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# Minutes

## July 8, 2010

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

The Metropolitan Planning Commission met in regular session on July 8, 2010 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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

Chair Anders introduced the new Commissioner Brian Pierce.

### \* 2. APPROVAL OF JULY 8, 2010 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF JUNE 10, 2010 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE AUGUST 12, 2010 MPC MEETING. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 60 DAYS AS READ UNTIL THE SEPTEMBER 9, 2010 MPC MEETING. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.**

## Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**METROPOLITAN PLANNING COMMISSION

8-A-08-OA

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

KNOX COUNTY SCHOOLS

1-C-08-SC

Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.

WILSON RITCHIE

3-F-10-SC

Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.

BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION

## a. Concept Subdivision Plan

1-SG-08-C

Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.

## b. Use On Review

1-J-08-UR

Proposed use: Attached residential subdivision in PR (Planned Residential) District.

WILLOW FORK - GRAHAM CORPORATION

## a. Concept Subdivision Plan

11-SJ-08-C

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

## b. Use On Review

11-H-08-UR

Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

## a. Concept Subdivision Plan

4-SC-09-C

Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.

## b. Use On Review

4-D-09-UR

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

CIRCLE LANE EXTENSION

5-SB-09-C

East end of Circle Ln., northeast of Westfield Rd., Council District 2.

<u>HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18</u> South side of Woodlawn Pike, east of Southwood Drive, Council District 1.	8-SB-08-F
<u>DAVIN AND STURM RESUBDIVISION OF LOT 1R2</u> South side of Kingston Pike, south of Walker Springs, Council District 2.	10-SQ-08-F
<u>HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 &amp; 4</u> South side of Hardin Valley road between Schaeffer and Iron Gate, Commission District 6.	11-SO-08-F
<u>LECONTE VISTA</u> Kelly Lane near intersection of Kodak Road, Commission District 8.	11-SP-08-F
<u>HART PROPERTY</u> East side of S. Molly Bright Rd, south side of Asheville Hwy., Commission District 8.	12-SH-08-F
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Road, Commission District 8.	2-SO-09-F
<u>WYRICK PROPERTY</u> East side of Tazewell Pike, north of E. Emory Rd, Commission District 8.	8-SC-09-F
<u>ROBERT D. FOREMAN PROPERTY</u> East side of Ellison Lane north of Wrights Ferry Road, Commission District 4.	11-SD-09-F
<u>SIDNEY M. CAMERON PROPERTY RESUBDIVISION OF TRACT 3</u> West side of Whirlwind Way, south of Mascot Rd., Commission District 8.	5-SB-10-F
<u>OLIVER A. SMITH</u> Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.	
a. Southwest County Sector Plan Amendment From LDR (Low Density Residential) to O (Office).	6-H-06-SP
b. Rezoning From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).	6-S-06-RZ
<u>PROPERTIES DIVERSIFIED, INC.</u> Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.	
a. North County Sector Plan Amendment From LDR (Low Density Residential) to C (Commercial).	8-B-08-SP
b. Rezoning From RB (General Residential) to CB (Business and Manufacturing).	8-E-08-RZ

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

8-O-08-RZ

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

LISA HOSKINS

4-F-08-UR

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

MIKE ELLIOTT

2-A-10-UR

West side of Arthur St., north side of McGhee Av. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay) District. Council District 6.

***ITEMS REQUESTED TO BE UNTABLED OR TABLED***

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO TABLE ITEM 28A&B AS READ. MOTION CARRIED 12-0. ITEM TABLED.**

**CONSENT ITEMS**

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

COMMISSIONER BRIAN PIERCE RECUSED FROM VOTING ON THE CONSENT LIST.

Gerd Dusha: 2903 Smallwood Drive. Would like to have Item 11 and item 25 removed from the consent list.

Bill Harris: I live on Young Drive. I would like to have Item 34 removed.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 11, 25 AND 34. MOTION CARRIED 11-0-1.**

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEMS 11, 25, AND 34. MOTION CARRIED 11-0-1. APPROVED.**

**Ordinance Amendments:**

5. METROPOLITAN PLANNING COMMISSION

5-B-10-OA

Amendment to the City of Knoxville Zoning Ordinance, Article 4, Section 3.1, RP-1, RP-2, and RP-3 (Planned Residential) districts, to add nursing home as a use permitted on review in these districts.

STAFF RECOMMENDATION: Approval of the proposal amendment to add nursing homes with the proposed standards as a use permitted on review in RP-1, RP-2 and RP-3 zone districts of the City of Knoxville Zoning Ordinance.

Mr. Mark Donaldson: Thank you, Mr. Chair. The Planning Commission first considered this at their planning commission meeting two months ago at which time they postponed it and asked staff to meet with the City's neighborhood advisory council. We did that and after a fairly lengthy and lively discussion the council was unable to make a recommendation on the issue one way or the other. As a result of that meeting the proposed amendment has changed. Two months ago we simply added the phrase nursing home to the list of items that could be considered as a use on review. We have amended that to include a number of conditions which will dictate location and some design considerations, some screening and buffering, lighting standards and place some limits on the percentage of the planned district that can be used for a nursing home unless it is linked with an assisted living facility for example. Currently within the R-1A zone district and R-2 zone districts both the assisted living centers and nursing homes are listed as uses on review. This amendment would add nursing homes to the planned residential districts RP-1, -2 and -3. Assisted living centers are already listed there. Seems that more and more developers are looking at providing these two uses in combination. When they build one, they also quite often build the complimentary facility as well. So this will facilitate the use of the planned residential district for that purpose.

Chair Anders read staff recommendation.

COMMISSIONER STAN JOHNSON ARRIVED AT THE MEETING AT THIS TIME.

Ms. Charlotte Davis: 104 Crawford Road, I am not here to represent Towne Hall and I am not here to represent the neighborhood task force but speaking for myself. It is interesting that an amendment would be formulated by the MPC staff based on the result of... on the request of developers yet no consideration was given to adequately inform the public or ask for public input. I truly feel that when there is any change or addition proposed by the staff that ultimately will affect the citizens of this city, that it is only right and democratic to have public input before a change is voted on. In regard to this proposed amendment, I feel that there are still problem areas. If nursing homes are permitted in R-1, -2 and -3 districts, this means that the dwelling units per acre will range from 24 in RP-1 to 80 in RP-3. Therefore the size of a nursing home in residential zone could be quite large. And should there not be a cap on the height of the

building since it may be adjacent to or across the road from residential homes of one to two stories? There is a standard listed regarding this amendment that should raise a red flag. It states that the use will not significantly injure the value of adjacent property or detract from the immediate environment. Well if you are a property owner adjacent to the nursing home any change in property value will be significant. Mr. Donaldson listed as a rationale for this proposed change that the overall impact of the change is small in that planned residential districts comprise only a small percentage of the 58 square miles of residential districts in the City. Well again if you have a home in that small percentage, it can have a significant impact. When nursing homes area already permitted in a number of districts, why can't there be more study and public input before this amendment is considered? Citizens already living in RP-1, -2 and -3 districts should especially be involved in this proposed change.

