outgrown by a big way what I have. I can't do the business I am doing on two 50 foot lots when one of them is 5,000 square foot of a building. Now with 204 Northshore I have an additional 5,000 square foot building that I just went through the whole process with codes to where that is all the way up to date with today's standards. I went through plumbing, electrical drawings, fire and just got that completed. I never, as Michael said, I never had someone that called to complain. I had somebody that called to inquire about the lot. I had several developers that came by to inquire about it also. I am not trying to do anything different. I hope that you know I was born and raised right down the street there. That is where I have always been my whole life. All I am trying to do is just keep doing what I am doing and continue to grow. This one piece of property right here it abuts up right next to the railroad tracks like a huge buffer zone. That lot for me for the 20 to 30 years it is like the perfect fit. I know this F-1 has been hard on a lot of people. As this process went on, I talked to codes, I talked to MPC, that whole area down there has problems. In my opinion the perfect person for that place right now is me. I have

been there for 20 years and don't plan on going anywhere else. I know there is some difficulties with that F-1 zone and finding the proper way to put what you need with the F-1 zone. I have had C-4 for 9 years right beside me. I have done the same thing that I am doing now. That I know of I have never had one complaint.

Scott Smith: I live about a mile away from that spot and drive by it every day. He does, he keeps a very nice business there. It is not offensive in any way. I guess when I look at the difference in like C-3 and C-4 it seems to be a lot of retail type businesses that staff recommended with C-3. This property being in a floodway can he even get a building permit if he wanted to build a little strip center there or would it require pretty extensive filling or how would he go about that?

Chris Howley: I will try to answer some of that. He would have to comply with the FEMA regulations and a lot of that has to do with valuation of property and land and valuation of improvements to property and land. Once you hit a threshold which is typically 50%, so whatever the value of the property is if he invests more than that 50% value into that building and that is over the life of the time that it is in that floodway, if they do \$100,000 this year and \$100,000 next year it all adds up. If it ever reaches that 50% threshold they would have to bring the entire building up to compliance which is problematic when you couldn't have a building, a new building if this burnt down and they wanted to come and scrap it and start from scratch, you can't put a building in a floodway. There is also the ability to fill. You cannot fill in that area. It also a buffer zone for the creek. There is a lot of long term deficiencies associated with that type of a zone. If it is used as is without any improvements on it then you can continue to operate in that stance. There is a limit as to what type and the amount of improvements that can be done.

Smith: That is kind of what I was noticing. The only building on that property is a Quonset hut right. It is not like you are going to build a beauty salon in there or anything. What you have got there is a piece of land in the floodway. I think maybe considering that it might be worth considering... I would be open to the C-4 myself. Just because I think what you are left with in C-3 is a lot of uses that require a building and I don't think it is realistic to think you are going to build a building there..

Green: I am not changing anything. I have got the building where it is all code compliant. So I am happy with exactly what I have.

Jeff Roth: I was going to ask a question about the floodway requirements. Thank you for answering that for me. I also

would like to make a comment. Given those things I want to agree with Commissioner Smith. We have a business man here that operates a business, employees people and really this property is not much good for anything else. I think it makes sense to do... he is trying to do the right thing and get it zoned properly to do what he is doing. I think it would behoove us to go ahead and allow the C-4 zoning in the floodway.

Laura Cole: I would agree with Commissioner Smith and Commissioner Roth. I drove out yesterday. I don't think the business there is that much out of character. It is truly very limited on what can do because of the flood designation. I guess my question is we condition rezonings all the time. Is there a way to allow C-3 but add the condition of selling C-4 vehicles out of C-4 or can we make it C-4 and limit it as we did last month when we limited rezoning?

Mark Donaldson: The prodigal generally is to approve the more intense district and then condition out uses rather than to build a new district by adding uses to the lesser intense one. It could be an option, yes. Keep in mind that this request is to what is known as a limited rezoning in the F-1 so it still retains the F-1 / so it becomes C-4 /F-1 which basically requires approval for all the stormwater and flood requirements for any improvements.

