KNOXVILLE·KNOX COUNTY
MPC
METROPOLITAN
PLANNING
COMMISSION
TENNESSEE
Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www • knoxmpc • org

Minutes

February 12, 2004

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

The Metropolitan Planning Commission met in regular session on February 12, 2004, at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members present at roll call were:

Ms. Susan Brown, Chair	Mr. Chester Kilgore
Mr. Randy Massey, Vice Chair	Mr. Jack Sharp
Mr. Trey Benefield	Ms. Mary Parker Slack
Mr. Herb Donaldson	Mr. Larry Smith
Ms. Mamosa Foster	Mr. David Wolf
Mr. Philip French	Mr. Mark Jendrek
Mr. Dick Graf	Mr. Steven Lewis

* Arrived late to the meeting.
** Left early in meeting.

1. ROLL CALL

Ms. Vi Whitmire called the role.

2 INVOCATION

Mr. Randy Massey led the invocation.

3 PLEDGE OF ALLEGIANCE

Mr. Randy Massey led the Pledge of Allegiance.

***4. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED JANUARY 8, 2004.**

THIS ITEM WAS APPROVED ON CONSENT.

***5. APPROVAL OF AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

6. REQUEST FOR POSTPONEMENTS, WITHDRAWALS AND TABLINGS

Automatic Postponements (as provided for in Article XII, Section 1.B of MPC's *Administrative Rules and Procedures* which allows automatic postponements when the request is received by 3:30 p.m. on the Monday prior to the Thursday MPC meeting)

***POSTPONEMENTS – AUTOMATIC* – (Indicated with P)**

All items automatically postponed until the March 11, 2004 MPC Meeting:

P 2-SE-04-C KNOX ESTATES
South side of Buffat Mill Rd., west of Locarno Dr., Council District 4.

P 2-L-04-UR KNOX ESTATES, LLC
South side of Buffat Mill Rd., west of Locarno Dr. Proposed use: Detached single family subdivision & day care center in RP-1 (Planned Residential) District. Tax ID 60 P A 025, Council District 4, East City Sector.

P 2-SI-04-C DUCK COVE
East side of Duck Cove Dr., south of Early Rd., Commission District 5.

P 2-SB-04-F RESUBDIVISION OF THE ROGER D. PHILLIPS & GRACE S. PHILLIPS PROPERTY & JUANITA MAPLES PROPERTY
Northwest side of Rutledge Pike, southwest side of Varnard Ln., Commission District 8.

P 2-SC-04-F VERNON T. LATTIMORE PROPERTY
South side of Sunset Heights Dr., east side of Hightop Rd., Commission District 8.

P 2-SE-04-F SHERRILL LANE BUSINESS PARK
Northeast side of Sherrill Blvd., just south of Mabry Hood Rd., Commission District 5.

P 2-SF-04-F RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY
Northwest side of Tazewell Pike, north end of Clapps Chapel Rd., Commission District 8.

P 2-SH-04-F PROPERTIES OF ALLEN DUNLAP, BRYAN BARKLEY & JAMES BURKHART
Northwest side of Asbury Rd., southwest of Vaughn Ln., Commission District 8.

P 2-SK-04-F VIRGIL COX
East side of Wood Rd., north of Dalton Ln., Commission District 8.

P 2-SL-04-F PROPERTY OF ALICE RUTH GRIFFIN
East side Neubert Springs Road, at Tarwater Road, Commission District 9.

P 2-SN-04-F TURKEY CREEK PHASE 1, RESUBDIVISION OF LOT 1R-3R4RA
North side of Parkside Dr., east of Snow Goose Rd., Council District 2.

P 2-SO-04-F J. B. CATE SOUTH KNOXVILLE ADDITION, RESUBDIVISION OF LOTS 1 - 9 & PARTS OF LOTS 10, 14 - 22
Southwest end of Stevens Ave., Council District 1.

P 2-V2-04 ADAIR GARDENS ADDITION, RESUBDIVISION OF LOTS 90, 91, 92 & 93
Northwest side of Tazewell Pike, northeast side of Coile Rd., Council District 4.

P 2-V3-04 DWIGHT C. CARDEN SUBDIVISION
Southwest side of Long Hollow Rd., east of Shade Weaver Rd., Commission District 7.

P 2-V7-04 SEQUOYAH HILLS, BLOCK F, SECTION ONE, RESUBDIVISION OF LOTS 14, 15 & PART OF 16
East side of Cherokee Blvd., south of Bluff Dr., Council District 2.

P 2-C-04-SP JOHN KERR CONSTRUCTION CONCEPTS
North side Westland Dr., east of Cessna Dr. Request West City Sector Plan Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential). Tax ID 133 G C 009,10,11, Commission District 4, West City Sector.

P 2-J-04-RZ JOHN KERR CONSTRUCTION CONCEPTS
North side Westland Dr., east of Cessna Dr. Rezoning from RA (Low Density Residential) to PR (Planned Residential). Tax ID 133 G C 009,010,011, Commission District 4, West City Sector.

P 2-M-04-UR B & J ENTERPRISES
North side Hardin Valley Rd., west of Ball Camp Byington Rd. Proposed use: Condominium development in PR (Planned Residential) and F (Floodway) District. Tax ID 104 C B 049, Commission District 6, Northwest County Sector.

***POSTPONEMENTS –REQUIRING MPC ACTION*– (Indicated with P)**
Items to be postponed until the March 11, 2004 MPC Meeting:

P 9-SK-03-F ARBOR VISTA
Northwest side of Choto Rd., south of Whitten Ln., Commission District 5.

P 10-SE-03-F RALPH JOEL OWNBY PROPERTY
Northwest side of Twin Oak Ln., southwest Tazewell Pike, Commission District 8.

P 11-SN-03-F H. T. & EDITH ROACH ESTATE, RONALD E. & FAYE WEISGERBER & HARVEY M. WRIGHT
Southeast side of Wood Rd., east of Majors Rd., Commission District 8.

P 12-SA-03-F PROPERTY OF THOMAS J. & BETTY L. MARTIN
West side of W. Dick Ford Ln., just west of Chapman Hwy., Commission District 9.

P 12-SO-03-F FRANKLIN CREEK
South side of Yarnell Rd., east of Carmichael Rd., Commission District 5.

P 1-SA-04-F EDNA MAE TAYLOR
Northeast side of Majors Rd., north of Wood Rd., Commission District 8.

P 1-SF-04-F WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R
Southeast side of Buffat Mill Rd., Council District 4.

P 1-SN-04-F CHRISTIAN SPRINGS, UNIT 2
East end of Ruby June Ln., east of Stair Dr., Commission District 8.

P 1-SS-04-F POLO CLUB, UNIT 2
Southeast side of Westland Dr., northeast side of Appaloosa Way, Commission District 5.

P 2-SX-04-F VERLIS OGLE PROPERTY
Northeast end of Richard Ln., north of Curtis Rd., Commission District 8.

P 7-V3-03 41 NORTHSHORE DRIVE SUBDIVISION, RESUB OF PARTS OF LOTS 2 & 3
Northwest side of S. Northshore Dr, northwest of Morrell Rd., Council District 2.

P 10-V3-03 BONNYMAN ESTATE LOT - 3A, BLOCK "A" WESTMORELAND HEIGHTS SUBDIVISION
North side of Sherwood Dr., east of Gate Head Rd., Council District 2.

P 10-V5-03 AMERISTEEL PROPERTY
Northwest side of Tennessee Ave., southeast side of Louisiana Ave., southwest side of Stonewall St., Council District 5.

P 10-V10-03 THE ETHANOL CORPORATION RESUBDIVISION PLAT
North side of Asheville Hwy., west side of River Turn Rd., Council District 4.

P 11-V6-03 WILLIAMSBURG ADDITION, RESUBDIVISION OF ALL OR PARTS OF LOTS 17, 18, 23, 24, 29, 30, 33 & 34
South side of W. Hill Ave., west of Maplehurst Ct., Council District 6.

P 1-V3-04 RONALD DEWAYNE WHITT PROPERTY
Northwest side of Old Maynardville Pike, west side of Thomas Weaver Rd., Commission District 8.

P 2-M-04-RZ JIM SLYMAN
North side Tazewell Pike, northwest of Clapps Chapel Rd., Rezoning from PR (Planned Residential) & A (Agricultural) to PR (Planned Residential). Tax ID 5 51,51.01,52, Commission District 8, Northeast County Sector.

2-E-04-UR FREDA GROSS
Southeast side Skyline Dr., northeast of Verbena St. Proposed use: Duplex in R-1 (Single Family Residential) District. Tax ID 83 A F 024, Council District 6, East City Sector.

THIS ITEM WAS REMOVED FROM THE POSTPONEMENTS.

Items postponed 60 days until the April 8, 2004 MPC Meeting:

P 12-SM-03-F MCGUINESS PROPERTY
60 days 4/8/04 Southwest side of Houser Rd., south of Lyons Bend Rd., Commission District 4.

2-E-04-UR FREDA GROSS
Mr. Tom McDaniel 3843 Skyline Drive
Request it be heard today. We have taken off from work to be here.

To be heard at its regular time.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL THE MARCH 11 AND APRIL 8, 2004 MPC MEETINGS RESPECTIVELY EXCLUDING 2-E-04-UR FREDA GROSS. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED EXCLUDING 2-E-04-UR FREDA GROSS.

Automatic Withdrawals (as provided for in Article XII, Section 3.D of MPC's *Administrative Rules and Procedures* which allows automatic withdrawals when the request is received by 3:30 p.m. on the Monday prior to the Thursday MPC meeting)

***WITHDRAWALS – AUTOMATIC* – (Indicated with W)**

W 2-E-04-SC KCDC
Request closure of a portion of Union Ave. between Unnamed alley and Walnut St., CLT Map 94, City Block 19190, Council District 6, Central City Sector.

W 9-A-03-MP TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY
TTCDA Comprehensive Plan Update.

***WITHDRAWALS – REQUIRING MPC ACTION* – (Indicated with W)**

This item was an automatic postponement and has been removed to allow the applicant to withdraw as requested.

W 2-SS-04-F ELAINE SHIPE
West side of Arms Rd., north of Asheville Hwy., Commission District 8.

W 1-K-04-UR BRETT HONEYCUTT
Northwest side Papermill Dr., southwest side Country Oak Cir. Proposed use: Commercial development in RP-1 (Planned Residential) District. Tax ID 107 G C 003, Council District 2, Northwest City Sector.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO WITHDRAW. MOTION CARRIED 14-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

TABLED

4-K-01-PA MICHAEL MCCLAMROCH
South side S Northshore Dr., southwest of Pellissippi Parkway. Request One Year Plan amendment from NPD (No Plan Designation) to GC (General Commercial). Tax ID 154 96,97, Council District 2, Southwest County Sector.

4-R-01-RZ MICHAEL MCCLAMROCH
South side S Northshore Dr., southwest of Pellissippi Parkway. Rezoning from NZ (No Zone) to TC-1 (Town Center). Tax ID 154 96,97, Council District 2, Southwest County Sector.

U 8-SF-02-C CREATIVE TENNESSEE HOMES, LLC ON EMORY ROAD
Northwest side of E. Emory Rd., southwest of Findhorn Blvd., Commission District 8.

U 8-M-02-UR CREATIVE TENNESSEE HOMES, LLC
Northwest side of E . Emory Rd., southwest of Findhorn Blvd. Proposed use: Detached single family subdivision in PR (Planned Residential) District. Tax ID 21 100 & pt 100.01, Commission District 8, Northeast County Sector.

U 9-SH-02-C MURDOCK CENTER DEVELOPMENT
Northwest side of Dutchtown Rd., east of Simmons Rd., Commission District 6.

U 9-Q-02-UR BOOGER BEAR, LP
Northwest side of Dutchtown Rd., east of Simmons Rd. Proposed use: Office/warehouse development in PC (Planned Commercial) & TO (Technology Overlay) District. Tax ID 118 Pt. 173.20, Commission District 6, Northwest County Sector.

1-SC-03-C THE VILLAS OF WELLSLEY PARK
East end of Gleason Dr., east of Morrell Rd., Council District 2.

1-E-03-UR BARGE WAGGONER SUMNER & CANNON, INC.
East end of Gleason Dr., east of Morrell Rd. Proposed use: Detached single-family subdivision in RP-1 (Planned Residential) & R-1A (Low Density Residential) District. Tax ID 120 F B Part of 36.06, Council District 2, West City Sector.

U 9-SU-02-F POTOMAC PLACE, PHASE 2, UNIT 2
North end of Presidential Ln, north of Beaver Ridge Rd., Commission District 6.

U 1-SB-03-F ELNORA L. GRAY
Southeast side of W. Copeland Dr, northeast of Brickyard Rd., Commission District 6.

5-SB-03-F G.S. GILL PROPERTY, RESUB OF LOT 3R1
North of Ball Camp Pk, west of Byington Solway Rd., Commission District 6.

12-D-00-RZ CITY OF KNOXVILLE
Southeast side of I-140 / Westland Dr. interchange., Rezoning from No Zone to A-1 (General Agricultural).Tax ID 144 32.01, Council District 2, Southwest County Sector.

12-Q-00-RZ CITY OF KNOXVILLE
North side of Westland Dr., east side of I-140 interchange, Rezoning from No Zone to RP-1 (Planned Residential). Tax ID 144 30.02, Council District 2, Southwest County Sector.

12-Y-00-RZ CITY OF KNOXVILLE
West side of I-140, south of Westland Dr., Rezoning from No Zone to A-1 (General Agricultural). Tax ID 144 032, Council District 2, Southwest County Sector.

3-R-02-RZ CITY OF KNOXVILLE
East side of Sherlake Ln., west side of Hayfield Rd., south of Parkside Dr., Rezoning from No Zone to C-6 (General Commercial Park). Tax ID 132 3, 5, 132 HE 18. Council District 2, Southwest County Sector.

U 11-C-02-SP HAROLD BYRD/ DON BROWN
South side Millertown Pike, northeast of Ellistown Rd. Request Northeast County Sector Plan Amendment from Agricultural/Rural Residential to LDR (Low Density Residential). Tax ID 41 180.03, Commission District 8, Northeast County Sector.

U 11-O-02-RZ HAROLD BYRD/ DON BROWN
South side Millertown Pike, northeast of Ellistown Rd. Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 41 180.03, Commission District 8, Northeast County Sector.

U 4-V-03-RZ DON BREWER
Northwest side Sutherland Ave., southwest side Prestwick Ridge Way, Rezoning from I-2 (Restricted Manufacturing and Warehousing) and C-6 (General Commercial Park) to C-3 (General Commercial). Tax ID 107 D J 26.01, Council District 6, Central City Sector.

***ITEMS REQUESTED TO BE REMOVED FROM TABLE* – (Indicated with U)**

U 8-SF-02-C CREATIVE TENNESSEE HOMES, LLC ON EMORY ROAD
Northwest side of E. Emory Rd., southwest of Findhorn Blvd., Commission District 8.

U 8-M-02-UR CREATIVE TENNESSEE HOMES, LLC
Northwest side of E . Emory Rd., southwest of Findhorn Blvd. Proposed use: Detached single family subdivision in PR (Planned Residential) District. Tax ID 21 100 & pt 100.01, Commission District 8, Northeast County Sector.

U 9-SH-02-C MURDOCK CENTER DEVELOPMENT
Northwest side of Dutchtown Rd., east of Simmons Rd., Commission District 6.

U 9-Q-02-UR BOOGER BEAR, LP
Northwest side of Dutchtown Rd., east of Simmons Rd. Proposed use: Office/warehouse development in PC (Planned Commercial) & TO (Technology Overlay) District. Tax ID 118 Pt. 173.20, Commission District 6, Northwest County Sector.

U 9-SU-02-F POTOMAC PLACE, PHASE 2, UNIT 2
North end of Presidential Ln, north of Beaver Ridge Rd., Commission District 6.

U 1-SB-03-F ELNORA L. GRAY
Southeast side of W. Copeland Dr, northeast of Brickyard Rd., Commission District 6.

U 11-C-02-SP HAROLD BYRD/ DON BROWN
South side Millertown Pike, northeast of Ellistown Rd. Request Northeast County Sector Plan Amendment from Agricultural/Rural Residential to LDR (Low Density Residential). Tax ID 41 180.03, Commission District 8, Northeast County Sector.

U 11-O-02-RZ HAROLD BYRD/ DON BROWN
South side Millertown Pike, northeast of Ellistown Rd. Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 41 180.03, Commission District 8, Northeast County Sector.