Chair Anders: Thank you Ms. Davis. Are there any more comments?

Art Clancy: I think that Ms. Davis has some valid points, but I also think that the eight conditions on nursing homes that were put into the amendment address those pretty effectively. Valid points, but, and there have been meetings to address some of this. So that being said I would like to make the motion that we approve the proposed amendment to add nursing homes with the eight proposed standards as a use permitted on review in the RP-1, RP-2, and RP-3 zone districts of the City of Knoxville's Zoning Ordinance.

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

Kane: One of the things I guess I was trying to figure out when I think about this proposal, and I do like the additions that Mr. Donaldson has recommended, staff has recommended. I always think about this in terms of new development, essentially a green field type situation and it is all planned and in keeping with that I do think this works very well. What Ms. Davis brought up and I had not thought about really was in terms of existing RP-1 districts where houses have already been built in terms of how this would apply. I guess what I am thinking about it out loud as we are going along that the way this is written is essentially you would already have to have either an assisted living facility in there or there would be enough acreage remaining in the development to essentially 50 percent of it would have to then be vacant to allow an assisted living facility or a nursing home. Is that correct?

Donaldson: Yes, this would allow a nursing home on its own if it didn't exceed 25 percent of the total area within the district. But if it were to be applied within a built-up subdivision within an RP-1 zoning, they would have, the developer would have to uh secure enough property to do a facility and then come through the use on

review process at which time we would see how the site that had been secured laid in relationship to the rest of the development. And then if it met those standards, then it could be approved. It does not have to be.

Kane: So if there was a plan, if there was a plan already for that RP-1 district or RP-3 and it hadn't been developed and then they decided they want to put in the nursing home and assisted living facility, then they would have to come back with a new use on review application. Is that correct? Mr. Donaldson: correct. Kane: And it would be reviewed essentially by this body and then the opportunity for the public also to review it at that time. Is that correct?

Donaldson: Correct. And it would be reviewed within the context of that part of the development that had already been developed.

Kane: Right. Thank you.

Rebecca Longmire: I too would like to say Ms. Davis your points are valid. But the very fact that this would be a use on review I think should help calm fears about height of building because I think we try very hard to fit into a community. But I want to speak on a personal note as many of us are, we have relatives who are getting older and not able to live on their own any more. And for my relatives who are in assisted living when a spouse is no longer able to stay in assisted living to have a nursing home close enough so that the visiting would be much easier, can really make a big difference in quality of live for not just those people, but any other relatives and friends. Um I think there has been discussion about this, that there has been a chance for public input. I know that there are always concerns when things change, but I think we take the use on review very seriously. We try to take the community's views into consideration when we do a use on review and try to keep things the way we would like it if we lived in that area. So I would lend my support to this.

Chair Anders: Anything else from Commission? We have a motion and a second to approve per staff recommendation.

**MOTION CARRIED 13-0. APPROVED.**

\* **6. METROPOLITAN PLANNING COMMISSION**

**7-A-10-OA**

Amendments to the Knoxville-Knox County Minimum Subdivision Regulations regarding review agencies and the number and type of copies of a final or administrative plat to be submitted for review, certification for recording and recording.

STAFF RECOMMENDATION: Approve and forward to City Council and County Commission for adoption.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Alley or Street Closures:**

None

**Street or Subdivision Name Changes:**

**7. EUGENE F. MCMILLAN**

**7-A-10-SNC**

Change unnamed easement to 'Classic Way' between Childress Road and deadend, Commission District 7.

STAFF RECOMMENDATION: Approve Classic Way.

Carl Emge: 3215 Shellbark Drive, Powell, Tennessee. (Handed out a sheet of pictures which becomes a part of these minutes.) I am here today with my sister, Louis Neff, and she asked me to speak for her. She lives at 8919 Childress Road. And as the leaflet I gave you there shows she lives next door to her grandson and they share a common private drive of their own. They face Childress Road. Their houses are highly visible from Childress Road. And the way it would not be right for her to live on Classic Way and him to be listed as Childress Road. So if she could be excused from that address change, she would be willing to put a sign at the bottom of her driveway designating that 87 and 89 Childress Road. There are pictures on one side of that that pictures the drive there. Does anyone have any questions?

Rebecca Longmire: Your sister's house has access directly to Childress Road?

Emge: No, neither house does. If you will see in the aerial photo, the driveway leaves Childress Road and goes, it branches off into four different areas.

Longmire: Do you understand that the reason they want to change the name is for emergency access?

Emge: That is our concern. Because the two houses are on the same drive. They are next door to each other. Their mail boxes are in-between the houses and sit on the same post.

Longmire: So your grand, her grandson's house has a mailbox on Childress Road?

Emge: No. They both have mailboxes at their house between their houses and they are listed as Childress Road.

Longmire: So if it were changed to Classic Way and your grandson's house was changed to Classic Way.

Emge: No. His house is not going to be changed because he has property fronting on Childress.

Longmire: How is his access? Your grandson has no access on Childress Road, right?

Emge: He accesses this by that drive, but he is exempted the way he understood because he has 800 some foot of road frontage on Childress Road.

Longmire: Alright, but his driveway actually comes off the unnamed road.

Emge: Yes.

Longmire: I do not see why he would be excluded. Everyone on that would be.

Emge: That is what, that is what he was informed. He talked with, he came to the commission office and they explained it that way that he wouldn't be involved.

George Ewart: He signed this petition as okay.

Mike Brusseau: My understanding is that anyone who, it is based on access. If your sole access to your house is via the easement, then your address is subject to change. If you have access to the public street, Childress Road, then you could retain the Childress Road address. But all of that will be determined by the Addressing Department according to their standards, but that is my understanding.

Longmire: And Mathew Brock is your grandson, is her grandson?

Emge: Her grandson. Yes he lives next door to her.

Longmire: And he agreed to the name change. He did.

Emge: Well, he had second thoughts. He did not understand what he was signing. He withdrew his approval to that.

