



Minutes

July 12, 2012

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

The Metropolitan Planning Commission met in regular session on July 12, 2012 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	Mr. Michael Kane
Mr. Bart Carey, Vice Chair	* Mr. Nate Kelly
Ms. Laura Cole	Mr. Robert Lobetti
Mr. Art Clancy	Mr. Brian Pierce
Mr. George Ewart	Mr. Jeff Roth
Mr. Stan Johnson	Mr. Jack Sharp
	Mr. Wes Stowers

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

COMMISSIONER NATE KELLY ARRIVED AT THIS TIME.

* 2. APPROVAL OF JULY 12, 2012 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

* 3. APPROVAL OF JUNE 14, 2012 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 (EWART) WERE MADE TO POSTPONE ITEMS AS READ. MOTION CARRIED 13-0. POSTPONED UNTIL THE AUGUST 9, 2012 MPC MEETING.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO WITHDRAW ITEMS AS READ. MOTION CARRIED 13-0. WITHDRAWN.

Noland Sharbel: Requested items number 17A & B be postponed another month.

Kent Phillips, 1908 Mountair Drive, We have come here to hear this as opposition.
Opposed to postponement.

17 A&B To be heard at regular time on agenda.

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, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

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

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

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

GERDAU 12-A-11-SC
Request closure of Stonewall St between Ely Avenue and northwest property line of parcel 081PK035, Council District 5.

GERDAU 12-B-11-SC
Request closure of Ely Ave between Stonewall Street and northeast property line of parcel 081PK035, Council District 5.

GERDAU AMERISTEEL PROPERTY 2-SA-12-C
Northwest side of Ely Ave., southwest of Bragg St., Council District 5.

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

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

11-H-08-UR
- HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

 - 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
- TIPPIT VILLAGE - SITES TO SEE, INC.

 - a. Concept Subdivision Plan
Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.

9-SA-10-C
 - b. Use On Review
Proposed use: Detached dwellings in PR (Planned Residential) District.

9-E-10-UR
- LONGMIRE SUBDIVISION

West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

1-SA-11-C
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

Intersection of I-40 and McMillan Rd., Commission District 8.

2-SO-09-F
- METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

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

8-O-08-RZ
- JAMES L. MCCLAIN

Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

 - a. Northwest County Sector Plan Amendment
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

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

9-A-09-RZ
- CITY OF KNOXVILLE

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

7-D-10-RZ

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).

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 13-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 13-0. APPROVED.

Ordinance Amendments:

None

Alley or Street Closures:

- * 5. CENTRAL UNITED METHODIST CHURCH 7-A-12-AC

Request closure of Unnamed alley between Lamar Street and northwest boundary of parcel 094DL008, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * 6. METROPOLITAN PLANNING COMMISSION 6-A-12-SP

North County Sector Plan Update. Commission Districts 6, 7, & 8 and Council Districts 3 & 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review):

- * 7. **VILLAGE AT BEARDEN, PHASE II - WORLEY BUILDERS, INC.** **7-SA-12-C**
 - a. **Concept Subdivision Plan**
South side of Bearden View Ln. west side of Francis Rd., Council District 3.

STAFF RECOMMENDATION: Approve the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * b. **USE ON REVIEW** **7-D-12-UR**
Proposed use: Detached residential subdivision in RP-1 (Planned Residential) & RP-1 pending District.

STAFF RECOMMENDATION: Approve this revision to the previously approve development plan for Bearden Village (12-A-10-UR) to permit the addition of up to 4 detached dwellings on individual lots as shown subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- W 8. **CORRYTON ACRES RESUBDIVISION OF LOTS 1 & 19** **6-SB-12-F**
Southeast side of E Emory Rd, northeast side of Casselberry Rd, Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 9. **HONEYROCK** **7-SA-12-F**
Martin Luther King Blvd. at the intersection of Asheville Hwy., Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 10. **EBENEZER UNITED METHODIST CHURCH** **7-SB-12-F**
West side of Ebenezer, north side of Westland Drive, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 11. **MARIETTA ADDITION P/O LOT 38 AND ACREAGE** **7-SC-12-F**
Southeast side of Leflore Avenue, northeast of Divide Street, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. GREENBROOK UNIT 4** **7-SD-12-F**
Solway Road north of Hardin Valley, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. YARNELL STATION UNIT 1** **7-SE-12-F**
Yarnell Road east of Campbell Station Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- W 14. INDEPENDENT HEALTHCARE PROPERTIES** **6-E-12-RZ**
South side S. Northshore Dr., west of Admirals Landing Blvd., Commission District 4. Rezoning from A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **15. METROPOLITAN PLANNING COMMISSION**
East side N. Broadway, south side Emoriland Blvd., Council District 4.
 - a. East City Sector Plan Amendment** **7-A-12-SP**
From C (Commercial) to PP (Public Parks and Refuges).

STAFF RECOMMENDATION: Approve PP (Public Parks and Refuges) and recommend that City Council also approve the sector plan amendment to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- *
 - b. One Year Plan Amendment** **7-A-12-PA**
From GC (General Commercial) & F (Floodway) to PP (Public Parks and Refuges) & F (Floodway).

STAFF RECOMMENDATION: Approve PP (Public Parks and Refuges) and F (Floodway) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- *
 - c. Rezoning** **7-A-12-RZ**
From C-3 (General Commercial) & F-1 (Floodway) to OS-2 (Park and Open Space District) & F-1 (Floodway).

STAFF RECOMMENDATION: Approve OS-2 (Park and Open Space District) & F-1 (Floodway) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

16. METROPOLITAN PLANNING COMMISSION

North side Emoriland Blvd., east side N. Broadway, Council District 4.

W

a. East City Sector Plan Amendment

7-B-12-SP

From C (Commercial) to LDR (Low Density Residential).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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b. One Year Plan Amendment

7-B-12-PA

From GC (General Commercial) & F (Floodway) to LDR (Low Density Residential) & F (Floodway).

STAFF RECOMMENDATION: Approve LDR (Low Density Residential) and F (Floodway) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

*

c. Rezoning

7-B-12-RZ

From C-3 (General Commercial) / H-1 (Historic Overlay) and F-1 (Floodway) / H-1 (Historic Overlay) to R-1 (Low Density Residential) / H-1 (Historic Overlay) and F-1 (Floodway) / H-1 (Historic Overlay).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) & F-1 (Floodway) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

17. JAMES A. BENNETT AND SPOUSE, TAMMY S. BENNETT

Northwest side Apache Rd., northwest of Rutledge Pike, Commission District 8.

a. Northeast County Sector Plan Amendment

7-E-12-SP

From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: DENY C (Commercial) sector plan designation.

