



# Minutes

## July 11, 2013

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

The Metropolitan Planning Commission met in regular session on July 11, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

- |   |                             |   |                          |
|---|-----------------------------|---|--------------------------|
|   | Ms. Rebecca Longmire, Chair | A | Mr. Nate Kelly           |
| A | Mr. Herb Anders             |   | Mr. Charles F. Lomax, Jr |
|   | Mr. Bart Carey, Vice Chair  | A | Mr. Brian Pierce         |
|   | Ms. Laura Cole              |   | Mr. Jeff Roth            |
|   | Mr. Art Clancy              |   | Mr. Jack Sharp           |
|   | Mr. Len Johnson             |   | Mr. Wes Stowers          |
|   | Mr. Michael Kane            |   | Ms. Janice Tocher        |

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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

\* **2. APPROVAL OF JULY 11, 2013 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

\* **3. APPROVAL OF JUNE 13, 2013 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

**POSTPONEMENTS TO BE VOTED ON READ**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL AUGUST 8, 2013. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL SEPTEMBER 9, 2013.**

Citizen asked that number 21 be heard today and not postponed.

**MOTION FAILED DUE TO LACK OF VOTE.**

Automatic Withdrawals Read

None

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**

WILSON RITCHIE

3-F-10-SC

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

METROPOLITAN PLANNING COMMISSION

6-A-10-SAP

Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

METROPOLITAN PLANNING COMMISSION

7-C-10-SP

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

WILLOW FORK - GRAHAM CORPORATION

a. Concept Subdivision Plan

11-SJ-08-C

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

b. Use on Review

11-H-08-UR

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

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

a. Concept Subdivision Plan

4-SC-09-C

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

b. Use On Review

4-D-09-UR

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

TIPPIT VILLAGE - SITES TO SEE, INC.

a. Concept Subdivision Plan

9-SA-10-C

Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.

b. Use On Review

9-E-10-UR

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

<u>LONGMIRE SUBDIVISION</u> West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.	1-SA-11-C
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Rd., Commission District 8.	2-SO-09-F
<u>JAMES L. MCCLAIN</u> 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
<u>CITY OF KNOXVILLE</u> South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).	7-D-10-RZ
<u>METROPOLITAN PLANNING COMMISSION (REVISED)</u> North side Sutherland Ave., east and west sides Forest Heights Blvd., Council District 2. Rezoning from R-1 (Low Density Residential) & RP-1 (Planned Residential) to R-1E (Low Density Exclusive Residential).	4-H-13-RZ
<u>BUFFAT MILL ESTATES - CLAYTON BANK &amp; TRUST</u> South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).	4-B-10-UR

***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 (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 11-0.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 11-0. APPROVED.**

**Ordinance Amendments:**

- \* 5. **KNOX COUNTY COMMISSION** **7-A-13-OA**  
Amendments to the Knox County Zoning Ordinance to remove distance regulations for the sale of beer.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Alley or Street Closures:**

- \* 6. **CITY OF KNOXVILLE** **7-A-13-AC**  
Request closure of unnamed alley within parcel 095NB00103 from Highland Circle to west terminus, Council District 1

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 7. **CITY OF KNOXVILLE** **7-A-13-SC**  
Request closure of Sid Street (formerly Highland Circle) within parcel 095NB00103 between Highland Dr. and south terminus, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 8. **CITY OF KNOXVILLE** **7-B-13-SC**  
Request closure of Highland Drive between within parcel 095NB00103 between Hillwood Drive and Highland Circle, Council District 1.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 9. **CITY OF KNOXVILLE** **7-C-13-SC**  
Request closure of portion of Dawn St at northeast corner of parcel 094HQ00502. Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Street or Subdivision Name Changes:**

None

### **Plans, Studies, Reports:**

None

## Concepts/Uses on Review:

### 10. **BRANDYWINE AT TURKEY CREEK**

**6-SB-13-C**

West side of Fretz Rd., south of Campbell Station Rd.,  
Commission District 6.

STAFF RECOMMENDATION: APPROVE the following revision to condition #4 of the concept plan conditions of approval for Brandywine at Turkey Creek (11-SA-10-C) granted by the Planning Commission on April 14, 2011. Revised Condition #4. Until certification is provided to the Planning Commission Staff from the Knox County Department of Engineering and Public Works and the Town of Farragut that the improvements to Fretz Rd. identified in condition #3 of the April 14, 2011 approval have been completed, no more than 20 building permits shall be issued for this subdivision.

Tom Brechko: This is a request to change a previous condition on this subdivision that limited the number of permits to 15 prior to the completion of the Fretz Road improvements. They are asking for 5 additional permits. At the last meeting we had identified that while they had been out there working on the premise of Fretz Road some issues came up on discrepancy on right of way that had already been deeded for this project and it was postponed. Since that time the Town of Farragut has met with the applicant and the property owners involved. They have kind of reached an agreement as to the compensation for the additional right of way. Based on that the Town of Farragut and County Engineering both have no opposition to the additional 5 permits with the change to the condition that staff is recommending. In your blue sheets you received the wording for that. Basically we identified that up to 20 permits can be issued for this project prior to the completion of the road improvements but no more than that until after the road improvements are completed. There was an additional condition that this revision would not take effect until the Town of Farragut and the County received one, a purchase agreement for the additional right of way, a right of entry onto the property to go back to putting the road improvements in place or other combination of documents that may be agreed upon. They are actually working on getting the deeds prepared and signed for the transfer of right of way. Once those documents are provided and the Town and Knox County are satisfied with that they can issue the additional 5 permits.

Edward Shultz, 111 Fox Road for Brandywine at Turkey Creek. All of the conditions are documents that need to be signed. They have all been drafted. They are in circulation. The landowners have agreed to sign them. So we are just waiting for signatures at this point. Everything is agreed to and set.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.**

- P 11. CASCADE VILLAS - PHASE III **7-SA-13-C****
- North end of Gatekeeper Way, northwest of Ball Camp Pike., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 12. TWIN WILLOWS - TWIN WILLOWS CONSTRUCTION, LLC **7-SB-13-C****
- a. Concept Subdivision Plan**
- Southeast side of Buttermilk Rd., southwest of Graybeal Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-4 & the Concept Plan subject to 7 conditions:

David Harbin 4334 Papermill Drive. We are in agreement with staff and ask for approval.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-4. MOTION CARRIED 11-0. APPROVED.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 7 CONDITIONS. MOTION CARRIED 11-0. APPROVED.**

- b. USE ON REVIEW **7-B-13-UR****
- Proposed use: Detached residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 74 detached residential dwellings on individual lots subject to 1 condition.

**MOTION (JOHNSON) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.**

**Final Subdivisions:**

- \* 13. PAUL B JETER PROPERTY **7-SA-13-F****
- South side of S. Northshore Drive at intersection of Rock Hill Road, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **14. D & J ESTATES** **7-SB-13-F**  
South side of Holston Drive, north side of Sandis Lane,  
Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 15. A. A. METLER** **7-SC-13-F**  
South side of Dutch Valley Road, east of Plummer Road,  
Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **16. BEAU MONDE RESUBDIVISION OF LOTS 79-85** **7-SD-13-F**  
Northeast side of Mystic Street, north of S. Northshore Drive,  
Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. THE ANNEX AT JEFFERSON PARK WEST** **7-SE-13-F**  
S. Northshore Drive west of Concord Road, Commission  
District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. MRS J S REYNOLDS PROPERTY RESUBDIVISION OF LOTS 11-12 & PART OF 13** **7-SF-13-F**  
Southwest corner of Kingston Pike & Fox Road, Council  
District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 19. MRS. L L HOLLOWAY** **7-SG-13-F**  
Northwest side of Kingston Pike at north intersection of  
Boxwood Square, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **20. EAST TENNESSEE PEDIATRIC DENTISTRY** **7-SH-13-F**  
North side of Callahan Road, northeast of Keck Road, Council  
District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Rezoning and Plan Amendment/Rezoning:

**21. CHOTO PARTNERS**

Northwest side Plum Creek Dr., southeast of Parkside Dr., Commission District 5.

**a. Southwest County Sector Plan Amendment**

**6-A-13-SP**

From LDR (Low Density Residential) & STPA (Stream Protection Area) to HDR (High Density Residential) & STPA (Stream Protection Area).

STAFF RECOMMENDATION: DENY HDR (High Density Residential) sector plan designation.

Arthur Seymour Jr., 550 W Main Avenue, Knoxville, TN 37902. I am here on behalf of the applicant. My initial request on this was to postpone for 60 to 90 days either one is fine. I asked my client to notify neighborhood representatives that we were requesting the postponement and he assured me he did. Whether he did or not I am not privy to those conversations. That is our initial request. If you read the staff recommendation, I will go ahead since there is opposition I assume not only to the proposal but to the postponement.

Longmire: I have no idea. Would you like them to speak first so you would know how to respond?

Seymour: Very well I will go ahead and address the merits of the controversy. If you have read staff's recommendation you can see that there are objections to a number of points to the proposal. Right now there is a vacant lot and a house at this location which adjoins Parkside Drive. This is a subdivision that was developed in the mid 60's. Mr. Brusseau keeps hammering me with this was supposed to be a pool. Well we are here 46 years later and a pool has never been built there to my knowledge. It is still vacant land. The other objection is the density and I think that is subject to debate. That is why we wanted a 60 or 90 day postponement to further evaluate the process. The third objection seems to be that the access to the property is internal to the subdivision which is correct. We are trying to correct that to confirm that we can get access to Parkside Drive. I respectfully submit that there have been changes in this area since 1965. Parkside Drive is now a 4 lane divided road. Across the street from this property you have automobile dealerships. If you go to the west you have office buildings and go beyond Lovell Road which is not too far from this to the west you have Turkey Creek. If you go back to the east there is an Extended Stay Hotel on the south side of Parkside Drive which would have a density very similar to this. I think it is time for the Planning Commission to look at higher density residential outside the core of the City. You have every

commercial and retail service available to this property within a mile that you can imagine, every type of retail and commercial. You have Extended Stay Hotels. At Turkey Creek you have several hotels down there. If you go further east several miles on Parkside Drive you have a number of motels and restaurants there. Simply saying this should remain low density residential I think in the long run is not practical. You have a single family subdivision here with some nice homes in it which need to be protected. If you do not get residential and allow some density at this location you are going to see pressure for commercial as you have all up and down Parkside Drive. For that reason we would request initially a postponement of this matter for 60 to 90 days to see if we can get access to Parkside Drive or confirm that we can get access to Parkside Drive and eliminate any access into the subdivision which I think would be appropriate. And let us work with the neighbors to see if it is possible to get high density residential maybe not at the amount requested, but somewhere along there. Those are my requests at this time and I would like to save the remainder of my time for rebuttal if I may.

