



Minutes

February 14, 2013

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

The Metropolitan Planning Commission met in regular session on February 14, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

- | | | | |
|---|-----------------------------|---|--------------------------|
| A | Ms. Rebecca Longmire, Chair | * | Mr. Michael Kane |
| | Mr. Herb Anders | | Mr. Nate Kelly |
| | Mr. Bart Carey, Vice Chair | A | Mr. Charles F. Lomax, Jr |
| | Ms. Laura Cole | | Mr. Brian Pierce |
| | Mr. Art Clancy | A | Mr. Jeff Roth |
| A | Mr. George Ewart | | Mr. Jack Sharp |
| | Mr. Len Johnson | A | Mr. Wes Stowers |
| | | | Ms. Janice Tocher |

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* 2. APPROVAL OF FEBRUARY 14, 2013 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF JANUARY 10, 2013 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE ITEMS AS READ. MOTION CARRIED 9-0. POSTPONED 30 DAYS UNTIL THE MARCH 14, 2013 MPC MEETING.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

METROPOLITAN PLANNING COMMISSION 8-A-08-OA
 Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Section 4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

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

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

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

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

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

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

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

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.

<u>LONGMIRE SUBDIVISION</u> West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.	1-SA-11-C
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Rd., Commission District 8.	2-SO-09-F
<u>METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE</u> 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.	8-O-08-RZ
<u>JAMES L. MCCLAIN</u> Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.	
a. Northwest County Sector Plan Amendment From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).	9-A-09-SP
b. Rezoning From A (Agricultural) to CB (Business and Manufacturing).	9-A-09-RZ
<u>CITY OF KNOXVILLE</u> South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).	7-D-10-RZ
<u>BUFFAT MILL ESTATES - CLAYTON BANK & TRUST</u> South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).	4-B-10-UR

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO TABLE ITEM # 11 2-SB-13-F. MOTION CARRIED 9-0. TABLED.

COMMISSION MICHAEL KANE ARRIVED TO THE MEETING AT THIS TIME.

CONSENT ITEMS

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

COMMISSIONER BRIAN PIERCE RECUSED FROM CONSENT LIST.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 9-0-1.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 9-0-1. APPROVED.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION

2-A-13-OA

Amendments to the Knoxville Zoning Ordinance allowing consideration of the BP-1 (Business and Technology Park) zone outside the TO-1 (Technology Overlay) zone and revising the list of permitted uses/uses on review, and changes to related sections as appropriate.

STAFF RECOMMENDATION: Approve amendments.

Buz Johnson: We discussed this at our agenda review session on Tuesday. Briefly again the primary purpose of this is to change the zone so that we have the ability to consider the use of the BP-1 zone in the city outside of the Technology Overlay. Right now the only time you can consider rezoning property to BP is in the technology overlay over off of Pellissippi Parkway north of the interstate out in west Knox County. The genesis of this proposal came as a result of some meetings with city staff and with representatives of the firm that is overseeing the development of what was the old Cherokee Farm Property, University of Tennessee off Alcoa Highway. It is on the opposite side of Alcoa Highway from the UT hospital property. We felt like and continuing from those discussions we felt like the BP-1 zone would be a zone that would be appropriate to guide the development of this property. It is already under development now through the auspices of a group that is overseeing that development. Because of the way it is structured the property pretty much will begin to go through a series of public review beginning with the rezoning of it which is later on in the agenda I believe. It is item number 23. We amended the ordinance or this will amend the ordinance with that addition allowing the BP-1 use. We think it is an appropriate zone that will guide the development to property as it proceeds through continued master planning and submission of a development plan at some point in the future. We also made some other changes to the zone, some minor changes and clarification in some cases. We also did a little bit of tweaking. We have shown that in your blue sheets. If look at page 4 and 5 of the amendments under paragraph e and f where we initially took out a lot of requirements dealing with yard regulations and then under f dealing with lot coverage and height building leaving that up to the Planning Commission. We also stipulated adding some language that in both of these cases the

particular requirements would be established, determined by the planning commission with the approval of a development plan as described under paragraph k. I notice I left out the word plan in the amendment to paragraph G. So we will add the word plan to development plan in that paragraph. The same change to paragraph f which establishes that those requirements would be part and parcel to a development plan approved by this body whenever this comes through. Staff recommends approval with those additional tweaks. I will be glad to answer any questions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-0. APPROVED.

