



Minutes

January 10, 2013

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

The Metropolitan Planning Commission met in regular session on January 10, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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| | Ms. Rebecca Longmire, Chair | Mr. Michael Kane |
| A | Mr. Herb Anders | Mr. Nate Kelly |
| | Mr. Bart Carey, Vice Chair | Mr. Charles F. Lomax, Jr |
| | Ms. Laura Cole | Mr. Brian Pierce |
| | Mr. Art Clancy | Mr. Jeff Roth |
| | Mr. George Ewart | ** Mr. Jack Sharp |
| A | Mr. Len Johnson | 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 JANUARY 10, 2013 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF DECEMBER 13, 2012 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

No Automatic Postponements

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEMS AS READ. MOTION CARRIED 13-0. POSTPONED 30 DAYS UNTIL THE FEBRUARY 14, 2013 MPC MEETING.

Automatic Withdrawals Read
 None

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

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| <u>METROPOLITAN PLANNING COMMISSION</u> | 8-A-08-OA |
| Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1. | |
| <u>WILSON RITCHIE</u> | 3-F-10-SC |
| Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4. | |
| <u>METROPOLITAN PLANNING COMMISSION</u> | 6-A-10-SAP |
| Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1. | |
| <u>METROPOLITAN PLANNING COMMISSION</u> | 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. | |
| <u>WILLOW FORK - GRAHAM CORPORATION</u> | |
| a. Concept Subdivision Plan Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7. | 11-SJ-08-C |
| b. Use on Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District. | 11-H-08-UR |
| <u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u> | |
| a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6. | 4-SC-09-C |
| b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District. | 4-D-09-UR |
| <u>TIPPIT VILLAGE - SITES TO SEE, INC.</u> | |
| a. Concept Subdivision Plan Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6. | 9-SA-10-C |
| b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District. | 9-E-10-UR |

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| <p><u>LONGMIRE SUBDIVISION</u> West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.</p> | <p>1-SA-11-C</p> |
| <p><u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Rd., Commission District 8.</p> | <p>2-SO-09-F</p> |
| <p><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.</p> | <p>8-O-08-RZ</p> |
| <p><u>JAMES L. MCCLAIN</u> Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.</p> | |
| <p>a. Northwest County Sector Plan Amendment From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).</p> | <p>9-A-09-SP</p> |
| <p>b. Rezoning From A (Agricultural) to CB (Business and Manufacturing).</p> | <p>9-A-09-RZ</p> |
| <p><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).</p> | <p>7-D-10-RZ</p> |
| <p><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).</p> | <p>4-B-10-UR</p> |

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

William Mayes 1316 Cassell Drive removed 6 and 7 from consent.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEMS 6 & 7. MOTION CARRIED 13-0.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPT ITEMS 6 & 7. MOTION CARRIED 13-0. APPROVED.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION

1-A-13-OA

Amendments to the Knoxville Zoning Ordinance regarding administrative procedures for Form Districts at Section 4.0 and table of contents and administrative procedures at Section 4.1.

STAFF RECOMMENDATION: Approve

Mark Donaldson: The only reason we didn't put this on consent was to that I could tell you that this is the first step in the process of getting the new form based district approved for Cumberland and surrounding area. Hopefully the balance of that district regulation will be coming down the pike very soon because we do have several folks interested in developing under this code. Look for more additions to the form based code in the near future.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.

Alley or Street Closures:

6. GERDAU

10-A-12-AC

Request closure of Unnamed alley between Stonewall Street and northeast property line of parcel 081PK00102, Council District 5.

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE the closure of the proposed portion of the unnamed alley, subject to any required easements and subject to conditions.

Arthur Seymour Jr. 550 West Main Avenue. On behalf of the applicant. I would prefer to go first. There are three closures here. One on Stonewall between New York Avenue and Ely Street. One a portion of unnamed alley that runs off Stonewall and is between Ely and New York and then a portion of Ely Street. These matters were heard several months ago and a concept plan was approved for the closures of these streets. I will refer to this. Gerdau owns property from here to Stonewall on Ely. Gerdau owns these lots on New York and seeks to close the alley where they own the property on both sides. The concept plan requires that the alley be relocated here to that it connects and that there be a hammerhead turn around on Ely Street. There are two houses that we still do now own on Ely. Gerdau operates a steel mill with an address on Tennessee

Avenue in Lonsdale. That steel mill has been around since 1903. The business has existed in the City of Knoxville since the mid part of the 19th century. What we are asking for today is that you close the right of way described in these three requests. One of them Stonewall, I am not sure much controversy about that. That is item no. 7. Item number 6 is an unnamed alley and we own on both sides of that. City Engineering has agreed to that. I am not sure there is much controversy about that. Item no. 8 involves Ely Street. The gentleman who just stood up here owns the two lots at the east end of Ely Street. We are negotiating with them to perhaps purchase those properties. There is a difference in price and that is where the negotiations are at this time. There is also something that I am not sure you all need to deal with. The Department of Engineering in their report to MPC on the closures stated that they wanted Gerdau to dedicate a 20 foot strip of property around the outer edge of this property for a greenway easement. We are fine with that. The devil is in the details. We have requested three things as part of that dedication. We and City Community Development are in agreement with all of them except the fourth one. I think this is in your package. The fourth item is if Gerdau ever acquires more property that they be able to relocate that greenway at Gerdau's expense in case they do acquire more property which does not seem likely except for perhaps the Mayes property at sometime in the future. I though I was speaking on three items.

Becky Longmire: No we are speaking on each item.

Seymour: I will sit down. (Handed out plan)

William Mayes Jr., 1316 Cassell Drive.

The main issue we are having is we are not opposed to growth. We know it is a must in any city. We have these two properties that we bought years ago as investment that are rentals. They are two houses on these two lots.

Longmire: We are only talking about item no. 6 which is between the two Gerdau properties.

Mayes: My main opposition is when they acquired all this property, which there is no problem, last February there was a mention they would have to acquire all properties on Ely Street in order to close Stonewall. They acquired all properties except the two we own. What it has done is left our property on an island. You have this steel yard in front of the house on the other side of the street; to the right you have nothing but property Gerdau has acquired; to the left is all open property; to the back is one other house in the alley along with the church and one other business. We are from the Lonsdale area originally. We know if you look at statistics that it is not the safest neighborhood in Knoxville. What I have noticed from

research that I have done that most of your crime takes place where there are less eyes to see what is happening. What I mean is you have vandalism, drug use, drug sales, and prostitution. We own multiple houses throughout Lonsdale. Every time one house gets empty and there are houses around it empty, they get stripped of copper, the windows get broken out, sheet rock gets destroyed. Our concern is if Gerdau is allowed to close all these streets, they will have no interest in acquiring my two properties. I know the planning commission cannot make them buy our property or require them to. They did make us an offer which was less than half which they gave everybody else on the entire block for same amount of property. In the beginning prayer we said what is fair. All we want is what is fair for everyone in the community. If they acquire our property, we could be out of it. Here is the concern, the people that live there now when all of this is gone they want to move. They are concerned about safety and things like that. One of them has kids and they do not want to find needles around this hammerhead area where kids can get stuck. It is going to be hard for us to find renters to move into an area where there is no neighborhood. All the possibility of vandalism and theft of properties have tanked the property value of the houses with Gerdau owning all the property around it. All we are asking is that you stop the road closures in order to allow them to do what they said they were going to do in February which is to allow them to purchase all the property.

Longmire: This particular thing is closure of an unnamed alley. Does it directly affect access to your property?

William Mayes, 1316 Cassell. That is the back alley of our two properties. So if you close it down that puts a dead end there.

Longmire: Look at the map if you could tell us the two numbers of your lots.

Mayes: Numbers 27 and 28. Then you got Bragg Street then Bragg Street to Burnside. We own that whole block up through there.

Longmire: The two lots that we are talking about I am not seeing them.

Mayes: Lots 20 is what Gerdau bought and we own 21 and 22. In the big letters it is 27 and 28. The lot is 20 there. Their last lot is 20 ours is 21 and 22. Then you got Bragg Street.

Longmire: You are actually to the right on Ely. You are on Ely right? When you look at that map you are to the right of the hammerhead. You have 46 seconds left. Do you want to say anything or wait a minute?

Seymour: On the notation the alley would not be a dead end. On the concept plan it is going to be tied into New York Avenue. Instead of going straight due west it will make a right turn and enter New York Avenue so there will be access to the lots. There will be access on Bragg and the lots will not be closed off on Ely Avenue.

Bart Carey: Mr. Mayes, do you all realize that the closure... it will still be open behind your property? Is that correct t? The closure doesn't really affect your situation.

Mayes: What we are trying to do with Gerdau if they went ahead and got our two pieces of property, they wouldn't have to have a cul de sac there. I was willing to amend Bragg Street with these closures. They could have from Bragg Street to Ely closed down.