Longmire: You have 45 seconds to rebut.

Eric Manaschmidt: 10709 Plum Creek Drive.

Longmire: What did you say your last name is sir?

Manaschmidt: Manaschmidt and don't ask me to say it again. To correct first there used to be a pool there. When we moved in about almost 26 years ago there was a pool in that area and a tennis court and they were in bad, the tennis court was in bad shape. I don't know if it was ever used or not when you lived there before the property was then bought. Swimming pool was then turned into a dive shop for a while. Then it was filled in and that area which was much lower than the street level at Plum Creek Drive was then built up to about 5 or 6 feet above so it went up probably, maybe 10 feet from where it was up to where it is now. That changed and made it to where the runoff of the water it flooded the streets and makes it a lot worse especially when there has been rain like we have had recently. Then I was looking at this it is talking about going from low density residential and stream protection area. What is the stream protection area considering that you are not supposed to cut along that stream there? The first thing they did is clear cut that area and no penalty. Then later on when they mowed the field again they clear cut it again. They have been keeping that and why they did it why I understand it the way I see it is they put a sign up there for sale so you could see if from Parkside. It also gives more visibility to where people can now drive through or see there is a cut through then go up to Kingston Pike through our subdivision. So it increased the traffic. It also increased the noise. It also increased the light pollution at night. With BMW

across the street there is an awful lot of light that just floods the houses at night. You can go outside and read I mean at night. It is that light. I can't imagine putting 35 residences per acre, 2 ½ acres, close to 100 people there, 100 families there. I don't think that is going to improve the water drainage conditions to have all that concrete on that place that is now raised but it is dirt at least. It soaks up some and of course the stream has been cut so it doesn't do what it, the buffer was made to do originally since they, since they don't, they haven't been really protecting that area I don't think they are going to do much more and be much more trustworthy to protect it after they take it high density.

Longmire: May I stop here for a minute and stop the clock please. You wanted it not postponed you wanted it heard. Did you see that the staff recommendation is to deny?

Manaschmid: Yes ma'am and I want to deny it too.

Longmire: So you are supporting the denial.

Manaschmid: I have pictures if you want pictures that show why. There are a lot of properties up there. To say that this is moving toward the pressure to go commercial, well the last time it was pushed to go commercial was when they came at us a year ago trying to change this from residential to commercial. They have been postponing and postponing. Today we have about 68 people here in support of the community that area against this rezoning. So I will go ahead and let she wanted to speak? Go ahead.

Megan Mason, 229 Wakefield Road, 37922. I am a member of the neighborhood. I have two young daughters. We moved there because of the quietness of the neighborhood. We moved there because it was isolated. If you put these apartments in it will no longer be isolated and it will greatly reduce the traffic in there. It will also lower the property value of our house. The majority of people buying houses are families with young kids. No one wants to live in a high traffic area. I would vote to shoot down the apartments. Also like the first step to moving it from a residential to a commercial would be moving it to a high residential apartment. We don't want the apartments there. If I could have a show of hands for everything that agrees with me from my neighborhood that we do not want apartments there we would like for it to stay low density residential. Thank you very much. (about 15 people raised their hands.)

Longmire: There is a minute and 14 seconds left.

Michelle Simons, 232 Pat Road. I am one of the people that came here last time. We have been here before fighting the exact same thing. The point that Eric did make and I want to

reiterate this is there are properties on Parkside that have been bulldozed and have been totally vacant for probably 15 years, 12 years now, and they have not been built up with the things that he is actually mentioning yet he wants to put in our neighborhood. He wants to go with this. When we, when that wall of trees was taken down that was major violation to us and it damaged the waterway. We contacted the stormwater people. I have had fabulous conversations with them. The City stepped up and we have trees there from the stormwater people. We have oaks that will grow and will be fabulous there again. However the other side they fought and they don't want them put in. We have a few crepe myrtles someone put in on the side; that is not a buffer. To put in to allow a high residence anything in there will bring the foot in for the next thing that someone wants to put in there. Sooner or later we will no long be a neighborhood. The neighborhoods of this place and the United States are like the agrarian background and backbone for the United States. The minute you allow that you lose what you are building.

Seymour: I would simply point out that we are asking for residential. The proposal would ultimately be condominiums which is a form of home ownership. I am also suggesting this neighborhood would be better off with a planned residential zone than they would be with the RA or the C-6 which is immediately to the west of this property or the commercial zoning across the street along Parkside. If they don't want it that is fine. We will have to look at another proposal. I would request at this time that this be postponed 60 to 90 days.

Mike Brusseau: I spoke about it a little bit on Tuesday. Arthur sort reiterated the main points of staff's issue with it. The main issue is the fact that this lot not the lot with the house on it but the larger lot is and has been since 1967 proposed for recreational uses. At one time it was used that way. Just because things have changed it is still part of a residential subdivision that was approved with this as recreational use. It is also across the street, yes it is across Parkside Drive from commercial uses but it is also across the street from low density residential uses which certainly would not be compatible with potentially 3, 4 or more story residential buildings, high density residential buildings. As he said Parkside not having I don't know that it would make us change our opinion on it, but not having direct access to Parkside Drive and bringing all that new traffic on the neighborhood street is certainly not a great idea either. We are as we recommended for the office proposal about a year ago this site should be used for low density residential and/or recreational uses only. It is part of the subdivision. The only access to it currently is through those subdivision streets.

Bart Carey: This might be for Mr. Seymour. Correct me if I ask an improper question. How historically has this property gotten

away from being a pool and into potential development situation here? Does homeowners association have ownership of it or what is going on here?

Seymour: I don't know. I wasn't sure there had ever been a pool there. I asked Mr. Brusseau that question. It is not owned by the homeowners association. It is owned by our client Choto Partners. It is not something the HOA owns. I will take anybody's word on when there was a pool last there.

Paul Simmons, 232 Pat Road. There was previously a pool there. It was used the community as well as the tennis court. The previous owner of the land bulldozed into the pool and removed the tennis court while maintaining the tree protection. You can see that in your documents we posted online from that previous photo. Those trees were there. That was just bulldozed. He then let laps I don't know how he lost ownership but sold that property which Choto Partners picked up. So there was a pool there at one point in time.

Carey: Was he the developer of the property? The association never had control or ownership of that property?

Simmons: I do not know the details. I think that gentleman...

Longmire: Wait just a minute. Sir do you have something?

David Keck: 10512 Plum Creek Drive. I have lived there since 1972 and before that didn't live far away. I watched the subdivision from its inception. It was developed by a man named A.C. Keller. Mr. Keller sold lots in there to people with the understanding that he built the pool the first thing he built was the swimming pool and tennis courts. The understanding was if you bought a lot in there then you automatically had a membership to the pool. That was not in the deed. Once Mr. Keller got some houses some lots sold and some people building houses he tried to turn it into commercial development. He was busing kids down from YMCA and leasing it out to this one and that one. The subdivision people took him to court. The court made him close the pool so it sat there empty for years. A guy named Eddie Brennon bought those lots and paid Mr. Keller \$12,000 and he built a house beside the pool and redid the pool and was swimming in it and training his buddies how to dive and that sort of thing. Eddie in turn after he got a divorce he sold to one of the members of Choto Partners bought it. He went in there we think illegally probably took 200 or 300 loads of dirt in and built it up and put it for sale for \$800,000. This is all about the money and it is the same people that had it then. Maybe some of them are different but what is your friend's name? Winston Cox.

Longmire: You have answered the question. Thank you so much.

Carey: I was just curious how the developer had an understanding with the neighbors the homeowners association but it really was not in writing. It was just a handshake kind of under the table deal. Not really an understanding.

Michael Kane: Mr. Seymour my understanding you said you wanted to postponed it for 60 or 90 days to talk to the neighbors and to discuss or to look at access to Parkside and also maybe look at other densities besides the 35 is that correct? Why wasn't this done before it came to MPC?

Seymour: I wasn't aware of the vociferous nature of MPC's opposition to anything other than a pool or a house at this location until it was filed.

Kane: We turned it down as office last year.

Seymour: I think it was withdrawn.

Kane: Well withdrawn. Was it withdrawn? I thought we had turned it down.

Clancy: It was voted down.

Brusseau: MPC denied it.

Kane: MPC denied it which would kind of indicate what our indications were at the time. I am trying to figure out what he preplanning that went into this and why you feel like a postponement is going to achieve something.

Seymour: We are looking at a residential use and some would say that is compatible with the neighborhood even though the densities would be different than a commercial or office use which was apparently what was brought up last time. I did not realize... I though it was withdrawn prior to coming to the meeting. I was not representing these folks at this time. I apologize I thought it was withdrawn. I think the big point Mr. Brusseau makes is access to Parkside and close off access to the interior streets in the subdivision. I think that would make a big difference if that could be achieved. That way the neighborhood a lot of their concerns are suddenly address: the lights from the car dealership across the street, the noise and so forth if you could build an attractive condominium development in there. That I think would answer a lot of their concerns. I frankly do not see after looking at the property and looking at the maps and so forth see anybody building a single family residential home on this lot. I may be wrong on that but people have had the opportunity for a number of years and apparently have not elected to do that.

Longmire: Commissioner Kane has your question been answered?

Kane: Yes thank you.