Alley or Street Closures:

6. **GERDAU (REVISED)**

12-B-11-SC

Request closure of Ely Ave between Stonewall Street and northeast property line of parcel 081PK029, Council District 5.

STAFF RECOMMENDATION: POSTPONE the request at least 30 days until the March 14, 2013 meeting, or longer, if necessary.

COMMISSIONER LEN JOHNSON RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Arthur Seymour, Jr., 550 West Main Avenue. 37902 here on behalf of the applicant Mr. Massey is here from the City of Knoxville.

David Massey, Office of Neighborhoods for the City of Knoxville. I am here on behalf of the city administration. We very much appreciate the opportunity that you gave us last month to postpone this item which gave us a chance indeed to meet with representatives of Gerdau and the Lonsdale United for Change organization along with 5th district City Councilman Mark Campen, on the question of the closure of a portion of Ely. Steve Ritter who is President of Lonsdale United for Change was unable to be here today but asked me to convey to you that the organization is not opposed to the closure of this portion of Ely but it may well be opposed to future closures. As for the city we can support this closure and would recommend that you go ahead with it today rather than postponing. The reason this closure has been a cause for concern is that Lonsdale is a redevelopment area. The City, County, KUB, KCDC and individual property owners have invested millions of dollars in Lonsdale for the last several years for the purchase of vacant and blighted property, for the repair of homes, for business and economic development, for street, utility and other infrastructure improvements, for the upgrade of Lonsdale Homes, for the recent upgrade of the City recreation center on

Stonewall, for the Lonsdale Park and for Lonsdale Elementary School. Lonsdale is a great neighborhood. The people that live there are proud to live there. The community has a rich and enduring history. But Gerdau's expansion over the years has caused all of us to be concerned about the continued integrity of the neighborhood. At the same time Gerdau is an important and valued community partner as witnessed by their willingness to donate a portion of their property for the Lonsdale Greenway. We understand that it is difficult for a large international corporation to declare with certainty that its footprint will never get larger. On the other hand we think that Gerdau as a result of our meeting understands the importance that the City of Knoxville places on protecting and nurturing the city's assets in Lonsdale and that these assets cannot be viable if they sit across the street from heavy industry. They can best be protected if they are surrounded by residential property. While we support the closure of Ely there is a limit to such closures before these public assets are compromised. Again we appreciate being able to work with Gerdau and the neighborhood on this. We look forward to working with Gerdau and Lonsdale United for Change for future community improvements. Thank you.

Seymour: I will second what Mr. Massey said. We had a good meeting I think a week ago with participants from Gerdau and from Lonsdale United for Change, Councilman Mark Campen, Mr. Massey, Becky Wade, Chairman of the redevelopment department of the City of Knoxville. I think this is the last closure application you will see in a while except for we will be back in hopefully for some closures along the periphery of the property involving the Mayes property. Mr. Mayes Jr. is here. He advises he is not opposed to this closure. Is that correct? That may be coming up. I think we are pretty much singing off the same page right now. We would ask that this be approved.

Carey: Thank you we have been kicking this rusty can down the road for quite some time. I think we are finally getting to the end of that road. That looks good. Mr. Mayes thanks for your cooperation with working with the City and everyone involved here and I am glad you are here today. If there is no opposition... I would like to ask Mr. Brusseau to present on this. I am sorry.

Mike Brusseau: I was going to say that with the city's endorsement of no opposition on this we as staff are certainly okay with recommending approval. I wanted to recommend that if a motion is made for approval that it should include a condition that is written down in the third to the last paragraph on the second page of your report. If this closure is recommended for approval by MPC we just have a recommended condition that addresses city engineering's preferences on that. They were in support but they wanted a

few conditions be met. My understanding is that the applicant is okay with that.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO APPROVE CLOSURE WITH THE CONDITION THAT 5 CONDITIONS BE INCLUDED IN THE LETTER FROM THE CITY OF KNOXVILLE ENGINEERING DATED OCTOBER 30, 2012. MOTION CARRIED 9-0-1.

- P 7. ANTHONY P. CAPPIELLO, JR. - ATTORNEY AT LAW 2-A-13-SC**
Request closure of Ben Atchley St between Kingston Pike and Homberg Drive, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * **8. KNOX COUNTY COMMISSION 2-A-13-SP**
South County Sector Plan 2012 Amended.