Michael Kane: I just want to make sure I understand. Does the budget brake business require the C-4 zoning or is it on the sale of the cars that essentially takes you into the C-4 uses I should say.

Brusseau: Sale of the automobiles. Everything else there is fine under C-3 except for that.

Kane: So in terms of the expansion of the business in terms of the budget, in terms of the transmission that could be done in the C-3. So we are just definitely talking about the sale of cars and the display of cars as a use.

Brusseau: One other thing I note and I think Jerry sort of hit on it is that they did go through an approval process a few years back where the on your map there the two properties just south of it 15 and 14 are allowed to have C-4 uses on there. There was a use determination made that allow them to do that. However as Mr. Green said those properties, one of them is already built with a building that takes up over half the lot and the other one is fairly small whereas this lot that is in question has a lot of space to display automobiles.

Janice Tocher: I guess I am confused about if 300 and 302 are zoned C-4 and part of the determination in the F-1 is compatible with what is around the area why is there a

problem. I don't under the problem of rezoning this C-4 if 300 and 302 are already C-4.

Brusseau: They are not zoned C-4. They are zoned F-1 but there has been a determination made that they can locate the same uses that are allowed in the adjacent zone and there is one piece of property across the street that is zoned C-4. I guess on that basis the codes department allowed them to have C-4 uses on that site. However they are not to my knowledge they don't have any C-4 specific uses on that site. If they did want to display automobiles for sale on parcels 14 or 15 that certainly could be done.

Tocher: In other words we could say that we could do a C-4 use on this property. Yes or No.

Longmire: Yes if you rezone it to C-4.

Tocher: The other two properties were not rezoned but they have C-4 uses. I am just confused.

Donaldson: If I recall the discussion at the previous case, the sale of automobiles was viewed as an accessory to transmission business and there was a state law that supported the right of transmission business owners to sell cars. We simply acknowledged that relationship at that time so that there was the ability to sell cars off that site which typically is a C-4 use but which in this case was deemed to be accessory to the transmission office, business. Now with the expansion that relationship probably comes into question a little it as to which is accessory and which is principle and rezoning to this limited C-4/F-1 would clarify that relationship.

Longmire: It would be clarified.

Clancy: And I remember when it came before us the last time. We did discuss as an accessory uses. The best I remember we were told it was just a way to liquidate cars that people brought in, didn't pay for them and the State allows them to put those up for sale to recoup their money. That is what we understood when we made it an accessory use to be able to approve that C-4 in the F-1. That being said this piece of property sits right up against the train track. There isn't a whole lot of good use for anything. As long as there is a viable business there and if we look at it strictly as best use of that piece of property, I just don't see that there is any reason not to approval a C-4 use on that piece of property. It could only make it you know look decent if he clears some of the stuff out that needs to be cleared out and puts cars on there.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE C-4 (HIGHWAY AND ARTERIAL COMMERCIAL) ZONING.

Bart Carey: I noticed in the motion there was no conditional side. That kind of took away what I was going to ask. F-1 has some limitations that kind of help take care of that.

Clancy: When you do this you make it for whatever else comes down the road. That is the scary part. If transmission business goes bad tomorrow and it all goes up for sale, all the C-4 uses are allowed on that piece of property, but the F-1 kind of restricts what you can do. They can't come in there and put a garbage recycling thing on that.

Carey: Like Commissioner I drive by there all the time. If I am not mistaken Mr. Green was that a landscape nursery previously.

Green: It was several different things really. They did sell some landscapes stuff there. It was Popes in that little green building out in the very center of the lot that is not there anymore.

Carey: I think compared to that, I think... first of all I drive by there all the time and it is a very well kept lot and it's orderly and there is nothing junked up about it. There is no obtrusive signage. It is going to be limited traffic. That is a bad traffic area and that is not going to be a high traffic area. Trailers used to pull in and out of there, landscape trailers. That was always a problem. Several accidents. I think this is an improved and good use for that and I support that..

