



Minutes

JANUARY 8, 2015

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

The Metropolitan Planning Commission met in regular session on January 8, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	Mr. Michael Kane
Mr. Herb Anders	Mr. Charles F. Lomax, Jr
Mr. Bart Carey, Vice Chair	Mr. Jeff Roth
Ms. Laura Cole	Mr. Jack Sharp
Mr. Art Clancy	Mr. Scott Smith
A Ms. Elizabeth Eason	Ms. Janice Tocher
Mr. Mac Goodwin	Mr. Jim Wakefield
Mr. Len Johnson	

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF JANUARY 8, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF DECEMBER 11, 2014 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL FEBRUARY 12, 2015. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>KNOXVILLE CITY COUNCIL (REVISED)</u> Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.	12-B-13-OA
<u>WILSON RITCHIE</u> Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	3-F-10-SC
<u>METROPOLITAN PLANNING COMMISSION</u> Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	6-A-10-SAP
<u>METROPOLITAN PLANNING COMMISSION</u> Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	7-C-10-SP
<u>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>LONGMIRE SUBDIVISION</u> West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.	1-SA-11-C
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Rd., Commission District 8.	2-SO-09-F
<u>HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9</u> North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.	12-SJ-13-F
<u>RESUBDIVISION OF GEORGE HOSKINS PROPERTY</u>	4-SE-14-F

North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.

CITY OF KNOXVILLE

7-D-10-RZ

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

908 DEVELOPMENT GROUP

Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.

a. Central City Sector Plan Amendment 7-E-14-SP

From C (Commercial) to HDR (High Density Residential).

b. One Year Plan Amendment 7-D-14-PA

From GC (General Commercial) to HDR (High Density Residential).

c. Rezoning 7-F-14-RZ

From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

SOUTHLAND ENGINEERING

7-A-13-UR

South side of Deane Hill Dr., east side of Winchester Dr. Proposed use: Attached residential development in RP-1 (Planned Residential) District. Council District 2.

U

MR. PAUL MURPHY

7-E-14-UR

South side of Kingston Pike, east of Kingston Court. Proposed use: Apartments and Residential Condominiums in R-1 (Low Density Residential) District. Council District 2.

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 7-3-14-UR PAUL MURPHY. MOTION CARRIED 14-0. UNTABLED

CONSENT ITEMS

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

MOTION (CAREY) AND SECOND (CLANCY) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 14-0.

MOTION (CAREY) AND SECOND (CLANCY) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 14-0. APPROVED.

Ordinance Amendments:

None

Alley or Street Closures:

None

Street or Subdivision Name Changes:

- * 5. **METROPOLITAN PLANNING COMMISSION** **1-A-15-SNC**
Change Unnamed right-of-way to 'Annis May Drive' between Hall Drive and Dutchtown Road, Commission District 3.

STAFF RECOMMENDATION: Approve Annis May Lane.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- * 6. **SHADY GLEN - ERIC MOSELEY** **12-SA-14-C**
 - a. **Concept Subdivision Plan**
Southeast side of S. Northshore Dr., southwest side of Holder Ln., Commission District 5.

STAFF RECOMMENDATION: Approve the concept plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **12-D-14-UR**
Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

STAFF RECOMMENDATION: Approve the request for up to 30 detached dwellings on individual lots as shown on the subdivision plan subject to 1 condition

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 7. **EUPLE KECK SUBDIVISION** **1-SA-15-C**
North and south side of Morris Rd. on the west side of Greenwell Rd., and the north and south side of Western Rd. on the east side of Greenwell Rd., Commission District 7.

STAFF RECOMMENDATION: Approve the concept plan for the subdivision of up to 10 lots, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

8. FITZGERALD ROAD SUBDIVISION - RUFUS H. SMITH, JR. & CO.

a. Concept Subdivision Plan

1-SB-15-C

Northeast side of Fitzgerald Rd., northwest side of Ball Rd., Commission District 6.

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

Longmire: There is no opposition do you wish to say anything?

Applicant. No ma'am.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-4 PER STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 8 CONDITIONS. MOTION CARRIED 14-0. APPROVED.

b. USE ON REVIEW

1-C-15-UR

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

STAFF RECOMMENDATION: Approve he request for up to 65 detached dwellings on individual lots as shown on the concept plan and the reduction of the peripheral setback for the subdivision from 35' to 25', subject to 2 conditions.

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

9. ARCADIA - BEACON PARK, LLC

a. Concept Subdivision Plan

1-SC-15-C

Southwest end of Chandler Ln., southeast of S. Northshore Dr., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-7 and deny variance 8 and approve the concept plan

Arthur Seymour, Jr. 550 West Main Ave. Here on behalf of the applicant along with the engineer, David Harbin, and Mr. Patrick Schaad.

Longmire: Is there opposition? There is opposition. Mr. Seymour would you like to go first or would you like your opposition to go first?

Seymour: We would like to go first if we may. This proposal or development of this property has been before you all on several occasions. The initial zoning... this is a 350 acre farm off Northshore Drive. First there was the rezoning and it was approved at Planned Residential at 1 to 3 dwelling units per acre. A concept plan has been approved. In the meantime we have had a depression or a recession. The applicant is asking at this point to have 90 acres approved for 30 home sites. These will be large home sites anywhere from one acres up to 7 to 8 acres. The roads internal to the project will all be private roads. By the way we would ask for approval in accordance with staff recommendation. The development plan is basically see how this goes and then go back and look at the rest of the property. We anticipate that if the plan is approved here today that by the end of this year or 2016 lots will be available for sale. We anticipate it will take 5 to 6 years and perhaps more to build out the 30 homes on these 90 acres. There have been continuing discussions with Knox County Engineering about the intersection at Northshore Road. There is an agreement I think in your packet setting forth result of those discussions and the agreement between the applicant and Knox County. Keep in mind that Northshore where this intersects is a State highway and TDOT input has been involved in that. After you enter the development all the roads will be private roads, large lots. I would like to reserve the remainder of my time for any rebuttal from the opposition. We would certainly ask that you approve as recommended. We are in agreement with staff recommendation on the variances.

Longmire: Gentlemen since there is a total of 5 minutes would you like me to let you know about 2 and one half minutes and you can split the time.

Louis Cosby, 10215 Thimble Fields Dr. in Knoxville 37922. I am about 2 houses down from this development in Riversound. We are adjacent. I am also a Board member of our homeowners association, The Cove at Riversound. Our issue is public safety. It is item no. 3. It is in reference to the work that is to be done on Northshore, Chandler and Bluegrass. We believe that this amendment that has taken place is not to the public safety and interest of the Knox County citizens. Originally this work that was to be done on Chandler and Northshore was to improve sight back to turning left or right on Chandler. There was to be an alignment with Chandler to Bluegrass and a reduction of the height of that road, something like 12 feet. Everyone knew this and that was our understanding.

Longmire: One second. This is item number 3 on the approval concept plan subject to 13 conditions. It is condition number 3 on your concept plan. Excuse me sir...

Cosby: So we are asking for a deferral of this for 30 days to have a meeting, a workshop or something like that so the homeowners could meet with the developers and discuss this. Our notification we just found out about this on Tuesday. There was a mailing on December 24th to certain property owners. If you count the days if notification of the 24th through today and you count 15 days; three of those days were holidays and four of them were weekends. Also the placement of the sign as to this meeting today was at the corner of Chandler and Rogers Island.

Longmire: I am just saying that is half your time.

Cosby: I want to include those attachments to these points also an earlier email from Hope Cohn asking for a delay.
(Handed out materials)

Ted Mowery, 2132 Riversound Drive which backs up to Chandler Road as opposed to backing up to the subdivision. There are about seven homes along there which will be significantly affected by the widening construction on the road. We received no notification of any action going on here. Luckily I was walking on Chandler and saw the sign and investigated it. I would reiterate that that is a definite safety problem at the intersection but assuming that you decide to go ahead with that unsafe situation and expand the road the concerns that we would have that are along that road there is primarily water runoff. The road there now has a ditch only on the western side which often overflows, comes over the road and comes down into our properties. There is also several culverts that go underneath the road from that ditch over towards our side of the properties some of which have a pipe attached to them – for instance between my yard and the next yard - which runs down into the sewer system and our system. Any disruption during the construction could cause a flood flooding our house there. We want to make sure that there is protection against homes on Riversound during construction and after. There is also because of the slope the homes on Chandler are setback quite a ways up a hill. The water runs down the driveways, comes over the road and floods on our side also. We want to see that that is corrected so that items would be put in to make restrictions to see that that is done. We also request that any expansion to be done be done on the west side of the road as we have some 100 year old historic trees making a beautiful tree line on our side and there is a steep drop off. For instance in my backyard there is only about 30 feet from my house to Chandler Road and there is a 15 foot height differential. Any movement trying to extend the road towards Riversound would significantly destruct the landscape we have in our area and would provide damage to those historic trees. I would hope you would put

some restrictions in for these two items. Thank you.

Longmire: Ma'am I can give you a minute and I will add it to you Mr. Seymour.

Kelly Jones, 1617 Chandler Road. Just as a small housekeeping issue it is Chandler Road and not Chandler Lane. Chandler Lane is in the Halls community about 27 miles northeast of Chandler Road. This does make it difficult for us to find information of what is going on when our road is not listed correctly. But our main issue is that no one on Chandler Road was notified of this and we do stand to have the most impact on us if the road is going to be widened. The issue... we have received no phone calls, nothing. My husband actually ran into Mr. Schaad a couple of months ago on the road. He gave him a little blurb and said that is really kind of under wraps right now. I do want to meet with you all but I need my plans firmed up more. We never heard a thing. In 2011 we talked to you. At least one of your members expressed concern that this development company had not contacted us. We have not been contacted since 2005 with anything from them. We just want to know what is going on.

Seymour: Let me try to address the concerns. This property was originally approved for 800 plus units. It will be at a greatly reduced rate. I am not sure if there is concern about the public part of Chandler Road. That is a Knox County Road. I think the issues regarding Chandler Road should be addressed to Mr. Pionke again and her department. The road as it enters this property is a private road and we will be working with codes and everyone else to ensure that everything is done properly there. So this is what was originally to be over 800 units is now going to be in this area 30 units. We don't know how many units will be there when it is built out which will probably be in the next 20 or 25 years. It will be a long term process because this is the last big undeveloped piece of property with lake frontage in West Knoxville. Mr. Mowery was talking about the part of Chandler Road that goes to the north away from this property. That will remain a public road. Private roads commence once they enter this project. Riversound is the development immediately to the northwest of this property. Mr. Schaad and his development team will ensure that the topography and trees are protected on their property. This is one of the selling points for the property; large lots, lake frontage and protect the environment. That is why we anticipate there will be a market for what is a nontraditional subdivision under today's development policies. We think that the staff recommendation is appropriate for what Beacon Hill is trying to do and should be approved. Our engineers and Mr. Schaad are here to answer any questions you all might have that deal with the technical aspects of the development.

Herb Anders: I would like to hear from Ms. Pionke regarding some of the issues dealing with this project.

Cindy Pionke: That leaves it wide open as to where to start. In regards to the development plan in 2013 the developer submitted revised traffic impact study to our office. I reviewed it and we sat down together and went over what the recommendations were in it. At that point in time the developer was trying to figure out what the market was going to do. I recognized based on how badly things have been over the last you know 6 or 7 years in terms of development he was just trying to gauge are large lots going to sell or smaller lots and whatnot. We ended up crafted out based on the traffic impact study which he has done for up to 200 dwelling units. I came up with going back and looking at the numbers and came up with a phasing plan for when improvements needed to be made and what those improvements should be. The first improvements are going to be started with these first 30 units that are going in. It includes the widening of Chandler Road to 20 feet with a one foot shoulder on either side. It is also going to include a detection system for the intersection of Northshore, Chandler and Bluegrass. That has not been designed as of yet. But the technology has improved greatly over the past few years and we are looking at doing some type of radar detection system so that it is easier to make left hand turns both onto Chandler as you head west on Northshore and as you head from Northshore onto Bluegrass. So that is the first part of what needs to happen. As he continues to develop, the next stage after that is that Northshore Drive itself will actually be worked on. The crest, vertical curve, which is the hump in the road is how everybody else would think of it, is actually going to come down. I think if I remember correctly it is about a 4 foot cut that is going to happen. In addition to that they will put in a west bound left turn lane as part of that improvement. Knox County will participating in the improvement in terms of providing the top coat for Northshore Drive. After that depending on if they make it up to the 200 units that they are talking about at that point indications from the traffic impact study that that is when a traffic signal would most likely be warranted. The developer is aware that he would be responsible for getting that designed and installed as well. If he does anything over the 200 units then once attain the traffic impact study would have to be redone and they would be looking at is there a need to make the turn lanes on Northshore longer than they would be under the improvements that they made back in Phase II improvements. They would also be looking at would there be any additional improvements that need to be made to Chandler Road because right now as I said earlier Chandler is only going to be widened to 20 feet with the one foot shoulder on either side. In regards to the intersection of Bluegrass, Chandler and Northshore we have

pulled the crash data for the last 3 years. At that intersection over the last three years there have been four crashes. One was a car hit a deer. Then there were three other crashes. So essentially you are talking about a crash per year. Based on the volumes throughout on Northshore that is not a lot in terms of as we look at things, as we rate things in terms of where we go out and make our improvements and our safety improvements. That is essentially one of the reasons why we have opted for going with the flasher system initially for when the development goes in. Any questions based on what I have said so far?

Bart Carey: We are talking about widening the road to 20 feet in Phase I just to get started. What is the present width of Chandler more or less?

Pionke: I am guessing maybe 14 or 15 something like that.

