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# Minutes

## JULY 9, 2015

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

The Metropolitan Planning Commission met in regular session on JULY 9, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.  
Members:

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

\* 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 9, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

**\* 3. APPROVAL OF JUNE 11, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

**POSTPONEMENTS TO BE VOTED ON READ**

Chair Longmire recused from voting on the postponements for 30-days.

Commissioner Art Clancy read the 30-day postponement list.

**MOTION (ROTH) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL AUGUST 13, 2015. MOTION CARRIED 11-0-1. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 60 DAYS UNTIL SEPTEMBER 10, 2015. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 90 DAYS UNTIL OCTOBER 8, 2015. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.**

Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO WITHDRAW ITEMS 36A, B & C 908 DEVELOPMENT GROUP. MOTION CARRIED 12-0. ITEMS WITHDRAWN.**

**REVIEW OF TABLED ITEMS**

**KNOXVILLE CITY COUNCIL (REVISED)**

12-B-13-OA

Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

**WILSON RITCHIE**

3-F-10-SC

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

**TREVOR HILL**

11-A-14-SC

Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.

**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.

<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>		
a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.		4-SC-09-C
b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.		4-D-09-UR
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u>		2-SO-09-F
Intersection of I-40 and McMillan Rd., Commission District 8.		
<u>HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9</u>		12-SJ-13-F
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.		
<u>RESUBDIVISION OF GEORGE HOSKINS PROPERTY</u>		4-SE-14-F
North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.		
<u>CITY OF KNOXVILLE</u>		7-D-10-RZ
South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).		
<u>TANASI GIRL SCOUT COUNCIL, INC. (REVISED)</u>		4-J-14-RZ
Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).		
<u>BUFFAT MILL ESTATES - CLAYTON BANK &amp; TRUST</u>		4-B-10-UR
South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).		
<u>SOUTHLAND ENGINEERING</u>		7-A-13-UR
South side of Deane Hill Dr., east side of Winchester Dr. Proposed use: Attached residential development in RP-1 (Planned Residential) District. Council District 2.		
<b><i>ITEMS REQUESTED TO BE UNTABLED OR TABLED</i></b>		
<b>MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEM 32 HOOD PROPERTY. MOTION CARRIED 12-0. ITEM TABLED.</b>		
<b>CONSENT ITEMS</b>		
<i>Items recommended for approval on consent are marked (*). They will be considered under one motion to approve.</i>		
Anthony Zucker 8631 Kingsbridge Drive. Remove 39a & b.		

Ralph Smith, 205 Lamar Avenue, Clinton, TN. I would like to have item No. 27 removed from the consent.

Burt Tackaberry, 12075 Woodhollow Lane, Brandywine at Turkey Creek, Phase III, Campbell Station Road Partners, 11 A.

Linda Bentley 12070 Woodhollow Lane and also ask that 11 be removed.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 11, 27 AND 39. MOTION CARRIED 12-0.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEMS 11, 27 AND 39. MOTION CARRIED 12-0. APPROVED.**

### **Ordinance Amendments:**

None

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

- \* 5. **W. FRANK SMITH** 7-A-15-AC  
Request closure of Unnamed alley between Citico Street and western terminus, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 6. **W. FRANK SMITH** 7-B-15-AC  
Request closure of Unnamed alley between northwest corner of parcel 094JJ026 and southwest corner of parcel 094JJ030, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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

7. **GEORGE PIPER** 5-A-15-SNC  
Change Town View Dr to 'Lula Powell Dr' between E. Summit Hill Dr. and E. Summit Hill Dr., Council District 6.

STAFF RECOMMENDATION: Approve Lula Powell Drive.

George Piper, 5405 Riverbend Drive. I am here today as the agent for Lawler Wood Housing who is applying for this name change from Town View Drive to Lula Powell Drive. We were here on May 14th so I won't go back and do anything except to recap what the issue is. We believe that this name change is a part of the three

step processes occurring in that part of town that is very critical. Those three parts are number one, extensive renovation and other improvements to the properties of Town View Tower apartments and Arbor Place apartments. Number 2 changing the name of these two properties from Town View Towers to 1100 Studio Apartments and Arbor Place apartments to Pinnacle Park apartments. The third change then is to change the name of Town View Drive to Dr. to Lula Powell Drive. Before I go on I want to recognize several people who are with me today: Alvin Nance the CEO from Lawler Wood Housing, Carl Hagan the president of Lawler Wood Housing Development, Walter Goesten the resident service coordinator and we are very pleased to have Dr. Lula Powell with us today also. We met with MPC on May 14<sup>th</sup> and presented this application. The Commission was concerned about the possible disruption and hardship that this name change might cause for our residents. The application was postponed for a 60 day period to allow us time to have resident engagement on this matter and find out what the issues are and what steps we needed to take as a property to overcome it. We were recommended that we meet residents and get their feelings about the changes and problems that might bother them. We agreed with Commission on this need to find out what can be done to anticipate and prevent any issues for our residents. Seven days after the meeting with MPC on May 21 we engaged a resident service coordinator, Walter Goesten to work with us at Town View Towers working in the property in the lobbies, available to talk with the residents about any problems they might have with construction or the name change. We asked to talk with them, find out what their specific issues were with the name changes in particular and let them know what we would willing and able to do on their behalf. From May 21<sup>st</sup> to June 26<sup>th</sup> Mr. Goesten was in the apartments. He spoke to 30 to 40 residents on the subject of name changes. None of those were rabid complaints. They were all concerned how what this might mean to them, how difficult it might be to change their mailing and social security address. On June 22 we placed posters in the lobby of the building and soon after that sent out invitations to all 261 residents of the property to announce to them about an event that was occurring. We were going to have an event on June 27 at the property to talk about the construction process and its near ending, new services that were going to be provided, a new name for Town View Towers and Arbor Place, and application to change Town View Towers. We held that event. Guests in attendance were Dr. Daniel sorry Daniel Brown, Dr. Powell, Lawler Wood Housing top management, Town View Tower staff, Knoxville Police Department, Fire Department, Principal of Green Magnet School, Cherokee Health and local pastors. We wanted this to be a community occasion where the residents could talk with us and the community about any issues they might have. All of the topics were discussed, particularly topics about the name change. The attitude through the course of that event was quite informal and casual. I spoke to a number of people who had concerns. The concerns varied from I wish you had asked me to how is this going to bother me. A general sense when that

was over, again it was an occasion to talk with residents explain what was going to happen and how might it affect them. When that was over there was a general sense of excitement about what they learned and pleased about the nearing end of construction, pleased about the improvements that were occurring and excited about the new image and new place that was going to be available to them. We explained how we would assist each of these residents with any problems they might have in changing their social security, their mailing address, and other addresses. We are here today to recognize what we can do to prevent this kind of problem is to provide the residents the assistance they need in converting their current address to new addresses. We are committed to do this and assist our residents. This would be accomplished through joint accountability of Town View Towers doing everything we can to assist the residents through this transition. I mean figuratively and literally assist them and for Town View Towers residents to do everything they can to cooperate with us. Therefore today we are here to respectfully submit our application for the name change from Town View Drive to Lula Powell Drive. Thank you.