Michael Kane: I just want to make sure. Do we know precisely whether or not uh Mr. Brock's address would be changed to the Classic Way or it would remain? Do we know one way or another? Because I see their point. You have basically somebody sharing the same driveway and one has one address and one has the other one address. I can see where that would be confusing to the emergency personnel. If there is no other access onto Childers Way, I mean Childers Road.

Chair Anders: So Mr. Brusseau your view or opinion is that it would be Classic Way. His address would change to Classic Way as well.

Brusseau: If that, if that easement is the sole access to the property which sounds to be the case.

Chair Anders: It is isn't it? I guess if he wanted to change that and get an easement or get some access onto Childress, he could have his address changed separately. Through his own petition I guess.

Brusseau: Right.

Kane: It is our understanding that this is a nonconforming activity right now. In other words what is there is nonconforming because of the number of driveways and houses that the law requires them to have this name.

Brusseau: The Addressing administrative rules require that if there is more than five houses being accesses from a private easement that it needs to be named.

Emge: If he gained easement to Childress Road and gave his grandmother easement would they both could change their address to Childress?

Brusseau: I would think so, yea.

Art Clancy: He has got all that frontage on Childress he just, all he has to, he has to apply for a connection to Childress.

Emge: Would he actually have to build a driveway? Thank you.

Clancy: I would like to make a motion that we approve the street name change to Classic Way.

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

**Plans, Studies, Reports:**

**P 8. METROPOLITAN PLANNING COMMISSION 12-A-09-SAP**  
(9-9-10) Hillside and Ridgetop Conservation Plan.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 9. METROPOLITAN PLANNING COMMISSION 6-A-10-SAP**  
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 10. METROPOLITAN PLANNING COMMISSION****7-C-10-SP**

Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Concepts/Uses on Review:****11. CASTLE PINES SUBDIVISION - SOUTHLAND GROUP, INC.****7-SA-10-C****a. Concept Subdivision Plan**

Northwest side of Maloney Rd., west side of Belt Rd., and south side of Smallwood Dr., Commission District 9.

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 4 conditions.

Gerd Duscher: 2903 Smallwood Drive, I speak for myself and my wife. We have the property that is in the back of the planned subdivision. Uh we have concerns about the density and about the traffic hazards such as in subdivision in this low residential area will commit. There are a lot of variances that were at the time granted because it was supposed to be luxury condos for elderly people who are most likely responsible drivers. Uh the change to starter homes, of course, will require (inaudible) ... young families there. So the traffic will be increased and the traffic will be at rush hour time. Um the um, developer indicates that all people coming out of the subdivision turn right on Maloney Road and go on to Alcoa Highway. That is a very um hard turn so that will create some traffic hazards there. But, also people of course will do a short cut going down through the neighborhoods and coming out Woodson where it is a little bit easier to go into Alcoa Highway. Also the subdivision is within a mile of the elementary school so it is the parent's responsibility to bring their children to the elementary school. And if you turn left on Maloney Road, there is a one lane underpass to, under the railway bridge that is basically a blind spot. So you will increase dramatically the traffic through there again during rush hours. So our concern is traffic safety there and we would question the density calculations so it is 12 acres into 41 units on that. That will be 3.3 as stated by the developers. So that is more than the zoning. The developer indicates that the previous area was 20 acres and so that would be 2.2 units per acre. But that is not part as far as is indicated in the documentation. That is not part of their property. So I would like to know how they can insure that will not be further developed so that they have a higher, so they above the density of the zoning that is already granted. Thank you.

Wanis Rghebi: with Southeast Engineering, 4909 Ball Road, Knoxville, Tennessee 37931. I think the density as far as density on this development is already, all the infrastructure is already

installed. The road is paved. All the utilities, sewer, water, electric. The road is paved. The development was attached units and we are changing to detached units. Second as far as the density this tract is part of three lots. The development is lot, lot three and lots one and two. So if you do the density, it is less than three units per acre. And as far as the traffic it is uh sight distance is more than adequate and I think they had the traffic study before, I believe, or they might have. But as far as the sight distance it is more than adequate.

Laura Cole: I would like to hear from engineering. Are there any traffic studies that have been done there?

Cindy Pionke: County Engineering: There was not a traffic study done. Typically the minimum that you need for single family detached is 75 units and this obviously doesn't come near that. Typically that is when you start getting into the needs for left turn lanes and things of that nature. In this case they do have the sight distance out there. We have been out there and we have checked it and the engineer has certified that it is there.

Rebecca Longmire: Did you say, I guess Mr. Rghebi, is this in the parental responsibility zone? For which school? Do you know?

Mark Donaldson: It would be Mount Olive Elementary.

Longmire: So the children technically would be walking on Maloney Road? That is scary.

Duscher: Technically they are supposed to walk on Maloney Road, but I think that parents will not allow that so they will drive them. And everybody has then to go through this small, one lane underpass. I think the high density of this development is too high for the small roads all over this neighborhood that was not designed for that. So in the long run, if the County wants to have such high density in neighborhoods there, they have to do something about the roads. But that is not given at this time.

Longmire; What about sidewalks in the subdivision sir?

Rghebi: There are no sidewalks at this time. Like I said the subdivision is already built completed. The only thing we are changing from attached to detached.

Chari Anders: Let me go to Mr. Brechko for a little history on this property. I think that may kind of explain a few things.

Tom Brechko: We have had actually a couple of concept plan approvals for this property. It has previously been approved for attached units. The uh issues regarding sight distance were conditions of the previous approval. But in the construction of the subdivision they have done improvements with cutting back the

bank and all to improve sight distance on the road. The issue had been raised about density. This came in for about 20 acres. As part of that original subdivision besides the 41 attached units there were two existing houses out there that were on individual lots that were a part of that overall density which is just a little over 2 dwelling units per acre. When the plat was recorded creating those two individual lots for the existing homes, it left a little over 12 acres for the 41 lots. But again it was part of an overall density approval. But because of the 12 acres it does put this site specific density over the three that is allowed. This was a planned unit development that was looked at for the overall density when it was approved.

Chair Anders: But it was approved, it has been approved for 43.

Brechko: Well 43, that included two detached existing residences and 41 attached units. The only, everything has been built. The change here is they are going from attached units to detached units. So the lots have been changed to reflect that lot structure for the detached units. That actually, because you do not have the attached the lots are all a little bit bigger than when they were on the original plan. But that is, the request changes to go from attached to detached with the same number of units. The existing road as it has already been built under previous approval.