Carey: This would be a significant improvement. Mr. Mowery's concern with historic trees to the east of Chandler. I have not been there in a while. I know some are familiar with it...

Pionke: I thought back when this development was first before you back in like 2005 and 6 that part of the developers design was to shift the roadways more to the west to avoid the trees. I am assuming we will see that again when they turn in their design plans this time.

Carey: The concerns of water... Mr. Mowery I think you said that the stormwater was going into the sewer. That is not the sanitary sewer is it. You mentioned it was going into your sewer system.

Mowery: There is a culvert which goes underneath Chandler Road from the ditch on the west over to the slope behind my neighbors houses. There is about a 12 inch pipe that is attached to that, black pipe, that runs down between our properties and goes into where, I guess, the storm sewer is on the road.

Carey: You mentioned the concern about your sewer. I just wanted to make sure it is the storm sewer. I assume it is going to the lake from there or some other water some other tributary that goes to the lake. Mr. Mowery is that making more sense what she is talking about in terms of the road widening. The water we trust the engineering is going to... between the developer and the engineers they are going to have to make it right. They can't make that part up as they go. It has to comply with all kinds of regulations that are way over our heads today.

Mowery: Yes. I am assuming as I noted in my note what is it

MPC guidelines and some of those that when they reengineering the road they would do that so that there would not be water damage coming over. The way it is now just emphasizing the slope of it or the way there are those drainage ditches and I don't know if anyone is aware of that pipe there and if they are going through and starting to do construction and trying to do it on the east side and they damage that pipe and there is a rain then there is going to be flooding that goes in back door of our houses because that happened a number of years ago before I moved in. Just making sure that if as the assumption was that Ms. Pionke just indicated that they would be constructing further to the east I think there would then be room to be able to put in proper gutters and drainage to where there would not be a problem.

Carey: I think it was further to the west.

Mowery: I am sorry further to the west. Yes. Yes.

Carey: Ms. Pionke was this phraseology? I don't remember this from our first time around with this?

Pionke: It was not. This is a totally new look based on the 2013 study that they submitted.

Carey: I applaud your work on graduating that up. That is a fine job there.

Pionke: Thank you.

Art Clancy: I have got a question. Mr. Pionke when you were doing the phase work after they submitted that, the first phase, how many units were in that first phase that triggered the...

Pionke: 50 units. Correct

Clancy: So really what they are asking for is below the threshold of what should have triggered the first thing. So with that being said I would like to make a motion that we approve variances 1-7 because the sight topography restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard and deny variance number 8.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-7 AND DENY VARIANCE 8.

Michael Kane: Really a question. You know we talked about the 30 units or the 30 lots and then additional subdivision in the future. I guess I am trying to make sure that maybe I and the

neighbors understand how that progression will happen. Because what we are saying is that there are some lots that are going to be sold now. Some that won't be sold and could be subdivided later. What if they sell those other lots and then those people want to subdivide, how is this agreement essentially maintained now that we are dividing lots and selling lots and very large lots that essentially would become part of that threshold for the 100 units and the 200 units and that kind of stuff. I am just trying to understand how that would convey. How those requirements would convey.

Seymour: First I would like to point out that on the 30 lots that we are asking for approval on today there will be restrictions on subdivision of those lots and restrictions on the number of structures per lot. One home per lot. No subdivisions of those lots.

Kane: So what you are saying is that this will only be 30 lots.

Seymour: This phase will only be 30 lots.

Clancy: Was there not already a master plan approved in 2005 already for the entire development? And this comes in well below the density...

Seymour: Correct. 820 units for the total project.

Kane: This would change that.

Seymour: This is a replacement for that phase. Yes.

Kane: What is the additional phase beyond this then?

Seymour: We don't know yet.

Kane: What property is left for that? I guess I should say that. What property would be left for the...

Seymour: 207 acres, 60 acres.

Carey: Was it really 2005 that we....

Seymour: Plus under the PR zoning any subsequent subdivisions would require MPC approval of these 30 lots. In addition they would be counter to the developer's restrictions.

Dan Kelly: To answer Mr. Kane's question the condition with regard to the improvements to the road is actually going to be tied to the building permits that area issued. The impact is when there is actually a building out there. The creation of the lots doesn't unto itself create an impact on road capacity so it

is going to be tied to the building permits. You have in your blue sheets a copy of the standards that or the phasing plan that Ms. Pionke has been talking about.

Longmire: It says from the office of County Mayor, Tim Burchett.

Kelly: Mr. Schaad and Ms. Pionke both have copies of this agreement and my understanding is the Beacon Park LLC is in agreement with the requirements. One of the things that we have talked to them about, again these requirements are based on the idea that you have a 200 unit build out. Again this first phase is 30 lots. If this thing looks like it is going to go beyond the 200 lots that was discussed in the traffic impact study for which this, these phasing plan were developed, we have put the developer on notice that there will be a totally new set of requirements that could very well be generated and he is prepared and knows that if he goes beyond the 200 units that it is a different ball game.

Longmire: Mr. Anders to do still have questions?

Anders: He answered it.

Clancy called for the question.

MOTION CARRIED 14-0. APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 8 CONDITIONS. MOTION CARRIED 14-0. APPROVED.

b. USE ON REVIEW

1-F-15-UR

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

STAFF RECOMMENDATION: Approve the request for up to 30 detached dwellings on individual lots as shown on the subdivision plan subject to the one condition.

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

10. LONAS PROPERTY - BLACK ROAD - W. BOYD LONAS

1-SD-15-C

a. Concept Subdivision Plan

North side of Black Rd., northeast of Ridgeland Dr., Commission District 6.

STAFF RECOMMENDATION: Approve the concept plan subject to 7 conditions

David Harbin, 4334 Papermill Drive, Knoxville. What you have before you today is a subdivision for 35 lots off of Black Road. All the access will be off of Black Road right there. We have agreed to a number of conditions with the Planning Commission staff. Back around driveways on each lot and also we work with County Engineering to make sure we have adequate sight distance. We are in agreement with MPC staff and would urge you all to also approve this plan. Thank you.

Longmire: Opposition? Are you two speaking separately? I will let you know sir when half the time is up then.

David Pace, 11820 Black Road. Thank you for the opportunity to address the Commission and have the ability to state citizen input. Black Road is 18 feet wide and about 1.2 miles long. The proposed subdivision will have 2300 feet of frontage along Black Road. This is about 1/3 of Black Road will be made up of the subdivision. On Black Road there is a very dangerous hill and to meet the 300 feet sight limitation the developer had to share several lots with a driveway to get that 300 feet of visibility. Also the MPC has estimated that the subdivision will increase vehicle traffic by 395 trips per day. With all that said if the subdivision had a sidewalk or greenway it would give the residents over a half of a mile, one mile going both directions, the ability to walk along the road without having to be scared about getting hit by a vehicle. The sidewalk or greenway would get Mathew and his children off the road when they job. The sidewalk would get the Huffackers off the road when they ride their bicycles. The sidewalk would get Rick and Kristin off the road when they run along the road. The sidewalk would get the lady from the Campbell Station Villa off the road when she walks the road. There are several other cyclists and walkers that use that road for exercise. Lastly the City of Farragut is developing a greenway on Fritz Road that runs north on to Campbell Station. It would be fantastic if in the future the sidewalk could be connected to the greenway between Campbell Station, Campbell Station and Fritz Road. Again thank you for your time in letting me state my concerns about the safety issues of the blind hill and to have people off the road instead of jogging on that road.

Lisa Brackey, 11709 Black Road. I am David's neighbor that just spoke ahead of me. He had much more greater detail about the concern of the safety of the road. I just wanted to express my own concern about the safety of the complete road, not just the section of the road that the development will be on. Currently we have 30 to 35 homes on this very rural and narrow road which does have somewhat of a blind hill at one end. My concern is for the traffic impact. We use the road cause we are residents, but it is also a cut through during the morning hours and the evening hours for people that are bringing their children to the Hardin Valley school system or

Knoxville Christian School, which is on Snyder Road, and a variety of things that are around our area. We find that morning and afternoon traffic is very heavy. Sometimes it is a speedway because there is kind of a straight of way in front of my particular driveway. So I have great concerns with adding, doubling the houses, adding 35 to the existing 35 that already use the road plus the idea that this road is used as a cut way, a cut through. I am concerned in general for the full length of our road which is just about a 1 mile long and it is very rural and by the speeds by which that they travel on there. My concern is for our Black Road community from one end to the other with the idea that there would be an additional 35 houses that we would be sharing this road with. Thank you.

Harbin: As mentioned previously right there there is one blind hill that is on the site. That area is right there. We will have a condition of some shared driveways with a couple of the lots. Each lot will have its own back around driveway so we don't have anybody backing out into Black Road. Black Road is 18 feet wide. It has been widely held that that is wide enough to support subdivisions in Knox County. We are also outside the parental responsibility zone for sidewalks. Sidewalks weren't required as part of this. My developer was not anticipating that and would probably fight that if that requirement was put on to him. I would request that that requirement no be there. As you can tell this development is extremely steep right here when you get into the back part. What we are trying to do is to stay away from the steepness of the back of the properties right there and actually cluster the houses on the relatively flat lots that are near the road, nearer the road. You know putting a sidewalk on there would probably push that back an additional 5 to 6 feet which could make a very big... would make a big difference in the amount of earth we would have to move, the amount of trees we would have to take down. It would have an impact on that. For those two reasons right there I would request that you approve according to staff recommendation and not require the sidewalks. Thank you.

Longmire: I hate that because I do love sidewalks or greenways anyway. The idea of having a greenway there that could connect with Campbell Station Road; maybe behind the houses. Just let that run through your head okay. Not saying you have to, but it is nice.

Michael Kane: How deep are these lots? I am sorry. 200 feet deep? 215. So you are saying a sidewalk isn't possible on a 215 foot deep lot?

Harbin: IF you check the topography right there the lots are that deep but most of them I anticipate being the last 100 feet of that would be undisturbed land.

Kane: So a buildable 100 foot and you are still saying it is not enough room.

Harbin: Once you get in there once we add the, everything that we have to do for the setbacks and everything else. So.

Kane: I find the argument about... I understand what we are basically saying is that this is a road folks use to walk and run and now we are doubling the amount of houses on there and they are going to be right on that street. It is not like a subdivision that is connecting at one point and it is a lot of additional access points. Part of the argument would be that these neighbors would also be willing to put sidewalks in front of their houses as well because it doesn't make sense to put sidewalks on one without going through the whole road. I can't compel them to do that. But I think it is a compelling argument. I do find it a compelling argument. I don't know if we have the precedence to ensure that would happen. It does seem to be a compelling argument to at least explore the idea of a sidewalk and then have the additional neighbors participate in that. It would allow them to continue to enjoy their road essentially which is doubling the amount of lots. There are small lot compared to what is already on there.

Longmire: Ms. Pionke is this one of your roads?

Cindy Pionke: Yes ma'am. Black Road is a narrow road but in regards to a study that I recently had completed in regards to where it fits in based on its road width, crash history and the traffic volumes on it; it is at like the very bottom of the list in terms of getting improved any time soon.

Longmire: Any possibility of traffic calming device there?

Pionke: We do not recommend traffic calming devices on roads that are classified and Black Road is actually considered a minor collector.

Longmire: Maybe citizen complaints we could get the police department out to catch a few speeders.

Bart Carey: Mr. Harbin. I want to make sure I am understanding this concept plan. These 35 lots front on Black Road. Each one has its own individual driveway cut. Is that correct?

Harbin: Almost. There will be some sharing.

Carey: The frontage for most of them is what 70 100 feet.

Harbin: 70 feet.

Carey: I would see that in trying to visualize a sidewalk with 30 some odd driveway cuts in it it becomes a real, I mean I know subdivisions all over the place have those but for a developer to try to do that on a collector seems a little... I am kind of siding with you. I don't see how if there are not sidewalks going on beyond that property you would have 30 some odd cuts that would have to deal with on a sidewalk.

Harbin: Please understand that once we commit to sidewalks they have to be ADA compliant. When that happens it really monkeys, really affects the grades of everything from our driveways coming in and at that point I am grading a whole lot at that point. Where I could have a driveway at 5, 6, 7% I have to have a driveway at 2%. That really affects what happens on the lot back there. It doesn't seem like it but once you get in there and start doing the engineering and start doing the grading plan it will have an affect 100 to 150 foot away from the road.

Carey: That is what I was headed to. That side slope 2% requirement really changes the whole driveway and pushes it, makes you change the grade of that driveway to comply with sidewalk requirements.

Longmire: So we are sort of stuck with sidewalks and messing up the environment and keeping the environment and not having sidewalks.

Clancy: I kind of like Michael's idea about a sidewalk on the other side of the street but that is out of the realm of possibility because you can't compel all the neighbors to give up their property as well. Plus you would never make it past the water tower it is too close to the road as it is. Although you are not having to build any roads. You are getting a subdivision with no roads to be built.

Longmire: Sir it is with the Commission now. I am sorry unless one of the Commissioners wants to hear.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO THE 7 CONDITIONS. MOTION CARRIED 12-2 (Kane and Goodwin No). APPROVED.

Longmire: Before I do that... Sir I want you to understand Mr. Case it is not that we are not allowing you to speak but once it goes to Commission that is where it goes. I am sure Mr. Harbin will be more than happy to talk to you about some plans. We have found him to be very amenable to the community before. So please feel free to approach him gently and kindly.

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

STAFF RECOMMENDATION: Approve the development plan as shown for up to 35 detached dwelling on individual lots and the reduction of the peripheral setback from 35 to 25 feet along the Black Road frontage as shown subject to the 2 conditions.