STAFF RECOMMENDATION: Approve the plan as amended by Knox County Commission.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

- * **9. IRON GATE BOULEVARD IMPROVEMENTS 2-SA-13-C**
South end of Iron Gate Blvd., south of Hardin Valley Rd., east of Pellissippi Parkway., Commission District 6.

STAFF RECOMMENDATION: APPROVE the Concept Plan subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * **10. ASHLEY MEADOWS 2-SA-13-F**
Southwest side of Gray Hendrix Rd, north of Byington Solway Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 11. STEVEN & PATRICIA JOHNSTON PROPERTY 2-SB-13-F**

Northwest side of Schaad Rd, northeast of Beaver Ridge Rd.,
Commission District 6.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 12. **LKM PROPERTIES LP KINGSTON PIKE & WESLEY ROAD** **2-SC-13-F**
North side of Kingston Pike at the east side of Wesley Rd.,
Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 13. **CROSSROADS APOSTOLIC CHURCH** **2-SD-13-F**
At the north intersection of Andersonville Pike and McCloud Rd.,
Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 14. **THUNDERCHASE FARMS** **2-SE-13-F**
South side of W Beaver Creek Dr, west of Weaver Rd.,
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 15. **LONSDALE ADDITION RESUBDIVISION OF LOTS 144-147** **2-SF-13-F**
At the intersection of the east side of Sanderson Rd and the
south side of Western Ave., Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 16. **PHILIP M. GARRETT**
East side Schaeffer Rd., southeast of Hardin Valley Rd.,
Commission District 6. **12-A-12-SP**
 - a. **Southwest County Sector Plan Amendment**
From MDR/O (Medium Density Residential and Office) and SLPA (Slope Protection Area) to C (Commercial) and SLPA (Slope Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P

b. Rezoning**12-D-12-RZ**

From PC (Planned Commercial)/TO (Technology Overlay) and BP (Business and Technology)/TO (Technology Overlay) to OB (Office, Medical, and Related Services)/TO (Technology Overlay) and CA (General Business)/TO (Technology Overlay).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

17. CYNTHIA R. BAIRD**2-A-13-RZ**

Northeast side Bob Kirby Rd., north side Chesney Hills Ln., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density up to 2.5 dwelling units per acre subject to one condition.

Mike Brusseau: This is a request on a just over 8 acre piece of property that is at the intersection of Chesney Hills Lane and Bob Kirby Road. It is adjacent to a Chesney Hills larger subdivision that is under development currently. Just a little history on this. An application for PR for the same application was made back in 2007 but it was withdrawn by the applicant prior to being heard by MPC. Staff in that case had recommended PR at 2 units per acre. At that time the adjacent development had not commenced to my knowledge. In this case we used the current hillside slope protection standards and ran a slope analysis on the site. The slope analysis revealed that over 85% of the site had slopes of greater than 15%. Crunching the numbers from the slope protection policies of the Hillside and Ridgetop Protection Plan actually yielded 20 units which comes out to a density of 2.5 dwelling units per acre. That was where the 2.5 density came from. We are also recommending a condition that no clearing or grading of the site shall be permitted until a development plan is review by MPC as a use on review. That will ensure that the slopes stay as they are until we get a chance to look at a plan. The idea by staff would be to ideally cluster the 20 up to 20 units that could be considered cluster them in the left portion of the site. The slope analysis as well as the breakdown of the slopes and amount of area of each slope is in your package. It is obviously consistent with the sector plan which shows low density residential. The 2.5 is similar intensity to the adjacent development and less than most of the density around the less sloped other areas of the area. I will be happy to answer any question you may have.

Richard Lemay 10816 Kingston Pike, Knoxville. I am here as the applicant's representative.

Deborah Goddard, 1415 Bob Kirby Road, Knoxville 37931. I have a booklet of pictures if you would like me to bring them to you. (passed it around) There are more pictures in this. There are

before and after pictures. There are pictures of this property when it is dry, pictures when there is massive flooding and picture when there is normal rain where there is also flooding. When we first bought the property there was a small wet weather stream, very minor. After the development of Chesney Hills there is massive flooding now. Massive. It just rendered our property useless when there is rain. You will see from the pictures why. It is devaluing our property and our neighbors' property. It floods Chesney Road. We are opposition to another development going in that is going to dump even more directed water onto our property. We really would like to see something done about this massive flooding.

Carey: Mr. LeMay would you like to make a comment?

LeMay: I would certainly be glad to listen to the remainder of her comments if she has any.

