

KNOXVILLE-KNOX COUNTY

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

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Minutes

February 10, 2011

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

The Metropolitan Planning Commission met in regular session on February 10, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF FEBRUARY 10, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF JANUARY 13, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

COMMISSIONER BECKY LONGMIRE RECUSE FROM VOTING ON THE 30-DAY POSTPONEMENT LIST.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE MARCH 10, 2011 MPC MEETING. MOTION CARRIED 13-0-1. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 60 DAYS AS READ UNTIL THE APRIL 14, 2011 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 90 DAYS AS READ UNTIL THE May 12, 2011 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>METROPOLITAN PLANNING COMMISSION</u> Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	8-A-08-OA
<u>KNOX COUNTY SCHOOLS</u> Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	1-C-08-SC
<u>WILSON RITCHIE</u> Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	3-F-10-SC
<u>METROPOLITAN PLANNING COMMISSION</u> Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	6-A-10-SAP
<u>METROPOLITAN PLANNING COMMISSION</u> Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	7-C-10-SP
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u> a. Concept Subdivision Plan Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	1-SG-08-C
b. Use On Review Proposed use: Attached residential subdivision in PR (Planned Residential) District.	1-J-08-UR
<u>WILLOW FORK - GRAHAM CORPORATION</u> a. Concept Subdivision Plan	11-SJ-08-C

Southeast side of Maynardville Hwy., southwest side of Quarry Rd.,
Commission District 7.

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

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

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

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

TIPPIT VILLAGE - SITES TO SEE, INC.

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

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

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

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

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

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

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

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

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

BRANDYWINE AT TURKEY CREEK PHASE I 8-SP-10-F

West side of Fretz Road, south of Campbell Station Road,
Commission District 6.

OLIVER A. SMITH

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

- a. Southwest County Sector Plan Amendment 6-H-06-SP
From LDR (Low Density Residential) to O (Office).
- b. Rezoning 6-S-06-RZ
From PR (Planned Residential) and CA (General Business) to OB (Office,
Medical, and Related Services).

PROPERTIES DIVERSIFIED, INC.

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

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

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

8-O-08-RZ

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

JAMES L. MCCLAIN

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

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

CLAYTON BANK & TRUST

3-B-10-RZ

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

LISA HOSKINS

4-F-08-UR

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

COMMISSIONER GEORGE EWART RECUSED FROM VOTING ON THE CONSENT ITEMS.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 13-0-1.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 13-0-1. APPROVED.

Ordinance Amendments:

5. KNOXVILLE CITY ADMINISTRATION

1-A-11-OA

Amendments to the Knoxville Zoning Ordinance at Article V, Section 10, regarding regulations and definitions for on-premise wayfinding signage.

STAFF RECOMMENDATION: Approve as follows:

- Article V, Section 10, A, 29, 30 and 31 be reorganized and amended as shown in Exhibit A
- Article V, Section 10, A, 30 be added as shown in Exhibit B
- Article II be amended to add the definitions as shown in Exhibit C
- Article V, Section 10, A, 11, and Article V, Section 10, J, be amended as shown in Exhibit D

Mark Donaldson: This is a request from the City of Knoxville Administration to amend the sign code primarily to allow for approval by city codes administration of signs that deal with directing people through large sites such as church and school campuses and perhaps in some cases some shopping centers. Currently these types of signs are not defined in the code. One of the exhibits is a set of definitions. To get to a format that we felt comfortable with, the first step was to reorganize our master sign plan section into a format that could be repeated with other types of signs. Exhibit A is just a reorganization of the master sign plan. We have provided a blue sheet addendum which removes one new paragraph that we had proposed to put in there, but we have not yet had a chance to meet with City Engineering on so we are going to delay that. So the blue sheet takes one paragraph out. Once we reorganized the master sign plan as paragraph 29 of section 10, then we kind of duplicate that format for what we are calling incidental signs on large sites. That becomes a new section, paragraph 30. Exhibit C is new definitions and Exhibit D

is just a couple of minor amends that use the new terminology introduced with the new definitions and adds some dimensional requirements that were lacking in some areas and slightly modifying them in others. All in all it is a four step process to implement what the city is asking for and to rectify the existing code to accommodate the new additions.

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

Alley or Street Closures:

- P 6. SCHAAD COMMERCIAL INVESTMENTS, LLC 1-A-11-SC**
Request closure of Amherst Rd between Piney Grove Church Rd. (east end) and relocated portion of Amherst Rd. (west end), Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 7. EAST TENNESSEE AUTOMOBILE CLUB, INC. 2-A-11-SC**
Request closure of King St between Ashe Avenue and southeast terminus at I-40 ROW, Council District 6.

STAFF RECOMMENDATION: APPROVE the closure of this portion of King St., subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

- * 8. PETSAFE 2-A-11-SNC**
Change Electric Ave to 'PetSafe Way' between Cogdill Road and southwest deadend of joint permanent easement, Commission District 6.

STAFF RECOMMENDATION: Approve PetSafe Way.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

- P 9. METROPOLITAN PLANNING COMMISSION 2-A-11-SAP**
Inskip Small Area Plan. Central City Sector. Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review:

- P 10. BRANDYWINE AT TURKEY CREEK 11-SA-10-C**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 11. LONGMIRE SUBDIVISION

1-SA-11-C

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

12. HAMPSON COURT, UNIT 2

1-SB-11-C

Southeast side of Nubbin Ridge Rd, west of Tranquilla Dr.,
Commission District 4.