Mike Brusseau: This case as was said is a request for CA zoning in order to bring an existing use into compliance. Just to give you a little background. There has been an auto repair business of some sort on the property for a while. There was apparently a complaint filed and the applicant was instructed that the only way to come into compliance was to get the property rezoned to CA. In looking at the case as you can see on the map just to the southeast of the site there is a site that is shown for commercial

and CA zoning on your maps. That one came in back in 2007. Staff had recommended denial of that request and this body also recommended denial. Upon appeal it was approved by County Commission with some conditions. That is currently a RV sales lot. It appears that they are meeting two out of the three conditions that were implied on there. There was a condition about 20% of the site being landscaped that does not appear to be being met. That all being said, that site we had recommended denial of for some of the same reasons as this one, but I would say that site is a little more appropriate for commercial because it does have access to Rutledge Pike. This site having its sole access from Apache and being even closer to the neighborhood along this little access, local street accessing that neighborhood, we just feel it is inappropriate to extend commercial into this area. We are recommending denial of both the requests at this time. Thank you..

Noland Sharbel, Attorney, 108 Durwood Road, Knoxville, TN 37922

Would like to renew my motion or my request to postpone this matter.

Our opposition is on the basis of what happened to us in 2000. Kent Phillips, 1908 Mountair Drive. Our opposition is based on the fact that this property is the only entrance is our residential street. What we have seen already is that this is not just a simple auto repair business. They bring cars in on trailers that don't run or they have been wrecked. They unload them in the middle of the street and they drag them in the driveway or drive them up the driveway and they fix them. They do body work on them. They fix them. Then they park them down on the corner of Rutledge Pike at Apache Drive and attempt to sell them. That is our first opposition. This is a residential neighborhood. We have already been encroached on enough and those stipulations have not been encroached on enough in 2007 with the override by County Commission of this other property that was mentioned. Those stipulations haven't even been enforced. There is no guarantee that if this commercial that these people are going to live here forever and do what they are doing right now. This could become any kind of commercial property once it is rezoned. We also have a document that was signed by virtually everyone in our neighborhood that wasn't on vacation in opposition to this and we also have a letter that was emailed to you on July 11 in opposition to this also. I would like to submit these into the record. (handed to Buz Johnson). That is basically all I have to say at this moment.

Mr. Sharbel: On behalf of the owners of the property my client has worked on this property for about the last 13 years and has improved it to carry on a hobby business which has grown over a period of time. During that period of time most recently they have acquired a sales lot to remove one of the objections that

Mr. the opponents have brought to your attention. This is a hobby business. Their business is buying wrecked cars from insurance companies, straighten the frame on them and do whatever the work is. In buying those cars they take those cars into their own name. They title it into their name. They work on them and then resell them. In some cases they resell cars that they already know someone wants. As part of that business they are interested in continuing this business. It is a family business. It employees three, four members of the family. They provide a serve to the community by buying less expensive cars. Almost all the cars they work on are late model cars, new late model cars that the insurance company has to take back to salvage and they total them. This idea of everybody coming up there, that is not necessarily the case other than to pick up cars. My client tries to minimize their footprint as far as exposure to the road. I would like to distribute at this time pictures of the properties around us. You will see to the south of us of court is a discount RV vendor which this picture here will show you and that is to our immediate south. To our east is industrial property. These pictures are taken right off the porch of my client's property. That industrial property has huge tankers hauling asphalt and things of that nature that come in and out every day. Not just a few tankers, but a large number of tankers. There is also a salvage yard for semi tractors that pull these tankers. We think our request for use would be consistent with a family operated business, consistent with the work that the applicant is making to use this property as a frame straightening business. We are right on the edge of an industrial area. We are right on the edge of a commercial area. We understand the issue about the right of way. It is a 50 foot road dedicated in this subdivision. Our access is ongoing and again we are not pulling other people's cars to straighten, we are pulling our cars that are titled to us on which we pay taxes and earn income for the family as result of the work that they do.

Longmire: Before I turn it over to Commission, I have a question sir. A definition. What is a hobby business? What do you mean by it?

Sharbel: The family started out with a special interest in Mustangs and from that they learned about the insurance business and salvaging of cars. So got into for their person interest in automobiles, but also to make an income for the family.

Longmire: Normally when I think of a hobby business it is something done in addition to another job, but this is sole income. Is that correct?

Sharbel: No ma'am that is not correct. Mrs. Bennett works in a mental health service provider business over in Maryville. Mr. Bennett is 100% disabled from a gun shot wound he received

when he was a teenage. While he is able to say do this and this and this, he is not able to do much in the way of physical labor.

Longmire: And they do have three other employees?

Sharbel: There are two sons. One is 17, and the one who is really pursuing this business is their son Dalton Bennett and then they have an uncle that also assists them.

Stowers: You had mentioned they had purchased another piece of property. Could you elaborate on that please.

Sharbel: They haven't purchased it, they have leased it. It is over on Greenway. That occurred in the last six weeks. Once they straighten these cars, they move them over to there, the Greenway sales lot, to let them sit until they find a buyer.

Stowers: Where is Greenway?

Sharbel: It is in Fountain City.

Longmire: It is there below the Target, New Harvest Park area.

Stowers: So it is not collocated.

Sharbel: No sir it is not. They did they would pull some of their cars down to or drive it, almost all the cars they take in are actually drivable. There are just frame issues that they have got to fix. In some cases they take a fender off, remove a part. They keep a dumpster on the property where they throw all their parts and they remove those parts and throw them away at the disposal site just down the street across Rutledge Pike from where their business is located.

Clancy: Mr. Phillips can I ask you a question. Have you made a call or a complaint on the lack of landscape screen and the m issue of the property on, that is zoned commercial?

Phillips: I have not. That property is actually owned by Mr. Story and it's leased to this RV place. So no we have not made a complaint about that because they did make direct access to Rutledge Pike and they did close off the gate that is on Apache Drive so that they couldn't go in a out. It is locked.

Clancy: But you understand there has to be a vegetative screen there as well.

Phillips: Yes I know that. I didn't know who to appeal, who to complain to.

Clancy: This whole process is complaint driven. That is the only way it is enforced. The pictures are why we voted against it in

the first place. The second thing I want to say is leasing a piece of property over on Greenway was probably really appropriate because you cannot have a car lot even in C you have to have C-4 I believe to have a car lot. The same reason you leased some place to sell the cars you really need to do that with the business as well. This is a neighborhood. I hate that this got thrown into that neighborhood as well. I know it does not seem like it is very aggressive, but if you had it on the road going into your house you would probably think otherwise.