U 4-V-03-RZ DON BREWER
Northwest side Sutherland Ave., southwest side Prestwick Ridge Way, Rezoning from I-2 (Restricted Manufacturing and Warehousing) and C-6 (General Commercial Park) to C-3 (General Commercial). Tax ID 107 D J 26.01, Council District 6, Central City Sector.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO UNTABLE 8-SF-02-C, 8-M-02-UR, 9-SH-02-C, 9-Q-02-UR, 9-SU-02-F, 1-SB-03-F, 11-C-02-SP, 11-O-02-RZ AND 4-V-03-RZ. MOTION CARRIED 14-0. 8-SF-02-C, 8-M-02-UR, 9-SH-02-C, 9-Q-02-UR, 9-SU-02-F, 1-SB-03-F, 11-C-02-SP, 11-O-02-RZ AND 4-V-03-RZ UNTABLED.

***TABLINGS* – (Indicated with T)**

T 7-V6-03 SHERLAKE CENTER, LOT 5
South side of Parkside Dr, west side of Hayfield Rd., Council District 2.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO TABLE 7-V6-03. MOTION CARRIED 14-0. 7-V6-03 TABLED.

7. CONSENT ITEMS

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

Please note that if you would like to discuss an item marked with (*), approach the podium after the entire consent list is read and request that it be removed from the consent list.

MOTION (MASSEY) AND SECOND (SLACK) WERE MADE TO HEAR THE CONSENT ITEMS AS READ MOTION CARRIED 14-0. THE FOLLOWING ITEMS WERE HEARD BY CONSENT

*4. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED JANUARY 8, 2004.

*5. APPROVAL OF FEBRUARY 12, 2004 AGENDA

STREET CLOSURES

* 2-A-04-SC NORA BLAKE
Request closure of Stevens Ave between Parcel 109CF024 and 109CF025.02 and 47 ft. southwest of southwest property line of parcel 095NH028.01 (map on file), CLT Map 109, Council District 1, South City Sector.

STAFF RECOMMENDATION: Approve the reduced request for closure of a portion of this right-of-way, subject to any required easements.

* 2-D-04-SC KCDC
Request closure of a portion of Walnut St. between Wall Ave and Union Ave., CLT Map 94, City Block 19190, Council District 6, Central City Sector.

STAFF RECOMMENDATION: Approve subject to any required easements.

CONCEPTS/USES ON REVIEW

1-SA-04-C SCHAEFFER HEIGHTS
Northeast side of Schaeffer Rd., southwest side of Thompson Rd., Commission District 6.

1-D-04-UR EAGLE BEND REALTY
Northeast side of Schaeffer Rd., southwest side of Thompson Rd. Proposed use: Detached single family subdivision in PR (Planned Residential), PR (Planned Residential) & TO (Technology Overlay) District. Tax ID 104 106, pt 106.01, 138,138.01, Commission District 6, Northwest County Sector.

THESE TWO ITEMS WERE REMOVED FROM THE CONSENT LIST.

* 1-SC-04-C BETHANY SPRINGS
Northwest side of McCloud Rd., southwest of Gray Rd., Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-4 and the concept plan subject to 8 conditions.

* 1-E-04-UR DISNEY JOINT VENTURE
Northwest side of McCloud Rd., southwest of Gray Rd. Proposed use: Detached single family subdivision & multi-family residential condominiums in PR (Planned Residential) District. Tax ID 28 227.01, Commission District 7, North County Sector.

STAFF RECOMMENDATION: Approve the plan for up to 56 detached single family dwellings on individual lots and 54 attached residential condominiums as shown on the plan subject to 2 conditions.

* 2-SA-04-C HARRISON GLEN
North & west side of Harvey Rd., east of Amber Glades Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 8 conditions.

* 2-F-04-UR JOHN KERR CONSTRUCTION CONCEPTS
North & west side of Harvey Rd., east of Amber Glades Ln. Proposed use: Detached single family subdivision in PR (Planned Residential) pending & HZ (Historic Overlay) pending District. Tax ID 162 29.13, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Approve the plan for up to 27 detached single family dwellings on individual lots shown on the plan subject to 2 conditions.

2-SC-04-C THE WOODS AT SHANNONDALE
East side of Shannondale Rd., east of Fulton Dr., Commission District 7 & Council District 4.

THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 2-SD-04-C SUNCREST DRIVE (FORMERLY SUNVIEW DRIVE)
West side of Brakebill Rd., south of Asheville Hwy., Council District 4.

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

* 2-SF-04-C PLASTI-LINE RESUBDIVISION
North side of E. Emory Rd., east of Dannaher Ln., Commission District 6, Council District 5.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 6 conditions.

* 2-SG-04-C CASCADE FALLS
South side of Ball Camp Pk., east of Cureton Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 8 conditions.

* 2-P-04-UR TERRY PATTON
South side of Ball Camp Pk., east of Cureton Rd. Proposed use: Detached single family subdivision in PR (Planned Residential) pending District. Tax ID 105 126 pt., Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve the plan for Unit 2 of Cascade Falls for up to 16 detached single family dwellings on individual lots subject to 3 conditions.

* 2-SH-04-C RESUBDIVISION OF LOT 2, COGDILL COMMERCIAL PARK
East side of Yellow Pine Ln., east of Cogdill Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 5 conditions.

FINALS

* 12-SL-03-F CARROLL P. SELLERS
South side of Kodak Rd., east of Russell Rd., Commission District 8.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

* 12-SR-03-F MILLERS PLANTATION, UNIT 3
West end of Rhyne Cove Ln., west of Miller Creek Ln., south of Ball Rd., Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

* 1-SV-04-F WREN'S CREEK, RESUB. LOTS 1 & 2 (REVISED)
Southeast side E. Beaver Creek Dr., southwest side Ghiradelli Rd., Commission District 7.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

* 1-SY-04-F KNOXVILLE POST OFFICE CREDIT UNION
Northwest side Middlebrook Pike, Northeast of Old Weisgarber Road, Council District 3.

STAFF RECOMMENDATION: Approve final plat

* 2-SA-04-F LANGFORD SUBDIVISION, RESUBDIVISION OF LOTS 1 & 2
West side of Helmbolt Rd., south of Creekhead Dr., Council District 3.

STAFF RECOMMENDATION: Approve final plat.

* 2-SG-04-F BRICKYARD HILL, UNIT 3
Southwest side of Brickyard Rd., northwest of Levy Dr., Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

* 2-SI-04-F PAUL W. & JOANN IRENE VANCE
West side of Strong Rd., north of Dockery Rd., Commission District 8.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

* 2-SJ-04-F DYER/BUCKNER PROPERTIES
Northwest and west sides of N. Burns Rd., north of Asheville Hwy., Council District 6.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

* 2-SM-04-F MARY SHIPE GILMORE PROPERTY
South side of Richland Rd., east of McKinney Rd., Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

* 2-SP-04-F MIDDLEBROOK RIDGE
North side of Ball Camp Pike, west of Andes Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

* 2-SQ-04-F WYNDAM POINTE, UNIT 1
North side of Beaver Ridge Rd., at the intersection with Oak Ridge Hwy., Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

* 2-SR-04-F DAVID T. & LINDA C. WATSON
Northwest side of W. Marine Rd., northeast of Tipton Station Rd., Commission District 9.

STAFF RECOMMENDATION: Approve final plat.

* 2-SU-04-F THE RESERVE AT HUNTERS RIDGE, UNIT 2
East side of Stony Point Rd., North of Kays Ridge Ln., Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

* 2-SV-04-F MAPLE GROVE SUBDIVISION, RESUBDIVISION OF LOTS 18R & 19R

Southwest end of Maple Grove Way, north side of Matlock Dr., Council District 3.

STAFF RECOMMENDATION: Approve final plat.

* 2-SW-04-F DENNY ARNOLD PROPERTY
South side of Valley View Dr., west of Laurel View Rd., Council District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat

* 12-V1-03 THOMAS R. HAVASY PROPERTY
East side of Armstrong Ave., north side of Thompson Place, Council District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat.

* 12-V7-03 RESUBDIVISION OF BLAKEWOOD DEVELOPMENT AND E. L. DUNCAN BUILDERS, INC ADDITIONAL PROPERTY
Northwest side of Schaad Rd., directly north of Hilda Ln., Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

* 1-V2-04 FAYE BOONE & JIMMY BOONE
South side of Fayette Ln., west of Woods Creek Rd., Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

1-V5-04 PAPERMILL POINTE BUSINESS PARK
South side of Papermill Dr., east side of Kalmia Rd., Council District 2.
THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 2-V4-04 MILDRED M. COBB PROPERTY
East side of Skaggston School Rd., northwest of Rutledge Pike., Commission District 8.

STAFF RECOMMENDATION: Approve variance 1 and final plat

* 2-V5-04 TURLEY & COMPANY, RESUBDIVISION OF PARCELS 25.01 & 26
Northeast side of Clinton Hwy., southeast side of W. Inskip Dr., Council District 5.

STAFF RECOMMENDATION: Approve variances 1-4 and final plat

* 2-V8-04 KINGSTON PARK SUBDIVISION, RESUBDIVISION OF LOTS 5R & 6R
East side of Kingston Park Dr., south of Kingston Pike, Council District 2.

STAFF RECOMMENDATION: Approve variance 1 and final plat

REZONINGS

* 2-B-04-RZ AMERICA ONE PROPERTY SERVICES

South of terminus of Chukar Rd, north of Piney Grove Church Rd., Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential) Tax ID 92 P D 009, Council District 3, Northwest County Sector.

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density of 1 to 3.5 dwelling units per acre.

* 2-D-04-RZ CITY OF KNOXVILLE
Southeast side Maryville Pike, southwest of Woodson Dr., Rezoning from No Zone to C-4 (Highway and Arterial Commercial). Tax ID 122 N E 012, & portion of railroad right-of-way. Council District 1, South County Sector.

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

* 2-E-04-RZ DAVID DUGGER
Northeast side Wilder Place, east of Saxton Ave., north of Dandridge Ave., Rezoning from R-1 (Single Family Residential) to C-3 (General Commercial). Tax ID 95 C L 024, Council District 6, East City Sector.

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

* 2-F-04-RZ CITY OF KNOXVILLE
Southwest and northeast sides Pershing Hill Ln., northwest of S. Northshore Dr., Rezoning from No Zone to R-1 (Single Family Residential). Tax ID 133 N G 1-8, 13-24, 133NG009-12 (portions-map on file) Council District 2, West City Sector.

STAFF RECOMMENDATION: Approve R-1 (Single Family Residential).

* 2-G-04-RZ MCCAMPBELL DRIVE PARTNERSHIP, LLC
South side McCampbell Dr., northwest of Washington Pike, Rezoning from RB (General Residential) and I (Industrial) to PR (Planned Residential). Tax ID 49 088, Commission District 7, North City Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1-4 dwelling units per acre.

* 2-H-04-RZ CAROLYN HICKS
South side E. Burwell Ave., east of N. Central St., Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Tax ID 81 F S 002, Council District 5, Central City Sector.

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

* 2-I-04-RZ MURPHY ROAD PARTNERSHIP, LLC
Southeast side Washington Pike, southeast of Murphy Rd., Rezoning from PR (Planned Residential) to CN (Neighborhood Commercial). Tax ID 49 Part of 92 (Map on file), Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Approve CN (Neighborhood Commercial).

* 2-B-04-SP MIKE HINTON

Southwest side Old Clinton Pike, southeast of W. Beaver Creek Dr. Request Northwest County Sector Plan Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential). Tax ID 67 143 (Part zoned A.), Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential).

* 2-L-04-RZ MIKE HINTON
Southwest side Old Clinton Pike, southeast of W. Beaver Creek Dr. Rezoning from A (Agricultural) to RB (General Residential). Tax ID 67 143 (Part zoned A), Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve RB (General Residential).

* 2-Q-04-RZ DAMON A. FALCONNIER
West side N. Broadway, southwest side N. Central St. southeast side Jennings Ave., Rezoning from C-3 (General Commercial) to C-2 (Central Business District). Tax ID 94 D P 001,2,5,6,9,12,13, Council District 6, Central City Sector.

STAFF RECOMMENDATION: Approve C-2 (Central Business)

USES ON REVIEW

* 2-B-04-UR R.B. SCHUMPERT
Northeast side Dave Rd., at eastern end of Steven Dr. Proposed use: Garage apartment in RA (Low Density Residential) District. Tax ID 37 L E 028, Commission District 7, North County Sector.

STAFF RECOMMENDATION: Approve the development plan for a garage apartment in the RA zoning district, subject to 3 conditions.

2-C-04-UR JEFF MCBRIDE
Southeast side Socony Ln., southeast of Francis Rd. Proposed use: Single family residences in RP-1 (Planned Residential) District. Tax ID 106 C D 019, Council District 3, Northwest County Sector.
THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 2-D-04-UR DAVID WHALEY & TOMICA MILLER
North side W. Glenwood Ave., west side Armstrong Ave. Proposed use: Bed and breakfast in R-1A (Low Density Residential) / H-1 (Historic Overlay) District. Tax ID 81 L F 025, Council District 4, Central City Sector.

STAFF RECOMMENDATION: Approve the development plan for a bed and breakfast in the R-1A/H-1 zone, subject to 5 conditions.

* 2-H-04-UR STONEBLACK INC., DBA PUMP IT UP
Southeast side Deane Hill Dr., southwest side Royal Crown Dr. Proposed use: Private commercial athletic facilities in I-2 (Restricted Manufacturing and Warehousing) District. Tax ID 121 A B 001, Council District 2, West City Sector.

STAFF RECOMMENDATION: Approve the request for an indoor commercial athletic facility as shown on the development plan subject to 2 conditions.

* 2-I-04-UR EDWARD E. JOHNSON, JR.
Southwest side Bruhin Rd., southwest of Watercress Dr. Proposed use: 24 detached single family dwellings in RP-1 (Planned Residential) pending District. Tax ID 69 H E 010, Council District 5, North City Sector.

STAFF RECOMMENDATION: Approve the development plan for 24 detached single family dwellings in the RP-1 zoning district, subject to 7 conditions.

* 2-J-04-UR MOSS CREEK VILLAS, LLC
North side Moss Creek Ln., north of Pleasant Ridge Rd. Proposed use: Reduction of front yard setback from 20' to 15' in RP-1 (Planned Residential) District. Tax ID 80 H C 052, Council District 3, Northwest City Sector.

STAFF RECOMMENDATION: Approve the plan for up to 48 attached and 2 detached single family dwellings on individual lots, with the total dwellings for the development being increased to 216, subject to 5 conditions.

* 2-K-04-UR WOOD DEVELOPMENT GROUP
East side Woodlawn Pike, south of Galbraith School Rd. Proposed use: Condominiums in RP-1 (Planned Residential) District. Tax ID 109 O D 52,53,54 & part of 5, Council District 1, South City Sector.

STAFF RECOMMENDATION: Approve the development plan for 18 condominium units in the RP-1 zoning district, subject to 5 conditions.

* 2-N-04-UR SUNVIEW ESTATES, L.P.
West side Brakebill Rd., south of Asheville Hwy. Proposed use: Multi-family development in RP-1 (Planned Residential) District. Tax ID 72 D C 3.01, Council District 4, East County Sector.

STAFF RECOMMENDATION: Approve the request for up to 32 multi-family dwellings as shown on the development plan subject to 7 conditions.

* 2-O-04-UR KCDC
East side Walnut St., south side Wall Ave., north side Union Ave. Proposed use: Parking garage in C-2 (Central Business) District. Tax ID 94 L F 1,20,34-39, Council District 6, Central City Sector.

STAFF RECOMMENDATION: Approve the development plan for a parking garage in the C-2 zoning district, subject to 5 conditions.

(The Consent List was reheard at the end of the meeting and this item was removed from the Consent List at that time.)

OTHER BUSINESS

* 2-A-04-OB Consideration of use determination that an Avis Rent A Car facility is an appropriate accompanying use to a Sears Auto Center within the SC-1, SC-2 or SC-3 zoning districts.

STAFF RECOMMENDATION: Approve the request for a use determination.

1-V5-04 PAPERMILL POINTE BUSINESS PARK
Resident: I want clarification. What is this?
Mr. Brechko: Adding parcel to existing business park. Issue has been drainage. Plat has been reviewed by City Engineering.
To be heard at its regularly scheduled time.