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

Mr. Scott Davis, PO Box 11315, 37939. First I want to apologize to this body, when I was here last time in December I made some incorrect statements as it relates to the parental responsibility zone. I went back and researched that and I was incorrect in my statement. The parental responsibility zone is still in tact and this property sits about 0.1 of a mile inside the parental responsibility zone. When I first began this process, I started some time in mid 2005, I dug back through my files and found the MPC recommendations and approval for the original concept of this subdivision. When I started the process in 2005, it was one piece of land. When I submitted my concept plan, the engineering department along with MPC approached me and asked me if I would give consideration to allowing the county to build a road through the middle of the property which I subsequently did. In January of 2006 we resubmitted the concept plan showing the new road coming through the property and that there was specific language as it related to that. It said "Due to existing curve in Nubbin Ridge Road at this location, MPC and County Engineering staff have requested that the applicant consider a proposed realignment of Nubbin Ridge Road that would impact a portion of the applicant's property." It goes on to say "the proposed realignment of Nubbin Ridge Road will greatly improve traffic safety through this stretch of Nubbin Ridge Road. We waited from mid 2005 through probably midway through 2010 when the road was finally completed. During this time our concept plan expired. We submitted for the renewal. The renewal went through. We waited and waited and waited and it took the county approximately four years to put the road in. The original concept plan was approved without the sidewalks. That was part of our negotiated agreement with Bruce Wuethrick and Engineering and Public Works. We waited for four plus years to get this done. If the county had 1) not approached me about waiting for the realignment of Nubbin Ridge Road, the subdivision would have already been developed and probably would have been sold by now under much better market conditions. I patiently waited for the

County to finish the road. They finally finished the road. Now I am coming back to refile my concept plan. And to no fault of my own, I am now being required to do something that I wasn't required to do the first time. I am begging of this body to please approve the concept plan based on the original terms and conditions that were laid out back in January of 2006. Thank you.

Mr. Tom Brechko: The issue is I think on the timing for the improvement. I have to rely on Scott. I don't know if Cindy has anything more on that timing for the road improvements. That is all correct in what they have done in the realignment. When we were reviewing this project, we talked to Scott about the issue of sidewalks. The property is within the parental responsibility zone. We did not have a condition or it was not included in the previous plans and I cannot tell you why we did not include it. It was an oversight on our part. Scott, we had some discussions on not requiring it at that time, but I do not recall. It is within the parental responsibility zone and it is our practice to recommend that sidewalks be include in any subdivisions within the parental responsibility zone. That is what we presented to the Planning Commission here. Typically the concept plan only has a 5-year life on it. Part of the reason for that is over a 5-year period of time if a development is not completed, the Planning Commission is then able to look at this proposed subdivision and include any new standards that may be in place at that time when he comes back through. He was in a position that he couldn't move forward with a portion of his development and is kind of caught by the market changes. Again he is within the parental responsibility zone. I think that is the only issue, concern you have with the conditions is the addition of the sidewalk requirement.

Davis: That is correct. I obviously would have already developed the land quite some time ago if I had not been held back at the mercy of the County.

Rachel Craig: I have a question for Ms. Pionke. When Mr. Scott, sorry Mr. Davis, donated this land to the County for the road improvements, did the County promise him in return that he would not need to build sidewalks in his development?

Cindy Pionke: I am not aware of that promise being made as part of that transaction.

Wes Stowers: Roughly about how much will it cost to put the sidewalk in?

Davis: Probably about \$14,000 to \$16,000. When you are talking about 30 plus lots and you are trying to do affordable type housing for elderly and, it adds up.

Stowers: Personally I like sidewalks. I wish we had more of them. If this thing was new I would be, it would be a no brainer. When we

have a developer that cooperates with the County and that was six years ago and it took longer and these things happen. I think in fairness if they had something they were ready to go to bat with five or six years ago, there is a. I think we have an obligation if that was what was in the original plan, to support it because it could have been a different situation with the road and everything else. I think he made his best faith effort and if the county wants to build a sidewalk, they ought to build it. The County.

Becky Longmire: We do appreciate donation of the land for the Nubbins Ridge improvement and I think it will probably benefit your subdivision as well as everybody else how drives through there because that is a heavily traveled area. It's really important to have sidewalks in subdivisions, even if they are not in the parental zone because you said you wanted it for the elderly, young families, people who, affordable kinds of houses. Those are the very people that would benefit so much from having sidewalks in. Most research indicates that having sidewalks in a subdivision improve the sale ability, if that is a word, of the subdivision. I would very much be in favor of keeping the sidewalks in and thanking you for what you have done so far.

STAN JOHNSON ARRIVED TO THE MEETING AT THIS TIME.

Davis: My apology is even more specifically related to you because I questioned that last time I was here as it relates to that and I hope you accept the apology.

Longmire: That is fine, we all make mistakes. I wish the parental zone would be everywhere because since the buses don't stop in front of each house, children are required to walk at minimum a half a mile sometimes on roads that are worse than Nubbin Ridge or any subdivision road.

Stowers: You donated the right of way is that correct?

Davis: Yes sir, I donated the right of way and adjacent. I donated, I would guesstimate 90% of the land that was used for the realignment of this road was on my property and adjacent property owners, and I think Ms. Pionke can verify this, were compensated for their right of ways. Is that correct?

Pionke: I believe that is correct. I would have to check back with the department on that.

Davis: Even after they were compensated for that, I did not come back to the County and demand or request compensation for that right of way.