Scott Smith: I don't even know if it is necessary, but I read through a lot of the C-4 stuff and there is really not a lot in there that's detrimental. I mean even for outside storage in the future there is a requirement for screening in the event his business some day left there.

Longmire: I think as Commissioner Clancy pointed out F-1 is going to take care of a lot of problems that might occur.

Dan Kelly: For the purpose of clarity Mr. Clancy's motion was for C-4 it needs to be C-4/ F-1 as a limited rezoning. We can't undo the F-1 down there.

Clancy amended motion to reflect that change and Johnson seconded the change.

Longmire: Alright we are approving C-4/F-1 zoning on the east side South Northshore Drive per the report.

MOTION CARRIED 14-0.

- * **26. METROPOLITAN PLANNING COMMISSION** **12-B-14-RZ**

North side Kingston Pike, southwest side Metron Center Way, Council District 1. Rezoning from C-7 (Pedestrian Commercial) to C-6 (General Commercial Park) or O-2 (Civic and Institutional).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. NADEAN M. KERR** **12-C-14-RZ**

Northwest and southeast sides Murray Dr., northeast of Pleasant Ridge Rd., Council District 3 and Commission District 7. Rezoning from A-1 (General Agricultural) & A (Agricultural) to R-1 (Low Density Residential) & RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE R-1 (Low Density Residential) zoning for portion currently zoned A-1. RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning for portion currently zoned A.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. HARB'S CARPET CENTER** **12-D-14-RZ**

East side N. Broadway, north side Emory Place., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 29. RUFUS H. SMITH JR. & CO. INC.** **12-E-14-RZ**

Northeast side Fitzgerald Rd., northwest side Ball Rd., Commission District 6. Rezoning from A (Agricultural) & RA (Low Density Residential) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of 5 du/ac.

Elizabeth Price, 7817 Boss Road. My property turns off of the corner of Boss and Fitzgerald. I am highly opposed to this subdivision because there is massive traffic at that intersection of Ball Road and Ballcamp Pike. Fitzgerald Lane is truly a lane. It is one lane traffic.

Josh Sanderson: 4909 Ball Road. Based on staff recommendation and the sector plan we ask that MPC approve low density residential up to 5 units per acre on this tract.

Longmire: County Engineering. Would you like to speak to the Fitzgerald Lane?

Cindy Pionke: Fitzgerald Lane is very narrow lane. Next month you will be seeing a concept plan in regards to what they are planning on bringing. If I remember correctly the access is strictly to Ball Road in terms of what is going on. The other thing to be aware of is as we are getting ready to come up with our next capital improvement program budget, we at the county staff level are hopeful that the Ball Camp Pike project will actually be in the next year's budget in current budget year that we are in for Fiscal Year 16 and 17. It stops right in the vicinity of this area. That is the intention. So we will see what happens with that. That should help out the area.

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

Longmire: Ma'am if you would like to talk to your Commissioners about making sure that the County gets the money for the roads that would be helpful.

30. W. BOYD LONAS

12-F-14-RZ

Northwest side Black Rd., northeast of N. Campbell Station Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 1 du/ac.

Mike Brusseau: I hadn't planned on it but I can make a few comments. Basically this property is shown on the sector plan in the ag rural residential area. It is also designated as rural area on the growth plan. So essentially what they are asking for the density of one unit per acre is the max that without any plan amendments that can be done. It will allow them to propose up to 35 lots on this site. It is consistent with the plans and growth plan. Staff is recommending approval.

David Harbin: 4334 Papermill Road on behalf of the applicant Mr. Boyd Lonas. As I mentioned this property is owned by Mr. Lonas. He has had it for, I think since he said about 1975. Our request is not really an increase in density. We can go out there and do 35 lots right now provided that each of lots are an acre in size. What this request does for rezoning, we are able to move all the development onto the good part of the land which

is not nearly as steep and that is the area along Black Road right there. We request that you go ahead and approve this rezoning to allow us to only utilize the part of the property that is flatter and more suitable. If we had to go in there and cut a road in, it would be expensive for us and also with drainage and everything else would not benefit the community right.

