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# Minutes

## FEBRUARY 13, 2014

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

The Metropolitan Planning Commission met in regular session on February 13, 2014 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. Charles F. Lomax, Jr
	Mr. Bart Carey, Vice Chair	A	Mr. Brian Pierce
	Ms. Laura Cole	A	Mr. Jeff Roth
	Mr. Art Clancy	A	Mr. Jack Sharp
	Ms. Elizabeth Eason	A	Mr. Wes Stowers
A	Mr. Mac Goodwin		Ms. Janice Tocher
	Mr. Len Johnson		

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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### 1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

### \* 2. APPROVAL OF FEBRUARY 13, 2014 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF JANUARY 9, 2014 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

#### POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL MARCH 13, 2014. MOTION CARRIED 9-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ 60 DAYS UNTIL

**APRIL 10, 2014. MOTION CARRIED 9-0. POSTPONEMENTS APPROVED.**

Automatic Withdrawals Read  
None

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**

METROPOLITAN PLANNING COMMISSION

10-B-13-OA

Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations.

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.

**U 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.



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

## **Ordinance Amendments:**

**5. KNOXVILLE CITY COUNCIL (REVISED)**

**12-B-13-OA**

Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

STAFF RECOMMENDATION: Approve

Mark Donaldson: This item as well as item number 6 were originally on our December agenda as a single item. Since then we have separated them to help with some clarity. Item number 5 is a series of zoning ordinance amendments regarding group living facilities in the City of Knoxville Zoning Ordinance. It proposes rearranging the definitions under a broader heading of group living facilities and then organizing other residential uses under a broad category of household living facilities. It examines the current state of our zoning ordinance as compared to a couple of other good examples that I found, one in Memphis and Portland, Oregon. Just this week I have looked at another recent zoning ordinance that was updated in Raleigh North Carolina, that uses this same approach of dividing all residential uses into either household or group living facilities and proceeding from that subdivision. The original approach was to address what's currently in the code and just reorganize it, get good definitions for what we have already got in there and setup the next more difficult phase which is to look at filling out the menu of the variety of group living facilities that other folks are doing and then coming up with development standards for each of those, particularly finding a way to match up the density or intensity of group living facilities as compared to household living facilities. We had a pretty good discussion on Tuesday which triggered me looking at some other things. I looked at this Raleigh ordinance which brought into play a couple of other approaches that might be worth looking at. I am going to end up pitching for the idea of postponing this one. We got a letter from the public that had some good ideas that basically suggested we need to do the second part at the same time as the first part in order to make it all make sense. If we were to postpone this I think I might be able to get phase II ready for the next monthly meeting. If not we could probably have a public meeting to find out what the real issues are. I have had discussions with Councilman Stair who initiated the request to us. Turns out that the biggest issues are the ones our current zoning ordinance does not address. It is filling in those blanks that are really the big issues that are out there. If

we have a more robust conversation about that full array of group living facilities and how we equate them to household living, the whole package will be much better than two parts. In the packet are definitions and then a somewhat expanded list of the zoning districts to consider for adding various group living facility as permitted uses. The biggest thing is to add nursing homes into some of the planned residential districts to enable a path for developers to do both nursing home and assisted living and independent living all in one package under a single zone distinct. As we look at our current array O-1 district our office, medical and related services that offers the one spot where all of our current group living facilities are available. I think we can broaden that. In the packet are definitions, permitted uses and then development standards for those uses that we do have. As we move to the next phase we would look at expanding that list of group living facilities to be more comparable to the examples that I have found and to flesh out the development standards to allow us to make comparison to the group living facilities and household living facilities in the same zone district.

Bart Carey: Before we go to the motion I first want to say thank you to Mark for what you and the staff have done. If you read through this volume of information they have compiled here and a lot of work has been done to try to improve all this. I am going to recognize Commissioner Kane first.

Michael Kane: If Mr. Clancy wants to make the motion that is fine. I really like the idea of postponement and I really like the idea of a public meeting because there is so much here and so impact potentially on our residential and also the things that our community is trying to accomplish both in a public way and in a private way. I really encourage that. I would like to make a motion to have a 60 day postponement and ask staff to have a public meeting and invite City Council as well as staff to attend.

**MOTION (KANE) AND SECOND (COLE) WERE MADE TO POSTPONE 60 DAYS AND CONDUCT A WORKSHOP AND INVITE CITY COUNCIL TO ATTEND.**

Art Clancy: Along with my motion I also just wanted to reiterate what Commissioner Carey said. There is a lot of information here and it looks like it took a lot of time and effort into to. I think it is good that we step back and realize that based on what Ms. Malone's email that I got her recommendations had quite a bit of merit. I think it is good that we recognize that we can maybe do this a little bit better. I was going to say 30 but I think 60 days is probably more appropriate. I will support that.

Kane: I don't know if it is possible prior to the public meeting have the draft whatever version of the draft that you want to have discussed out at that time.

Donaldson: Yes we can post it and use our list serve to get it out.

**MOTION CARRIED 9-0.**

**6. KNOXVILLE CITY COUNCIL**

**2-A-14-OA**

Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for drop off donation centers.

STAFF RECOMMENDATION: Approve .

Mark Donaldson: Again item number 6 was originally couples with item number 5 when we first took a run at this. They are fairly distinct subjects and warrant consideration on their own. Drop off donations centers is something that currently isn't addressed at all in our zoning ordinance. As we look across the city I am noticing more and more little boxes showing up in gas station parking lots and convenience stores and kind of scattered here and there throughout the community. In addition to those we have got several different kind of scales of donation centers ranging from probably the most well established is the Habitat for Humanity ReStore which occupies part of a shopping center. Then you have places like the Community Chest donation center that is a free standing building along North Central Street to the City of Knoxville's recycling center which also pares with Good Will where they operate a donation drop off out of a trailer within the recycling center. So we have the split between donation facilities, drop off donation facilities that are accessory to another use such as the box and the Good Will trailer to drop off donations centers which are principal uses which can be in their own building or part of another building. This is a little more straight forward than the group living facilities. Again we have offered definitions, appropriate zone districts and development standards. I have provided today revised Exhibit C which is the definition and E which are the development standards based upon the input that we received this week. The definition I took out the word structure or premises and added the phrase or portion of a building so that a drop off donation center becomes any building or portion of a building where donations are collected, assessed, repaired, sorted and/or prepared for sale. After collected is at the end of that sentence is all new as well. Those are in response to questions that were raised this week. On the development standards for drop off donation centers I struck one provision where I was copying Charlotte's where one of those classic double negative things. It probably isn't an issue here because I don't think, it deals with large bulky items. I don't think the donations centers we are seeing are doing that sort of thing so I think we can get by without it. Then I deleted in E a second sentence which basically says the same thing as the first sentence. Needed a little trimmer there.

Loren Rider, 229 E Scott Avenue. Speaking on behalf of Old North Knoxville Incorporated where I am a board member and obviously a neighbor there. I was well prepared to speak on the agenda item before that was delayed and have also been conferring with Fountain City Town Hall and Marshall Stair, Councilmember. On to this agenda item. We are happy to see some regulation on donation centers. There several surrounding our neighborhood. Obviously they are all over town. I have a question about the facility shall be limited in size to 340 square feet. We have a very large facility at the boundary of our neighborhood that is thousands of square feet and another issue kind of deriving of that is the number of exterior storage units that they can have. This particular one actually and several others use semi trailers which are permanent temporary storage violations. They have somewhere around the neighborhood of eight of them. They don't have skirts. They also and this is not being in opposition or support of what they do, they get a lot more donations they can actually handle. And they have one dumpster which is regularly overflowing into the street daily and that is right in front of houses. I know that is one of the things you put in the definition or the regulations is to limit how the dumpster is sited so that it is screened from houses. The dumpster is currently in the City right of way. It is actually in a street basically and it is usually overflowing. I am not sure if that is an issue for you or not. What I am seeing I guess to a point is that some of these facilities are much larger than the 340 square feet. I am not sure where that number came from.

Donaldson: That number came from regulations that Charlotte has put in place. I think it corresponds to a medium sized semi trailer. 340 square feet would be a very small two car garage, like a car and one half in size. A typical two car garage that is free standing is either 20 by 20 which would be 400 feet or 20 by 24 for 480 square feet. I have gotten input that number is way too big and when I look at the city of Knoxville recycling center that is in my neighborhood that has three small trailers on it obviously they are way over that. It is kind of a balance between codifying what is out there and establishing a reasonable number.