Michael Kane: I just want to clarify from County Engineering. You said the variance request is from 300 feet to 217 feet. And what I understood you to say is that the sight distance has been checked and it is clear and you're comfortable with that variance. Is that what I am hearing?

Pionke: The 217 feet is the intersection spacing. It is not for sight distance. You can actually see through the adjacent intersection which is 217 feet away which should be the intersection of Belt Road and Maloney.

Kane: I see what you are saying. Sight distance is different than intersection distance. I got ya. What you are saying is there is adequate sight distance.

Pionke: Yes, sir.

Kane: I understand now. Thank you.

Art Clancy: I would like to make a motion to approve the concept plan subject to the four conditions.

George Ewart: Second

Bart Carey: Are these changes being made from a condominium to detached dwellings. Is there something to do with the ability to finance here?

Rghebi: That is part of it. Yes.

Carey: We have actually heard a couple of other situations like this where the density did not change, but to get lending... Because of anything we can do right now, we are not changing density we are basically flipping this thing into another classification. Anything we can do to get some activity for our economy I think is a great thing. If we are not changing the density I support this.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1 (JOHNSON NO). APPROVED.**

**b. Use On Review**

**7-C-10-UR**

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

STAFF RECOMMENDATION: Approve the development plan for up to 41 detached dwellings on individual lots subject to1 condition.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1 (JOHNSON NO). APPROVED.**

Rghebi: What about item 25 which is the plat for this development.

Chair Anders: We will get to it in order. And that is the next order.

**P 12. PEBBLESTONE CONDOS**

**7-SB-10-C**

Southwest side of Murphy Rd., just south of Tazewell Pike, Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Final Subdivisions:**

**\* 13. GROVE POINTE UNIT 2**

**7-SA-10-F**

Northwest side of McCloud Rd at intersection of Greenscape Dr., Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* 14. SOUTH GROVE PHASE 2 RESUBDIVISION OF LOT 3E**

**7-SB-10-F**

At the intersection of Chapman Hwy and Majestic Grove Rd, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **15. GILLAND ESTATE** **7-SC-10-F**  
West of Tarklin Valley, south of Knight Rd, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **16. DMS PROPERTIES LLC** **7-SD-10-F**  
West side of Boruff St, south of Wheeler St, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. RONALD J BAILEY & DARLA E CHANDLER PROPERTY** **7-SE-10-F**  
North side of Hogskin Rd, east of Idumea Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. MCGHEES SECOND ADDITION RESUBDIVISION OF LOTS 72 & PART OF LOTS 71 & 73** **7-SF-10-F**  
South side of W Fourth Ave., west side of James Ave, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **19. WALNUT GROVE RESUBDIVISION OF LOTS 149-150 & 174** **7-SG-10-F**  
North side of Dreamview Lane, south side of Clear Ridge Rd, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **20. TURTLE POINT RESUBDIVISION OF LOTS 20R & 21** **7-SH-10-F**  
East side of Lyons Bend, south of Turtle Point Lane, Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 21. CHEROKEE RIDGE RESUBDIVISION OF LOTS 17 & 18** **7-SI-10-F**  
East side of Schaad Rd, north and south side of Stekoa Lane, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 22. **W A BRANNERS ADDITION RESUBDIVISION OF LOTS 120-123** 7-SJ-10-F  
West side of North Hall of Fame D, south side of N. Fourth Ave, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 23. **SIMPSON FAMILY PROPERTY** 7-SK-10-F  
Northeast side of Hightop Rd, north of Stony Point Rd, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 24. **SOUTH GROVE RESUBDIVISION OF LOTS 4R1 & 4R4** 7-SL-10-F  
At the intersection of Chapman Hwy and Majestic Grove, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

25. **CASTLE PINES** 7-SM-10-F  
Northwest side of Maloney Rd, southwest side of Belt Rd, Commission District 9.

STAFF RECOMMENDATION: Approve FINAL PLAT.

Chair Anders: Any opposition to this. Sir do want...

Gerd Duscher: I guess everything was said. So just go ahead.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 12-1 (JOHNSON NO). APPROVED.**

Rebecca Longmire: I want you to understand sir that we took your concerns seriously. But throughout Knox County there are so many one lane or other dangerous underpasses because of the railroad that our hands are bound as far as doing anything about that. So it is not that we did not pay any attention to your concerns, it is just that particular concern we can't do anything about. But I appreciate your expressing them. Thank you.

Duscher: Yes, I will do it very briefly. Thank you, but I think the County maneuvers itself into a situation where it has to do something about that. That was my concern.

- P 26. **KEENER HEIGHTS RESUBDIVISION OF LOT 41A-1R** 7-SN-10-F

Southeast side of Papermill Rd and northwest of Circle Dr, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **27. WILLIAM DUNCAN PROPERTY** **7-SO-10-F**  
At the southern intersection of Duncan Rd and Derris Dr, Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Rezoning and Plan Amendment/Rezoning:**

- T **28. JAMES L. MCCLAIN**  
Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.  
**a. Northwest County Sector Plan Amendment** **9-A-09-SP**  
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T **b. Rezoning** **9-A-09-RZ**  
From A (Agricultural) to CB (Business and Manufacturing).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- P **29. CLAYTON BANK & TRUST** **3-B-10-RZ**  
Northwest side McIntyre Rd., northeast of Buffat Rd., Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 30. CGK, INC.**  
Southeast side Fox Rd., northeast of Canton Hollow Rd., Commission District 5.  
**a. Southwest County Sector Plan Amendment** **6-A-10-SP**  
From LDR (Low Density Residential) and STPA (Stream Protection Area) to RC (Rural Commercial) and STPA (Stream Protection Area).

STAFF RECOMMENDATION: Deny RC (Rural Commercial)

Chair Anders: I think the majority of folks here are for this item. So I do want to reiterate that be careful not to just repeat the same arguments over and over again. Hopefully you all have coordinated a little bit and you have got a spokesman and we are in good shape with that. Is the applicant here?