Dwayne Banks, 1100 Town View Drive. First of all I should say on Monday I printed out a notice that all residents need to be informed of this meeting and management wouldn't allow me to post it in the common areas; no shape, form or fashion. She kind of brushed me off and then wanted to get into a slight argument of why I don't want to change it to Lula Powell. It is not the whole point that I have anything against her; it was the back door of how it was done as far as the residents. That is my complaint. (Submitted copy) Really that is about it as far as construction and everything, you have your good points and bad points. We have a whole lot of bed bugs and stuff like that that is going on. A whole lot of people are affected. Out of an apartment that is being fully remodeled, like myself for instance, bed bugs are in the walls and I have to push everything to the middle in my apartment for them to spray for bed bugs for three weeks of treatments. It is an inconvenience. Knock on wood, I have somewhere to go. It is an inconvenience to a lot more and some of the elderly people that run into bed bugs and stuff like that. As far as the transportation it would take to rent a KAT bus to take in some of the people that is in wheelchairs down to the social security office you know to come actually to the facility. But management told us we have to get there on our own dime. It is now seemed that concerned citizens are deemed as troublemakers as we all try to reach to one accord to get it accomplished.

Longmire: I thank you for your comments Mr. Banks. Mr. Nance could you please address some of our concerns about the helping the residents change their addresses. Do they indeed have to go down to the social security office?

Alvin Nance: No I think as George mentioned there a minute ago... By the way I am Alvin Nance, I am the CEO for Lawler Wood

Housing Partnership. As George mentioned a moment ago we have already looked into each of these areas, the social security department, the US postal service. We have also looked at the voter registration situations. We looked at the voter, I mean the driver's license office. We have looked into those organizations to determine what needed to be done to ensure address changes could be made. We have also determined that they can be online. What we have shared with residents is that we will take care of that process for you. That was the reason for hiring Mr. Goesten so we would have someone on site that would be available so that the residents would have someone there available to them that they could reach out to as opposed to someone they try to reach by phone.

Longmire: Will there be computers available?

Nance: Computers will be available on site.

Longmire: Could one of you also address the bed bug issue? Will that be taken care of?

Nance: Again I appreciate Mr. Banks commitment to helping us improve the quality of life there at Town View Towers. I think it is important for all of us to know that we do have a procedure with regards to bed bugs. We do treat. Once it is reported to us, we do treat. I know it is an inconvenience for residents who may not have bed bugs. As soon as they are reported to us we do a range of treatment to take care of bed bug situation. We do not ignore them. It is a challenge. I think it is important that people need to understand that we are part of addressing people coming from the homeless system. We are receiving individuals who come to us sometimes who don't have personal items or don't have furnishings that they can bring with them. So they go and find furniture wherever they can find it and bring it into the units. That is a challenge for us. We are trying to be diligent about inspecting stuff before it comes in. But once we are notified we make certain that do a treatment immediately.

Elizabeth Eason: I think last time we heard this my concern was about the residents not knowing about the name change. I think the name change sounds like a great idea. I just wanted to make sure that the residents were aware of it and had assistance with making changes to their documents. Sounds like that is in place. My understanding is that will be in place for a period of time. Somebody will be there at the apartments.

Nance: Mr. Goesten is an employee of Lawler Wood Housing so he would always be there providing resident services.

Easton: The other question was just going back to... sounds like only a few people asked about the name change so far, 30 to 40. I didn't hear how many attended the June 27<sup>th</sup> meeting but do you

have some formal information that is going to go out about this assistance?

Piper: We physically put envelopes under the doors of all 261 of our residents. What the topics were what was going to be discussed and what was going to happen. Of those 120 residents showed up at the event and were given name tags. In the course of that those residents came and talked with me, talked with Alvin, talked with other people about what this means. Why are we doing it. What it is for and how will I be inconvenienced. To the degree we could we answered all those questions and made clear that steps were in place to help it occur.

Longmire: Mr. Piper. I know you probably don't but do you have a copy of the announcement you gave?

Piper: No but I can email you one right after the event.

Longmire: If you would email it to Commission I think they would really appreciate that.

Jeff Roth: I heard you say there was 200 some odd residents and you had 140 show up at the meeting. Do you have a feel maybe percentage wise or a the number of people not in favor?

Piper: We do. It is a feel. It is not a quantitative measure. Of the people that we have spoken to, let's say the 120, there were probably at that particular occasion 15 or 20 that came up and asked question. Some of the questions were why are you doing this, is this a good idea and others were how could it get better. I would say the percentage who had questions was in the area of 15 to 16 percent. A very small number of people were adamantly opposed to the idea. There was not as much hard objection as there was concern it might be a hardship.

Roth: My concern with these kind of things and I think you guys have done a great job. I think it is a really thing to recognize Dr. Powell. I am also... the concern is about the people that are inconvenienced about having to change their addresses and do all that kind of stuff so I wanted to get an idea of where you were headed with that and what the group overall felt like.

Piper: Again I would say the group overall is more concerned frankly about the construction of the property being over, getting completed. That is a bigger concern. The name change is I would say a secondary item for residents. For us it is a primary concern. We do not want to do anything that is going to actively disrupt their lives or create a hardship. Our ability to help them accomplish these name changes are reasonable and certainly affordable and affordable way is important to us.

Michael Kane: I was trying to get a copy of Mr. Bank's handout and I was trying to figure out why there seems to be a disconnect... I got it now. Why there was a disconnect between what Mr. Banks was saying in terms of his attempt to get residents to come to the meeting. There seems to be some kind of difference in what you are telling us in terms of positive outreach and his apparent response to some other folks who are involved in the process and more negative. I am trying to understand that conflict or potential conflict or misunderstanding.

Piper: It is completely understandable why you would think that. Why would we prevent a resident from putting something up of importance like this in the building? Why would we not do that? The reason is that we have a residents agreement; a resident agreement that people sign when they sign the lease. Item 22, Section K, is something that we announce to our residents. Residents are not allowed to post any kind of posters, bulletins or anything in the building. Why would we do this? If we allow one resident to post anything, like this MPC meeting, we have an obligation to every other, all 260 others put whatever up they want. That is fair housing. In order to prevent that as a problem we did not prevent or discourage Mr.... from passing out the fliers to the people. He was encouraged to do that.

Kane: Did you talk about that at the meeting that you had in terms that there was going to be another MPC meeting about this? Was that discussed at the meeting?

Piper: Yes we did that there was indeed a next step in this.

Longmire: Mr. Piper. You have a copy of Mr. Banks. What is on theirs that is different than what you would have had on yours? Was there additional information on that one that...

Piper: There was nothing about this we had trouble with or a problem with. This is pure hard information. "MPC Meeting Thursday July 9 1:30 p.m. in reference to street name change" A very straight forward and clear request.

Longmire: And you also had that information on what you handed out?

Piper: Yes.

Longmire: I am just making sure.

Art Clancy: I agree with Commissioner Eason. I think that Lawler Wood has done a lot to put in place help for the residents. That was my big concern the last time we were here is that the residents were going to be inconvenienced. But if Lawler Wood's going to go to the trouble of helping everybody get the stuff changed over. It seems like it is a good idea. I think Dr. Powell is a fine person and

should be recognized. I am confused as to how bed bugs enter into this unless we are changing their address as well. I would like to make a motion that we approve the street name Lula Powell Drive.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE STREET NAME LULA POWELL DRIVE.**

Janice Tocher: The opposition did have just a little bit more time on and it looked to me like they had someone else that might want to say something.

Longmire: Mr. Banks was there someone else who wanted to speak?

Banks: Yes. Also along with that there's two other properties that is also affected by KCDC and also another property that Lawler Woods also manages. It is the Arbor Place. It just so happens that I live at Town View Towers. That is the main concern because that is my address. But the people from Arbor Place that are blind by it. People from KCDC that are still blind by it and have to go through address change and all of this other stuff as well. I didn't know if...