Goddard: I think the pictures speak for themselves. You can see my neighbors' property. The water exists Chesney Hills and under the road and dumps onto 1501. Her driveway is a gravel driveway. I measured it today and put in the feet. The water rose to 10 feet level with her driveway at one point. Then it comes onto our property and it goes down past our property and you will see from the map under Chesney Road although over Chesney Road it floods and we call the County all the time and dumps onto 1501 and 1505 where you will see a huge lake. It is just a terrible problem. We really appreciate your help trying to solve this stormwater runoff problem. It has just been devastating to our property. We have a small certified organic farm. We cannot use that property; not the parts that are flooded. We cannot use them at all. We can't even use our own back yard because well you will see from the pictures. We really appreciate your time and your help.

LeMay: I just want to point out that my client's property has not changed in many years and it is not contributing to the runoff that you all are seeing in these pictures. I believe though I am not certain that this runoff is coming from adjacent developments for which my clients are not responsible and have nothing to do with it. Next step for us as indicated in the staff report which we are in agreement with. My clients have no problem and appreciate the staff's time in looking at this problem. We will have an opportunity if you all go forward with this approval to create some drainage plans. With this low density and on eight acres, we will have plenty of room to make sure we can handle our runoff to meet all the current ordinances if not go above and beyond that. We can't do anything about adjacent pieces of property that are draining on to her. But we can certainly create a plan that this body or engineering department can review that would assure this lady that our property will not contribute to her flooding problems.

Carey: Ms. Pionke could you address any issues that you are aware of there and tell us a little bit more about that if you would.

Cindy Pionke: County Engineering. Essentially what I know about the property is that she is correct there is a wet weather conveyance on the site from looking at the topo map. But unfortunately her yard is such that it is shaped more like a pasta bowl. It is very flat before it comes up so whenever it does rain there is a lot of water that just spreads out. My understanding from the stormwater department is that her house is not at risk in flooding and that they have offered to work with her with their ESP program to do a cost share to build a channel. My understanding was that she had turned them down for that. In regards to that channel staff said that it would help keep the water within a limited distance as opposed to spreading out further but there would be times when yes even that channel would top. So it is not the perfect fix in terms of what is going on. The out other developments nearby at least in terms of Chesney Hills the staff checked the detention basin and whatnot. Everything is built according to the plan and met the standards of the time in terms of the stormwater detention. My understanding is when it crosses the road again into the Del Mead Subdivision that at some point in time that property owner filled in the detention basin on his lot and that is what leads into here lot where the drainage ends up going.

Carey: Are there actions that can be taken in regard to that filled in detention pond or basin?

Pionke: I don't know how... I am not even sure if staff knows when that happened.

Laura Cole: First of all I want to say that this really frustrates me because this is a perfect example of how development practices can adversely impact not only property owners but a developer. Because now Mr. LeMay finds himself in a position where the property he wants to develop although didn't contribute to the flooding is now being associated with that flooding. I also wanted to ask Mr. Goddard you said your farm was certified organic and you went through some process to get that done and it is not easy to get that certification. Is that why you are not satisfied with what engineering suggested?

Goddard: That is not the only reason. What engineering suggested and that whole story... We have major pipe lines. You can't dredge there. There are major pipe lines going through our property. You cannot do a channel there. It is impossible. East Tennessee Pipelines would never allow... I guess I can say they would never allow it because you have major feeder lines going to Texas that they have an easement. It is right where the

flooding comes up. That is why. Other than the fact that should we really have to pay for flooding that was caused? We have owned the property for a long time. The flooding was not like that until Chesney Hills was built. Regardless of what the engineers have said it was not like that. And thank you Mr. LeMay there are pipes. I have a pipe in the woods there that comes across this property. It is not just coming from Chesney Hills and Del Mead who did fill in their detention pond. There is another place from the north side of Bob Kirby that just flows through the woods. One of the pictures here will depict that. I have 150 pictures recently of this because it has just really destroyed our property. Is our house flooded? No. But you can't even use the back yard.

Cole: How much of your property that you are using for farming?

Goddard: We would be using all of that pasture there that floods. We were planning to put in a you-pick blueberry farm there. We cannot use it. You cannot risk that because you put on the...

Cole: I understand. Trust me. I believe you.