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

11. MOURFIELD ROAD SUBDIVISION - ERIC MOSELEY

a. Concept Subdivision Plan

1-SE-15-C

Northeast side of Mourfield Rd., southeast of Westland Dr., Commission District 5.

STAFF RECOMMENDATION: Approve the Concept Plan subject to 13 conditions.

COMMISSIONER SCOTT SMITH RECUSED ON DISCUSSION OR VOTING ON ITEM 11.

Arthur Seymour, Jr.: 550 W Main Avenue, Knoxville. Here on behalf of the applicant.

Longmire: Is there opposition to this?

Wayne Kline, 617 Main Street, Knoxville, TN 37901 On behalf of the homeowners in the Westland West Homeowners Association.

Dan Kelly: This is a 17.91 acre site. The property came before you last month for zoning. You recommended approval of planned residential zoning at 3.5 units per acre. The zoning issue will appear on County Commission's January 26 agenda. Any action that you take on this matter will be conditional upon the action of the County Commission on the zoning matter. The proposal of 61 lots on this property calculates to be 3.41 units per acre. As noted in the staff report we have concerns that have somewhat been satisfied even since agenda review meeting however not completely satisfied. We have concerns with regard to the sight distance at the entrance to the subdivision and the 4 proposed lots that would have direct access to Mourfield Road. The applicant has had a surveyor by email communicate with us by and put his stamp on the email stating that there is sight distance in each direction at the entrance. However as a staff we have not been able to verify that. We have asked for some additional information from the surveyor and our understanding is that it is forthcoming. The second condition or concern of ours was

the stream buffer on the blue line stream that crosses the property. It is a blue line stream and there is a required 50 foot buffer on both sides of that stream. The first 25 feet on either side has to remain undisturbed. The other 25 feet can be disturbed but it has to be averaged out over the length, excuse me, across the width of the property. We have concerns that when you apply the 50 foot buffer on each side that that very well could impact two or three of the lots that are proposed in this subdivision and may reduce their lot count or require them to adjust their lot arrangement. The next issue that we want to discuss is the storm drainage. The concept plan stage storm drainage is very, very conceptualized. In this particular case what we believe where they are showing one of their proposed detention basins do not believe it will function properly at that location. We believe it will probably be located or have to be relocated in order to be able to capture the stormwater off of this project and will be directed to do so by the County engineering department. The regulations are in place to ensure that that happens. Additional concerns that have been raised in the community deal with the utilities, the availability of utilities. We have received an email from First Utility District stating that they have adequate capacity to provide both water and sewer to the property. I guess the final issue would be the traffic. Again this is a 61 lot subdivision. Under our guidelines as contained in the administrative rules of the Planning Commission 75 lots or 750 trips per day is what triggers the requirement for a traffic impact study. This is well under that number and a traffic impact study was not requested for this project. The project is located within the parental responsibility zone for the AL Lotts School. As such they are proposing to put the sidewalks in as required. If you have any questions I would be glad to respond.

Longmire: Ms. Pionke would you like to... well Ms. Pionke would you please.

Cindy Pionke: What would you like to know?

Longmire: I would like to know how you feel about Mourfield Road.

Pionke: Unfortunately I am in agreement with Dan. We have not been able to confirm that there is sight distance at the entrance to the subdivision or for the lots that are proposed to have direct access to Mourfield. I had asked for the developer to provide a profile of Mourfield and to show where all those access points were going to be so that we could at least see. You know kind of get a better feel for would there be sight distance and what not. I have yet to receive anything. I am trying to guess how long ago it was that I asked but it has been a while.

Longmire: You asked and you did not receive.

Pionke: That is correct.

Longmire: Commissioner Wakefield I will call on you in a minute but let me get out applicant speaking and opposition. Did you want the opposition to go first?

Arthur Seymour Jr. 550 West Main Avenue. I would prefer to go first if I may. Briefly this matter was here before you all last month for rezoning. Let me point out just a couple of things. This subdivision or this property is within 1500 feet of Pellissippi Parkway. It is just east of Pellissippi Parkway. It is 800 feet, the entrance the proposed entrance, will be 800 feet from Westland Drive which has been greatly improved over the past few years. It is now a very fine street where it is intersecting. Let me then point out that this is a concept plan. This is just the beginning. If the applicant receives approval today he will start the design process. That is where he will have to established 1) to Knox County Engineering's satisfaction that there is adequate sight distance not only at the entrance to the subdivision on Mourfield but that the lots have adequate sight distance. If he can't do that, he cannot go forward. So that will have to be established. He will have to ensure that the stream, which is on the left side of the plat, is the stream buffer is protected. As Mr. Kelly said there will be an undisturbed buffer of 25 feet and then 25 feet which you basically cannot build on. Storm drainage will have to be established to the satisfaction of the Knox County Engineering department. Utilities are available. Mr. Moseley has checked with the First Utility District and is assured water, electric or water and sewer are available. But again that will have to be reestablished to the satisfaction of Knox County Engineering. Mourfield Road has very low traffic counts. When I checked in connection with the rezoning I think the traffic counts were averaging 2200 trips per day. On my travels down there I saw very few cars. Sidewalks will be provided in the subdivision. Now if some of these issues cannot be satisfactorily addressed, lots will have to be rearranged as Mr. Kelly pointed out. Stream buffer will have to be protected and established. Other issues will have to be addressed at that stage. Unless Mr. Moseley can satisfy all the concerns that have been raised in Mr. Kelly's presentation, he cannot go forward with this subdivision. He will have to redesign. He is confident that he can satisfy these requirements. This is not the only review he will have. There will be another thorough review of these requirements before there can be further development of this project. I would like if I may to reserve the balance of my time for rebuttal.

Longmire: You may. In opposition we do have three speakers so Mr. Kline you go first and we will divide it up.

Wayne Kline: I did not know there were other speakers. I have not met these folks and I designed my comments...

Longmire: Excuse me, she wants to say something.

(Inaudible from the audience.)

Longmire: So it is all yours Mr. Kline.

Wayne Kline: 617 Main Street, Hodges Dougherty and Carson. Here on behalf of the landowners that surround the property up and down Mourfield and the West Knoxville and Westland West Homeowners Association. MPC should postpone the hearing on the use on review and the subdivision concept plan until Knox County Commission acts on the rezoning request. Today as this body meets the property is zoned agricultural. Your action if you deliberate this use on review and concept plan would be taking action under a planned residential zone. County Commission will not hear the proposed rezoning until at the earliest January 26 2015, and it is not a foregone conclusion that County Commission will make a zoning decision consistent with whatever you decide here today if you act on this use on review and concept plan. Zoning is a two-step process mandated by statute in which MPC forwards a recommendation to County Commission and after a public hearing and deliberation County Commission makes the ultimate zoning decision. County Commission could deny the rezoning request. They could rezone the property at a lesser density or approve the rezoning request. Until the County Commission rezones the property you, with all due respect, lack the authority to consider or approve a use on review in a PR zone where the zone is today agricultural. The use on review and concept plan legally are possible only if the property has been rezoned PR. MPC's placement of this use on review and concept plan on this January 8th agenda prior to the consideration by County Commission deprives citizens, folks here, us, of a proper hearing before MPC if PR zoning is approved. Mr. Seymour just said there would be more hearings. This is our only hearing folks. This is the only time the public gets to be before you. In effect if you go forward you are saying that the public hearings before County Commission and County Commission's ultimate actions do not affect your decision. The important fact this body should be concerned about is that this concept plan is not thought out. It is not properly designed and it is just not ready for deliberation. This concept plan before you provided by the developer does not provide sufficient information for you to determine the practicality, the suitability, or the conformance of the plan with regulations. That is what the Knoxville Knox County Minimum Subdivision regulations require of a concept plan before you. Your packets contain a letter from professional engineer, Sam Mayes, dated December 29th, 2014,

which outlines numerous concerns over access; adherence to local, state and federal stormwater regulation; erosion concerns, safety concerns due to the steep topography; the sidewalk concern where there is no sidewalk from this subdivision down to Westland Drive; and we are in the parental responsibility zone. And the damage to a protected blue line stream that runs through this particular property. I hope you have had the opportunity to review Mr. Mayes' letter. It addresses in greater detail all of these concerns which I don't have time to talk about but I wish I could. If you intend not to postpone and deliberate today, I would be remiss if I did not address at least two important issues raised by this proposal. The first is the blue line stream traversing through the property. This blue line stream must be protected under state rules, TDEC regs and the Clean Water Act. TDEC has determined this is a blue line stream due to the presence of fish in the stream and as such it must have a 50 degree, 50 foot buffer from the edge of the banks as Mr. Kelly told you in his briefing. As you can see from the concept plan before you that was not provided and so Mr. Mayes' also discusses drainage, detention and applying proper detention basins would also completely alter this proposed concept plan. So it doesn't work. Secondly, there should be no variance granted to allow a steeper slope than the maximum permitted 12 % grade under the subdivision regs. This property falls under the Hillside and Ridgetop Protection plan. An allowance of a variance from 12 to 15 % must be premised on a finding by this body that the proposed development "preserves and protects undisturbed land consistent with the intent of land disturbance recommendation of the hillside and ridgetop protection plan. The grading plan submitted by your applicant shows that nearly the entire hillside will be clear cut and graded. The Hillside and Ridgetop Protection Plan allows only 20 to 50%...

Longmire: Mr. Kline. I am going to let you finish quickly and I will have to add to Mr. Seymour's. Quickly.

Kline: The Hillside Ridgetop Protection plan allows only 50% of the land to be disturbed in a PR development with the HRPP areas. The developer here makes no effort to protect the steep ridge thus his plan to use a local road with a 15 % grade must be rejected. There are more reasons to deny this concept plan and use on review. I adopt the letters written by my clients and the experts that are in your package in support of the denial. Thank you for your attention.

Longmire: I will add 20 seconds to you Mr. Seymour.

Seymour: One if I may address the issues Mr. Kline has. The issue of postponement. It has traditionally been allowed by MPC that once it has favorably recommended a rezoning

application that at that point the developer can submit for approval a concept plan. You have already approved two concept plans today where one of the conditions is that the rezoning be approved by County Commission and that is a condition of this approval. It is done I think about every meeting, one or more or sometimes four or five are subject to approval of the zoning by either the City Council or the County Commission. I did not say there would be more hearings on the concept plan unless it has to be substantially revised; I said if the concept plan and the rezoning are approved that is when the knitty gritty starts. The developer has to finely tune his stormwater detention. It is reviewed by Knox County Engineering. That is when he has to establish to their satisfaction that there is sight distance. That is when he has to establish to their satisfaction that the stream buffer is protected. This is concededly a blueline stream. That is when this plan will go through revision after revision until, if it can be accomplished, it is finally approved by Knox County Engineering. At that point and at that point only it can this property be subdivided. As noted by MPC in its last report there is compliance with the recommendations of the Hillside and Ridgetop Slope Protection Plan.

Longmire: Mr. Seymour your time us up. I will say that although I realize he does not have to have the information to county roads, I would think that when someone makes a request it would be simply nice to follow that request.

Seymour: The engineer has to develop that, the road profiles and as soon as that is developed it will be furnished to Ms. Pionke.

Jim Wakefield: I spent a little bit of time out there yesterday probably about 30 to 35 minutes looking at this when I realized there were an 600 additional road trips 668 or something like that. In about 37 minutes I counted 47 vehicles in and out of Mourfield Road at what I would consider not a very busy time of day. To add that many more on that road, because I have driven it several times, concerns me a little bit and I wonder if there had been any thought given to reducing the number of lots so that the road trips would be consolidated somewhat. It is just in 30 minutes 47 vehicles in and out of that road and if you have ever driven that road it is not the best road in the world as far as sight distance is concerned.

Longmire: So basically what you are saying is you would prefer to have fewer lots.

Laura Cole: Two things. I wanted to ask Mr. Wise if he would advise us on whether or not we have the authority to vote on this project before County Commission approves the rezoning. I would like to give the other folks here in opposition an

opportunity to speak if we can. I hate to think they came all the way down here and not given a chance.

Wise: You do.

Longmire: We do. That was more of a rhetorical question I do believe. You all have been requested to speak. Briefly please.

Caroline Cooley, 903 Windgate Street, Knoxville. I am the President of Bike Walk Knoxville. It has been brought to my attention that the plan does include sidewalks within the subdivision but then there is a disconnect between there and A L Lotts Elementary. There is not continuous plans, plans for continuous sidewalks all the way to elementary school. This creates quite a hazard. As you have already mentioned there is a lot of traffic on that road. We are here to just bring that... I am here to bring that to the attention of MPC and also to the County that we, this subdivision will be within the parental responsibility zone and these children some of them will be walking to school. They need safe access to the elementary school. There is an 88% decrease in pedestrian car crashes when there is a sidewalk present. There should not be a disconnect. There should be a continuity between the subdivision and the elementary school.

Longmire: Doctor Cooley this is a problem we have had before where the subdivision does the sidewalks. Do you have any idea how the distance between where the subdivision sidewalks end and to A L Lotts.

Cooley: I would ask Ms. Pionke. That was one of the reasons I was hesitant to get up and talk because this was just brought to my attention yesterday and I have not had time to research it. But I don't know. Ms. Pionke do you know?

Pionke: No, I do not know what the distance is.

Longmire I agree that is a problem we have faced before.

Cooley: I thought I would bring it to the attention of the County.