Clancy: At the risk of being phorciferous my intention was to support the denial but my biggest problem I have is access through the neighborhood. If you are going to build a condominium or apartments I don't support that with access through the neighborhood. Now if you can get access off Parkside Drive, I would much rather see planned residential where we all have including the neighborhoods public input and a public forum to determine a plan, a concept plan where we day you are wanting to put 100 high rise apartments there? No that is not what we want to see. We would rather see something a little less dense and a little more attractive and be able to contour vegetative barriers between that and the neighborhood. You can't do that unless you have access to Parkside Drive. Now rather than deny it I would like to make a motion too postpone for 90 days to see if we can't something like that worked out where everybody wins.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE FOR 90 DAYS TO GET SOMETHING WORKED OUT.**

Longmire: I have request of City Engineering on Parkside there for access. Would access be a problem for you?

Howie: It depends on the location. I think closer to the intersection of Glade Drive would be a problem. We would want it to be as far as possible from that access point. With that being a divided roadway that may create some problems for the use of that facility. I think we could work with them on a driveway option in that area. We would want it as far as possible from Glade. I don't think they currently have frontage on Parkside. There is another property between the property they own and Parkside so there are a lot of hurdles to overcome.

Simmons: Also just to bring this up because I would fight that particular thing as well because to put a culvert in there would be ridiculous. That is part of your watershed for our area. That is why that stream is protected anytime you go in a do building you have potential issues. The other part of that is we have massive runoff and if you see the rain we have had recently, you can bring your kids over and float boats in our neighborhood right now. We have rain and it goes up into the road. That is not going to help us. That is going to cause more problems.

Longmire: If you will look at your map the only place it looks to be like access for this is at the intersection with Glade which they actually don't own.

Clancy: Potentially they could buy another piece of property to get access. I am just giving them 90 days to give me a better option than an undeveloped piece of dirt sitting there in front off Parkside Drive or possibly commercial at some other point. I want some options other than a black or white. I am trying to give them a chance to give us all something better to look at

Brusseau: There are just two things I wanted to clarify. There has been mention of the vegetative buffer that was removed. There was a notice of violation issued by the City which is in your package back in 2011 for that removal within the stream buffer as well as some removal within the right of way. The second thing was Commissioner Carey mentioned that there was no record of the recreational use but I would disagree with that because it is on the 1967 legally recorded plat that is also in your package that says Boxwood pool. To me it's legally standing.

Longmire called for the question.

**MOTION CARRIED 9-2 (COLE, KANE) POSTPONED UNTIL OCTOBER 10, 2013.**

**b. Rezoning**

**6-C-13-RZ**

From RA (Low Density Residential) to PR (Planned Residential).

STAFF RECOMMENDATION: DENY PR (Planned Residential) zoning.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 90 DAY. MOTION CARRIED 9-2 (COLE, KANE). POSTPONED UNTIL OCTOBER 10, 2013.**

**P 22. HUBER PROPERTIES / CLEARWATER PARTNERS**

**6-D-13-RZ**

Southeast side Hardin Valley Rd., southwest of Valley Vista Rd., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to PC (Planned Commercial) / TO (Technology Overlay).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\* 23. KNOX HERITAGE, INC.**

**7-A-13-RZ**

Northwest side of Kingston Pk., northeast of Cherokee Bv., Council District 2. Rezoning from R-1 (Low Density Residential) & F-1 (Floodway) to R-1 (Low Density Residential) / H-1 (Historic Overlay) & F-1 (Floodway) and design guidelines.

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential) / H-1 (Historic Overlay) & F-1 (Floodway) and design guidelines.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **24. J. STEPHEN RIDENOUR**  
Southeast side Callahan Dr., north of Clinton Hwy., Council District 3.  
**a. One Year Plan Amendment** **7-A-13-PA**  
From OS (Open Space) to GC (General Commercial).  
  
STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **7-B-13-RZ**  
From A-1 (General Agricultural) to C-4 (Highway and Arterial Commercial).  
  
STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. RICHARD W. RACKLEY**  
Northwest side Tazewell Pike, northeast of Jacksboro Pike. Council District 4.  
**a. North City Sector Plan Amendment** **7-A-13-SP**  
From CI (Civic/Institutional) to O (Office).  
  
STAFF RECOMMENDATION: Approve O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. One Year Plan Amendment** **7-B-13-PA**  
From MDR (Medium Density Residential) to O (Office).  
  
STAFF RECOMMENDATION: Approve O (Office).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **c. Rezoning** **7-C-13-RZ**  
From R-2 (General 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.

- 26. ROLLING ACRES FARM** **7-D-13-RZ**  
South side Thorn Grove Pike, west side Smith School Rd., Commission District 8. Rezoning from OS (Open Space) to A (Agricultural).  
  
STAFF RECOMMENDATION: Approve A (Agricultural)

Longmire: I reiterate this is a rezoning only. If anything is done on an agricultural piece of land there are certain things that have to come before us for use on review. Just be very aware of what is allowed in the agricultural zoning.

Tim Tatum, Pastor, Thorn Grove Baptist Church, 10200 Thorn Grove Pike. We respectfully ask that you deny this the rezoning for several reasons. First of all just the common thing of air pollution. Secondly just the noise pollution from blasting if they put a rock quarry in there. Third from road damage that would be from the trucks which is happening on the other side at Marbledale. Then the potential damage to structure to our church and also to the surrounding houses. We respectfully ask that you deny this rezoning.

Longmire: Your concern is not with the rezoning to Agricultural. It would be the use that was on the agricultural. Mr. Brusseau would like to speak to that please.

Mike Brusseau: The rumor is and I have no way to confirm or deny this, but the rumor is that the applicant intends to try to get a quarry approved here. We are not here to decide that today. The decision here today is is this property appropriate for agricultural zoning. It is surrounded by agricultural zoning. The plans call for ag/rural residential uses. This is located in the rural area of the county. In staff's opinion clearly it is suitable for agricultural zoning. Also it was originally zoned agricultural until 2008 when a specific request came in for the OS. The only reason was somebody had a plan to do some equestrian facilities and various other things that could not be accommodated in the Ag zone. In fact they left portions of the site zoned Ag to allow for the stables and areas for the horses. I guess I would just say if indeed a quarry is the plan here that would as you said require a development plan approval by MPC and that would be the forum in my opinion to discuss that matter.

Longmire: You understand sir that right now if it is agricultural that is all we are dealing with. If again he or whomever put a quarry there then you would get to come back and make your statements.

Tatum: Want to here then and there too. Thank you.

Laura Cole: I would like to give... I realize we are here to talk about the zoning and I support the zoning. It makes sense. I would like to ask the applicant if there are plans for a quarry.

Joe Davis: Representative for Rolling Acres Farms. At this time there is no plan for a quarry there.

Clancy: One quick question. Michael I know it has to come back for review of concept plan. Is a quarry a use by right in agricultural?

Brusseau: No it is not.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.**

- \* **27. E.C. BALDONADO CORP.**  
North side Hardin Valley Rd., east of Cherahala Blvd., Commission District 6.  
**a. Northwest County Sector Plan Amendment**  
From TP (Technology Park) to GC (General Commercial).

**7-B-13-SP**

STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning**  
From BP (Business and Technology) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

**7-E-13-RZ**

STAFF RECOMMENDATION: Approve CA (General Business)/ TO (Technology Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 28. PRIMOS LAND COMPANY, LLC**  
Southeast side Gray Hendrix Rd., east end of Garrison Rd., Commission District 6. Rezoning from A (Agricultural) and I (Industrial) to PR (Planned Residential).

**7-F-13-RZ**

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 4 du/ac.

Mike Brusseau: This is a piece of property on Gray Hendrix Road. It is 58 acres in size being requested for planned residential zoning at 5 units per acre. Anything up to 5 units per acre is appropriate based on the sector plan designation for LDR. The site is in the planned growth area for the county. It is surrounded by other development that has been done in either the RA or PR zone. Staff recommended the reduced density just simply because it is more compatible with the surrounding existing densities there. It is my understanding and I will let them speak on this that they should be okay with that density based on the concept plan that was submitted that may or may not be heard next month by this body which fell somewhere in the mid, between 3 and 4 units per acre. I will let them speak to that. Basically staff recommends the reduced density for better compatibility with surrounding uses.

Linda Bacon: I am a life long member of the Karns community. I love the community; love progress. But the area you are looking at is a beautiful green area. Beautiful agricultural area. The pride of Karns just down the street from Karns Middle School. I think it has always been a hard thing. One of the last things the kids at Karns Middle see before they enter the school is that beautiful area. It is uplifting. I am a teacher. I am a parent teacher of the visually impaired. I travel throughout the Karns schools. It does my heart good to pass by that. I am fortune enough to live across the street from this beautiful land. Gray Hendrix Road we greatly share and I have several people here. Would you raise your hands? (About 8 people raised hands) These are neighbors. These folks if I asked them I said how large a tract of property is your land on, is your house on. They will say oh I have got an acre and one half or I've got two and one half acres. We are talking sizeable pieces of property. Yes there is a small section that has just recently gone PR I believe it is called. Gray Hendrix Road is a treacherous road. Because this issue came up I have started trying to walk to see my neighbors. I am telling you I have pictures that I would love to share with you. The road is extremely narrow. It is extremely treacherous. There are no sidewalks for our children. At 3:30 in the afternoon that whole road just shuts down and you can't go either direction. There is no option. Parents are waiting to pick up their children. I know I have one of my three children rode years ago a special ed bus and it turned over on Gray Hendrix Road. We made the front page that day and that is not the way you want to make the front page. She was okay. I am very worried about the drainage. We have two springs on that property. It could really disturb and disrupt that watershed area. I think in conclusion due to the existing road condition, the road is not in great shape, no sidewalks; I want you to give serious consideration to maintaining this as an agricultural piece of land. My third grade teacher was Mary Lee Butler. She farmed that land she and George. They loved it. They died without a will. They were great stewards of this property. As you think about rezoning think how much our community loves and appreciates that land and what George and Mary Lee meant to our community. Progress is not always building as many homes on the property as you can. I assure even 4 per acre does not reflect those of us along Gray Hendrix Road. Like I say you are talking more an acre and one half and two acres. It would really change the dynamics of our area. Drainage pictures in particular and you can also see how narrow the road is. (Handed pictures to Mike Brusseau.)