Rider: Are there, maybe I missed this, are there any restrictions on screening of those storage units other than just skirting around the bottom I believe I saw that in the...

Donaldson: Yea, any trailer or storage unit that is greater than 18 inches would have to have the screening around the perimeter. It is primarily the location within the setback and yard requirements.

Rider: The square footage regulation only applies to the accessory uses; not to a primary use.

Donaldson: That is correct. All donation centers are subject to use on review. If there are accessory facilities associated with a center then they would come under the same use on review process.

Rider: I guess I don't have any further questions or comments. As a neighborhood we are happy to see regulations for these because we are surrounded by several of them. There are not regulations. I hope any regulations about screening them could be enforced that is obviously a city issue and not an MPC issue.

Art Clancy: Ms. Rider I think if we get this passed, I think the best way to go about enforcing it, and that is the way it is with a lot of these things, they are complaint driven. Enforcement is complaint driven. Have you gone down that avenue?

Rider: Have I complained? Yes. Multiple people have complained. I don't want to make it sound like I am the only one.

Clancy: My hope is that if we can get this passed it will put teeth in what you are trying to do and your complaints won't fall on deaf ears. I would be interested to see how that works out.

Rider: I guess what I am concerned about is ambiguity when you say something like trailer because my understanding is an old semi truck is a permanent temporary storage violation. Does that somehow negate... If that is something we in the neighborhood have been complaining specifically about is a bunch of semi trailers that are backed up and filled and those are permanent temporary storage violations because they don't move around and we are calling them trailers in this description of an accessory use.

Clancy: If they have got wheels on them more than likely they can argue that they are pulled around whether you see... Now the box trailers that they set, the boxes that they sit down and dump those have a specific finite amount of time that they can stay in a place.

Donaldson: Certainly for demolition materials and that sort of thing but these boxes that are showing up, green boxes and grey boxes that I am seeing in our neighborhoods, I suspect they are there for the duration.

Clancy: But we passed an ordinance that restricted them 5 years ago that put a specific time limit on how long those will stay.

Kane: Sea Lands.

Clancy: Sea Lands or Allstate Trailers or any of those things. Didn't we? Am I not remembering correctly?

Donaldson: I don't recall. One of the good things about this is that we will actually require that the owner information be provided on the structure so we can contact them for enforcement.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH REVISED C & E.**

Tocher: If City Council does pass these regulations does this other, the donation centers that are currently in place are they grandfather or do they need to follow the new ordinance?

Donaldson: It is not my call but I suspect that they would be. They would become legal nonconforming uses at that time. As long as they were operated continuously they would be subject to whatever rules that were in place when they were put in place which are currently zero. We are going to catch the honest people that come through the process and the new people that come through the process.

Tocher: So you said it is not your call. Would that be something that we would as Commissioners, that we would attach to this that....

Donaldson: That is an enforcement issue by the City Department of Permits and Inspections.

Tocher: Okay. So it is not even City Council's call really?

Donaldson: No not really.

**MOTION CARRIED 9-0. APPROVED.**

\* 7. **CITY OF KNOXVILLE LAW DEPARTMENT**

**2-B-14-OA**

Amendments to the City of Knoxville Zoning Ordinance regarding the removal of certificates of appropriateness for demolition within the D-1 (Downtown Design Overlay) District.

STAFF RECOMMENDATION: Approve the amendments to the D-1 District, as shown in Exhibit A.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Alley or Street Closures:

\* 8. **CITY OF KNOXVILLE** **2-A-14-AC**

Request closure of Unnamed alley between Phillips Avenue and northern terminus at Tennessee River, Council District 1.

STAFF RECOMMENDATION: Approve subject to required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

9. **MICHAEL BRADY INC.** **2-B-14-AC**

Request closure of Unnamed alley between northeast corner of parcel 093DH043 and southeast corner of 093DH045 and northwest corner of parcel 093DH043 and dead end at former May St. (closed), Council District 3.

STAFF RECOMMENDATION: Approve subject to required easements

Scott Dyer: I don't know that I am actually the applicant but I have got some questions. I own the property at 3616 Montgomery Avenue and lease the property at 3624 Montgomery Avenue. I have a couple of questions on this. What becomes of Montgomery Avenue when this property is closed?

Bart Carey: Let me square up first. You are not the applicant?

Dyer: No. In opposition.

Carey: So we don't have an applicant present. I want to clarify that first. Nobody is the applicant or in support of this? You are in opposition. On this one we are going to Mr. Brusseau to present on this. Let's see what he can tell us.

Mike Brusseau: To answer his question Montgomery Avenue is not part of this application and the situation with that street will not change. As stated in the reason for closure this portion of the alley that is proposed to be closed basically runs into a private parking lot for the adjacent property to the west. At one time prior to 1963 May Street was a public right of way which this alley ran into but that was closed in 1963. This portion essentially is not really changing much. The alley still would dead end into the parking lot. It just would not extend into it as it does currently. I did have a call from a gentleman who had issues with the closure of May Street but obviously that has been 50 years done. I am not sure what procedures were followed at that time but that has been closed for over 50 years now. He was telling me that some of the businesses have that trucks that come through that alley and that exit onto, exit

through that parking lot out onto Western Avenue. If they are doing that that is fine, but this currently they are going on private property to do that and nothing would change that situation if this closure were approved.

Dyer: Montgomery Avenue dumps into the same parking lot. Now you have cut off the access from Montgomery Avenue to Western Avenue.

Brusseau: That access was cut off in 1963 with the closure of May Street.

Citizen: Can I interrupt?

Dyer: He is one of the neighbors that live on the street too.

Paul Garrison: I live at the house at the end of Montgomery Avenue on the original May property and May place was not done away with at any time. You cannot find a record of it. My daddy built the building that Cas Walker was in. In 1989 he sold to the man that owned Andrews Distributing Company. May Street was still there through the right of way of that property. That was part of his dealings with the May family in purchasing the properties up for the construction of the store that was built in 1962. I have been there for 45 years myself and I know there has never been a sign put there for a closure of any kind through there.

Brusseau: Like I said I cannot respond to what procedures took place in 1963 to close that but I can tell you there is documentation – Ordinance 3327. May Street has been officially closed as a right of way since 1963. I have seen the ordinance copy.

Bart Carey: That does not mean the roadway necessarily goes away. There could still be a roadway there but it is officially closed to traffic.

Brusseau: It is just not public anymore.

Carey: Right it is not a public right of way.

Dyer: So for the businesses on Montgomery Avenue that receive deliveries from a tractor and trailer you are expecting these guys to back down this public street out onto Pleasant Ridge Road after they have their deliveries once this May Street is closed.

Brusseau: May Street is already closed.

Dyer: The access to it. It is very accessible. We use this alley every day. There is no way you can get a tractor trailer down

this thing and back it back out of this thing. I talked to a representative of KUB yesterday and back behind that shopping center that is right there on Western Avenue because I was asking him what they had heard about this alley being closed. He said he doesn't know how they will get back there to service it if they cannot drive all the way back through it those big line trucks trying to get back there to service the back side of this building. By denying access to that there are a lot of other consequences that need to be thought through on this also.

Michael Kane: I just want to clarify Mr. Dyer. You are not in opposed to the alley closure; you are in opposition to what you think is the closure of May Street. Is that correct?

Dyer: Well the alley ties into May Street. Correct?

Kane: The alley does close into May Street. Right now that is the only thing that is on our agenda. According to what we have been told is May Street is private property. It is currently private property. That is what we have been told by staff. He says that there is an ordinance which he has seen that did that in 1963.

Dyer: I don't know I am not aware of any ordinance.

Kane: That is what he says he has researched and he saw it and it was closed in 1963.

Dyer: Could I get a copy of that. Is there somehow we can get a copy of that.

Brusseau: I have got it up in my office and City Engineering is the one that provided it to me.

Dyer: Okay.

Kane: It sounds like whoever the current owner is that they have essentially either not understand that was their property or they have allowed people to use it.

Dyer: That may be the case too we have just been using this and local business have been using it for years and now it is going to be... is there not some kind of easement right of ways because once you close this you cut off access to the back side of all the businesses and home back through there.

Carey: I think that would have to be granted by the property owner. Can we call on City Engineering and let's... can you give us anything you may have on this.