2-SC-04-C THE WOODS AT SHANNONDALE
Mr. Ben Jacko: 5004 Malibu Drive 2-SC-04-C Woods at Shannondale
Removed from Consent List

Mr. Jike Thunderlift 2302 Highland
11-V8-03 asked to add to consent list. Chair stated cannot add it now. To be heard at its regular time

1-SA-04-C SCHAEFFER HEIGHTS
1-D-04-UR EAGLE BEND REALTY
Kim Scarboro: Schaeffer Heights. As that it be removed along with 1-D-04-UR.

2-C-04-UR JEFF MCBRIDE
Removed from consent

MOTION (SLACK) AND SECOND (MASSEY) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING
1-V5-04 PAPERMILL POINTE BUSINESS PARK
2-SC-04-C THE WOODS AT SHANNONDALE
1-SA-04-C SCHAEFFER HEIGHTS
1-D-04-UR EAGLE BEND REALTY
2-C-04-UR JEFF MCBRIDE
. MOTION CARRIED 14-0. CONSENT ITEMS APPROVED AS READ EXCLUDING.
1-V5-04 PAPERMILL POINTE BUSINESS PARK
2-SC-04-C THE WOODS AT SHANNONDALE
1-SA-04-C SCHAEFFER HEIGHTS
1-D-04-UR EAGLE BEND REALTY
2-C-04-UR JEFF MCBRIDE

8. ORDINANCE AMENDMENTS
None

9. STREET CLOSURES

* 2-A-04-SC NORA BLAKE
Request closure of Stevens Ave between Parcel 109CF024 and 109CF025.02 and 47 ft. southwest of southwest property line of parcel 095NH028.01 (map on file), CLT Map 109, Council District 1, South City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-B-04-SC CITY OF KNOXVILLE
Request closure of Cheshire Dr (for vehicular traffic only) between Deane Hill Dr. edge of right-of-way and 5 feet northwest of the edge of Deane Hill Dr. right-of-way, CLT Map 120, Council District 2, West City Sector.

STAFF RECOMMENDATION: Deny closure.

Mr. J. D. Bud Mynatt: 7133 Wellington Drive, Deane Hill
Request postponement until after City Engineering ballots are counted, which are supposed to be mailed this week.

MOTION (MASSEY) AND SECOND (LEWIS) WERE MADE TO POSTPONE 30 DAYS UNTIL THE MARCH 8, 2004 MPC MEETING. MOTION CARRIED 14-0. POSTPONED UNTIL THE MARCH 8, 2004 MPC MEETING.

2-C-04-SC CITY OF KNOXVILLE
Request closure of Golf Club Rd. (for vehicular traffic only) between edge of right-of-way of Deane Hill Dr. and 5 feet northwest of the edge of right-of-way of Deane Hill Dr., CLT Map 120, Council District 2, West City Sector.

STAFF RECOMMENDATION: Deny closure.

MOTION (SMITH) AND SECOND (JENDREK) WERE MADE TO POSTPONE UNTIL THE MARCH 8, 2004 MPC MEETING. MOTION CARRIED 14-0. POSTPONED UNTIL THE MARCH 8, 2004 MPC MEETING..

* 2-D-04-SC KCDC
Request closure of a portion of Walnut St. between Wall Ave and Union Ave., CLT Map 94, City Block 19190, Council District 6, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

W 2-E-04-SC KCDC
Request closure of a portion of Union Ave. between Unnamed alley and Walnut St., CLT Map 94, City Block 19190, Council District 6, Central City Sector.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

10. ALLEY CLOSURES
None

11. STREET NAME CHANGES
None

12. SUBDIVISION NAME CHANGES
None

13. PLANS AND PLAN AMENDMENTS/REZONINGS

W 9-A-03-MP TENNESSEE TECHNOLOGY CORRIDOR DEVELOPMENT AUTHORITY
TTCDA Comprehensive Plan Update.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

1-B-04-PA VICTORIA KOONTZ

Northwest side of Edgewood Ave., west of Whittle Springs Rd. Request One Year Plan Amendment from LDR (Low Density Residential) to NC (Neighborhood Commercial). Tax ID 70 P B 009, Council District 5, East City Sector.

STAFF RECOMMENDATION: Approve NC (Neighborhood Commercial).

Mr. Ken Pruitt: Postponed last month by the applicant. There is some neighborhood opposition. It is for expansion of a neighborhood commercial facility. Staff has recommended approval of the addition of this lot to adjacent commercial establishment as it would square off the property lines separating the present residential from the existing commercial to the north and permit the redevelopment in a more appropriate property line for the neighborhood commercial area already in place to the east of the site. It would require one-year plan approval for the zoning of C-1 to be approved by the Commission.

Mr. Herbert Bomar: 24 Edgewood Avenue
The service station is on the corner and has been robbed many times. They do not close until 11:00 p.m. A lot of teenagers come in and out squealing their tires. We do not want that anymore. We have 40 signatures of people that live on Edgewood that do not want this. I believe she is going to enlarge the filling station and part facing on Edgewood. It is hard to go to bed with the lights shining in your windows. They do not cut the lights off at night and that is one reason we oppose it. We do not have any other commercial at all on Edgewood from here to Broadway.

Ms. Victoria Koontz: Applicant
Rezoning request is to open up possibilities. Convenience store is old and rundown and dimly lift. Believe it would be an improvement. It would allow for a nicer commercial use and improve the corner. I do not own the filling station property.

Mr. Jack Sharp: Asked what she intended to do with the property.

Ms. Koontz: I intend to just hold on to it as an investment for later to see if it might be used for commercial. I just own the property beside the filling station. The people that own the filling station own the property beside the filling station and behind mine that faces Whittle Springs. By changing this zoning to commercial, it would allow the whole corner to be commercial.

Ms. Slack: What was your original reason for buying the property?

Ms. Koontz: Originally I bought it to remodel the house. The house is condemned and has structural problems. I did not realize the property behind this is commercial as well as the filling station. Without this piece of mine, it would not make a good commercial property. I do not have any interest in the rest of the corner.

Mr. Chester Kilgore: If you do get this rezoning and the people that own the filling station are not interested at this time, what will happen to the house on the property?

Ms. Koontz: I will have to make required repairs or have it torn down because it is in condemnation.

Mr. Smith: If she can improve that corner, that is great.

MOTION (SMITH) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Mr. Wolf: I live in that immediate area. There is enough traffic already. To have the potential for it becoming more commercial is the wrong thing to do.

Ms. Koontz: I thought the store is already there and there are a lot of cars that go in and out. If it were newer and nicer, that would improve the area.

Mr. Wolf: If you have a newer and nicer commercial facility, it would then add more traffic.

Mr. Dick Graf: Maybe the thing to do is hold off on changing this. If she finds a buyer or someone that wants to put together the parcels on the corner, then bring it back at that time.

Upon roll call vote the Planning Commission voted as follows:

BENEFIELD	YES
DONALDSON	YES
FOSTER	NO
FRENCH	YES
GRAF	NO
JENDREK	NO
KILGORE	NO
LEWIS	NO
MASSEY	YES
SHARP	NO
SLACK	YES
SMITH	YES
WOLF	NO
BROWN	NO

MOTION FAILED 6-8.

MOTION (WOLF) AND SECOND (KILGORE) WERE MADE TO DENY NC (NEIGHBORHOOD COMMERCIAL). MOTIONED CARRIED 8-6. NC (NEIGHBORHOOD COMMERCIAL) DENIED.

1-D-04-RZ VICTORIA KOONTZ

Northwest side of Edgewood Ave., west of Whittle Springs Rd. Rezoning from R-1 (Single Family Residential) to C-1 (Neighborhood Commercial). Tax ID 70 P B 009, Council District 5, East City Sector.

STAFF RECOMMENDATION: Approve C-1 (Neighborhood Commercial).

MOTION (SHARP) AND SECOND (KILGORE) WERE MADE TO DENY C-1 (NEIGHBORHOOD COMMERCIAL) MOTION CARRIED 8-6. C-1 (NEIGHBORHOOD COMMERCIAL) DENIED.

SUBDIVISIONS

14. CONCEPTS/USES ON REVIEW

1-SA-04-C SCHAEFFER HEIGHTS
Northeast side of Schaeffer Rd., southwest side of Thompson Rd., Commission District 6.

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

Ms. Kim Scarboro: 2008 Schaffer Road
Initially I opposed the building of this subdivision because number 1, it is in the technology corridor that we were hoping that at some point in time the property would be business park. We do have businesses on both ends of Schaffer Road now. One concern is with a subdivision in this area will you have any more growth business-wise. Traffic bad and it is a heavily traveled road. If subdivision goes in, will there be any additional exits rather than all funneled in and out Schaffer Road?

Mr. Dan Kelly: This 62-acre tract was recently zoned PR at up to 3 units per acre. Development as proposed is approximately 2.8 units per acre. Zoning prior to residential was agriculture. From the standpoint of loss of potential business in the area, there has been no change from BP or Planned Commercial zoning in that area and there should not be a loss of potential commercial. Typically we would require a second access if there were more than 150 lots. Given the topography we opted to permit the applicant to do all access via Schaeffer Road. In their plan you will see a boulevard-type street that will lead up into the development where you get into the looped streets. Hopefully one side or another of the boulevard would be open in case of emergency. We are recommending approval with only one variance. Given the topography of this site, we were surprised they were able to design the subdivision with only one variance.

Ms. Scarboro: Has provision been made for water runoff down the ridge from the subdivision?

Mr. Kelly That is part of the review process. At the concept plan stage, typically do not have final drainage designs. They have shown us the direction of the water drainage and where they would expect to detain the water. That is in the next phase of the approval process.

Ms. Scarboro: As far as only one entrance in and out, is there anyway we can oppose this and get it changed?

Mr. Kelly: Downside of going to Thompson Road is it is only 14 to 15 feet wide. I think we will be talking with the developer in the next several months about that. There may be potential for that. The way the plan is today all access would be to Schaffer Road

MOTION (GRAF) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. CONCEPT PLAN APPROVED.

1-D-04-UR EAGLE BEND REALTY
Northeast side of Schaeffer Rd., southwest side of Thompson Rd. Proposed use: Detached single family subdivision in PR (Planned Residential), PR

(Planned Residential) & TO (Technology Overlay) District. Tax ID 104 106, pt 106.01, 138,138.01, Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve the plan for up to 182 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (GRAF) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED.

* 1-SC-04-C BETHANY SPRINGS
Northwest side of McCloud Rd., southwest of Gray Rd., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 1-E-04-UR DISNEY JOINT VENTURE
Northwest side of McCloud Rd., southwest of Gray Rd. Proposed use: Detached single family subdivision & multi-family residential condominiums in PR (Planned Residential) District. Tax ID 28 227.01, Commission District 7, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

1-SJ-04-C THE ANTHEM
Southeast side of Westland Dr., northeast of Clover Hill Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-5 and the concept plan subject to 7 conditions.

MR. TREY BENEFIELD RECUSED FROM DISCUSSION OR VOTING ON THESE ITEMS.

Mr. Arthur Seymour Jr. 550 West Main Avenue, on behalf of applicant

Ms. Shawn Lewis: 1355 Pine Springs Road, on behalf of several homeowners adjacent to the previous development of Polo Club One.
We have previously written MPC concerning our concerns regarding Polo Club Two. We have suffered significant damage of our property as a result of Polo Club One with the majority of the damage due to runoff. Plans for Polo Club One did not sufficiently address runoff from the property. An entire hillside was de-vegetated without regard to erosion. In the 1.5 years since this was done, we have repeatedly had large volumes of mud and silt washed onto our property. Any time it rains, mud flows down the hill into our back yards and grass will not grow. Large portions of our backyards have been mud pits over the year. Peter Medlin has not tried to remedy this situation and has not responded to our letter. To access a sewer line the developer removed substation vegetation on one of our properties without any prior notification to the homeowner affected. While he had a temporary easement to tie into the sewer line, that did not give him the authority to removed vegetation that was not on Polo Club property. Mr. Medlin has not repaired the damage caused by the sewer tie-in. Prior to the development Mr. Medlin told us that a 35-foot tree buffer would be left between Polo Club One development and our properties. This was not done and in some places

there is no vegetation at all between our property and the development. We are concerned that Polo Club Two under consideration may cause similar problems to homeowners downhill from the development. Ask MPC to not allow the same problems here. By following the development policies in General Plan MPC may prevent the type of problems we have encountered. Specially in ensuring that Polo Club Two follows guidelines 9.2 and 9.3 for tree loss and impact of new development and also guidelines 7.2 and 7.6 on management of runoff and density issues. Also set conditions for utility tie-ins so that no other homeowners will wake up to dozers removing vegetation from their property. It is appropriate that Mr. Medlin repair the damage that he has created on our properties before being allowed to begin construction of Polo Club Two. Ask that you help prevent irresponsible development so close to existing homes.

Ms. Sharon Boyce: 9520 Westland Drive

I live west of this proposed development, the Anthem. The property owner is the Spirit of the Smokies. It is ironic they picked that name. I have lived there for 25 years and watched them take Polo Club on the east of Lott School. They tore down every tree there and wiped the hillside bare and graded it all down. Now I can see what they are going to do on the west side. Ask two things: Planned Residential is supposed to be a balance where you can put houses closer together and save open space and trees, not just density. On the west side of Lotts it will happen like on the east side. Ask that you 1) look where there are steep slopes that require less density at the rear and 2) provide some buffers and preservation of trees. It needs deed restrictions. Could be a combination of open space. You do not see that here. If we are going to have any trees in west Knoxville, we need to start paying attention to this.

Mr. Arthur Seymour, Jr. As far as density, this area is approved at 1-4 units per acre. Proposed developed is well under 3 units per acre. Postponed last month due to drainage concerns. As a result of the meeting between Mr. LeMay, Planning staff and Knox County, a requirement has been added and the project has been reengineered to detain drainage not only from this development but also that which comes from A L Lott School to the 100 -year flood standard. As far as development of the parcel on the east side of A L Lott School, there have been some problems there. The developer has worked with Knox County on those issues. All of those issues have been addressed and are in the process of being corrected or have already been corrected. Mr. LeMay may want to address these issues. The conditions imposed require conformity with all of the Knox County development standards and your standards and this developer will meet those. The total acreage is over 22.5 acres. There are 54 units proposed. In the past and today we have heard I want condos or clustering. When that was tried on the other side there was neighborhood opposition to that. That is why the developer went with single family detached homes on individual lots. You are going to please some and not others. Pattern is a mix of large homes on single family lots with some condos. By eliminating the condominiums, the developer thought he was complying with the wishes of the residents of the area. He has up-engineered the project so the concerns expressed have been addressed.

Ms. Susan Brown: Address applicant about specific buffering and tree removal.

Mr. Richard LeMay: 110816 Kingston Pike

Proposed right now to have a 35-foot periphery between Lott School as well as Pine Springs and the adjacent property to the right. That area will be left with vegetation in the 35-foot strip except for the situation the lady from Pine Springs was describing where we have a sewer easement. If we have a sewer easements, obviously cannot install sewer lines without taking vegetation off. We have to cross through that buffer to install utilities primarily bordering Pine Springs to the south or back. There were a large number of trees taken off the Polo Club. There will be trees removed from this site. We will make every attempt to save every tree inside that 35-foot periphery we can save. There will be no guarantees. We did save some trees between Pine Springs in the 35-foot area at the Polo Club and on the Gettysview side. Some do still remain.

Ms. Lewis: There are no trees left on the Polo Club property. There was no 35-foot periphery left. There was no need to remove those. That was an illegal use of the easement without the owners permission.

Ms. Boyce: Passed around a picture of the property.

Ms. Brown: Asked staff about tree preservation and latitude the Commission has.

Mr. Dan Kelly: You could place conditions on tree removal if it is the choice of the Commission. The situation you have in this case with regard to lot size, topography and proposed houses, will result in an extensive amount of grading on the property. There is no way to get around it with detached single family housing on the lots that they have. Preservation of the trees in the 35-foot peripheral boundary is something you could make a condition. Anything more than that would be difficult without getting into a tree survey and getting into what trees specifically should be saved. It would require a much higher level of planning and review that we currently have.

Mr. French: Asked Ms. Lewis if voiced complaints with the Knox County Codes

Ms. Lewis: Yes we have. Even though there is blatant violations of Knox County Ordinance, the Knox County Public Works and Engineering refuses to address this issue appropriately even though we have extensive video of the damage that is occurring. They simply refuse to do anything.