Stowers: How much of that right of way, ballpark, I don't want to put you on the spot here, but...

Davis: In linear feet. I would guesstimate it to be probably 1,000 feet.

Stowers: If you were to try to put a price on it, I know you didn't that was not your intention to begin with, it would have been in excess of the \$14,000.

Davis: In today's dollars or three years ago. Three years ago it was a lot of money. Today I don't know. I don't know what land would sell for now. Three years ago it was a considerable amount of money.

Stowers: I think we, I hope there is a sidewalk there, but I don't think Mr. Davis ought to pay for it since he already gave the land for the road that held up his project for six years and he had something approved six years ago. I would like to make a motion that we approve this per staff recommendation with the exception of removing the requirement for the sidewalks.

MOTION (STOWERS) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION EXCLUDING SIDEWALKS OR 7 CONDITIONS.

Anders: Let me stop you a moment. Can we do it all in one motion or do we need to do a motion on the variance first? We can do it all in one. Okay I just wanted to make sure we were procedurally right. Go ahead.

Bart Carey: I want to get a clarification. In our packet there is a letter that says its from the West Knox County Homeowners Association that mentions that it is a fact that sidewalks are required in parental responsibility zones. Mr. Brechko mentioned that it is a practice to recommend. Is that the case, is it a recommendation and not a requirement?

Donaldson: There is no requirement for sidewalks within the sub regs. The regulations permit the Planning Commission to require them. We have used the parental responsibility zone as that first target when we do ask for sidewalks. It has been a practice to ask for sidewalks or to require sidewalks within the parental responsibility zone.

Carey: This particular request is the flip side of what we did a couple of months ago I guess. Is that right?

Brechko: We had a smaller portion of the property on the north side of Nubbin Ridge was reviewed last, two months ago.

Craig: Mr. Davis, you said the cost of the sidewalks would be approximately \$14,000 to \$16,000? What is the total cost of developing the subdivision approximately?

Davis: It would be, I would guesstimate \$240 per linear foot would be my guess and then sidewalks add approximately \$1,000 per each 100 foot. It is coming off the top of my head I do not have my notes. It is comparatively on a per lot basis it is probably adding about \$500 per.

Craig: I am trying to get a handle here on how much your total cost will go up if you build the sidewalks. As a percent is it going up 20% or 5%? You must have some kind of ballpark idea.

Davis: I would just rough guesstimate, and this is truly a rough guesstimate, probably a 5% variation.

Upon roll call the Planning Commission voted as follows:

- Bailey Yes
- Carey Yes
- Clancy Yes
- Cole No
- Craig No
- Ewart Yes
- Johnson Yes
- Kane No
- Kelley Yes
- Lobetti Yes
- Longmire No
- Pierce Yes
- Sharp Yes
- Stowers Yes
- Anders No

MOTION PASSED 10-5. APPROVED AS MODIFIED.

* **13. YARNELL STATION (FKA HICKORY CREEK) - THOMAS C. BEELER**

a. Concept Subdivision Plan

2-SA-11-C

South side of Yarnell Rd., east of Cooper Ln., Commission District 6.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

b. USE ON REVIEW

2-A-11-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 86 detached single family dwellings on individual lots subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- P 14. WYNN PROPERTY AND EARL CAMPBELL ESTATE 1-SE-11-F**
North side of Hickory Creek Rd at intersection of Graybeal Rd,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 15. BLISS ENTERTAINMENT VENUE 2-SA-11-F**
At the intersection of S. Central St. and Willow Ave., Council District
6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 16. WASHINGTON STATION 2-SB-11-F**
East side of Washington Pike, north of Edmondson Lane, Council
District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 17. RAGDALE'S 2ND ADDITION TO KNOXVILLE RESUBDIVISION
OF LOTS 20-21 & PART OF LOT 22 2-SC-11-F**
Southeast side of Massachusetts Ave, northeast side of Schofield St.,
Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 18. NEWCOMB SUBDIVISION 2-SD-11-F**
Southwest side of Norris Freeway, northwest of Pelleaux Rd.,
Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 19. CALLAHAN OFFICE PARK 2-SE-11-F**
Southeast side of Callahan Dr, northeast of Clinton Highway, Council
District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 20. J C WHISMAN ADDITION TO KNOXVILLE RESUBDIVISION
OF LOTS 5-6 2-SF-11-F**

Northwest side of Warren Ave, northeast side of Branner St., Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

P 21. CITY OF KNOXVILLE

7-D-10-RZ

(5/12/11) South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

22. RUFUS H. SMITH & CO.

1-B-11-RZ

North side Old Blacks Ferry Ln., east of Blacks Ferry Rd., Commission District 6. Rezoning from RA (Low Density Residential) & A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 3 du/ac.