Kindall Aaron, 6531 Dean Hill Road, Knoxville, TN. I am here on behalf of the Childhood Obesity Coalition which is led by East Tennessee Children's Hospital. Just a piggy back off of Caroline and Bike Walk Knoxville just to bring awareness that there is a disconnect with the subdivision that there is no sidewalk leading to the school. Basically our mission is to eliminate childhood obesity that we know is an epidemic that is not only taking over our country but our community. So to encourage children and families to walk to and from school without a sidewalk obviously brings major safety concerns to

us and to Children's Hospital. Even more to note that over 30% of our children here in Knox County are considered overweight and obese, walking to and from school is just an extra measure to give them an opportunity to be able to get increased physical activity.

Longmire: This is a case where perhaps you could talk to Mr. Kline with his neighborhood connections and get the neighborhood behind the County to put in a sidewalk connector in there.

Jack Woodale, 9520 Westland Drive. My property is downstream from the blue line stream. I own about 300 feet of stream bank that forms the edge of my property. I am not going to try to speak again to repeat or use any more time. I do have two documents that I would like to put in the record. One is the record from the rezoning report of the MPC which would not be in this record but we think should be because it shows the hillside and the rest of it. The other part is I would like to put the hydrological determination for the blue line stream into the record. In addition to my being present here Mr. Mayes is also present. We both have provided letters about this matter to MPC. I am not going to try to repeat what is in the letters but if there are questions about those letters, we would be happy to respond to them. (Submitted materials)

Michael Kane: I have got several things I guess. One of the things was partly answered by Mr. Wise. The logical extension of the question is could we review a concept plan before zoning has ever been passed by this body in terms of recommendation?

Wise: There is no prohibition on the filing of it or any matter in front of you but your conclusion would probably be different if there hadn't been an application in advance. That is a hypothetical....

Kane: It is not one of legality. It is one of practice and whether that practice is fair or not. That is for us to determine.

Wise: Basically you are allowing a potential developers to run a risk. If they want to run the risk of adverse result, the dollars they spent in this process is really the only, there is no other risk to any other parties other than that.

Kane: Well the risk of, well it wouldn't be a risk but the other one is what Mr. Kline talks about in terms of not having the full amount of time for the neighborhoods essentially or whatever other stakeholder maybe available to essentially evaluate really what the real conditions are. If County Commission say does, you know, three units per acre then it changes what they are concerned about. It is... I am trying to get an idea of... again

is it legal versus and then some of it what is our policy and where we stand on that policy based upon the concerns that we have from the stakeholder community.

Wise: With regard to the MPC policy, it has been the practice to accept these types of applications for as long as I remember which is now in the third decade.

Longmire: Having said that you have to vote what you are comfortable with.

Kane: I understand. I just want to make sure that everyone understands it is not an issue of legality. It is an issue of policy. It is one where MPC staff as well as Commission have to understand what are the concerns of our stakeholders. There is one stakeholder like the developers that like the current practice and then there is another stakeholder community that doesn't. Then we just have to decide whether or not we are willing to change our practice or not. That is all. The second thing that I have Ms. Pionke, I guess, the question is the completeness of the concept plan that we have before us. That is kind of what the argument is. Do you feel like this concept plan is deficient enough for us to really evaluate or you evaluate in terms of your recommendations to us. Is this... I know I am putting you on the spot here. But that is essentially the question we have been asked to evaluate. Is this concept plan essentially sufficient enough for us to move forward or not? We are partly basing that on your recommendations in terms of what we see before us because these are technical issues.

Pionke: In regards to some of the problems that have been pointed out by Dan and his summary in regards to both the sight distance issues and the lack of buffer shown around the creek stream which was all pointed out to the developer during the developer meeting where we actually after review of the plan we bring them in a tell them what kind of things need to be adjusted or changed or whatever. It still hasn't shown up on the plans. So from that regard I am very disappointed that we didn't get what we asked for.

Kane: So you wanted that during this concept plan to review? Okay I think that answers the question. The other one is the clear cut. I apologize. I don't think we have grading plans in our packets. So is that correct the statement that Mr. Kline made about the grading that the proposal would be basically to clear cut the whole site?

Art Clancy: Condition number 3.

Kane: No. No. That grading is... that is prior to getting it. What he is saying afterwards the development would require...

essentially as proposed would clear cut.

Pionke In your packet you do have... it is the page before the letter from Mr. Mayes. It is the page right before that where you can see where all the grading is done on the site plan. It is, there is substantial grading that will be done to achieve this concept plan.

Kane: And clear cutting.

Pionke: Yes.

Kane: So that is a valid argument then in terms of if PR is essentially a help and the hilltop protection is supposed to prevent things in terms of tree cutting then we essentially have a balance here. I am not too sure I understand the argument that says that if the grading, if we allow the variance of 15% it seems to me like it would less grading than more grading if we required them to do it at 12. I am not too sure I understand that argument. Is that correct?

Pionke: If they took it down to 12% there would be even more grading. Yes.

Kane: There would be even more grading right. So that is kind of a counter argument there that doesn't hold up. The sidewalk, I guess I am not ready to throw in the towel on the sidewalk. I guess we require developers to put in wide roads and do all kinds of stuff for 30 lots which we did it on the previous one. We are not requiring essentially any sidewalk. I would like to know whether or not is there a sidewalk already on Westland. I apologize. I have driven it but that is not what...

Pionke: There is sidewalk on Westland. It was put in when Westland was widened.

Kane: Right. We are talking about a connection from this intersection...

Pionke: Subdivision to Westland Drive. And in the duration I was roughly scaling trying to figure it out. It appears that there is probably about 750 feet from where the creek crossing is on Mourfield up to Westland Drive. It would be longer than that to get to the subdivision entrance and then all along their frontage.

Kane: Maybe 1000 feet.

Pionke: Easily.

Kane: The last one and I think Commissioner Seymour, I mean

sorry, Clancy had pointed out there is a condition on here that says prior to providing a grading permit we have to have the proposed locations of the driveways. My question is why don't we have that for as a provision of the stream buffers are required. Why wouldn't we have that prior to obtaining a grading permit? Why wouldn't we have the same thing for the stream buffers? Wouldn't that seem logical?

Longmire: To whom are you addressing that question?

Kane: I would say staff.

Longmire: Okay the question has been thrown up in the air. Does anybody feel comfortable answering that? We will do a rhetorical question on that. That does make sense
Commissioner Kane.

Kane: I would think that if we were doing a motion on that...

Longmire: I think he can answer that. Sir your name.

Eric Moseley, 405 Montbrook Lane. Stream buffers will be part of the design plan that is submitted to Leo LeCamera and Cindy Pionke at the engineering office. We will not get a grading permit until those buffers are accepted and comply to whatever buffer requirements there are. That is all conditional to the grading permit already. It is implicit in the process of getting the grading permit.

Kane: The grading permit is part of tearing trees down. Correct? You can't tear trees down without grading?

Moseley: We can't start any work until...

Kane: It doesn't say cutting trees down. You could cut trees without grading.

Moseley: Well you can timber trees yes.

Kelly: I am wonder if... Are you inquiring about condition number 3? Is that the question that you were asking?

Kane: Yes. Condition number 3 has prior to obtaining a grading permit. My question is why wouldn't we do the same thing for 7?

Kelly: Well condition 3 deals with the sight distance issue. That is the most basic element of, the first thing you have got to be able to do is get onto and off the property safely. If you can't do that then there is no reason to unleash any equipment out there until we know. We anticipate that that is going to be decided long before the design plan. They will want to know

that before they spend the money, the engineering work on the design plan. That is why that is...

Kane: Right. If you are going to protect a blue line stream you also want to know where the grading is going to be before anything gets on the site.

Kelly: The regulations that are in place, the stormwater regulations in dealing with that are implicit that there will not be any area disturbed around that blue line stream.

Longmire: Gentlemen we are with Commission right now unless they ask specifically to hear you.

Citizen (Woodale?): You heard Mr. Moseley.

Longmire: He was answering a question.

Citizen: I am answering a question...

Longmire: It has been answered sir. Thank you.

Clancy: There are several issues that I would like to address. First of all approval of this concept plan without County Commission approving the zoning. We do that several times a meeting. The only person that takes any risk is the developer. Nobody else is shorted anything. You could argue that you are shorted some legal process down the road, but settling these things I court is never something we like to do anyway. I think that all the conditions address what need to be addressed and our staff has set up a gauntlet if you will for a developer to walk down to keep him doing the right thing and to prevent him from damaging blue line streams and clear cutting slopes in a slope protection area. I think what the staff has put together here addresses all those things. Before anything can be done the developer has to actually meet these criteria. He can't move forward. As far as not being another voice to be heard, if County Commission decides to drop this to 3 acres a unit he has to redesign and come back. There is another public forum on that concept plan if he feels that he can still work it out. We are not steam rolling anybody by acting on this today I really don't think. I think that staff has done their homework. I would like to have had the profile of Mourfield Road submitted to engineering as well but I understand there is quite a bit of money to invest here before anything can be done. It would be nice to know from a developer's standpoint I would think it would nice to even know whether you are even going to get to develop it. They are still at risk. They are going through this process of concept plan not knowing for sure what County Commission is going to do. So they are taking all the financial risk. If they feel comfortable, who am I to say that is smart or not smart? I just think that staff has done a pretty

good job of preparing this case and keeping the developer bracketed within what is allowable by the laws. I don't think that we are shorting any of the neighbors. I would like to see a sidewalk all the way down to Westland but the developer doesn't control any of that land. He controls one lots worth of that land. He is already having to put sidewalks within the subdivision and that is quite a bit of a finance layout for those. That is fine. I agree with that. We did that a long time ago with the... what we did with the parental responsibility. That being said I would like to make a motion that we approve variances 1-5 because the sites topography restricts compliance with the subdivision regs and the proposed variances will not create a traffic hazard.

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

Bart Carey: I think we have all been wrestling with this thing for longer than just heading into this meeting. We heard the rezoning on this. You are conflicted by the fact that this subject property is, backs up to large agricultural multi-acre lots that are still in this agricultural mode and mood. Whereas right across Mourfield Road you have connected housing and much higher densities. There is the Pellissippi Parkway and accessibility and high density all around while at the same time it is conflicted by much lower density. Then we get to the fact and the point that staff has recommended this approval based on our 3.41 dwelling units per acre. But within that recommendation to approve we are also getting an over conceptualized concept plan. Ms. Pionke has been put on the spot. Mr. Kelly I think you were talking about the lot arrangement, the storm drainage being over conceptualized. The stream buffering not being up to par. I think what the opposition is asking for is a postponement. We up here want to wrestle with what can be gained by a postponement. Is there something that is beneficial to this county and to the stakeholders here? Mr. Kelly in the fact that you have recommended approval when you say it is over conceptualized I don't think, I don't remember ever hearing one, a discussion like this before where we are approving, we are being recommended to approve but yet the concept plan is almost too vague.

Dan Kelly: The basic process here is the road layout and a conceptualized drainage plan and a loting arrangement. With regard to the zoning, if the zoning gets approved at three units to the acre if they stay with the same road plan they will just reduce the number of lots. They may actually shorten up that cul-de-sac or something like that and would not necessarily have to come back if all they were doing is reducing density. With regard to the drainage where they are showing their detention basin would pick up a good portion of the property,

but not all of it. We feel they will probably once they get into the actual engineering of the property, probably relocate that detention basin which is not necessarily an unusual happening. We have seen situations where people have put the detention basin on the high ground and trying to make water go up hill. We know that doesn't work. The detention basin will be located where it will most likely capture all of the discharge, stormwater discharge. The sight distance issue as I said in my opening remarks, we have a letter from their surveyor saying they have the sight distance and he has put his stamp on it. In most cases we go with that. In this particular case we want to check his methodology and see it for ourselves because we think it is going to be pretty close. He is the man that is trained. He has a license to do that type of work and he says they have the sight distance. We want to validate or be able to validate what he is saying with that regard.

Carey: Based on what you have today are you still recommending approval of this concept?

Kelly: We recommended, the staff recommended approval. If the Commission would feel more comfortable postponing it...

Carey: Mr. Woodale you wanted to make a comment or ask a question. Could I ask you to come to the podium?

Woodale: Thank you Mr. Carey. I wanted to speak to the issue about the grading and the 12 and 15 percent road issue that Mr. Kane asked about. The subdivision regulations provide a 12% as being the maximum grade in subdivisions. They do that for a reason because there are safety issues that are associated with grades. The 15% is available in circumstances that might otherwise be. But 15% is a more road particularly in icy or we conditions that difference from 12 to 15% can make a great difference. The minimum subdivisions regulations reference the hillside and ridgetop protection plan. In there they say that if you protect 20 to 50% well actually 50 to 80% of the land that is on the hillside then you may get the 15%. But that 15% is only available to people who are willing to come in and protect the hillside. What has happened with this concept plan is that there is no protection of the hillside and therefore we argue that he shouldn't be rewarded by increasing the percentage of the road because that is essentially what it is. When he does 12% if he is going to grade it all anyway he might as well grade it out in a safe way. If indeed he is going to come in and protect the hillsides then maybe there is a reason to give him that 15%. But here if he is going to grade it all off anyway there is no reason to do the less safe thing with the 12%. That is why we say the variance for the 12% shouldn't be permitted. Mr. Mayes who is the engineer here had to explain that to me so hopefully I repeated it as well as I can. That is our issue on that matter.

The subdivision, you know the parental responsibility zone he still has a couple hundred feet that he needs to put a sidewalk on the outside of that subdivision. It is his property. He can put a sidewalk there and that is not shown on the plans.

Longmire: Mr. Woodale thank you. Sir do you have something new to add?