Ms. Cindy Pionke: I know Bruce Wuethrich and Leo LeCamera have been out there. The subdivision inspector has been out there. Our intention was if the issues with Polo Club did not get cleared up, that we would hold up the grading permit for his concept plan when it comes for that. We saw no reason necessarily to hold up the approval of this concept plan.

Ms. French: I think that is certainly appropriate if the developer has not addressed issues. He does not need to be going on down the road and creating more problems.

Ms. Lewis: Additionally, this developer put in a detention pond which was not on the original plat. And now there is an illegal detention pond and also a permanent very large detention pond on Westland Drive. We were assured the illegal detention ponds would be emptied every three days and it has not been.

Both of those detention ponds located near schools and residential areas are going to create a public health concern.

Mr. Jendrek: Asked if 35-foot tree buffer shows on the plan.

Mr. LeMay I do not know if it shows. Inside each boundary there is a 35-foot periphery setback in the PR zone. That is the area we would attempt to save the trees. Would like to address question asked about the Pine Springs problem. I personally have been out there on 5-6 occasions, the County has been out there more than that, making attempts to satisfy the Pine Springs drainage situation and their complaints. The illegal detention pond she speaks of was added at the County's request in order to try to alleviate some of the concerns about runoff problems. That is a silt pond and it is still there. It was installed to alleviate some of their concerns. The area has been re-seeded several times. The area in the back of their yard that receives water is a drainage easement that was platted with their subdivision. We have made every attempt to solve problems that occurred with erosion and have met with them several times.

Mr. Wolf: On 35 foot strip you plan on leaving, it looks like quite a bit of large trees. If you just take a 35 foot strip and with those large trees, they have roots extending far beyond the 35-foot strip. Those trees will not survive. Have you made any provisions for the larger trees to go beyond the 35-foot strip?

Mr. LeMay: They would have a zero chance of survival. We have not gotten to the stage of deciding which trees we can save or not. If there are large trees where we can adjust the grading to save them in the general proximity of that area, we will certainly do that.

Mr. Graf: We are barking up the wrong tree. The 35-foot setback is a building line setback and not a buffer. You can cut down trees and plant grass in it. If the building restrictions allow, you could put a little shed back there, but you cannot put a foundation. It is a deeded piece of your land. It is a deeded piece of your land just like side yard and front yard setbacks. It just means you cannot build any closer than 35 feet. It is not a vegetated barrier. I do not think we as a group want to get into "do we want to save that tree or that tree". Is this suitable for planned residential and is it a suitable plan to go on here, that is what we should look at. The land we are working with now is generally rough and takes a good amount of grading. Trees are expensive to handle. You do not take a tree unless you have to do it to shape up the entire project. Trees are extremely expense to cut up, haul away or grind up and it adds to cost. We just do not go out and look for ways to take down trees. The trees come down to shape up the entire project. I think it is good idea that County Engineering is on top of this. They will not issue grading permits until their Polo Club One is taken care of.

MOTION (GRAF) WAS MADE TO APPROVE STAFF RECOMMENDATION.

Ms. Susan Brown I do think it is our place to say whether to remove this tree or that tree. I do think we have the ability to put conditions on buffers.

Mr. Chester Kilgore: Ms. Boyce, if such a study were done regarding trees and the buffer, would that satisfy your complaints?

Ms. Boyce: If think if there were some condition to preserve some of the forest that is there and it is actually placed on the plat with the definition of what this buffer means, that is what I would like to see.

Mr. Seymour: You could add a condition that there be a tree survey and that the developer endeavor to save as many trees as he can during the grading process.

Graf left his motion as originally stated.

AND SECOND (SHARP) WAS MADE TO APPROVE STAFF RECOMMENDATION.

Mr. Philip French: It is hard to regulate tree removal. The owner of that property could do what he wants with the trees and cut them down for firewood without permission. What is incumbent upon the developer is to have a sense of preserving some of the aesthetic beauty of the area that he is developing. For us to legislate that, I do not think we could be very successful.

Upon roll call vote the Planning Commission voted as follows:

DONALDSON	YES
FOSTER	NO
FRENCH	YES
GRAF	YES
JENDREK	NO
KILGORE	NO
LEWIS	NO
MASSEY	YES
SHARP	YES
SLACK	YES
SMITH	YES
WOLF	NO
BROWN	NO

MOTION CARRIED 7-6-1. CONCEPT PLAN APPROVED.

1-L-04-UR SPIRIT OF THE SMOKIES, LLC
Southeast side of Westland Dr., northeast of Clover Hill Ln. Proposed use: Attached and detached single family subdivision in PR (Planned Residential) District. Tax ID 144 64, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Approve the plan for up to 54 detached single family dwellings on individual lots shown on the plan subject to 3 conditions.

MOTION (GRAF) AND SECOND (FRENCH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 7-6-1. DEVELOPMENT PLAN APPROVED.

* 2-SA-04-C HARRISON GLEN
North & west side of Harvey Rd., east of Amber Glades Ln., Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-F-04-UR JOHN KERR CONSTRUCTION CONCEPTS
North & west side of Harvey Rd., east of Amber Glades Ln. Proposed use: Detached single family subdivision in PR (Planned Residential) pending & HZ (Historic Overlay) pending District. Tax ID 162 29.13, Commission District 5, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-SB-04-C HUNTERS ESTATES
South side of Snyder Rd., west of Lovell Rd., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-4 and the concept plan subject to 9 conditions.

MOTION (MASSEY) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. CONCEPT PLAN APPROVED.

2-G-04-UR JAMES R. WHITE
South side of Snyder Rd. ,west of Lovell Rd. Proposed use: Detached single family subdivision in PR (Planned Residential) pending District. Tax ID 118 35,36 & 36.01, Commission District 5, Northwest County Sector.

STAFF RECOMMENDATION: Approve the plan for up to 72 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (MASSEY) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED.

2-SC-04-C THE WOODS AT SHANNONDALE
East side of Shannondale Rd., east of Fulton Dr., Commission District 7 & Council District 4.

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

MS. MARY SLACK RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Mr. Ben Jako: 5004 Malibue
I am not opposing, I just want clarification. This is half wooded and has not been logged in 60 years. We are concerned if you put 20 lots in you will take out many trees and put in many roofing and driveways. Land drains into Beverly Acres. We would like to see some adequate drainage plan. It is being developed next door to about 40 condos. Add to this Beverly Oaks and end of Mountain Crest and they all drive down Shannondale each day. There are a number of bad traffic accidents where it hits Tazewell Pike. What is to be done about traffic at the intersection of Tazewell Pike and Shannondale Road? We would like to suggest traffic lights or turn lanes before putting more traffic on Shannondale. City has now annexed the road but not the property next to it. Greg's property is in the process of being annexed. Bruce Wuethrich worked with us for a while on the drainage and then the City annexed it and the County went away. That problem has never been fully addressed. Also sidewalks are a problem. Children have to stand in

driveways waiting to be picked up by the school bus. We would like to have some reassurance about the drainage, road improvements and silt control.

Mr. Dan Kelly: The proposed subdivision is for 20 lots on 7.4 acres, just a little over 2 units per acre. Minimum lots sizes are around 11,000 square feet exceeding requirements of minimum lot size in the area. One of our primary concerns is access to the property and trying to be sure the proposed road came into a location to get onto and off safely and not cause a traffic problem on Shannondale. Access is right on top of a little hump in the road. Should be able to see both ways satisfactorily. With regard to traffic, I understand traffic from this development would not be noticeable because 10 percent of traffic would be in the in peak hours and then the rest spread out over time. Would not notice additional 20 cars over the peak period during that time period. We are requiring that sidewalks to be built within the development, but that does not get sidewalks built out on Shannondale. That is the responsibility of the City or County to build that sidewalk. The drainage plan is produced as the second phase of the project in the review process. At this point they note where the detention basin will be located on the site. They will be required to detain their stormwater on the property and will have to meet city and or county requirements. In this case it would be whichever is more restrictive would apply.

Mr. Jako: If you think it is not going to increase the traffic, you should be there when Shannondale School is trying to convene in the morning and people are trying to go to work.

Mr. Gary Grant: 4528 Samona Road, my wife teaches at Shannondale
At certain times of the day, the traffic is bad. My wife told me to forget the sidewalks, but go for a traffic light at Shannondale and Tazewell. There was a wreck there yesterday. The bus turns left and people have to stop every morning to let the bus out. A turning lane would be nice. Cars back up picking their kids up. We do need some help.

Mr. Dan Kelly: You would need to talk with the Engineering Department for the City or the County for the traffic signal.

Ms. Susan Brown: Asked Cindy Pionke of County Engineering if this were going to be a joint City and County effort from engineering and drainage perspectives.

Ms. Pionke: The majority of the subdivision is in the County and we will be looking at the drainage permit. As far as the road, Shannondale Road and the intersection of Shannondale and Tazewell Pike is in the City of Knoxville.

MOTION (FRENCH) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0-1. CONCEPT PLAN APPROVED.

MS. MAMOSA FOSTER LEFT THE MEETING AT THIS TIME.

* 2-SD-04-C SUNCREST DRIVE (FORMERLY SUNVIEW DRIVE)
West side of Brakebill Rd., south of Asheville Hwy., Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SE-04-C KNOX ESTATES
South side of Buffat Mill Rd., west of Locarno Dr., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-L-04-UR KNOX ESTATES, LLC
South side of Buffat Mill Rd., west of Locarno Dr. Proposed use: Detached single family subdivision & day care center in RP-1 (Planned Residential) District. Tax ID 60 P A 025, Council District 4, East City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-SF-04-C PLASTI-LINE RESUBDIVISION
North side of E. Emory Rd., east of Dannaher Ln., Commission District 6, Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SG-04-C CASCADE FALLS
South side of Ball Camp Pk., east of Cureton Rd., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-P-04-UR TERRY PATTON
South side of Ball Camp Pk., east of Cureton Rd. Proposed use: Detached single family subdivision in PR (Planned Residential) pending District. Tax ID 105 126 pt., Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SH-04-C RESUBDIVISION OF LOT 2, COGDILL COMMERCIAL PARK
East side of Yellow Pine Ln., east of Cogdill Rd., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SI-04-C DUCK COVE
East side of Duck Cove Dr., south of Early Rd., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

15. FINAL SUBDIVISIONS

P 9-SK-03-F ARBOR VISTA
Northwest side of Choto Rd., south of Whitten Ln., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 10-SE-03-F RALPH JOEL OWNBY PROPERTY
Northwest side of Twin Oak Ln., southwest Tazewell Pike, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 11-SN-03-F H. T. & EDITH ROACH ESTATE, RONALD E. & FAYE WEISGERBER & HARVEY M. WRIGHT
Southeast side of Wood Rd., east of Majors Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 12-SA-03-F PROPERTY OF THOMAS J. & BETTY L. MARTIN
West side of W. Dick Ford Ln., just west of Chapman Hwy., Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 12-SL-03-F CARROLL P. SELLERS
South side of Kodak Rd., east of Russell Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 12-SM-03-F MCGUINESS PROPERTY
60 days 4/8/04 Southwest side of Houser Rd., south of Lyons Bend Rd., Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 12-SO-03-F FRANKLIN CREEK
South side of Yarnell Rd., east of Carmichael Rd., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 12-SR-03-F MILLERS PLANTATION, UNIT 3
West end of Rhyne Cove Ln., west of Miller Creek Ln., south of Ball Rd., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 1-SA-04-F EDNA MAE TAYLOR
Northeast side of Majors Rd., north of Wood Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 1-SF-04-F WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R
Southeast side of Buffat Mill Rd., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 1-SN-04-F CHRISTIAN SPRINGS, UNIT 2
East end of Ruby June Ln., east of Stair Dr., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 1-SS-04-F POLO CLUB, UNIT 2
Southeast side of Westland Dr., northeast side of Appaloosa Way, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

1-ST-04-F FARMERS-TRUCKERS MARKET, FORT SANDERS ADDITION AND UNPLATED PROPERTIES
Northwest Fort Sanders on both sides of Grand Ave and Forest Ave., Council District 1.

STAFF RECOMMENDATION: .Approve Variance 1 and Deny final plat.

Mr. Brechko: Denial is based on the fact that the revised plan submitted by the Corrections Deadline did not address a right-of-way issue involving private parking. They have revised the plan to City Engineering's approval. Plat before us now is approvable. Applicant has asked for waiver of the 9-day rule and plat.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO WAIVE ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 13-0. ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. FINAL PLAT APPROVED.

MS. MAMOSA FOSTER RETURNED TO THE MEETING AT THIS TIME.

* 1-SV-04-F WREN'S CREEK, RESUB. LOTS 1 & 2 (REVISED)
Southeast side E. Beaver Creek Dr., southwest side Ghiradelli Rd., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 1-SY-04-F KNOXVILLE POST OFFICE CREDIT UNION
Northwest side Middlebrook Pike, Northeast of Old Weisgarber Road, Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SA-04-F LANGFORD SUBDIVISION, RESUBDIVISION OF LOTS 1 & 2
West side of Helmbolt Rd., south of Creekhead Dr., Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SB-04-F RESUBDIVISION OF THE ROGER D. PHILLIPS & GRACE S. PHILLIPS PROPERTY & JUANITA MAPLES PROPERTY
Northwest side of Rutledge Pike, southwest side of Varnard Ln., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-SC-04-F VERNON T. LATTIMORE PROPERTY
South side of Sunset Heights Dr., east side of Hightop Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

2-SD-04-F REPLAT OF PORTION OF LOTS 6 & 6CR, FARRAGUT HILLS ESTATES
West side Windswept Ln south of S. David Ln, Commission District 5.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

Mr. Chris Rosser: Sterling Engineering, 1017 Hampshire Drive, Maryville
Ask approval per staff recommendation.

Ms. Patty Duesek: 532 Windswept Lane
I represent myself as well as 5 other homeowners on the private drive. Request postponement. We were unaware of the decision to subdivide this lot and feel there are covenants as well as a joint driveway agreement that would be violated by this. Property has no egress.

Mr. Tom Brechko: This application is for approval of addition of another lot onto the existing joint permanent easement for this development. Property is two tax parcels. The review complies with zoning and subdivisions regulations with approval of variance to allow extension of pavement of the joint permanent easement to the second lot without meeting street design standards for pavement. The issue raised relates to private covenants. We looked at the joint permanent easement to make sure there was provision for maintenance and those exist as part of it. There is also a provision that this access goes with the heirs or assigns. Preliminary stuff from surveyor regarding covenants indicates there is a provision regarding a restriction on further subdivision of the property. From what we looked at that further subdivision restricts that it cannot be further subdivided on lots less than 0.88 acres. From what we have seen there is nothing that says they can subdivide it. From our position it is an approvable plat. If there are restrictions, that is a private issue to be handled outside this review.

Mr. Dick Graf: I was contacted about this earlier last week. The person that contacted me is out of town and will be back next week. Request was for a 30-day postponement, which we cannot do. Denial is in effect the same thing as a postponement. They need to meet with the applicant to see if they can work this out between themselves rather than our going forward and they have to deal with that. The way to put it off 30 days is to deny the final plat and see if they can meet and work out details between themselves.

Mr. Tom Brechko: They would be required to file a new application, which is a $50 filing fee.

Mr. Dick Graf: We do this regularly. We deny final plats and they come back the next month.

Mr. Philip French: Do we have a basis for denial?

Mr. Graf: The basis is that the neighborhood would like to meet with the applicant to see what his real intention is and try to work out something with the applicant. That is what we try to encourage here all the time.

Chair Brown: Asked for clarification on final plat and what discretion they have.

Mr. Steve Wise: MPC Attorney.
There is not a lot of latitude in final plat approval. If it meets the minimum subdivision regulations, you are incumbent to approve. In this instance there is a variance which would provide the opportunity for denial because if there is a variance there is something that does no comply exactly with the minimum subdivision regulations. That would be a basis for denial.

MOTION (GRAF) AND SECOND (SMITH) WERE MADE TO DENY VARIANCE AND FINAL PLAT. MOTION CARRIED 14-0. VARIANCE AND FINAL PLAT DENIED.