Josh Sanderson, 4909 Ball Road. We originally asked for 5 units per acre on this tract of land and we will settle for 4 and accept 4. We ask that the Commission zone the property in accordance to staff recommendation of 4 units per acre.

Art Clancy: I understand the concerns that the opposition brings. It is a nice piece of agricultural. But you have already got a residential moving in. The only way you are going to get sidewalks anywhere near there is if you develop it. I feel like we have got to determine what the best use of the land is. I don't know that agricultural based on what we have got around it is the best use of the land. So I am going to go ahead and make a motion that County Commission approve PR Planned Residential zoning at a density of up to 4 dwelling units an acre.

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

Longmire: I would like to ask Mr. Brusseau. There is some significant slope on one of the land is that correct? There is a stream. Am I looking at the wrong piece?

Brusseau: At the very southernmost part of the site is in the slope protection area but it was such a small portion of it that we didn't do the slope analysis on it. I would also add that there are portions of the site to the south that are zoned industrial also that certainly is not appropriate there. I don't know that the pieces of land are big enough to do anything with. If this were approved it would get rid of that industrial zoning there.

Longmire: That is a very odd industrial zone. And there would be stream protection also.

Brusseau: I don't have a copy of the sector plan map on this one because it was not the sector plan was not required. Actually we did do a slope analysis it is on the back of our sheets. They revealed that there was nothing over 40% and very little over 25. It is fairly flat by east Tennessee standards.

Longmire: I guess what I am saying is that part of the land would remain undeveloped because of...

Brusseau: Most likely yes.

Laura Cole: I have not seen the pictures yet, but I just wanted to give County Engineering a chance to respond to drainage issues. Many times people come up here and County Engineering was not aware of the issue. I wanted to ask Ms. Pionke about the drainage issues in that area.

Pionke: County Engineering is aware of the issues out there. As stated earlier there was a PR property that was redone just recently further south on Gray Hendrix Road and it came up as part of the review for that process. We are aware of what is going on out there. We have had complaints about water overtopping the road and what not. The three streams that are on the property, they are going to have to provide stream

buffers for those as part of their development and what not. So at this point we have not reviewed a design plan for the drainage, but we are aware.

Wes Stowers: I was asking Ms. Pionke about the road capacity if there had been any analysis done on what that is going to do on the road, the transportation.

Pionke: I regards to the subdivision they have been required as part of their submittal once again they have turned in a plan for next month's meeting. We have received a traffic impact study. We have not yet I personally have not had time to finish reading it yet. I am only about a third of the way through it. The roadway out there south of Garrison Road is probably 17 feet wide and the portion that runs along the school frontage is probably 18 feet wide. In regards to the fact that traffic backs up particular in the afternoon because of parents returning to pick up their children, that is there are no plans to make any improvements to Gray Hendrix. There is nothing in our capital plan at this point. Unfortunately as most of the schools in the County the same situation exists in the afternoon s as part of the pick up schedule.

Longmire: This area would be within the parental responsibility zone? Yes. So sidewalks would be required.

Pionke: Yes ma'am.

Terry Depp, 2516 Gray Hendrix. My home is a historical home. It was the first two story log home built in Rhea in Knox County excuse me. I have two and one half acres. One of the springs ends on my property, enters my property. I have a spring house. Also I would like to know the date of the traffic study was done. If it was not done during the school year at any point you are not going to get a true picture.

Pionke: Essentially the counts were done this summer; but they actually factored them up because of the lack of school. The traffic engineer was aware of the situation and took old counts that were done previously when school was in session and compared it to the existing count that they got this summer and then they increased the volume to reflect school.

Depp: Did you also include the increased traffic from the other subdivision that is going in across the road from this proposed one. There are 40 plus homes going in there also.

Pionke: Yes ma'am. It has all been accounted for in the traffic study.

Depp: Okay because that is a very, very narrow road and traffic is just horrible on that road.

Longmire: We understand that is a problem throughout Knox County especially around schools. That is one reason we really have pushed for sidewalks within the parental....

Depp: Would the road be widened and sidewalks added before the subdivision is put in?

Longmire: The subdivision would have sidewalks.

Depp: No I mean along the road, Gray Hendrix Road. Did they take into account of going ahead and the widening the road and adding sidewalks before the development?

Pionke: At this point I am not aware that they will be widening Gray Hendrix Road at all.

Depp: I think you should really really think seriously about not approving this then. If they are not going to widen the road, it is dangerous. There are accidents there as it is because there is no shoulder on the road. The pavement just drops off. Cars that go by; they run off into the ditch also.

Bart Carey: I look at this map and Ms. Bacon you are talking about how this is the last buffer and the last remaining farm land in this area. I don't know how long these subdivisions have been there. I am not overly familiar with the area. Was this Dr. Butler's farm in Karns? A different Butler. I see that it has been developed all around it. I assume that the Butlers have decided to make I guess their tax on this probably has probably gone up as a result of all the development around it. I am assuming that 30 or 40 years ago that these roads were farm roads designed for light traffic and tractors and hay wagons and development has grown up around this. In thinking about what is going on here some farmer has decided he can't afford to pay the tax anymore and he is being pressured to move into another area of development. I agree I would love to see a conservation development happen here and not be a real high density thing. (Lady in audience trying to talk.) Do you want to address the mike? I feel your pain on wanting to see this stay as an agricultural property. I can empathize and sympathize with your position.

Bacon: Our veterinarian said Linda if you ever hear that that property is for sale and he is a Butler, I want it. I want it to retain it as an agricultural piece I may want to put my home on it. But I would love to have that property. That was just a comment made.

Carey: I guess it is a matter of economics at some point. Can somebody afford to buy 58 acres for a single family residence? That is...

Sanderson: There is a misconception that the Butler family owned this property. The Butlers did not own this property. We actually were under the impression that they did own it previously and that is who we approached in the first place. Come to find out a family with Asbury name and their parents died and it was left into an estate. Ed Butler farmed the land and leased the land for cattle. This land did not belong to the Butlers.

Janice Tocher: My biggest problem with this development is specifically with the roads. Driving out on those road what we keep hearing over and over again is Gray Hendrix just can't support the traffic. We are looking at the traffic impact of 2700 plus more cars daily. That just doesn't fit right for me.

Sanderson: Any and all issues that Engineering would bring to our attention on this property will be addressed this upcoming month on use on review. Today we are simply asking for zoning to planned residential at 4 units per acre.

Charles Lomax: If I remember hearing correctly Engineering said that the stretch of Gray Hendrix from Byington Solway up until Garrison was about 17 feet. Is that correct?

Pionke: About that yes sir. It does have a center line stripe on it.

Lomax: I am familiar with the road I was a student at Karns Elementary, Middle and High School. So I am familiar with this area. What is the approximately distance between Byington to Garrison? You say about 1/2 mile. About an 1/8 of a mile? Okay thank you.

Jeff Roth: I live in Karns too and my kids went to high school and middle school as well. I live right around the corner from here. Some of the problems that I have heard opposition say today really what I would like to point out is the only way those things can get taken care of is responsible development. I think this is a perfectly good use of this property.

Len Johnson: Madam Chair we discussed this and we appreciate all the input both from the developer and from the opposition. I call for the question.

**MOTION CARRIED 11-0. APPROVED.**

- \* **29. SOUTHLAND ENGINEERING**  
Southeast side Ball Camp Pike, southwest side Andes Rd.,  
Commission District 6.
  - a. Northwest County Sector Plan Amendment**  
From LDR (Low Density Residential) to C (Commercial).

**7-C-13-SP**

STAFF RECOMMENDATION: Approve C (Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **7-G-13-RZ**  
From PR (Planned Residential) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **30. WALLACE MEMORIAL BAPTIST CHURCH**  
Northwest side Merchant Dr., northeast side Scenicwood Rd.  
Council District 5.  
**a. Northwest City Sector Plan Amendment** **7-D-13-SP**  
From PI (Public Institutional) to C (Commercial).

STAFF RECOMMENDATION: Approve C (Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. One Year Plan Amendment** **7-C-13-PA**  
From MDR (Medium Density Residential) to GC (General Commercial).

STAFF RECOMMENDATION: Approve GC (General Commercial)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **c. Rezoning** **7-H-13-RZ**  
From R-2 (General Residential) to C-3 (General Commercial).

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 31. METRO KNOXVILLE HMA, LLC**  
South side Middlebrook Pike, southwest side Old Weisgarber Rd.  
Council District 2.  
**a. Northwest City Sector Plan Amendment** **7-E-13-SP**  
From LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) to O (Office), SLPA (Slope Protection Area) & STPA (Stream Protection Area).

STAFF RECOMMENDATION: Deny O (Office)

Mike Brusseau: The overall property is about 100 acres. They requested O-1 zoning on the entire thing which is what prompted the one year and sector plan amendments on the south side of the creek because the plan did not recommend office uses, the plans did not recommend office uses on that side. Essentially staff just recommended in accordance with the

plans which the plans endorsed office uses on the north side of the creek. That is probably the most important thing to consider here. Obviously on the south side there are reasons that the south side was not proposed for office because it has got some more environmental constraints as well as it is adjacent to residential areas. Essentially it is in the City all the utilities are there. It is consistent with the plan as recommended for the zoning so we are recommending that it be approved on the north side only.

Longmire: Once again I remind Commission that we are dealing with a rezoning. A land use not a use on review; a rezoning.