Longmire: It would be helping the slopes, right.

Harbin: Right. I appreciate that. Thank you.

Dennis Jessee, 1404 N Campbell Station Road. It is right below this property. After speaking with Mr. Lonas and his engineers I feel a lot better about what they are going to do and I don't oppose this anymore.

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

* **31. KENN DAVIN 12-G-14-RZ**

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

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

32. STOVER'S LLC AND HOLSTON PROPERTIES LLC 12-H-14-RZ

North side Asheville Hwy., northeast side N. Burns Rd., Council District 6. Rezoning from C-3 (General Commercial) & SC-1 (Neighborhood Shopping Center) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: DENY C-4 (Highway & Arterial Commercial) zoning.

RECOMMEND that City Council APPROVE C-6 (General Commercial Park) zoning, subject to 1 condition:

Mike Brusseau: C-4 is a zone that as we discussed before basically allows outdoor display with no plan review. It not just cars but pavers and other materials that Stover's business their displays. My understanding again that this one there was a complaint filed and this is what kind of brought this all about. Then we learned the other day that Stovers is planning to purchase the property where they had been in a lease prior to that. There are basically two incentives to get this rezoned. For them to come into compliance as well as make sure that they can continue the business as they have with the C-4 zoning.

Staff is recommending against the C-4 basically because that area doesn't have a whole lot of C-4 zoning. Asheville Highway and Magnolia have a few spots of it but for the most part they are zoned C-3 or some other type of commercial zoning. There is a piece of commercial that is directly southwest of this property but there is no C-4 use on it. It is just basically part of the Kroger parking lot there. I am not sure really what the intent of that C-4 zoning is. That all being said staff is recommending C-6 which would allow them to continue the use but would require them to come through with a plan, with the condition we have recommended, require them to come through a development plan review. It is an administrative review with MPC. The C-6 has landscaping requirements and some other things that we think will help improve the looks of the site but would allow them to keep conducting business as they have. We have set some dates as well as a condition to submit the plans we also set some dates for the plan to be submitting as well as the improvements, any improvements resulting from that plan review be installed. I will be available for any questions.

Taylor Forrester, 550 W Main Street, Knoxville, TN. On behalf of the applicants. I was going to speak to that. She had some questions, Ms. Davis did, and that is why it was removed from the consent items. We spoke to Ms. Davis' concerns. They were in regards to the landscaping and screening. I believe she is satisfied with the intent of Stovers and explaining that the C-6 will require us to bring this plan and the landscape screenings back to MPC for approval. She did signal to Commissioner Goodwin, I think she had spoken with him on some of this in the past that she was okay. We are requesting that Commission approve staff recommendation.

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

33. ERIC MOSELEY

12-I-14-RZ

Northeast side Mourfield Rd., southeast of Westland Dr., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.5 du/ac.

COMMISSIONER SCOTT SMITH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Arthur Seymour Jr. 550 West Main Avenue. I am here on behalf of Mr. Moseley and the property owner. As your packet reflects this is a request to rezone 18.1 acres of property on