Chris Howley, City Engineering: I think Mike has probably summed up the bulk of it. As our records indicate 50 some

years ago this May Street was closed. Again we don't know exactly what the procedures were at that time. It does show it is closed. We basically have a situation where we have people that have just been using that as probably the most convenient way. There is a number of areas throughout the city where that does occur where somebody has a driveway or whatnot that goes from a street to an alley and that becomes the most convenient way for people to get there and they do use that access way but it is not open right of way. It is nothing that we maintain. It is nothing that we have any intention of maintaining. With this application it is really all it is doing is shortening the length of what we would characterize as dead end alley. From our perspective, we talked to Fire Department and our public service department and for those services that we provide the alley was not needed at all. From our perspective we did not see any issue with this closure.

Dyer: So is the entire alley going to be closed because there is still access on one...

Brusseau: No sir.

Dyer: So it would still be accessible from the Pleasant Ridge Road side.

Brusseau: That private parking lot there.

Kane: Mr. Dyer. Are you saying that trucks are going down the alley now from Pleasant Ridge to the former May Street and are you also saying the trucks are going down Montgomery as well? So there are essentially businesses that require semi's and stuff to deliver stuff along Montgomery as well. I think the city is going to have some big problems here. It is not because of... it is because May Street was closed in 1963.

Howley: That may be true. I think the problems that exist out there are already existing and is this closure going to create a worse situation from the existing situation we have. I don't think that it is...

Kane: Not from a legal standpoint it is not but from a practical standpoint it is.

Dyer: If you are the one who owns the business it is a problem.

Kane: Whoever Michael Brady Incorporated is representing they are combining this for a reason. It is probably not because they want to keep on maintaining access for all the other people down the alley. Yea, this is going to be a problem.

Carey: If this item is approved today the City Council will hear this item. It won't... there is still more. There is another day here if it is approved.

Art Clancy: I am confused. What trucking company needs access to that road? I see the trucking company on the aerials.

Dyer: There is an auto parts store. There is a contracting business. If you cut off whether it is Montgomery Avenue or the alley either one you essentially cut off access to Western Avenue from that end of both of those streets.

Clancy: You still have access to Western Avenue through Pleasant Ridge.

Dyer: You either have to back a semi down Montgomery Avenue or you have to back it out of Montgomery Avenue. If you have to back it out you are backing out onto Pleasant Ridge Road. There is no way for those guys in those semis... All that property on Montgomery Avenue one side of it is all industrial zoning and the other side of it is all commercial zoning is my understanding. For future businesses coming in if they can't get a truck in and out of there nobody is going to want to do anything right there.

Clancy: Is the purpose of closing it so that the property owner of 21, 22, 23 and 24 can combine those to one piece of property? Is that what we are looking at?

Brusseau: That is my understanding. I can't confirm for certain but my understanding is they do plan to develop something.

Mark Donaldson: We know that all four are under the same ownership.

Dyer: It is my understanding they want to build a restaurant there.

Brusseau: Which means that they probably will not continue to allow access through their private property. But this application does not affect that one way or another.

Len Johnson: Mr. Brusseau is lots 21, 22, 23 and 24 that is the paved parking lot that is in front of that building correct? So what... oh my goodness. Okay thanks.

Herb Anders: I have a question or a comment. If this closure is not allowed to happen and the property owner of the former May Street chose to do something different with that that would not change the fact that if he chose to dead end that alley for some reason, that would not change the closure any way would it?

Buz Johnson: This wouldn't change the closure of May Street. May Street is officially closed.

Anders: Right, but it wouldn't change... if he decided to not permit through traffic on the alley or Montgomery Street he could do that because he legally owns that land. He could put up a gate or a fence or whatever and with or without the alley closure he could deny access to either Montgomery or to enter his property.

Carey: That is correct.

Dyer: So the same person owns 21, 22, 23, and 24. Is that the same person that owns that parcel 2, 3, 4, 5 and 6, the same owner? The May Street since it was closed he has taken ownership of that property or did he own it when it was a city street maintained by the city he owned it then also?

Donaldson: When a right of way is closed the property is in quite claim deed to the adjacent property owners.

Dyer: I think that is all I have got.

Garrison: May I speak some more? The fire department and the City of Knoxville have both used that alley since I have been there. There have been two different fires there for the fire department. Also at the end of that alley and I don't know feet wise but as far as from here to that black chair there there is a TVA power pole. You can't close the property off because TVA has to have access to their lines and the power pole. I know because I own two lots up at the top end of it and the power lines go across my property. Put that in your notes. Thank you so much.

Elizabeth Eason: I have a question just to make sure I understood this. So you are saying that the same person owns parcels, those four parcels plus 3, 4, 5, 6 and pc 2. Is that right?

Brusseau: That is correct.

Easton: Then a question for the City. Did you talk to the fire department also and they didn't have any issues?

Howley: That is correct the fire department said that they could still provide their services without the need of that alley.

Brusseau: That portion of it.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 9-0. APPROVED.**

**10. CLAUDE ROGER RILEY JR.**

**2-A-14-SC**

Request closure of Unnamed street between Post Oak Lane and northern terminus, Council District 1.

STAFF RECOMMENDATION: Deny closure.

(No applicant or opposition present)

Mike Brusseau: The reason staff is recommending denial of this street closure is to maintain future access to the large properties that are to the north for potential future development. Those areas are zoned R-1 and could be developed with residential lots at some point. When the lots on the north side of Post Oak Lane were subdivided and created that stub street was created as part of that. That took place in 1956. We feel like their thinking was correct at that time that they should continue to have an access for the properties to the north there if they were every to be developed. As you can see on your map they do also have access to Red Bud road and May Apple Drive; however, the topography along those portions of the roads there are much steeper. The easiest access to get into this property and the access frankly to the most developable portion of that property based on the topo map is this right of way that is proposed to be closed. For that reason and to allow for future connectivity staff is recommending that this closure be denied.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY. MOTION CARRIED 9-0. DENIED.**

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

**P 11. MONTEREY OAKS**

**1-SB-14-C**

Northwest end of Monterey Rd., northwest of Globe Dr., Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\* 12. WASHINGTON STATION**

**2-SA-14-C**

Northeast side of Washington Pk., northwest side of Edmundson Ln., Council District 4.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 13. CENTURY PARK AT PELLISSIPPI 2-SB-14-C**  
Southeast side of Dutchtown Rd., northeast side of Sherrill Blvd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

### Final Subdivisions:

- P 14. HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9 12-SJ-13-F**  
North side of West Gallaher Ferry Drive, west of Hardin Valley Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 15. FINAL PLAT OF THE YOUNG PROPERTY 1-SC-14-F**  
North side of Pelleaux Road northwest of E Emory Road, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 16. FALCON POINTE UNIT 6 1-SF-14-F**  
At the terminus of the recorded right of way of Sailpointe Lane, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 17. WASHINGTON STATION 2-SA-14-F**  
Northeast side of Washington Pike, northwest side of Edmundson Ln., Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**18. SHAWNEE WOODS ADDITION RESUB. OF LOTS 60-61****2-SB-14-F**

Southeast side of Hiawatha Dr, west of Scenic Dr., Council District 2.

STAFF RECOMMENDATION: Approve Variances 1-2, DENY Variance 3, and DENY Final Plat

Matthew Dawson, Smoky Mountain Land Surveying. I live at 437 Woodlawn Pike. We would like to argue for approval of the variance to reduce the right of way. A few of the reasons if you look at the map if you travel from north to south from Kingston Pike you have got Tawanda, Hiawatha, Altavista and Valencia all encompassing the area of that neighborhood are all platted at a similar width if not 30 to match. The overwhelming majority of those houses exist on these width right of ways. They all exist as a single dwelling on a single existing lot of record. To try to have us dedicate this property you would have to widen the road to a 50 foot, everyone would have to and there is no need anywhere for anyone to have to go through a resubdivision process anytime soon. The entire neighborhood is well established and it functions well as it exists. We would like to have that variance approved.

Carey: Before I should have probably cut you off to see if there is anyone in the audience opposed today. Is there anyone out there opposed? (No response)

Tom Brechko: One of the requirements of the minimum subdivision regulations for any subdivision or resubdivision if the required right of way under the major road plan is not available at that location it requires dedication of half of what is required, in this case 50 foot right of way. With 15 existing it requires additional 10 foot of right of way dedication. You would see this in larger property subdivided that has frontage along an existing road. In most cases what we are dealing with is resubdivision of lots where the additional right of way would be dedicated. There are a couple of lots along Hiawatha that have done the dedication through the administrative plat procedures. It has occurred in this area. It is not something that happens to every property. It is only as you go through resubdivision. The original subdivision plats for this area did have 30 foot right of ways designated for these streets which is quite a bit less than what we require today for subdivisions where 50 foot is the minimum. Even with joint permanent easement we require a 40 foot right of way width. This is again a requirement of the sub regs. We consult with the City on any city streets where this right of way dedication is required to see if they would support the variance and if they do not support the variance then we don't recommend approval of the variance.