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

Bart Carey: I will make this quick, basically to echo this. I think first of all I really appreciate the entrepreneurial spirit which you folks are doing to make a living. I think it is almost an inappropriate hobby for this space. Other properties that you have seen that are next to you both have frontage on the main arterial. They are zoned the way they are supposed to be. They are not loading off a residential street. I am going to have to agree with Commissioner Clancy on that.

MOTION CARRIED 13-0. DENIED.

b. Rezoning

7-C-12-RZ

From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: DENY CA (General Business) zoning.

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

Sherbal: Can we collect our exhibits, the two pictures and the letters from some of the adjoining land owners.

APPLICANT COLLECTED HANDOUT MATERIALS

P 18. NORTHSHORE MARKET INVESTORS, LLC

7-D-12-RZ

Northeast side Clingmans Dome Dr., northwest side Chimney Top Ln., Council District 2. Rezoning from OS-2 (Park and Open Space) to TC-1 (Town Center).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 19. ROBERT MINARD**

7-E-12-RZ

North side W. Marine Rd., north of Babs Rd., Commission District 9. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

20. HARB-WHITE PROPERTIES

Southwest side Bridgewater Rd., north side I-40, Council District 2.

a. Northwest County Sector Plan Amendment

7-C-12-SP

From MDR (Medium Density Residential) to O (Office).

STAFF RECOMMENDATION: Approve MDR/O (Medium Density Residential/Office) and recommend that City Council also approve the sector plan amendment.

Danny Harb, I reside at 8725 Inlet Drive.

Sue Mauer: President Crestwood Hills Homeowners Association, 8824 Farmington Drive. We have worked with the two owners on this property. The only concern that we have had is we have to go from R-2 to O-1 or to 1 and that has been our biggest concern. Today we are down here in the event that the school does not move into that property and does not sign their lease. We would like to have it written in there that it would still remain R-2 rather than changing if this should happen. We know that the school has a copy of the lease. They have not signed it at this point. We are concerned that if they don't go in there what could happen and that is the only opposition that we have otherwise we do support having the school.

Mr Harb: We would not be in agreement with respect to Ms. Mauer because we would like to have the O-1. We are very certain that we do have an agreement in place and the place that is going to rent it has done their due diligence and spent a lot of time and effort and money on it. I was trying to explain to Ms. Mauer that if it did to for some reason to R-2 and then someone else approached us later for a commercial zoning we might do that. But if we get O-1 we are more inclined to keep it O-1 and just find a tenant for it later on if something does not happen.

Mike Brusseau: This is a site that is as you can see on the map is adjacent to I-40, across the street from apartment development and also adjacent to yet to be developed commercial to the west. It is sort of separated from the larger part of the neighborhood by floodway that goes through to the north. It is a pretty appropriate location for at least some sort of non-residential use there. We have recommended on the plan to designate it for medium density residential or office. Basically allowing the current use of the property if they wish to do that under R-2, but also opening it up to professional office uses. Office is pretty similar in intensity to medium density uses. In fact some might argue that it is even a better neighbor to residential than your typical apartment development that would

be allowed under R-2. We are in support of the request for office or medium density residential on this. O-1 zoning does permit the uses that are allowed in R-2. Essentially if this is approved they are just getting the flexibility to also allow offices uses on the site in addition to the medium density residential uses.

Longmire: I would like to draw Commission's attention to the fact that there are three things on here. There is the amendment of the sector plan and then the three other. There will be three motions altogether that will be voted on separately but it all concerns this property. One hearing will do for all of them.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION APPROVING MDR/O.

Michael Kane: Ms. Mauer I have a question for you. When you called me yesterday you had said that you would not object to a school being there and this is I think what the potential lease is is some kind of vocational school. It was explained to you that although schools are considered an acceptable use in the R-2 zone that you were told that a vocational school was not allowed only a high school and elementary type schools. Is that correct: What is your specific opposition to the O-1, the uses in O-1?

Mauer: We just want to protect the front part of our neighborhood. Right now the church has been a good neighbor. We still have 4 homes on one side of the street. We have 4 homes and on the other side we have one home. We certainly want to keep that residential for those people. I do have one of the residents that live on it right by the church here today. We are concerned about the fact, we are not against the school. We had two proposals; one was for a special events weddings and that kind of things and the other night at our meeting it was unanimous decision the homeowners wanted to go with the school. We do not object to the school. We will support the school. However we want to make sure should the school back out, they have the lease they have not signed it yet which is not unusual. We want to make sure if this does not work that our zoning would remain R-2 for the time being. That is the only request we have at this point.

Kane So your neighborhood basically is saying they would prefer anything that is allowed in R-2 which could include apartments and that kind of thing over the things that are allowed in the O-1 zone?

Mauer: No, the thing is this as far as the zoning and everything, they will accept the school right now. But they don't want, we have problems with an apartment complex that is up there at the present time. That is why we felt that this school would be a far better choice than to go with some of these other zones. That is

the reason I am here today is to just ask if the school... Danny seems to think it is a done deal. If it is a done deal great. But should it not be we would our zoning to remain the same until the next person comes along and then we will come back up here again.

MOTION CARRIED 13-0. APPROVED.

b. One Year Plan Amendment

7-D-12-PA

From MDR (Medium Density Residential) to O (Office).

STAFF RECOMMENDATION: Approve MDR/O (Medium Density Residential/Office) One Year Plan Designation.

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

c. Rezoning

7-F-12-RZ

From R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Recommend that City Council approve O-1 (Office, Medical, and Related Services)

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

Longmire: Again I would like to commend those of the community who take the time to take part and speak what you would like to say.