P 2-SE-04-F SHERRILL LANE BUSINESS PARK
Northeast side of Sherrill Blvd., just south of Mabry Hood Rd., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-SF-04-F RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY
Northwest side of Tazewell Pike, north end of Clapps Chapel Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-SG-04-F BRICKYARD HILL, UNIT 3
Southwest side of Brickyard Rd., northwest of Levy Dr., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SH-04-F PROPERTIES OF ALLEN DUNLAP, BRYAN BARKLEY & JAMES BURKHART
Northwest side of Asbury Rd., southwest of Vaughn Ln., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-SI-04-F PAUL W. & JOANN IRENE VANCE
West side of Strong Rd., north of Dockery Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SJ-04-F DYER/BUCKNER PROPERTIES
Northwest and west sides of N. Burns Rd., north of Asheville Hwy., Council District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SK-04-F VIRGIL COX
East side of Wood Rd., north of Dalton Ln., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-SL-04-F PROPERTY OF ALICE RUTH GRIFFIN
East side Neubert Springs Road, at Tarwater Road, Commission District 9.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-SM-04-F MARY SHIPE GILMORE PROPERTY
South side of Richland Rd., east of McKinney Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SN-04-F TURKEY CREEK PHASE 1, RESUBDIVISION OF LOT 1R-3R4RA
North side of Parkside Dr., east of Snow Goose Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-SO-04-F J. B. CATE SOUTH KNOXVILLE ADDITION, RESUBDIVISION OF LOTS 1 - 9 & PARTS OF LOTS 10, 14 - 22
Southwest end of Stevens Ave., Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-SP-04-F MIDDLEBROOK RIDGE
North side of Ball Camp Pike, west of Andes Rd., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SQ-04-F WYNDAM POINTE, UNIT 1
North side of Beaver Ridge Rd., at the intersection with Oak Ridge Hwy., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SR-04-F DAVID T. & LINDA C. WATSON
Northwest side of W. Marine Rd., northeast of Tipton Station Rd., Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

W 2-SS-04-F ELAINE SHIPE
West side of Arms Rd., north of Asheville Hwy., Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

2-ST-04-F C. BRYAN BLALOCK, A. SIDNEY BLALOCK & JAMES D. BLALOCK PROPERTY RESUBDIVISION
West side of Central Avenue Pike, south side of Merchant Dr., Council District 5.

STAFF RECOMMENDATION: .Deny final plat

Mr. Tom Brechko: Revised plat we received did not meet Engineering's requirements on encroachment of a detention pond. They have submitted a revised plat. City Engineering is recommending approval. It is approvable with the 9-day waiver.

MOTION (MASSEY) AND SECOND (SMITH) WERE MADE TO WAIVE ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 14-0. ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.

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

* 2-SU-04-F THE RESERVE AT HUNTERS RIDGE, UNIT 2
East side of Stony Point Rd., North of Kays Ridge Ln., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SV-04-F MAPLE GROVE SUBDIVISION, RESUBDIVISION OF LOTS 18R & 19R
Southwest end of Maple Grove Way, north side of Matlock Dr., Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-SW-04-F DENNY ARNOLD PROPERTY
South side of Valley View Dr., west of Laurel View Rd., Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-SX-04-F VERLIS OGLE PROPERTY
Northeast end of Richard Ln., north of Curtis Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

16. ONE LOT SUBDIVISIONS

P 7-V3-03 41 NORTHSHORE DRIVE SUBDIVISION, RESUB OF PARTS OF LOTS 2 & 3
Northwest side of S. Northshore Dr, northwest of Morrell Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

T 7-V6-03 SHERLAKE CENTER, LOT 5
South side of Parkside Dr, west side of Hayfield Rd., Council District 2.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

P 10-V3-03 BONNYMAN ESTATE LOT - 3A, BLOCK "A" WESTMORELAND HEIGHTS SUBDIVISION
North side of Sherwood Dr., east of Gate Head Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 10-V5-03 AMERISTEEL PROPERTY
Northwest side of Tennessee Ave., southeast side of Louisiana Ave., southwest side of Stonewall St., Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 10-V10-03 THE ETHANOL CORPORATION RESUBDIVISION PLAT
North side of Asheville Hwy., west side of River Turn Rd., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 11-V6-03 WILLIAMSBURG ADDITION, RESUBDIVISION OF ALL OR PARTS OF LOTS 17, 18, 23, 24, 29, 30, 33 & 34
South side of W. Hill Ave., west of Maplehurst Ct., Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

11-V8-03 1608 DICK LONAS RD. PROPERTY
East side of Dick Lonas Rd., south of Seaver Dr., Council District 3.

STAFF RECOMMENDATION: Deny variance and final plat.

Mr. Tom Brechko: Revised plat did not address an issue regarding right-of-way dedication variance. The applicant has worked closely with City Engineering and the revised plat addresses the correction on the right-of-way dedication. Recommend approval of variance and approval of plat, but it requires approval of 9-day waiver.

MOTION (MASSEY) AND SECOND (SMITH) WERE MADE TO WAIVE ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 14-0. ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.

MOTION (MASSEY) AND SECOND (SMITH) WERE MADE TO APPROVE VARIANCE AND FINAL PLAT. MOTION CARRIED 14-0. VARIANCE AND FINAL PLAT APPROVED.

* 12-V1-03 THOMAS R. HAVASY PROPERTY
East side of Armstrong Ave., north side of Thompson Place, Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 12-V7-03 RESUBDIVISION OF BLAKEWOOD DEVELOPMENT AND E. L. DUNCAN BUILDERS, INC ADDITIONAL PROPERTY
Northwest side of Schaad Rd., directly north of Hilda Ln., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 1-V2-04 FAYE BOONE & JIMMY BOONE
South side of Fayette Ln., west of Woods Creek Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 1-V3-04 RONALD DEWAYNE WHITT PROPERTY
Northwest side of Old Maynardville Pike, west side of Thomas Weaver Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

1-V5-04 PAPERMILL POINTE BUSINESS PARK
South side of Papermill Dr., east side of Kalmia Rd., Council District 2.

STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat.

Ms. Joan Van: 1312 County Road
Mr. Johnson brought this down a little bit ago. They have denied, not the plat, but denied plans because we still have not addressed the flooding problem. The plat is okay. They denied being able to do anything until they take care of the drainage.

Mr. Tom Brechko: She had talked to Mr. Brent Johnson regarding this application. The City has recommended approval of the final plat. It is the permit that would be required for the parking lot expansion that has not been approved. The City has sent out a letter to the applicant identifying the corrections and additional documentation that is needed. The reference to denial was the fact that they did not approve the design plan. Plat is approvable.

MOTION (GRAF) AND SECOND (SLACK) WERE MADE TO APPROVAL VARIANCES AND FINAL PLAT. MOTION CARRIED 14-0. VARIANCES AND FINAL PLAT APPROVED.

2-V1-04 WITHDRAWN PRIOR TO PUBLICATION

P 2-V2-04 ADAIR GARDENS ADDITION, RESUBDIVISION OF LOTS 90, 91, 92 & 93
Northwest side of Tazewell Pike, northeast side of Coile Rd., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-V3-04 DWIGHT C. CARDEN SUBDIVISION
Southwest side of Long Hollow Rd., east of Shade Weaver Rd., Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-V4-04 MILDRED M. COBB PROPERTY
East side of Skaggston School Rd., northwest of Rutledge Pike., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-V5-04 TURLEY & COMPANY, RESUBDIVISION OF PARCELS 25.01 & 26
Northeast side of Clinton Hwy., southeast side of W. Inskip Dr., Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-V6-04 ANN JERNIGAN PROPERTY
Southwest side of Pinewood Dr., north of Raven Dr., Council District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat.

Mr. Tom Brechko: The reason this has been submitted to us for review is that there have been drainage problems in the area. They started to build a house on this property and the City required that they put a detention system on the property. The plat is actually being reviewed for approval of the detention easement. Some of the residents have concerns about this request.

Mr. Bob Hutchins: 5401 Pinewood Road
Ask that this be postponed. We did not know about this until Friday. We have not had time to prepare for this.

Chair Brown: Postponement is not an option.

Mr. Richard LeMay: We prefer to have the plat approved.

Mr. Hutchins: Several issues about this property. First it has been vacant for over 50 years. Under serious rains it floods badly. Passed around pictures of property. Portion of concern is the detention area they are gong to put in is huge and encompasses 3/4 of lot, about 6500 square feet and about 4 feet deep at the deepest area. Concerned about health issues such as mosquitoes and West Nile Virus. Concerned about small children in the area. They may be playing in the water and be hurt.

Mr. LeMay: This is a currently platted lot. Reason it has been vacant is one portion has a depressed area that did not allow positive drainage. When Ms. Jernigan got her foundation in it was reported there was a depression on the lot and drainage problems. I have been involved in working with this for over a year with Mr. Hutchins and Ms. Jernigan to work out an appropriate solution. We talked with the gentleman that just spoke. The ideal solution was for him to allow us to pipe this across his lot with his only contribution being a drainage easement. The price he wanted for the easement made it not feasible to build a single family house on this lot. This is the fourth plan that we have presented to City Engineering. City Engineering is in agreement that this solves the problem and this does not cause any additional drainage problems.

Ms. Mary Slack: I got several calls that there were no signs on this lot.

Mr. Buz Johnson: We do not post signs for final plats or subdivisions. We do put them in the newspaper.

Mr. Larry Smith: Explain how you are going to get the water out.

Mr. LeMay: What currently exists on this lot between Mr. Hutchins house and the lot we are building on is an existing depressed area created when the street was built in front of this lot as well as his lot. Water currently stands on this lot. When it rains enough, the water exceeds the capacity of that area and comes up over the street and his driveway. We are increasing the berm between

Ms. Jernigan's lot and his lot, which enables this existing depression to hold more water and go toward the street instead of his garage.

Mr. Smith: So you are going to build a dam?

Mr. LeMay: We are increasing the berm by approximately one foot to a foot and one-half.

Mr. Smith: Asked Mr. Hutchins about his feelings on this.

Mr. Hutchins: I did know they were going to have a berm. I did not know the height of it. I will get back with him.

Mr. Philip French: Is piping the water across his lot a better solution?

Mr. LeMay: It is to me. That opens up additional problems down stream. We just never got to the point of pursuing that to its ultimate end because we were not able to get the easement. Proposed use of property is one house of which the foundation has been there for a year.

Ms. Brown: If the plat is approved, what is the next step?

Mr. Brechko: Approval of the plat establishes the retention basin easement and they could get their building permit to construct this.

Mr. Hutchins: I met with City Engineers on several occasions. On one occasion with Ms. Jernigan and one of the neighbors, we were told that that lot should not be a buildable lot. This is of course after the permits were issued. My question is if it should not have been built on, why did they issue a permit to begin with? How did they get to this point?

Mr. David McGinley: At that time the permitting requirements for single family residential house you had to show the elevation of the four corners of the property. We do not have staff to go out and visit every single building permit site. We did not know there was a depression until after the foundation and footings were started. Once we realized there was a depression there, we asked them to back off and recreate the storage volume as Mr. LeMay talked about.

Mr. Slack: You did say it would hold more water or drain water? And how deep is it?

Mr. LeMay: Yes it would hold until it perks. It will be about 3.8 to 4 feet deep while it is holding it. I would like to think this is the last step of the permitting process. Our building permit was pulled until this situation was resolved. We have been working for about a year with City Engineering to get something that is approvable from them. That is what they have now approved and that is how these easements came about that we are asking approval of today.

Mr. Brechko: City Engineering has recommended approval of the plat.

Mr. Dick Graf: I have a hard time thinking that a 3-foot deep pond is a suitable solution. It seems that is not a good idea.

Mr. LeMay: A two foot depression already existed in the beginning. It is not that we are creating a depression to hold water. We are just adding to that. Reason for

that is a City Engineering requirement. Currently that depression holds, don't hold me to this, a 10-year storm volume. We had to increase the volume to retain a 100-year storm in that depression.

Mr. Larry Smith: I feel uncomfortable with that. We have the cart before the horse.

MOTION (SMITH) AND SECOND (KILGORE) WERE MADE TO DENY FINAL PLAT.

Upon roll call vote the Planning Commission voted as follows:

FOSTER	YES
FRENCH	NO
GRAF	YES
JENDREK	NO
KILGORE	YES
LEWIS	NO
MASSEY	YES
SHARP	YES
SLACK	YES
SMITH	YES
WOLF	YES
BENEFIELD	YES
DONALDSON	NO
BROWN	NO

MOTION CARRIED 9-5. FINAL PLAT DENIED.

P 2-V7-04 SEQUOYAH HILLS, BLOCK F, SECTION ONE, RESUBDIVISION OF LOTS 14, 15 & PART OF 16
East side of Cherokee Blvd., south of Bluff Dr., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-V8-04 KINGSTON PARK SUBDIVISION, RESUBDIVISION OF LOTS 5R & 6R
East side of Kingston Park Dr., south of Kingston Pike, Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

BREAK WAS TAKEN 3:14 P.M. UNTIL 3:33 P.M

17. REZONINGS

1-P-04-RZ FORT SANDERS REGIONAL MEDICAL CENTER
Northwest side Laurel Ave., northeast side Nineteenth St., Rezoning from R-2 (General Residential) to O-2 (Civic and Institutional). Tax ID 94 N L 028, Council District 1, Central City Sector.

STAFF RECOMMENDATION: Approve O-2 (Civic and Institutional)

MOTION (MASSEY) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. O-2 (CIVIC AND INSTITUTIONAL) APPROVED.

2-A-04-RZ WITHDRAWN PRIOR TO PUBLICATION

* 2-B-04-RZ AMERICA ONE PROPERTY SERVICES
South of terminus of Chukar Rd, north of Piney Grove Church Rd., Rezoning from R-1 (Single Family Residential) to RP-1 (Planned Residential) Tax ID 92 P D 009, Council District 3, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-A-04-SP LOIS J. LOWE
North side Kimberlin Heights Rd., southwest of Burnett Creek Rd. Request South County Sector Plan Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential). Tax ID 124 212.01, Commission District 9, South County Sector.

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential).

MS. Lois J. Lowe: Accept staff recommendation.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. MDR (MEDIUM DENSITY RESIDENTIAL) DENIED.

2-C-04-RZ LOIS J. LOWE
North side Kimberlin Heights Rd., southwest of Burnett Creek Rd. Rezoning from A (Agricultural) to RB (General Residential). Tax ID 124 212.01, Commission District 9, South County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 5 dwelling units per acre.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) APPROVED.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 5 DWELLING UNITS PER ACRE APPROVED.

* 2-D-04-RZ CITY OF KNOXVILLE
Southeast side Maryville Pike, southwest of Woodson Dr., Rezoning from No Zone to C-4 (Highway and Arterial Commercial). Tax ID 122 N E 012, & portion of railroad right-of-way. Council District 1, South County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-E-04-RZ DAVID DUGGER
Northeast side Wilder Place, east of Saxton Ave., north of Dandridge Ave., Rezoning from R-1 (Single Family Residential) to C-3 (General Commercial). Tax ID 95 C L 024, Council District 6, East City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-F-04-RZ CITY OF KNOXVILLE
Southwest and northeast sides Pershing Hill Ln., northwest of S. Northshore Dr., Rezoning from No Zone to R-1 (Single Family Residential). Tax ID 133 N G 1-8, 13-24, 133NG009-12 (portions-map on file) Council District 2, West City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-G-04-RZ MCCAMPBELL DRIVE PARTNERSHIP, LLC
South side McCampbell Dr., northwest of Washington Pike, Rezoning from RB (General Residential) and I (Industrial) to PR (Planned Residential). Tax ID 49 088, Commission District 7, North City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-H-04-RZ CAROLYN HICKS
South side E. Burwell Ave., east of N. Central St., Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Tax ID 81 F S 002, Council District 5, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-I-04-RZ MURPHY ROAD PARTNERSHIP, LLC
Southeast side Washington Pike, southeast of Murphy Rd., Rezoning from PR (Planned Residential) to CN (Neighborhood Commercial). Tax ID 49 Part of 92 (Map on file), Commission District 8, Northeast County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-C-04-SP JOHN KERR CONSTRUCTION CONCEPTS
North side Westland Dr., east of Cessna Dr. Request West City Sector Plan Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential). Tax ID 133 G C 009,10,11, Commission District 4, West City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 2-J-04-RZ JOHN KERR CONSTRUCTION CONCEPTS
North side Westland Dr., east of Cessna Dr. Rezoning from RA (Low Density Residential) to PR (Planned Residential). Tax ID 133 G C 009,010,011, Commission District 4, West City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

2-K-04-RZ JEFFREY R. MURRELL
Northeast side Coatney Rd., southeast side W. Gov. John Sevier Hwy., Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 136 120, Commission District 9, South County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 5 dwelling units per acre.