Dawson: I would also like to note that we have a petition from some of the resident owners of Hiawatha who also support the variance approval.

Carey: If you want to submit that to Mr. Johnson on my left here that would be great. (submitted petition)

Art Clancy: Mr. Brechko does this imply that everyone on Hiawatha now if they wanted to do anything would have to maintain a 50 foot setback from center?

Brechko: 50 foot setback or...

Clancy: It was done with a 30 foot right of way, a 50 foot right of way.

Brechko: Any resubdivision of property. The reason why this is being resubdivided is that the house is on two existing lots and they are combining those two lots eliminating the lot line. Any resubdivision that occurs would be required to meet this standard unless a variance is granted from the...

Clancy: I can understand if we were tearing the house down and wanted to do two lots and put two houses, I could understand that. They are not changing the house. They are just wanting to do way with the property line that runs through the middle of the property. I don't understand why that is that big of an issue.

Brechko: I can't answer the City's position. It is an existing standard for right of way dedication. We are near the end of staff review of a number of amendments to the subdivision regulations which we are looking at this right of way dedication issue. I know it came up on one of the previous ones where the actual subdivision or resubdivision is not creating more lots. In this case it is one less lot than what is out there. We have been looking at possibly in the changes eliminating that requirement if you are not creating additional lots by your act of subdivision. Again that is stuff we are looking at. At this point we are consistent in our recommendation. Again we look to the city too since it is a city street as to whether or not they see that there would be a need for the additional right of way in the future.

Clancy: Would like to ask ... I am sorry I forgot your name. Mr. Dawson. If we deny this what does that do to your?

Dawson: I actually have it prepared where if it is denied closure has been run. I would request that you approve it pending the recording of the plat pending the recording of the plan showing the dedication. I would like to see it approved because like we discussed this is a limited situation for the neighborhood. The good overwhelming majority of the houses here exist one house

on one lot of record. The reason this has come up is this house is built on two lots.

Clancy: And that is a disadvantage? Is there a problem with it? Seems like it has been there a while. Are there stakes running through the living that they don't like. I don't understand.

Dawson: It has been there a while. Honestly it would just be a notch in the right of way. It would be an inconsistency that wouldn't be righted for goodness knows how long. You would have to tear down the houses and build across and do a complete resubdivision of every lot in there and have them dedicate their right of way.

Clancy: I understand the right of way part. I am asking specifically as it pertains to this piece of property. If the owners want to sell this piece of property it doesn't hurt that piece of property to have two lots does it?

Dawson: Say again.

Clancy: If they wanted to sell this house it doesn't affect the value of it at all having it sit on two lots does it? \

Carey: What triggered the process?

Clancy: Why are we even looking at this?

Dawson: Just existing neighborhood conditions. We don't see a need to dedicate the right of way out if it isn't....

Michael Kane: Why are you trying to combine the lots?

Dawson: In order to get permitting. Where this house crosses lot lines they can't get a permit for a renovation to the house without it being on one lot of record.

Carey: It is a ward map situation.

Clancy: Really.

Dawson: It is the only thing holding them up from getting a permit to finish a renovation is just the combining of the lots.

Herb Anders: Is this the property that we talked about on Tuesday that had the very steep driveway that this was going to get into that and if in fact there was a roadway that would be a hindrance to access to the house. What would you say the slope of that driveway is?

Dawson: I walked it and I would say some of it is approaching 20%.

Kane: I would like to make a motion. First of all I appreciate staff's following policy. I think it is great. We need to know what the policy is but I think this is a situation where Commission needs to override the policy. We are not subdividing. They are combining a lot. They are not adding more traffic. It is not reasonable for somebody to have to give up ten feet of their property in a situation like this.

**MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1, 2, 3 AND FINAL PLAT. MOTION CARRIED 9-0. APPROVED.**

- \* **19. RAMSEY PROPERTY** **2-SC-14-F**  
East side of Andes Rd at the intersection of Cureton Rd., Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **20. MCNALLY'S ADDITION REPLAT OF LOT 6R** **2-SD-14-F**  
Southeast of University Ave, north of Western Ave., Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **21. MOSES FAIRVIEW ADDITION REPLAT OF LOT 1R** **2-SE-14-F**  
Northwest of University Ave, northeast of College St., Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **22. THE HERITAGE AT ROEFIELD** **2-SF-14-F**  
Southeast of intersection of Westland Dr and Woodsboro Rd., Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- P 23. FOX CREEK UNIT 2** **2-SG-14-F**  
Off Fox Rd south of Kingston Pike, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **24. UT CHEROKEE FARMS PHASE I** **2-SH-13-F**  
West side of Alcoa Highway between the Buck Karns Bridge and exit to UT Medical Center, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. THE SECOND BAPTIST CHURCH PROPERTY** **2-SI-14-F**  
Southwest side of N. Broadway at intersection of Edgewood Ave., Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Rezoning and Plan Amendment/Rezoning:**

- 26. LEN JOHNSON** **12-G-13-RZ**  
North side Chapman Hwy., southeast side E. Ford Valley Rd., Council District 1. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

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

Commissioner Len Johnson recused from discussion or voting on this item.

Arthur Seymour Jr. 550 West Main 37902. I am here with Mr. Pat Thompson who is the owner of the property at 6410 Chapman Highway

Michael Brusseau: I think I can thank you. This was postponed back in December basically to hope for some further discussion between the applicant and potential opposition and also for staff to draft some possible conditions if MPC were inclined to approve this rezoning to C-4. We did provide some possible conditions on the rezoning to the neighborhood group and a meeting was held. My understanding is there has not been any compromise reached that there still is opposition but I will let that all shake out here. The reason we are maintaining to recommend denial of this application. The reason being is that even though the property is on Chapman Highway and obviously there is plenty of other C-4 zoning as well as County CA and CB zoning which also allow car lots, in this particular location this property sits right across the street from residential uses as well as next door. C-3 may not even be appropriate there but allowing even more

intense use of the property commercial use of the property under C-4 is certainly not warranted. We feel that the owner has reasonable use of the property under C-3. Then as I mentioned before there is certainly plenty of already zoned property up and down Chapman Highway that allow auto sales many of them probably available. We just didn't see any need to put more C-4 zoning along Chapman Highway especially at this particular location.

Kimberly Mays, 303 E Ford Valley.

Seymour: If you may we would like to go first. This was postponed as you mentioned from the November meeting. Unfortunately a resolution has not been arrived at with Ms. Mays. We submit though that the conditions proposed by the staff of the Metropolitan Planning Commission adequately address the issues raised by the opponents. There is a neighborhood immediately to the east. There are houses around. With proper buffering as proposed, proper lighting as proposed and a limitation on vehicular access from Ford Valley, we think the neighborhood would be segregated from this. As has been stated and as has been well known Mr. Thompson simply wants to expand his car lot. The property is already zoned commercial. Any commercial use is available to the property right now. Some that would be I submit not near as compatible with the neighborhood as an expansion of Mr. Thompson's car lot. There is grade separation of 20 feet to the east directly behind his property. He is willing to put all the buffering on there. Mr. Thompson you might sort of lay out where you are operating now. He is already operating on the lot right there. He is simply seeking a minor expansion of less than an acre to the south. If he is not granted this zoning, I assume he has no option other than to lease or sell this property for another commercial use. I don't quite understand why staff is saying well at this point we are going to limit car sales on Chapman Highway. That is really a decision the market should be making at this point. There are a number of car lots on Clinton Highway, Chapman Highway and some other streets in town. This is a minor expansion there. I don't quite understand the attack on car lots. But anyway be that as it may I think Mr. Thompson can make this commercial use for this property, and there will be a commercial use for this property, as low impact on his neighbors as possible. He has been operating there for 12 years and will continue to operate on his property in the future. As you note there is C-4 immediately on the other side of Ford Valley from this. This is not spot zoning. This is consistent with other zoning out there and we would ask for your approval with the conditions suggested by MPC staff. I would like to reserve our time for questions or rebuttal if I may.