* **21. RONNIE PHILLIPS**

7-G-12-RZ

Northwest side Washington Pike, northeast of Atoka Ln., Council District 4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) zoning at a density of 5.99 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **22. PINNACLE NATIONAL BANK**

7-H-12-RZ

South side Asheville Hwy., north side S. Ruggles Ferry Pike, east of E. Governor John Sevier Hwy., Commission District 8. Rezoning from RB (General Residential) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **23. KNOXVILLE'S COMMUNITY DEVELOPMENT CORPORATION**

Northeast side Curie Pl., southeast side Wilson Ave., northwest side Selma Ave., Council District 6.

a. East City Sector Plan Amendment

7-D-12-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-D-12-SP, amending the East City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also approve the sector plan amendment to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. One Year Plan Amendment**

7-E-12-PA

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

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **c. Rezoning**

7-I-12-RZ

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

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-1 (Planned Residential) zoning at a density of up to 13 du/ac..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

24. C.E. BROWN PROPERTIES / ARTHUR SEYMOUR

South side S. Northshore Dr., northeast side Osprey Point Ln., southwest side Pellissippi Pkwy., Council District 2.

a. Southwest County Sector Plan Amendment

7-F-12-SP

From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-F-12-SP amending the Southwest County Sector Plan to O (Office) and recommend that City Council also approve the sector plan amendment to make it operative

Arthur Seymour Jr. 550 W Main Avenue, Knoxville, TN 37902. I am here on behalf of Mr. Brown. We have amended our request. I maybe ought to explain that. The request was originally for Commercial and C-6. We have amended the request to change the Southwest County sector plan to office and the one year plan amendment to office so as to allow O-1. I think staff's

recommendation and our amended request are consistent on that. Where we do have a slight disagreement with staff is over the zoning for the property. Staff has recommended... part of the property is O-3 now and have is agricultural. We would request O-1 zoning for the property. You should find attached to your staff recommendation an agreement that Mr. Brown has entered into with Stoneberry Court Homeowners Association on the O-1 zoning. Mr. Hendon is over here from Stoneberry Court. We would request the O-1. Probably the major difference between the O-3 and the O-1 is that the O-1 allows a branch bank. This property is a little odd. It is a small tract under 2 acres. It is on a rock pile. It is separated by Stoneberry Court by Ospry Lane. That lane has a 150 foot right of way. That is historic because of the redo of Pellissippi Parkway and the interchange there. With setbacks that puts us 200 feet away from our closest neighbors. Mr. Brown after meeting them, they all agreed that O-1 would be the preferred zoning because it would allow a bank and the probable market for this property is office. There are physicians relocating to that area with the Northshore Town Center and also perhaps a branch bank. Those are the two primary targets for this development. We would be in agreement with staff on every issue except the rezoning. We would ask that our agreement with Stoneberry be adopted for the zoning.

Longmire: Thank you. That agreement is in your packet.

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

Buz Johnson: Excuse me did you say East County Sector. Correction it is Southwest County Sector. We changed it in the blue sheets.

MOTION CARRIED 13-0. APPROVED.

b. One Year Plan Amendment

From O (Office) (K) to GC (General Commercial).

7-F-12-PA

STAFF RECOMMENDATION: DENY GC (General Commercial) One Year Plan designation.

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

Clancy: Do we need to approve the one year designation to O?

Buz Johnson: If you follow their request you do because there was a condition with the one year plan that it would be O-3. So if you chose to do that it would be Office with condition to just Office.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE O (OFFICE) ONE YEAR PLAN DESIGNATION.

c. Rezoning

7-J-12-RZ

From A-1 (General Agricultural) and O-3 (Office Park) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE O-3 (Office Park) zoning on parcel 101.01.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE O-1 (OFFICE, MEDICAL, AND RELATED SERVICES) ZONING. MOTION CARRIED 13-0. APPROVED.

Uses on Review

25. LKM PROPERTIES

6-A-12-UR

East side of Ebenezer Rd., southeast side of Westland Dr. Proposed use: Convenience Store in PC (Planned Commercial) District. Commission District 5.

STAFF RECOMMENDATION: Approve the request for a convenience store with up to 16 gasoline fueling stations as shown on the development plan subject to 10 conditions

COMMISSIONER BRIAN PIERCE RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Arthur Seymour, Jr.: 550 W Main Avenue, Knoxville 37902. I am here on behalf of the applicant. Mr. Weigel is here also and Mr. Chris Ooten who is with Weigels and Mr. David Harbin with Batson Himes Norvell and Poe the engineers on this project.

Longmire: Is there opposition? All of you want to speak? Is there someone that is going to be speaking for the opposition, more than one someone? So each of you wants to speak you have 5 minutes to divide amongst yourselves. Mr. Seymour would you like to go first?

Seymour: Yes if I may. This is a use on review in a planned commercial zone for a convenience store at the corner of Ebenezer Road and Westland Drive. This was extensively discussed at the meeting last month and I will not duplicate what I said then. Since that meeting there have been, you all have been inundated with emails, letter and phone calls. We have discussed this with Ms. Kline and her associates representing the various neighborhoods out there. Last night Mr. Weigel met with Ms. Kline and approximately 20 other people and Mr. Ooten also at Wesley Place in an effort to resolve this matter. We apparently have every thing resolved except one issue. I will

hand out or Chris could you hand out the plans. Mr. Weigel has agreed to 9 substantive changes to the appearance and exterior of the store. Apparently the difference comes back down to the sign. The sign as originally request was 34 feet high. MPC staff recommended 25 feet. Mr. Weigel went back and had his sign people look at the issue and can reduce it to 30 feet and we are asking for that change in condition 7 plus 9 upgrades to the store itself in the design. Let me say this about the sign. The convenience store business is unique. You have got to advertise gas prices and your location so that the public will know where you are. This intersection is being improved or will be improved by Knox County. Westland Drive where it enters Ebenezer will become three lanes. Ebenezer on the north bound lanes will have a turn land added in front of where the Weigels store is to be located. Because of that the store will be pushed to the east off the existing right of way of Ebenezer Road. Visibility then becomes difficult for any signage on the property because immediately to the south there are two buildings and a retaining wall with a nursery there. The nursery is going to remain. At some future date that might be developed, but there are no plans for it now. The sign will not be visible unless it is 30 feet high. Mr. Weigel can assure you and I will assure you on his behalf he doesn't just put up signage as high as he can. He puts up the necessary signage for several reasons. Signage is very expensive. It needs to be where it can be observed and at a height that it can be observed at. He is adding landscaping to the pole of the sign and he has done this at several of his other stations so that you can barely see that there is a pole there. One station I am aware of you cannot see that there is a pole there and he is conceding that. He cannot development this store unless he has signage that is adequate for the public for the reasons we have stated before and that is 30 feet. He needs no more than that but he can't have any less than that. That's the crux of the matter. If we cannot go forward with 30 feet, the station will be out of sight or it will be difficult to identify and potentially could create a traffic hazard. I have handed out to everybody, unless somebody came in late, the 9 upgrades which include basically making this store look like the Choto store which was recently built at Choto and Northshore. I will hand those to anybody that is not here. We would ask that a motion be approved adding these 9 design features and changing condition 7 so the sign will be at a 30 foot height. May I reserve my 22 seconds.

Longmire: You may reserve your 22 seconds. I do want to ask of the 10 stated conditions the only change you are making is in number 7 is that correct?