Mr. Dean Blalock: 1414 John Sevier Hwy

Representing South Doyle Area Homeowners Association
We have several issues, most of which relate to the density. Other homes in that area are situated on one plus acre lots. Most are set back from the roadway. Many are hidden from view from the roadway. This section of John Sevier is designated as a scenic highway. A development of this type is not going to fit in with the community. Sadly this area is a scenic highway and also deemed as one of the most deadly highways in the state, with many serious accidents. This density of 73 homes having access to John Sevier at this intersection would create a serious traffic safety and traffic flow problem. There is an underground spring on the property and we have some concerns about if the spring is disturbed what that will do to drainage and water flow to other properties on the area. There are two other subdivisions that have been developed within two miles of this property. Both of those have about 75% of lots still vacant. I am not sure this is needed. Ask that you deny or postpone until we can meet with the developer to see exactly what he has in mind.

Mr. Jeffrey Murrell: 150 Court Avenue, Sevierville 37682
We looked ahead to use on review and concept approval and the entrance would be on Coatney Road and not on John Sevier which would eliminate a safety and traffic hazard. Density would be controlled by the topography of the land. There is a designated blueline stream that crosses the property that will have to be dealt with. We asked for this density in an effort to maximize what can be developed there. The developer who intends to purchase this property intends to build a mix of duplex and single family detached homes. I do not expect that it will approach near the density of the 73 homes that the gentleman referenced.

Chair Brown: It sounds like you have not had time to meet with the neighborhood group. Is that accurate?

Mr. Murrell: No, we have not.

Mr. Randy Massey: I live out there. Nobody I know has any idea of what you are doing. Motion to postpone until we find out what is going to go there. That is an important corner to that community. It leads to Doyle High School. You need to get with South Doyle Homeowners Association and talk about what you want to do.

Mr. Murrell: I think it is obvious we want to do a planned residential development. It is going to be homes and duplexes built by the developer in the 1800 to 2200 square foot range is what I am told. It will be a very nice home. This is the zoning. I thought those issues would be addressed at the use on review and concept stage.

MOTION (MASSEY) AND SECOND (JENDREK) WERE MADE TO POSTPONE.

Mr. Dick Graf: All we should be concerned with today is the rezoning. Is this a suitable place for residential development? That is what they are asking for and nothing more. They are not required to do what they tell us. I do not know what would be gained. I do not think it is appropriate on a rezoning that we get into that. The things we need to look at are, is it appropriate and is it the right density. I am not too sure if density is right for that corner. I think it is suitable for residential development.

Mr. Philip French: I am concerned with the density. Staff says it is compatible with scale and intensity of surrounding land uses and zoning pattern. On our map I do not see anything with that intensity. There is a subdivision with condos further on down John Sevier Highway. I am not sure it is 1-5.

Mr. Michael Brusseau: There may not be any 1-5. Basically it is consistent with the sector plan which allows up to 5. The only place it might be close to 1-5 is around the school and I doubt it is that high. But 1-5 is consistent with Low Density Residential which is the sector plan designation.

Mr. French: I do not think it is compatible with the existing density that is there.

Mr. Murrell: Density has been somewhat limited by the lack of sewer. As part of developing this property at anywhere near this density, the sewer has to be extended from South Doyle to the property approximately 1100 feet. That has been discussed with Knox Chapman Utility District and there is no problem for the developer to do it at their cost.

Mr. Blalock: Density goes hand in hand with the traffic flow issue. Simply moving the access point to Coatney Road does not help that at all. Coatney is a two-lane rural road that simply dumps back into John Sevier Highway.

Mr. Graf: I have done two subdivisions in this area at about 1-3 density. Down in Wildwood might be higher density. About 3 to the acre is the maximum in that area and would fit in very well with the rest of it.

Ms. Lisa Darrells: 1400 John Sevier Highway
Coatney Road leads to Doyle High School and is a very heavily traveled road in the mornings and afternoon hours as well as John Sevier Highway. Also the subdivision lots out there are not fully built on. Several are available. It is not a high-density area and people around us do not want more density and risks of accidents.

Ms. Brown: It appears you are not concerned with development, but the density.

MOTION CARRIED 13-1. POSTPONED UNTIL THE MARCH 8, 2004 MPC MEETING.

* 2-B-04-SP MIKE HINTON
Southwest side Old Clinton Pike, southeast of W. Beaver Creek Dr. Request Northwest County Sector Plan Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential). Tax ID 67 143 (Part zoned A.), Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-L-04-RZ MIKE HINTON
Southwest side Old Clinton Pike, southeast of W. Beaver Creek Dr. Rezoning from A (Agricultural) to RB (General Residential). Tax ID 67 143 (Part zoned A), Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-M-04-RZ JIM SLYMAN
North side Tazewell Pike, northwest of Clapps Chapel Rd., Rezoning from PR (Planned Residential) & A (Agricultural) to PR (Planned Residential). Tax ID 5 51,51.01,52, Commission District 8, Northeast County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

2-N-04-RZ SOUTHERN EQUITY ADVISORS, LLC
North side White Ave., west side Seventeenth St., Rezoning from C-3 (General Commercial) & NC-1 (Neighborhood Conservation) to C-7 (Pedestrian Commercial) & NC-1 (Neighborhood Conservation). Tax ID 94 N J 016, 108CD023.01 Council District 1, Central City Sector.

STAFF RECOMMENDATION: Approve C-7 (Pedestrian Commercial) and retain NC-1 (Neighborhood Conservation Overlay) for the western portion of the site.

MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. C-7 (PEDESTRIAN COMMERCIAL) AND RETAINING NC-1 (NEIGHBORHOOD CONSERVATION OVERLAY) FOR THE WESTERN PORTION OF THE SITE APPROVED.

2-D-04-SP STERLING WEBB
Northeast side Oak Ridge Hwy., northwest Ridgedale Rd. Request Northwest City Sector Plan Amendment from LDR (Low Density Residential) to GC (General Commercial). Tax ID 79 J A 001,002, Commission District 6, Northwest City Sector.

STAFF RECOMMENDATION: Deny Commercial.

Mr. Ken Pruitt: This is for an 11.8 acre tract on Western Avenue. There is commercial development in the immediate vicinity of the property and adjacent. However CA zoning at the present time just extends along the frontage of Western and does not extend back into the neighborhood, which is primarily single-family detached housing. Sector plan contemplates only low density residential uses along this section of the arterial and for those reasons staff recommends denial.

Mr. Sterling Webb: Applicant
PASSED OUT A BOOKLET WHICH BECOMES A PART OF THESE MINUTES. In this booklet you can find copy of KGIS sheet showing adjacent zoning to CA next door and across the street. The plot plan shows a willingness to concede a 200 foot buffer zone to protect any future residential development. There are not any residential housing abutting, just a possibility it could happen in the future. The parking lot and service entrances would be accessed by a single cul-de-sac road off Oak Ridge Highway where it is an excellent place to ingress and egress on the highway. In a draft of the proposed declaration of protective covenants, restrictions, use and design guidelines that will make for a nice industrial park with high standards and done very well. In the near future Oak Ridge Highway will be changed to a 4-5 lane highway making this property even more unacceptable for residential applications. There is a set of high-voltage lines that cut diagonally across this property that makes residential development even more undesirable. There is

an existing commercial style metal building already on the property that would incorporated into one of the lots. Overall section of Oak Ridge would benefit from a unified development plan like I am proposing to do.

Mr. Gary Norvell: Batson, Himes, Norvell & Poe Engineers
Several comments were made on the staff report about sinkholes on the property. There are no sinkholes. Both of the hatched cross hairs are drainage ways that go down through the property and underneath Oak Ridge Highway through pipes. The hatched cross hairs are there because there is an embankment which creates a closed hole that shows up as a sinkhole. There are not sinkholes.

Ms. Susan Brown: What is commercial to the east right beside it?

Mr. Webb: It has not had anything built up on it. They are in the process of bringing it up to grade for something in the future. Across the street is a little store. I am planning on subdividing into 6 lots with high restrictions on a business, industrial type complex. I have one tenant lined up, Laser Precise with 4 employees. They are wanting to own and not rent and are excited about having this business in that community as he lives there as well.

Ms. Brown: How long has commercial to the east across the street been rezoned?

Mr. Pruitt: CA adjacent was expanded in late 1998. The other commercial business was there and has had a number of businesses. Presently has an auto clean up shop. Across to the southwest was zoned CA in the 1999-2000 era. It had been a preexisting old commercial store that was sold and the new owner got commercial zoning on it. Since then has been a convenience store, a fruit market, and antique store and in the process of changing to something else.

Mr. Sharp: This is the issue we talked about that you were willing to do what?

Mr. Webb: That I was willing not to develop the back of the property for 200 feet where there is any chance of residential development around the property. I would be willing to give up 200 feet to be sure there were not any buildings all the way up to it. It is a steep slope and good use for a buffer zone.

Mr. Sharp: Asked staff if that would make a difference on their recommendation.

Mr. Pruitt: Reducing the area is a positive thing. We looked at the potential of a planned commercial rather than CA zone as requested. Planned Commercial requires him to come back to this body with a development plan, a set of protective covenants and, in addition to the subdivision review, you would be able to comment on the appropriateness of any type of retail or more intensive business use. If the Commission were inclined to pursue a change of zoning, Planned Commercial would be more acceptable than CA zoning to the staff.

Mr. Webb: Obviously, I would like CA but would be willing to accept Planned Commercial.

Mr. Graf: A letter here from Renee Davis says any development should happen in a planned zone. So the staff has been looking at that. I would be willing to make a motion to that effect.

Mr. Steven Lewis: If we were going to leave the back buffer, would we just not zone it and leave it Agricultural?

Ms. Brown: Either that or restrict it.

MOTION (GRAF) AND SECOND (SMITH) WERE MADE TO APPROVE COMMERCIAL STAFF RECOMMENDATION. MOTION CARRIED 14-0. COMMERCIAL APPROVED.

2-O-04-RZ STERLING WEBB
Northeast side Oak Ridge Hwy., northwest Ridgedale Rd. Rezoning from A (Agricultural) to CA (General Business). Tax ID 79 J A 001,002, Commission District 6, Northwest City Sector.

STAFF RECOMMENDATION: Deny CA (General Business).

MOTION (GRAF) AND SECOND (SMITH) WERE MADE TO APPROVE PC (PLANNED COMMERCIAL). MOTION CARRIED 14-0. PC (PLANNED COMMERCIAL) APPROVED.

2-P-04-RZ S & E PROPERTIES (SCOTT SMITH)
East and west side Thompson Rd., south of Hardin Valley Rd., Rezoning from A (Agricultural) & A (Agricultural)/TO (Technology Overlay) to PR (Planned Residential) & PR (Planned Residential)/TO (Technology Overlay). Tax ID 104 141, Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) only for the portion of parcel 141 east of Thompson Road at a density of 1-3 dwelling units per acre. Deny PR for the remainder of parcel 141.

Mr. Ken Pruitt: This property has a remnant piece on the west side of Thompson Road. That is the portion that is also within the Technology Overlay. It is identified on the Long Range plan for BP/TO uses. Because of the size of this site, it is probably not suitable for anything other than what could occur under the current agricultural zoning without having additional property added to it. Staff has recommended approval of Planned Residential on the larger portion of the site which has some slope and makes Planned Residential more suitable than the existing agricultural zoning. We support planned residential on the east side and leaving Agricultural on the west side.

Mr. Horace Buckner: Thompson Road
We are not as a neighborhood opposed to this at all. We do realize the road condition really needs help along with the drainage before this is initiated. The road is 14-16 feet wide. If we start the development of this size, the road should come first.

Mr. Steve Roth: Baker Donaldson on behalf of S & E Properties
Looks like the focus is the remnant piece. I have talked to my client to find middle ground with staff's position. Originally the request was for 1-3 on the east side and we concur with that. We propose reduced density on the west side to 1 to 1.5 dwelling units per acre and leave it to PR. That essentially is what could be done in the agricultural zone anyway as Mr. Pruitt suggested there was nothing else to do with it. Advantage to us to leave it Planned Residential is we have more flexibility in setbacks and design. Because of

the narrowness of the parcel, it is important to have as much flexibility as possible. That is why we want to leave it PR with reduced density. It allows us to develop the entire parcel as a singe unit. Planning Commission has ability to have oversight on both sites. If we take the smaller parcel and leave it for another day it is left to be developed under Agricultural with a host of uses for that parcel. Request Planned Residential from at 1-3 for the east side of Thompson Road and Planned Residential at 1-1.5 for the west of Thompson Road.

Ms. Brown: As far as drainage, your client would have to meet all the County Engineering standards related to drainage. Any plans for traffic as far as a turn lane?

Mr. Roth: Staff highlights there will need to be improvements to Thompson Road and my client has already begun addressing. We all agree that would have to be addressed in the site plan review process.

Ms. Brown: In Agricultural zone you can develop one unit per acre and Planned Residential zone review would come back to staff?

Mr. Pruitt: I think with the reduction of density down to 1-1.5 meets the intent of staff with respect to that property.

Ms. Brown: If the Commission did rezone the western portion to Planned Residential with density of 1 to 1.5 dwelling units per acre, would that remove the Technology Overlay still remain?

Mr. Pruitt: That stays and he would have to have a certificate of appropriateness prior to being heard by County Commission.

Mr. Roth: It was scheduled for the last meeting, but there was not a quorum to vote on it.

Mr. Larry Smith: I appreciate that you have done your homework and are wanting to reduce this.

MOTION (SMITH) AND SECOND (MASSEY) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL). MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) APPROVED.

MOTION (SMITH) AND SECOND (MASSEY) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 3 ON THE EASTERN PORTION EAST OF THOMPSON ROAD. MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 3 ON THE EASTERN PORTION EAST OF THOMPSON ROAD APPROVED.

MOTION (SMITH) AND SECOND (MASSEY) WERE MADE TO APPROVE PR/TO (PLANNED RESIDENTIAL/TECHNOLOGY OVERLAY) AT A DENSITY OF 1 TO 1.5 ON THE WEST PORTION OF THE SITE WEST OF THOMPSON ROAD. MOTION CARRIED 14-0. PR/TO (PLANNED RESIDENTIAL/TECHNOLOGY OVERLAY) AT A DENSITY OF 1 TO 1.5 DWELLING UNITS PER ACRE ON THE WEST PORTION OF THE SITE WEST OF THOMPSON ROAD APPROVED.

* 2-Q-04-RZ DAMON A. FALCONNIER
West side N. Broadway, southwest side N. Central St. southeast side Jennings Ave., Rezoning from C-3 (General Commercial) to C-2 (Central

Business District). Tax ID 94 D P 001,2,5,6,9,12,13, Council District 6, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

18. USES ON REVIEW

10-F-03-UR MICHAEL BRADY, INC. (REVISED)
Southwest side of Maloney Dr., northwest of Ginn Rd. Proposed use: Attached residential condominium project and marina in RP-1 (Planned Residential) District. Tax ID 135 H A 007, Council District 1, South County Sector.

STAFF RECOMMENDATION: Approve the request for up to 40 attached residential condominiums and a marina with up to a maximum of 40 boat slips, based on the development plan, subject to 13 conditions.

Mr. John Valliant: 600 Gay Street on behalf of applicant

Mr. Arthur Seymour Jr. On behalf of Lakemore Hills
We are here to support staff recommendation. The property has been subject to many hearings, postponements and so forth and I will not go through the history. In 2002 it was zoned Planned Residential at 8 dwelling units per acre as a nice lake front development, which was supported by my clients in Lakemore Hills. Ms. Cartwright has a petition with 130 plus signatures supporting staff recommendation. Concept plan with conditions before you has my clients support. Originally people in Lakemore Hills were told this was going to be a quality lakefront development, with boat slips as an amenity for the residents of the development. The applicant is trying to slip in the commercial marina using the Planned Residential zone and housing as a Trojan Horse for it. Staff report and conditions staff has imposed ensures that this will not occur. It ensures that as Planned Residential contemplates this will be residential community with boat slips being an amenity and not a commercial operation. This is what staff was told that boat slips would be added as an amenity and that only property owners in the project would have access to the boat slips. That is what Lakemore Hills supports. I understand the applicant is asking that some of the conditions be removed. My clients' are concerned that if any of the conditions are removed, this would become rental operation for boat slips and then there will be residential use of the boat slips. If the homeowners association of the residential development do not control use of the boat slips, then this will occur. PR zone requires 20 acres before there can be any commercial development in the zone. I understand that Fox Glen is cited as an example of where the amenity, such as a golf course, is offered to the public at large. It was up front that the golf membership would be available to the general public. Developer gave up large tracts of acreage for this amenity that he could not build on. Here, the developer has slightly under 6 acres of buildable land completely covered with housing, parking, etc. with boat slips going out into the lake. Think good analogy with what Lakemore Hills is concerned about is what if we had a situation where a developer was building an apartment complex in a Planned Residential zone and he offered RV parking or storage sheds for the residents in the development. If that was not controlled, soon you could build a storage shed, start renting them out and never build the residential. That is

what my clients are concerned about. We are here in support of a first class, upscale, lake front development with boat slips as an amenity rather than a commercial operation. ABOUT 27 PEOPLE STOOD IN SUPPORT OF STAFF RECOMMENDATION.