Julia Jacobs: 1100 Town View Drive. I am not originally from Knoxville, Tennessee. I am from Cincinnati, Ohio. I have met people from California that live in Town View Towers. I have met somebody from Chicago, all over, from Georgia. Everybody from the north is coming to the south. They are tired of the cold.

Longmire: We can't stop that ma'am.

Jacobs: I know that. My thing is when you come into another state my problem is I still do not get my mail from Cincinnati, Ohio to Tennessee. I have been to the post office and talked to the Post Master. Nothing is getting done. Nothing. I don't receive any of my mail. My mail goes to my mother house 456 Dayton Street. My mother has passed. How are going to help people get the mail when I don't even get mine. I have talked to the Post Master. That is the thing. Then the people that do live up in Town View some people can't read or write. Understand me? Some of them are old. I try to help out the people I can that don't understand what they are signing. You have to break it down into common terms so they can understand. I heard the manager tell somebody well we are not going to pay for nobody to go. They are going to have to pay \$2. See cause we catch the trolley. The trolley is free. We cut down through the hill. A lot of people go around in the hover arounds. See that is my concern. How do people that's in a hover around is going to get around?

Longmire: Ms. Jacobs, let me ask Mr. Nance to address some of your concerns about the mail particularly as far as making sure that... How are you dealing with the change of address? Will you address that again please?

Nance: Again with Ms. Julia I am not quite sure what is happening between Cincinnati and Knoxville, Tennessee but we have reached out to the postal service to identify what is the procedure that we must follow to insure that people's mail is delivered at the new address and what we need to do online to insure that that happens. I think procedurally we have looked into what necessarily needs to take place. From looking at as far as doing it on line is what they were encouraging us to do. We are trying to also minimize residents having to travel to the post office or to social security. Hopefully we can keep them from making that track.

Longmire: Again you will have adequate staff especially for those who are not computer literate or have trouble reading and writing.

Nance: That is correct.

Charles Lomax: Mr. Banks I just wanted to say thank you for your involvement in this matter. Had you not come before us back in May none of this conversation would have taken place. I think that was beneficial. I hear many of your concerns and I am sympathetic to them also. Just dealing specifically with the name change of the street I know that you voiced some opinion in regards to that. Were you able to attend the meeting that was sponsored and took place?

Banks: Yes. The meeting was very brief due to the weather. The rain kind of shut it down kind of quick so to speak so everything didn't really get across the agenda. Mr. Nance spoke. Dr. Powell spoke. Mr. Piper he spoke. After that we had a brief intermission and then right kind of like right after that little brief intermission the rain came and that was the end of that.

Lomax: Were you able at that point to discuss and voice your opinions about the name of the street change during that meeting.

Banks: Not actually during the meeting. Little private conversations where Mr. Piper. A little private conversation with Mr. Nance. But that was about it. But not just out in the open, no.

Lomax: Mr. Nance if this passes Commission will you all be able to send out some sort of notification to the residents to say what the process will be? I know that you said there will be a process in place but will be something explaining to them what they will need to do and how they will need to go about seeing Mr. Goesten in order to facilitate any address changes they have.

Nance: Yes. We can do that a second time.

Eason: To follow up on Arbor Place and KCDC. Have you reached out to them also? Will you have that employee also available in those facilities to help?

Nance: The employee will be available to assist with the folks in Arbor Place but understand, you know, KCDC is a little different situation for us in that regards. I have had conversations with the representatives of KCDC.

Eason: So they are aware of the name change?

Nance: Yes.

Eason: Is this over a span of several weeks that the employee will be able to help residents or what is that time period?

Nance: As far as the employee that we have right now, that employee is permanently stationed at Town View Towers. That is where his location is at this point in time. We also are going to be hiring an additional employee there for Town View Tower as well too. We are looking at bringing on a case worker to be available to assist individuals as well. We think having a resident's service coordinator like Mr. Goesten is very important so that he can help people connect to services that are available throughout the community. We think it is also important to bring in case worker to assist some individuals who are coming to us who really need some additional assistance and services.

Commissioner Anders called for the question.

**MOTION CARRIED 11-1 (Kane). APPROVED.**

Longmire: I commend the efforts being made. I will tell Mr. Banks that this is on the record about what they are going to be doing and I feel sure that speaking for Mr. Nance and Mr. Piper, if there is a problem they will be responsive to that problem. Again I echo Commissioner Lomax in that I appreciate all the neighborhoods and individuals who take part in letting us know how they feel. This month a lot of neighborhoods have let us know how they feel about a lot of things I will just say. I thank you for that. I really do. .

**Plans, Studies, Reports:**

8. **COUNTY COMMISSION**

2015 Northwest City Sector Plan Update.

7-F-15-SP

STAFF RECOMMENDATION: Accept, Deny, Table or forward with no action.

Longmire: This is going to be something that has come back to us from County Commission. Our actions will be limited. We can do... we can accept it. We can deny it. We can table it or we can forward it to County Commission with no action. Those will be our options. I would like for Senior Planner Jeff Welch to present Knox County's 2015 Northwest City Sector Plan again.

Jeff Welch: Again Commissioners I will be brief in this presentation. We had 60 days or so ago discussion on the sector plan. You amended language to the sector plan and then a motion to pass the sector plan onto City Council and County Commission. City Council in discussions with the neighborhood and community groups added some particular language that clarified that the PlanET process that was a referenced in this document was just that, a reference as a guiding tool used for looking at concepts and ideas and as a resource for the development of the sector plan. We have the City Council passed the Northwest City Sector Plan. It went before the County Commission. They have taken exception to any reference to the words Plan East Tennessee in the sector plan and initiated a plan amendment back to this body requesting you to consider removing any reference to Plan East Tennessee in the sector plan. Staff has laid out the options to you. We are asking for your consideration of those options. There has been no discussion at City Council or County Commission about the planned policies, the land use plan, the future land use plans or anything of that nature. It seems like the discussion has only been centered around use of and the discussion of Plan East Tennessee in this sector plan. It is an unfortunate situation but this is where we are at today. If it moves forward to County Commission and if they adopt it with the plan amendment removing such words we will have two sector plans out there for the same area. One with the words basically PlanET highlighted, I don't mean highlighted, I mean removed, and one with discussion of PlanET in there. Noted in your packet it is talked about in three places in the sector plan. So the ball is back in our court on this and I think the options are laid out there for you to consider.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO FORWARD TO KNOX COUNTY COMMISSION WITH NO ACTION.**

Michael Kane: In our staff report it says there was a compromise at the City Council meeting I guess when this came up for City Council and there was some language that was put into the plan that was approved by City Council. Then it says that the same representatives, neighborhood representatives who compromised on PlanET at City Council spoke against the compromise at County Commission. I was wondering if there was anybody in the audience who was part of that compromise and to comment on that. Why we would compromise and then we would say it is okay to have one plan for the county and one plan for the city and then say something different.