Seymour: That is correct. Excuse me I forgot to mention one thing. The stucco on this store will be slightly darker than the stucco at the Choto store, but in all other respects it will be, the store itself will be consistent with the Choto store including the

fencing and in addition an amenity area picnic tables and a place there for the people who use the sidewalks on Ebenezer Road.

Longmire: Alright you lost your 20 seconds but that is okay. Opposition?

Margot Kline, 8845 Ebenezer Oaks Lane. Actually I am here in support. So I guess I am in an odd position to ask for a little extra time on the support side. I think they probably need it on the opposition side as well.

Longmire: If Commission asks I think that is a permitted thing. Shall we hear from opposition first and then if the Commission would like to call we will see what you have to say.

Richard Piety, 1108 Farrington Drive. I am President of the Farrington Homeowners Association. We have talked to over 200 of our residents representing 127 of our 195 homes. Of this group only 3 people were not in opposition to the plan that Weigels presented originally. Their focus was especially on the 30 foot or higher pylon style sign that was proposed for this location. Last night Bill Weigel did present some enhancements to his store that were well received by the group. Unfortunately we had less than 24 hours and officially what you have in writing today we have not seen what has been proposed to assess this and to get back to my board in particular and to my residents to see if they would accept this in light of the fact that the 30 foot pylon sign was still not changing and that was a major issue with them. Given that is the case, frankly at this time we cannot change our stand we are still opposed to the proposal. Could everybody that is opposed here stand please. (About 25 people stood.) We have not had time to go through this and to get back to our constituents and to make sure that this will be a satisfactory compromise.

Longmire: So you are asking for a postponement? Or what?

Piety: I am in opposition to the current proposal. We have not had time to look...

Longmire: Ms. Kline, can you very briefly fill us in on the meeting.

Kline: There were approximately 30 people there. About 30 people met from neighborhoods closest to the corner of Ebenezer and Westland and we were generally pleased and really grateful for Mr. Weigel's willingness to meet the neighborhoods request more than half way. The sticking point was the sign. I would like to ask for approval with conditions that the MPC include as a condition that the budgeted road work at Ebenezer and Westland be completed prior to the Weigels opening and that the sign be reduced to 25 feet. I understood

that there are some concerns. I recognize that the retaining wall on the adjacent property presents a hardship and therefore may warrant a sign tall enough to be seen above the wall, but respectfully as Mr. Weigel to take a look at the topography down there. Consider maybe the size of the letters on the prices whatever in order to get it to 25 feet because I think the neighbors would be a lot happier and might be pretty compliant with everything. That is approximately the same height as Weigels at the corner of Blue Grass and Ebenezer a mile and one half down the road. I would like to also state for the record that approval of this sign is not consistent with the norm and does not set a precedent. The neighbors have already spoken to Commissioner Briggs, Councilman Grieves, Mark Donaldson, Tom Brechko, and Dean Rice requesting a small area study in order to establish a corridor plan or zoning overlay for Ebenezer that addresses the need for low sign regulations, historic preservation and neighborhood conservation.

Longmire: Mr. Seymour, how many conditions are you adding?

Seymour: They are not really conditions. We are adding the following design criteria for the store, The 9 items that I have listed will be included in the design criteria that will be amended if this can be approved.

Longmire: And Ms. Kline you are asking that there be a condition for the road work to be complete before the store is built and that number 7 to be kept at the 25 foot level.

Ewart: I thought there was a gentleman at the back that wanted to talk in opposition.

Dennis Overton, 950 Gettysview Drive. I am on the homeowners board. The biggest issue that I have that the homeowners there wanted me to bring to your attention is the roadwork at Ebenezer and Westland. That the road work would be completed, that design would be completed before that store is actually put into place. If you ever come on We4stland going west that traffic an back up all the way from Ebenezer almost a half a mile back to the reserve where that traffic flow is just not adequate. We would just ask that you make sure that happens before they actually get he store put in.

Cindy Pionke: County Engineering. The problem with guaranteeing the project being completed that it is a project that will be constructed by the Tennessee Department of Transportation. The project is being funded with federal dollars for congestion mitigation and air quality. So I can't tell you exactly what the time line is for when that is going to happen. Right now the right of way plans have been submitted to TDOT. That is where we are right now. I don't have those approved and signed off on. I don't have a date to tell you to shoot for.

Longmire: Basically all you are saying is the design plans have been drawn and that is as far as it is right now.

Pionke: Actually the right of way, once the right of way plans have been approved and then we will move on and finalize the construction plans. I don't know what the time line is.

Joyce Feld, 1540 Agawela Avenue, President of Scenic Knoxville. I greatly appreciate the modifications that Mr. Weigel has made to the design of the development. I think that will certainly enhance the project. I would however strong recommend that an appropriate scaled monument sign be erected on this development. I understand that Mr. Weigel feels that a tall sign is necessary in order to capture some of the traffic. However I think we can all agree that certainly the majority if not the vast majority of his customers are going to be residents in the area who are already going to know where this station is. I don't know what percentage of customers are going to need this tall sign in order to find the business, but I think we can agree it is a very small percentage. I ask you if this trade off is a good one? I think that we should consider the general good of the area. This is a sign that will change, degrade the character of the neighborhood, perhaps lower surrounding property values. Is that worth it? There are hundreds of homes in the area. We are talking about one business and a very small minority of customers. I personally don't think the tradeoff is worth it. I am also pretty sure if this sign is allowed to go in as proposed that every other business that goes into the area after this will expect a sign of similar height. I think this is an opportunity. This is a new undeveloped area. It is an opportunity to make a nice commercial development. I hope you recognize that and seize the opportunity.

Howard Pollock, 1008 Golf View Lane. I think it is also worth keeping in mind that the signage issue is predicated on potential customers seeing the location. There are currently three other locations within extremely close proximity of which many of the people here in opposition to this large sign currently patronize those locations. We are all potential customers. We are all neighbors. We ask that there be restraint on the part of the Commission in terms of the size of the sign so that we may all have choices and we'd welcome Weigels in as a good neighbor rather than a source of controversy.

Longmire: Once again I would like to congratulate both sides of this application for working to hard to come to an agreement. I really appreciate the community concern.