Mr. John Valliant: It seems when look at this pamphlet, which everybody should have received a copy of, this is a good development with $350,000 plus condominiums. Item number 10 shows you what was there which is Maxeys Boat dock which was a rundown sort of place. Number 11 shows you the type of development that is going in there, which is first rate. Where we are having our disagreement is some of the surrounding residents are complaining about boat slips as an amenity. Phase I is in the city and has 40 units and we are asking for 40 boat slips. In the even that the purchasers of these units do not chose to purchase the slip, my client wants to be able to offer them for sale to the surrounding neighborhood or, worst case, to the public at large. There are people in Lakemore Hills that have expressed desire to purchase these boat slips. There will be a Phase II with 40 boat slips for that portion of the development and 40 boat slips to go along with Phase III. We are complaining about staff recommendation in Items No 8 & 9. No. 8 says the number of boat slips is not to exceed the number of dwelling units in the project (not to exceed 40 boat slips). As long as we are talking about Phase I, we do not have a problem with the not to exceed 40 boat slips. No. 9 says all boat slip owners must be members of the homeowners association. Membership of the homeowners association will be limited to residents of the development. That would eliminate the ability to sell if someone does not want to purchase that owns. He does not intend to rent these things. He does not want to sell gas. It is an amenity. We are asking that as each phase is opened up, we want to be able to build a commensurate amount of boat slips. This is a very upscale development that will enhance this community substantially.

Ms. Susan Brown: Mr. Valliant, you are saying your client is agreeable to Phase I 40 boat slips with 40 units and as move toward phase II, he will ask for 40 boat slips more. You are in agreement with the phases? Mr. Seymour, your client does not have a problem with that issue. Your client has an issue with who owns those boat slips?

Mr. Seymour: And with who uses them. This was touted as an amenity for residents of that development. Agree with phasing; disagree with ownership. What staff is saying here does not bind him when he comes in with a new concept plan on a new phase. It binds only this development. I told Mr. Valliant I do not think Lakemore Hills will be opposed to this development with the assurances staff has written into this staff report.

Mr. Valliant: There is dredging going on now to deepen this water. My client owns the land under the water and TVA has a flowage easement. He is in the process of dredging it out. A major feature of how this is made economically feasible is the sale of these slips because it is costing a lot of money to prepare this area.

Mr. Dick Graf: At this point there is no Phase II or Phase III. You would have to show on your map here that there is a Phase II or III. Every bit of 5.5 acres is being developed that can be developed. Maybe there will be a Phase II or III and

maybe it won't be. I think that would not be taken into consideration, just what we are talking about right now.

Mr. Valiant: The way it was stated made us a little nervous. We do not want to have something slip up in the future that if we acquire phase II land; we cannot come in and develop.

Mr. Massey: On your Use on review application it was signed by Scott Matlock from Michael Brady Architects. Then we get a letter saying he has no authority on behalf of Mr. Weaver. It is not a problem if Mr. Weaver will say for the records that he will support this application. Is it a good application or not?

Mr. Weaver: I wrote Mr. Kelly a letter and explained that. The original application was submitted without my knowledge of it. I am in agreement with staff recommendation. I have already acquired another four acres and have an option on another three acres. Hopefully after this gets under way and we get Phase I out, I will be coming back for Phase II and II. It might be two year or ten years from now. I just do not want the doors shut on 40 slips.

Mr. Larry Smith: Condos range from $350,000 to $500,000. Do you purchase boat slips on top of that?

Mr. Weaver: Yes, you purchase boat slips in addition. I have 20 foot to 60 foot slips available that start around $15,000 to $20,000 and go up. I have one person that wants to purchase two slips for a large boat and jet skies. There are six residents in Lakemore Hills that have approached me previously. If I had a surplus that were not sold, I would like to make them available to the area residents because they were there when I purchased the property.

Mr. French: Do you plan to build the condos first and add the slips as they are in demand?

Mr. Weaver: Plans are to finish dredging, get the bank line stabilized and build about 10 to 12 slips to show people what they would be like. They are high quality, concrete decks, lighted, boat lifts and everything.

Mr. French: You do not plan on building all of them up front?

Mr. Weaver: I could not afford to build all 40 until I sold then. Do not plan on starting until have contracts on half of them.

Mr. Dick Graf: Mr. Smith made the comment that residents felt that the homeowners control the use of the boat slips. Asked Mr. Seymour, what if the homeowners said we need to sell this I do not want mine. Is that their decision to make, or is that something that would never happen?

Mr. Seymour: I do not think it can under staff recommendation because it says all boat slip owners must be members of the homeowners association. Membership in the homeowners association will be limited to the residents of the development per condition 9.

Mr. Weaver: Under the covenants we are putting together, anybody that chose to sell a slip would have to offer it back to me at fair market value first. Board of Directors of the Association will govern the boat slips and the dwellings.

Mr. Larry Smith: Can you live with no. 9?

Mr. Weaver: I would like to be able to sell the surplus slips to area residents if I could.

Mr. Smith: That seems to be the stickler with everybody. I like your project. I appreciate your coming into the community and doing this. It is great.

Mr. French: Have a question about homeowner association covenants. Can they be changed by a certain vote of the homeowners association?

Mr. Steve Wise: MPC Attorney
Typically the developer reserves the right to unilaterally change the terms and conditions until a certain portion, usually a large percentage, of the units have been sold, two thirds or more. At that point there may be a diminution in right for the developer to change it and it becomes pretty much binding. Typically you see the developers retain it almost to the bitter end.

Mr. French: A condition is that membership in homeowners association will be limited to residents of the development. Is this binding forever on the homeowners association?

Mr. Steve Wise: I am not sure this body has the ability to put that type of limitation to alienate property rights. Certainly can do it contractually if in the homeowners association's rules and regulations. Whether this body can pose that condition and have it enforceable in the long term, I am not certain about.

Mr. French: Point in my questions is that somewhere down the road the homeowners association decides they want to change that restriction and decide they want to be able to sell slips to someone that is not an owner. Can they do that if they get 100% vote?

Mr. Wise: Assuming that the conditions placed on this use on review are enforceable, were they to breach that, amend their rules and allow outside, what would be at risk would be the entire use on review approval, which would make the whole development illegal at that point. That is something you would not want: a complete development that is now illegal.

Mr. Dan Kelly: The way I understand the authority of the Commission and what is going here, if you adopt the condition as it is, it is a condition of the approval of the use on review. That is enforceable by the City of Knoxville. If at some point in time the association chose to want to sell slips, in order to get relief I would say that they would need to come back through this process again and ask for relief from this condition. That is available to them to amend a condition. We had one today where a setback was a condition. The developer wanted a different setback and the developer asked for relief and we granted that today.

Mr. Mark Jendrek: I understand rational for the need to have the homeowners association supervise the boat slips, but why limit membership in association to homeowners in the development? If the goal is to have the homeowners association control the boat slips, requiring slip owners to be members of that association would control that.

Mr. Kelly: We want to make sure that the residential development is what is driving this project and that homeowners have say over what happens in the water. That is the only way that in this case you have to be a homeowners association member to be a boat slip owner and a boat slip owner has to be a member of the association.

Mr. Graf: Asked Mr. Wise if you could enforce how many or who owns the slip?

Mr. Wise: If it were incorporated into the homeowners bylaws then it could be enforced by, initially, the developer and then by the Board of Directors of Homeowners Association. Public enforcement is possible but it has not been the pattern in Knoxville to address the enforcement. Normally this type of covenants and restrictions being between private parties.

Mr. Dave Hill: If you were to consider the sale of slips to people outside the Planned Residential development, then it would carry with it the implication that the Commissioners would be saying that is appropriate for a planned residential development rather than being a commercial enterprise and perhaps suitable under a different zoning category. That is the kind of differentiation we tried to make from the staff level.

Mr. Larry Smith: We may have overstepped our boundaries here. Move to approve staff with the exception of condition no. 9. If the homeowners association wants to pick up that and put that in their bylaws they can do that. People cannot live at this boat dock.

MOTION (SMITH) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH THE EXCEPTION OF CONDITION NO. 9 AND ALL OF CONDITION 10.

Chair Brown: Restated the motion which would in effect allow the sale of the slips to people outside of the planned residential development.

Mr. Smith: I am assuming the homeowners association will get the first lick and they will take 80% to 95% of them.

Mr. Jendrek: Asked Mr. Smith if wanted to leave the first sentence in condition 9 in. Condition 9 requires slip owners to be members of the homeowners association. That way it gives the homeowners association control over everything, which is the staff goal.

SMITH AND JENDREK AMENDED THE MOTION TO LEAVE IN THE FIRST SENTENCE OF CONDITION NO. 9 AND DELETE THE SECOND SENTENCE OF CONDITION NO. 9

Mr. Graf: Homeowners association is the developer in the beginning. If the developer has the right to control the bylaws of the homeowners association, he can outvote anybody there for several years. It is still up in the air. Either they are bound to it and only homeowners or not. This way you are trying to give them a little latitude and let future buyers decide how they want control, but they do not have control for several years.

Mr. Seymour: If that motion passed the developer can get building permits, scrap the ground and build 40 boat slips, sell or rent those, have people living in those and never complete the residential development.

Mr. Valliant: It seems that we are assuming that developers are liars and tricking people. This guy is presenting a first class development. In order to be able to do what they want to do, you want to live here and buy a boat slip and you can never sell it. What if they decide they do not want to keep up a boat and a slip? It is not proper to assume this kind of dishonesty to this gentleman. There is no reason to believe. He could have done that if he had left Maxeys Boat Dock.

Mr. Seymour: I am not questioning what Mr. Weaver says. I think he intends to do what he says. This property has sold twice in the past two years. If you are relying on his word, he might sell the property tomorrow. This use on review would still be in effect.

Mr. French: Can we not say that no boat slips will be sold to other than condo owners until all the 40 condos are built?

Mr. Weaver: There is a percentage of 5% to 10% of people that live on the water will not purchase a boat slip. I do not want to be held back selling surplus slips to area residents if property owners do not want the boat slip.

Mr. French: That condition just prohibits you from selling to an outsider until the condo units are built. Not necessarily sold, but built.

Mr. Weaver: The dwellings will be going up almost immediately when we get the grading work finished. The boat slips I am only going to be putting in in segments at 8 to 10 at a time until they are sold.

Mr. Graf: Do you want to tie it to a certificate of completion. That would work a whole lot more than a building permit would. He would have to finish it.

Mr. Benefield: I have been thinking is as long as at no time the number of boat slips outnumbers the number of condos that would solve that situation. Is that something you could agree to?

Mr. Weaver: Typically, you get one in the dry and have it to a point that the owners may come in and select the interior finishes. We may have one dried in and sit there a week or a year before it is sold. Certificate of occupancy means it would have to be completely finished and habitable.

Mr. Valliant: He would have to have a substantial amount of units built before he could put a slip in under that theory.

Mr. French: No, not if the condo owner wants the slip. I am just trying to limit how many he can sell to outsiders before you have condo owners living there.

Ms. Brown: Residential units have to be completed and they get first dibs on buying. He is trying to prohibit sales of slips to external people until the 40 units have been completed. So you would have more residents on front end than possible external boat slip owners.

Mr. Valliant: Could control by people being members of a homeowners association. When we get into prohibitions we are limiting the economic viability of a project because of the large number of dollars to clear the waterfront. With a development of this size and this type, he is wanting to sell his boat slips to the homeowners. The homeowners are going to be the first one he wants to sell them to. If you micromanage how he does his development, we are not going to have any development. He has some people that are buying units that do want to purchase and some people outside the development that also want to purchase them.

Mr. French: What is recommend for approval is 40 condos and 40 slips and all slip owners must be condo owners. We are trying to give you some latitude. I hear the boat slips are not driving the project. Then I hear you have a lot of money tied up in boat slips and that is the economic viability of this thing.

Mr. Valliant: He has torn out what was there and is dredging. There is a lot of expense involved in that. He is starting the project units and at the same time putting in 8-12 of the boat slips. If somebody says I want the unit and not the boat slip, he wants to be able to sell them.

Mr. French: How many statistically want a boat slip?

Mr. Weaver: They vary from 8% to 15%. 15% of 40 is 6.

Mr. French: How about if we say no more than 6 can be sold to non-condo owners before the condos are completed?

Chair Brown: We keep trying to amend this motion. We need to follow Roberts Rules and withdraw this motion and start all over again.

SMITH AND JENDREK WITHDREW THEIR MOTION

MOTION (FRENCH) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH THE EXCEPTION OF DELETING THE SECOND SENTENCE OF CONDITION NO. 9, REVISING CONDITION 10 TO CHANGE “RESIDENTS OF THIS DEVELOPMENT” TO “MEMBERS OF THE HOMEOWNERS ASSOCIATION” AND ADDING A CONDITION 14, “NO MORE THAN SIX BOAT SLIPS MAY BE SOLD TO NON CONDO OWNERS UNTIL CERTIFICATES OF OCCUPANCY ARE ISSUED FOR 40 CONDO UNITS BUILT.

Mr. Graf: I would like a clarification on the homeowners association. Are there going to be two homeowners associations or one?

Mr. Weaver: There is one homeowners association that will govern the dwellings and the docks. There are two tiers. One takes care of the grounds and dwellings and the other one takes care of the boats slips and bills for utilities. Tiers relate to how they are assessed for their dues. All governed and ruled by the same Board of Directors of the homeowners association at large.

Mr. Seymour: Past discussion illustrates why my clients are so worried that this is a boat dock masquerading as a residential development, the difficulty in pinning the applicant down to sales and leasing outsiders. I have a statistic on

Riversound, which has 180 parcels of property eligible for boat slips. Boat slips are a true amenity down there and you have to live or own there before you can have a boat slip. They have 39 slips that are full and a waiting list of 10 of the 180 parcels owners who are eligible for boat slips. That is less than 30% of the lots that want or have a boat slip there. We are going back to a commercial development masquerading as a residential development.

Mr. Jim DeRopp: 4126 Maloney Road
Arthur Seymour's comment concerning the possibility that this may be a commercial operation and may go into that direction is a very valid one. Mr. Weaver spoke to us and told us there would be two homeowners associations. One homeowners association would govern the boat slips and those that own the boat slips would be members of that association and residents would be a member of another association. Hope we can go with 40 units and 40 boat slips as an amenity and not do mix apples and oranges. If going to pay $250,000 to $350,000 for a condominium and you own a lot and your heirs have others come down.

Ms. Susan Brown: Will the residents be required to be a part of the homeowners association?

Mr. Valliant: Yes. In a letter to Mr. Kelly dated February 2, paragraph 4 firmly states a two-tiered homeowners association. We are not springing it on them today. I guess there could be some misunderstanding. We are not trying to mislead anybody.

Mr. Benefield: Called for the question.

Chair Brown: Clarified motion as approving staff recommendation except condition number 9, the first sentence, "All boat slip owners must be members of the homeowners association." remains. The second sentence is deleted.

Condition No. 10 is rewritten to state, "The use of the clubhouse and boat slips is limited to the private use of the members of the homeowners association."

Condition No. 14 has been added. "No more than six boat slips may be sold to non-residents (of this planned residential condo development) prior to the issuance of CO for 40 dwelling units built on that site.

MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED AS AMENDED.

1-A-04-UR WALLACE MCCLURE, JR., TRUSTEE
Southwest side Valley Hill Ln., northwest of Trent Ln. Proposed use: Revised development plan for 2 tennis courts on Lot 32, Lovell Hills, Unit 11 in PR (Planned Residential) District. Tax ID 143 E D 024, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Deny the revised development plan for 2 tennis courts on Lot 32, Lovell Hills, Unit 11.