Mourfield Road from agricultural to planned residential with a density of 3.5 units per acre. As the staff report further notes this is entirely consistent with the sector plan for the area which has been low density residential which would allow more density than this for many years. It is consistent with the growth policy plan. The property in question is on Mourfield which is a road that runs between Westland Avenue and Bluegrass Road. The entrance will be several hundred feet from Westland Drive down to the entrance of the subdivision. The proposal now is for 62 home sites. The area around this has obviously changed over the years. Many years ago Westland Drive was a narrow country road. At this site today it is a three lane road with curb and gutter with a center turn lane. It is much improved from what it was. You have a letter from the owner explaining that he and his family have lived on this property since 1967 and have observed the changes that have occurred in the area. Where it was mostly an area of small farms and now is a residential area with a number of single family homes. This Commission and County Commission have rezoned a number of properties in this area over the years. Directly across the street is the Tremore development which is zoned for 1 to 4 units per acre, more than this one. East of this is the Anthem which is up to 4 units per acre. Westland Crossing which is just north of here is 1 to 4.5 units per acre. This property has obviously changed with the development of the Pellissippi Parkway. It is only 2100 feet west of the property, Pellissippi is. There have other zoning in the area; Nubbins Ridge, Ebenezer, Westland and Emory Church that have occurred with the past year and one half, two years. All of them are at a higher density than the request here. All are consistent with the sector plan for the area. The development here will probably come out at 3.3 units per acre after a survey is done. There have been several letters in opposition to this request. Most has focused on traffic issues. Moorefield is a two lane road. However from Westland down to where the proposed entrance is, as pointed out at Agenda Review the other day, it is 19 feet wide. Right now it has very low traffic counts. According to the 2013 report from Knox County it has 22 trips per day. I went to the area last night between 4:30 and 5:00, drove it three times from Westland down to Bluegrass and back. I saw one other truck. I was really surprised after reading some of the emails that it was not bumper to bumper. But it is a low traffic area. I am sure at some time in the future Mourfield will have more improvements on the road just as Westland Drive, Northshore Drive and all the other west roads will as they have had in the past. I would ask that you approve this pursuant to staff recommendation and let us go forward with our development plan. I would like to reserve my time if any.

Longmire: You have 28 seconds yes you may reserve that.

Wayne Kline, 617 Main Street. I represent the Westland West Homeowners Association and adjacent property owners to this particular proposed property. The opposition is to the rezoning request that Mr. Moseley and Mr. Smith develop 18.1 acres at a density of 3.5 units per acre. This density is not compatible with the surrounding development. The creek that runs through the property and the hilly curvy Mourfield Road. The MPC staff report approving recommending approval of a density of 3.5 quotes some zoning standards but unfortunately lacks facts. You saw a letter from me asking for a postponement. I thought I wasn't going to be able to be here today, but the efficiencies of law practice allowed me to be here. I am happy to be here. This proposed density of 3.5 is too dense for the Mourfield Road location given the low density in the surrounding area, the creek on the north side of the property and the conditions of Mourfield Road which do not allow the type of changes that Mr. Seymour was suggesting. There is a sewer line, an easement on the north side of the creek which continues from the sewer on the north, west toward the Tremore Condominiums. There should be a wide development buffer around the creek and no development should be permitted on the north side of the creek. There are a large number of mature trees that should be preserved. The PR zone requires that each development be compatible with the surrounding or adjacent zones. Cloverhill Lane is adjacent to and east of this property. It is a single street with six houses each sited on several acres. It accesses Westland Drive. With the exception of the older house and the property bisected by the creek that fronts on Westland Drive the other properties are deed restricted to several acres per house. A density of 3.5 on this particular property is not compatible with the adjacent development. Anthem Subdivision which Mr. Seymour suggested is a recently completed subdivision immediately to the east of Cloverhill Lane. It has Westland Drive access not Mourfield Road with 53 lots on about 23 acres and that is about 2.2 dwelling units to the acre. To the north across Westland Drive is Woodland Spring Subdivision with 76 dwelling units on about 50 acres or 1.5 dwelling units per acre. On the opposite side of Mourfield Road and on Mourfield Road to the south of this proposed development consists of single family houses on several acres on the ridges mostly in the woods on the east side and then the woods and open areas on the west side. A density of 3.5 is not compatible with these houses. Across Mourfield Road on ten acres north of the creek Tremore Condominiums which Mr. Seymour discussed consists of 10 sets of attached dwelling units. It was constructed on a flat field. It is zoned PR at 1 to 4 that is true but was built out because it aligns itself right across from Emory Church Road and accesses Westland Drive. Augusta Hills Subdivision is an older area of single family homes with access to Bluegrass Road but part of the subdivision is located near the east side of Mourfield