Mays: When I was here the first time I had some signatures. Since then I got additional signatures from residents who are still

opposing this. We had a meeting; we tried to have a meeting where Mr. Thompson scheduled the time and date. He for whatever reason was unable to attend that meeting. He sent his representative Len. Johnson to speak with us. We weren't able really to get any type of resolution. We kind of feel like scare tactics have been thrown at us. You know if we are not able to use this as a car lot then we are going to put in Tattoo parlors and different things that fall under that. We have had residents that have lived in this neighbor for 30 or 40 years. This is the first thing you see when you enter our neighborhood. There are numerous car lots on this stretch of Chapman Highway. We are against this. We are you know I don't even know what else to say. We are adamantly opposed to it. We are concerned about property values and different things like that because we have lived in this neighborhood. We are looking for something to enhance our community and another car lot is not going to do that. I am going to reserve some time so my neighbor can speak also. I do have some additional signatures would you like that now.

(Brought them to the Buz Johnson)

Kay Wade, 6303 Thomas Road and the corner of E Ford Valley Road. Directly across from me is the property that we are speaking about today. I just want to reiterate on everything that she said. Everyone is totally against it. But also he also owns the property directly across the street which you can also see from our property and there is a restaurant on that side and there are a lot of cars that are parked over there. I don't know if that is the property he said was already a C-4. It is like a restaurant /car lot/ and just looking at that is the one thing that majorly causes the concerns for having another one across the street because it looks so bad when you come down there and you see all these cars parked like it is a car lot but there is no sign or anything saying it is a car lot but you do see a little restaurant right there. It used to be a little deli it is now a little Mexican restaurant right there. It looks like a car lot/Mexican restaurant. It is just not good. I just wanted to add to that. That is how this landlord has been carrying it already so we are very concerned on how this property is going to be carried. That is what I wanted to add.

Cary: I will ask. I did notice that in the presentation they made there on the poster board there was a... I think I saw a screening option. I am not sure if you all have seen this or there has been any other discussion about this. There has been a proposed screen that would be installed there.

Mays: Can I add something. Like I said we are adamantly opposed to this. However if you all vote on it and it goes through we do have some requests and one of the things we requested is the installation and maintenance of heavy duty screening along facing the residents and other restrictions along with that to

protect us so that we don't have to look at this. Like I said we are adamantly against this we do not want a car lot in our neighborhood but we would like to request those things.

Carey: You use the term scare tactics. We don't like to hear things like that. I will say that under C-3 there are many permitted uses correct me here Mr. Brusseau that could even access off the residential street verses Chapman Highway.

Brusseau: Potentially. There is nothing that would stop them from asking for it.

Carey: I think the screening is a very critical part of consideration here.

Art Clancy: I am looking at this. The way I see it is right now you the people I see one two three houses that are directly affected. There is already a screen going down the northeast line there. Right now your view is of Chapman Highway and the little restaurant or whatever across the street. If like if we go ahead and give him C-4; it is C-4 here; it is C-4 down the street; it is C-4 across the street. I don't see any reason why you can't with the restrictions that we have put on it with the type A landscape screening, the fixtures, the light sources being LED, and no vehicular access onto East Ford Valley Road. All those are a protection for the people in the neighborhood behind this which if stays C-3 a lot of that would go away. I am not it is not a scare tactic. I am just trying to see the best way to use this piece of property and still protect the neighborhood. There is a way to do it. Sometimes it is not exactly what you think. If I was one of those pieces of property I would rather see the screening, the down lighting than look at Chapman Highway or look at something else you put there by not even Mr. Thompson. Somebody else could come in and buy it and put whatever they want. Somebody at the meeting said they would rather see a Doctor's office there. Well I would suggest that someone go buy it and put one there. That is probably not the best use of that property either because it is hard to justify an office development like that on a piece of property like that. I am sure somebody has thought about it and run the numbers. Our job is to try to do the best we can do to make good use of the land. That is specifically our job. We have neighbors and business owners that are sometimes in conflict. Sometimes you can see that there is a positive result. That being said I would like to make motion that we approved C-4 with the 4 conditions: the installation of Type A landscape, the fixture or any exterior lighting shall be either full cut off or directionally shielded, the light source shall be LED and no vehicular access allowed to E Ford Valley Road.

MOTION (CLANCY) WAS MADE TO APPROVE C-4 WITH THE 4 CONDITIONS.

Carey: We have a motion. I would like to put my Commissioner hat on and ask if we could eliminate the deciduous option of landscape screen type A. So if we eliminate if we put deciduous trees there there is going to be most of the year it is going to be visible. We could require an evergreen screen and eliminate the deciduous option.

Clancy I could amend my motion to encompass that.

Tocher: I am probably going to be reiterating a lot of what Commissioner Clancy has already said and also what Mr. Brusseau said that ideally that would be good to be zoned as Office instead of C-3. This is an opportunity at this time if we go to C-4 and grant C-4 that there is any kind of conditions for this would go with the property so if for examples Mr. Thompson at some point ceases car sales there and someone else put something up there or he sells the property that those regulations go with that property. This is an opportunity to do that whereas if we don't make decision to do any rezoning as has already been pointed out anything could go there. This is opportunity to put the screening up for the neighborhood. It is a hard decision but it's the opportunity to do some protection.

Wade: If you guys do that is there any way that you, I know you said no entrance on East Ford Valley but what about test driving. What about people test driving the cars from the car lot? If they come up and down that street too much in the cars... there are children. The first house has she is pregnant now and already has two kids. She may be renting. I am that last house of those three houses that you see that is directly affected. I have two kids. Just test driving may cause more traffic.

Carey: Are we limiting the access to East Ford Valley. There is no access to that street.

Clancy: They have to get on Chapman Highway and turn back onto East Ford Valley.

Carey: I think is outside our purview. It is a city street and we cannot regulate that. I would hope that someone would not want to go through a residential neighborhood to drive a car but it is a possibility.

Clancy: Restricting the access that is one of the reasons we really feel adamant or I do that that is part of the restrictions that goes with it.

Laura Cole: Mr. Brusseau if we open it up to C-4 what other things could come onto that property?

Brusseau: There is not a whole lot of difference between C-4 and C-3 other than C-4 allows the outdoor display of merchandise as

well as storage outdoors of equipment. Other than that the two zones are not all that much different.

Mark Donaldson: There is the auto sales and rental, truck sale and rental, trailer sales and rental.

Cole: To me if we are really going to protect the neighbors and give Mr. Thompson what he wants we would rezone it to C-4 limiting him to the display of automobiles only in the C-4 zone with all the conditions that protect the neighborhood.

Brusseau: That is certainly an option.

Carey: No other commercial uses at all.

Cole: He gets what he wants. They get the protection.

Donaldson: I think what Commissioner Cole is say is that it would be limited to C-3 uses plus the one use from the C-4.

Cole: Yea. Everybody gets what they want. Because that is what we are dealing with when these two worlds collide is trying to find that balance between commercial bumping up against residential. It was the fairest way I could come up with.

Clancy: So would we need to is it better to just restrict the use to auto sales?

Donaldson: You don't want to restrict it to only that single use but by restricting to all of those uses that are allowed in C-3 plus that additional use from the C-4 menu.

Clancy: This is really going to be a hard motion to make. I would a **MOTION THAT WE APPROVE C-4 HIGHWAY AND ARTERIAL COMMERCIAL ZONING WITH THESE CONDITIONS: 1) INSTALLATION OF TYPE A LANDSCAPE SCREEN ALONG NORTHWEST PROPERTY LINES AND MAINTENANCE OF THE EXISTING LANDSCAPE BUFFER ALONG THE NORTHEAST PROPERTY LINE FACING OR ADJOINING EXISTING RESIDENTIAL ZONING EXCLUDING THE DECIDUOUS OPTION IN THE TYPE A LANDSCAPE SCREEN. 2) THE FIXTURES FOR ANY EXTERIOR LIGHTING SHALL BE FULL CUT OFF OR DIRECTIONALLY SHIELDED. 3) THE LIGHT SOURCE WHICH SHALL BE LED SHALL BE DIRECTED AWAY FROM ADJOINING RESIDENTIAL AREAS. 4) NO VEHICULAR ACCESS SHALL BE ALLOWED FROM THE SUBJECT PROPERTY TO EAST FORD VALLEY ROAD. I AM LOOKING AT YOUR PLAN AND I AM SEEING AND I CAN'T SEE IF VERY WELL. IT LOOKS LIKE THERE IS A BREAK IN THAT. I DON'T KNOW IF IT IS FOR EFFECT OR WHY IT IS LIKE THAT THAT WILL NOT BE ACCEPTABLE. OKAY. EXISTING TREES. AND 5) THAT THE USE BE RESTRICTED TO ALL THOSE USES IN C-3 PLUS DISPLAY OF AUTO SALES.** Does that work? Did that capture the intent?