John King: P.O. Box 2425, 37901. I am here today with some representatives of the applicant. I have Jeff Potter, Melanie Robinson and Jerry Askew with Tennova. I have Mark Rowland the architectural firm involved and Chris Akers is with the engineering firm that is involved. They are here not so much to speak as to perhaps be in a position to answer questions or assist me in answering questions you may have. You all have already been provided aerial photos and conceptual layouts. I think there were about four in number. You've had a chance to refer to that. Our proposal was to rezone the entirety of this property which is about 107 acres to office because at the time of the filing there existed the possibility Tennova might have to use the property south of the creek in that development. There were other reasons original explanations for our request. The best way to answer those who are concerned about development of the property south of the creek is to acknowledge, appreciate and accept as we have already stated to staff before accept the recommendation of staff. We are therefore in agreement with its recommendation which means that the property south of the creek will remain as currently zoned agricultural with all the built-in's and slope protection areas remaining in place and a sizeable piece of undeveloped property between the hospital development and those people who border this property to the south. We in this rezoning as is already noted are entirely consistent with all of the adopted plans affecting the development. This project is going to be another part of the existing and developing medical node in the Middlebrook/Weisgarber/Dowell Springs area. We have throughout this process met with the West Hills Neighborhood groups and others. The last meeting being July 8th just earlier at 7:00 p.m. Those meetings are going to continue throughout the development process because we have to be back in front of this body with a use on review and development plan for approval at a point in the future. As a consequence of those meeting we have done a number of things. In response to constructive suggestions and attempting to give affect to those and being a good neighbor we have done some of the things such as we have moved the emergency facility from the west end of the property to the east end of the development. We moved the

helicopter pad to the east side where it is buffered by the stream, slope and that undisturbed property. We have kept the development north of the creek thus leaving that substantial distance between any of our development and the residences to the south. We kept the focus of most of the medical service to the east. In the middle of the development we are leaving existing vegetation and if necessary adding to it. The area to the west of the development between the development and the western boundary is identified on those layouts as landscaped area. Our outdoor lighting will be designed for low impact on the neighborhood. We leave several hundred feet of distance between any building and the adjoining boundary line to the west. Given all of that we would ask that the staff recommendation be approved. We will be happy to respond to questions.

A. B. Clefith, 718 Westboro Road. I am a neurological surgeon. I arrived in Knoxville 1981 and have been on the active staff of St. Mary's and UT Hospitals since that time. I chose a peaceful residential neighborhood to reside in that had excellent access to all the hospitals in Knoxville. We had a very busy practice of neurological surgery and a large volume of trauma. St. Mary's has been an excellent hospital and in fact had the busiest emergency room for many years and served up to 11 counties. I personally feel that there is no need for a new or relocated hospital in Knoxville. It is understandable that a for-profit institution would want to move west where there is a higher income level and more lucrative insurance reimbursement but it would leave a significant portion of Knoxville without adequate access to emergency room and a hospital. The catholic system was very sensitive to north Knoxville and the inner City. Tennova does not speak for the physicians. They have not performed a survey whereas I have performed a survey of my neighborhood. There are 17 medical related families out of 60 homes in my subdivision and 81% of those people felt there was no need for a new hospital in west Knoxville and 90% are against further commercialization of the northern border of the West Hills Community. I would also call your attention to the letter from Mr. Swingle that details more objections and includes petitions from over 200 signatories against this hospital relocation. We believe that it would adversely affect multiple areas of Knoxville and Knox County, both north and central Knoxville and we are against a full service hospital and emergency room in west Knoxville where this hospital would be an unwanted and unneeded intrusion. As I was on my here today I heard a news brief about the gypsy moth. It said fight the pests before they get into your neighborhood and destroy it. That is what we would like to do. Please vote against rezoning.

John Neal: I am attorney. My home is 6657 Ridgerock Lane which means that this project is literally in my back yard. Not only that but my office is at 1240 Old Weisgarber Pike, excuse me Old

Weisgarber Road. Everyday when I look out my window I am looking straight at this property so I am doubly affected. I have only got a couple of minutes so I will be as brief as possible. I want to focus on one particular aspect of this project that is the staff recommendation and Mr. King's statement that his clients are willing to abide by the staff recommendation. The problem with that is it is not true. Mr. King told me just three days ago that it was full hearty for me to think they would spend all this money on this property and only use half of it. You have to remember what their original plan was. Their original plan was to use all of it. Anybody who lives in Knoxville for more than ten years knows that hospitals gobble up the neighborhoods in which they sit and Fort Sanders is a perfect example of that. This hospital is going to seek in the future to occupy every inch of space on this property. Don't forget they area for-profit institution. They have a responsibility to their shareholders to increase their profits. How do you do that; you build lots of office buildings on the property which you then turn around and rent to physicians and other medical providers. The bottom line is it is just not so. They accept that staff recommendation for today. They don't accept it for the future and if you approve even the staff recommendation, unfortunately this problem is going to be continuing for years and we are going to be here over and over again until every one of us in the grave and then there will be another generation to continue fighting this fight. The bottom line is we don't need another hospital. North Knoxville really does need the hospital they have got. It doesn't make any sense to move these facilities to west Knoxville. You just cannot believe this representation that they are not going to try to use that slope because they are going to try to use that slope. It is inevitable. John is an extremely resourceful attorney. I know it well because I practiced with him for about 15 years. I learned a lot from John. I know he is tenacious, smart and he never gives up. I am here to tell you while those are great qualities if you want this fellow as your lawyer I recommend him. Those are great quality but... I am sorry did not realize I had used my time. Then I am done. Thank you. At least Mr. King won't object to me taking extra time to compliment his ability.

Longmire: He looks thrilled. I do have a question for you Mr. King. Again I say I am cognizant of the fact that this is a rezoning. I received and I am sure my fellow commissioner received many emails, letters, whatever concerned with the closing of what is the old St. Mary's. I don't understand them closing it. I was born there. I thought it would be a shrine. A plaque, that would do. Could you speak to that concern, I know it is not, just briefly what is the plan for St. Mary's?

King: I appreciate the point you made. They are really two separate subjects. I think it is perhaps best if I yield to Ms. Robinson and let her deal with that one if you don't mind.

Melanie Robinson, Tennova Health Care, home address is 4818 Briarrock Lane, Knoxville, TN 37920. In terms of the question as the former St. Mary's campus which is known today as the Physicians Regional Medical Center, that is a long time staple in the community. It is a wonderful hospital that delivers high quality care as you have already heard today. We are very proud of that hospital. Unfortunately as we look at the future of health care it is a very challenging place to meet the needs of the community in the future. It has an 80 year old structure that has been added onto over the decades. As you would suspect it has significant infrastructure challenges that are incredibly expensive to deal with and also disruptive to patient care as it is ongoing. So it is a very difficult place to consider moving in for the next 50 years of delivering health care. However we recognize the challenges to the community that were created with the Baptist Hospital situation having an empty hospital. We are very, very committed to ensuring that that does not happen on this campus. We are spending as much time and energy developing a plan for the existing hospital as we are putting around the due diligence and investigating the possibility of building a new hospital. That plan will include ensuring that we do not leave a blight to the neighborhood but that we leave something that continues to be additive to the neighborhood. We are committed to ensuring that there is a level of primary care available whether that be through whatever kind of walk in medical care that looks like we are still pursuing those avenues of investigation and due diligence. We absolutely are committed to ensuring that there is a level of medical care that is provided to that community and that we leave that property to be additive to the community and not a blight.

Clancy: As much as I would like to think that this Commission can determine where and of what degree we need medical facilities anywhere in Knoxville that is not our expertise and that is for somebody else to decide. What we have really got to look at is land use. If you think about it purely as land use and you say okay what would that piece of property look like with office space and a big buffer behind it that is what we are doing. That is what we are saying right now. We all know that they are going to come in with a development plan and a concept plan which puts probably a medical center there. I don't think anybody can look at that piece of property without turning around and seeing a huge medical presence across the street. Our center city has tended to move in that direction anyway. That is not really considered west Knoxville anymore if you look at how our city and our county has expanded. That being the case I am going to go ahead and make a motion that we deny the sector plan amendment to O Office and SLPA Slope Protection Area.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO DENY THE SECTOR PLAN AMENDMENT TO O OFFICE AND SLPA SLOPE PROTECTION AREA.**

Michael Kane: I understand Commissioner Clancy's argument and I think it is difficult for us as Commissioners in terms of the information that we have available to decide whether or not there should be a hospital or not. I will support the motion to rezone it to office. My personal opinion is I asked City Council to really look at this and really determine whether or not there is a need for this because I do think that there will be a significant impact to the community as a whole particularly north Knoxville and also to some degree the West Hills area. I definitely think it is very difficult for this body and elected officials to hold the north side of this as essentially residential or essentially an undeveloped area and that is a very good argument. If we really believe that and a hospital built there that we need to make a commitment to the neighborhood that we are going to keep it that way.

Wes Stowers: One comment and one question. One comment I think everybody here agrees we are not here to determine the pros and cons of a hospital. The State has a process for that called a Certificate of Need and that goes through a whole lot of evaluation. The question this would be for Mr. King or somebody from the Tennova group as far as this southern piece that is across the creek my understanding is it won't be zoned. You all willing to commit that that remains undisturbed.

King: For the purposes of this zoning request today we have agreed that that remains zoned as it is. I do not know there is no current plan to use it for anything in the future and there wasn't at the time I filed the application. To me it was all one tract of land and made sense to go ahead and ask for it all. And as I said there was some issue about whether we could get a development done all north of the river, of the creek. That has been accomplished. We have no current plans for it. I do not know what if anything will be done to it or with it into the future. Obviously if it remains zoned agricultural, if there is anything else done other than what is permitted in an agricultural zone it has got to come back here.

Robinson: I would state that more strongly on behalf of Tennova. Our architect has told us that that is land that is incredibly difficult to build on. They have been... the reason we applied to rezone the entire piece of property was because we knew we needed to move actually in response from requests by medical staff to move forward with this process. When we came before you with our application we didn't know from the architect the approved placement of the hospital. Mark Rowland is here with Thomas Miller and tells us that is an incredibly difficult piece of land to build on. It would be silly of us to try and frankly that is a lot of the issue we have today with the campus on Oak Hill is that it was built on a slope. It was built on a hill and it has created all sorts of access and development issues for use. I think at Tennova we are very comfortable standing here and saying we

have no intention today or in the future of building on the south side of the creek.

Robert Lomax: Let me just say that I agree with what Commissioner Kane as well as Commissioner Clancy have said in relation to this project and to the use of the land. All of the questions that I had about this project for the most part have been answered. I was in attendance at the neighborhood meeting on Monday and was able to hear various sides of the issue. I have spoken extensively with Mr. King. Mr. King let me say thank you for your time in being able to answer all the questions that I have. One thing that has been mentioned here as well as at the meeting on Monday was being good neighbors. I think that when I left the meeting that there was still a number of questions unanswered. I know that was mainly due to time. I would say to Ms. Robinson and to the members of Tennova just please continue to make sure that you are working with the West Hills Association with other that are in the area. Across the street you have a number of apartment complexes that sit on a hill that will be looking down at this project as well as nursing homes across the street. Continue to be good neighbors if this is something that we are going to proceed and go forward with.