Arthur G. Seymour, Jr., I am here on behalf of the applicant, Mr. Chad Kennedy, his engineer here J B Turnmire will address issues or respond to questions you might have, Mr. Tom Petite knows the real estate issues involved here, and Mr. Gary Douglas who is a resident of Tan Rara can address Tan Rara issues if you have any. This is a three acre site next to the Fox Road Marina on Fox Road. If you will look at your chart, it is separated from any nearby residential subdivisions by the main line of the Norfolk-Southern Railroad, which runs on this stretch from Knoxville to Chattanooga. That railroad carries somewhere between 15 and on a heavy day 25 trains per day and these are not small train movements, coal trains and so forth. Mr. Kennedy proposes a small lake-friendly restaurant with some equipment rentals there. The site is three acres. Actually only about one acre is usable because of the elevation above Fort Loudon Lake that is controlled by TVA. Staff said in response to this request and in opposition, that it is spot zoning. I submit to you that rural commercial and neighborhood commercial by necessity and by definition in the Zoning Ordinance for Knox County are spot zoning because they are designed for areas that have no other commercial. They are designed for small commercial operations, which is what Mr. Kennedy proposes. I would like to at this point turn over to our opponents to hear it and reserve our remaining three minutes because Mr. Kennedy wants to respond to a lot of misinformation that has been spawned by this proposal. Thank you.

John Carnduff: 10212 El Pinar, which is directly across those L&N tracks in the Tan Rara Subdivision. With me today are some folks from, Lakewood, Fox Road, Lovell Hills and the Tan Rara Homeowners Association owners. I would like you all to stand up please. (About 30 people stood) Commissioner are we going to hear from your staff person before we go any further or would you like me to continue with my remarks. Chair Anders: Go ahead with you're remarks. Carnduff: Thank you sir. Commissioner I hope you have taken time to travel the Fox Road near the Fox Road marina and see first hand the hazards that are on that road. If not, I hope you will take heed of your staffer's recommendation "that the traffic from the marina is already problematical". Fox Road between Canton Hollow and Emory Church, roughly between the two track crossings, has been marginally suitable to meet the needs of residents, a church, transient traffic and Fox Road Marina. The CR rezoning and subsequent commercial development that will raise.. will raise the risk to vehicles, homes, boaters and residents for the sake of a few. Some comments that came from residents that were a part of your package, and I will not go through all of those sir, but I would like to highlight a couple. First of all from Susan Jordan who lives at 1000 Fox Road, just down the road from the property in question says "A tractor trailer's wheels dropped off the shoulder and turned over in my front yard. An ice truck turned over in front of the next door yard. A car ran through my front yard and hit the fire hydrant in my front yard. Also many cars have gone off the bank and have run through my front yard. I have replaced five mail boxes from vehicles that have come off the road." One other person, Cathy

Davidson writes "Fox Road is already very dangerous. Several of the homes are already very close to the street. The danger posed by driving in a bar atmosphere to the recreation in the cove in the surrounding roads and neighborhoods is great." Commissioners by saying no to this development, you put the safety of homeowners, church goers, drivers and boaters as the priority. Not the speculation of those who would seek commercial benefit reaped from the peaceful and beautiful area that surrounds sinking creek. Commissioners the proposal to rezone limitable Fox Road appears to us to be inconsistent with long range planning documents and unfair to homeowners who have for decades bought and invested in their future for a home with predictable surroundings. We concur with your staff recommendation that this proposal is "spot rezoning" in an area that has been residential for years. Further the site does not meet the criteria of the General Plan 2032 for changes of conditions warranting amendment of the land plan use. We concur with your staff recommendation that CR zoning would "allow uses that could have a negative impact on the street system as well as the residential neighbors in that area". Judy Jenkins writes in her letter to you, ladies and gentlemen, "Many people have invested in this relatively quiet area. Please do not allow it to be spoiled by unnecessary commercial activity". Mr. Ron Sparks wrote to you and said "How many of you as landowner you know of that would enjoy having a bar with loud music practically in their back yard". Looking at your website sir, we note that Title 13 of the Tennessee Code levees a responsibility on you and your members to approve those proposals that encourage harmonious development of the community and create conditions favorable to health, safety and prosperity. While prosperity may be at hand for the 1104 Fox Road landowners and Mr. Kennedy by allowing this change in zoning, those who live in close proximity to this change are trying real hard to send you the message that the conditions that will come from this commercial venture will not encourage harmonious development in our neighborhood and will not be favorable to health and safety concerns. Ladies and gentlemen when you bought and improved your home, the area around your home mattered to you and it does to us. Please be mindful that all of us as homeowners care about what goes on around us. When you go home at night and settle into your home and yard, you probably like what you see around you and want to keep it that way. We hope you are listening to those of us who would be most affected by this rezoning and the long list of possible commercial developments that may come from it. In closing, sir, let me say we appreciate that you have a tough task to make a choice on. We are most grateful that you took the time to read the emails and take the phone calls and all that came with it. This decision is very important to us and a lot of homeowners labored over individually their computer to send you their heartfelt thoughts. We firmly believe that it is in the best interest of the residents and for the safety of all who travel, boat and live near 1104 Fox Road that the proposed zoning change does not pass. We urge you to accept the recommendations of your professional MPC

staff and that you deny the rezoning of 1104 Fox Road. Than you sir.

Chair Anders: Mr. Seymour, if I would, let me go to Mr. Brusseau first and then I will come back and I recognize that you have three minutes.

Mike Brusseau: Thank you Mr. Chairman. I will just be brief. I think we are going to cover a lot in this discussion, but the main reason that staff is recommending denial of this is because of the requirement for the sector plan. As you know there are very specific requirements laid out in the General Plan 2032 that talking about changes of conditions that would warrant amendment of the land use plan. Um and this clearly doesn't meet any of them in our opinion. There is, it is certainly a spot sector plan amendment. I don't disagree with Mr. Seymour that CR zoning in some cases is a spot zoning. But CR is very clearly spells out its intentions in being located at crossroads, collector arterial streets, so yes it is meant to be a spot zone. This particular site does not meet the conditions that are intended by CR. Um staff has concerns with the Fox Road conditions, access to this property from Fox Road. There is an ungated railroad crossing just to the west of the site right where Fox Ho... excuse me, Fox Road turns into Canton Hollow heading north Um that is problematic. My understanding is based on people that I have talked to is that there are a lot of trailered boats even though it is a marina, there is still a lot of trailered boats that come into the marina. Um obviously the marina is there and it is certainly a commercial use, looks like a commercial use. Staff is not necessarily, you know, certainly understands the the reason for this request for commercial in that location and we think the preferred strategy would be to try to partner up with the marina and allow marina, an accessory use to a marina, acceptable accessory use is a restaurant. If they could somehow get the two properties tied together and allow us to review a use on review for the whole thing, perhaps it could improve the entire situation out there, access and efficiency of the site. The marina, you know, is permitted as a use on review in the Ag zone. That is why it is there without commercial zoning. That has all been approved and uh, but this would be a spot, more than a spot rezoning, it is a spot sector plan amendment which is why staff cannot support it.