Lynn Redmond: 5246 Oakhill Lane in the Norwood Community. In May when this plan was originally considered I was part of the compromise with the City. I did not speak for Community Forum. I did not speak for Norwood Homeowners Association. I spoke as an individual to the City. In May Community Forum sent a letter to all

members of City Council, to all members of County Commission and to all MPC Commissioners outlining their concerns about PlanET. It was the same letter and we stood by that letter. After MPC passed what they did in discussions with the City Mayor I don't think the Mayor could count the five votes on City Council and we weren't sure either. We decided on a compromise with the city because we thought the issue was too important for the overall planning process to lose on. We were happy with that issue. That did not change what happened at County Commission. Now an interesting point at County Commission when MPC staff stood up before County Commission they didn't submit what you guys had approved. They submitted the City compromise. County Law Department caught it like that and said no. This is not before us. What is before us is what MPC approved and then they took their action.

Kane: I guess what I am hearing is we could recommend what was the compromise because officially that has not been what's before County Commission.

Longmire: Well we can't do it until we vote on the motion on the floor.

Kane: I understand. I am just saying that would be possibility correct?

Longmire: Would that be a possibility Council? Yes it would be a possibility he said.

Kane: I want to make sure that is have... do I have in my packet what the language was at City Council?

Welch: Yes it is on page 4 of the booklet. Basically the language... it was primarily the language that was added was stated "PlanET and its products are not part of or incorporated into the Knoxville-Knox County General Plan 2033 and its sector plans."

Elizabeth Easton: I have a procedure question. Is sending it back with no action different from voting to deny it?

Wise: Right. It is sort of self-defining. It just goes back to them regardless. It is a recommendation. Any type of land use action like this requires a review and some sort of action by MPC but that action could include taking no action.

#### **MOTION CARRIED 10-2 (Kane, Eason).**

#### **Concepts/Uses on Review:**

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 10. HARDIN VALLEY SUBDIVISION - SHADY GLEN, LLC**

**a. Concept Subdivision Plan**

South side of Hardin Valley Rd., southern end of Westcott Blvd., Commission District 6.

**7-SA-15-C**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. USE ON REVIEW**

Proposed use: Detached residential subdivision and apartments in PR (Planned Residential) District.

**7-C-15-UR**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**11. BRANDYWINE AT TURKEY CREEK, PHASE 3 - CAMPBELL STATION ROAD PARTNERS**

**a. Concept Subdivision Plan**

West end of Woodhollow Ln., west of Fretz Rd. and north of Hatmaker Ln, Commission District 6.

**7-SB-15-C**

STAFF RECOMMENDATION: Approve variances 1 & 2 and the Concept Plan subject to 6 conditions.

Melinda Bentley, 12070 Woodhollow Lane. We are here of course as concerned residents. I know that this is not for personal issues. I will say as a side note we have sent just as a group of residents a formal letter to Mr. Matzel just requesting some time frame on when the amenities of the subdivision would be built out. With that in mind we have some requests that we are making. I am going to read it because it is a little easier. I am a little nervous and it will be simpler for me to read it and make sense of it. When the development plan for the club house is submitted to the Department of Engineering and Public Works staff we are requesting that the review go beyond a simple compliance review. That is should also ensure that the development plan substantially meets the concept plans advertised to the residents on Woodhollow Lane. Speaking of those existing residents. We are also requesting that the Commission make the build out of Phase III conditional as follows. And by the way we are not against the build out in Phase III; we are all for that. But as concerned existing residents we would like to see the things that have been promised to us, at least some kind of communication that these things that have been promised to us are going to happen. So now we are requesting that only the permit... I am sorry let me... Only permit the immediate construction of two residential in Phase II, one of which must be lot eight located adjacent to the club house which would already be existing and one other to include either lots one or two directly across the street. Improvements on the remaining lots in Phase III

are to be contingent on completion of construction of the club house, pool, and making them operational..

Longmire: I just want to be clear for a second. The club house has not been built?

Bentley: None of the amenities. We have a dog park. We have a club house, a swimming pool, a picnic area. Now I know that it is not presently there but some of us had gone to the website and noticed that in 2015 it said that the amenities or the pool and some of the amenities would be built out and completed in 2014. We did bring that to their attention and of course they removed it from the website. We are just at what has been promised to us. We just need some feedback. We are not getting any kind of communication back from them at all.

Burt Tackaberry, 12075 Woodhollow Lane. I concur with the comments. When I bought the house with all the other residents it was supposed to be in this summer. It is not. No information has been passed. I always want to submit that by stopping Phase III until we get the club house and things done and also speed up the resolution and remedy of the issues that residents have as far as that one year warranty upon purchase. I think by stopping Phase III and seeing that the issues in the one year warranty are resolved. I would be happy to come back and say yes the majority of the residents that live there are now are seeing resolution, but right now we are not.

Bentley: May I say one more thing? If the Commission is unwilling to do this then we are requesting that at least you take the approach to see if they would make their approval contingent on taking out a performance bond covering the anticipated cost of the amenities. At least it would give us some hope that there is some monies there to see this thing begun and finished.

Longmire: I have one other question. So you have not had a meeting with the developer?

Bentley: No we could not get a meeting with the developer. He was I guess told by his attorney not to visit with us as a group.

Tackaberry: But a letter was submitted to him with no response back to us.

David Campbell, Ideal Engineering Solutions, 325 Wooded Lane, Knoxville, 37922. This was the first time I have heard of this. When the item was removed from consent, I called Mr. Matzel who is the developer and he shared that for whatever reasons he has not been able to start his construction. He says most of my builders tell me that last 8 months have been horrible for construction but that is really not an excuse. While their concerns do not really have anything to do with this Phase III, I think it reasonable to expect

that they should receive the amenities that they have been promised. I don't know how this should affect the decision that the Commission makes. I will let them know he will be back here for final plat approval at which time they could wish to contest the approval of the final plat for this phase if the progress is not being made on the amenity center.

Cole: I would like some guidance from Mr. Wise on what we can do in this situation.

Steve Wise: Under the use on review section of the ordinance you are entitled to impose any conditions that are reasonably related to the policing power or to the utility development of the property so you have latitude if there are certain conditions you chose to impose. If you are finding conditions you think would be comfortable or can ameliorate concerns you have, I would suggest that you give staff an opportunity to vent those and bring them back to you rather than trying to create at this meeting some type of conditional criteria.

Cole: So it would be appropriate to ask for a postponement and give staff additional time.

Wise: Yes and they would also need some guidance about what that time is to be used for. What you want them to look at during that postponement period.

Cole: I think that is what I would like to do now is to make a motion that we postpone for 60 days. I would like to know from staff details on Phase 3 and I guess I have some questions about how all that comes together with what has been promised contractually to the residents. Is there something else I need to clarify?

Johnson: I will second that motion so we can discuss it.

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

Tom Brechko: This proposed concept includes some additional acreage to be added to the Brandywine at Turkey Creek. It also includes an uncompleted portion of the original or the last concept plan approved for the development. Phase 3 platted the majority of the lots in the last concept plan approval we had for the project. There were still I believe four lots in the common area that were not a part of that. What they have done in submitting this plan is they are adding this additional acreage plus the area the included the four lots and the common area which was identified previously as the club house location. I think there would be... since Phase III has already been platted and there was no condition applied to those lots as far as the issuance of building permits it may be more appropriate that with the new concept which includes the balance of the subdivision and the additional 14 lots that any condition

regarding issuance of permits that is where it would probably be more appropriate to tie a condition on putting in the club house. I do have a condition recommended in here that requires them since we do not have plans for the clubhouse other than identify that as the location that the plans would actually have to come back before the Planning Commission for approval.

Longmire: When you say club house does that also include the swimming pool, the dog park, the picnic area?