Clancy: It seems to me that if they are allowed a 35 foot sign in this zone per the sign ordinance if that is what they are actually allowed, they've conceded to a 30 foot sign. I think they went

and did their homework. It seems to me what needs to be addressed is the sign ordinance rather than each individual business that goes in. You could do a lot of good by addressing that and some overlays. The business at hand is the applicant purchased the property with the understanding he could have a 35 foot sign. He is proposing a 30. I know staff is recommending a 25. Some of the concept designs that I have looked at, the pictures that you have given, the landscaping; I think all of those are great. I commend the neighborhood and Mr. Weigel for coming together and trying to make a decent project of this. I understand his signage issues. I think he would do just fine with a monument sign. But his zoning on the property that he purchased allows him to have a 30 foot, a 35 foot sign which is 5 feet lower than the sign across the street. I haven't measured Gettysview's sign, but I would image it is about 30 feet as well. 12 feet? I am going to go check that. That is what I have to say. We voted on it last week and I voted to support the development and the recommendation by staff with the exception of number 7. I think that a 30 foot sign is appropriate based on what he understood when he bought the property is his property right. It is his decision if he wants to exercise that 35 foot sign, or if he wants to do battle with the neighborhood that is going to patronize the store he needs to weight the gains and losses of that decision. He is entitled to a 35 foot sign. My opinion has not changed any from last month. I think the 9 design points that he has conceded on will make his store much more appealing and nicer looking addition to the neighborhood. My opinion on the sign height has not changed since last month.

Jeffery Roth: I am going to echo some of the things Commissioner Clancy said. I appreciate the community's involvement in this issue and certainly appreciate them wanting them to make sure the neighborhood stays a neighborhood or has good neighbors that move into it. I also want to point out that Mr. Weigel and the corporation seems to have gone out of their way to make that happen. They certainly have made some concessions that they did not really have to make. As far as the sign height, they are not asking for a variance. There is no variance required for the sign. It is actually zoned that way. I have a real issue with picking, we have an ordinance in place that determines the height of signs and has been adopted by City Council and County Commission. I have an issue with us taking individual properties and changing them. I think if we are going to change that on an individual basis then it should be dealt with like Commissioner Clancy says, it should be dealt with at the ordinance level and not our level. I think Mr. Weigel has purchased this property with the intent of putting a business there and he has gone out of his way to make sure it is a neighborhood friendly business. These 9 things he worked with the community. I would be in support of a... and he has actually before was asking for a 35 foot sign and reduced it voluntarily to

30. I would be in support of approving with a 30 foot sign height as requested.

Michael Kane: I really thought about this a lot. I agree with many of the points that my fellow commissioners have stated. I feel that part of the problem is that we have got a situation where this is planned commercial and unfortunately planned commercial allows for interpretation of design that is supposed to be consistent with what is going on in the community. We have a situation where we have commercial development into an existing very well established neighborhood. Signage is one of the big things that neighbors really have a concern with in terms of how they feel about their neighborhood. I certainly understand Mr. Weigel's position. He enters into planning and all kinds of stuff and he really doesn't know what he is going to get. He does the best he can. I think the points that he makes and Mr. Seymour makes in terms of what his needs are, in terms of having a viable business are very important. I totally agree that this needs to be done up front especially in areas where you have got commercial development going into residential areas. It needs to be defined up front. It makes it difficult for this Commission and staff to get in the middle of these kinds of things at this point in the game after people have invested a lot of money and effort into the planning purposes. I wholeheartedly encourage some kind of overlay district or something in situations like that or change the ordinance that would establish the signage at the time that rezoning is done. If that is in the planned commercial than that is the way it is. I think there was some expectation when this was done as planned commercial that the neighborhood would have that they have input into this in terms of what it is. If we wanted to allow something to be at what the upper limits of whatever zoning is, it should have been zoned general commercial and not planned commercial. That is the whole purpose. I feel very uncomfortable in voting on something that is essentially going to completely change the character of the neighborhood of Ebenezer. This is going to do it. It will establish a precedent for the rest of the commercial development along this road. It does not sound like the community is against commercial development necessarily in parts of their community. It is very difficult. I really feel for Mr. Weigel. I think this is a difficult thing for him to plan his business on. Clearly from the studies that are shown having the price people knowing the price people will drive extended distances. I personally don't do that. It is something that people do. Again the balancing the precedent of changing the character of the neighborhood. We will be changing the character of the neighborhood. I wish the community and Mr. Weigel had been able to work something out on this specific issue. I have really struggled on this. Given the fact that I don't think it is a right in the planned commercial necessarily to have up to a 50 foot sign; I think that is what I was told that the zoning allows up to and certainly planned commercial next to an interstate with a 50 foot

sign that may be very acceptable in that location. I can see where you need to have that flexibility in the planned commercial. I just don't see it in planned commercial in this area. I would really recommend that we deny it.

George Ewart: A couple of comments to address some of the things that Commissioner Kane said too. I have struggled with this and had a lot of friends contact me about it. This whole property when you look at it is surrounded by floodway. It is really separated from residential. I know there is some planned residential that is behind it but it has not been developed yet. There are just two tracts here of commercial land along this area. I don't know what we will be significantly impacting or changing this whole dynamic of this area. I guess I have got a couple of questions. Number one is how tall are these light poles or telephone poles down through here. They look like they are 75 feet or 50 feet. Does anybody know?

Longmire: What poles are you referring to?

Ewart: The telephone poles or electric poles that go down Ebenezer.

Longmire: Just the standard utility pole?

Ewart: There are a number of those. They are very high up there. I don't see... We have a cell tower out there. I don't remember if I was on commission when that came through. If I was, I don't remember a lot of opposition that came out from that either. I just don't see the problem with having a 30 foot sign. I mean he bought the property with the intention of a 50 feet in height that it could go. There have been compromises back and forth. He has done a lot of things with his store. If people don't want to go and shop there that is their opinion if they want to do that. That is Mr. Weigel's risk. I think he has done a great job of compromising with the look and what he wants to do. Another question I do have is in the light spread that we are asking them to do on the lights, does the sign apply to that also? Item number 6 the site lighting for this development shall be installed in compliance with the town of Farragut's lighting standards for this type of facility. Does the sign also include that because it is lighted?

Donaldson: I am not sure. As I recall the Farragut standard they have a standard that no more than one foot candle shall be registered at the perimeter of the property from all light sources. I think that is the standard.

MOTION (EWART) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH REVISION IN ITEM 6 TO ALSO INCLUDE THE SIGN AND ITEM NO. 7 A MAXIMUM HEIGHT OF 30 FEET.

Buz Johnson: Let me clarify. Do you want to make reference to the additional design elements requested by the applicant?

Ewart: As condition no. 11 that we accept all the... If you help me craft it I will.

Longmire: Design elements as...

Buz Johnson: As proposed by the applicant in Exhibit.