Goddard: It is just so frustrating because when we bought it it was just a wet weather stream. The neighbors that have lived there longer than we have just cannot get over how horrible it is now. Like I say Chesney Hills whether it is that retention is built right or not is not we are getting way too much water. It went halfway up the pastures toward the barn, uphill towards the barn. That is a massive amount of water. We don't know what to do. We can't afford to go in and put huge pipes ourselves. We are trying to pay for the property. I don't mind working with the County but how do you dredge with huge pipelines there, gas pipelines?

Cole: Ms. Pionke can you speak to that. Do you know the details?

Pionke: I don't know the details. I just know they made the offer to do that and she turned them down. That is all the information I have.

Goddard: That is why. We can't even do anything around those pipelines without calling East Tennessee Gas and Joe Herbert. They are major feeder lines. I am not talking about just going to your house. They are major feeder lines that go all the way across the property and then under Bob Kirby and up the hillside. Thank you so much. I appreciate it.

Michael Kane: Ms. Pionke you were very careful in your words by saying that Chesney Hills retention basins were designed according to the standards of that time. Are you suggesting in

today's standards that those may not be sufficient for the type of amount of water that is actually being generated by these developments?

Pionke: We have changed the number of year of the storm that we design for. I don't remember what it was at the time Chesney Hills was building. But we have changed since that point in time. It is possible that it would be a different design today.

Kane: Are the property that is being proposed to be rezoned today, Are you aware if this particular property is troublesome in terms of developing some kind of storm water management system? Is it more or less than what Chesney Hills would have been in terms of...

Pionke: At this point I have no information to go on to say it would be more of a problem or not. We have not received any plans of any type to know what they would be proposing.

Kane: That would be a total guess at this time.

Art Clancy: I hate to put you on the spot Ms. Pionke. Not in Chesney but in the other subdivision they have got a detention pond that has been filled in?

Pionke: That is my understanding. A homeowner decides they want to have a nice level lot and they just fill it in. It happens.

Clancy: There is nothing that Knox County can go in and say no, no, no. On our plat this was approved with a retention pond that has got this many square feet a drain here. Start digging.

Pionke: Unfortunately I don't know when this happened. In the office there has been talk about depending on how long ago the action occurred we may end up doing some type of legislation that says that it is no longer an issue. If we have not heard from anyone for years, just as a for instance say it had been like 10 years and we hadn't had any issues from anybody saying that that they were having problems with flooding and whatnot, we wouldn't necessarily know and it would just kind of go away.

Clancy: Ms. Goddard how long have you been contacting Knox County Engineering?

Goddard: I honestly cannot remember.

Clancy: Just about. 2 years? 10 years?

Goddard: (inaudible)

Clancy: I know flooding is pretty common in Knox County and it happens. But it seems to me if we go out and somebody says

look my property is flooding because you are putting these subdivisions have done something. You go out and look and somebody has filled in a retention pond, it would be a red flag...

Pionke: Correct. Another option is because it is on a property owner in that adjacent subdivision, she can essentially go to court and sue that person for filling in that detention area.

Goddard: My neighbors tell me they called the county for years about flooding and nothing was done. They knew that Del Mead had been filled in but nothing was done.

Carey: Ms. Goddard while you are there I would certainly encourage the possibility of getting the utility that has the easement through your back yard to work with Knox County and the call before you dig people and all these people that know how these things are done. There could very well be a solution to getting that drainage way put in that could help alleviate some of the problems based on the condition of your natural topography of your lot.

Cole: Ms. Goddard I just wanted to say that one of the things you might do is contact your Mayor directly. In my experience it is very difficult to get anyone to look at the problem unless you reach a certain level. I think in this case that is probably what it is going to take.

Goddard: Yes I do plan to contact Mayor Burchett. I actually met Tim Burchett at a Chamber meeting that I was at and he wanted to come out and see our farm because he very much likes farms. I plan to have him out and show him all the pictures.

Cole: Be sure and follow up. Probably today.

Goddard: Okay I will. We are trying to pay for the property and now it is being devalued. Who is going to buy property with this type of flooding? We are being told that the County will cost share which means we have got to expend more money because we are being flooded. That doesn't seem right.

Cole: I wanted to say too I would continue talking to the county about what could be done. Some of those folks are also looking for an opportunity to do something to make some corrections. Your pressure could help them pressure someone else to get those things done.

Goddard: I wanted to say too that it is not just my property. My neighbor's property is where it hits first. She is elderly. She does not have a computer. She could not here. Then there are the other two properties that it affects as well. It is not just me. I am here representing everyone today. I know the neighbors also have a concern about the additional traffic on Bob Kirby because

the wrecks are horrible on Bob Kirby. I will be shocked if East Tennessee Gas says a dredging can be done, because those are major pipelines but we can check.