Brechko: I am not sure what they... we have had multiple versions of this subdivision over the past few years. I think early on there was a plan that showed the pool, club house and other facilities. What was in the last concept and this one is just identifying the common area and club house site. It did not identify the actual amenities in what we had or the planning commission had before them. What they have presented to the residents out there as far as far as plans to build I am not sure what that may include. The issue was brought up about bonding. The bonding that is done is only done for public improvements basically dealing with the roads, stormwater improvements and does not include amenity area.

Bentley: I never dreamed there were not official plans. I would have brought a print out of what we have seen for official plans for amenities. It just came when we bought the home. We are just here as homeowners and we are just looking to get what you know... There are two of us but we have a lot behind us that would back that up that they were promised amenities. I don't quite understand his statement.

Tackaberry: If you would ask every resident on that street was he or she promised the amenities: a pool, club house, park, they would say yes. We were sold property and told that we would have those amenities.

Longmire: You were told. Is it in writing.

Bentley: I do believe. I am sorry I do not know correct words but there is a printout that I have seen like a plot with a picture of the pool house and the dog park and the club house.

Tackaberry: On the lot that you buy it shows what that house is. It has pool house amenities on it.

Tom Brechko: I am not questioning that they were promised amenity package. From what the planning commission has actually had before them previously and what they may present to the residents as they purchase lots may be totally different. We don't see their promotional package that they present when people come in to buy property. It is just that the details were not included in what the planning commission reviewed.

Campbell: I would like to take consideration on what Mr. Brechko said. I agree that the residents deserve everything they have been promised. I have not seen the plans. I have seen all these things on a map but I have no idea what the plans are. I am not involved with that in any way. It is certainly reasonable for prior to the issuance of a building in phase III for this issue to be resolved as documented to MPC with the homeowners receiving assurances that these amenities are on their way.

Longmire: Mr. Campbell you are the applicant is that correct.

Campbell: No actually I am just the consulting engineer. When I spoke to Mr. Matzel while ago he said he had just signed a contract to install a pool. He said he had submitted a site plan to the Knox County Codes or engineering. I do not know anything about it. I did not prepare any plans for these areas. I

Art Clancy: I would just like to say that I am going to support the postponement. I think that is a good idea. Mr. Campbell I am going to address you. It seems like you are the only one that can actually get a meeting with Mr. Matzel. So please convey to him that we are postponing this. We don't have a whole lot of heat to enforce this. We are a recommendation body. But this is what we can do. I am going to support a motion that in the next 60 days if there hasn't been a meeting with Mr. Matzel and the homeowners to come to some sort of agreement, I am going to have a real hard time supporting any kind of approval of a concept plan. I do that have that prerogative.

Campbell: I understand. May I request a 30 day postponement or is 60 days a requirement.

Longmire: The motion was for 60 days.

Clancy: I don't know how long they have been trying to get a meeting but surely he can come up with some time in 60 days.

Campbell: I think when you threaten legal action then the attorneys talk to attorneys. So that is why. He is there every day. He calls me and wants to meet me. He is there every day.

Longmire: That would be entirely dependent on Commissioner Cole whether she chooses to go 30 days or 60 days. She wants the 60 days.

Jeff Roth: I think in this situation and Mr. Brechko he addressed it a little bit but what I would like to see before it comes back to us in Phase 2 what was presented to our Commission and what we approved. Was there those amenities on the plan in I guess it was Phase II that was the last construction that happened. I would like to see what we approved and see if what we approved has actually been done before we look at Phase III.

Longmire: What I am understanding from Mr. Brechko is the amenities was not part of the sales idea that we have no knowledge of it.

Brechko: We have gone through different plans that included this with the Towering Oaks development next to it that had more of a plan identified. I think an early phase of Brandywine at Turkey Creek included identification of a building. At least the last concept did not. It showed this as the Brandywine at Turkey Creek clubhouse and did not have the details of a plan. What you have before you this time just identifies it as the clubhouse site and by the condition we are recommending requiring that they submit the plans for approval to the planning commission. I think a lot of times we hear from residents that have come in and purchased property that they have seen plans that are not being put in place. It is often a package that is probably presented to them by the developer as they go forward with the subdivision. Again a lot of our concepts have common areas shown or amenity areas but they don't give the details at the time we review it.

Janice Tocher: Just looking at the web site for Brandywine at Turkey Creek looking at the amenities package does include dog park, club house and swimming pool.

Clancy: And low maintenance living.

Tocher: It would seem to me that if it advertised on the web site that that is what the residents are expecting.

Commissioner Johnson called for the question.

Kelly: Given the discussion that has gone on here I think it would be since we are doing a potential 60 day postponement, I think Mr. Campbell and his client may want to get together and specifically go ahead and show the amenities; give us a definite plan for the proposed amenities and then we can talk about the timing of the installation of those amenities when we consider the concept plan in 60 days.

Longmire: I think that is a very good idea. I will have to say I am very dismayed at the lack of information not only to the homeowners but to us. When you come back in 60 days if the motion does pass I would hope some people would be able to answer some questions.

#### **MOTION CARRIED -12-0. POSTPONED 60 DAYS.**

##### **b. USE ON REVIEW**

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

**7-D-15-UR**

STAFF RECOMMENDATION: APPROVE the reduction of the peripheral setback from 35' to 25' and down to 15' along the western boundary line as identified on the Concept Plan. APPROVE the Development Plan for up to 18 detached dwellings on individual lots subject to 1 condition.

**MOTION (COLE) AND SECOND (ROTH) WERE MADE TO POSTPONE FOR 60 DAYS. MOTION CARRIED 12-0. POSTPONED UNTIL 60 DAYS.**

Bentley: Did I understand that when he gets a meeting with Mr. Matzel we will be invited to come?

Longmire: I do not say that. I am saying I am very strongly suggesting that before anybody comes back that there are meetings so that information can be exchanged. That is a strong suggestion.

Bentley: Thank you for hearing us.

Longmire: You are very welcome. I will just say at my house a strong suggestion carries weight.

**P 12. VILLAS AT MALLARD BAY - HUBER PROPERTIES, LLC**

**a. Concept Subdivision Plan**

Northeast side of Harvey Rd., south side of Raby Way, Commission District 5.

**7-SC-15-C**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P b. USE ON REVIEW**

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

**7-H-15-UR**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Final Subdivisions:**

**P 13. CHILHOWEE HILLS BAPTIST CHURCH RESUBDIVISION OF LOT 1**

(9-10-15) Northwest side of Asheville Hwy., north east of Macedonia Lane, Council District 6.

**5-SH-15-F**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 14. U. T. CHEROKEE FARMS**

Alcoa Highway at Cherokee Farms Way, Council District 1.