Carey: We are trying to focus on item 6 which is the alley.

Mayes: Closing the alley down would give a way from Stonewall to Bragg Street. There would be a clean opening from Stonewall to Bragg Street that you could use for a drive through.

Carey: The alley is going to open back up to New York. The alley is being realigned it is not being closed.

Mayes: Why would it have to be realigned? There is already an alley there.

Longmire: There still will be access. It will not block your driveways.

Carey: We are looking at one item at a time. The alley being closed is just this section here between the new cut and Stonewall. That does not really affect the alley behind your houses. Correct. We are not cutting your alley off.

Mayes: When you closed that alley you are making a dead end alley.

Carey: That is a newly constructed leg. It closes the section to the west. The alley stays open from there to your property. the alley so there is no dead end. Does that change your objection?

Mayes: I would just want to get rid of the two houses we have got there.

Kane: If I understand Mr. Mayes, what I hear is we should never have let Gerdau buy these properties and tear them down because as a result his properties which have not been purchased are going to be an island which would essentially deteriorate the area because they really foster things that are

not neighborly. The problem is I am not so sure this body or many bodies have the authority to do something like that. We are stuck with a situation which if the Mayes wanted to retain their property they would be in less of a neighborhood. I don't see that the technical issue has been solved by their proposal to connect the alley to New York Avenue. I would move that we approve this.

MOTION (KANE) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Wart: Just to clarify wouldn't this be easier to say we are just relocating the alley. That makes it clear that you are Mr. Seymour constructing a new alley way.

Seymour: Before the city will consent to any closure we have to do a one lot subdivision and reroute the alley to New York Avenue.

MOTION CARRIED 13-0. APPROVED.

7. GERDAU (REVISED)

12-A-11-SC

Request closure of Stonewall St between New York Avenue and Ely Avenue, Council District 5.

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE the closure of this portion of Stonewall St., subject to any required easements and subject to conditions.

Arthur Seymour, Jr, 550 Main Avenue 37902 on behalf of Gerdau. Right here is the Gerdau property that it already owns the railroad lines coming in there. Stonewall terminates at the Gerdau property here south. Running north it goes on to New York Avenue and beyond. Gerdau owns on both sides of Stonewall. It is our request that you close this pursuant to staff recommendation. One thing I will mention that I failed to mention earlier, when this work is completed if we obtain approval of street closures the perimeter of Gerdau property will be fenced. The purpose of the acquisition is buffering between neighboring houses and Gerdau. Gerdau's property is zoned I-4. Recently in a general rezoning City Council rezoned a good part of the property including the property adjacent and property going north to R-1 single family residential. It is important for Gerdau and its neighbors that there be separation. This is the primary purpose for the acquisition of these properties and for the inclusion of them into the Gerdau plant site is for buffering and protecting the neighbors. There will be security to keep people off Gerdau property. Mr. Mayes should be assured that there would not be anything going on on Gerdau property to cause harm to his tenant. He said he had owned the property for a number of years. The records in the register of deeds office show one lot was acquired in 2012 and the other in 2011; and

that there were different owners who do not have the name Mayes who owned that property for a number of years. They appeared to be rented already. I will stop my comments on Stonewall at this point and reserve my remaining time if I may.

Becky Wade, Director of Community Development for the City of Knoxville, 400 Main Street. It is hard to separate these items. I understand that you all have to deal with them separately. This property is adjacent to a redevelopment area that was established in Lonsdale in 2005 as well as the Lonsdale Neighborhood plan. The city has spent quite a bit of money already on the housing and intends to continue to spend money to redevelop this neighborhood. We do not necessarily object to these closures. However we are concerned about Gerdau's footprint and where exactly that is going to land. We have tried to discuss with them to get a better idea of where their footprint might be so that we can have a boundary and establish a greenway and as of today we have not been able to establish where that might be. We are concerned that they are continuing to buy property and encroaching into the redevelopment area. We wanted to make that statement on the record.

Longmire: As far as the close of Stonewall Street which is what we are addressing here?

Wade: We are not in objection. We do have concerns.

William Mayes, 1316 Cassell. The two houses that we purchased we bought them eight years ago. We just did not register them. We were making payments through the guy then they gave us a deed that is reason it is late. These two houses are 1-4. If houses are torn down or burn or something, we cannot build them back. We would be just sitting there with empty property and empty houses. Another thing about the greenway it was originally down Louisiana down where the recreation center, Lonsdale Park and Lonsdale School are. Down the alley in the railroad tracks is not a good place to walk and hang around a greenway. It is just a waste of money for the city or whoever. It should be back on Louisiana where the school is at the recreation center and play park...

Longmire: Mr. Mayes, what we are dealing with is the closure of this Stonewall Street at Ely. We really don't have any influence as far as the greenway closure is to enhance materials movement that is what we are dealing with right. We have to deal with what we are given right now.

Mayes Jr. I apologize it is hard to separate 6 and 7 there. I think lot of my argument I gave in 6 was for 7. So if you can remember some of those remarks. Main thing we are dealing if our two houses were somewhere else, we would have no

problem. It is like the island we were expressing earlier. I just don't like having those two houses there with nothing else around. If you look at all the purchase prices of everything that they bought on that entire block they offered us less than half. All we are asking them for is something that is fair. In the business we are in we do road construction as well. By the time they spend the money to do the hammerhead, cul de sac thing and put the alley way in they could have already acquired these properties. It is going to cost thousands of dollars to do the work they want to do.

Longmire: Mr. Mayes, we cannot deal with the purchase of your property. We are addressing the closure of Stonewall and it affects on your property. If they close that section of Stonewall will you still have access to your property?

Mayes Jr. I know I will have access. The damage has already been done. Everything has been torn down around there. If you stop the street closures that will get them in business to want to acquire my two properties. That is what it was last February. They were supposed to buy everything on Ely before they closed Stonewall. Now they haven't acquired they acquired everything on Ely except two houses on Ely. Now here they are wanting to close the street. It sounds like everybody is good with that. But last year they said they had to acquire everything on Ely before that could be done. That is all we are asking. For you to stop the street closures.

Longmire: We don't have the power to make them buy...

Mayes: I know that but you do have the power to stop the street closures which would make them want to acquire our properties. We are not asking for a bunch of money. We want what everybody else got that is all.

Seymour: I think I will wait until item 8.

Michael Kane: Just a clarification on the route of this greenway. My understanding is you said it was going to be on the perimeter of Gerdau property and bordered by a fence. In this particular case the greenway would be going along the unnamed alley. Is that correct? Then through this new access to New York Avenue. Is that correct? So the greenway would also be on the edge of the Mayes' property one of the two on the corner of Ely and Bragg. Is that correct? It would be adjacent to their property. Is that correct? The type of fence is that specified at all?

Seymour: We would certainly want adequate security to keep people off Gerdau property.

Kane: Most industrial sites have like a chain link fence of sorts. I guess what I am trying to think about now is we have a different issue. You have to be a good neighbor to the people who are left. You have to be a good neighbor to the people that remain on New York Avenue at least on that side. I don't know if many people would be left. The Mayes don't seem to think so. I don't know how to keep it in as much as you can in a neighborly way. That is my question: Is this greenway essentially accomplishing that? Are there other things out there that make it more of a neighborhood if these two parcels are left without any other residence near them? How is this going to make this feel like a neighborhood that some people would you want to live in? That is the question. How is Gerdau accomplishing that for the neighbors that are being left. That is what I am trying to get at for these two house and indirectly the other folks along New York Avenue that would be affected by this greenway that would be in their back yard on the other side of the alley in their back yard.

Seymour: That is my understanding as city engineering laid it out. Two of the properties on New York. One is a church and I understand it is a very vibrant church. The other one is a business involving glasswork and that is the one parcel still on New York Avenue that remain zoned industrial after the general rezoning because it is some sort of industrial occupation. The City is going to build the greenway to their standards. I am a little of a loss. The greenway will be fenced between the Gerdau property and the greenway. What kind of fence I can't tell you. We talked to the city and they have their own design standards for greenways. Maybe they would want to talk to that. Ms. Wade may want to speak to it or the greenway coordinator. I cannot tell you exactly what it is.

Kane: The argument that is before us is that this is not going to be much of a neighborhood that is left. My interpretation is that the greenway is going to essentially help with that. I am trying to understand is that really going to happen? Will this make that feel like a neighborhood? A lot depends on how the greenway is going to look and how the fence is going to look. If it has barbed wire tops and feels like standing outside prison it may not feel like that. How are we going to accomplish that for the neighbors that are left?