Seymour: I will turn it over to Mr. Kennedy here to respond to the issues that have been raised. You might note that there are other people here who are in support who live in the area.

Chad Kennedy, 4185 Towanda Trail, I am the president of CGK, Incorporated, and the applicant to get 1104 rezoned. I just want to clarify a couple of things that Mr. Carnduff had spoke about. First off this is not going to be any traffic leaving a bar. My hours will be Thursday through, Sunday through Thursday 11 to 10 and Friday and Saturday 11 to 11, which is extremely similar with almost every restaurant in this town that does serve alcohol. The bar we will have

a bar. It will be separate from the dining room though. Now this will be operated as a boater, family and community friendly neighborhood restaurant. I uh I met with the community on four different occasions. Two at the West Knox Council County meetings and also two on property and listened to the concerns. Took them very seriously and am working with my civil engineer to create as safe entrance and exit from this location as possible. As you all know this land has been for sale since 2006 with no offers. For residential usage, it doesn't have one. It carries no value. The 820 elevation from TVA does not allow anyone to build on this site. It is three acres, but only an acre of it is above the 820 line. There is also several easement issues, both TVA and KUB along a large part of the property which does not allow for condominium development, multi-family or any development along that part of the property. I think there are several positives for this restaurant to do in. Definitely tax revenue for the State. Definitely we need to create jobs right now. There will be approximately 100 jobs created for construction, over 75 to 100 created for employment at the restaurant. The McKenry's are well respected business owners and residents of this community. They have had this property for 107 years. They are unable to sell this property due to the market and due to the problems with the property. It is now time for them to sell this property and go on and live the rest of their lives. Due to health conditions, it is definitely necessary to sell this property right now. I am more than willing to work with every opposition person here, listen to their concerns, address them as professionally as I possibly can. I completely understand that if I do not operate this restaurant in a proper manner and upset the surrounding property owners, then they will not support this restaurant and I would go out of business. There is great opportunity to create a huge buffer zone between this property and Fox Road. Also I want to mention that the McKenry's, both families, are in huge support of this. In addition I will also be creating a buffer zone along that property line also. Uh as far as noise goes, we have done noise readings. The train registers 102 decibels right now and, as Arthur mentioned, it goes 15 to 20 times a day. That is equivalent to the tenth row at a rock band concert. I am just here to say these folks are living in an extremely loud situation now and they will not even hear my restaurant. If you go down Fox Road you will notice they all have 50 foot trees except one person, Mr. Barns. They are not interested in looking at the lake or liking the view or what have you. They are there to buffer the noise that is already there. So I do not feel I will add any noise whatsoever to the surrounding area.

Seymour: If I could just add a footnote. Mr. Kennedy and I have discussed this at length. He has discussed it with other people. He would be willing to address any reasonable request for conditions on his use of the property and would invite those, hours, etc., if he could go forward with this project.

Chair Anders: Mr. Seymour, had there been neighborhood meetings?

Seymour: There have been. (Inaudible from audience)

Chair Anders: I heard about the west Knoxville. I am just talking about these folks here.

Seymour: Yes, two on site; both at our request. (inaudible from audience) Yeah, there were seven or eight people there. And uh we laid out the plans and asked for suggestions.

Chair Anders: Ma'am, I gave him another minute and I will give you another minute.

Susan Jordan, 1000 Fox Road, I am not going to talk that long. We were never notified of the meetings and if they only had six people there, then you know that all of these people didn't attend.

Seymour: We just contacted the leaders. I don't know who they notified about the meetings. We, I contacted Mr. Schoonmaker. If he chose not to notify any body else, that is his decision.

Chair Anders: We are not going to get into a free for all guys. Hold on a second we are going to go to Commission.

Art Clancy: I have a real problem with, I think there is more than one way to skin a cat. I agree with Michael here. There are a lot of different options you can look at for doing the same thing you are trying to do. What I really have a problem with is uh spot sector plan change. The zoning, those two zonings work together and yeah they could be construed as spot, spot zoning by their nature. But a spot sector plan change I agree with Michael there as well. It, there is just no justification for it. And I think there are other ways to accomplish what you are trying to do. This might be the easiest one. This might be the most cost effective one. But I think you can get the same results by trying to tie in a permitted use with the marina. So I am going to make a motion that we support staff's recommendation.

Wes Stowers: Mr. Seymour, what is the status with the marina. Looking at this I do not know of another use for this property other than what it is currently sitting for without us making a move. It can't be sold it would appear under the current circumstances. Have there been any attempts to join it with the marina?

Seymour: Mr. Kennedy has talked to Mr. Kiger who is one of the owners of the marina. There he is. He may be opposed to it. I don't know. I have not talked to Mr. Kiger myself. Uh Mr. Kennedy would certainly like to talk to him. There are business opportunities there for both with an ability to increase use of the lake and make it more attractive to boaters there. Fox Road Marina from what I can see is pretty well hemmed in and needs more space. Uh Chad do want to say anything other than what I just said. We would be, you would be more than happy to discuss with Mr. Kiger wouldn't you.

Kennedy: (inaudible from the audience) I met with David and Vick Brown, his partner, about four weeks ago on site at the marina and we discussed my plan and how I would like to work together with him in cleaning up some area there and creating access from his marina clients to access the restaurant by foot so they would not have to get in their car and drive around. I think both myself and David are willing to work together to see that there is a positive improvement to the, to his marina and to the property itself. I just want to make one other mention is that I turned in about 170 support letters for this restaurant. West, like I said, west Knox residents, Farragut residents, Frank Ambus (indiscernible) who lives on Emory Church, Gary Douglas who lives in Tan Rara. So there may be a few people here and a few people there, but I assure you, Mike has the copies of all of them, the support will definitely outweigh the opposition on this one.

Seymour: The question we are having to address is, yes we could come back with a request for a use on review for a marina. We would have to do boat slips to do a marina. Frankly that would have to be done in conjunction with Mr. Kiger probably

Chair Anders: Mr. Seymour we have to deal with what we have today, not speculation about what could be done.

Seymour: I realize that, although there have been a lot of discussions about coming back with a use on review and Mr. Brusseau has discussed that too. Anders: Absolutely. Seymour: It seems like Mr. Kiger and Mr. Kennedy could work out something it would be a win-win for all because he does obviously, it appears to me need space down there.

John Schoonmaker, 144 Tan Rara Drive, Just kind of in response to Mr. Kennedy's comment about the number of folks in favor of the restaurant, I would like to submit petition that is signed by 79 individuals that live in the area. You have names, addresses and some phone numbers. These are not form letters that were submitted to the MPC with people's signature with no reference point of address, phone number, zip code or any reference that they even live in the area. I would like to submit that. (Passed petition to staff which becomes a part of these minutes) Wayne Kline would like to make a couple of comments as a resident in the area.