John Julies, 1307 Mourfield Road. I lived down that road I guess it will be 19 years now when we built. That road was widened probably 12 years ago maybe 16 inches. The road can't be widened anymore. There are gullies on both sides. So I have 16 feet 8 inches of road from the end of my driveway to the other side of the road. When you come along the road here, and I don't know these degrees and everything else these gentlemen have proposed, I do know this. If you have never drive that road it is a dangerous road especially when passing. There are three curves or four curves with three blind spots or four. Drive the road. Look at the topography where those houses are going to be. You are going to cut those trees out of there. I know one gentleman at least went out there and looked at the road and the site. Has anybody else done that? Thank you. So you know how difficult that road is. And you think those houses can be put and those trees can be cut out of the way sir and that is going to be safe? That is all I have got to say. I appreciate you. Thank you very much.

Longmire: Thank you Mr. Jules. Yes Mr. Seymour you may briefly respond.

Seymour: There have been four other speakers in opposition.

Longmire: I am letting you go sir.

Seymour: Mr. Wakefield asked a question Mr. Moseley wanted to respond to and one other issue. That was about the number of lots.

Moseley: I think there was a questions about the road and the traffic. Mr. Wakefield had been out there. The intersection at Westland is, I don't know Cindy can speak to this, but it is a turn lane left and right off of Mourfield. On Westland traveling west it is a left turn land onto Mourfield. That's am I incorrect? I think that's a pretty accurate and sufficient flow of traffic having those left and right turn lanes as opposed to just two lanes in and out. I just wanted to clarify that.

Longmire: I think the problem is our lovely Tennessee topography. We like the hills. We like the mountains. I can't think of a place in the County that doesn't have narrow, twisty, windy roads and we do have to consider that. But at the same time that can't prevent us from developing because there is no

place that is not twisty and windy and narrow. Did you have something else that you needed to say Mr. Moseley?

Wakefield: My question was had he considered reducing the number of lots just because of the proposed amount of additional traffic. I understand the turn lanes and all that but I am just talking about the average number of daily traffic. That is all I was asking. If you had considered a smaller number of lots.

Moseley: Well we are just trying to provide what the market wants to purchase. People are going to smaller lots and bigger houses. That is just kind of a trend that is in place right now. You can do bigger lots sure, but that is not the intent on this site. There is a house and a couple of single wide trailers to the north. There are condominiums across the street. There is big tract acreage like where this gentleman lives. There is quite a mix of stuff there. Our intent was what we presented here. To proceed we have got to have somewhere to start to continue on with the process.

Clancy: called the question.

Longmire: Right now we have a motion and a second to approve variances 1-5 because the site's topography restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard.

Upon roll call the Planning Commission voted as follows:

Anders	Yes
Carey	No
Clancy	Yes
Cole	No
Goodwin	No
Johnson	Yes
Kane	No
Lomax	Yes
Roth	Yes
Sharp	Yes
Tocher	No
Wakefield	No
Longmire	Yes

MOTION CARRIED 7-6-1 (Smith recused)

Art Clancy: I am going to make another motion but I would like to respond to a question by Mr. Julies. I don't have to do the engineering on the site. I don't have to tell you yes you can cut those three because there is an engineer that has to put his stamp on it. Our staff has looked at that piece of property a lot more closely than I have. They have also determined and they recommend that none of these even the 12% to 15% grade causes a traffic hazard, creates a traffic

hazard. So with... I place a lot of confidence in our staff. They know a lot more about it than you do or I do. So that is my answer to you and it doesn't require a response. I would like to make a motion that we approve the concept plan subject to the 13 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO APPROVE THE CONCEPT PLAN SUBJECT TO 13 CONDITIONS

Upon roll call the Planning Commission voted as follows:

- Anders Yes
- Carey No
- Clancy Yes
- Cole No
- Goodwin No
- Johnson Yes
- Kane No
- Lomax Yes
- Roth Yes
- Sharp Yes
- Tocher No
- Wakefield No
- Longmire Yes

MOTION CARRIED 7-6-1 (Smith recused)

b. USE ON REVIEW

1-1-15-UR

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

STAFF RECOMMENDATION: Approve the request for up to 61 detached dwelling on individual lots as shown on the subdivision plan subject to 2 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO APPROVE THE REQUEST FOR UP TO 61 DETACHED DWELLING ON INDIVIDUAL LOTS AS SHOWN ON THE SUBDIVISION PLAN SUBJECT TO 2 CONDITIONS.

Longmire: Same no's?

Carey: No. Yes different.

Longmire: The motion passes 8 to 5. He went from no to yes.

MOTION CARRIED 8-5-1 (SMITH RECUSED)

Longmire: I do want to make sure Mr. Julies that you have read the comments. Are you still here sir? Did you get a copy of the agenda with the comments on it about what will be

required in order for this concept plan to go ahead that they have to have several things before it can go ahead or it is going to have to be redrawn? Did you get a copy of that?

Julies: I am not into reading this stuff. I just go by what I see. I guess we could just go on the internet or look at the drawings and make a decision like Mr. Clancy over there. Then why did you drive out there?

Longmire: Sir. Sir. If you will read it it will help you because it will show you what is there. Thank you very much for coming today.

- * **12. BAKERTOWN STATION - BENCHMARK ASSOCIATES, INC.** **1-SF-15-C**
 - a. Concept Subdivision Plan**
South side of Ball Camp Pk., east side of Bakertown Rd., Commission District 3.

STAFF RECOMMENDATION: Approve variances 1-3 and the Concept Plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **1-J-15-UR**
Proposed use: Detached dwellings in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the request for up 63 detached dwellings (62 units on individual lots and 1 unit on an existing lot that already has 3 dwelling units) as shown on the development plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- P 13. WESTLAND GARDENS** **10-SJ-14-F**
South side of Westland Drive, west of Coile Lane, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 14. THE GLEN AT HARDIN VALLEY, PHASE I** **10-SK-14-F**
Northwest intersection of Hardin Valley Road & Brooke Willow Blvd., Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. B I DAHLBERG PROPERTY RESUB** **1-SA-15-F**
At the intersection of Woodburn Drive and Greenbrier Drive, north side of Toole Drive, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. CHRIS SPILLER PROPERTY** **1-SB-15-F**
Northwest side of Piney Grove Church Road, southwest of Tennyson Drive, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. MICHAEL A. CHANDLER PROPERTY** **1-SC-15-F**
At the intersection of Ball Road and Ball Camp Pike, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 18. TERRY HOWARD PROPERTY RESUB. OF LOTS 1 & 2** **1-SD-15-F**
North side of Pump House Way, east of Tell Mynatt Road, Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **19. BEAU MONDE PHASE I UNIT 5 RESUBDIVISION OF** **1-SE-15-F**
Mystic Street and Clingmans Dome, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. DIXIE HIGHWAY ADDITION RESUBDIVISION OF LOTS 9-14** **1-SF-15-F**
At the intersection of Kingston Pike and S. Mohican Street, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- 21. QUINT BOURGEOIS**
West side Bruhin Rd., north of Dutch Valley Dr., Council District 5.

a. North City Sector Plan Amendment

1-A-15-SP

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

STAFF RECOMMENDATION: Deny MDR.

Longmire: I would remind Commission that changing a sector plan requires a very specific reason for changing it. There are actually three different, I think, things on this one.

Mike Brusseau: I guess if you don't mind I will just address all three at the same time.

Longmire: I would love that since I found all three right now.

Brusseau: As you said this request, the rezoning request is for R-2 zoning which prompts the request for the MDR on both the one year plan and sector plan for the area. We know that those plans have shown low density residential since at least 2007 when the last time the North City Sector Plan was updated and suspect that it has shown that a lot longer than that. The property was rezoned back in 2013 from R-2 to R-1A as part of the Inskip general rezoning. There is a lot of documentation provided. I am not going to go into that situation much because that is really not the issue at hand. The issue at hand is in staff's opinion is whether or not this property is appropriate for medium density residential. Because of the request for R-2 zoning this plan that has been in place since 2007 would have to be changed just for this one location to allow consideration of R-2 zoning. Both the Planning Commission and City Council indicated by their votes back in 2013 in the Inskip general rezoning that they feel that low density residential zoning is appropriate for this property and is also consistent with the plans. The main reason for the recommendation on top of what I just said is just the fact that you said Madam Chair that neither of the plan amendment requests meet any of the criteria that we have to go by in order to be able to recommend them. The plan has been LDR for 7 plus years and there is just really no reason to change it at this point. I am going to just leave it at that for now but I will certainly be available for questions.

Renee Quinn: 4701 Upchurch Road. I am new to this. I have never been to a meeting like this and I really don't know how it is done. I really I wanted to see if there was a possibility for a postponement. I have talked to many of my...

Longmire: First of all I will need your name and address.

Quinn: I live at 4701 Upchurch Road.

Longmire: And your reason for asking for the postponement?

Quinn: One reason is the weather. I have five elderly people on my street and unlike Mr. Brabston here, he lived there 50 years and I assume he may be elderly and they were afraid to get out in the cold today. So they are not here. We have a community organization and I think many of them were sick and could not be here today. I think the applicant, I have trouble pronouncing his name, but I think he did have to receive notice of the hearings in 2013 and he did not come. I would like to for us to have the same treatment if we need a little more time.

Longmire: So you are asking for a postponement so as to...

Quinn: So that more of our people can be here, especially the elderly on my street who are vehemently opposed but are afraid to get downtown in this cold.

Samuel A. Brabston: 1011 Fair Drive. As far as Inskip, I have been there for over 50 years. I would just like to ask you to deny this. I would like to respectfully ask that the property owner develop it with R-1. We have more than our share of apartments in Inskip. With apartments you bring more thieves and thugs and drugs. We are trying to cut some of this out and make it a single family residential neighborhood. We have got to preserve that. Thank you very much.

Longmire: Sir and I hope I didn't ruin your name when I said it.

Brabston: Samuel A Brabston. Some spell it Brabson and we are the ones, the horse thieves of the crowd.

Longmire: Okay. Good to know.

Quint Bourgeois: 8012 Tedford Road in Knoxville. I have dealt with properties in the past and I understand what Mr. Brusseau is saying. To be honest I normally wouldn't have approached you if this were a piece of property that I were buying and trying to rezone. That is not necessarily the case here. This is a piece of property that I bought almost twelve years ago. I bought it strictly because it was zoned R-2. That was the full intent of my investment in the property. I can honestly tell you the only reason I bought it was because it was R-2. I almost didn't buy it and talked to some other people who advised me and they said listen for that zoning you need to buy this property. So I borrowed the money and I bought the property. I have held it that long. Somebody called me after this rezoning that happened that I had no knowledge of and basically said hey you know your property has been rezoned. I said no there is a mistake that is not right. I looked it up and low and behold it had been rezoned. Now I find out this process where supposedly I was send a just a regular postcard in the mail. I never received the postponed so consequently I didn't know to

come down and vote or opt out of it. 100% of the people that opted that showed up and wanted opt out were all allowed to opt out. Some of them even did by email is my understanding. It substantially damages the value of the property. It is taking away something that I owned for 12 years just because I didn't know about a meeting to show up and opt out of. It is a totally different circumstance than buying a piece of property subject to and wanting to rezone it. I mean it was that way when I bought it. The fact that 100% of the people that came to that meeting were able to opt out of it and just the difference in being damage that much with the equity in the property by having known about the meeting or not is obviously of concern to me. The fact... I understand even the neighbors that they don't want it to go to a higher density. I am not the one that did the R-2 to start with. I just bought it as R-2 that got taken away from me. It just from a damaging standpoint it just... to have known about one meeting that I could have showed up and opted out of and not know about that meeting that just doesn't seem to me to be a very fair process on how to handle it.

Longmire: I have a question. You want to build apartments on that right?

Bourgeois: I have set on it for 12 years and not done anything. If this had not happened I would have probably set on it another 12 years. Either apartments or condos. The other big point too that I want to make I guess to speak to what you are asking is at one time I came within a hair of developing it. I spent \$53,000 on this property. I have spent \$80,000 on it since I bought it not counting the initial purchase price, just on the costs. I spent \$53,000, I think I forwarded a copy to everybody, for a development plan I did and got it all the way up to the last meeting where I was trying to get a variance on 15 foot, the right of way. Had I gotten that variance it would have been grandfathered. I thought well I will just wait and develop it later having no idea that that could be taken from me.

Longmire: Mr. Brusseau if he wishes to build apartments on the R-1 is that a possibility.

Brusseau: Well it is currently zoned R-1A not R-1. It is possible to do that but at a lesser density and it also requires use on review approval.

Bourgeois: Everything being equal both those things he mentioned and I just, I have got some documentation on this. I talked to my engineer about it. When it affects the density it also affects the value of it. The use on review potentially could cost me somewhere between \$30,000 and \$40,000 extra in dollars. That to me is a great penalty that would occur just

because of the change in the zoning. I am a tax paying citizen that bought the property as investment. I am sitting there thinking I know what I own and then one day after 12, after 11 and one-half years, I find out that is not what I own anymore.

Len Johnson: Madam Chair I think I need to address this to Chris Howley. Chris if we were to develop this property today his original plans would probably end up having a decrease in a number of units as I understand it. The reason I am saying that is because of the new stormwater regulations. It doesn't appear to me that this development that he had designed was that 2005 Mr. Bourgeois?

Bourgeois: 6 or 7 I believe.

Johnson: Designed back then I don't think that we actually had those stormwater requirements. Is that a true statement or?

Howley: Some of the requirements have changed since that point but most of the ones that would affect the amount of space for stormwater requirements probably would not change that much. Most of the changes are regarding areas that have streams and I don't believe this is one that would qualify for that type of additional storm water requirement. We also have some latitude in our regulations for I will say innovative stormwater mechanisms to meet our criteria. So even if they had some controls in the past that didn't meet our criteria there may be things that they can do to keep the densities and still be able to meet our criteria.