Wade: Our intention with establishing a greenway along their border, one reason was to establish a border to have Gerdau dedicate property to the city so that we would know where the neighborhood starts and Gerdau property is with a buffer in between. We currently do not have any funds allocated to build the greenway. It would be designed to city standards. We would hope that there would be some sort of attractive fencing and plantings and things like that to buffer Gerdau's property

from the greenway walkway. If and when these funds are available it certainly would be built to city greenway standards.

Kane: The greenway is not in process yet. That is one issue that is particularly unresolved. I guess I would say from that prospective the item that is really held to protect the neighborhood is the greenway and it is not essentially agreed to yet.

Art Clancy: If you read the City of Knoxville letter property owners must dedicate easement as approved by City Engineering being generally described as the following... Both the last one and this one on recommend approval subject to any required easements and subject to the following condition which is the 5 conditions included in the letter.

Kane: That would have to happen before Council acts?

Longmire: It is one of the 5 conditions that we agreed to on 6 and if we agree on 7

Kane: The recording of this could not happen until finalized by City and Gerdau.

Clancy: That is one thing I wanted to say. The other this is we can't base our decision on who sells their house and what it sells for or anything like that. We have probably got real estate people here. Don't you go by comps; isn't that what you base the value on? I assume Gerdau has offered them the same amount if not I think you ought to reassess and go from there. That is not for us to determine. You can look up the records and values of properties are based on comps. That is not what we make our decisions on. We understand that a property is being affected here. In my opinion it is not being affected negatively. You all kind of hold an ace in the whole. They need the property obviously or they would not be going to this much trouble. That is a comment from me personally. I would like to make motion

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION INCLUDING 5 CONDITIONS FROM CITY ENGINEERING.

Charles Lomax: Just a quick question on security. I know we have been mentioning a fence and we don't know the specifications with that. We said in conversations dealing with security that the security would also keep the surrounding area safe. Are we just talking a fence or is it an alarm system or guards?

Seymour: I think it is a fence with guards and cameras. There are cameras around the perimeter. The rest of the premises are fenced and there is 24 hour security on the site.

Lomax: Okay so there are 24 hour security cameras as well as a fence that we don't know the specification for.

Ewart: I just want to make a comment. Mr. Seymour on the map that you gave us in looking at the greenway where is the right of way going through our property? Because on the concept plan it looks like it goes through the center of properties on Ely and up Stonewall and I do not find any reference on yours. It looks like they are actually fencing the area that your client will own. I am assuming there will be some kind of dog leg in there or is it coming right through the fenced area.

Seymour: I hope you all can all see this. This is the City's Lonsdale greenway. I can walk around with that.

Ewart It is in our package. It is entitled Lonsdale Greenway Plan. It shows also on another page it is on Connecticut, but it is not referenced here where your property is and it kind of comes through the center of Ely Street properties with a buffer and fence. Don't see it on here on your Barge, Waggoner, Sumner concept plan here.

Longmire: They have asked on item number eight that we postpone for 30 days for further discussion with the City about the greenway. So perhaps if we do postpone for 30 days on number eight then perhaps all those questions would be answered.

Seymour: We are not requesting postponement.

Longmire: Staff is. It might be a good idea.

MOTION CARRIED 13-0. APPROVED.

8. 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 February 14, 2013 meeting, or longer, if necessary.

Seymour Jr. 550 West Main Avenue. The two reasons. Let me say at the outset that we are against the postponement. I think there are two reasons given for that. One to establish the greenway route. City Engineering in its letter has given us the parameters for the greenway route and we said fine. We have

had our engineers look at the boundary of the greenway and that is fine. Second reason for postponing is to negotiate with Mr. Mayes for acquisition of his property. If you postpone for that reason you have weighed in on his side in negotiating the acquisition of his property. I don't want to stand up here and argue price with Mr. Mayes but he seems insistent on it. Regardless of when he acquired the property I will tell you this. The deeds are in my file he made affidavits when he acquired these two lots as any person purchasing property is required to make. One lot he acquired for zero and that is what he swore to the Register of Deeds office when he acquired the property in 2011. The other lot he swore under oath to the register of deeds that he paid \$8,000 for it when he purchased it in 2012. I assure you that the offer on the table far exceeds is at least nearly 10 times that for those parcels. Those are affidavits he made. The properties he rents them. We are trying in good faith to negotiate a price for those. Commissioner Clancy's comment about comparables we are relying on to purchase his property because we were the purchaser and are very familiar with the comparables. He has been offered a comparable price. He disagrees. But if you postpone you are pushing your thumb on his side in negotiating the acquisition of these properties. All three of these closures are interconnected. Witness the fact that we had a concept plan several months in which you approved which involved all three closes and what we would have to do to affect those closures. If you all recommend today that these be closed we are a long way from getting that accomplished. We have to go to City Council for two readings. We have to do a one lot subdivision. We have to build, to redirect the alley. We have to do a hammerhead on our property just west of Mr. Mayes property to do a turn around there. You are talking a number of months before we can close these. If you postpone this for a month you in affect postponing the first two because they are a package. These closures do not work unless they are all done at the same time. As a technical matter I think the reason they came up as three rather than one is that one is a portion of Ely; one is a portion of Stonewall and one is a portion of an alley. I understand that requires three separate applications for MPC rather than one for the closure of the two. In sum we are asking that you all recommend approve of this as you did the first two and let us go on to city council. We will continue discussion with Mr. Mayes. We will continue discussion with the City if need be. But we have told the City we will dedicate an easement for your greenway in the parameters that the engineering department requested us to do. We will do that at the appropriate time in the process. That is a condition to close all three of these. I ask that you go ahead and approve this also.

William Mayes, 1316 Cassell. \$0 on one of the properties; I own other houses and I did some trading.

Rebecca Longmire: We are not interested in that. We are interested in just strictly this closure

Mayes: He was talking about how I purchased the property. Another thing he was talking about security. Security is along Ely Street and they are only on their side. They do not come on this other side. So they don't have any concern about what we do on the residence side. From there all the way up to Burnside that is I-4 industrial too and you can't build houses there. The greenway going up through there it is going to have house on New York. It's in their backyards and they are going to have no security at all. They got one... I know the guy that started the power company. He is the founder of it in the 40's.

Longmire: Mr. Mayes, I don't want to interrupt. But the question is are we going to postpone this thirty days.

Mayes: No problem. 30 days.

Steve Ritter: 1319 Minnesota Avenue 37921, about 3 blocks from these properties. My reason for being here is to express concerns of the residents of the rezoning of Ely Street. Just now we have some social concerns. We are talking about the footprint earlier. To be honest a lot of times as residents we feel like we have footprints on our neck with the loss of residential area and the intrusion of more and more industrial. We are a very proud community. A community of great racial diversity. A community with a great sense of pride. We have concerns. We do ask for a 30-day postponement. During that 30 days we would love if management of Gerdau would sit with members and representatives of the community and discuss this. I think it would probably create a totally different atmosphere. Right now the atmosphere of the community is of great distrust. We don't know what is going to happen next. We would love to sit down with the management of Gerdau and get some understanding of what is going on here. I ask the commissioners to consider the impact that these closures would have on the community of Lonsdale that this continued industrial intrusion into the residential area is going to have and to seek some kind of assurance that this will come to an end.

Bart Carey: I think our body needs to be extremely cautious of trying to become the mediator or arbitrator of this issue. Even though many of these houses were probably built at the same time and they may be with comparable in size and the lots are similar, we don't know the condition of these houses and how this is all laid out. On the other hand the property owners who are opposed to this thing, if we pass this thing today they lose leverage. That is basically what we are looking at here. They lose their ability to facilitate and sell their property. From my recollection thought is some outside body whether it be... We are dancing all around the cost issue whether it be \$0, \$8,000

\$150,000 or \$75,000, the point is there are professionals that know how to do this. They are appraisers. They are qualified. They can make this happen. For that reason I am going to support the postponement so this thing can happen. I think this is really... The Mayes family is at a disadvantage. Has their property value diminished as a result of these? They were suggesting it had. We don't know that. I think we need to look at it. That is not a motion

Art Clancy: Let me address that just a second. I may be wrong. I am looking at a Lonsdale Greenway Concept Plan in our packets which Gerdau has graciously agreed to that plan which skirts their property which I guess the Department of Engineering gave a plat for it and there are conditions. But if you follow that part of that greenway goes through the Mayes' property. I don't see how you can say you will do that when you can't actually do it without crossing their property. Now you could go around their property which isn't the same as saying we will do a greenway and then we got to redo it. We are saying we are approving all this based on a greenway addition and Lonsdale Greenway concept plan. That is why I am going to make motion to postpone for 30 days. But I also want to say to the gentleman that was up here Gerdau was there before Lonsdale ever was there. Lonsdale is a fine community. And probably the reason it is there is because of the industry which started back in the early 1900's. It is there because of that industry. Now that industry belongs to somebody else and they want to grow and that is fine. I also agree with Ms. Wade that we need to figure out where we are going to stop growing the industry and how they can justify that. Let's do the greenway once. Let's figure out where it is going to be. Let's wait 30 days and come up with a good footprint of where we are going to be and what the proposed boundaries of Gerdau is going to be for the near and distant future. 30 days to figure all that out doesn't seem all that unreasonable. We have been addressing this for 3 or 4 years. It has been a long time on our agenda. I am going to make a motion that we postpone item no. eight for 30 days.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO POSTPONE FOR 30 DAYS UNTIL FEBRUARY 14, 2013.