Brad Anders: I would like to ask Ms. Pionke from the County when these calls come in about flooding and there is a visit made, is there documentation so that the root cause of this problem we could assure that it has been investigated properly?

Pionke: Yes sir. The Knox County the Department of Engineering and Public Works has what we call a work order system. Anytime anyone calls in a work order is actually placed. We can actually track the history of the calls and the complaints and the addresses for where those have occurred at.

Anders: Ms. Goddard that may be an avenue to help document the calls that you have made.

Clancy: Well it comes down to this. This is we have to look at the development here is a good use of this property. I think we know that, we can assume that with the updated engineering specifications that Mr. LeMay can design a subdivision at this density that won't exacerbate this problem of this flooding. Unless Mr. Lemay after you get your subdivision done you plan on filling in your retention pond.

LeMay: We always keep that in our back pocket as an option.

Clancy: I just don't think we have a choice. It is Ms. Goddard I feel for you. The city runs water through my basement constantly. I have complained and complained. I said well how about a ditch. Still happens. I feel for you on this issue. This subdivision I think can be engineered. Maybe it can and maybe it can't. I will have to go through Knox County Engineering before anything can be done. Especially if we put the condition on that no clearing or grading be done at all until we get some kind of plan that's approved by Knox County that will not dump water, any more water than was is being already put on you.

Goddard: Talking about the retention pond you can see in the picture it was full and it was gushing onto the road on us. This is just from Chesney Hills.

Clancy: Yes I would assume I would be willing to bet that the Chesney Hills retention pond is probably not adequate, probably was poorly designed to start with. Then we can't our decision is we have to really look at this piece of property. Chesney Hills is a done deal. I am almost certain that I didn't have anything to do with that. We will make sure these people don't make it worse.

Goddard: There is a pipeline near where Mr. LeMay wants to develop that comes right into this area too.

Clancy: We are going to have to make sure that he doesn't make that his point where he empties all his retaining water. Our hands are a little bit tied here. We are making a decision not based on what is happening to you but we can hold the people that want to develop this piece of property, we can hold them responsible. We have got a little bit more teeth, not a lot. We can make sure that their plan it comes back here. We can say no we don't like that plan it is not, Ms. Pionke says it is marginally working with the drainage. We can turn it down at that point. What we are doing now is saying yes you can put houses you can develop it but you can't do anything until you come back here with a development plan and we vote on that again. That is our stop gap right now. I would like to make a motion. .

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO APPROVE PR (PLANNED RESIDENTIAL) ZONING AT A DENSITY UP TO 2.5 DWELLING UNITS PER ACRE SUBJECT TO THE CONDITION THAT NO CLEARING OR GRADING OF THE SITE SHALL BE PERMITTED UNTIL THE DEVELOPEMNT PLAN IS APPROVED BY MPC AS A USE-ON REVIEW. MOTION CARRIED 9-1 (Kane). APPROVED.

- * 18. **LINDA G. WELCH** **2-B-13-RZ**
Northwest side Papermill Dr., northeast of Hollywood Rd., Council District 6. Rezoning from C-1 (Neighborhood Commercial) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 19. **CARPENTERS CHAPEL CHURCH** **2-C-13-RZ**
Southwest side Dogwood Rd., southeast side Solway Rd., Commission District 6. Rezoning from CA (General Business) with conditions to CA (General Business).

STAFF RECOMMENDATION: DENY the removal of the conditions on the current CA (General Business) zoning.

Mike Brusseau: Back in 2008 this entire property was being proposed for a thrift store that was associated with the Carpenters Chapel Church that is there. They had asked it was deemed by codes that CA zoning would be necessary to operate a retail non-profit thrift store even if it is associated with the church. So they came in with an application for CA zoning as well as a sector plan amendment to commercial for the site. Staff had recommended denial of the request but when MPC heard it they decided to recommend approval of the sector plan amendment to commercial and then recommend approval of the CA but with a condition that says the only uses allowed in the Ag zone and