Jeff Roth: Ms. Robinson or Mr. King one I know we talked about this Tuesday, could you just and I know we are not dealing with whether to build a hospital or not but I would like to know for my own purposes too where you stand on the Certificate of Need and where you stand in that process.

Jeff Potter: 1920 Tall Cedars Road in Knoxville, 37922. I am the Senior Vice President of Planning with Tennova Healthcare As part of that role Ms. Robinson and I work together to develop the strategies and the timelines for certain regulatory filings the CON being one. We have a time line laid out that would have us with a late fall, early winter filing date. That allows us to go through this process. That allows us to go through use on review and have everything lined up, have the concerns of the neighborhood addressed, and really have a fully developed plan. So we think we are going to file it late fall, early winter.

Clancy called the question.

Longmire: I have a question before we call the question though. This is to City Engineering. Let's talk roads and traffic. Some of the things that I got of course there was traffic on Middlebrook and also perhaps cutting through subdivisions. Any address there?

Chris Howie: We have received some preliminary complaints about those same kinds of issues. When this comes through the use on review stage a traffic impact study will be required as part

of that process and we will be able to better evaluate the impact on those roads with that traffic impact study.

Bart Carey: I see Ms. Pelot here trying to come to the microphone. I hate to deny anybody access to our forum. Could you voice a quick question or statement?

Barbara Pelot: 8437 Courtland Drive in West Hills. I just really wanted to make a quick statement. This property has quite a history as you all many of you all know. I want to speak to it because I want you to understand that having dealt with the possibilities of development of this property for many years and especially when I was on City Council and with the development of Dowell Springs and the concerns about that, I look at this question before you today in this way. The last development that we had to fight if you will was for a very heavy commercial development that I felt would be very detrimental to that area of West Hills. This is an opportunity to continue to consider a development for Tennova of this property in a way that it encroaches less on the neighborhood than anything that has come before us. We have to appreciate them for having come to meet with us now I believe we have met five times and they have spent a great deal of time with us. I appreciate Mr. Lomax for being with us on Monday night. It does give a good sense of the attempt to answer questions, meet the needs. The plan that Tennova has presented to us all today and to us in the past has changed over the time that we have been meeting as a neighborhood. It has completely reversed some of the adverse aspects of it so that they have listened to what we have asked. They have responded in a very positive way and I believe it is a better development as a result of the neighborhood input. These are all my friends. I represented them on City Council for eight years. I realize that feelings are really high in our neighborhood because we have had many threats in the past that we have had to work with. This is a beautiful piece of property. It will not remain undeveloped as someone said forever. We are going to have to find something. I believe something institutional. I believe Tennova has agreed and understands that we cannot support anything being developed south of the stream. For those reasons at this point if things continue to work for Tennova and for the neighborhood as they appear to be now to be working, I would support this rezoning. We simply don't need heavy commercial rezoning, but we do need in some way to get this property developed so the neighborhood can understand how the entirety of West Hills is going to look. We just appreciate the opportunity to work with them. I believe they are committed to continue to work with us. Down the road we will have a chance to voice our objections again if that is necessary. Before you today in order for them to move on it appears to me to be necessary to take this step that I hope you will take today.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. OFFICE DENIED.**

**b. One Year Plan Amendment**

**7-D-13-PA**

From LDR (Low Density Residential) and F (Floodway) to O (Office) and F (Floodway).

STAFF RECOMMENDATION: Deny O (Office) and F (Floodway)

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. DENIED OFFICE.**

**c. Rezoning**

**7-I-13-RZ**

From A-1 (General Agricultural) and F-1 (Floodway) to O-1 (Office, Medical, and Related Services) and F-1 (Floodway).

STAFF RECOMMENDATION: APPROVE O-1 (Office, Medical & Related Services) zoning on the north side of the creek and DENY O-1 zoning on the south side of the creek.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. O-1 APPROVED ON THE NORTH SIDE OF THE CREEK AND DENIED ON THE SOUTH SIDE OF THE CREEK.**

\* **32. HARB-WHITE PROPERTIES, LLC**

Southwest side Bridgewater Rd., north side I-40/75 Council District 2.

**a. Northwest County Sector Plan Amendment**

**7-F-13-SP**

From MDR/O (Medium Density Residential/Office) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-F-13-SP, amending the Northwest County Sector Plan to C (Commercial) 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-13-PA**

From MDR/O (Medium Density Residential/Office) to GC (General Commercial).

STAFF RECOMMENDATION: Approve GC (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **c. Rezoning**

**7-J-13-RZ**

From O-1 (Office, Medical, and Related Services) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: Approve PC-1 (Retail and Office Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **33. AZIZ KHERANI** **7-K-13-RZ**  
 Northeast side N. Cherry St., northwest of I-40, Council District 6. Rezoning from I-3 (General Industrial) to C-3 (General Commercial).

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 34. FLOURNOY DEVELOPMENT COMPANY**  
 North side S. Northshore Dr., west side Thunderhead Rd. Council District 2.  
**a. Southwest County Sector Plan Amendment** **7-G-13-SP**  
 From MU (Mixed Uses) to HDR (High Density Residential).

STAFF RECOMMENDATION: Approve HDR (High Density Residential).

Arthur Seymour, Jr. 550 West Main Avenue, Knoxville, 37902. I am here on behalf of the applicant.

Longmire: Is there opposition. Alright just wait a minute please. First of all have you a spokesperson or sharing. Just watch your time when you share. Mr. Brusseau I know that when we want to amend a sector plan and a one year plan designation there has to be reasons. Would you like to explain those reasons that we should consider this?

Mike Brusseau: Well they are very similar as far as the wording for the one year plan and sector plan. In this case as far as error in the plan that is for both plans. This site was designated for mixed uses but was limited to TC-1 or TND-1 zoning on the section plan. And then on the excuse me that was the one year plan, on the sector plan it was basically just mixed uses with the understanding that was all designated that way with this property being proposed as a true Town Center which is a mixed use zone. In this case the plan that was approved back with the TC-1 and it was a conceptual plan that was approved along with the rezoning showed apartments on the site just to the north of this property which later down the road ended up becoming the site designated as town center which is a mixed use zone. The plan approved back when TC-1 showed apartments on the site just to the north of this property which later down the road became the site for the new Northshore elementary school. The

way staff looked at it it may not necessarily have been an error in the plan, but it is an appropriate revision because the previously approved site for apartments just adjacent to the north is now not available anymore. To some degree we feel that this site may be more appropriate for apartments being more on the edge of the development and don't have to go as deep into the development. Going to the next significant change development pattern it has been planned since early 2000. Growth and utilities were planned to support intense development. With the previous apartment site now being developed with a school it is more feasible for apartments there. Change in public policy: essentially when you may remember and I am sure you are aware the Target and Publix that were built big boxes were not permitted in the TC-1 zone the applicant then requested that zoning to go to PC-1 needed a different zone to be able to consider those big box uses. That was sort of a precedent setting thing in altering the plans of the TC-1 zone. As far as new information and new plans the plans to build the school really is probably the major factor in this case. We feel like it is justified for a plan amendment. In this case if Mark or Dan want to add anything to that. They are probably a little more familiar with the overall concept there. That is where the recommendation on the plan amendments comes from.

Mark Donaldson: I can expand on that. This area has been designated as a town center for a number of years now. A key component to a town center development is people. The more people, the better. The more people that are there the more successful the town center will be. We have had several developments that have whittled away at the land that is still available for residential within the area. As Mike said this is really a pretty appropriate place for density of 24 units to the acre which is not all that high for a town center. The school took away a lot of the land that would be available for those people. This particular corner of the overall town center development is unique in that it stands alone as far as it is a district until itself just the southwest corner. So we literally can't transfer density from the balance of the town center development into this area so we have to do it through rezoning. If it had come in at the same time and been included in the original district they wouldn't be here asking for the rezoning because they would have been allowed to move the available residential units wherever they might wish within the overall town center concept. There are a number of reasons to support this request.

Brusseau: I just discovered a rather important typo in the recommendation on the zoning. It says to approve RP-2 zoning at a density of 35 units per acre. That should read of up to 25 units per acre

Longmire: That is rather significant.

Seymour: I am here with Blake Breeman, he is with Flournoy and will be available to answer any question, Brad Salsbury with Cannon and Cannon, and some of the property owners in the area. The zoning has been adequately described by Mr. Brusseau at this time. The town center zoning Flournoy when it first looked at this property, by the way although they are a George organization they have done one other major complex in this town Amberly Bluff at the old Sherrill property where they did I think over 300 units, 336 units at that location which I think is one of the premiere apartment developments in town. That is what they are planning at this location. The zoning we are asking to go from TC town center would allow on this site 160 units. What we are asking for is 248 units which would be subject to a use on review which would mean as you all well know coming back to you with our development plan which is in the works but has not been finalized because there have been discussions with staff, city engineering, with neighborhood representatives all of whom have had input to date and would continue to have input into the use on review which we hope to have back in 30 to 60 days for you all's review if you all recommend this zoning today. As mentioned the Northshore elementary school site was also zoned for multi-density residential and the acreage at that site would have allowed 300 units. So between the two sites you have the possibility of 460 units. We are asking for 248 units at this site. As Mr. Donaldson has pointed out although we are asking for a change from the town center zoning, we feel this apartment complex would carry out the purpose for which Northshore Town Center was originally developed. You are going to have mixed use. You have very nice homes at the top of this hill. Thanks to the recent commercial development out there I understand more homes are being built and will continue to be built. You have the commercial Publix and Target already there. You have further if you go out there and drive around you dodge construction equipment trying to finish the school plus other commercial development going on in the area. In talking to the merchants out there one of the big issues are people. Several of the merchants are here today supporting this. 245 units was the missing link for this development. That is why we are asking that you all approve, recommend or approve the sector plan and plan amendment and recommend the rezoning to City Council. I know you have gotten a lot of emails about this most of which primarily concern traffic. If you look I know of no other area in town where a development has its own interstate exit. They have two stop lights on Northshore Drive or will when the second one is completed. They will have a third access point on Northshore Drive. I am not going to argue that when school opens and school closes there is going to be traffic yes in there. But I have not been near a school in this community where that condition did not exist at school opening and school closing. These will be upscale apartments. Most of the rents will exceed mortgage payments that people are making in this community. We think this is good for Northshore Town Center. It is good for

the business. It is good for the neighborhood and we would ask that you approve it. I would like to reserve my 24 seconds.