Rocky Smith: 4909 Ball Road

Mike Brusseau: This case is a rezoning request for PR Planned Residential. The applicant has requested 5 units per acre. We are recommending a reduced density of 3 units per acre mainly because to make it more compatible with surrounding development. The La Barrington Subdivision to the east is developed at somewhere between 2 and 3 units per acre and having 5 units per acre right next door would not be compatible density wise. Obviously the area to the north and west of this site is very rural low density development; however the sector plan does call for low density residential in this area which would support the requested density as well as the staff's, it would support up to 5 units per acre. It's also in the planned growth area on the Growth Policy Plan. So for those reasons we are recommending PR. One other note is that most of the property is already zoned RA which would permit somewhere in the range of 3-4 units per acre. It just has a minimum lot size whereas PR allows more flexibility with the types of residential development that could be done. There is, under the current density the property could be developed at, I haven't calculated it out, but quite a few units in there, probably somewhere in the range of between 20 and 30 units under the RA zoning. A lot of the concerns from people that we heard from are regarding the roads. We certainly are aware that the roads are narrow anyway. The Old Blacks Ferry Lane that this property has sole access from is very narrow at 10 to 12 feet of pavement. That will have to be widened as lease from Blacks Ferry Road to the

entrance to this development. As far as Blacks Ferry Road, it's somewhere in the vicinity of 17 to 18 feet wide. Depending on what gets approved and what gets submitted with the number of units and type of units, we will have to wait and see what can be done on that. It may be nothing, it could be a widening. We expect that the applicant will work with MPC and County Engineering in making any necessary improvements to that if it is determined they are necessary. Staff's recommending the PR zoning as requested, but limiting the density at 3 units per acre.

Smith: I wanted to just speak real quickly. It may save us a lot of.. Our issue on this was the narrowness of the initial part going in. It is only about 210 to 225 feet wide. When we set single family homes in there with a 35 foot peripheral setback on both sides, we get into where we can't get the house seat with a 20 foot front yard setback in that area. We are okay with 3 units per acre and we would rather do single family and we would rather do houses there are we are okay with the 3 units. We are just going to have to have a little bit of either the front yard has got to go down 5 feet or the back yard has got to go down 5 feet. We are looking for maybe a compromise there that we will do 3 units per acres. We will do single family housing, but we need, the initial road, the small road we can widen and keep the units down to where do not have to do anything down on the other road. But if the setback are at 20 foot front yard and 35 on the back, we can't get houses in there. So we have to condense it the other way on the vertical side and it makes us have to get more units and have to go to a condo or attached unit. We would prefer to do a single family subdivision. We just need a little help with the setbacks and we are okay with the staff recommendation at 3 units an acre. I would like to mention that before we go into this other. If we are back here maybe you all will remember 30 days from now.

John Valliant, I may be able to shorten it even more. 800 S Gay Street. I represent a number of the neighbors on Blacks Ferry Road neighborhood. If you all would stand up please. (About 18 people stood.) These folks are really not against the development. I think Mr. Smith has answered a lot of our questions. We were in favor of the staff recommendation PR at 3. I don't know what we can do to help him get his variances as far as the setbacks go. Certainly if he is willing to come in with single family dwelling units and he needs some sort of variance that will help cut the density down, I don't see that the neighbors, at least the ones I have talked to, would have any real opposition to that. That being said, I think there are some people here that are in opposition to it that I don't represent that may want to come up here and say something. I think I am speaking for the folks that contacted me and asked me to come up and speak for them.

Kevin Buchanan, 7811 Blacks Ferry Road. I purchased my property ten years ago. I own 11.6 acres. I had 2 acres subdivided for building. I was given permission to building a 3 bedroom, single

family home on one acre. Just a piece down the street from where this proposed development is. When I bought the land and requested the subdivision a couple of years ago, I was told it was zoned Agricultural. You are going to change it to low density which means 2 houses. So I come to the hearing and I find out, no it is not zoned for 2 houses, it is zoned for 3. I would like to know since the last 10 years when I bought the property and the last 4 years since I subdivided the rules have changed. We all learn the rules. But everybody wants to be the exception. Three houses is dangerous. When you guys plan the turn at Clinton West Beaver Creek, you said they didn't need a light. Then a couple of people got killed immediately in traffic accidents. You try pulling out of Blacks Ferry Road. You look to the left at Barrington. If no cars are coming at that point, you pull out into the left opposing lane so that the guy on the right going 50 or 60 in a 30, doesn't come around the corner and clip you. Now while you are on Blacks Ferry you pull over to the right, let the person on the left pass so they don't clip you. One word for this is it is wrong. It won't handle it. Don't do it please. Thank you.

David Stooksbury: 8838 Brookhaven Drive, 37931. I am the pastor at Trinity Baptist Church which is right close to the development there on Blacks Ferry Road. I just wanted to say that our whole thing was the density, the volume of the people because our parking lot comes right into the blind curve that is right there by that. If Mr. Smith can get his variances, I don't have any complaints.

Smith: On the setback, like I say we have got to go down to 15 on the front or 30 on the back to make the single family houses fit in these house seats we have got. There are just few spots it gets tight there. I just want to... and that will be later.

Doris Hensley, 8035 Blacks Ferry Road. I live there for 40 years and we have seen so many accidents because it is a very narrow road and the curves, its curved like they had in the old wagon days when they had to slow the horses down. It is very dangerous. If we had more traffic on there, it wouldn't be safe. If we had the roads widened, they are not wide enough now. You have to get over at times to let the cars by. It is not a very safe place to put more houses and especially if it is going to be for HUD houses or low income. That means we are going to have more drugs and alcohol in the area. Where I live people travel through there to go down to the river. They fly. We have had a lot of wrecks. One kid was thrown in my yard and it killed him. Another one up from me the car just hit the gravel in the road trying to get by another car and it flipped down the hill and killed him. It is a very dangerous place. If they put more people in there, I don't know what is going to happen. That is my advice on it.

Dan Kelly: With regard to the issues of variances, these are matters that would have to be heard by the County Board of Zoning Appeals and not under the purview of the Planning Commission.

Clancy: That was one of the questions I had is for variances and that kind of stuff. I think we have to have a concept plan to go along with that too. I was prepared to make a motion that we recommend to County Commission that we approve PR Planned Residential at a density of up to 3 dwelling units per acre.