Jeff Roth: Seems to me maybe I am over simplifying that but we are talking about what was that other road we just voted to close... to close Stonewall which they own property on both sides. We just voted to close the alley to approve the relocation of the alley. Now what we are talking about is closing a portion of what will what will be a dead end street now with property on both sides owned by Gerdau. On one side is a railroad track and on the other side if I am understanding correctly the houses have been torn down except for the two on the corner they don't own.

Seymour: Have been or will be. They are in the process.

Roth: So what we are talking about is if we don't vote to close this portion of Ely all we are effectively doing is moving the dead end down to what Gerdau owns both sides of the end of the street with no hammerhead or anything of the sort in place. Unless I am missing something if we don't vote to close that they don't have to put the hammerhead in there and they end up with a dead end street in the middle along the railroad track. If we were talking about rezoning a piece of property and building a building on this piece of property and all of that one of the big thing we are talking about is putting in a greenway. We are talking about taking this property that is going to have torn down houses here and putting in a greenway. I fail to see how that is detrimental to the neighborhood. I would argue that would be a positive thing. I really don't see how postponing this portion of the closure and creating a hammerhead and turnaround are really going to do anything except postpone this same argument for 30 more days.

Laura Cole: I want to say to Mr. Mayes I don't want you to think I am unsympathetic. I have been in your situation where things have happened around a piece of property that changed the value of it. I am sympathetic with you. I agree with Mr. Seymour. I am uncomfortable with the language we are using that appears we are trying to help someone leverage a value out of their property. I would support postponing this only because I think there is always value in getting neighborhoods and city officials to sit down and talk to the property owners and giving everybody a chance to work something out. I think ultimately this will be approved. But if there is an opportunity to help neighbors build a better relationship that they can go into the future I would support the postponement for 30 days but the only if we struck the language in the staff recommendation saying that we are doing this to allow more negotiations to go on.

Clancy amended motion to remove that sentence in the second stance.

George Ewart. I think we talked about this number eight long enough. I don't know why the postponement. I has been on this agenda at least 4 months in a row with continuing postponements. Commissioner Roth he made my point for me. I mean we just closed an alley way and diverted it back up to New York. We closed Stonewall Street. In essence this street is closed. We have already done it as a commission. Now on our commission we are going to say we are going to close everything around here, leave this as a dead end and walk away for 30 days. Then we are back in the same situation we are in now in 30 days. I don't see what the relevance it has to

do with property values here or property values there. In essence this road is closed. Logic is it is done It is already there it is close and it is going to be closed 30 days from now. I just don't see 120 days of postponement and now we are going to do it 150 days and come back here and be talking about this thing again. I am not going to support the motion. I think we as a planning commission sat here and voted on two things prior to this to make this a vote and we should vote on it.

Wes Stowers: I would like to follow a point as well. I agree with everything that Commissioner Ewart just said. The reason this corner is getting cut is a safety issue. You have got heavy trucks and they are trying to get from one side across a set of railroad tracks to the plant. Before when there were houses there and there still are... They are basically trying to get a line of sight so they can take big trucks from one piece of their property to the other which right now crosses a public road and crosses railroad track. There is a line of sight issue for safety. Second since we have closed the alley and closed Stonewall that portion of this is just a dead end road. There is no public reason whatsoever there should be any public traffic on that road. It needs to become a part of that plant so they can go back and forth. Regarding the greenway seems like there is a little bit more work to do between the city and the neighborhood. I am supportive. I think it is great. But Gerdau is willing to give the property. How it is aligned and where it goes there is more details that need to be worked out. I don't think Gerdau is opposed to providing that property and building it on their dime. It is a gift to the City. You all can talk about that later. To me that has no relevance to the closure of this one section of the street. As Commissioner Ewart said it is a dead end street and should be no reason for anyone to need it.

Mike Brusseau: I just wanted to clarify a couple of things that have been said. As far as our recommendation it is simply to postpone. The comments down below there are not part of the recommendation so there is no need to discuss the negotiation part. But regarding those two parcels, when this application was first made at the end of 2011 and beginning of 2012 we did maintain that we would not recommend the closure of Ely Avenue until they bought the whole block. There are a couple of reasons for that. It does sort of leave those houses on an island as Mr. Mayes said. A think more importantly it wouldn't require the construction of that turnaround which is another bunch of pavement that is simply not necessary if they were to just wait to do this when they did obtain the other properties. That is certainly the secondary issue for our postponement or our recommendation for a postponement. The primary issue is to try to get the City and Gerdau to work something out and get it in writing. Get it for us and then we would be glad to recommend approval. The whole issue about the entire Ely Avenue has sort of been compromised with the concept plan

approving that did approve that turnaround to be built there. We are willing to let that go. As far as the greenway staff is recommending that something is worked out. The reason we recommended approval on the other two is that really they don't have any impact. As long as Ely remains open as a public street, Gerdau cannot move into that area. Ely remains as a barrier we feel like Gerdau should not be allowed to move into that area until some negotiations, or I should say some agreement is reached between them and the City for this greenway and buffer. I just wanted to state that is the case on this particular issue. That is why we are recommending postponement on this case only.

Nate Kelly: Mr. Brusseau certainly makes a lot of sense. First of all I certainly feel sorry for the owners of those two parcels. I think we all do. But in my thinking that is just not something I am willing to consider as part of the decision on this case. What I do think is important to consider is whether the postponement will buy us anything. Not bias anything but buy us. I think that it does. I think that eventually this closure is going to occur. I think that is fairly obvious. I think it is helpful to take the time to get what is going to happen with that greenway nailed down finally. I think that the point of contention that was made earlier over the greenway was whether or not that greenway could at some point in the future be moved. That is a very important point. If we can get it nailed down where it is going to be and it is fixed for perpetuity that creates that buffer that I think lots of us desire between Gerdau property and the neighborhood. Without getting that nailed down ahead of time the City and the neighborhood may lose its leverage in terms of making sure that when that greenway plan is finalized it is actually there in perpetuity. I think we need to force the postponement in order to give the City and the neighborhood and Gerdau time to work out the details of that greenway plan. So I am going to support the postponement. The final point that I would make I don't think that if we had been considering those three items all together that we would have done what we did. That is if they would have been all considered together I know for a fact that I would have voted to postpone all three of them. But we were considering them separately and we needed to consider them on their merits separately. I think the merit of this particular proposal are slightly different than the merits of the first two proposals. That is why I think we need to go ahead and postpone. Yes we have postponed this for along time. I think the argument that it is has been 120 days and that has been too long. I think you can turn that argument on its head and say it has been 120 days why not another 30.

Longmire: We have a motion per staff recommendation to postpone for 30 days until the February 14,-2012 meeting or longer if necessary... I think we have to say 30 days and not

longer if necessary, with particular emphasis on establishing the greenways areas.

MOTION CARRIED 10-3. (Ewart Stowers Roth)
POSTPONED.

Longmire: Mr. Ritter please make sure you talk to Ms. Wade and Mr. Seymour and our Gerdau representative so that the neighborhood association will be involved. So contact information is available. Thank you all for your willingness to work with us.

- * **9. SAMS REAL ESTATE BUSINESS TRUST** **1-A-13-SC**
Request closure of N Mall Rd between Millertown Pike and west property line of parcel 059LB003, Council District 4.

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE the closure of a portion of N. Mall Rd., as requested.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

None

Final Subdivisions:

- * **10 WESTSIDE COMMUNITY CHURCH OF GOD RESUBDIVISION OF LOT 2** **1-SA-13-F**
Southeast side of Solway Road at the intersection of Dogwood Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. CARL DAVID & BOBBIE S SATTERFIELD PROPERTY** **1-SB-13-F**
East side of Roberts Road south of E Emory Road, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. THE STANDARD AT WEST JACKSON ROW** **1-SC-13-F**

South side of W Jackson Avenue, southwest of Gay Street,
Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. ALL ELEVEN GENERAL PARTNERSHIP PROPERTY** **1-SD-13-F**
North side of Kingston Pike at Capital Drive, Commission District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. TWIN WILLOWS** **1-SE-13-F**
Southeast side of Buttermilk Road, northwest of Graybeal Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. GLASSCOCK PROPERTY** **1-SF-13-F**
At the intersection of N Broadway and Morgan Street, Council District 4.