Johnson: The other question is for you Mr. Bourgeois. The 15 foot setback variance you didn't get and that is what stopped this project in its tracks in 2007.

Bourgeois: Yes if I had either, if I could have myself just gone ahead it would have cost me four units. If I had just gone ahead and said I was okay leaving the setback where it was and just taking those four units out, I could have platted it then. Yes that is what... The whole time I was doing this the market changed a little bit too. So when the market changed I decided so I would just wait and do it later never having any idea it could be taken away. If I had known that, I could have sold the property or would have done some other things.

Longmire: Does that answer your question Commissioner?

Jeff Roth: Mr. Brusseau my question has to do with the history. It says LDR planned designation has not changed but it was rezoned from R-2 to R-1A in 2013. If we went back to R-2 like it was previously would the LDR density remain and what would be the implications of the differences between the two?

Brusseau: When it was zoned R-2 it was not consistent with the plans. The plans called for low density residential which does not allow consideration of R-2 as did a lot of the rest of the Inskip neighborhood. That was kind of the whole point of the whole general rezoning was to bring the zoning into conformance with the plans. The one year plan and sector plan have not changed at least since 2007. When you look at them strictly on the basis of does it meet the criteria to make a plan amendment here it clearly does not.

Roth: I guess my confusion is... So you are saying the R-2 before didn't agree with the plan and that is the reason it was changed. But it was changed without the owners knowledge. Is that...

Bourgeois: If I can speak to that too. I knew at the time that the R-2 zoning was an old grandfathered zoning that you couldn't get anymore. Consequently that is what made me want to invest in the property knowing it had it. I understand it didn't fit as things went forward. There again that is why I wanted to buy it.

Longmire: Mr. Brusseau was a postcard sent?

Brusseau: Yes.

Longmire: And it was sent to a post office box I believe.

Brusseau: It was sent to the address that the property assessor had on file for that property. Why he didn't get it we do not know.

Longmire: We often get people who don't get information. Not because it is not sent out. Somewhere it disappears.

Bart Carey: I am thinking back on when we were working on the Inskip Small Area Plan. I really thought the neighborhood did a great job. Our very own Betty Jo Mahan was part of that whole process. I think we did some really good things there with that neighborhood. Once again I have got one of these wrestling matches in my brain right now that we have a situation where in a plan amendment to amend this plan we have to have a viable reason. I know this isn't technically one of those things but I really really have an issue with the fact that had he received that postcard, we wouldn't be having this discussion right now. I don't know how many... Did all the R... where there any other R-2 properties that did not opt out. Let me back up. That is not really relevant here. Can you reflect on what number did get approved that were opted out of this thing?

Brusseau: There were hundreds of properties that were zoned from R-2 to either R-1 or R-1A. Out of those hundreds, I don't know the exact numbers but just rough estimates here. Out of those hundreds of properties I think there were 9 or 10 properties that chose to opt out. I would add that the properties that opted out were much smaller properties that if developed with R-2 uses would have had much less impact than this 5 acre property too. I don't know that this one necessarily would have been such a no brainer to opt out. I can't say that for certain. I am willing to say that I think this property is much bigger than any other property that opted out. Staff recommended... did not recommend downzoning to the properties that were already developed with apartments. Essentially about 8 or 10 property owners that showed up and asked to opt out were opted out and then all the properties that were within the Inskip area that were already developed with apartments were left R-2 as well.

Carey: So we are still wrestling. To change to amend the plan, Mr. Wise this might be for you. To me the investment that Mr. Bourgeois has made is significant. There is no denying that. He was caught off guard and maybe there is some fault of his. We don't have any certified mail requirements for him to receive that. I think we can clearly see who is damaged here. Is there anywhere that his situation he is dealing with could be a plan amendment acceptable change here?

Wise: No it does not... it would not fall within the change of circumstances that is required for a change in the plan. Generally speaking economic impact to an individual is not appropriate criteria for making land use choices on zoning or rezoning.

Roth: My question is a legal question as well. When this rezoning happened in 2013 of all the properties and we had people that opted out. If somebody had requested to be opted out could we have said no or is that a situation where legally have the right to opt out because it is their property.

Wise: No they have no right. It was a... rezoning is a legislative process. In your case a quasi-legislative process. It is not bartered. They had no right to avoid. It was a decision made by this body then ultimately by the City Council.

Scott Smith: This is a tough one for me because I respect what the Inskip community has done and I can understand what their goal was. I think it great that they worked at this; at the same time I really hate it for Mr. Bourgeois. I think our process could be improved in the way we notify people. I guess what I am hearing is that we can't rezone this to R-2 without changing the sector plan now and now we can't change the sector plan because there has been no substation change in the roadway. How do we help you is what I am interested in?

Longmire: I don't mean to be rude but we are so bound in changing the sector plan and the city plan. We can't just do it because we want to. There are certain things that we have to meet and those things are not here right now. So there is no way that we can really change the sector plan or the city one year plan. Unless somebody really has some... Did you want to finish your...

Smith: I am not finished yet. I guess what I am wondering is, and this is up to you since you are the applicant, but is there a benefit to delaying, postponing 30 days to give you time to think through if there is maybe a planned zone another zone that you might want to request under this same sector plan that might give you a little closer to what you maybe had. Maybe a compromise. Or is that not something you are interested in? From what I am hearing I don't think you are going to be able to do that.

Bourgeois: Well possibly it might help me to postpone I guess. I would like to answer Commissioner Roth's question though. As far as people may have had, they may have had the right not to let them opt out but 100% of the people that wanted to opt out did get to opt out. Nobody was told no. I guess I hoped today that because of the special circumstances of this and because I think it is a flawed process I was hoping an exception could be made.

Longmire: I am not casting dispersion upon you, but do you know how many times people come up and say I didn't get a postcard, I didn't see the sign, I didn't, didn't, didn't. You know and we have no way of knowing that. It is not that you are dishonest that you are not saying you didn't get it. You know the dog ate your homework. And that is just something we can't deal with every time and that is not something we really can consider.

Bourgeois: Well if I could just... I would sure like to speak to that. I would like to speak to that though. I am asking you...

Longmire: Not right now sir. Please not right now.

Laura Cole: I am in the same boat as everybody else. I have struggled with this one. I wanted to ask, well first of all I wanted to say that there is some use of the property remaining. It still can be developed in apartments just possibly at a lower density. So it is not a total wash. But I also understand that there is an appeals process after this where it goes before the legislative body where the applicant could ask for an appeal and possibly have it reconsidered. So there is that possibility.

Art Clancy: I would like to echo what Commissioner Carey said. The Inskip Neighborhood Association did a really good job. This

is one of the pitfalls of a mass rezoning that somebody won't hear about it. When we did it in Holston Hills I was like really this many people all got together and made this decision. So this is one of the pitfalls. As far as the people that opted out and I remember when all this came about. I was fairly concerned with the number of people that were here. There were a lot of them. Some said can we opt out. So send us a request and we will take each one on a per basis, make a decision per basis. More than likely if somebody had walked in with a 5 acre plat we would have said no. The purpose of this is to reduce the amount of apartments that are going in in the Inskip Neighborhood. That is why we did this. The fact that 100% of the people that own $\frac{3}{4}$ acre and $\frac{1}{2}$ acre lots got an exception doesn't mean that necessarily you would have. There is no doubt that there is a financial penalty that is being placed on the owner. But then again there is no reason or us to be able to make the exception. There is no reason for us to be able to make the exception on the sector plan. But Commissioner Cole is absolutely right. The legislative body can certainly do that without our permission and rather than negotiate with the owner which we can't do I am going to make a motion that we deny the request to amend the future land use map North City Sector Plan to MDR (Medium Density Residential) land use classification.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-2 (Roth, Smith No). DENIED.

b. One Year Plan Amendment

1-A-15-PA

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

STAFF RECOMMENDATION: Deny MDR.

MOTION (JOHNSON) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-2. (Roth, Smith No). DENIED.

c. Rezoning

1-A-15-RZ

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

STAFF RECOMMENDATION: Deny R-2 (General Residential)

MOTION (JOHNSON) AND SECOND (KANE) WERE MADE TO DENY R-2 (GENERAL RESIDENTIAL).

Carey: You can go ahead and take the motion and second I have another legal question before we vote. We have denied the plan amendment and the one year plan. I would like... We are making a recommendation to City Council. All we are doing

is making a recommendation. We can't, I can't amend the sector plan but I feel that the zoning is justifiable. I want to make a recommendation that City Council look at this fully and understand that this body is wrestling with this. My mixed vote is going to represent that confusion on this.

Longmire: I have a motion and second to deny R-2 zoning. We are going to vote on that. If it doesn't pass then there will be an opportunity for another motion. In any of our business we simply serve as advisory to City Council and County Commission. We can't do anything. We can't put anybody in jail or anything. We are going to vote on R-2. Then if there is something else, we will hear it.

Upon roll call the Planning Commission voted as follows:

Anders	Yes
Carey	No
Clancy	Yes
Cole	Yes
Goodwin	Yes
Johnson	Yes
Kane	Yes
Lomax	Yes
Roth	No
Sharp	Yes
Smith	No
Tocher	Yes
Wakefield	Yes
Longmire:	Yes

MOTION CARRIED 11-3. DENIED.

Bourgeois: With my minute up there can I just make one comment just as a question kind of comment. I mean this in all due respect. I just want to...

Longmire: Is it a question staff can answer because I don't think we can answer anything.

Bourgeois: I just wanted to make... you had made the comment that it happens quite a bit and that you hear that a lot. If you do hear that a lot I guess I am bringing it up for somebody else other than me.

Longmire: We have actually discuss that before that to see. Monetarily speaking the budget would not handle registered mail. It is always sent out. As I understand yours was sent to a post office box you use only for your tax. Is that correct?

Bourgeois: Oh no it was sent to my home address. Periodically there are two or three times a year. This is mail I know I don't get just like anybody. I get a high volume of mail so if you can't get one a year I might not get 2 or 3.

Longmire: When I said many people don't we would have 100 people here and 2 people would say they didn't. A majority of it gets sent out. A majority of it gets there. The mail does a good job. We can't afford registered letters to everyone involved in everything. It is up to the person sometimes to keep a track of what is going on on the MPC website, in the newspapers, in the news media. I know that there were several articles before this meeting that talked about what we would be discussing. I am sorry you didn't receive it, but at the same time the knowledge is out there and I know that you will be very aware from now on. I wish you luck with City Council.

22. PATRICK MCINTURFF

East side N. Broadway, south side East Glenwood Ave., Council District 4.

a. One Year Plan Amendment

From GC (General Commercial) to CBD (Central Business District).

1-B-15-PA

STAFF RECOMMENDATION: Deny CBD (Central Business) rezoning.

Mike Reynolds: Like you mentioned there is two components to this. There is the one year plan amendment and the C-2 rezoning request. I just wanted to point out that this is something that from a staff standpoint we support what he wanting to do with the site. The proposed uses, the potential variances that he might need or zoning he might need. He has got a situation where he is limited in site area and he is kinds of... you know has to find out how, a way to make his property legal within the zoning regulations. His choice at this point is to request the C-2 zoning which also requires the one year plan amendment to CBD. Staff's opinion at this point that the C-2 and CBD one year plan change is not appropriate in this area. We recognize that extension of downtown into the Emory Place, greater Emory Place area, is appropriate and we have recommended that in the past. But extending that C-2 zone and the potential CBD planned designation down the corridor like Broadway and Central could become problematic in the future if we start seeing a lot of these happening. On the Broadway corridor this is pretty much like the last, one of the last properties you will see. Once you jump over Hall of Fame Broadway changes quite a bit at that point. The character of Broadway from this point back to Central is pretty consistent. You could see this cropping up all the way back into Central. Really what the concern is is not necessarily with his property, though there is potential there. In the downtown zone there is pretty much unlimited development potential. There is no height limits. There are hardly any setback requirements. There is only a very small front yard setback requirement. There is no parking requirements. There is no review of any of these

development plans that come in. It is just pull a building permit and start going for the most part outside of engineering permits. There is no public review of these types of plans. We have a lot of concern with what C-2 zoning can do up and down the corridors if it gets to that point. That's why it is not appropriate outside the greater downtown area. So at this point we are recommending denial of those. We do recommend that he seek alternative methods for getting into compliance with zoning which is through the Board of Zoning Appeals for parking variances or any other type of setback requirements he has if he makes improvements to his property. Hopefully a new zoning classification can be created and that is appropriate for these areas for redevelopment because it is going to be something we see continuously as these corridors become more popular for redevelopment and reuse of existing properties.

Longmire: So briefly what you are saying is it is not his property that is the concern. The concern, if he is rezoned what's going to happen with the rest of the area because it is not necessarily one that can be guided so well and that he can seek a variance that would answer his problems.

Reynolds: Yea variances... His current zoning would allow the uses that he wants to do on the property. He could seek variances to the zoning regulations.

Longmire: Is the applicant present? Is there opposition? Okay there is no opposition.