Road. It is zoned RA with large lots. Although this is a zoning application we cannot pretend that the applicants have not recently filed a use on review plan for the property which we just got to see on Friday. It shows a total disregard for PR zoning using all the density at 3.5 units and no room to preserve the trees and also the storm detention and insufficient spacing between the houses, small lots directly across from Mourfield Road with questionable sight distance and one lot on the north side of the creek at Mourfield Road which would have a driveway right on the side of a very steep hill. Mourfield Road runs from Westland Drive and I only have 30 seconds and I am sorry. I promised Craig Leuthold I would give him time. So I am going to defer. We would ask 2 dwelling units per acre.

Craig Leuthold: 1320 Zachary Taylor Road. I have lived in August Hills for the last almost 23 years. I can attest to the traffic that goes between Bluegrass and Mourfield. It is the corridor that connects those two roads. I can't understand why Mr. Seymour was lucky enough to see very few cars because as I travel it, and I travel it several times a day.

Longmire: Mr. Leuthold. I am going to hold a minute. Mr. Seymour I will add some seconds to yours. Go ahead.

Leuthold: Thank you. I very rarely go up and down that road without passing several cars or being in line with several cars. In the mornings is not uncommon because AL Lots is right down the road for traffic to back up past Mourfield Road towards Pellissippi beyond Mourfield or along Westland past Mourfield towards Pellissippi Parkway. You all just passed that there is going to be an apartment complex building down Emory Church Road and down on Fox Road where Emory Church Road and Mourfield Road are sort of offset. Those two roads with the additional traffic that those apartments are going to bring onto Westland Drive... It is already you are taking your life in your own hands to try to make a left hand turn off of Mourfield to get onto Westland and head over to the Pellissippi. It is going to be even worse. My opposition is not that there not be any housing there. I know better than that. I think 2 units per acre is plenty for that particular piece of property given the road. I will just leave you with this. My dad who likes to come over and visit says Mourfield Road makes a good driveway. That is about how wide it is. That is about how good a road it is. After 20 some odd years of living and traveling up and down Mourfield and all those years that they could have improved it and they have sort of tried to put the pavement over as far as they can because of the nature of the terrain right there, that is as good as it is going to get. Don't foot yourself that you think Mourfield is going to get better in the future than what it is right now and it is not a very good road.

Longmire: Mr. Seymour you have two extra minutes so two minutes and twenty-eight seconds.

Seymour: I will try not to use all of that. What Mr. Kline and Mr. Leuthold have described is there is a great diversity of housing in this area. There are still large sites that perhaps sometime in the future may be developed, may not. There are subdivisions that have more density than this one and subdivisions that have less density. We live in a diverse country. Some people want the big lots, some want the small, some want the medium sized lots. Mr. Moseley will design this subdivision for a market that will like the size lots he is developing. As MPC recognized after doing the slope analysis the requested density is compliant with the slope protection requirements of the Hillside and Ridgetop Protection plan. The other issues raised were concerning the actual development of the property which will be addressed on the use on review which planned residential does require. Those are water retention, detention, slope protection, tree protection and the other items. I guess the opponents assume this property will be clear-cut. That is certainly not the intent. Developers know that trees sell houses and retain as many of them as they can. I think the issues raised by the opponents are entirely refuted by the MPC staff report. Westland Drive 30 years ago was not much of a road. It is a fine road today. Mourfield as development incurs will be improved. This county like most counties has never or very rarely built roads ahead of development. It has built roads in response to development and that is what will occur here. Thank you. .

Longmire: Thank you Mr. Seymour. Before I go to Commission I will go to County Engineering to speak about Mourfield Road.

Cindy Pionke, County Engineering: What would you like to know about Mourfield Road?

Longmire: I would like to know how you feel about it.