non-profit thrift store associated with Carpenters Chapel Church. We feel that that condition, obviously we did not support the commercial zoning in the first place; we feel it's reasonable with the condition that is on there to allow the church to run a thrift store on there. They have constructed an I believe it is a 10,000 square foot building on the site and Mr. Seymour provided photos of that. It basically looks like a warehouse. The church at least the sign out in front of it said it was a church activity center. Seems as though it was obviously built for some potential other use. Bottom line is the site is kind of a transitional area between the commercial uses there along Oak Ridge Highway. The CA, conditional CA, sort of acts like a transition to basically not allow commercial to extend down further down Dogwood Road or Solway Road. It is adjacent to a commercial area but it does not have direct access to Oak Ridge Highway like the other properties do. The only access for this site is from Solway Road or Dogwood Road. The adjacent intersection of Solway and Oak Ridge Highway is extremely dangerous. Any type of business would be permitted in unconditioned CA has the potential to draw a lot of traffic including trucks. We just think that the condition on there as is limiting it to uses associated with the church is appropriate and should remain that way. We are recommending denial of the removal of the conditions on the site to allow just straight CA zoning.

Arthur Seymour Jr., 550 West Main Avenue. I am here on behalf of Carpenters Chapel Church with Pastor Garren and we are the applicant. Also with us today is Mr. Justin Cazana who represents Master Dry, the proposed buyer of this property, and also Mr. Josh Smith with him. I sent you a packet hopefully you all received it by email yesterday describing the use that Master Dry wishes to make of this property showing an aerial view of it and the reason that the church is wanting to sell property. It is almost adjacent to Oak Ridge Highway in the Solway community. The building was built by the church when it was much larger. It was not built for any purpose other than a family life center and offices. This is basically what I would call a butler building. The construction is basically slab with a metal building. The reason it was built that way was price obviously. It has been used for a number of years by the church. The thrift center is no longer in operation. Mr. Smith with Master Dry and Mr. Cazana if they make take a minute or two will advise you why they need this site for their business. There they are.

Justin Cazana, 824 Hansmore Place, Knoxville. I represent Master Dry in their search for property in the Knoxville area as well as Loudon County, Anderson County and Blount County. We looked around for gosh the best part of 6 or 7 months to find a building that would work that would suit their needs. Finally we did find one with the Carpenters Chapel location. This property in their operation that they have, this is not a property that will have constant traffic coming in and out of their site. It is not a

sales office. This is a warehouse location and location where their trucks will come in first thing in the morning. They are typically off site by 7:00 a.m. headed to their locations for the work they do and then they return typically after 5:00. This is not a constant traffic in and out onto Oak Ridge Highway. We did bring a map. This shows the current building that they will take. This is the church. Obviously the church does not have a full time staff so there is not a problem with egress and other traffic that may be going into the church during the normal days. This is a Monday through Friday operation mainly. It is the perfect location. We would love to keep Master Dry in Knox County and hopefully you can approve this change.

Josh Smith: The building is a great fit for us. We have looked and looked and looked. We are busting out where we are at. I know some of that does not have anything to do with you guys. It is a real good thing for us being so close and us being able to stay in West Knoxville rather than having to go to some of the other places further out that we could afford definitely.

Carey: Could you flash that sign at us again. The building that you would take would be the green building surrounded by red. I see green kind of like a grass colored surrounding there and also next to your left would that be property you would acquire too?

Smith: All of this is already here. The red is just only new gravel area that we would extend. Everything else is already there. This is included in the four acre lot.

Seymour: If I may could I respond to the traffic issues. I am not sure what the traffic count is for Master Dry. This planning commission and Knox County Commission have approved a number of houses, apartment developments and so forth up and down Solway Road. A lot of them use this intersection to get onto Oak Ridge Highway without much concern about traffic. I have been out there several times just to look at the property and I am not really aware of the traffic issues out there. You certainly do not just go busting out onto Oak Ridge Highway there without looking right and left. There are huge traffic problems at 7:00 in the morning and 5:00 in the afternoon. The rest of the day it is fairly time normal. Anything else you all want to add?

Art Clancy: Best I recalled there was opposition in 2008 when we approved the use of that property for the center that they asked for. At that time we were leery that it might have some other uses and specially put a condition on it that it would not have those uses and assured the neighborhood that came out to oppose it that it would be limited to that use. I intend to make a motion that we deny the removal of that condition that we put on that piece of property 2008 on the current CA General Business zoning.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO DENY THE REMOVAL OF THE CONDITION PUT ON CA GENERAL BUSINESS ZONING.

Seymour: May I respond to that. I think Mr. Clancy there was no opposition at the last time. There was one letter from an adjoining property owner who said he was not opposed to it. There was no opposition here or at County Commission. There may have been to another piece of property out there, but not this one.