Chair Anders: Mr. Kline, for some reason I knew you were not just sitting there to watch. If you could please keep it brief.

Wayne Kline: Hodges Doughty & Carson, I will, I promise. I am the attorney for Westland West Homeowners Association, which is an association of homeowners, residences, schools, churches from Ebenezer Road to Northshore Drive on Westland Drive. Now if you take Emory Church Road to its furthest west point, it runs right into Westland Drive. So we have over 550 homeowners plus other

members and we have taken a loose poll. I will say we didn't have time to take a hard vote; and we are in opposed to this for the reasons that Mr. Brusseau stated so I won't restate them. But you can't have a sector plan spot zone. That is illegal.

Chair Anders: Let me just make one comment and then we will go back to Commission for their comments. Um It is very important I think, I am, I am certainly not trying to speak for everybody on Commission, it is important what the neighborhoods say and what the public says and we want to hear that, but at the same time we cannot make our decision based on a popularity contest. We have to look at these things based on the facts and, and what are the facts of this case. So. You know. I just say that to say that if you have 400 people that are for it and 200 against it, that is not, that should not be the issue on why we choose one side or the other.

Nate Kelly: I agree with a lot of what has been said and I am actually quite sympathetic to the proposal that has been made for using this property. I think that in a lot of ways makes a whole lot of sense. But the thing that really concerns me most is the fact that it requires a sector plan amendment. This is a sector plan amendment that doesn't look to me to make a whole lot of sense right here. And it seems to me that we need to be very careful to keep rezoning decisions as separate decisions from sector plan amendments because those are the kinds of changes that people get really concerned about. When you start talking about the rezoning, we just sort of automatically do the sector plan amendment. I think that what I am saying is right in line with what a lot of other folks have said. My main concern is the sector plan amendment here. I cannot support it.

Michael Kane: I have not heard exactly what size of a restaurant we are talking about or the concept of , you know, if there is something equivalent, you know, you talk about the architect has done Aubrey's and Bistro By the Tracks. But what size of restaurant are you talking about?

Kennedy: We are definitely still in the preliminary stages of the size of the restaurant. The size of the restaurant is going to be determined by how many parking spots we can get on the site. And um, so to give you direction we are headed in, it will range from anywhere from 4,000 to 5,000, maybe as much as 6,000 square feet. It will definitely have some outdoor seating, so I am referencing heated and cooled space when I say that. As far as a concept, I say it as it is a waterfront restaurant you would visit in Florida with fresh seafood, American cuisine. From a menu standpoint, similar to Aubreys similar to Calhoun's, a mix of both those. As far as concept, concept is a really big question when it comes to restaurants. I have been in the restaurant business for over ten years now. It has to do with atmosphere. I has to do with menu. I has to do with a lot of different things. The atmosphere will definitely be boater friendly, casual, come off your boat, come inside

and enjoy a good meal. At the same time it will be first class food, because, again, I understand I need to appeal to the neighborhood. So boater, family friendly. I mean that is where I am headed, with a fresh American, fresh seafood and American cuisine, I guess is the best way to put it.

George Ewart: Mr. Turnmire can I ask you a couple of questions? JB on this property it is about three acres and I have heard some people that a portion of it can be developed and a little over an acre can't be developed or what. What, what areas of this parcel are actually developable and uh what kind of, with three acres, what kind of percentage are you looking at as, as, no matter what this use is?

J B Turnmire: 2111 Woodson Drive, Are you familiar with the TVA flowage easement on Fort Loudon? Ewart: Yes, sir. Turnmire: That's the 820 on this site. You see where the small structure is there? That is the house. The 820 clips the corner of it. So the only property that you have actually above the 820 is roughly an acre, just a hair over.

Ewart: That is like an L-shape of it then.

Turnmire: Actually it is not even L-shaped. It backs up right to the dry stack storage there at Fox Road Marina. Okay. So the only property that is above the 820 adjoins the Fox Road Marina there. The rest of that property is a little, a very small strip that runs along Fox Road parallel. But it is so narrow that it is not suitable for construction of anything with setbacks. That was where the old chicken house sat if you look at some of the old KGIS , you will see a structure there. That was removed. What this will also require is extensive approval by TVA in order for us to work with it, what we will actually have to do is get them to abandon some of their easements, some of their rights, which would have to be paid for, of course. Any enhancement of their property, TVA will want that compensation in addition to the loss of storage and so forth. So at this point its not going to be a very economical project for any kind of commercial, I mean unless you are doing a commercial development. You could probably put a duplex on there, but not many people would want to live that close to that dry stack and certainly not for the kind of money that the family would like for this property.

Ewart: I think that makes a lot more sense what Michael was talking about in trying to combine this thing because I just don't see very much usable space at all on here to actually facilitate parking, a building outdoor area for seating and uh I think it is going to be very, very tight with setbacks and we are going to have to have a lot of variances on setbacks, not only with TVA, but in this, with the County also. So I just can't support this. I think this property is too small to do something on right now.

Turnmire: I am not sure how you would combine the two. That, I have tried to look through that because I don't understand, at least my understanding would be for the current zoning that the marina would not be allowed to purchase this property, for instance, and add it to their business because that would be an expansion that is not allowed under State law. So I don't know how you would do it. Put it together for a use on review and then come back for a marina. I don't. You know, I guess the whole thing would have to come through that way. But then again you are dealing with a tremendous amount of variances on use on review also.

Chair Anders: We have a motion and second on the table to deny Rural Commercial sector plan designation per staff recommendation.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. DENIED.**

**b. Rezoning**

**6-C-10-RZ**

From A (Agricultural) to CR (Rural Commercial).

STAFF RECOMMENDATION: Deny CR (Rural Commercial)

**MOTION (CLANCY) AND SECOND (KELLY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. DENIED.**

\* **31. LJSRRC, LLC**

East and west sides Sand Plant Ln., south side Mascot Rd. east side Whirlwind Way, Commission District 8.

**a. Northeast County Sector Plan Amendment**

**7-A-10-SP**

From LI (Light Industrial) & SLPA (Slope Protection Area) to LDR (Low Density Residential) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: Adopt resolution amending to LDR (Low Density Residential) & SLPA (Slope Protection Area).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **b. Rezoning**

**7-A-10-RZ**

From LI (Light Industrial) to A (Agricultural).