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. THE KROGER COMPANY**

Southeast side E. Emory Rd., southwest of I-75, Council District 5.

a. One Year Plan Amendment

1-A-13-PA

From GC (General Commercial) (K) & F (Floodway) to GC (General Commercial) (K) & F (Floodway) (revised).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation, subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

1-A-13-RZ

From PC-1 (Retail and Office Park), C-3 (General Commercial), A-1 (General Agricultural) & F-1 (Floodway) to PC-1 (Retail and Office Park) & F-1 (Floodway) (revised).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE PC-1 zoning and removal of the F-1 (Floodway) zoning on the proposed development site.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **18. MIDDLEBROOK PIKE DEVELOPMENT LLC**

1-B-13-RZ

Northeast side Middlebrook Pike, northwest of Bob Kirby Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

COMMISSIONER JACK SHARP LEFT THE MEETING AT THIS TIME.

19. DAVID CAMPBELL

Southeast side Hickory Creek Rd., southwest of Hardin Valley Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

1-A-13-SP

From AG/RR (Agricultural/Rural Residential) & SLPA (Slope Protection Area) to LDR (Low Density Residential) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: ADOPT RESOLUTION #1-A-13-SP, amending the Northwest County Sector Plan to LDR (Low Density Residential) & SLPA and recommend the Knox County Commission also approve the sector plan amendment, to make it operative

Rusty Bittle, 2949 West Gallaher Ferry Road. I think I have talked to a lot of staff at luncheon or on the phone. If I could just clarify a little. First of all I would say I do live in the area. I live on West Gallaher Ferry which is just across the street. I have owned the property for quite some time. Back in 2007- 2008 tried to develop the property and ran into a lot of problems because of the beltway, the Orange Loop, that I am sure everybody here is aware of. That was a frustration trying to anything for quite a few years whether it was developing it myself or trying to sell it. Obviously in 2010 the Beltway was pulled off. All plans were stopped on that. Unfortunately we were in a full recession at that point and there was not a whole lot going on as far as developing or selling the property. I have now had the property about 6 years. I think the biggest problem we have here we have all had the discussion on the Urban Growth Plan that was established in 2001 which stops at Steel Road which is approximately 2 miles from the property. When the Urban Growth Plan was enacted in 2001 Hardin Valley wasn't even on the maps. I can remember I lived there all my life, I remember telling people I lived in Hardin Valley and they would say where is that. Since then Hardin Valley has become a very desired location to live. The Hardin Valley Academy the schools they put down there have had a lot to do with that. It is my understanding that one of the other reasons that the urban growth boundary stopped at Steel Road at that point was because utilities were not beyond that point to the west. Since then Covered Bridge, which I hope everyone is familiar with, was constructed in the 2007-2008 time frame. They at their expense extended utilities to within 0.3 of a mile of my site. As a matter of fact all utilities are at my site with the exception of sewer which we propose to run to connect in. It will not be at Knox County's cost. There are there at this point at the site. So I don't think anyone would argue that the Urban Growth Plan is out of date especially at this area. I think everybody has agreed that nobody wants to have the discussion to update that because there is a lot of involvement with the City, the County and the Town of Farragut. Covered Bridge is built at 3 units per acre as well as the second zoning that they requested at 3 units per acre and MPC staff approved that several years ago. Basically I am looking for the same zoning that my neighbor has that is 0.3 of a mile from me that is also outside the urban growth boundary. In summary I have approximately 50 acres of land that I have approximately 2 million dollars in that I have been stonewalled for about six years to do anything with. We are looking to do a very quality development with a little less than 3 dwelling units per acre. I would ask the staff to please support me any way they can.

Mike Brusseau: We are recommending approval of the sector plan amendment to low density residential. What that does is allow you to consider a density of greater than one unit per acre. On the zoning we are recommending a density of 1.8. That

number is low for two reasons. One is the Growth Plan and this is the primary reason for the recommendation. The growth plan does max the density that we are allowed to recommend in the rural area which is at 2 units per acre. When you combine that factor in with the slope analysis numbers only being able to give them the max of 2 units per acre when we crunch those numbers the number comes out low. In reality if this were a site in the planned growth area and was designated for low density where we could apply the 5 units per acre on the non hillside portions of the site, then that number would be quite a bit higher. But this is in the rural area. There are a couple of things that were slightly misstated by the applicant. Covered Bridge development is zoned at 1.8 units per acre 3 but they have set aside overall density does not exceed 1.8. There probably are a couple of acres where the density you know you take a couple of acres of the site and count the number of houses at the site and it may equal three. They have set aside areas of no development at all. The overall density of that does not exceed 1.8 and the zoned density is 1.8. There is another site further east that was zoned 3 units per acres. That was not in accordance with our recommendation. Bottom line is I think if it were not for the fact that Covered Bridge was there I don't know that we would be even recommending a change to the sector plan in this case. It is surrounded by agricultural uses. It is in the rural area which as they say hampers what we can do. But because there has been a precedent set with Covered Bridge and because we are aware that utilities have made their way out to this area we are willing to recommend the low density residential but the Growth Plan limits us to 1.8. I... the growth plan and slope analysis. In the comments section under the rezoning recommendation the Hillside Ridgetop Protection plan includes a stipulation in there that allows a density bonus in situations where the applicant or developer would be willing to set aside a conservation easement. That is the easement is to be placed on the steepest areas of the site, the site most undevelopable. In this case that would be the rear southern essentially the southern boundary of this site. I think some willingness to do that. That is not something they would have to be established right now. It is something they could establish at the time they bring in their development plan. But if they are willing to put aside a conservation easement on the site, which basically means it could never be developed in perpetuity, if they are willing to do that, we put in an alternate recommendation that we would be willing to recommend 2 dwelling units per acre which essentially is the ten percent that the hillside plan allows. If they are willing to do that, we recommend two.

Longmire: Under the comments the sector plan requirements it is a trend in development, population or traffic that warrants reconsideration of the plan to that because of the development of the site.

Art Clancy: I am going to make a motion but I think it is worth mentioning and reiterating that I think the Growth Policy Plan which is 11 or 12 years old while at that time was based on outstripping the infrastructure, I think that has changed in the last 11 years. I think that needs to be considered. I think it needs to be addressed. That being said I would like to make a motion to make a recommendation that we adopt resolution 1-A-13-SP amending the Northwest County Sector Plan to LDR (Low Density Residential) and SLPA and recommend the Knox County Commission also approve the sector plan amendment to LDR to make it operative.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO ADOPT RESOLUTION 1-A-13-SP AMENDING THE NORTHWEST COUNTY SECTOR PLAN TO LDR (LOW DENSITY RESIDENTIAL) AND SLPA AND RECOMMEND THE KNOX COUNTY COMMISSION ALSO APPROVE THE SECTOR PLAN AMENDMENT TO LDR TO MAKE IT OPERATIVE. MOTION CARRIED 11-1 (STOWERS).

Stowers: I have a question about a comment you made why you would not want to utilize this body to keep this at a lower density based on traffic.

Longmire: What I said was when we make a sector plan change we have to meet one of the requirements and the requirement that we are meeting is that has been a change in the development population or traffic that would warrant a change in the sector plan. Does that make sense? I am sorry I misled you.

Stowers: My concern here, looks like the boat is already on its way, but the only real issue here appears to be the slope protection issue. The sector plan is 0.3 of a mile, excuse me, it is right down the road from something just like it.

Longmire: That is why we can amend the sector plan is because there has been a change. That is why we are amending the sector plan.

Stowers: But then we are going back into slope protection which gets at the... Sorry go ahead.

Donaldson: Let me clarify. Currently the sector plan is calling for agricultural and rural residential which has a maximum allowed density of one. We are recommending that you adopt a change that allows a greater density by going to the low density residential land use classification.

Roth: We are not voting on the level of density?

Donaldson: This is just the amendment to the sector plan. The slope protection area that is on this land has been in place for two decades.

Longmire: It is not part of the new situation. But we have to have a reason for changing the sector plan. We can't just say we don't like it.

STOWERS AMENDED HIS VOTE TO YES. MOTION CARRIED 12-0. APPROVED

b. Rezoning

1-C-13-RZ

From A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of 1.8 du/ac.