Patrick McInturff, 926 Gratz Street. I am the owners of 1320 Broadway. I am requesting the rezoning in order to revitalize that area of Broadway and my building in particular. It is not revitalization. The zoning change I am asking is not going very much farther than where it is going now. Currently C-2 zoning is found on Central, on Emory Place and also if you turn right going north on Broadway, the latest building to get C-2 zoning was the Paramount Ulika Cleaners. That is one traffic light from my building. This will allow me to broaden the uses in my building instead of being locked into pawn shops and cigarette shops. I can do a bakery, ice-cream shop, potentially a restaurant. The issue of variance. I would like to read a section, one sentence out of the variance ordinance. It says variances shall be issued upon showing a good and sufficient cause determination that failure to grant the variance would result in exceptional hardship. I don't think I qualify for an exceptional hardship. I do have vacant spaces in the building that I have not been able to rent. I have turned down a vapor shop. I turned down cigarette shop. I have turned down used furniture shops. I could rent it for that now and not have a hardship. What I want is a bakery, restaurant something a little more upscale in my opinion. The other types of zoning that have been proposed they are just not available yet. I am at a point in

my building where the outside of the building has been renovated and if I don't go with a consistent use in the building now like the coffee shop, something that is a little more upscale, then I am going to be locked in to the uses that are on Broadway now.

Longmire: Which is a hardship. Please remember that when you go to BZA. It is a hardship. Always no matter what it is. You have a hardship.

McInturff: Good. I have a neighbor, an architect friend, Dwight Guinn if I have extra time I would like to yield it to him please.

Longmire: He is welcome to speak if you think it would be pertinent to your case.

Dwight Guinn. 1302 Luttrell Street. I think the fact that there is no opposition to this request considering its location and the neighborhoods adjacent to it is fairly obvious of the neighborhood support for this rezoning. I also think it is unfortunate there are not appropriate zones by staff available at this point. I also don't necessarily think the slippery slope to this rezoning should be a consideration because I understand that every rezoning should stand on its own merit. I would just like to say I support this rezoning and I agree that the variances based on the way BZA looks at hardship right now may be very hard to come by. Thank you.

Scott Smith: I was going to ask the applicant. By the way I went by your place. You have done a great job. I think it is the nicest place down there. It really looks good right now. Your patrons of the restaurant you want to open where do you anticipate they would park if you were approved?

McInturff: For practical purposes if I had no parking requirement. What is happening now is when there is major needs for parking is Rose Mortuary. They have quite a very large parking lot. I have gone to them a number of times in the past. We have had art gallery exhibits and they have been very gracious. For practical purposes people park there every day now. I also have 15 slots onsite. I think if you counted them there would be legally 8 spots. There is also parking along Glenwood. Parking has not been an issue. Potentially yes it could be once I get more renters in the building.

Smith: But that is the main reason you want to change your zoning is so that you wouldn't be subject to those requirements.

McInturff: Also offset requirements. I have a 25 foot offset requirement now and that prohibits us from doing anything on the sidewalks like little A-frame signs. I really want to get a Market Square, Gay Street type feel for that building and even

that block of Broadway going down to Central Avenue. I think it would do a lot to revitalize that. There is a little patio area I could potentially do in the rear if I didn't have the offset requirement which C-2 would relieve me of that.

Bart Carey: Once again we find ourselves again today in one of these wrestling matches. What we are asked to do by rule versus what is obviously the need. You mentioned is it the Paramount...

McInturff: Yes Paramount Ulika Cleaners. It is really close to Gill and Broadway. It is one traffic light away from my building.

Carey: Mr. Reynolds, how far is that from the Emory Place that we thought of as the boundary to this zone?

Reynolds: That is within what the sector plan and the one year plan recommend. The sector plan was just amended in 2014 and that area was recommended for the C-2.

Carey: This is one of those issues that we wonder why zoning officials and staff are unpopular at the end of some decisions that we are almost forced to make. I also sit on the Historic Zoning Commission and I am very involved on a monthly basis with what is going on in your neighborhood. It is an incredible thing right now. The regeneration and the development of old neighborhoods is classically tied to the walkability of a place like what you are trying to do. That is the whole thing I see. Parking is a need to some degree. I don't remember getting any so many support emails and letters and even calls on a project with no opposition to this. I applaud what you are doing. We have to each make our decision as far as following the guidelines and rules but thank you for what you are doing in helping that neighborhood.

McInturff: Thanks very much. I have a minute and one half left. I was wondering if I might yield that to a neighbor, Vanessa Hurshorn.

Vanessa Hurshorn, 1027 Eleanor Street in Fourth and Gill Neighborhood. I just wanted to let you all know that our community in Fourth and Gill is a very unique connected neighborhood. We have a great sense of community. We have regular pot luck suppers and chili cook-offs and Halloween parties every year and open houses. We have a very strong sense of what our neighborhood, how it is connected and what our sense of community is. The reason that I support this zoning change is because I think as you have seen downtown extend out, you know there is a new cross fit gym at Central across from the Greyhound station. There is all the development that Dewhirst is doing over there with the new condominiums and all that. Everything is coming towards our

neighborhood. Eventually I think once that Knoxville High is renovated and that project is complete you will see everything sort of kind of continue to go that direction. Our neighborhood has greatly benefited from KBrew coming in. Ever since that has opened my husband and I regularly walk down there with our dogs if the weather is nice to get a cup of coffee in the morning and sit and talk and take a break. It is a place where we don't have to get in our car. We don't have to worry about parking. We can walk 4 blocks and have a nice cup of coffee, see our neighbors, say hello how are your kids. I would like to see 1320 Broadway continue to become a neighborhood gathering place where you could have a little eatery, you could go down and have dinner with your neighbors and you know it is a neighborhood community place to gather and be together and increase the community feeling. I appreciate it and I hope that you pass that.

Art Clancy: Again another conflicting thing. The people that are here from Fourth and Gill, is it just you all? Does anybody remember the C-4 zoning right there at the corner of Grainger and Broadway?

Longmire: Yes. It was a fruit...

Clancy: You and I are the oldest on the board, oldest sitting as a board. It was the whole Fourth and Gill neighborhood coming up and supporting yes we want a fruit and vegetable place. Yes we want something like that in our neighborhood. It gives us an alternative. We as a Commission we looked at that and said that is a great ideal. It helps with revitalizing this neighborhood. Let's go ahead and put a C-4. Well the fact of the matter is, even with your all's support, the vegetable and fruit market and landscape didn't make it. The people that owned it had to do something with it so they leased it to some people that made an outdoor flea market out of it. Every time I drove by that I thought what idiot would have zoned that. Then I thought o , Rebecca. No I voted for that as well. I made the motion I am pretty sure. As much as I would like and we go to KBrew. We are down there not every day but we are probably down there every other week. We make our trip from North Hills after church and we go to KBrew. What you have done is fantastic. I really have a hard time with number one changing the sector plan. Again that is really... We do it but it is tough. You have got to have a good reason. Personally I think you can get what you need out of BZA. Probably if this denied and you have to go to BZA I will more than likely be at that meeting. That is how interested I am in this whole thing. In the meantime I think if you get variances those will help you. I think our staff really, really needs to take a hard look at some of the options that we can do to help businesses like this that are close to neighborhoods that are trying to bring themselves up by the boot straps and be more walkable and be more of what we

want. I think we really have a, it needs to be a mission of our staff and this Commission to find ways to do that other than changing sector plans. It is more than just yeah we want to help you. There is parking that has to be managed by the City if it gets out of hand. As far as saying well you can park at Rose, that is great. If that was just in context right here, that would be great. But what happens if you get hit by a bus tomorrow, some guy buys it and turns it into a biker bar. At that point they are parking at Rose's Mortuary and that gets a little dicey.

Longmire: And Mr. Clancy would still be there. If we postpone this and let him go to BZA and seek a variance if it is denied he can come back to us and it won't cost him anything. Just a thought.

Clancy: Cost him something the first time. So you are saying he can come back to us?

Jeff Welch: If he seeks a postponement from us and if he tries to go for BZA then we come back and hear it again. Again I am not speaking here with the Interim Director in front of me. That is just a suggestion. I am not sure. Mike Brusseau or Mike Reynolds is that an option for this gentleman?

Brusseau: Sure. A 60 day postponement probably would allow time to let BZA's process run its course. That is certainly a possibility. I would say 30 days probably wouldn't be enough but 60 days should be enough to get through that process. I was talking with Mike here as I thought about it more. It seems to me that BZA would be the more appropriate place to decide this for one main reason because they would be looking at the actual issue at hand which is parking. Not just, not C-2 and everything else that comes with it. They would be able to address his main issue which appears to be parking and make the decision on that basis and that basis only without having to change any plans to do it.

Longmire: This property is located, it says it is located within the urban corridor mixed use district which allows retail, restaurant, etc. Is that correct?

Reynolds: That is the sector plan designation. He wouldn't need a sector plan amendment. He would only need a one year plan amendment. That designation in the sector plan is fairly vague which allows you to consider different zones through a wide swath. That particular district starts near Central Avenue and goes up Broadway up to this point. A C-2 request near Central might be looked at more favorably than a C-2 request this far down Broadway away from Central.

Longmire: I guess what I was asking is currently can he develop a restaurant since he is in the urban....

Reynolds: Yes, that would be appropriate.

Clancy: Not with the parking.

Longmire: Well if you get your variance though. See there is your hardship. You have got your hardship all over the place.

Clancy: Make a motion to postpone for 60 days and second Len Johnson.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 60 DAYS.

Laura Cole: I had a completely different way of looking at this. I know we make changes all the time based on trend. I think there is a change in development pattern in that area. I think there is a trend that is changing. I see it every day. I would have been comfortable making a motion to approve based on that. But a postponement I would also support.

Michael Kane: I understand that argument and I can see that. I am very familiar with this area. I had the opportunity to semi live in the Brownlow Lofts right around the corner a whole year almost so I am very familiar with it. My concern is not what is there now; it is what would be there later which is what Mr. Clancy had talked about. You know, no height restrictions, no setback restrictions. Somebody could come in there and put in apartments without any parking whatsoever. Parking is a little tight. I will let you know. Parking is tight in that area. There are people who drive through KBrew. They do not all walk. There are a lot of walkers. I can contest to that. I have walked there myself. I think this the last resort. I think zoning is the last resort. I think BZA is the proper way to go. I think that part of the calculations for parking probably is involved for employees. Those employees you could probably get some spaces from the church across the street or you know where they would approve that. That would reduce the amount of spaces that you would have to have on site and make it a lot amenable for BZA to approve the variances. I think that is the way to go. I definitely will support the postponement if that is the way we want to go.

Herb Anders: I there anything that we could do in the current zoning as far as recommendation from this body to the City Council that would allow him to move forward?

Longmire: To BZA or to City Council?

Anders: To City Council. Is there nothing we can do short of changing the zoning.

Jeff Welch: You can deny it and then have City Council overturn the recommendation of MPC if you appeal it. Other than that I don't believe there is any other recourse.

Anders: I would support the postponement.

Bart Carey: I was ready to go another tract. I like Commissioner Cole's idea. A trend. If there is ever a trend in the tone and the atmosphere of this area Mr. McInturff's development is that trend. He is the trendsetter. He has made a difference in this whole area and made it go that way. I was also thinking even if it... This could appeal to City Council in 15 days. The legislative bodies have been known to not adhere to the sector plan amendments quite. Our feet are held to the fire on this to some degree. Although I am talking out of both sides of my mouth right now. With no opposition and the full support you have of the neighborhood, City Council could very likely... well I can say. That would be a good change that that could work out for you. I am also wanting to explore the trend. Mr. Reynolds the trend that we are talking here is one of the reasons to modify the sector plan.

Longmire: Mr. McInturff, how do you feel about a 60 day postponement allowing you to go to BZA without costing you more money if you have to come back to us?

McInturff: After listening to you I think I am hearing that is probably the best option is a postponement. I might even suggest 90 days cause I don't know government moves slowly and another \$1600 to come here. I don't think...

Longmire: Normally we are not this slow. I will just have to tell you that for now. Alright you would prefer a 90 day postponement. Commission Clancy would you be willing to amend your motion?

Clancy: For a 90 day postponement? Yea I will amend my motion to go 90 days but with one caveat. That staff looks, in that 90 days, staff looks at something just in case they fail at BZA or fail to get their... Staff looks at something that might work in this neighborhood, this situation not specific to this piece of property but specific to this situation where we have a neighborhood that is coming up and trying to make it everything we want our neighborhoods to be. Some way to help them get their neighborhood commercial and their parking not so strict. Something that you are more walking to, less driving to. Those are things we are supposed to be doing in that 90 days.

CLANCY AND JOHNSON AMENDED THEIR MOTION TO POSTPONE FOR 90 DAYS.

Longmire: Again if you need support at BZA I am sure there would be those of us who would be willing to come and support you.

MOTION CARRIED 14-0. POSTPONED 90 DAYS UNTIL APRIL 9, 2015 MPC MEETING .

Longmire: I certainly agree with Mr. Clancy that that area is a growing area partly because of sidewalks. When you can walk it helps.

b. Rezoning

1-B-15-RZ

From C-3 (General Commercial) to C-2 (Central Business District).

STAFF RECOMMENDATION: DENY C-2 (Central Business) zoning.

MOTION (CLANCY) AND SECOND (JOHNSN) WERE MADE TO POSTPONE FOR 90 DAYS. MOTION CARRIED 14-0. POSTPONED 90 DAYS UNTIL APRIL 9, 2015 MPC MEETING.

23. MESANA INVESTMENTS, LLC

1-C-15-RZ

Northwest side S. Northshore Dr., northeast of Queensbridge Cir., Commission District 4. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of up to 3 dwelling units per acre.

Longmire: Is the applicant present. Is there opposition? There is opposition. Applicant would you prefer to go first or the opposition. Alright. Sir if you will come down please.

(Citizen spoke from the audience which was inaudible)

Longmire: Sir could you come down and let me hear you.

Keith Kahl: 1213 Woodberry Court. I appreciate Mr. Davis's generous offer but he is the applicant attempting to change the status quo so we would like to hear his story first.