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

Becky Longmire: First of all I would like to commend both sides for making such eloquent presentations. And to the neighborhood, I am very impressed with the efforts you all have put forth. I want you to understand that the land is already zoned for development and what we are doing is trying to create the best possible concept of zoning so that both Mr. Smith and the neighborhood can exist peacefully. I do support the 3 dwelling units per acre. I admire the fact that you want to do single family dwellings. I think it is much more suitable. I very strongly suggest that the neighborhood, now that you are combined into working together, speak to County Engineering about maybe traffic calming on Blacks Ferry to slow people down. Ms. Pionke is there any hope in widening Blacks Ferry?

Cindy Pionke: No is no hope in widening Blacks Ferry in terms of other needed road projects that we have. The sheer volume of traffic that exists out there today doesn't warrant road improvements. We are trying to catch up on places where we actually have problems with getting enough cars through the where we have problems. We are also looking at crash locations as we pick our traffic projects.

Longmire: Is there a possibility of traffic calming or something?

Pionke: Typically we do the traffic calming within subdivisions and not actually on a road like Blacks Ferry. It is something I will take back to the office and take a look at.

Longmire: So you all can follow up with Ms. Pionke on that.

Wes Stowers: That was my first question was there anything on the plan for a road you answered that. Second where Blacks Ferry Road intersects with the main road that is a suicide intersection. Are there plans for putting a stop light or something there?

Cindy Pionke: At this point, the intersection, in the last 6 years we have had 8 crashes at that location and in the grand scheme of things that does not meet any kind of criteria for putting in a traffic signal. We have looked at trying to do something with that

intersection. Every road is a state route and we did some preliminary looking in our department at what it would take to shave the bank back. Unfortunately the home that is on that corner would be all the way up to the house in terms of what it would take to grade it out and do it right. At this point you do not have a solution. It would probably be something with retaining walls and at this point we don't have money in the budget to make that fix.

Michael Kane: Mr. Brusseau you just said that there was a possibility when he got to the concept plan and the number of dwelling units that there would be some discussion about widening Blacks Ferry Road not Old Blacks Ferry Road, but Black Ferry Road. What are the trigger points? It was kind of like you dangled something that the other discussions sounded like that would never even happen. I am just trying to figure that out.

Brusseau: There are no set trigger points. If it were, I would say it would probably have to be approved at 5 and actually developed at that density to even talk about that discussion point.

Kane: It would seem to me that the blank between that development and West Emory Road is a long way and would be a very large cost, much more than a development of 19, 20 or 30 units would essentially accommodate.

Brusseau: Knowing that there was concern about that it was put into the comments just basically to put the developer on notice that if possible improvements can be done and worked out, that they would be expected to try to cooperate with County Engineering, but you know we use the term may as far as Blacks Ferry Road, because it's probably not going to warrant it. Certainly not at 3.

Kane: That was low probability in terms of what you said then. My general concern is that part of rational for approving this is that the property is already zoned RA. My concern would be that this as PR would give other property owners in the area or other developers looking at taking other parcels and getting PR as well. It is what I would call a rural residential area after driving it, especially going down Kate Road. If you go Blacks Ferry then turn onto Kate Road, it is pretty rural residential until you get to where the road widens and has a divided line on it then all of the sudden there is much more intense development. So clearly the road width makes a big difference in terms of potential for development. I am just very concerned that this area is not ready for more intensive development and by approving PR zoning we have that precedence of this is the first one so why don't you approve the next one.

MOTION CARRIED 14-1 (Kane). APPROVED.

- W 23.** **EC BALDONADO CORP.**
Northwest side Hardin Valley Rd., northeast of Cherahala Rd.,
Commission District 6.

a. Northwest County Sector Plan Amendment

1-B-11-SP

From TP (Technology Park) to O (Office).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

W

b. Rezoning

1-E-11-RZ

From BP (Business and Technology) / TO (Technology Overlay) to OA (Office Park) / TO (Technology Overlay).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

24. HATCHER HILL PROPERTIES, LLC

2-A-11-RZ

Southeast side South Middlebrook Pike, southwest of Knott Rd., Council District 2. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial).

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

Tim Hill, Hatcher Hill Properties, 4817 Kingston Pike, 37919

We are requesting this Commission to rezone the southern half of a 26,000 square foot warehouse. The north end is already zoned I-3 and we are seeking the south end to be I-3 from I-2. We had recruited a company from Alcoa, a medical supply company and they have grown from 2,000 square feet to 13,000 and now are seeking to grow into the whole building of 26,000 square feet. They package and process medical supplies, distribute medical supplies, non narcotics and they proactively sought advice from codes enforcement on this matter of growing into the southern half of the building. They had cited an item in I-3 saying that any processing or packaging of medical supplies would require a rezoning for that use. They are under the same roof. Practically speaking I do not know that many people that would be that open and proactive to seek that advice. However it is the right thing to do. That is what they did. As a result we are asking this Commission to approve. There was some discussion a couple of days ago about limiting expansion of the building into that. We feel like there is a natural barrier there because of the hillside. We are very open to limiting no further expansion into that southern buffer if you all approve our request.