Pionke: It is a county road. It is probably the 18 to 19 feet wide. It is topographically challenged in terms of vertical and horizontal alignment. Currently there are no plans for the County to do anything in terms of improving Mourfield. Next month we have a concept plan on for this property and sight distance for some of the lots that have been proposed are going to be an issue. I want to say there are like 6 lots that are supposed to have direct access in addition to the entrance to the subdivision and we don't think any of them meet the criteria.

Longmire: So it is a typical Knox County Road, not quite wide enough and you don't want it any wider because they will just go faster.

Beth Eason: So with this planned residential it will come back before use is that correct? Yea. Looking at the property looking at the creek buffer and the tree buffer on the north side and also seeing that we have the creek running along Mourfield and then we have steep slope on the other end, I think that this is all fairly challenging. So one thing that I will certainly be looking for as it comes back to us is to see how those buffers are protected; how the trees are protected; buffers both along the creek and the steep slope in the side. I think it is going to be challenging to achieve that density and hearing about the road and the visibility I think we may end up seeing less density. I am not opposed to clustered development and tighter development as long as those buffers and trees and creeks are properly preserved.

Michael Kane: Couple of clarifications, clarification. So the Mourfield from Westland to this parcel or along the parcel is challenged just as much as any other part of Mourfield; is that correct? I mean in terms of widening and all that kind of stuff. We hear words about roads and roads are usually fairly long. I am interested in the stretch from Westland to essentially this parcel. I did not drive it. I am sorry, I did not drive it so.

Pionke: We paid particular attention between Westland Drive and the frontage in terms of trying to figure out where the driveway was going to be and where the additional lots were going to be coming out onto the roadway. Like I said from initial field visit this week we don't think they have it for at least the main entrance of the 6 proposed lots that are coming out. We are going to be asking the applicant for more information which is going to include a profile of Mourfield so that we can see exactly what is going on and how much there is.

Kane: Okay so that information would be available in the next stage?

Pionke: Correct.

Kane: The other clarification is that this PR zoning in the county would allow attached and detached. Is that correct? We are not talking about just detached here. The applicant could propose some or all of it as an attached?

Longmire: The answer was yes.

Janice Tocher: A couple of questions. Mr. Leuthold I believe was referring to the Westland Cove apartments on Emory

Church. Was part of that condition a light at Westland and Emory Church? Am I remembering that correctly?

Mark Donaldson: I may defer to Cindy but I believe there were improvements to be made at the intersection and at least a contribution towards a traffic signal...

Pionke: Turn lanes are definitely supposed to go in as part of it. Then we were going to be monitoring the situation for when it would actually need to be installed is what I think I remember. We had worked out how that was going to happen but it is not going to happen yet.

Tocher: Mr. Kline in his letter had requested a one month continuance to become familiar with the issues and scheduled a meeting with the developers. In his letter he said that the developer you have not, the homeowners have not met with the developer. Is that correct Mr. Kline.

Kline: That is correct. I called Mr. Moseley and he would not continue it by voluntarily and so we have not had time. We just learned about this recently and we just had to put these facts together for today's meeting over the past 4 days.

Clancy: I received probably three dozen letters, emails on this. I was surprised at how many of them came from the Anthem; how many of them came from Tremore Village. You know my house is here and that is all I want here. I want the farm land to stay the way it is is not really justification for not allowing somebody to make the best use of their piece of property or... I mean the property apparently has been on the market for four years. Any of the people in any of these pieces of properties could have purchased it and left it as farmland. We don't ever put roads in ahead of development. Development dictates how much infrastructure we apply to the area. I think it is always going to be that way. I would like to make a motion to recommend that County Commission approve PR Planned Residential zoning at a density of up to 3.5 dwelling units per acre.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1-1 (Tocher No). APPROVED.

Longmire: Before the meeting next month perhaps the developer can get with the community and settle some of their concerns.