Seymour: May I clarify. Does automobile include light trucks, SUV's.

Clancy: Sure vehicles.

Carey: We have a motion that I am not going to attempt to repeat. If anybody has any questions or issues with hearing the motion again or for clarification.

Tocher: Just one point of clarification. Does the motion need to address the fact that the considerations are attached to the property?

Donaldson: That is a principle of zoning in that if there are conditions attached to the zoning ordinance that changes the map they will run with the property.

**SECOND (TOCHER) WAS MADE TO CLANCY'S AMENDED MOTION.**

Lomax: Does it matter that the existing trees don't match the proposed buffer that we are offering?

Clancy: It specifically says that they have to provide a Type A screen and we have removed the deciduous. They may have to take some of those trees out if they are deciduous and put.

Seymour: He says they are cypress trees so that they are deciduous. The existing ones.

**MOTION CARRIED 9-0. APPROVED AS MODIFIED.**

Carey: Ladies thank you for your participation here today. You too Mr. Seymour.

Tocher: Can I make one more mention that it would be good for the neighborhoods also to be represented at the City Council meeting where this will also be heard.

- P 27. H.E. CHRISTENBERRY 1-F-14-RZ**  
South side Kingston Pike, east of Kingston Ct., Council District 2. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 28. RALPH SMITH 2-A-14-RZ**  
Northeast side Blacks Ferry Rd., southeast of Cate Rd., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **29. JOSEPH W. REED** **2-B-14-RZ**

Northwest side S. Northshore Dr., northeast of Woodridge Dr., Council District 2. Rezoning from O-1 (Office, Medical, and Related Services) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 3 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **30. RALPH SMITH PLS** **2-C-14-RZ**

Northwest side W. Depot Ave., southwest side N. Central St., Council District 6. Rezoning from I-2 (Restricted Manufacturing and Warehousing) & C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-2 (Central Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **31. KNOX COUNTY GOVERNMENT** **2-D-14-RZ**

Northeast side N. Central St., northwest side E. Fifth Ave., southwest side Lamar St., southeast side E. Fourth Ave., Council District 4. Rezoning from C-3 (General Commercial) / H-1 (Historic Overlay) to C-2 (Central Business District) / H-1 (Historic Overlay).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-2 (Central Business) / H-1 (Historic Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **32. JOHN E. FULLER** **2-E-14-RZ**

Northeast side Blacks Ferry Rd., northwest of W. Emory Rd., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**33. ANNE ELIZABETH KEY**

Northwest side Maryville Pike, south of Rudder Rd., Commission District 9.

**a. South County Sector Plan Amendment**

**2-A-14-SP**

From LDR (Low Density Residential) to NC (Neighborhood Commercial).

STAFF RECOMMENDATION: DENY NC (Neighborhood Commercial) sector plan designation.

Ann Key 2817 Maryville Pike. I would like to defer.

Gerald Fryxell: 3116 Foster Lane. I have been reluctantly and maybe even misguidedly put forth as the spokesperson for the residents of Foster Lane. At this time I will submit some additional items. F r y x e l l (photographs and a letter) At first I would like to acknowledge the Foster Lane contingent here which consist of residents of three other houses. All residents of Foster Lane are opposed to the reclassification under A and the rezoning under B. Our opposition really takes I think three forms. First one really is safety. We know what the neighborhood is like because we have lived there collectively 170 years if you count all 6 dwellings that are contingent to Foster Lane. It is a dangerous area. It is a complicated intersection. There is 50 mile per hour speed limit which is often ignored. There have been a number of incidents you can check that out with TDOT reports. The second part of our argument really goes to a quality of life issue. Foster Lane is a bucolic neighborhood that comes onto Maryville Pike. Two of the properties adjoin Maryville Pike. We have children. We all have the concerns that you would have from a safety point of view for entrance and egress from our area. I think the third issue really comes down to one of sort of concerns about encroaching commercialization of the neighborhood. There has been a concentration of ownership across Maryville Pike from Foster Lane. We do feel like this could be sort of the beginning or at least it could facilitate additional rezonings in the future. Speaking only to the merits of this particular rezoning, we really are concerned that it would affect the quality and character of the neighborhood and safety issues as well. Thank you. Anything else?

Key: I know all you guys know of what meanings of rezonings is but I would like to state that there are different types of rezonings and just because I am allowed, if I am allowed, the Neighborhood Commercial zoning it wouldn't mean I would be able to put Hardees or a Mobile Home Park. I would have to go through this process all again. I was given a map of the area and as you can see from that map that is above there Foster Lane is not a part of that area. I went to all the homes located in the

area across the street and got everyone's signature. They were almost all in favor of having a plant stand there, I am sorry a produce stand there. One of my neighbors across on Maryville Pike has a large garden with excess fruits and vegetables. He does give this to his neighbors and he though maybe he could possibly go into business with me. That is one thing. Another neighbor thought it was a wonderful idea because the closest place to get food is an 8 mile round trip. Everyone loves home grown tomatoes. I am aware that... let's see there is a commercial area on there on that map which is... there you go. You see the road that is Rudder Road on that curve right there. That is fine, that is good. And it is zoned commercial which does not show on that map, on that particular map, it is on a sharp curve and one of the, coming out is a blind curve. If I had purchased that property and decided to put my produce stand at that location the RAE is the entrance to Foster Lane and the impact of traffic would not be any different than where I would like to locate my a produce stand. I would like to go ahead and address the three g-mails I received concerning Foster Lane and that is the fear that a mobile home park would go in some day allowed on my property would be wrong. If I wanted a mobile home on the property next to Darrell's property, Darrell Norris, it would already have been there. Second the traffic would not be affected near Foster Lane any more than it is currently is affected. I feel like a produce stand would draw local customers. As you can see by my pictures, I have pictures that I will give to you, is obstructed by bushes and mounds of dirt that lead to a hazardous condition. I have taken down the embankment and cleared my property of those obstructions and this was a costly procedure. This increased the safety of the area because now the road, State 33, is visible around the curves especially onto to Old Maryville Pike. This also adds to the safety of Foster Lane. In my humble opinion Foster Lane should be addressed as a separate issue. They need to address the entrance going into Foster Lane. Something needs to be... as a matter of fact the owners of 2836 Maryville Pike have a trailer sitting right there that interferes with the vision toward town to the right and I have pictures of that as well. My property goes to the start of Old Maryville Pike. I have a line of pine trees, cedar trees and azaleas between my property and Darrel Norris he is the ones with the mobile homes that they have a fear of. I might add Darrell Norris is not my brother as was stated in the g-mails. My brother is Mike Carpenter. He has property behind Darrell Norris which is up on the hill that is, we have received many compliments about it.

Carey: Ms. Key, your time has expired here. I think we have got a pretty good handle of your presentation. Thank you for enlightening us there.

Todd Shelton, 3111 Foster Lane. We were a little remise in not getting out. The weather had something to do with it and survey

a little bit more some of the neighborhood opposite this piece of property. I think the points that we are making... We have put time in the last 25 to 30 years that we have been there attending South Sector meetings which have always been a good experience. The desire to keep this area primarily residential and have that be the statement that is made to people that come there to think about living there, to move there or even if it restricts commercial activity that has been the statement we wanted to make. The danger of this particular curve is very real. The road intersection comes out into a blind area that nobody can really fix. It is just the way the curve exists. To then add a piece of property and increase the kind of traffic that might go along with any kind of commercial use would just add to that. Just down from that property coming south you have the intersection of Old Maryville Pike and Maryville Pike. We agree with MPC's recommendation if I understand it correctly to deny this for the South Sector plan and for the concerns of traffic and the residential designation of that area and why we like that area so much.

Clancy: I have a question for Ms. Key and another one for Michael. Are you selling what you are growing on your property?

Key: Yes.

Clancy: Michael in Ag can you not sell your produce from your property?

Brusseau: Her property is not zoned Ag.

Clancy: I know. I know.

Buz Johnson? It is not big enough. It is less than an acre.

Clancy: So we couldn't... it is zoned Ag right across the back of it. She couldn't ask for Ag zoning on it.