**5-SK-15-F**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**\* 15. HARVEY HILLS**

**7-SA-15-F**

East side of Harris Road, north of Milroy Lane, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **16. RADIO SYSTEMS SUBDIVISION**

**7-SB-15-F**

At the northwest intersection of Cogdill Road and Lexington Drive, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **17. WATSON PROPERTY**

**7-SC-15-F**

East side of Breeden Lane, north of Tipton Station Road, Commission District 9.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **18. JONES KOHLMIER RESUBDIVISION OF LOTS 1 & 2 AND ADDITIONAL PROPERTY OF JONES**

**7-SD-15-F**

Terminus of Kohlmier Road, southeast of Needham Lane, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **19. J A HIGGINS PLACE RESUB. OF LOTS 22-28 AND ADDITIONAL ACREAGE**

**7-SE-15-F**

Southwest side of Chapman Highway, northwest of W Young High Pike, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **20. STONEBROOK, UNIT 1, RESUBDIVISION OF LOTS 1 & P/O LOT 1R1**

**7-SF-15-F**

North side of Stonebrook Drive, east of Robinson Road, Commission District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 21. HATTIE'S PLACE** 7-SG-15-F  
North side of Ball Camp Pike at the intersection of Fitzgerald Road,  
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **22. GIBBS & MALONEY'S ADDITION TO FOUNTAIN CITY RESUB.** 7-SH-15-F  
**OF LOT 2 AND PART OF LOT 4**  
At the southeastern intersection of N Broadway and Gibbs Drive,  
Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **23. BLUEGRASS BEND** 7-SI-15-F  
West side of Ebeneezer Road, north of S. Northshore Drive,  
Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **24. HAMPSON COURT SUBDIVISION** 7-SJ-15-F  
Northwest side of Nubbin Ridge Road, southwest of Morrell Road,  
Commission District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. LONSDALE ADDITION RESUBDIVISION OF LOTS 7 & 8** 7-SK-15-F  
At the intersection of Ohio Avenue and Stonewall Street, Council  
District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 26. FAERBER PROPERTIES** 7-SL-15-F  
(9-10-15) Southeast side of Westland Drive, south of Pellissippi Parkway,  
Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **27. SNEED, KING, & COMPANY ADDITION RESUB. OF LOTS 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, & 79** 7-SM-15-F  
Northwest side of W Depot Avenue, at the southwest intersection  
of Ogden Street, Council District 6.

STAFF RECOMMENDATION: Approve variances 1-6 and approve the final plat.

Ralph Smith, 205 Lamar Avenue, Clinton, Tennessee. I will for Professional Land Systems. Just today we found out from Mr. Dewhurst and Mr. Heins that they would like to put another variance on there. What we had was we submitted our plat and we had two additional variances on our plat. The city said they couldn't support those variance requests because of ADA requirements and things like that we needed a variance on the right of way distance to centerline and on a corner radius. Mr. Dewhurst's plans include a building going on over right to what is the existing right of way right now. Somewhere in the last two or three weeks our communication with him didn't get through and they just figured today hold it. We really need those variances. So they talked to the City today and they said yea we think we can support those variances. We can work with on that and everything. We can maybe go back and address that. But I couldn't let it go through today with just these variances. I needed to ask for additional variances. So I had to pull it from the consent list and I just need to see what protocol is on coming back before you again.

Longmire: Well I would like for Mr. Wise to... he can ask for it to be added?

Steve Wise: Well yes. Apparently staff needs an opportunity to review them. They have not been you know formally presented.

Smith: I think staff and the City would need to see exactly what the variances said.

Wise: A postponement is not possible on a final plat under State statutes. So whatever they do, they can approve this and you can come back next month with anew final plat or they can deny it and you can come back next month with a new final with all the variances you need. If you want half a loaf they can approve this today. If you want to just see what happens next month they can deny it. They will probably listen to whatever you want to do.

Kelly: It would be cheaper for him if you deny it as opposed to approving it because if you approve it, he has to in essence start all over again. We do have a fee schedule such that if a matter is denied at the MPC meeting they can resubmit within 120 days for a reduced fee. I think that is the easiest way out at this point.

Smith: Also one other question to staff really. Can we get this on the next month's meeting? It is going to be a final plat again but now we are past the deadline for final plat. Can we still be heard on the next agenda?

Kelly: I believe we can work that out.

MOTION (JOHNSON) AND SECOND (ANDERS) WERE MADE TO DENY.

Longmire: This is one of the few times that it has been denied happily.

Kelly: I think Chris Howley would like to...

Chris Howley: I just wanted to make one additional comment. If it was approved they would actually have to go through a right of way closure process in addition to filing for that. So we would be talking about a lot more process than getting it on next month's agenda if it was not denied.

Longmire: I think people feel like denial is probably the appropriate thing.

**MOTION CARRIED 12-0. DENIED.**

- \* 28. **ARCADIA PHASE 1A** 7-SN-15-F  
South side of Rogers Island Road, west side of Chandler Road, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 29. **ARCADIA - PHASE 1B** 7-SO-15-F  
Southeast of Rogers Island Road, west of Chandler Road, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 30. **DOLLAR GENERAL STORES SEVEN SPRINGS COMMERCIAL** 7-SP-15-F  
At the southwestern quad of the intersection of Amherst Road and Piney Grove Church Road, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 31. **DIXIE HIGHWAY ADDITION RESUB. OF LOTS 1R & 5-9 AND PORTION OF CLOSED RIGHT OF WAY** 7-SQ-15-F  
South side of Kingston Pike, north side of Homberg Drive, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 32. HOOD PROPERTY** 7-SR-15-F  
North side of Rhea Road, southwest of Spangler Road, Commission District 9.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- \* **33. DAMRONS ADDITION** 7-SS-15-F  
At the intersection of Baxter Avenue and Lee Street, Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **34. PROPERTY OF DAN G HALL RESUBDIVISION** 7-ST-15-F  
Southeastern side of West Ford Valley Road at the intersection of Moore Road, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **35. BOB'S PACKAGE STORE** 7-SU-15-F  
East side of N. Winston Rd, north of Kingston Pike, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Rezonings and Plan Amendment/Rezonings:**

- W 36. 908 DEVELOPMENT GROUP** 7-E-14-SP  
Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.  
**a. Central City Sector Plan Amendment**  
From C (Commercial) to HDR (High Density Residential).
- W b. One Year Plan Amendment** 7-D-14-PA  
From GC (General Commercial) to HDR (High Density Residential).
- W c. Rezoning** 7-F-14-RZ  
From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).
- \* **37. JOHN FAWAZ** 7-A-15-RZ  
North side Sutherland Ave., west side Harry St., Council District 6.  
Rezoning from I-2 (Restricted Manufacturing and Warehousing) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **38. LYNN E. KECK**

Southeast side Tillery Dr., southwest side Bounds Rd., Council District 5.

**a. Northwest City Sector Plan Amendment**

From C (Commercial) to MDR (Medium Density Residential).

**7-A-15-SP**

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-A-15-SP, amending the Northwest City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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

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

**7-A-15-PA**

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **c. Rezoning**

From C-3 (General Commercial) to R-2 (General Residential).

**7-B-15-RZ**

STAFF RECOMMENDATION: Approve R-2 (General Residential)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**39. ROBERT AND LINDA PARKER**

South side Kingston Pike, east of Argonne Rd., Council District 2.

**a. One Year Plan Amendment**

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

**7-B-15-PA**

STAFF RECOMMENDATION: Approve O (Office)

Anthony Zucker, 8631 Kingsbridge Drive. I represent the homeowners association. We are all under the same deed restrictions from our subdivision. The deed restrictions lay out very clearly these may only be single family houses residential. We have had this situation in the past where people have tried to have office park. Although you can grant them a zoning change, we have deed restriction. We have gone to court several times. Every time we have won. The plaintiffs in those cases have been told by the State court that you may not have office space in a residential lot. Also when realtors have put signs up say that this is commercial property or office space, we have gone to the real estate board in Nashville and have had the realtors apologize to us. Take the signs

down. The Real Estate Board has made them write a letter of apology to us. I understand you can grant them zoning; however, the realtor told us that they have a perspective buyer for this property. It would be awful if someone bought this property not understanding that they don't have a right to have an office park. The current realtor approached her, she sent me a note saying she did not know about the deed restriction and that she has informed the owner and the perspective buyer that there are these deed restrictions. She also promised that she would take the advertisement of office space off her home page her advertising stuff. However as of this morning the home page of the real estate company still lists that building as office. What I am trying to do here is approach the owner and the perspective buyer. The owner must know about the deed restrictions but the perspective buyer needs to be aware that he can't go into this thinking he is going to have has an office park.