MR. PHIL FRENCH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Mr. David Thompson: 711 Valley Hill Lane, in support of denial

You should have a letter signed by approximately the 30 members of the residents surrounding this lot in support of denial based on the same recommendations that staff has.

Mr. Mike Bittle: 637 Valley Hill Lane
Opposed to location. Family would be negatively impacted by the noise. My four-month-old daughter's bedroom window faces this lot as well as lighting and parking issues. The grading plan shows an 80% to 90% disturbance of the site. My two-year-old son plays adjacent to this lot. Afraid steep grading would pose serious safety concerns as well as devalue my property as stated by staff. Ask you to deny revised plan.

Mr. John King: On behalf of Wallace McClure Jr.
One of the things this body requested last month was that the homeowners' representative have the attorney representing that association here today to respond to questions concerning this application.

Mr. Jerome Melson: 900 South Gay Street
As legal representative for the Lowell Hills Residents Association, a party plaintiff for the Knox County Chancery Court, I do not want to give the impression that the residents association opposes efforts by Mr. McClure to perform the promise set forth in the covenants that accompany this property. This is viewed as a zoning issue. It is a situation where there is some concern by residents' association as regards the compatibility of the particular location and suitability of the property for construction of the proposed tennis courts. I do not wish to make any official pronouncement on behalf of association of opposition to the construction of tennis courts. This is being sought in the litigation. It just concerns that there are limited lots available. That is not a situation that the Lovell Hills Residents' Association is responsible for having created. The fact that this is the one lot where the developer seeks to perform that which he committed a number of years ago. It is not the fault of the residents association that he has picked this lot where concerns exist.

Mr. John King: I do not know if what I heard was support or opposition to my request. I specially asked that they endorse our attempt to build these tennis courts. At the time the lawsuit was filed by the homeowners association, it was known to the homeowners association that there were only two lots vacant on which a tennis court could be built. It was not unknown that if they file a lawsuit to build a tennis court, that it was going to be on one of two lots. This is the better of the two lots left. This group of homeowners speaking through the entity organized to speak on their behalf has filed a lawsuit and asked the court to require us to build tennis courts. I ask that we not have to go through a lawsuit before we do that. It is an expense to go through a lawsuit to do something that we are perfectly willing to do. We ask that you permit us to go build it. Yes, it is not the best lot to put tennis courts. And this is the better of the two we own in this subdivision where they say they want tennis courts. We do not propose to light these tennis courts.

Mr. Dave Hill: A lot of time has been spent talking about the litigation. You have a proposal that you ought to look at from whether the site selected is suitable for the use being imposed. It is not your job to work out the complications of the litigation, what the expectations of the homeowners' association is, what the

respondent is trying to do deal with that request. They are all important. I do not think that is the task assigned to the Planning Commission. I think you should look at the compatibility issues and whether that use is appropriate for that site.

Ms. Susan Brown: Commission has every right to ask any question to gather information. Lets just try to not get into the type of legal discussion we did last month.

Mr. King: Issue about compatibility as to whether this ought to be the place to put a tennis court is determined by the position taken by the homeowners association. They have said they want tennis courts in this subdivision. For staff to say the surrounding residential development is incompatible with the tennis courts, I think ignores the fact that the body speaking to them says that is exactly what they want. The only place you can put it is on a lot.

Mr. Dick Graf: A month ago I had a difference opinion until I went by this site. This is a large lot subdivision. Although a steep grade, it is not real steep. It will take a substantial retaining wall. The courts will sit below the grade. It will take a fence, but all tennis courts are fenced. It is not going to be lit. It looked to me like somebody bought two lots and decided I am going to put a tennis court on it for my family. I doubt it will get a lot of use. It is on a deadend street in the back of the subdivision. It is not as bad as it was portrayed to begin with. It is not that bad. It is not a gully or a raven. It is a field that slopes on over. It is not going to look worse than an unkempt lot.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE THE DEVELOPMENT PLAN.

Ms. Susan Brown: If I build a tennis court in my own back yard, do I have to come before this body?

Mr. Buz Johnson: If you were doing it on your property for your use, no you would not have to come before this body.

Ms. Brown: If the tennis court is built, who maintains the tennis court?

Mr. King: There is provision under covenant and restrictions for constructed amenities. Once amenities are done they are to be transferred to the homeowners association. Until then it is the property owner right to maintain. Our intent is once they are built, we are going to transfer it to the homeowners association.

Ms. Mary Ellen Boyd: 706 Valley Hill Lane
It slopes like this and that. When I first heard about tennis courts being put on this lot, I laughed. Five years ago Mr. McClure told me and my son that he was going to put in a tennis court and we waited and waited. Homes were built and these were the only two lots left. I asked him yesterday if he had any other options. He says he owns a lot on Volwood, which is close to our subdivision. He had every opportunity to build tennis courts on a more proper lot.

Dr. Linda Bower: 10632 Hidden Hollow Lane
My backyard will have a view of the retaining wall of the tennis court. While you may not be able to see it from the street, that is what my backyard view

will be. When you buy a house, you have a reasonable assurance in a neighborhood like that that folks are going to be stewards of the aesthetics. If you do not accept staff's recommendation, you have failed.

Mr. Thompson: I recommend that you set aside the lawsuit and concentrate on the impact. We have 31 residents that signed that are directly impacted that do not want tennis courts.

Upon roll call vote the Planning Commission voted as follows:

FOSTER	NO
FRENCH	RECUSED
GRAF	YES
JENDREK	YES
KILGORE	NO
LEWIS	NO
MASSEY	YES
SHARP	YES
SLACK	YES
SMITH	YES
WOLF	YES
BENEFIELD	NO
DONALDSON	YES
BROWN	NO

MOTION CARRIED 8-5-1. DEVELOPMENT PLAN APPROVED.

1-B-04-UR HATHAWAY

South side Middlebrook Pike, southeast of Bob Kirby Rd. Proposed use: Multi-family development in PR (Planned Residential) District. Tax ID 104 213, Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve the development plan for a 236-unit apartment development in the PR zoning district, subject to 4 conditions.

Mr. Danielle Hathaway: 3416 Keswick Drive in Atlanta

We were speaking with neighbors about concerns with the development. They had concerns with landscaping and fencing along the eastern most property line as well as the location of the trash compactor. We have talked with them and are willing to work with them. After talking with them, we agreed to build a 6-foot high black chain link fence along the full length of the eastern most property and coming back at least 100 feet on both side as a barrier for the single family homes.

Mr. Jeff Due: 1219 Harthstone Lane

Those are going to be some good points. There is a small piece of property, which is wooded between our property and theirs. I think the things they are going to do will make it acceptable.

MOTION (MASSEY) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED.

W 1-K-04-UR BRETT HONEYCUTT

Northwest side Papermill Dr., southwest side Country Oak Cir. Proposed use: Commercial development in RP-1 (Planned Residential) District. Tax ID 107 G C 003, Council District 2, Northwest City Sector.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

2-A-04-UR LEN JOHNSON
Southeast side Choto Rd., north and south sides Choto Marina Way. Proposed use: Marina expansion in CA (General Business) and A (Agricultural) District. Tax ID 170 5,64,64.02,70,170, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Approve the request to add up to two "dry stack" storage buildings as shown on the development plan subject to 4 conditions.

Mr. Tom Wise: 1601 Starmont Trail, bought 45 acres on Choto Road
Here to ask for a postponement. I learned about it last week by postcard and have had not had time to talk to neighbors about this to determine whether they oppose this expansion.

Mr. John King: P.O. Box 2425, Knoxville, On behalf of applicant
I am opposed to any postponement of this matter. We have talked to the immediate neighbors in the area and they are not here in opposition. The basis for our insistence on wanting to go forward is that we know once we are approved here, we have to wait 30 days before we can apply for a building permit. We have a construction schedule for completion at somewhere between 10 to 14 weeks. If we wait 30 days then wait 30 days again, then we are past our opportunity to use it this spring and summer. Since January 1 steel prices have gone up 16%. Price goes up every day and there is a scheduled price increase in April. All the more reason to get our materials bought and go forward. We are aware of staff recommendation.

Mr. Tom Wise: We saved for 30 years to buy 45 acres on Choto Road. I have never appeared before this Commission in opposition to any request. Had I not been on criminal court jury duty, I would not have had to ask for this postponement. This is our dream to live on this property. I fear that this is a negative influence and would like to talk to some of the other neighbors, whom I am just now getting to know.

Ms. Susan Brown: Are you opposed to the expansion or have concerns you need addressed?

Mr. Tom Wise: I am opposed to this large expansion of the existing commercial marina in a rural and residential area where there is not any other commercial development for miles. However, I am new to the neighborhood and I would like to talk to some people in the neighborhood to see their concerns.

Mr. Phil French: How long has the marina been there?

Mr. King: Since the 1950's and there have been changes and growth over time. It has been in its present configuration for quite some time.

Ms. Brown: Asked if they are basically doubling the size of dry storage area.

Mr. Kelly They are doubling the size of the dry storage area. However, they have a shed currently storing boats in that they are going to take those boats out. Boats coming in for maintenance will be parked up there. They are getting 90 slots in dry stack, but only 70 will be new slots. The rest will be moved in there. There will be requirements for parking and pavement. The parking grading and gravel is already down and has been for some time it appeared. Property is CA and the dry stack storage cannot be seen from Choto Road. You cannot see the existing storage building. You get a glimpse of it from one direction, but basically you cannot see it from Choto.

Ms. Mary Slack: In respect to Mr. Wise, there seems to be very little other opposition. The other neighbors have had a chance to know what is going on.

MOTION (SLACK) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED.

* 2-B-04-UR R.B. SCHUMPERT
Northeast side Dave Rd., at eastern end of Steven Dr. Proposed use: Garage apartment in RA (Low Density Residential) District. Tax ID 37 L E 028, Commission District 7, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-C-04-UR JEFF MCBRIDE
Southeast side Socony Ln., southeast of Francis Rd. Proposed use: Single family residences in RP-1 (Planned Residential) District. Tax ID 106 C D 019, Council District 3, Northwest County Sector.

STAFF RECOMMENDATION: Approve the development plan for two single family dwellings in the RP-1 zoning district subject to 3 conditions.

MOTION (MASSEY) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DEVELOPMENT PLAN APPROVED.

* 2-D-04-UR DAVID WHALEY & TOMICA MILLER
North side W. Glenwood Ave., west side Armstrong Ave. Proposed use: Bed and breakfast in R-1A (Low Density Residential) / H-1 (Historic Overlay) District. Tax ID 81 L F 025, Council District 4, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

2-E-04-UR FREDA GROSS
Southeast side Skyline Dr., northeast of Verbena St. Proposed use: Duplex in R-1 (Single Family Residential) District. Tax ID 83 A F 024, Council District 6, East City Sector.

STAFF RECOMMENDATION: POSTPONE to the March 11, 2004, MPC meeting.

Mr. Thomas McDaniel: 3843 Skyline Drive
Residents that live on Skyline Drive oppose a duplex on this property. I have 108 signatures on a petition, WHICH BECOMES A PART OF THESE

MINUTES. We canvassed the community and asked the neighbors how they felt about a duplex in the community. They all stated they were strongly opposed to this. We do not have any duplexes on Skyline Drive. This vacant lot is directly across the street from me. There are no duplexes east or southwest, but only single family residences on Skyline Drive and in the joint area. Almost 98% of people that live on Skyline are homeowners. This neighborhood is blessed with diversity. If allowed, this would devalue the community. It would open the gate for other developers to put duplexes in the area. MPC stated there would be four parking spaces in front of the building. This is not consistent with the driveways on properties in the neighborhood. Lastly, the residents in this area would support the construction of a single-family dwelling on this property occupied by persons who would bring value to the community, whether they are renters or homeowners. Object to a duplex.

Mr. Herb Donaldson: Mr. McDaniel called me and I drove through the area and there are no duplexes. One side of the street has to park on down Skyline Drive on the other side of the street. It is not appropriate for this area. When a duplex comes in, two families live there and could have four to six cars. There would be no place for all of them to park.

MOTION (DONALDSON) AND SECOND (FRENCH) WERE MADE TO DENY. MOTION CARRIED 14-0. DEVELOPMENT PLAN DENIED.

MR. CHESTER KILGORE LEFT THE MEETING AT THIS TIME.

* 2-H-04-UR STONEBLACK INC., DBA PUMP IT UP
Southeast side Deane Hill Dr., southwest side Royal Crown Dr. Proposed use: Private commercial athletic facilities in I-2 (Restricted Manufacturing and Warehousing) District. Tax ID 121 A B 001, Council District 2, West City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-I-04-UR EDWARD E. JOHNSON, JR.
Southwest side Bruhin Rd., southwest of Watercress Dr. Proposed use: 24 detached single family dwellings in RP-1 (Planned Residential) pending District. Tax ID 69 H E 010, Council District 5, North City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-J-04-UR MOSS CREEK VILLAS, LLC
North side Moss Creek Ln., north of Pleasant Ridge Rd. Proposed use: Reduction of front yard setback from 20' to 15' in RP-1 (Planned Residential) District. Tax ID 80 H C 052, Council District 3, Northwest City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-K-04-UR WOOD DEVELOPMENT GROUP
East side Woodlawn Pike, south of Galbraith School Rd. Proposed use: Condominiums in RP-1 (Planned Residential) District. Tax ID 109 O D 52,53,54 & part of 5, Council District 1, South City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 2-M-04-UR B & J ENTERPRISES
North side Hardin Valley Rd., west of Ball Camp Byington Rd. Proposed use: Condominium development in PR (Planned Residential) and F (Floodway) District. Tax ID 104 C B 049, Commission District 6, Northwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 2-N-04-UR SUNVIEW ESTATES, L.P.
West side Brakebill Rd., south of Asheville Hwy. Proposed use: Multi-family development in RP-1 (Planned Residential) District. Tax ID 72 D C 3.01, Council District 4, East County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2-O-04-UR KCDC
East side Walnut St., south side Wall Ave., north side Union Ave. Proposed use: Parking garage in C-2 (Central Business) District. Tax ID 94 L F 1,20,34-39, Council District 6, Central City Sector.

Mr. Buz Johnson: These people got here late and did not realize their item was approved on consent. They have an issue with one of the approval conditions with regard to landscaping and timing.

Mr. Charles Ross: 625 South Gay Street, Architect for the project
We strongly endorse street trees and planters. In discussing with City Engineering K-Trans is in the transition of the intermodal facility. They are on the property we plan to develop for the garage. One consideration is to relocate K-Trans to Summer Place and make it two way down Summit Hill to Summer Place so busses can come in a turn. That would be a temporary condition based on whenever the intermodal facility is built. We are not even sure if that is a workable solution. I had committed to Sam Parnell that we wanted to hold off on that work until this issue is resolved.

MR. CHESTER KILGORE RETURNED TO THE MEETING AT THIS TIME.

Ms. Susan Brown: Is it condition number 3 and the issue is 6 months?

MOTION (FRENCH) AND SECOND (SMITH) WERE MADE TO RECONSIDER MATTERS HEARD ON CONSENT. MOTION CARRIED 13-0-1. RECONSIDERED.

MOTION (SLACK) AND SECOND (SMITH) WERE MADE TO REVOTE THE MATTERS READ ON CONSENT EXCLUDING ITEM 2-O-04-UR. MOTION CARRIED 13-0-1. REVOTE APPROVED.

MOTION (FRENCH) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH AN AMENDMENT TO CONDITION NO. 3 TO REPLACE “6 MONTHS” WITH “AS REQUIRED BY CITY ENGINEERING”.

Mr. Trey Benefield: When do you think the landscaping will be installed?

Mr. Ross: The majority of the landscaping can be installed with the completion of the project. I am really talking about a small portion down Walnut between Summer Place and Wall Avenue in order to allow that to be two-way traffic on a temporary basis.

MOTION CARRIED 13-0-1. DEVELOPMENT PLAN APPROVED WITH CONDITION NO. 3 AMENDED.

19. OTHER BUSINESS

* 2-A-04-OB Consideration of use determination that an Avis Rent A Car facility is an appropriate accompanying use to a Sears Auto Center within the SC-1, SC-2 or SC-3 zoning districts.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

20. ADJOURNMENT

MOTION (MASSEY) WAS MADE TO ADJOURN THE MEETING.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:48 p.m.

Prepared by: Betty Jo Lamb

Approved by: Vi W. Whitmire, Administrative Services Manager

Approved by: David M. Hill, Executive Director

Approved by: Susan Brown, Chair

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