Ewart: **AND AS CONDITION NO. 11 THAT WE ACCEPT ALL THE 9 DESIGN ELEMENTS PROPOSED CHANGES AT THE HOMEOWNERS' REQUEST.**

Longmire: What about the road work to be completed?

Ewart: I just don't see how you can do that. Somebody brought a piece of plan. They are ready to develop on it. With the way government works it might be ten years from now before they ...

Stowers: Just one thing for the record. How much of these proposed changes that Mr. Weigel's agreed to do, how much will that cost? What is the estimate?

Seymour: About \$90,000.

Stowers: \$90,000 extra dollars. Okay. I just want to echo what Mr. Clancy and Jeff everybody has already stated regarding somebody buys a piece of property with understanding of what the ordinances are and added they have \$90,000 more in expense to try to keep peace in the neighborhood. I think they are fully within their rights.

Cole: I have not heard anything in here I don't agree with. Both sides have their points. I understand that. I definitely understand where Mr. Weigel is coming from. I also appreciate all the work and compromising that has gone on. But when I look at this I am trying to look at it from a planning perspective. I am trying not to look at such specific things. When I look at this we are talking about a use on review and my understanding is when we do that we are looking at the big picture and we are not necessarily going by the ordinance. We have some leeway in there to make interpretations. I was a little disappointed I thought I was going to come in and find different kind of agreement. There's lots of aesthetic thing on here that Mr. Weigel has agreed to and I really do appreciate that. When it is all said and done I drive down that road and I don't see those tall signs. I know that when this one goes in others are going to follow. I started out on a completely different thought process and I ended up feeling the same way Ms. Feld does that this is exactly the place where a monument sign should go in. I realize

it doesn't have to be done but just because it's, just because what we are asking to do isn't required by law does not mean it is the best thing that could be done for this community. In this particular case, if we do approve this sign it is going to change the way that neighborhood looks. I am struggling with supporting the agreement for that reason.

Bart Carey: This is generally my neighborhood. I drive through this intersection all the time. This is going to be my go to station if it is built. I would pull in whether it had a monument sign or a 50 foot sign. I like the idea of the vegetated base of the sign. I think that really helps soften the flow. The 5 feet that are left is neither here nor there. I move into this area in 1978 off Ebenezer. There were no signs of any kind; maybe a neighborhood sign at Farmington. Presently there are three other convenience store signs that have frontage on this road. I have heard a lot about there is nothing else out there, but there are on Ebenezer Road other convenience store signs. I think some of those might be not necessarily coming down they might be changing color so to speak but that is another story. We talked about both sides. This is very unique. Today we do not really have both sides. We have three sides. Last month it was basically the convenience store developer and a certain component of the neighborhood that wanted to see the sign come down. There was discussion of a monument sign. Today we basically have the applicant, a group of neighbors that have met on more than one occasion have come up with proposed changes at the homeowners request and we have almost a new faction that is against the store altogether unless there is a monument sign. I think the industry speaking I do know now of any where else in Knoxville there is a monument sign for a convenience store on use on review. I think there is only one other monument and that was basically... it is kind of interesting. As you remember the homeowners association and you have restrictions when you move in you have to comply with those restrictions. This is kind of an analogy. The only other monument sign was basically to build in this neighborhood you have to have a monument sign. In this case I feel hard pressed to try to enforce monument signs even though I like then where the industry standard is something different. The extra steps that the Weigels family is going to to make this store first class in every way I think that to me satisfies the need to show this is an upscale store to bring that extra money to the table and to fit in with an upscale neighborhoods that you all live in. I think this is a compromise. I think I have got to support the sign in this case.

Clancy: In addition to everything I said before, I struggle with... I would prefer a monument sign. I don't think it needs to be a tall sign. I struggle with property owner's rights in that respect. I am going to support the motion. I am very tempted to support the motion contingent on that he put a Weigels just like this sign and all in my neighborhood. They are really going to make this a nice

store. The sign may bother you but this is a good use of this piece of property. That is what we are here to determine. There are things I like and I don't like about every single piece that comes through here. You have got to weight it out. Like Mr. Seymour said you have got the ham you don't need the whole hog. Let's just do... it seems to me that we have come to, you are half way there, you are more than half way there. You have got a good looking store coming out of it. For those reasons I am going to support the motion.

Stan Johnson: Mr. Weigels, I was wondering why do you put so much effort in this process when you have all your ducks in a row anyway?

Bill Weigel, 7104 Hickory Hills Drive, Rocky Hill area. I guess when you are a family business and your name is on the front door you do some stupid things. That is why I think family businesses are important to our town. I hate to see the Regas's go. I hate to see the Roddy's go. I hate to see all the family businesses that have been so important in this community leave and the decisions are made in Chicago or Atlanta or Cincinnati or wherever. We take pride in our work. We take price in people liking what we do. It makes us feel good. Maybe it costs money but it makes us feel good.

Longmire: Before we vote I want to ask one more time, how high are those canopies?

Weigel: 24 feet.

Longmire: So when you are looking at the store the sign, a 30 foot sign would be 6 foot taller than that canopy. I have been looking at canopies all over Knoxville. That is why I asked.

Clancy: You math skills are excellent.

Longmire: Thank you. I graduated from Knox County schools. As I understand the motion that is on the floor and Mr. Ewart follow me closely, your **MOTION IS TO APPROVE THE REQUEST FOR A CONVENIENCE STORE WITH UP TO 16 GASOLINE FUELING STATIONS AS SHOWN ON THE DEVELOPMENT PLAN SUBJECT TO 11 CONDITIONS NUMBER 6 BEING CHANGED TO INCLUDE THE SIGN LIGHTING AS WELL AS SITE LIGHTING, NUMBER 7 THE GROUND SIGN WILL BE A MAXIMUM OF 30 FEET AND ADDITION OF NUMBER 11 WHICH ADD THE PROPOSED CHANGES PER THE HOMEOWNERS REQUEST.**

Ewart: Yes you can say the 9 items ..

Longmire: **THE PROPOSED 9 ITEMS DEALING WITH THE CHANGE IN DESIGN. AND THAT SECOND STILL STANDS?**

Stowers: Yes.

Seymour: The stucco is going to be, I need to add a 10th one that the stucco will be darker than it is at the Choto store. I can work this out with Mr. Brechko.

Longmire: Will it be terribly darker or will it just be kind of darker.

Seymour: Kind of darker.

Longmire: Okay I guess that is acceptable a kind of darker.

MOTION CARRIED 11-2 (Cole, Kane). APPROVED AS MODIFIED.