Longmire: Mr. Zucker do you see the map up here with the O's on it? Those are zoned office but they are not being used as office.

Zucker: They can't. This goes back to when Victor Ashe was the mayor and he was expanding the city. He promised those owners, it was a doctor I can't remember his name now. Mayor Ashe promised them that if they went into the City that he would give them commercial or office zoning. They joined the City. They are paying higher taxes and Mayor Ashe got them the zoning. That is all fine. That brought about these law suits where we won, they lost. They can't have an office park there.

Robert Parker, I am the owner of 8612 Kingston Pike. We are requesting approval of this zoning change to be consistent with properties on either side as has been noted on the plat map. While I can appreciate the concerns by certain neighbors, the intended use for this property is an interior design office does not conduct any retail sales or related activities. In fact the only proposed changes to the property include removal of the chain link fence in the front yard, the addition of a handicapped ramp at front door and a cover over the front door, improvements to the driveway, and additional landscaping which will ultimately make the property even more presentable than it is today. The outer appearance of the property will still have the look of a house. I also take exception to the opposition representing the homeowners association when according to the State of Tennessee the legal entity of the homeowners association was dissolved on August 9th of 2012. I have copies for you (handed to staff). Lastly denial of this change will not protect the subdivision but rather negatively impact it. The intent of the O-3 zoning is to create a buffer zone between interior lots and higher level commercial enterprises such as Ted Russell Nissan directly across the street from this parcel. Denial will also contribute to deterioration of these properties. I have owned two of these parcels in this block on Kingston Pike. In both instances I had to obtain commercial loans requiring 30% down so the

appraisals always came back stating the best use was commercial and the banks did not want to loan money on a best use commercial property at a residential rate. That creates a hardship for the owners of these properties to ever sell them as residential properties; therefore it is highly likely that these homes will sit empty and potentially become a blight to the neighborhood. Thank you for your consideration and if you have any additional questions I will be glad to answer those.

Mike Brusseau: We recommend approval based on the surrounding zoning. As you know private restrictions are not really a matter that this commission can take into account. We have no enforcement capability on those. If the applicant tries to pursue an office use and the homeowners association decides to take them to court over it that is a private matter.

Parker: Point to note there is no homeowners association. Also the potential buyers are also present here today.

**MOTION (CLANCY) AND SECOND JOHNSON WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1 (KANE). OFFICE APPROVED.**

**b. Rezoning**

From R-1E (Low Density Exclusive Residential) to O-3 (Office Park).

7-C-15-RZ

STAFF RECOMMENDATION: Approve O-3 (Office Park).

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1 (KANE). O-3 APPROVED.**

**40. BELLE INVESTMENT COMPANY, INC.**

Northwest side E. Emory Rd., northeast of Morris Rd., Commission District 7.

**a. North County Sector Plan Amendment**

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

7-B-15-SP

STAFF RECOMMENDATION: DENY the request to amend the future land use map of the North County Sector Plan to MDR (Medium Density Residential) land use classification.

Sara Johnson, 7717 Dan Lane, Emory Estates. I am speaking on behalf of residents of Emory Estates. I previously forwarded a petition that has been signed by 134 residents which is 97% of Emory Estates residents. I have the original signatures here if you would like a copy of that (handed to staff). To begin we have significant opposition to this rezoning for a number of reasons. First of all the surrounding developments are zoned low density residential with a maximum of 4 dwelling units per acre. The average of all the surrounding developments is 2 dwelling units per

acre. The recommended 5 dwelling units per acre is a 60% increase as to what is surrounding this area. We have significant issues with any potential ties in to our subdivision; to the road. Hoff Lane that comes into our subdivision at the end is a 90 degree turn. There are significant problems with that as it is. There is lots of runoffs. There's lots of accidents at that intersection. We have significant concerns with that. We also have concerns with children in the subdivision, increased traffic. We have no sidewalks in that area. Any increased traffic in the area would pose significant danger to children and residents of the area. There are no apartments in the vicinity. The closest apartment is four miles away, Dry Gap Pike close to the interstate. This area has historically been a residential area. Emory Road was expanded to 5 lanes. As it is Emory Road is extremely congested. If we add any significant development such as apartments to this area we will have increased traffic congestion. Lots of issues with that. Any increase in students in the schools. Brickey McCloud is already overcrowded. Halls, Powell all of those schools are already overcrowded. We have significant concerns with that. There's also concerns with water runoff from any development in that area. We already have significant water issues in our subdivision from other developments around us. This will cause issues on Emory Road due to the grading of the area as it is now. Any changes to that is going to cause significant water runoff, significant damage to the road. Emory Road is already in much disrepair, lots of potholes, significant sinkholes, lots of congestion which we have had significant issues with over time. Main issue is the medium density resident even planned residential does not fit within the plan of that area. Everything around it is low density residential, two dwelling units per acre. Anything above that is significantly outside of the plan. I would like to reserve my time.

Oliver Keeling, 1911 Trent Valley Lane. You asked not to be redundant so she, her concerns are the same as mine. I do have signed petitions from the residents of Trent Valley Lane and also Dairy Lane and I will submit those to the gentleman and she can have the rest of the time (handed to Mike)

Guy Henry, 7809 Hoff Lane. My property adjoins the proposed. I have got just a question. Access. Are you all willing to turn 400 cars through a subdivision that is already full with kids riding bicycles? Your 200 apartments, 2 people per apartment. I just can't see access unless they have another access. We do not know that. Nothing has been told to us.

Longmire: It has not be told to us either sir.

John King, 620 Market Street, Knoxville, TN 37901. Here on behalf of the applicant. I will try to keep it short and sweet. There are various studies. There are a number of recommendations. You all are as familiar with them as I that talk about different types of housing use, different densities, etc. all within a neighborhood. This certainly will represent a change in density in the immediate area.

It has direct access to Emory Road. The land lays well. The development will be towards the rear of the property. It is to be a high end apartment development. We are talking about 1, 2, and 3 bedroom units. The rental rates like for a one bedroom you are going to be \$800 plus a month and the top end would be somewhere in the range of \$1500 a month rental. These are nice. It has got an amenities package with it. It is a nice development. I understand what they say about the traffic situation. I don't believe we have got any property anywhere in Knox County that does not have an issue with traffic. But if you look at your staff's report it says it may allow as many as 204 dwellings to be proposed for the site and it tells you about the vehicle trips per day that will be added. It says 54 children under the age of 18 will be added but they are scattered through the age group and they do not say that they have the effect of adding one single additional person to the school system because people are going out as people are going in. The overcrowding thing is not really a relevant issue since they can't demonstrate that just because they are going to have 54 kids who are going to be students that that means there will be 54 additional people in the school system. The effect of getting this plan amended and getting the zoning approved will be the opportunity to present a plan. That plan whenever it is submitted it is already pretty well stated in your staff's report it is going to require a traffic study. At that time there will be a determination made about the access points. There will be further information about those daily trips, how those trips in essence come and go. If necessary there would be a study of the potential for a second access. I don't know that there is one at least initially required by a traffic study. Some of the current concerns that were expressed are going to be met as we go through the process. I am aware of the staff's recommendation to leave this at low density residential. I think everybody needs to understand Emory Road has been undergoing change and continues to undergo change even so to speak, as we speak. It is a very, very short distance to the interstate interchange. Frankly there has been, I don't know if you want to call it a commercial development creep or what, but there is commercial development certainly not that far away. I would ask that you grant the amendment to the plan and grant the request for 24 units per acre.