Mr. Mike Brusseau: The I-2 is there. Whenever the property was rezoned back in to 90's the I-2 was agreed upon by the applicant to leave that area I-2 as a minimal buffering type area between the more intense I-3 and the R-1 to the south. That is why it is there. We recommend that this remain. However based upon a discussion from the other day, I get the feeling the Commission may be inclined to approve it. If that is the case we would recommend that you put a condition that it sounds like the applicant's agreeable to. I would word it as the rear portion of the property adjacent to the residential shall be maintained as an undisturbed, shall remain undisturbed and basically leave it at that. 75 feet. Let me say it one more time. The rear 75 feet of the site adjacent to the

residential zoning shall remain undisturbed. I think we would be okay with the I-3 recommendation with that condition.

Michael Kane: My feeling is that after looking at I-2 and I-3 and looking at the site even kind of googling it and getting aerial map and especially the way the sites is zoned already with I-3 and I-2, it doesn't seem reasonable that the current operation shouldn't be able to be expanded into the additional, it doesn't make sense to me. There are some other uses within I-3 that I could see that the neighbors might have some problem with. Particularly I think there is foundry casting those kinds of things that would be a little bit more onerous on the neighbors. I would propose what we do is we rezone it to I-3 with any use permitted in the I-2 plus the uses permitted or identified in B.3.A of I-3 which is the manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products, which I believe will permit the current tenant to continue there operations. Is that not correct? I would like to make that motion

MOTION (KANE) WAS MADE TO APPROVE I-3 WITH ANY USE PERMITTED IN THE I-2 PLUS THE USES PERMITTED OR IDENTIFIED IN B.3.A OF I-3.

Anders: We will clarify that motion and second. I would like to go to Mr. Brusseau for comment on Commissioner Kane's suggestion.

Brusseau: I think it accomplishes basically it accomplishes other than that particular use keeping what is currently there as far as protection which I think is fairly minimal. It is not such much the uses I think it is the lot coverage area that is permitted in I-3 is 80% as compared to 50%. But certainly that would be as close as you can get to leaving it as it is but allowing this use his recommendation, but it does not get at maintaining the buffer which I think is probably more so of a concern.

Anders: I think we will probably add that.

Kane: I agree with that. My issues with the coverage are two things. One I think that the site is already split between I-3 and I-2 so to some degree the expansion could be greater on the front portion of the lot and two because of the elevation and the other things around the area I guess it did not resonate with me as a big problem. Practically I think the way the buildings are already configured is probably the most intense use for the area anyway and by combining, I guess by allowing I-3 it allows for some combining of the other lots which are already I-3. It just seemed to me some value there.

Anders: I think it is a very valid suggestion.

Clancy: I will second the motion.

Anders: We were going to clean up the motion before we make a second.

Craig: like Commissioner Kane I was concerned about the other possible I-3 uses on this site. I like what you are suggesting. I just want to clarify what your motion is. Your motion includes a condition on uses as you read and also includes Mr. Brusseau's suggestion for the buffer. Is that all part of your motion?

Kane: Right it would be allow the uses that are permitted in I-2 which is already allowed as part of I-3 plus allowing uses identified in B.3.A only, plus the recommendation that Mr. Brusseau had about the 75 foot buffer on the rear.

Anders: The only reason I was trying to hold off on getting this formalized is a lot of times we will get a motion out there and then a second and then we have got to deal with it and move on.

Craig: Which is why I was trying to clarify. I would be willing to second that motion, but I will hold off to see if anybody else has anything else to say.

George Ewart: Maybe I don't understand. If the front of the property is zoned I-3 and the back is zoned I-2 and we are going to make it all I-3 then you are going to put restrictions on the back lot of this thing that you can't do what you can do in the front? That does not make sense to me. It is on the same piece of property. It is the same building. The front of it he can have everything he wants to up front in I-3, but now in the back you are limiting to a certain portion of work in an I-3 and it is zoned I-3. I think that we should just rezone the property I-3 with a 75 foot buffer in the back that you can't disturb. It doesn't make sense to me.

Kane: I think that you have to go back on the precedent that the, how it was rezoned back in 1998 in terms of the ideas that were a concept there with some additional protection with the...

Ewart: I understand this subdivision is a lot higher than this property is. I go over there and watch fireworks whenever they shoot them off downtown in that subdivision. We have got I-3 there and I-3 all around it. They have a little buffer of I-2 and I-3 down. I just don't see why you would want to restrict the back portion of the lot. I think if you are going to rezone it I-3, you rezone it I-3 and put a 75 foot buffer on it. That is my opinion.

Carey: Commissioner Ewart basically made the same point I was going to. A couple of quick things though. We could be in essence be forcing them to put the foundry operation on the front of this building. Secondly I want to make sure the applicant has a full understanding of what we are asking to impose if we did go with

this motion. I agree with Commissioner Ewart. I think especially the fact that I-3 backs up to the subdivision right up the street. I think we are kind of splitting hairs and making it more complicated than it needs to be.

Art Clancy: I agree with Commissioner Ewart. A foundry on the front of this piece of property would be just as offensive as a foundry on the back of it. I agree in principle to what Michael is trying to do. I think the 75 foot buffer is a little bit more fitting.

Kane: I understand that. I think that the difference is what you are seeing here is the things that happen indoors and the other uses in I-3 essentially can allow a lot more outdoor activities with a lot more dust and everything like that. By expanding the whole thing to I-3 you do allow for the potential for more onerous uses because it is all now I-3 without any restrictions. I was trying to accommodate the existing uses of the building with some expansion with some uses that probably should be in the I-2 anyway. That was kind of my thinking. I understand your argument. It is not a clear cut thing. I was just trying to keep with some of the precedent that was already there but allowing the operation to continue with really no impact on the community.