Longmire: The motion passes. Again I would say there is always the appeal to County Commission? BZA. Again I thank all of you. You have worked so well together. I think that shows very good community interaction and we appreciate that. Thank you and thank you for coming down today.

- P 26. BEVERLY HOLLAND 6-C-12-UR**
Southeast side of Holston Dr., northwest side of Speedway Circle. Proposed use: Child Day Care Center for up to 100 children in C-3 (General Commercial) District. Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 27. WELLSPRING SENIOR LIVING SAMUEL J. FURROW 7-A-12-UR**
Northeast side of Thunder Ln., northwest of E. Emory Rd. Proposed use: Assisted living/memory care - 40 unit/60 beds in OB (Office, Medical, and Related Services) District - Pending. Commission District 7.

STAFF RECOMMENDATION: Approve the request for an assisted living facility with up to 40 client rooms that may contain up to 60 beds as shown on the site plan subject to the following 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 28. FLAGSHIP GROUP, INC. 7-B-12-UR**
Southeast side of Corridor Park Blvd., southeast end of Data Ln. Proposed use: Medical facility expansion in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for an expansion of approximately 39,600 sq. ft. to the

existing medical facility, in the BP/TO zone, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

29. U. S. CELLULAR CORPORATION

7-C-12-UR

East side of Monday Rd., northeast of Corryton Rd. Proposed use: 250' Lattice Telecommunications Tower in A (Agricultural) District. Commission District 8.

STAFF RECOMMENDATION: APPROVE the request for a 195' monopole telecommunications tower in the A zoning district and a waiver of the landscaping requirements around the tower enclosure, subject to 6 conditions.

Tom Brechko: The staff report that you received in the blue sheets today include revisions to their request. They have changed from a 220 foot lattice tower to a 195 foot monopole. Same location. One of the conditions was requiring them to give us revised drawings reflecting that change. That change is the result of that we had heard from a couple of the neighbors had contacted the applicant. Their engineer had contacted the neighbors to talk about some of their concerns. The changes they made are in response to those issues.

Jackson Kramer, here for U.S. Cellular Corporation, 800 S Gay Street, Suite 2500, Knoxville, 37929. With me today is U. S. Cellular Corporation site acquisition specialist Mr. Chuck Burton. As you know we filed a use on review application for a 195 foot monopole to be located at 8164 Monday Road in Corryton. We originally filed this as Mr. Brechko pointed out as a 250 foot lattice type structure. Of course because it exceeds 200 feet in height under Federal Aviation Administration regulations it would have had to have been lit in order for it not to be considered an aviation hazard. However we did become aware of some neighborhood concerns. When we became aware of those concerns we went back to our engineers and asked them to revisit this issue. By taking certain additional steps which will involved among other things changing out equipment on our neighboring sites to which this site will communicate or with which this site will communicate. We were able to figure the engineering to where we could meet our coverage objections with a 195 foot monopole. Of course that accomplishes two objectives. Number one we no longer have to build a self support or lattice type structure and number two because it is less than 200 feet it does not have to be lit. As a result we are able and we are certainly willing to move forward on that basis. We amended our application as Mr. Brechko pointed out. I want to also point out as noted in the staff report it does meet all the requirements of the zoning ordinance and we do request a variance as to for the landscape requirements for the equipment compound. This equipment compound will be located a

significant distance away from the public road in a heavily wooded area. We believe that the natural vegetation that is in place and will remain in place will achieve the desired screening objectives. We would also point out that MPC technical consultant, Mr. Larry Perry, concurs in the need for this pole and therefore we ask that you approve it.

Longmire: I would like to add here that the owner of the property has been hospitalized. He called me today. He is agreeable with the monopole. He was the one I think that requested the current wooded area stay the way it is with the pine trees and such. That is why the variance on the landscaping was done.

Larry Smith: 8209 Corryton Luttrell Road. For a number of years I have worked from Alaska to east coast building towers and evaluating properties for the construction and so forth. And first off I would like to mention that Mr. Burton has literally bent over backwards to accommodate and answer our questions. We do appreciate that. We thank you very much. When you build these towers you have to be aware of a thing called environmental impact issues. These are things I talked to Mr. Burton about environmental issues that we had. Some of those issues dealt with the health of the neighborhood. The other issues dealt also with the environment of the neighbor. Others dealt with the monetary aspect such as the value of properties in the neighborhood. Do the values of the properties appreciate when you have a tower in your back yard? It is like an elderly gentleman once told me when I attended a meeting out west. I said sir we have no way of answering that question. He said well your answer is would you buy my property with that tower in my back door. To me that literally surmised all of the calculations for to property value. Who is going to buy it? You have that issue. The heal issue associated with these towers are sort of general as already announced. Nationwide we need to be a bit more cautious with the use of these cell radiations. I can stand on that Monday Road and I can count within a three mile radius two of these cellular towers; five mile radius to a 4 mile radius an additional two of them. Now the radiation that these towers generate according to our Surgeon General we need to be cautious. They are a health issue apparently or they would not have come up and said it. We already have these numbers of accumulated radiation in our neighborhood. I am just asking do we really need an additional one. How many more are we going to be expecting in our neighborhood? Because everywhere you drive you will see that cellular towers they are popping up everywhere. You know that. We all see it. The health issues are important I think. The nation should be thinking about it too. When you talk about radiation... Mr. Burton informed me that the engineers say well the radiation from these towers is a electromagnetic radiation. Well the engineer is absolutely right. The misleading fact is EMF happens to be a by product of the

source being transferred which is the power radiation. That is simply a by product of it. The radiation still has to get to your phones and your phones have to click to get back to the towers and so forth just in the process. In other words radiations are there. When you talk about small children with these radiations, their skeletal structures has yet to be developed. If we bombard them in great quantities in our neighborhood, well what is happening to the children? It is like, it is like a hearing impairment. You don't know you are losing your hearing until it happens. Radiation is the same way when it comes to brain tumors.

Longmire: Mr. Smith you have one minute.

Smith: So the environmental portion of it. Amoco station, Amoco Corporation has already informed us we are standing upon a vast amount of oil deposits, shell oil. If you start blasting in those areas and I was assured by Mr. Burton that they are going to have to in that area, if you start blasting in those areas everyone's wells are going to be like mines. I can throw a stick on it one time, light a match on it and I got blue flame coming out in my kitchen. These wells are going to be hampered or affected so to speak. People like myself and my wife, so forth, we don't necessarily have the means to go out and dig other wells just to accommodate this situation. Thank you very much for the opportunity. I have other issues, but times up.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1 (JOHNSON). APPROVED.

Other Business:

None

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:06 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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