STAFF RECOMMENDATION: Approve A (Agricultural) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **32. MAURICE D. HUNDLEY**

Southeast side Beaumont Ave., southwest side Boyd St., Council District 5.

**a. Central City Sector Plan Amendment**

**7-B-10-SP**

From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: Adopt resolution amending to O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. One Year Plan Amendment** **7-A-10-PA**  
From LDR (Low Density Residential) to O (Office).

STAFF RECOMMENDATION: Approve O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **c. Rezoning** **7-B-10-RZ**  
From R-1A (Low Density Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **33. SUE C. HOWARD** **7-C-10-RZ**  
Northwest side Scenic Dr., northeast side Blows Ferry Rd., Council District 2. Rezoning from R-1 (Low Density Residential) to R-1 (Low Density Residential) & NC-1 (Neighborhood Conservation Overlay).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) / NC-1 (Neighborhood Conservation Overlay) zoning with Scenic Drive NC-1 Design Guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 34. 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).

STAFF RECOMMENDATION: Recommend that City Council Approve R-1 (Low Density Residential).

Rogers Daugherty, Room 530 City County Building, 400 Main Street. I am speaking on behalf of the City. Mr. Harris and I had a discussion about this. He brought some information to me to light that I was not aware of. And really what I would like to do at this point is ask for a 30-day postponement so that we can see how that new information impacts the plans for this property. Just to give you a little background this is a surplus piece of property that the City acquired in a tax sale and we were wanting to offer it for sale through out Homemakers Program, but when I realized the one year plan was for low density residential and it is zoned I-3, I decided to go ahead and change that zoning. Mr. Harris who owns three parcels next to this has some needs for his industrial business. We

are hoping we can work out some schematic that will work for both of us.

Chair Anders: Mr. Harris, are you in favor of a postponement?

Bill Harris: Yes.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 30-DAYS UNTIL THE AUGUST 12, 2010 MPC MEETING. MOTION CARRIED 13-0. POSTPONED**

Chair Anders: Mr. Harris, I want to tell you, you did the right thing coming forward. I know you talked to Commissioner Cole and she gave you some guidance. You did the right thing. I am glad you did.

**Uses on Review:**

- \* **35. MICHAEL BRADY, INC. GRETCHEN BARKER** **7-A-10-UR**  
Southeast side of Hardin Valley Rd., northwest side of Spring Bluff Way. Proposed use: Parking lot in PC (Planned Commercial) & TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the revised development plan to permit the construction of up to 75 additional parking spaces as shown on the plan subject to 10 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **36. APAC ATLANTIC, INC.** **7-B-10-UR**  
North side of E. Raccoon Valley Dr., northeast of I-75 Proposed use: To amend 6-H-09-UR to permit asphalt plant operations 24 hours per day as required by public contracts in I (Industrial) District. Commission District 7.

STAFF RECOMMENDATION: Approve the amendment to 10-H-06-UR and 6-H-09-UR to permit night time operation of an asphalt mixing plant at this located as required by government contracts subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 37. THE KROGER COMPANY** **7-D-10-UR**  
North side of Kingston Pk., west side of N. Cedar Bluff Rd. Proposed use: Retail development in PC-1 (Retail and Office Park) pending District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a retail shopping center containing up to 138,925 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 15 conditions.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **38. THE KROGER COMPANY** **7-E-10-UR**

Northeast side of Middlebrook Pike, north end of N. Cedar Bluff Rd. Proposed use: Kroger Fuel Center in PC (Planned Commercial) District. Commission District 3.

STAFF RECOMMENDATION: Approve the development plan for a 14 pump gas fueling station subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 39. EXCELL COMMUNICATIONS, INC.** **7-F-10-UR**

Northeast side of McCampbell Dr., east of Anderson Rd. Proposed use: 160' monopole telecommunications tower in I (Industrial), RB (General Residential) & F (Floodway) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for a 160 foot monopole telecommunications tower in the I (Industrial) zoning district subject to 7 conditions.

Greg Clements: I am with Excell Communications. 6247 Amber Hills Road, Trusville, Alabama 35173. We have shared the recommendations with T-Mobile and they are in agreement. They have made changes to the original site plan submitted to increase the turn around area to a 35 by 40. In addition to item number two of a 16 foot width to pave the access road, and they are in agreement with the condition.

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

- P 40. EXCELL COMMUNICATIONS, INC.** **7-G-10-UR**

Southeast side of Tolson Ln., southwest of Summerfield Dr. and Oak Ridge Hwy. Proposed use: 150' monopole telecommunications tower in A (Agricultural) District. Commission District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **41. MEMBERS FIRST CREDIT UNION** **7-H-10-UR**

East side of Market Place Bv., north of Kingston Pk. Proposed use: Credit union in SC-3 (Regional Shopping Center) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a walk-in financial institution with drive-through services as shown on the development plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **42. ELIZABETH EASON** **7-I-10-UR**

North side of Dutch Valley Dr., east of Plummer Rd. Proposed use: Multi-dwelling development in RP-1 (Planned Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the development plan for a 6 unit townhouse style housing development subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Other Business:**

- \* **43. Consideration of Modifications to the D-1 Downtown Design Guidelines to add World's Fair Park area to the Boulevard Section and other related changes.**

**3-B-10-OB**

STAFF RECOMMENDATION: Approve the designation of "Boulevard District" on "The Districts" map in the Downtown Knoxville Design Guidelines for the area rezoned to D-1 district in World's Fair Park as recommended by the Downtown Design Review Board.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **44. Consideration of Amendments to MPC's Administrative Rules and Procedures regarding distribution for review and certification of final plat applications, minor subdivisions, and administrative plats and changing one-lot subdivisions to administrative plats.**

**7-A-10-OB**

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **45. Consideration of Use determination for a dispatch center for ambulance service in the I-3 (General Industrial) zoning district.**

**7-B-10-OB**

STAFF RECOMMENDATION: Approve a "dispatch center for ground ambulance service, with or without on-site vehicle repair facilities", as a permitted use in the I-3 (General Industrial) zone..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **46. Consideration of Use determination for an adult day care business in the SC-1 (Neighborhood Shopping Center) District.**

**7-C-10-OB**

STAFF RECOMMENDATION: Approve an adult day care facility on the uses permitted list in the SC-1 zone subject to use on review approval by MPC..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

47. **Consideration of increase to application fee schedules for MPC, Tennessee Technology Corridor Development Authority, and Historic Zoning Commission.**

**7-D-10-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Adjournment**

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

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

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Robert Anders, Chair

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