Lisa Cole, 12237 Amberset Drive, 37922. I am the current Northshore Elementary PTA president for the school year that is coming up. Honestly before anything more is developed at Northshore Town Center we already have parents concerned about the traffic simply because it is an unknown factor. Driving down Northshore we have 1,000 students most of whom will be driving east down Northshore a two-lane narrow road with not a lot of turning lanes going into turning left into the school onto Thunderhead Road. Thunderhead Road itself with 30 to 50% of our students being car riders that is the car rider drop off and pick up line. It is a very narrow road difficult to navigate. Adding buses the line if you have ever been at a Knox County school just like he said traffic at pickup and drop off is crazy. You have to get there 45 minutes ahead of when school let's out to even get your child. The car rider drop line is going directly down Thunderhead Road directly past the entrance to the apartment. 1,000 students is not even to capacity will still have more. The proposal ads 3000 daily average car trips in and out of this. I think that is beyond what normal traffic congestion would be. Specifically because the road is so narrow. No traffic study has been done primarily because school has not started yet. Like he said it is all construction going in and out. Once the parents start getting there, I agree the more people in an area for a population and to boost the retail is great; too much, too much traffic and too many people and everybody will avoid that area. Simply they won't shop there simply because it is too congested in that area. There has been like I said no traffic study.

Debbie Stevens, 9551 Clingmans Dome Drive. I have actually been a resident of Northshore Town Center since 2006. I learned of this project by MPC website at the first of the month. Unlike the previous presentation there has been no communication with the neighbors who actually reside in Northshore Town Center, My concern and my objection to this proposed amendment is precisely what Mr. Brusseau mentioned and Mr. Donaldson. There is a line in the report that says but with the plan amendment that was approved for commercial uses in the eastern portion of the site which would be the Publix and Target the precedent was set for some changes as need. When we were here as neighbors when that site was proposed we worked with the developer and came in front of you and supported that change with the understanding that that would be the only change that the rest of the development would continue to be town center zoning. When now we have a planned community that to my knowledge has no plan. I have no objection to apartments. I understand this is supposed to be a mixed use community. As of today I cannot tell you where the side walks are going to be. I cannot tell you where the streets are going to be. We were promised a street was going to come out on the

other side of our residence along the Target so that we would not fight the traffic of the school. To my knowledge there is no road being proposed. My objection to this proposed change is the fact that this was zoned as a Town Center. We bought into it. Mr. Seymour your apartments are going to have an awful hard time selling if the mortgage payments of the houses up in the neighborhood. Without a plan it can't be a planned community. It would seem to me that that is exactly what this Commission is charged with trying to do is to find a way to have a plan. So once there is a plan in place the apartments are part of that plan. Right now we are doing it piece meal and it is costing us dearly.

Margot Kline, 8844 Ebenezer Oaks Lane. I am here representing the Council of West Knox County Homeowners. There are two neighborhood representatives who are members of the Council who are here also. Don't know if they will have time. I personally just want to say I know many of the neighborhoods in the area have strong objects because they feel that it will lower their property values. Personally as an individual my husband and I bought not too far from this location nine years ago because we like the idea of the Town Center development. We are getting older as many of us are. I would love to be able to sell my house and buy a condo in this location. If they put in a bunch of apartments it will not be a place I want to live anymore. I think we have a great need for more density but it can be done in Town Center zoning which is what is already there.

Vern Lindsey, 9902 Whispering Wind. I am the president of Lake Ridge Homeowners' Association. Our concern is our home values and the additional traffic that will be going on the egress into to Northshore. At that point another light is going to be in there. Already we have tripled our time getting to work in the mornings and afternoons just with what they have done already with the traffic lights.

Chris Howie: We have had a traffic impact study done on I guess two different occasions throughout the Northshore Town Center process. I think to judge whether there is going to be a traffic problem on Northshore or not might be premature right now with the amount of construction that has been ongoing for some time now. The second light is not installed. The width of the roadway is not completely put in as per the approved design plans that they are working out there. In addition to TDOT also having a project going on in conjunction with the ramps and the Pellissippi Parkway at the same time. To use the current situation as a judgment I don't know that that is a fair assessment. There is a great density being proposed here so there are more trips per day than were prescribed on the traffic impact studies that we have had in the past. I think that is something that we will address when it comes in for the use on review. It may not even be sufficient to redo the traffic impact study because it is not

that dramatic of an increase. It is something we will evaluate in more detail when we get a plan a use on review plan to look at further. The school traffic is something that has not been addressed in a traffic impact study in the past. That is something that I don't think is directly related to this particular development.

Longmire: But sidewalks will be a part of it because of the parental responsibility zone?

Howie: There will be sidewalks required on the public streets. There are streets that are internal to this development that the City won't be requiring specific sidewalks on. But the ones that will be on the public streets will be required to have sidewalks.

Longmire: I really like sidewalks don't I Mr. Seymour?

Seymour: You will see those on the use on review.

Longmire: I was just asking about the sidewalks because I know more and more the walking school bus idea really helps cut down on traffic when the school is in. It is good for parents and kids to walk.

Art Clancy: I empathize with the residents. I was here when we first approved this Town Center. We have seen it go from great idea to flounder and back. I think a lot of that has to do with our willingness to be flexibility with what goes in there and what doesn't. I think residential I think Mark is absolutely right people are the main thing that drives a Town Center. Ms. Stevens says there is no plan. That is true. It is really hard to envision what is going to be there and say yes we are for it without a plan. The first step to a plan we are not doing it in reverse and we are not doing it haphazardly. The first part of that is to get zoning in there to where somebody can develop a plan. That is why we have asked for planned residential and not planned residential of 500 units, 300 units, 200 units without sidewalks and big concrete block everywhere. We are talking about a planned residential with up to 25 dwelling units per acre which has to come before this body with you all sitting right back there again and say we like what you have done or we don't like what you have done. Have you met with the neighborhood? What does this look like to you guys? Is this acceptable? What do you like? It is very similar to the last case we had. Planned residential is a good tool for all of us to look at what the developer is intending and to have our input. That being said I would like to make a motion to adopt resolution 7-G-13-SP amending the Southwest County Sector Plan to HDR High Density Residential and recommend that City Council also approve the sector plan amendment to make it operative.

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

Michael Kane: I guess in listening the arguments I understand the logic that says we gave up some land that was designated for residential use and therefore the total number of people living in here essentially you have to make up with higher density in other areas. I think that is what we are talking here. Essentially you gave up the land for the elementary school and now we need more dense apartments. I understand that logic. But what I am concerned about is that we are giving up the Town Center concept and the master plan. I don't know if this developer is the one that owns the rest of the property, undeveloped property in the area or not. Seems to me that the people who live in this area some of those who bought here they bought they essentially were promised a town center and we are giving this up. I would have preferred that the developer would have come to MPC staff and said hey can we go and look at the Town Center zoning that it would allow more density within that zone still part of a master plan and that we can go move forward after that has happened. I don't really think this is the right way to do it. We need to maintain the Town Center concept and the integrity of that. I remember when the Target and the Publix property came and they said this is it. This is the only thing that we are going to change in terms of this Town Center. The rest of the master plan happens. And it is not. I would fully expect if we approve this as planned commercial that there will be another property that will come along and another property and the whole Town Center thing has gone away. I think the promise to the community is gone. If we need to tweak and we have done that I know we have already made changes to Town Center then we need to do that. I just can't support it.

Bart Carey: I guess I have a question for Mr. Donaldson. You mentioned we had density allowed or figured into the original town center. How was that concept working? Where was that coming from?

Donaldson: We have to go back in history here. Keep in mind that the original property zoned town center did not include this corner. So with that original zoning there was a number of residential units stated as a path. We are no where near that number of residential units currently within that Town Center zoning and probably can't get there given that we have the school that has been located and then carve out for the shopping center. This southwest corner came in after the fact and created a new Town Center zone district. When you apply the residential density of the Town Center to this smaller area you come up with 160 units. 160 units happens to be less than the threshold that most apartment developers are looking for in order to manage and that magic number is somewhere north of 200 to 250 units as a threshold for management. You will see if you

track the requests that come in here for apartments people are targeting that kind of number. If this corner had come in with the original tract, we would have been able to work within that total number of residential units that were established and they would have no problem in meeting the density with the number of units they are proposing here.

Carey: Density is a key component. People are a key component of a Town Center concept. There is no way. I will grant that traffic trips have been increased by the two big box stores that are now there. Density and walkability are really two things that I really embrace about this whole concept. In a previous thing we heard today we had a situation where we didn't want any more subdivisions because during school time the traffic to get to and from school was unbelievable. This is the perfect case. There is almost virtually no way anyone could drive a car from this site to the adjacent site to get to school. They are going to be walking. Apartment dwellers tend to be young families or younger people that would have kids that fit into this school. We are going to be promoting walkability on a safe sidewalk right next door. There should be virtually no trips to the school. You might 100 kids that can walk to school if they who knows the number. That whole idea of school traffic is actually softened by the apartment complex there. We will never going to get to the magic number that was preconceived here for the concept. I think this is a good use of this property.