Art Clancy: I would like to address the density. I look at this property and I understand the mathematics of it. I understand how and what you have done and a density bonus for slope protection as well. I think what we are looking at here is a poster child for anybody that is questioning or has doubts about our hillside ridge top protection plan. If it can work. If it is a violation of property rights. People won't be able to develop their land. I think we have an opportunity here to really look hard at a piece of property that has slope issues on it and make a good recommendation and make it to where the landowners can actually do a good job of what is considered slope protection. I am going to make a motion. I recommend County Commission approve PR (Planned Residential) zoning at a density of 2.8 units per acre with the condition that a conservation easement is placed on an undisturbed steep hillside of ridgetop of this property. We can approve that right now and if it is not brought in with a concept plan we can turn down the concept plan until it is and he can't do a thing with it until the concept... It really gives us an opportunity to show that all the years that we spent on slope protection and trying to balance between view sheds and property rights can actually work and be put into place. I know it is taboo to go against Growth Policy Plan recommendations. I know it is. But it is old and needs to be redone. We need to look at the infrastructure out there and we need to make a decision based on where we are right now and try to make a difference there.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO RECOMMEND COUNTY COMMISSION APPROVE PR (PLANNED RESIDENTIAL) ZONING AT A DENSITY OF 2.8 UNITS PER ACRE WITH THE CONDITION THAT A CONSERVATION EASEMENT IS PLACED ON AN UNDISTURBED STEEP HILLSIDE OF RIDGETOP OF THIS PROPERTY.

Laura Cole: I like that motion. I think the logic behind it is very good. I just want to ask Mr. Donaldson where that puts us with the Growth Policy Plan. Are there any issues with us going forward as proposed?

Donaldson: The Growth Policy Plan with regard to this area falls within the rural designation of the Growth Policy Plan which has a stated recommendation of density no greater than 2 units per acre using the planned residential zone district. It would put your recommendation in conflict with the Growth Policy Plan that was done in 2001 and adopted by the County Commission, City of Knoxville and the Town of Farragut.

Cole: What might the consequences of that be?

Donaldson: The consequences is if somebody... if your recommendation is carried through and adopted by County Commission in the same form someone could sue with regard to being in conflict with the plan which calls for zoning and land use decisions to be consistent with the plan. There would be an argument about consistency.

George Ewart: Commissioner Clancy where did you come up with 2.8?

Clancy: They are asking for 3 we recommended 1. I did the math.

Ewart: Is 2.8 sufficient?

Bittle: Yes sir it is and I am willing to do the conservatory as well.

Michael Kane: I was little late to the meeting today because I did go over there and drive the Covered Bridge development and there is another development... Fallen Oaks Drive which there is a completely different character between the two. Obviously. My concern is that it is outside the Growth Policy Plan. But that is not the only reason. It is two miles from the boundary. When we say adjacent, to allow something beyond that we have really stretched it. It is not... the character of the area changes dramatically from Steel Road to this particular area. The Covered Bridge is the one thing that is completely different. I think that the argument that we heard on Tuesday from the applicant was that Covered Bridge was at 3 and that is not correct. It is 1.8. We have to keep that in mind. There is a big difference between 1.8 and 2.8. The slope protection plan supports the 1.8 based upon the way we do calculations now with a density bonus. I could probably go with more density on this parcel regarding slope protection if there were other things to consider such as how this was going to be developed and the impact on the ecology. There may be no specific things on the property that are worth keeping from an ecological standpoint. I don't know.

But there are kinds of development that density is not the only driver that is conservative. You can other things besides density to drive you. I don't understand... I can understand how we can go from 1 dwelling unit per acre to up to 1.8 and then a density bonus because of conservation. I could even go higher because of conservation with something more definitive than just a conservation easement on the slopes. Maybe there are other conservation things that we can do. I don't understand how we can justify going up to 2.8 to 3. It is completely out of character with the development that was already approved at 1.8. It doesn't make sense so I do not support the motion.

Bart Carey: You mentioned the possibility of being sued. Is that Metropolitan Planning Commission, Knox County or who?

Donaldson: With regard to land use plan of the sector plan you are not the final decision maker in that. So you essentially are in a recommendation mode. Ultimately I order to amend the sector plan it would be approved by County Commission. If they did that it would be likely that they would be the target. They have money we don't. Regardless they are the final decision makers. With regard to the zoning we are clearly making a recommendation to County Commission and they are the folks that actually change the zoning map for an area. Specifically with regard to the Growth Policy Plan there is language in the state law and language in the plan itself that says that future land use decisions should be consistent with adopted growth policy plan. In this case which calls for no more than 2 units per acre in event that you use the planned residential zone district. The way that someone could oppose that would be to sue the decision makers for their decision in being inconsistent with the Growth Policy Plan.

Carey: Thank you. That leads to a couple of things. One of the points I was going to make or questions I was going to ask is that no we are not the ultimate, we don't make the decision. We are going to pass it on to County Commission. What we say can obviously be overturned. The fact that there is no opposition here really should not have, it weighs in here somehow. There is not a bus load of people out there opposed to what we are talking about today. I will also say I think the conservation easement is a wonderful thing if you can pull it off. I warn the conservation easement is not necessarily your decision. There are a lot of hoops to jump through to make that happen. It is not an automatic thing. It is not just a request and they make it happen. There are a lot of issues there. Whether we are a tenth of a mile from the boundary of this urban growth plan or whether we are 5 miles I don't know that distance has all that much to do with it. It is all still, Michael makes a good point, it is changing the character of the neighborhood but that is what growth does. If our system can support it, if we have roads,

utilities, schools it just seems like a nature progression and I will support it.

Brian Pierce. Michael going back to the Covered Bridge, Phase I was 1.8, but phase 2 was at up to 3. Correct.

Brusseau: I am not sure that area to the east is Phase II. I assume you are correct on that.

Donaldson: The developed portion of Covered Bridge is 1.8. The undeveloped portion which is further to the east has a zoning of up to 3.

Pierce: I am going to wager that the consideration of that was once the infrastructure was there and it became more developed that it would be somewhat more in keeping in that area and I am going to support the density.

Cole: I would love to look at Mr. Bittle and give him 3. But I know that there are people who expect me to be as consistent as I can with making decisions. And there are people who expect me to use that Growth Policy Plan. I realize it may seem out of date but people expect us to look at that Growth Policy Plan and let it be our guide. Otherwise we are going to look at the next person who comes up to the podium and say well you gave Mr. Bittle exceptions you went against the plan so I expect you to do that for me too. That is what we are going to get into. As you can see Covered Bridge is already being brought up as an example as to why we should go against the Growth Policy Plan. I struggle with this because logically I look at that and 1.8, 2.8 is not a big deal. But it is a big deal in terms of policy, for me, and what people's expectations are of who I am representing. That is why I am struggling with the decision and why I think the Growth Policy plan is something we ought to hand onto if at all possible.

Nate Kelly; Given this proposal goes to planned residential we will see plan for this in the future. Question is would this density be clustered to some extent on the areas that are not as sloped?

Bittle: What we are going to try to do is take the rearmost lots and they will be 300 foot deep. We are wanting to take that rear portion of the property and put it into some sort of easement whether it is a conservatory or whatever it may be to conserve those slopes. We will not be disturbing those very back slopes.

Kelly: It is interesting. Given the great love of planning that exists in our County it is hard for me to get all that motivated to much about such matter as this. I think that Commissioner Clancy's level of thought in his motion seems very good. I think I am going to support the motion because it makes sense. I do

hesitate to go against the Growth Policy Plan. I guess I am not all that concerned about doing that in this particular context.

Stowers: The Growth Policy plan is designed to be a framework. If it is supposed to be black and white, we might as well make it a computer thing and they don't need us at all. We are supported to use our judgment. I think what Commission. Clancy has proposed is very fitting of this particular project.

Clancy: I will say one more thing. I hesitate to go against the Growth Policy Plan as well but I will go so far as to say that bring me another piece of property that is this far in the boundary that has similar dynamics and I will probably make the same decision. It is land use and we need to make sure every piece of land that comes before us that we make good judgment. It is like Commissioner Stowers says you could put all this in a computer and it can tell you what is and what isn't.

Donaldson: You received today within the blue sheets a traffic study. Within the traffic study there is a proposed concept plan layout. I would like to ask the applicant if that is readily the concept plan that is under consideration or is it simply an exercise to show us how many units are involved. I would like to direct the planning commission's attention

Bittle: Yes that was a draft to show what we were going to do on the rear lots to get some kind of idea of the depth of those lots and where we could do some kind of conservatory or easement for that area. It would probably be similar but not the exact plan, no.

Donaldson: That shows up on page 4 of the traffic study.

Clancy: I want to reiterate that my motion did state a conservation easement. Correct. I just wanted to make sure.

Longmire: Reiterate your motion please.

Clancy: I would like to make a motion that **WE RECOMMEND COUNTY COMMISSION APPROVE PR PLANNED RESIDENTIAL ZONING AT A DENSITY OF 2.8 DWELLING UNITS PER ACRE WITH THE CONDITION THAT A CONSERVATION EASEMENT IS PLACED ON AN UNDISTURBED STEEP HILLSIDE OR RIDGETOP PORTION OF THE PARCEL WHICH WOULD LIKELY BE THE STEEPEST AREAS OF THAT SITE AND ALONG ITS SOUTHERN BOUNDARY.**

Kane: Just a comment. At some future time in agenda review meeting I would like to discuss what is the best use of property. I hear that all the time and I have no idea what it really means. Unless you have gone through a planning process with a lot of different stakeholders, I don't think you can define that.