Craig: I agree with Mr. Kane. I do think putting a condition on the back part of this property does provide the neighborhood with just a little bit more protection which I think is in keeping with the original intent back when this was worked out ten years ago or whatever that was. I would like to second Commissioner Kane's motion.

CRAIG SECONDED COMMISSIONER KANE'S MOTION.

Carey: I want to make sure and address to see if they have an understanding of what this motion involves and how do, do you go along with that or are you opposed to it.

Tim Hill: We prefer to have it as you and Commissioner Ewart stated. It is just this thing doesn't make sense. If you really look at it it is more visible to put I-3 outside material farther from the hill. If you look in the view of the home, as you get close to Middlebrook Pike that is I-3 already so you are going to be able to see it. You are going to force them if anything, we are not going to use any outdoor material here, but at some point in time, be careful what you ask for here because you may force everyone to move all their outdoor foundry work toward Middlebrook Pike. I think that this natural barrier that we have in preserving the natural barrier would suffice. It would be our request that it be stated as Mr. Carey and Mr. Ewart.

Anders: Mr. Hatcher, I appreciate what you are saying. As a general rule we have to struggle with what happens to this property when you are not there five years from now or ten years from now. I

hope you are there forever. I think that is what Commissioner Kane is trying to accomplish is to bring some protection to this neighborhood as future rolls on.

Hill: I am supporting that comment and that concern by saying it is more visible to see outdoor material the farther you push it toward Middlebrook Pike. If you put it up against that hillside, it is less visible because of the degree in which you are looking at it.

Kane: I am halfway debating to rescind my motion and half way debating to let it see how it plays out. I hear the applicant's argument and it certainly makes sense. But on the other hand, again depending on the outdoor activity there is more dusting and all that kind of stuff and it does come up the side of the hill so I see arguments against it. So I just kind of decided I will see how it plays out.

Anders: Correct me if I am wrong. I don't know that we officially have a motion on the floor. We do officially. We have a motion and second by Commissioner Craig. Does anyone need clarification on the motion?

COMMISSIONER KANE RESTATED HIS MOTION TO APPROVE THE REZONING OF THIS AREA FROM I-2 TO I-3 BUT PROVIDE CONDITIONS THAT THE USES BE LIMITED TO THOSE IN I-2 PLUS THOSE IDENTIFIED IN I-3 SECTION B.3.A WHICH INCLUDES THE MANUFACTURING, COMPOUNDING, PROCESSING, PACKAGING OR TREATMENT OF SUCH PRODUCTS AS BAKERY GOODS, CANDY, COSMETICS, DAIRY PRODUCTS, DRUGS, PERFUMES, PHARMACEUTICALS, PERFUME TOILET SOAP, TOILETRIES AND FOOD PRODUCTS AND THE REAR 75 FEET OF THE SITE SHALL REMAIN UNDISTURBED.

Longmire: I see that to the right of the parcel is another little I-3 with a squiggly line. Almost in the subdivision it says I-3 what is that I-3? Speaking of conditions, I would almost rather have a foundry than a perfume place depending on the perfume.

Craig: Mr. Brusseau she is talking about lot 24 there.

Mr. Brusseau: The squiggly line is going into the parcel that is zoned I-3. It may be that it is a marker that maybe it is at the corner of a map and needed a reference.

Longmire: Then the I-2 that has the straight line going to the 20.03. Is that whole parcel I-2 between...

Brusseau: No just the portion to the southeast of the bold dotted line. The bold dotted lines are the divisions between zonings and the fainter lines are parcel lines.

Longmire: What is the one that faces Middlebrook? Is it I-3 or is it I-2?

Brusseau: All of the frontage on Middlebrook is I-3 except those two little I-2, the back half of 20.03 and 17.01.

Ewart: Maybe I will ask Mr. Wise. How right now do you know where I-2 and I-3 separate each other in the middle of that building? Is there a wall that designates it and says for here you can't do it. How does someone know where these activities that Commissioner Kane or whatever if this passes where they can happen in this building or where they can't.

Wise: All those use activities are forced on a complaint basis. Code Enforcement would go out and do an examination. They would have to go inside the building and measure out the line. They do exist in space somewhere and they can be identified if that ever became an issue.

Ewart: So this zone is tied some way with some coordinates? I am just asking.

Donaldson: We don't have a metes and bounds description. We would scale it off of a map.

Stowers: Like one of those casinos on the border of California and Nevada. The line would be there...

Laura Cole: I am thinking about the neighbors. The whole thing is rezoned I-3. Worse case scenario, what is the most disturbing thing that can be below them in the I-3 zone?

Brusseau: Anything that has outdoor you know where it could create fumes or dust or something like that. There are some possibilities. Also I think it is pretty unlikely, that is a pretty steep slope at the back, I think it is pretty unlikely they will want to spend the money that it would take to be able to clear into there more. I feel like as long as that buffer is maintained back there, that the change from I-2 to I-3 is pretty minimal. It does allow for more intense uses than I-2. That is really bottom line, as well as if they ever chose to do so more building could be put in down there. I think I noted in the report there is some property zoned I-3. Unfortunately on the zoning map you can't see the building footprints. The ones where the I-3 goes all the way back to neighborhood to the northeast of this site, you can tell when you see the building footprints on those that the building takes up a considerable greater percentage of the site than it does on these I-2 properties and so you could run into that because that is allowed in I-3.