Longmire: Unfortunately the rules of MPC will allow the applicant to choose to go second because it is his choice.

Kahl: Very well. Thank you I appreciate it. I did give you my name and my wife and I do live at 1213 Woodberry Court. I appreciate the opportunity to speak. Our address is in the Lyons Crossing subdivision which is adjacent to this parcel of property. I attended a hastily arranged meeting last night which included over twenty concerned homeowners and board members from

four different neighborhoods: Branton Boulevard, Knights Bridge, the Villas and Queensbridge. Some of those folks are here today and I was asked to act as spokesperson. Perhaps they can signify their presence by standing or raising their hand. I sent correspondence to MPC already articulating several points of opposition to this rezoning. That should be in your packets of information. Those same points were echoed last night in the meeting of our larger group. In addition to those voices I bring the perspective of someone that has lived in the neighborhood for going on 23 years. First and foremost our principle concern is the deterioration in traffic safety on South Northshore Drive between Branton Boulevard and Queensbridge that this rezoning might bring. This segments brackets the four neighborhoods that I cited. Branton Boulevard serves as the single entrance for 74 households and a small office complex, Knightsbridge serves double duty as the shared entrance for 87 households and detached residences and another 75 in Villas and Queensbridge serves 28 households. So well over 250 households there. We contend that the addition of 47 new households which could be arising from this proposed rezoning and the corresponding 500 plus vehicle trips per day would result in a highly localized traffic problem on Northshore both in terms of flow and safety with the concentration of conflict points again in this roughly 2300 foot stretch of roadway. Perhaps even more concerning to us was the suggestion of trying to accommodate this new development load through a curb cut into Knightsbridge. We assert that this would be the worst possible choice you could make. It would exacerbate an already stressed situation at our subdivision's entrance and that is especially pronounced for school buses attempting to get in and out in the mornings. If I may I would add that our four neighborhoods are also distinctly concerned about the separate development of 70 apartment on Wallace Road and the corresponding traffic implications for that intersection on Northshore which is approximate to Brandon Boulevard. So for these reasons we feel strongly that a comprehensive traffic study is warranted to fully scope the magnitude of these impacts and consequences. In this effort I would ask that it should not be just a paper study but should involve some field investigations which address line of sight visibility, accident history and the dangers that are present from the lack of adequate shoulder in this affected area. Our second concern pertains to the short notice period. I will give Mr. Brusseau credit. Your system did work. We received the postcards and we acted on them. So pros to you for that. But the problematic time of it happening over the holidays meant that people were preoccupied with other priorities. They are out of town and so forth. So we humbly request a postponement of at least one month to allow for our neighborhood groups to compile more data that we feel will validate our concerns. We have some troubling questions about the slope analysis and its conclusions and the practical development of land. It does contain a

significant water shed and there are drainage issues. In closing it seemed clear to me last night in meeting with our group that our concerns and fears are all grounded in the drive from the density of the development that could be enabled by this rezoning. It is fair to say that we are all realistic about land development in our community. We are opposed to something that appears to be potentially harmful to our property values, our safety and our quality of life that we enjoy there. We are looking to you to help ensure responsible development. We want this to be the starting point of a dialog with you, us and the developer. It is quite possible that we could find some middle ground at 1 or 2 dwelling units per acre. I certainly implore you not to proceed with an approval of 3 units per acre density today. Thank you.

Scott Davis: P.O. Box 11315, Knoxville, 37939. I respectfully request you approve the rezoning at 3.15 units per acre. All the property you see around this particular piece was zoned 4 units per acre as approved by MPC and County Commission. It is developed out at 3.25 units per acre. I would request a reduction in my original request from 3.25 to 3.15 which takes it down below the density that is developed around the property even though it was approved for 4 units per acre. As a hazard concern if you look straight across the property. That is the driveway to my house. I live across the road. If I thought this was going to be a dramatic increase in hazard I sure as heck wouldn't do with three young daughters coming in and out of there. I think adding 45 to 50 new residences on Northshore Drive when the traffic count is probably 40,000 per day is going to be about a grain of sand on the beach as an increase in traffic. I respectfully request that you all approve at 3.15. I know I am repeating myself, but it is a lower density than what is developed all the way around and contiguous to that property. If you live at the slope analysis, the slope analysis came up to 3.1. I am requesting 3.15. My original request was 3.25 which is still lower than the density around it which is four. I could live with 3.15 and I request that you all do that and approve the zoning.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY UP TO 3.15 DWELLING UNITS PER ACRE.

Longmire: If we approve the zoning, the developer will still have to come before Commission with a concept plan at which time driveways and roadways and everything will have to meet certain standards. There will be time. I am sure the developer will be more than happy to meet with you again.

Michael Kane: I have got a question regarding the slope analysis. If the general area has been, the density of the general area is 4 dwelling units per acre, why did we start with

5 dwelling units per acre as recommended density for essentially the non-hillside and the zero to 15% slope?

Brusseau: We always use that because that is the maximum allowed under the low density residential sector plan designation in the county so we use that as a starting point in all slope analysis. We have done that for years.

Kane: It is not a stated policy. It is just something, a practice that we do?

Brusseau: I don't believe it is a stated policy but it is the maximum that would be allowed.

Kane: If everything... if it was a flat piece of land we probably wouldn't start with five would we. Because the general area has been dolled out at 3.5 we wouldn't start with five. Seems like we are started with something higher than is compatible with the general area as our starting point.

Brusseau: We have always taken the approach of the flat area is considered developable at the maximum density allowed by the sector plan.

Kane: When we do recommendations on flat pieces of land we don't always go with the maximum density.

Brusseau: We may not necessarily... Let's just say the surrounding area was all one unit per acre and we ran a slope analysis. Even if this was shown for LDR we might reduce the density recommendation to be more compatible with the neighborhood. In this case you have got 3 or 4 units per acre. The slope analysis came out to basically right around there. So I guess I don't understand the concern.

Kane: Well I think it obviously changes the density in terms of the overall approach and how many you are going to have on what you are calling the buildable lots.

MOTION CARRIED 13-1 (Kane No). PR AT 3.15 DU/AC APPROVED.

Longmire: I am sure you and the neighborhood will be getting in touch with each other. Neighbors thank you for coming. We really appreciate neighborhood input.

24. MESANA INVESTMENTS, LLC

1-D-15-RZ

North and south sides Hardin Valley Rd., southeast of Westcott Blvd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

25. **FRALEY & SCHILLING, INC.**

South side Region Ln., southeast of Strawberry Plains Pike, Commission District 8.

a. East County Sector Plan Amendment

1-B-15-SP

From A (Agricultural) to GC (General Commercial).

STAFF RECOMMENDATION: DENY the request to amend the future land use map of the East County Sector Plan to GC (General Commercial) land use classification.

Arthur Seymour Jr. 550 West Main Avenue. I here with Mr. Schilling and his engineer, Chris Sharp.

Longmire: Is there opposition? I see no opposition.

Seymour: Let me make sure I understand staff recommendation. Mr. Shilling came by the office yesterday... I think I left a map at every seat. The request is for rezoning for this green tract zoned agricultural to CB. The recommendation and change the sector plan accordingly. The recommendation is to approve it on the north part of the stream, to deny on the south part of the stream because the sector plan does not support it there. The sector does not, am I correct Mr. Brusseau? The sector does not support C-4 or CB here either. The applicant has a trucking operation there. They have customers here in East Tennessee, particularly Alcoa and Bush Brother. They are headquartered in Indiana. Their intent is to expand their existing operations here in Knoxville. Relocate personnel from Indiana down here. They have about 500 trucks. They do the open bed and then the container types. Let me set the scene a little better. Here is Straw Plains Pike. Here is the pilot truck center here. They own everything within the black boundary here. They have access off Regions Lane to Straw Plains Pike. The logistics here are outstanding. You are located right off I-40. You are between I-81 to the east and I-75 to the west. What better place to have a truck operation. To operate on the part that is zoned properly they want to expand and be able to park trucks on the property. Although the sector plan does not permit commercial south of here it is bounded on the east by CB which is the zoning it is asking for. There is a hodge-podge of annexed property out there on the west. It is zoned C-4 under the City Zoning Ordinance. To expand the operations there they need CB so that they can locate and leave trucks there overnight or weekends when they are not in use. They will be able to do so only with this rezoning. For that reason we would ask that you all approve it. Chris Sharp with Urban Engineering is here. He has been working on the development plans for this site and will be happy to answer any questions if you want to say anything. Mr. Schilling is here. He is vitally interested in seeing his company grow in the City of Knoxville and this is the key to being able to do so.

Art Clancy: Okay I do not have a problem changing the sector plan on this one. I am sorry. Everything else on it is being used as CB. I would like to make a motion that we recommend to County Commission that we amend the future land use map of the East County Sector Plan to GC Commercial land use classification on both pieces.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO RECOMMEND TO COUNTY COMMISSION THAT WE AMEND THE FUTURE LAND USE MAP OF THE EAST COUNTY SECTOR PLAN TO GC COMMERCIAL LAND USE CLASSIFICATION ON BOTH PIECES.

Longmire: And do you need to state your reason?

Clancy: Because it makes sense.

Longmire: That doesn't count. What about an obvious error or omission in the plan?

Johnson: Second. This is reverse spot zoning guys. If you look at that that piece of property is bounded by C, C, City and County. Then on the southeast side it is bounded by a PR. It looks like to me that the stop boundary would be where that PR zone takes place on that southern boundary. Thank you Madam Chair.

Longmire: That is what I said. It is an obvious or significant error or omission in the plan.

Clancy: And it is the highest use of the piece of property. Highest and best use of a piece of property.

Carey: That omission is grounds.

Brusseau: Well I hate to be the devil's advocate but I would argue there is no obvious omission because the sector plan logically proposes that commercial development end at the creek. Obviously, we acknowledge that those properties are zoned commercial. They are not developed with anything currently. They are vacant. Probably because they don't want to pave across the creek. I understand this applicant has the ability to do that and certainly the choice is yours. I would argue those properties were zoned back before sector plan amendments were required. If those properties came in today we would recommend against those properties being zoned commercial. I needed to put that out there.

Longmire: I acknowledge you. You are wrong, but I acknowledge you.

Johnson called for question

Longmire: I have a motion and a second to approve the request to amend the future land use map of East Knox County Sector Plan to GC General Commercial land use classification.

MOTION CARRIED 14-0. APPROVED REQUEST.

b. Rezoning

1-E-15-RZ

From A (Agricultural) to CB (Business and Manufacturing).

STAFF RECOMMENDATION: APPROVE CB (Business and Manufacturing) zoning only on the portion of parcel 279 northwest of Swan Pond Creek, zoned F (Floodway). (See attached 'MPC staff recommendation' map.)

MOTION (JOHNSON) AND SECOND (ROTH) WERE MADE TO APPROVE CB (BUSINESS AND MANUFACTURING) ZONING ON THE ENTIRETY OF THE PARCEL THAT THE APPLICANT IS ASKING FOR AND PAYING ATTENTION TO THE FLOODWAY ZONING. MOTION CARRIED 14-0. APPROVED.

*** 26. RICKY ROTH**

1-F-15-RZ

Southeast and southwest sides Daybreak Dr., north of Ball Camp Pike, Commission District 6. Rezoning from A (Agricultural) and PR (Planned Residential) to RA (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

P 27. UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION

12-A-14-UR

West side of Alcoa Hwy., north of Cherokee Trail. Proposed use: Proposed Cherokee Farm Innovation Campus Master Plan and Development Guidelines in BP-1 (Business and Technology Park) District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 28. JOE PETRE**

1-A-15-UR

South side of Crystal View Wy., south of Crystal Lake Dr. Proposed use: Accessory building in R-1 (Low Density Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for the proposed 1,200 sq. ft. accessory building as requested subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **29. ARLAND CAR WASH, LLC** **1-B-15-UR**

South side of Kingston Pike, east of Moss Grove Blvd. Proposed use: Car Wash in PC-1 (Retail and Office Park) (k) District. Council District 2.

STAFF RECOMMENDATION: Approve the revised development plan for the existing car wash facility, subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 30. PAUL MURPHY** **1-D-15-UR**

Southwest side of Wallace Rd., north of S. Northshore Dr. Proposed use: Apartments in PR (Planned Residential) District. Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **31. OLDACRE MCDONALD, LLC** **1-E-15-UR**

East side of Moss Grove Blvd., south of Kingston Pike. Proposed use: Retail in PC-1 (Retail and Office Park) (k) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a retail store with approximately 70,000 square feet subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. JOHN L. SANDERS** **1-H-15-UR**

South side of Jersey Ave., west side of Lindsay Pl. Proposed use: Parking lot in O-1 (Office, Medical, and Related Services) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **33. SACRED HEART CATHEDRAL** **1-K-15-UR**

Southwest side of S. Northshore Dr., south of Erin Dr. Proposed use: Church and related facilities in R-1 (Low Density Residential), O-1 (Office, Medical and Related Services), O-3 (Office Park) and C-6 (General Commercial Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for the proposed cathedral and associated site improvements as shown on the development plan, subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **34. BARRY BYRD ARCHITECTURE** **1-L-15-UR**

Southeast side of Murdock Dr., northeast side of Simmons Rd.
 Proposed use: Office expansion in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for an office building expansion of approximately 25,875 sq. ft. of floor area as shown on the development plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 35. FARIS EID** **1-M-15-UR**

South side of E. Baxter Ave., north side of Caswell Ave.
 Proposed use: Boys and Girls Club expansion in R-2 (General Residential) District. Council District 4.

THIS ITEM WAS POSTPONED 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 4:47 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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