Carey: Mr. Brusseau could you tell us if general business was passed without conditions what are some of the other type businesses that could be operated in this zone.

Mike Brusseau: Pretty much the gamut of any kind of commercial use. CA zone does not have many restrictions as far as business type uses.

Carey: Even though this may be a low impact we kind of have to look down the road at what might come later if we make this change.

Michael Kane: Part of my question was that a McDonalds could go in or anything like that right. I wanted to clarify Mr. Clancy your motion was to deny removal of condition of current CA zone.

Len Johnson: Mr. Cazana how many trucks will you have coming into that site? I assume that is where everything is going to be staged for all the projects that you have around Knox County?

Cazana: Pretty well and all over East Tennessee. Josh can answer that a little better than I could.

Josh Smith: Obviously with all the rains and running through your basement like you said we are at the most that we have had now. We have 7.

Johnson: Basically seven trucks.

Josh Smith: They are smaller box trucks we don't have any really big ones.

Laure Cole: Can we clarify the question. I understand that the affirmative is to support staff recommendation.

Carey: That is correct a yes vote would be to deny.

MOTION CARRIED 10-0. DENIED.

- * **20. BENCHMARK ASSOCIATES, INC.** **2-D-13-RZ**
Southeast side S. Northshore Dr., east of Bradford Ln., Council District 2. Rezoning from R-1 (Low Density Residential) to R-1A (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 21. DAVID C. CAMPBELL** **2-E-13-RZ**
South side Shackelford Ln., east of Graves Rd., Commission District 8. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **22. ROBERT CARBAUGH** **2-F-13-RZ**
Southeast side Gray Hendrix Rd., northeast of Garrison Dr., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. METROPOLITAN PLANNING COMMISSION**
West side Alcoa Hwy., northwest of Cherokee Trail, Council District 1.
a. One Year Plan Amendment **2-A-13-PA**
From OS (Open Space) to CI (Civic/Institutional).

STAFF RECOMMENDATION: Approve CI (Civic/Institutional).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **2-G-13-RZ**
From A-1 (General Agricultural) to BP-1 (Business and Technology Park).

STAFF RECOMMENDATION: Approve BP-1 (Business and Technology Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- P 24. CHANDER BHATEJA** **2-A-13-UR**
North side of N Peters Rd., west of Market Place Blvd.
Proposed use: Motels and Restaurants in PC-2 (Retail and

Distribution Park) & C-6 (General Commercial Park) District.
Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 25. THE KROGER COMPANY 2-B-13-UR**
Southeast side of E. Emory Rd., southwest of I-75, northeast of Central Avenue Pike. Proposed use: Kroger store and fuel center in PC-1 Pending District. Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 26. M & M DEVELOPMENT 2-C-13-UR**
West side of Summit Station Ln., east side of Black Rd. Proposed use: Reduce the peripheral boundary setback from 35 ft. to 20 ft. and permit detached dwellings at 11907 & 11913 Summit Station Ln. (130 JC 014 & 015) in PR (Planned Residential) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request to revise the peripheral boundary setback to 20 feet and permit detached dwellings on the two lots shown on the site plan subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 27. KRIS MEYER 2-D-13-UR**
West side of Dowell Springs Blvd., west end of Lonas Spring Dr., north of Middlebrook Pike. Proposed use: Medical Facility Master Plan in PC-1 (Retail and Office Park) & O-3 (Office Park) District. Council District 3.

STAFF RECOMMENDATION: Approve the medical facility master plan for Provision Health Partners as identified on the attached development plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 28. EUGENE LACKEY 2-E-13-UR**
South side of Thurman Ln., southwest of Carolyn Ln. Proposed use: Revision to previously approved plan to permit up to 6 attached dwellings in PR (Planned Residential) District. Commission District 9.

STAFF RECOMMENDATION: Approve the request to amend 5-J-08-UR to permit up to 7 detached and the six attached dwellings as shown on the site plan subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * **29. Consideration of Two-year extension of the concept plan for Hampson Court, Unit 2, on Nubbin Ridge Road until February 2015 - 1-SB-11-C. Commission District 4.**

2-A-13-OB

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **30. Consideration of Amendment to the City of Knoxville FY 2013 - 2018 Capital Improvements Program to include funding for a Knoxville Bicycle Infrastructure Plan and Downtown Knoxville Circulation and Mobility Plan.**

2-B-13-OB

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 2:31 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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