Hill: May I comment on that. Remember we have I-3 on the front. If we were to build we would likely build on the front anyway. We

are talking about dust in the back. If there is a fear of building in the back because it becomes I-3 is the problem the building or the dust? I request that we go with Mr. Carey and Mr. Ewart's suggestion.

Longmire called for the question.

MOTION FAILED 14-1.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE I-3 ZONING AND MAINTAIN A 75 FOOT NO DISTURB BUFFER. MOTION CARRIED 15-0. APPROVED.

- P 25. TENNESSEE CHILDREN'S HOME 2-B-11-RZ**
South side Harold Duncan Way, west of Copper Ridge Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **26. TOMMY JOHNSON 2-C-11-RZ**
Southeast side Brown Gap Rd., southeast of Bakersfield Way, Commission District 7. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. HUMANE SOCIETY OF THE TENNESSEE VALLEY 2-D-11-RZ**
North side Kingston Pike, west of Westfield Rd., Council District 2. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. KINGSTON PIKE, LLC 2-E-11-RZ**
South side Kingston Pike, east of Essex Dr., Council District 2. Rezoning from PC-1 (Retail and Office Park) / H-1 (Historic Overlay) to PC-1 (Retail and Office Park).

STAFF RECOMMENDATION: Approve PC-1 (Retail & Office Park) zoning with conditions as approved in 2007 for MPC file number 5-D-07-RZ.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 29. MARK A. CANNON 2-F-11-RZ**

South side Burnett Creek Rd., east of Island Home Pike, Commission District 9. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

Mark Cannon, 5714 Burnett Creek Rd
I just want to have it rezoned because when I bought the property it already had two...

Anders: Let me stop you here real quick. Are you in agreement with staff's recommendation?

Cannon: On yes, yes.

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

- W 30. DEVELOPMENT VENTURES, G.P. 2-G-11-RZ**
Southwest side Harvey Rd., southeast of S. Northshore Dr., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

Uses on Review:

- * **31. MIKE ELLIOTT 2-A-10-UR**
West side of Arthur St., north side of McGhee Av. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for a restaurant with up to sixteen seats as shown on the plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. BRETT HONEYCUTT 11-A-10-UR**
(4-14-11) North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **33. STUART ANDERSON 2-B-11-UR**
East side of Castaic Ln., south & west side of Pellissippi Pkwy. Proposed use: Office Building in PC (Planned Commercial) & TO Technology Overlay District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a 6100 square foot professional office as shown on the site plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **34. THE KROGER COMPANY** **2-C-11-UR**

Northeast side Middlebrook Pike on the north side of the intersection of Middlebrook Pike and N. Cedar Bluff Rd. Proposed use: Kroger expansion into existing space for pharmacy with drive through in PC (Planned Commercial) District. Commission District 3.

STAFF RECOMMENDATION: Approve the development plan for the addition of a drive-through pharmacy and revised drive lanes at an existing shopping center, subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **35. THE KROGER CO.** **2-D-11-UR**

West side of N. Cedar Bluff Rd., north side of Kingston Pk. Proposed use: Shopping center in PC-1 (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a retail shopping center containing up to 141,323 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 15 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

36. THE PAVILION AT HUNTER VALLEY FARM, LLC **2-E-11-UR**

Northwest side of Hunter Valley Ln., northeast of Keller Bend Rd. Proposed use: Pavilion and event facility in T (k) (Transition) District. Commission District 4.

STAFF RECOMMENDATION: Approve the development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 9 conditions:

Arthur Seymour, Jr. 550 West Main Avenue, on behalf of the applicant. We are asking for approval per staff recommendation with the conditions stated and we are well on way to accomplishing most of the conditions. This is our last approval I think today and then we can go ahead and finish up.

Michael Kane: I just wanted to make sure that this would be the last time we heard about this. The saga continues and I really would like to have it end.

Seymour: I think we were dealing with 6 different agencies thanks to the help from Knox County Engineering, Fire Marshall's office and Rural Metro that process was greatly simplified.

Kane: So there are no identified uncertainties or issues outstanding that could bring this back to this commission?

Seymour: Weather is the only thing. If weather remains normal which is normal for February, March and April they can have this project ready. Assuming normal weather.

John King, P.O. Box 2425, Knoxville, TN 37901. I hope like every body else this is over. We got some plans in late and I am assured by staff that the conditions that were involved in my client's going along with this request and not opposing it excepting some buffering and some landscaping facilities are exactly in the same place they were when that was previously approved. Based on that assurance I think we are okay on that. I am in the process of having this confirmed with our surveyor as well as they have now cut out a lot and propose a means of access to that lot that wasn't in existence before that is now, again just confirming, no part of the Mishu property is involved in getting access to that lot. Subject to confirmation of all of that, we don't have a problem with it. If I find out that there is a problem there, it probably won't be this body. We will appeal it and move onto the next body.

MOTION (CLANCY) AND SECOND (LOBETTI) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.

* **37. ROCKY HILL SHOPPING CENTER**

2-F-11-UR

Northwest side of S. Northshore Dr., northeast side of Rocky Hill Rd. Proposed use: Shopping center expansion in SC-1 (Neighborhood Shopping Center) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for the addition to the existing eating and drinking establishment and Phase I parking expansion at the Rocky Hill Shopping Center, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

* **38. Consideration of two-year extension of The Villas at Turkey Creek (Towering Oaks) concept plan. Commission District 6. File No. 2-SB-09-C.**

2-A-11-OB

STAFF RECOMMENDATION: Approve the two year extension until February 2013.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 2:45 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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