Key: That is my brother's property behind me and he grows a garden but I also grow one on my property which is an acre.

Donaldson: You would be limited to selling only that produce that is grown on your property in Ag.

Key: I don't want to be limited like that. There are other gardens in the area, other people with gardens.

Donaldson: This is a discussion we have been having for about three years now about community gardening and the ability to sell produce.

Key: I would like plants and herbs as well.

Donaldson: Staff comments could be characterized as good use, bad location.

Clancy: I was trying to see if we could find a way to compromise. I am not in favor of changing the sector plan specifically for this purpose. That being said I will make a motion that we deny neighborhood commercial.

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

Michael Kane: I am not in favor of this rezoning. If the applicant can find a way to get more property and make this more an acre and get it rezoned to agricultural I probably could support that. I can't support this.

Key: I am sorry. I have three acres does that make a difference?

Clancy: If you had it all platted together you could sell what you grow on your own property if it were zoned agriculture.

Kane: Again that would be a separate application but she could rezone that property to agriculture and that would allow her to sell produce which she grew is that correct.

**MOTION CARRIED 9-0. DENIED.**

**b. Rezoning**

**2-F-14-RZ**

From RB (General Residential) to CN (Neighborhood Commercial).

STAFF RECOMMENDATION: DENY CN (Neighborhood Commercial) zoning.

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 9-0. DENIED.**

\* 34.

**GORDON TREECE**

**2-G-14-RZ**

North and west sides Griffith Rd., west of Hill Rd., Commission District 7. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* 35.

**KNOXVILLE CITY COUNCIL**

**2-H-14-RZ**

East side Chapman Hwy., south of Mimosa Ave., Council District 1. Rezoning from SW-6 (Henley Gateway) to SW-6 (Henley Gateway) / H-1 (Historic Overlay) and design guidelines.

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE SW-6 (Henley Gateway) / H-1 (Historic Overlay) zoning, with attached design guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Uses on Review

- P 36. FLOURNOY DEVELOPMENT 5-H-13-UR**  
(4/10/14) West side of Thunderhead Rd., north of S. Northshore Dr. Proposed use: Apartments in TC-1 (Town Center) & OS-2 (Open Space) District [RP-2 (Planned Residential) pending]. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 37. SOUTHLAND ENGINEERING 7-A-13-UR**  
South side of Deane Hill Dr., east side of Winchester Dr. Proposed use: Attached residential development in RP-1 (Planned Residential) pending District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 38. 908 DEVELOPMENT 1-E-14-UR**  
North side of Forest Av., east side of S. Twenty First St. Proposed use: Parking lot in RP-3 (Planned Residential) pending District. Council District 1.

STAFF RECOMMENDATION: Approve the request for an overflow parking lot as shown on the site plan subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 39. AT&T WIRELESS 1-L-14-UR**  
Southeast side of Babelay Rd., east of Harris Rd. Proposed use: 195' monopole commercial telecommunications tower in A (Agricultural) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a 195' monopole commercial telecommunications tower in the A (Agricultural) zoning district subject to 8 conditions

Aaron Frampton, Zoning Manager with Jacobs Engineering, 55449 Bells Ferry Road, Ackworth, GA. I am here to speak on

behalf of AT&T's use on review application for a 195 foot telecommunication support structure at 6514 Babelay Road. The purpose of this monopole tower is to allow AT&T to enhance and upgrade its FCC license wireless service to cover Rutledge Pike, Millertown Pike, Babelay Road, Harris road and Washington Pike as well as surrounding roads and neighborhoods. Specific coverage maps and an affidavit describing this service coverage gap have been provided with the application materials. When AT&T anticipates an area in need of better coverage and capacity its preferred solution is to utilize an existing support structure. Extensive efforts were conducted to find a co-location opportunity on an existing structure. It was determined that there were no structures in the targeted area that can provide sufficient mounting height and or adequate structural integrity. With these options exhausted AT&T must identify a new support structure site location and its preferred locations are commercial, institutional, industrial, or predominately rural undeveloped land. Knox MPC provides a very clear and helpful matrix of preferred location and we have worked with staff to comply with that framework. In addition potential candidates must also exhibit adequate acreage and be available for lease. AT&T's proposed site location on a property was selected because it was a large mostly undeveloped 38 acre institutional use, I am sorry, rural residential use within the service gap area that provides adequate setbacks away from residential development in accordance with MPC code recommendations. This site will be located at the extreme rear of the property taking full advantage of the extremely dense natural screening provided by this heavily wooded area. In compliance with staff recommendation this facility will accommodate four additional carries thereby minimizing the need for additional structure requests in this area by others in the future. Regarding the affects on traffic a monthly maintenance visit by a service vehicle will constitute the sum total of additional traffic generation. This facility will conform to all Knox County code requirements as well as those of all applicable State and Federal regulatory agencies. More generally wireless and high speed broadband has many positive benefits for vital institutions like schools, high schools, hospitals, police, fire departments, and telecommunicating residents. New and upgraded infrastructure delivers community benefits including enhanced public safety, access to improved education, healthcare and economic development opportunities. Consumer demand for wireless broadband is at an all time high. Availability of broadband now and in the future is a critical factor in the economic health of a community and a positive selling point for all land uses within a coverage area. It is very much a quality of life issue. To see the astronomical impact new technology can have on a network consider that since the "I" phone launched in 2007 mobile data has brown 30,000%. According to 2011 CVC statistics close to 40% of households have no landline and of those that do 15%

use a wireless option almost exclusively and these rates are increasing on a daily basis. While existing service may or may not seem adequate on a particular day or location our data shows that there exists a substantial service coverage gap. This is clearly indicated on the coverage maps produced by radio frequency engineers provided with this application. AT&T needs to upgrade the wireless infrastructure at this important location to provide the highest quality service possible which is currently not the case. I would like to reserve the balance of my time.

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

Bart Carey: I will say there was a 7-page summary from our consultant Mr. Larry Perry fully supporting this. So I think we have got things covered there.

Michael Kane: Mr. Perry had recommended that there be a total of 6, an additional 5 instead of the presently proposed 4. You mentioned that only four.

Frampton: The applicant would like to comply with all the zoning conditions staff has recommended. Staff has recommended an additional co-location opportunity. We are happy to comply with that.

Commissioner Johnson called for the question

**MOTION CARRIED 9-0. APPROVED.**

**40. AT&T WIRELESS**

**1-M-14-UR**

East side of Cash Rd., north side of Asheville Hwy. Proposed use: 230' lattice commercial telecommunications tower in A (Agricultural) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a 230' lattice commercial telecommunication tower in the A (Agricultural) zoning district subject to the 8 conditions.

Aaron Frampton: I won't put you through all that again. I would just like to say that we have worked with staff on this just like we did the last one and they have been very helpful. We sincerely request your approval

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION.  
MOTION CARRIED 9-0. APPROVED.**

**\* 41. HARDEE'S RESTAURANTS, LLC**

**2-A-14-UR**

East side of N. Cedar Bluff Rd., north of Kingston Pike. Proposed use: Restaurant in PC-1 (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: APPROVE the request for a restaurant containing approximately 3,037 square feet of floor area as shown on the development plan, subject to 9 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**42. WEBB-CHRISTOPHER SCHOOL OF LEARNING KRISTIN CHRISTOPHER**

**2-B-14-UR**

Northwest side of Ball Rd., southwest side of Zion Ln. Proposed use: Child Day Care Center for 40 children in RA (Low Density Residential) District. Commission District 6.

STAFF RECOMMENDATION: APPROVE the request for a child day care center to serve up to seventeen (17) children for Phase I, and up to forty (40) children with the Phase II building addition, as shown on the site plan subject to 7 conditions.

Christin Christopher: 3404 Hackberry Road, Knoxville, TN 37931. They can go ahead.