Longmire: It is lot like love Mr. Kane, you just never know.

**MOTION CARRIED 8-4 (KANE, COLE, TOCHER, LONGMIRE).
APPROVED AS AMENDED.**

A break was taken at 3: 15 p.m. and tape changed (Neither cassette tape recorded)

20. KNOXVILLE CITY COUNCIL

South side Rennoc Rd., west side Tillery Ln., Council District 4.

a. One Year Plan Amendment

1-B-13-PA

From MDR (Medium Density Residential) to LDR (Low Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE LDR (Low Density Residential) One Year Plan designation.

Charlotte Davis, 104 Crawford Road. I am here to represent my neighborhood. My immediate neighborhood has been established since the 1930's...

Chair Longmire: Ma'am are you the applicant or in opposition? Normally the applicant speaks first and I didn't see anyone here for that then I asked for opposition. Or if you are just on the border of both.

Davis: I am here in opposition of R-1A. My immediate neighborhood has been established since the 1930's of mainly small but neat little houses. Some time prior to the early 1990's a few multi-family housing units were built. Therefore when the neighborhood was down zoned in 1994 from R-2 to R-1 the multifamily properties were grandfathered. Over a long period of time the multifamily units became blighted properties with numerous less than desirable tenants. Following months and months and months of work to get the blighted property condemned this finally happened in August of 2011 and the properties were demolished in December of 2011. Since the time that the properties were demolished there has been slow but steady revitalization of the properties that are adjacent to or near the former blighted properties. Several houses on Tillery Lane have been renovated and others are in the process of renovation. A couple of the houses have been sold. I want to make a couple of comments from the comments made in the staff report in reference to 1-B-13-PA. In reference to property on Rennoc the plan states that a development plan for apartments could be considered by MPC as a use on review. In regard to 1-C-13-PA there is one area. It states that there is accessibility to the property west side of Tillery, east side of Crawford via a road. This is not true. In the past some of the residents made a road by cutting through. They cut through a parking lot and it is not a legal road so there is not access from

Crawford to Tillery. One statement says that R-1A is more compatible with the surrounding neighborhood than the current R-2 zoning. This is true, but since the majority of the dwellings are single family residences R-1 would be even more compatible. My neighbors and I absolutely do not want a chance of once again having multifamily units with the concern of non-caring landlords and undesirable tenants. This is why we ask you to approve our request down zoned to R-1 and not R-1A.

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

b. Rezoning

1-D-13-RZ

From R-2 (General Residential) to R-1 (Low Density Residential) or (R-1A) Low Density Residential).

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

MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO APPROVE R-1 (LOW DENSITY RESIDENTIAL). MOTION CARRIED 12-0. APPROVED.

21. KNOXVILLE CITY COUNCIL

West side Tillery Ln., east side Crawford Rd., south of Rennoc Rd., Council District 4.

a. One Year Plan Amendment

1-C-13-PA

From MDR (Medium Density Residential) to LDR (Low Density Residential).

STAFF RECOMMENDATION: Approve LDR (Low Density Residential) One Year Plan designation

Charlotte Davis, 104 Crawford Road. I am here to represent my neighborhood. My remarks would be the same. Some of my remarks to this one I made in the previous one. We have had so many years of having to contend with blighted properties and less desirable tenants. It was that was like a Christmas present to us when the buildings came down in December 2011 and there has already been such a change in our neighborhood and we would so like to be able to keep it that way.

Longmire: Having driven through there in the past few months. I have seen quite a bit of difference. It is like a neighborhood proud thing.

Clancy: Thank you for coming down. I am sure your neighbors appreciate you. We see you down here a lot and thanks for your input.

MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

b. Rezoning

1-E-13-RZ

From R-2 (General Residential) and R-1 (Low Density Residential) to R-1 (Low Density Residential) or R-1A (Low Density Residential).

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

MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE R-1 (LOW DENSITY RESIDENTIAL). MOTION CARRIED 12-0. APPROVED.

Uses on Review

* **22. SHEPHERD OF THE HILLS EVANGELICAL CHURCH **1-A-13-UR****

Northeast side of Sherrill Blvd., south of Dutchtown Rd. Proposed use: Church expansion in BP-1 (Business and Technology Park) / TO-1 (Technology Overlay) District. Council District 2.

STAFF RECOMMENDATION: Approve the proposed preschool education building addition to the existing church as shown on the development plan subject to 7 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

23. TOM WEISS **1-B-13-UR**

Northwest side of Middlebrook Pk., west of Old Weisgarber Rd. Proposed use: Revised site plan (access) in PC-1 (Retail and Office Park), PC-1/H-1 (Historic Overlay) & O-3 (Office Park District) District. Council District 3.

STAFF RECOMMENDATION: Approve the request for a revised driveway location as shown on the site plan subject to 6 conditions.

Tom Weiss: 220 Staub Street 37919. I submitted the application so I am in favor of it. There is one condition that is onerous and would prevent us from going through with this and that is the requirement that sidewalks be constructed in front of not only in my property but also the Dowell Springs property. A representing from Dowell Springs, Terry Doughty, was here for quite some time but he had to leave due to another obligation. There has been a long standing agreement between Dowell Springs and the City going back to Sam Parnell that sidewalks would be built as property was developed. In this case all we are doing is moving a driveway.

There is no economic benefit to us immediate economic benefit to us at all for doing this. It is a safety issue. We are moving the driveway so that it aligns with a median cut on Middlebrook Pike so that people who are exiting can cross Middlebrook Pike and make a left hand turn. The existing current and existing driveway requires people to make a right hand turn on Middlebrook Pike and then if they want to turn left they have to get in far lane, slow down and make a U-turn. So it is unsafe. We would have no objection to the requirement that sidewalks be installed at such time as additional development occurs in front of any of the parcels, but the requirement now to build these sidewalks is onerous and would prevent this driveway from being built and safety concerns being addressed.

Becky Longmire: Mr. Kelly. Why do you want sidewalks there? I want sidewalks everywhere you know. I see a lot of people walking around there Dowell Springs is a wonderful place to walk. It surprises me that a sidewalk would be in question. Mr. Kelly would you speak to that please.

Dan Kelly: The request is being made in essence to fill a missing link; part of a missing link I should say. Right now sidewalks are in place along Middlebrook Pike just about from the Proctor Street area which is where News Sentinel Building is or if you want to think about that area to go all the way out and are practically continuous all the way along through there practically less than 1,000 feet of missing sidewalks in about a 5 mile area. That is why the request was made.

Longmire: It does seem to me that if you are putting in a new driveway, a sidewalk would be an appropriate time to put in when a driveway is going in.

Bart Carey: The cost well let's back up. From Proctor Street to the school Dan? Is that where there is a gap of about 1000 feet in a five mile stretch I think you said. This is a portion of that.

Kelly: The primary area where it is missing is if you know there is a large detention basin right at the intersection of Weisgarber and Middlebrook Pike. The sidewalk goes across the front of that. Then you get to the post office, credit union and there is a missing link right there. Then there is a family medical clinic which may have a sidewalk. Either the post office or credit union or family medical clinic have a sidewalk or the other one doesn't. Then as you come across Dowell Springs or maybe that is Weisgarber at that point, Old Weisgarber, there is a dental clinic on that corner that does not have sidewalk. Then you get to Mr. Weiss and then the next piece of property actually where this driveway is crossing belongs to Dowell Springs.

Carey: Most of that that is missing is in the ½ or ¼ mile area. All the other sidewalks that have been built for that 25,000 feet or whatever that is who paid for those?

Kelly: I believe the City of Knoxville or the State of Tennessee.

Carey: I saw in a recent Metro Pulse some writer wrote in and asked why we didn't have more sidewalks. They were wanting to know why we could not build them and the City responded that it cost about \$350 a running foot to build a sidewalk to meet the standards that the City is required to do. How much space would be required? What is the request for how many feet?

Kelly: The property on which the building he is trying to provide access to the old Dowell home property fronts approximately 300 feet on Middlebrook Pike. Probably a little bit more than that.

Weiss: I am not arguing that sidewalks not be installed. What I am arguing is that all we are doing is moving a driveway. I didn't even realize it was going to take a use on review. The previous approval from somebody that submitted a plan for me said another driveway. It didn't say it didn't. So I assumed that meant an additional driveway would require a use on review. So here I am. I had to pay \$1500 to come over here to spend a lot more money to build a safer driveway for this property. I am just suggesting that the requirement be tied to additional development so that there is some kind of economic activity going on there where a sidewalk could be absorbed in that cost. There is none now. This is an 1850's historic home that I have been dealing with for about 10 years or more. We finally have a tenant in it. It is still not an economic deal. I can't afford to build a new sidewalk. Dowell Springs is not going to build a sidewalk. If that condition stays then we are not going to build the driveway. We will just leave it as it is.