Clancy: I just wanted to say something in rebuttal to Commissioner Kane's comments. I would loved to of the original concept of the town center when they came in here I was all for it. I thought that was an excellent idea. A friend of mine was going in there to do part of the residential development. He was excited about it; everybody was excited about it. What we ended up with was some beautiful houses on the top of the hill with a bunch of rocks left. So we had to say how can we salvage this and not just have it a huge eye sore especially for the residents that bout there that were hoping that this beautiful concept of a Town Center that is thriving with small little shops and everything would go. The first thing we had to do was bend for that and say okay bring some big some big box store in and then we had to or developers had to give away property to get a school there. All of those things are to help get this piece of property developed to where it resembles somewhat of a Town Center: people walking on sidewalks to school, to the ice store, to the grocery store those are all things that a Town Center to me when this first came down the road and hit our little Commission here those were the things I had in mind when I kept driving out there and seeing a big huge pile of rocks. I just felt like we have got to do something. This is just and I don't think I am betraying my committeemen to the residents of the area. I feel like this decision or my support of this is helping to

develop that piece of ground that is underdeveloped right now. Then I would like to call for the question.

Kane: I would like to respond. I appreciate that. I am not saying that this is necessarily wrong or even the density is wrong. I am not saying that. What I am saying is that the town center concept. The things that have happened before us are to essentially to go away from it. Instead of trying to see how to improve the Town Center concept to allow this is this the right solution for the objective that we need to have? It is just not clear to me that this is the right solution.

Clancy: How about a development plan first? How about giving it a chance to give a development plan so you can see if it is a solution.

Kane: Again I think that you start if you go with that argument then we don't need a town center to begin with. A town center could be developed under PC. You don't need it. Why do you have it? You can do it all under PC. Why are we if we are going with a philosophy of a Town Center and parameters that that involves we need to try to stick with it.

Donaldson: One can develop a town center in many different ways. We have a center of town in downtown Knoxville under C-2 zoning. You can also develop a town center using a cluster of zone districts including planned commercial and planned residential and office and any variety of other districts as long as they are all tied together. We as staff have done our best to put conditions in place on the planned commercial that occurred over adjacent to the interstate in order to incorporate the design principles that were established in the original town center zone and we will apply those equally to the planned residential that is at question today. Ultimately a town center is about a variety of uses all in the same location and you can do it within a single zone district or a group of zone districts as long as they are carefully managed. I think this planned residential at this density is consistent with the development of a town center.

Longmire: I think there is opportunity for further discussion but right now we really need to call the question.

**MOTION CARRIED 10-1 (KANE) . APPROVED.**

**b. One Year Plan Amendment**

**7-F-13-PA**

From MU (Mixed Use) (TC-1 or TND-1) to HDR (High Density Residential).

STAFF RECOMMENDATION: Approve HDR (High Density Residential)

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-1 (KANE). APPROVED.**

**c. Rezoning**

**7-L-13-RZ**

From TC-1 (Town Center) and OS-2 (Park and Open Space) to RP-2 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-2 at a density of up to 25 du/ac.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-1 (KANE). APPROVED.**

**P 35. M & M PROPERTIES**

**7-M-13-RZ**

Northwest side Westland Dr., northeast side Morrell Rd., Council District 2. Rezoning from R-1 (Low Density Residential) to R-1A (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**36. Number not assigned**

**7-N-13-RZ**

**\* 37. PRESBYTERIAN HOMES OF TENNESSEE, INC.**

South side Middlebrook Pk., east of Connie Rd. Council District 2.

**a. Northwest City Sector Plan Amendment**

**7-I-13-SP**

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

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-I-13-SP, amending the Northwest City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* b. One Year Plan Amendment**

**7-G-13-PA**

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

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* c. Rezoning**

**7-O-13-RZ**

From R-1 (Low Density Residential) and C-1 (Neighborhood Commercial) to R-2 (General Residential).

STAFF RECOMMENDATION: Approve R-2 (General Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **38. FALCONNIER DESIGN CO.- DAMON A. FALCONNIER** **7-P-13-RZ**  
West side Harriet Tubman St., south of McCalla Ave., Council District 6. Rezoning from I-2 (Restricted Manufacturing & Warehousing) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 39. KNOXVILLE CITY COUNCIL** **7-H-13-SP**  
North side Middlebrook Pike, east side Francis Rd. Council District 3. Northwest County Sector Plan Amendment from PI (Public Institutional) to NC (Neighborhood Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-H-13-SP, amending the Northwest County Sector Plan to O (Office) and recommend that City Council also adopt the amendment.

Mark Donaldson: This is a plan amendment that was initiated by City Council. According to State law under those circumstances they refer it back to the Planning Commission and you have the ability to approve, not approve or make no recommendation. It will then go back to City Council and they can vote as they wish.

Arthur Seymour, Jr. I am here on behalf of Knox County along with Chris Caldwell, County Finance Director, and Councilman Brenda Palmer who is the City Councilman from that district. These were two tracts that Knox County has surplused. The other one is Office, the one with the old house. This is the corner lot. Knox County it was Open Space. It is no longer needed Public Institutional. It is no longer needed for that purpose and Knox County wants to return it to the tax rolls. It would go there via a public auction. This is in Councilman Palmer's district and City Council voted unanimously to ask that you all consider Neighborhood Commercial.

Brenda Palmer: I represent the third District on Knoxville City Council. I find this a little strange to be at the heel of the agenda I guess I will talk fast if you will listen fast and we can move forward. I represent the north side of Middlebrook Pike. This vacant parcel is adjacent to Bearden Middle School. It is owned by Knox County. The site is one on the list to be surplused or to be sold and a request for proposal will be forthcoming. We are recommending from the City that this be zoned neighborhood commercial. If you will look at your map you will note that on the western corner of Francis Road and Middlebrook Pike there is a convenience store. Next to that is another convenience store and farther down there are some offices and at the corner of

Piney Grove Church and Middlebrook Pike is a convenience store. Diagonally from this piece of property that we are talking about was a convenience store that went out of business four years ago. The owners of that property have under contract I believe a prospective retail outlet that will not be a convenience store. So we will not be having competing convenience stores. There have been inquiries about this property from a number of people far beyond convenience stores. Some would be bringing retail to that corner that would be good. It is my understanding that the MPC staff was concerned that access to this would be very difficult. I am surprised about that. I guess it is like something else we considered recently we suddenly have a conscious about access to something. We already have access from Francis Road to a convenience store so that didn't seem to be a problem then. The recommendation that you all are looking at suggests that access to this property if it were zoned office would be from Middlebrook Pike and only from the north side of Middlebrook Pike. If you are traveling west bound on Middlebrook Pike you could easily zip into an office if there was one constructed there. If you were going east bound you would need to go past the property make a U-turn and come back in order to get to that access point. I don't think that is a very sound or safe plan. There are children who go to Bearden Middle School. When they are walking in the afternoon or in the morning they use an exit on the east side of this project and the adjacent property which used to be a Florence Crittenden Home. I am asking that the Commission agree with City Council's request that this be zoned Neighborhood Commercial. There is an issue of revenue that all of us are facing. We have found at City Council and I think County Commission has found the same thing and the administration at both agencies that there is not a big appetite for an increase in property taxes. Certainly property owners are not. We need to be looking at opportunities to create revenues for the city and county. Zoning this neighborhood commercial would allow that opportunity. If it is zoned Office there would be very minimal increased revenue. There are office buildings adjacent to this. They are generally fourplexes and I have lived in this area for 10 years and they are generally about 50 percent vacant. This is not an area that has a big demand for an office building of any type. There is a demand there have been inquiries about retail establishments at this site. I really am requesting that as a representative of that district and as a voice for City Council that you zone it neighborhood commercial.

Art Clancy: One quick question. Is the reason that it, we are an advisory board to City Council, is the reason that it is here is because of the sector plan has to be changed. They can rezone a piece of property without our permission.

Donaldson: As you recall originally this had our three items to deal with the sector plan amendment, the one year plan amendment and the rezoning. Because of the way state law is

structured with a sector plan amendment which is a part of the General Plan the planning commission adopts and the legislative body approves it to make it operative with the provision that the legislative body may initiate their own plan amendment. We already have our recommendations in place for the plan amendment and the rezoning. They have them in front of them they can choose to follow them or not. Because we did not approve or we approved a plan amendment to Office in order to go with a commercial zoning the sector plan amendment had to come from City Council.

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

Laura Cole: I just wanted to express my discomfort at the way we are voting on this just because it is sort of out of sequence. Normally we make our decision and it goes forward as just a recommendation at that time it is City Council's prerogative to make any change that they wish which is a little out of sequence now and I just wanted to express that I am a little bit uncomfortable with that. I certainly feel pressure now to give the correct answer and that is why I would prefer the normal process. I just wanted to make that comment.

Longmire: I am not sure what is normal with the Planning Commission.

Janice Tocher: I am confused as far as Councilwomen Palmer has requested that this be Neighborhood Commercial yet staff recommendation is Office. If I am thinking that Councilwoman Palmer that this should be Neighborhood Commercial I vote no on this.

Wes Stowers: I think that Council has looked at this pretty close. I concur with their position that another half empty office building isn't in the long term best interest.

Longmire: If hospital gets built how many offices are going to be out there. No I am being facetious.

Carey	Yes
Clancy	Yes
Cole	Yes
Johnson	Yes
Kane	Yes
Lomax	No
Roth	No
Sharp	No
Stowers	No
Tocher	No
Longmire	No
Motion failed 6-5	

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE NC NEIGHBORHOOD COMMERCIAL. MOTION CARRIED 11-0. NC APPROVED.**

Clancy: For the record I think that was the second best use for that property.

## Uses on Review

- \* **40. ARLAND CAR WASH** **6-A-13-UR**  
South side of Kingston Pike, east of Moss Grove Blvd.  
Proposed use: Car Wash in PC-1 (k) (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 41. SOUTHLAND ENGINEERING** **7-A-13-UR**  
South side of Deane Hill Dr., east side of Winchester Dr.  
Proposed use: Attached residential development in RP-1 (Planned Residential) pending District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 42. KNOX HERITAGE, INC.** **7-C-13-UR**  
Northwest side of Kingston Pike, northeast of Cherokee Blvd.  
Proposed use: Museum and non-profit preservation organization office in R-1 (Low Density Residential) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

## Other Business:

- \* **43. Consideration of two-year concept plan extension for Beacon Park, LLC until August 2015 - 8-SA-11-C.** **7-A-13-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **44. Consideration of revisions to the Tennessee Technology Corridor Development Authority fee schedule.** **7-B-13-OB**

STAFF 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 3:53 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Rebecca Longmire, Chair

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