Bill Louellen: 6911 Linville Road, Knoxville, TN. First item is the drain field. I am a back property owner on the back of the property. My mother owns beside. The drain field on her property used to be in the family. In fact I was born in the house. The drain field and maybe even part of the septic tank is on my mother's property. I know that has gave problems in the past. I am not sure that the owner now even knows it is on their property. It needs to be moved before this can be approved because even there is no way it will hold 4 people. I know it has been down twice that I know of. There were four people living in the house and it went down. There was one person that lied in it and it went down. So it is on my mother's property and needs to be moved. It will not accommodate this many people; 40 people there is no way. There is sewer across the street at that subdivision. I know it comes all the way up to the first houses but I don't think it come down Ball Road. It is across. My mother's house is right across from that subdivision. Also that is major concern that I am concerned about because I have to take care of my mother. I don't want something in there that is going to cause problems and all of that. It just needs to be moved because it is on our property. Second thing is the amount of vehicles coming in and out. I understand it is for 40 kids. Well I would guess that would be about 35 vehicles per day. I don't know where they would park; where they would turnaround. I sure don't want that going on on my lot. That is a concern. Concern is the traffic through. That comes right out on Ball Road, Zion Lane does. There is a lot of traffic on Ball Road and that would just add that much more. I am also concerned about the zoning. What

does that do in the future to other commercial? Is this a commercial venture or is it not.

Carey: We are not changing the zoning here I don't believe in this action.

Louellen: That is what I understand that is what Tom was telling me that. What does that do if somebody else wants to put something else in there? Is this a commercial venture?

Carey: This is a use on review where we look at... there are permitted uses and uses on review and this is a use on review that is allowed in this if we approve it.

Louellen: What happens later if she comes back to try to get 40 kids.

Carey: I think there is phraseology in this... in the conditions. Mr. Brechko why don't you address this for us.

Tom Brechko: The application that is before you would allow up to 40 children under the full proposal. However with the existing the house it is not large enough to accommodate and meet the standards of the zoning. They also have to meet State standards. The existing house and improvements for the outdoor fenced and play area and improved parking would allow up to 17 children under the first phase. To go to 40 they would have to build an addition that they are proposing to do in the future and obtain approval for that. They could not go above the 17 until that time that that additional was added and any changes that would be required for the parking and outdoor play area was completed in compliance with the zoning. So the approval that is being granted would allow up to 40 but there are conditions when they go from the 17 that would be permitted with the initial changes to the additional changes required for 40. It is not a zoning change. If you approve this you are approving a child day care facility for up to 40 with the recommended improvements. I did discuss the issue of the septic system with the Health Department. One of the conditions on the approval is that they would be subject to getting Health Department approval for the change from a residence to child day care facility. They indicated that when they go out to look at the site if it is determined that the septic system is on an adjoining property they would require them to relocate it on the property owner's property. So they would have to comply with that. We have talked about the issue of tying into sewer. There may be a problem that what is available closest is a force main so there are issues kind of related to that. They would be required to relocate the septic system onto the property. The proposal that they have here includes it wouldn't allow them to use the existing driveway and dirt yard for parking. They would actually have to put a

paved parking lot on the site to accommodate that. The number of parking spaces in the proposal before you and there are two sheets. One shows a phase I and phase II requirement. This is based on zoning ordinance requirements. It basically requires for every 8 children there has to be a parking space available for drop off. If with the 17 they would have to have two parking spaces for drop off plus 2 for employees. When they go to the 40, there is a total of 9 spaces required based on zoning ordinance requirements. The idea is that people don't come there and stay there throughout the day. It is during different times of day they are coming and going. The ordinance requires a parking area for people to pull in while they drop off their children and pick them up.

Louellen: What happens what is the recourse if that doesn't happen? Say there is 15 cars at one time and you got four parking spaces some of them is for employees. The lady told me she was going to live in the house so she will have a car. I know that you told me you were going to. Okay. My concern is like on this property beside it. I don't want cars parking in the yard. I want to get along with everybody and all that. I just want to know up front what is going to happen. I have lived here all my life down there and I want to know what is going to happen cause I have to take care of my mother. She is 92 years old. I don't want any problems I have got to address with her. You know how they are when they are older they get things on their mind. She wanted to come today. I said mother you can't hear it. I can't get you up there. That answers a lot of my questions. What is my recourse if they don't moving the drain field and they park everywhere?

Carey: Our approval or denial is final unless the action is appealed to Knox County Board of Zoning Appeals.

Louellen: You are saying if they are 15 cars at one time they is 40 people...

Carey: If we chose to approve this and you are opposed you can appeal it to the BZA, the Board of Zoning Appeals. If it is approved and you see things going on that are infractions that don't fit in with the conditions listed here, you simply pick up the phone and call 311 and talk to wait a minute is this city or county... Anyway you call the enforcement office and they will come take care of it.

Carey: Our clock has gotten kind of stuck here. Our clock didn't run there for about a minute and one half. I am not sure if we can ...

Alvin Austin: 6715 Ball Road. I actually own three properties on Zion Lane. My main concern is the parking issue. You say

there is phase I and phase II. With phase I the parking is not going to change as it is right now. Is that correct?

Brechko: Phase I would require her to put in a paved parking area for 4 cars.

Austin: So basically the drive that is there...

Brechko: Is not adequate. She is going to have to improve it for our discussion on that issue. She indicated that she would probably pave it for the future.

Austin: Will those cars backing out onto Zion Lane?

Brechko: They could actually back or turn around on site and go out.

Austin: They will have to turn around on her property.

Brechko: That doesn't mean somebody won't back out on Zion Lane.

Austin: I understand that. Zion Lane if you have ever been there is a very narrow road. When you meet somebody now coming in and out it is very difficult to maneuver in. There is sewer is there and it is a gravity fed sewer right below this particular piece of property too. I have checked into it about tying onto other properties up through there.

Brechko: On the issue of whether she ties into sewer or redoes a septic system on the property that is an economic choice she can make as long as it meets the Health Department requirements. What you are approving it for is 40 kids which I understand that and those changes to be made there. She has two facilities now up on Hackberry that she applied for 40 kids which I think she might have been denied or whatever. I would just like to see adequate parking and some way where the parents and stuff like that would get them off the road as you pull in there. I can see cars lined up and down beside the road there trying to drop off their kids. There is a school bus stop there and it is just going to create a real bottle neck.

Christopher: I plan on being in compliance with any rules handed by MPC or anyone else. I do currently have two facilities. I was not denied. I was not asked for 40 kids in another facility. This is my first one that I have done. I plan on moving those facilities out of that neighborhood that is why I am trying to move to this Ball Road location. I am currently licensed by DHS and have been through all the processes so know how to run the business and do everything. I plan on

being in compliance with any rules being handed to me and will not cause any problems to anyone else.

Art Clancy: Mr. Brechko at the end of Zion Lane is there something up there that is similar to this. It is a group home?

Brechko: I believe we had an approval for an assisted living facility that they have been doing work on that has not been completed.

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

Michael Kane: I don't know but for some reason I am just thinking this is not the location for 40 children with access into Zion Lane. It seems to me that there is too much traffic for that many people, that many cars. If it is a small rural lane it just seems to me that is going to be a bottle neck. I could approve the 17 but it just seems to me the way it is proposed it is just not going to work. It is going to create a hazard for the neighbors. I can't support that.

Herb Anders: I heard and also read in there where there is a requirement of 9 parking spaces. The drawing that has been submitted shows 8. Is that...

Brechko: I believe I had a statement in there that there is a garage that adjoins that that the owner would be parking her vehicle within the garage and that is why only 8 additional spaces shown.

**MOTION CARRIED 8-1. APPROVED.**

- \* **43. ANDREW GODWIN, ARCHITECT **2-C-14-UR****

North side of Sycamore Dr., north of West Industrial Pkwy. Proposed use: Addition to an existing business (laboratory) in I-1 (Planned Industrial Park) District. Council District 3.

STAFF RECOMMENDATION: Approve the request to permit a 9,792 square foot expansion of the existing facility as shown on the site plan subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **44. JOHN DEERE LANDSCAPES **2-D-14-UR****

Southeast side of Lovell Rd., northeast side of Hickey Rd. Proposed use: Landscape nursery & irrigation supply in A (Agricultural) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a nursery/landscape supply business as shown on the site plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **45. HALLS ANIMAL HOSPITAL** **2-E-14-UR**  
Northwest side of Maynardville Pk., northeast of E. Emory Rd.  
Proposed use: Veterinary clinic/hospital in CA (General Business) District. Commission District 7.

STAFF RECOMMENDATION: APPROVE the request for a veterinary clinic as shown on the site plan subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Other Business:**

- \* **46. Consideration of Amendments to the Downtown Design Guidelines regarding the removal of guidelines related to the demolition and removal of buildings, building features and non-contributing buildings.** **2-A-14-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Other Business:**

None

**Adjournment**

**MOTION (CLANCY) WAS MADE TO ADJOURN.**

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:35 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Rebecca Longmire, Chair

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