Longmire: So the only person that uses the driveway is the person that lives in the house?

Weiss: Correct it is a single tenant building. It is an old house. It has one office tenant. It is only suitable for one tenant.

Longmire: It is an office tenant. Do they have customers that come to the house?

Weiss: Yes, they park in the rear.

Longmire: It would be used by more than one person; the driveway. There would be traffic in and out?

Weiss: It is an office building so there is traffic.

Kane: So you mentioned about development. It is PC-1 so I guess there is an existing concept plan. I guess it would just show the existing house on it is that the correct?

Kelly: The plan for the Dowell Spring this was part of a farm which was divided at some time in the past. The dwelling that Mr. Weiss bought was part of that project but he has taken the home and Dowell Springs LLC has taken the remainder of the property.

Kane: So when reference a future development are you referring on your property that the house is on. Is that what you are suggesting?

Weiss: I have applied to subdivide the existing lot. My house when I bought it was on a lot' it was included in the Dowell Springs development, a lot in Dowell Springs. I have applied and Dan I think just told me that MPC staff as approved that it be subdivided. This new driveway, if it is built, would serve, it goes around the rear, and it would not only serve the existing house but it would serve the lot that has just been or will be created out of my former single lot. Dowell Springs also has, the driveway is not even on my property before I bought I had an agreement with Dowell Springs that at some future time they would provide, that we would share the cost with a joint access easement going across their property. That is what we are talking about now. That is what this driveway would be. Their property is also undeveloped. It is the only remaining commercial property in Dowell Springs and there is no sidewalk in front of it either.

Kane: I guess what I am trying to get at is normally when we approve sidewalks in a PC is when a concept plan is put before us. That is typically when the property owner or whoever is going to develop it. I was trying to get an idea of when that could happen; would it happen on this piece of property, any future development would essentially require a revised concept plan in which case we could expect to see a sidewalk. That is the argument he is making. I kind of heard that he already has something going on and it does not include a sidewalk in that concept plan. I am sorry I apologize. Mr. Donaldson if you could help unconfused me.

Donaldson: Technically at this time you are amending the previously approved site plan. That is the plan of record. We are learning that future development may be imminent with the subdivision and creation of an additional lot. I suppose the sidewalk conditions could be tied to development on that additional ...

Kane: On that property if something becomes built. That is not typical of what we usually do. Is that correct? We usually have concept plans that have sidewalks in it. They are usually implemented when there is construction on the site which is what I think the applicant is talking about.

Donaldson: Yeah, we typically get a development plan at the time that there is actually proposed development of the land. This case is an historic home with an historic overlay. The house predates all the planning activity and the development all around it.

Weiss: The requirement is not only MPC condition applies not only to my property but it applies to the Dowell Springs property over which I have no control.

Donaldson: Actually it reads that the frontage of the applicant's property and it calls out the parcel number which I think is just your property.

Longmire: Well my question would be if that second lot is developed and it calls for a sidewalk there would he then have to go back and put a sidewalk in front of the historic house?

Weiss: I would not object to that requirement.

Clancy: First of all let me just say thanks Mr. Weiss for putting all the money into that house to keep it. It is an historic building. I think we need to look at what he has done. That is in Dowell Springs. That piece would have been a lot more valuable, I know it has an historic overlay on it, but that property he took it during that whole process. First of all thanks for keeping a beautify house. What you have done looks great. Second of all the driveway is a safety issue and putting it there helps get in and out of his property. But at the same time Mr. Weiss if you'd agree to put the sidewalk in and we can make this a condition of approval put the sidewalks in as soon as development up that is contingent with your property or your driveway meets that and that has to be put in, if you will agree to put the sidewalks at that point then we could probably make this go forward or I would be willing to make a motion to do that.

Weiss: That is what I am suggesting.

Clancy: I have got another question. Are we in a parental guidance zone at all? Can we do this or do we just not have this option

Kelly: It is within a mile of Bearden Elementary.

Clancy: How does that affect us?

Donaldson: We have simply used the parental responsibility zone as guidance as far as how aggressively we go after sidewalks.

Clancy: Eventually we will get one I am almost certain I make a motion to **APPROVE REQUEST AS SHOWN SUBJECT TO 6 CONDITIONS ONLY CHANGING CONDITION 4 TO CONSTRUCTION OF A 5 FOOT WIDE SIDEWALKS WITH A 2 FOOT WIDE PLANTING STRIP ALONG THE FRONTAGE OF THE APPLICANT'S PROPERTY AS SOON AS SIDEWALKS... THE DEVELOPMENT OF THE SIDEWALKS ON THE SECOND PIECE OF PROPERTY FORCES THAT. COLE SECONDED.**

Ewart: How about this: construction of a 5 foot sidewalk with a 2 foot wide planting strip along the frontage of the applicant's property as shown when there is future development of the adjacent property.

Nate: Is that enforceable?

Weiss: Make sure it is the applicant's adjacent property.

Donaldson: It has got planned commercial zoning so any new development on the new lot would require a revised development plan. So we will see that at that time.

Kane: If he subdivides his existing property that is his existing property. I think we would think I would expect to have the sidewalk put in at that point in time. It is not just the adjacent property, development of this adjacent property. It's any new development on this property or subsequent subdivision of that property. Is that correct? That would be my expectation.

Weiss: I have already applied for the subdivision. The subdivision is just drawing a line through the property. That is not developing it. That is facilitating potential future development.

Kane: I understand. I think you said adjacent property.

Ewart: It would be adjacent if it were subdivided.

Donaldson: On the applicant's property however it may be subdivided in the future.

Jeff Roth: I really just have a question. I may look like I am texting, but I am not. I am looking at an overhead picture of this property while we are discussing this. The question that I have is that this driveway rather than being new is an improvement to something that is already there. Is that

correct? Am I seeing what looks like a driveway that's already in place?

Weiss: I don't know what you are seeing. If you are looking at an overhead shot you are looking at a current and existing driveway which would be closed upon construction of the new driveway which would be built on the Dowell Springs property that adjoins me to the west.

Roth: I am actually looking at a satellite picture of it. It looks like there is already a driveway there.

Weiss: There is. It is a gravel road.

Roth: So we are talking about improving something that is already there.

Weiss: Sort of. It would be straightened out and ...

Kelly: They are just compacting the base right now.

Longmire: Mr. Clancy would you like to restate your motion.

Clancy: MAKE A MOTION THAT WE APPROVE THE REVISED SITE PLAN ACCESS AS SHOWN ON THE SITE PLAN SUBJECT TO **6 CONDITIONS WITH THE 4TH CONDITION BEING TO CONSTRUCTION OF A 5 FOOT WIDE SIDEWALKS WITH A 2 FOOT WIDE PLANTING STRIP ALONG THE FRONTAGE OF THE APPLICANT'S SHALL OCCUR WHEN THERE IS FUTURE DEVELOPMENT OF THE APPLICANT'S ADJACENT PROPERTY.**

Longmire: And does that mean that the sidewalk will go in front of the whole property. Is that correct? Not just the subdivision part.

Kelly: To try to interpret what is said there Dowell Springs LLC owns the adjoining property which Mr. Weiss's driveway is going to go across. He does not own that property. When Dowell Springs LLC brings in a plan for their property we would at that point ask for a sidewalk on their property. We would I believe what you are saying is when Mr. Weiss proposes developing the other lot that he is creating right now at that point would be when he would install sidewalks across the entire width of his property.

Longmire: That is exactly right. I want to make sure the entire width of the property.

Kelly: Of his property.

Roth: Are you okay with that?

Weiss: Yes.

MOTION CARRIED 12-0. APPROVED AS MODIFIED.

- * **24. TWIN WILLOWS CONSTRUCTION** **1-C-13-UR**
 Southeast side of Buttermilk Rd, just west of Graybeal Rd.
 Proposed use: Five detached dwellings on individual lots in PR
 (Planned Residential) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for up to 5 detached dwellings on individual lots and the reduction of the peripheral setback along Buttermilk Rd. and the northeast boundary line from 35' to 25', subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. KNOXVILLE HABITAT FOR HUMANITY** **1-D-13-UR**
 East and west side of Anniversary Ln., northwest side of
 Mission Bell Ln. Proposed use: Revision to previously approved
 plan to reduce minimum required front yard setbacks in RP-1
 (Planned Residential) District. Council District 6.

STAFF RECOMMENDATION: Approve the request to reduce the minimum required front yard setback to 18 ft. as shown on the plan subject to 3 conditions.

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 3:58 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.