Uses on Review

- * 34. GARRON LAND SURVEYING

11-C-14-UR

Northwest side of Gardner Ln., northeast of Heiskell Rd.
Proposed use: Reduction of the peripheral boundary setback from 35' to 15' in PR (Planned Residential) & A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for up to 1 detached dwelling on each lot and the reduction of the peripheral boundary setback to 15' on the northeast and southwest sides. as shown on the plan subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 35. THE KROGER COMPANY** **11-E-14-UR**
(2-12-15) Southeast side of E. Emory Rd., just west of the I-75 interchange. Proposed use: Kroger store and retail shops in PC-1 (Retail and Office Park) & F-1 (Floodway) District. Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 36. DIGI ACADEMY OF LEARNERS, LLC** **11-G-14-UR**
South side of Mildred Dr., east of Woodhaven Dr. Proposed use: Child daycare facility in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- P 37. UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION** **12-A-14-UR**
West side of Alcoa Hwy., north of Cherokee Trail. Proposed use: Proposed Cherokee Farm Innovation Campus Master Plan and Development Guidelines in BP-1 (Business and Technology Park) District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 38. PARTNER'S DEVELOPMENT ORLANDO DIAZ** **12-B-14-UR**
Northeast side of Valley Vista Rd., northwest side of Carmichael Rd., southwest side of Pellissippi Parkway. Proposed use: Research & Development / Manufacturing Facility in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for a research & development / manufacturing facility with approximately 41,215 square feet subject to 11 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 39. STERLING DEVELOPMENT** **12-C-14-UR**
(2-12-2015) Southeast side of Gleason Dr., southwest side of Wellsley Park Rd. Proposed use: Apartments in RP-1 (Planned Residential) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

40. **Consideration of Similar Use Determination for a private club in the I-3 (General Industrial) zone district.**

11-D-14-OB

STAFF RECOMMENDATION: DENY a "private club", as a permitted use in the I-3 (General Industrial) zone.

Michael Brusseau: The applicant is not here as displayed earlier on the rezoning that was related to this. We talked about this last month at agenda review. Basically the I-3 zone allows as was stated earlier eating and drinking establishments. Those are generally open to the public and have on-site kitchens and what not. What they are... a private club is defined in the ordinance and really doesn't match up at all with eating and drinking establishments. The whole premise of their application we felt was pretty much shot down by that. The other thing is that private clubs are specifically listed in other zones such as C-3 and two or three other ones in the ordinance. So it is addressed in the ordinance. It is not one of these uses that just doesn't fall anywhere. We feel the intent is to keep private clubs within those proper zones and that this is just not appropriate use in the I-3 zone.

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

Longmire: Item no. 41 is election of officers and I am going to turn it over to Commissioner Clancy. I think Commissioner Carey you and I need to leave is that correct? For election of officers? (They did not leave the room.)

41. **Consideration of Election of Officers for Calendar Year 2015.**

12-A-14-OB

Art Clancy: Pursuant to Article 4, Section 9, of the MPC bylaws we are to elect our officers for calendar year 2015 I at the December meeting. Last month Rebecca Longmire was nominated to serve another term as Chair and Bart Carey was nominated to serve as Vice Chair.

Janice Tocher: I make a motion to approve the nominations.

Steve Wise: You are needing a motion to elect. The nominations have been approved and set forward. You are

voting today. An appropriate motion would be for election by acclamation.

Tocher: I amend my motion per to approve by acclamation.

MOTION (TOCHER) AND SECOND (JOHNSON) WERE MADE TO ELECT OFFICERS BY ACCLAMATION. MOTION CARRIED 14-0. OFFICERS ELECTED.

- * **42. Consideration of amendment No. 4 to MPC's budget and work program for FY 2014-15. 12-B-14-OB**

EXECUTIVE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. Consideration of amendments to MPC's fee schedule. 12-C-14-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Recommend approval of expanding the current fee schedule for site plan review of C-6 development plans to include administrative site plan review in the BP-1 district with both reviews having a \$600 review fee.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:30 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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