King: I still have some time left. I might want to take it after she finishes.

Johnson: I would like to draw commission's attention to the fact that Emory Estates, the smallest lot in Emory Estates is  $\frac{1}{2}$  an acre. That is the subdivision abutting the property. All the subdivisions surrounding the property have large acreage, have large lots and an apartment complex does not fall in line with the surrounding areas that have subdivisions that have large lots.

Longmire: Mr. King did you want to take your 30.

King: I think I will let those 30 seconds go. I will use them the next time I am down here.

Longmire: There are no rollover minutes Mr. King. No rollover. .

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1 (JOHNSON) DENIED.**

**b. Rezoning**

From A (Agricultural) and RA (Low Density Residential) to PR (Planned Residential) at 12 du/ac.

**7-D-15-RZ**

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density up to 5 du/ac.

King: I wanted to make sure the process. If this goes forward... I am speaking to Mr. Wise. If this goes forward to County Commission on the PR at 5 that still leaves open the ability to see about a plan amendment initiated there and send back to this body and acted on again.

Longmire: We only recommend. We can't force.

King: You nod your head in agreement with me. Is that right? Okay.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED - 9-3 (GOODWIN, KANE, LONGMIRE). APPROVED.**

\* **41. JMB INVESTMENT CO., LLC**

**7-E-15-RZ**

Northwest side E. Raccoon Valley Dr., northeast of I-75, Commission District 7. Rezoning from I (Industrial) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business)

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**42. HUBER PROPERTIES, LLC**

North side Choto Rd., southeast of S. Northshore Dr., Commission District 5.

**a. Southwest County Sector Plan Amendment**

**7-C-15-SP**

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

STAFF RECOMMENDATION: Approve LDR (Low Density Residential)

John Huber, 213 Fox Road 37922. Handed out photos. I am glad to be able to help Mr. Clancy out and bring one in front of you that doesn't generate 5,000 emails like the last folks.

Longmire: And you have no opposition. I didn't recognize you at first.

Huber: Truthfully I have heard of none. I have talked to several people in the area. Choto Mills across the street, I talked to 2 or 3 of the residents there, some of the larger landowners in the area. They had no problem with any of what I was proposing. What she is handing out currently is I just wanted to give you an update, a feel for what is going on at that intersection. The very front that is a rendering of what we are actually constructing in the Markets of Choto currently. That is a couple of 5,000 square foot buildings. Markets at Choto right now is scheduled and approved to have about 75,000 square feet of office and retail over a course of time. We are phasing it in as the area gets more densely populated. It is right on the main intersection of Northshore Drive and Choto Road where Knox County has spent significant dollars on improving the roundabout there. I don't know if Ms. Pionke might know the actual number, but I am sure it is in the range of hundreds of thousands of dollars on that intersection. Second page on there is a rendering of the Rural Metro Fire Department we also have under construction at the Market at Choto now. The reason I have got that in it actually backs up and borders this parcel that I am asking for planned residential up to 5 units per acre. The third page you have it just says current zoning. If you look at it I own and it is zoned commercial on actually three different sides of this subject property I am asking for. Currently we have got an agricultural parcel that has commercial zoning on three sides of it. The fourth side is Choto Road. We originally considered coming in and just asking for more commercial and making Markets at Choto bigger or coming in with an office request you know trying to take it and down zone it step it down in the transitional way from commercial to office to residential or even some condominiums or something of an even higher density. We ultimately thought and looked at the lay of the land and thought that Planned residential at up to 5 units per acre would be a good transitional zone to the lower density 3 units an acre that Mike has recommended. We are really trying to transition it right there. We are actually down zone again a portion of it. I will call it the legs on either side of the property. There is about three acres in the middle that is the agricultural part and then if you combine my two pieces it is about another acre for a total of 4 acres. So we are just trying to down zone that. If you flip to the next one it has the proposed density or proposed how it would roughly look by just going from commercial to the yellow which is planned residential. Again downzoning it from commercial to a residential product. The very last page that I included on there is just more of an overview. It is the approved concept plan for Markets at Choto. I just wanted to show you that how it laid out. You know what was going on. Again right now we have got about 75000 square feet of commercial/office that is slated for that to be unfolded over time. I highlighted there in the back the Rural Metro. You can see in the very front, I guess the middle on the top of your

page that just says C store that is the existing Weigels that has been up and running for several years now. Also in the back and I think this is important two and of course this is a requirement of neighborhood commercial, the green line on the bottom of the page represents a pretty heavy landscape buffer that we will be installing across the back of Markets of Choto for that. There has been other several parcels there that have been approved over three units per acre. Arbor Gate is over three units. Shady Glen was just done a few months ago. It was over 3 units per acre. As a matter of fact I had one down here last month that was recommended at over 3 units per acre. So I would appreciate a 5 at our requested density.

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

**b. Rezoning**

From A (Agricultural) and CN (Neighborhood Commercial) to PR (Planned Residential).

**7-F-15-RZ**

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 3 du/ac.

Michael Kane: There was actually an opposition in our packets. It was not necessarily clear because it really is supporting residential development as opposed to commercial development. It is in some ways supportive in a way but it does show up as an opposition and I just wanted to recognize it. It was titled Growth Development Recreation Conservation and Planning for the Choto Bend Community. I would say our action so far with the sector plan change actually supports this.

Longmire: It was more a position statement. It wasn't necessarily against. It is something that Mr. Huber I feel very sure wants to protect the water and the ridgetops and chipmunks.

Huber: Absolutely. That was one of the nice things out there. This property actually lays very well. It is pretty flat. I think any road we run in there will be at a 3 to 4% grade. It is just very flat. It can handle a little bit higher density than some.

Longmire: I appreciate the Rural Metro because with the traffic situation out there sometimes to me it is nice to have a station close enough not just for fire but emergency medical type of thing.

Art Clancy: I would like to make a motion that we recommend to County Commission approve PR Planned Residential zoning at a density of up to 5 dwelling units per acre. I will tell you why. With all the opposition to the commercial, I think it is good to have residential attached to a neighborhood commercial zoning like this. I think it helps transition. If we grant 5 I think it helps do a better job of putting residential there. I mean you can restrict it to three

and it makes it hard to look desirable and to make it look like it blends into the commercial and it is more of a community. I think 5 is going to give the developer an opportunity to do a better job now. I will assume he has to come back in with a concept plan and would be interested to see if he does that. I would like to recommend five dwelling units an acre.

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

Kane: I actually surprisingly would agree with the slightly higher density. Not five. I see the value of something being next to commercial as possibly having a little bit more greater density. What I am concerned about is we often use these zonings as a precedents and five dwelling units per acre as a precedent in terms of the other areas is too high. I think it will become a precedent. I probably would be more supportive of something along the lines of 3.5 dwelling units per acre but not 5.

Len Johnson: I think this is a pretty good compromise between what staff has recommended and what we are granting the developer. You guys need to remember that a lot of these things are predicated on numbers and when you cut the density, if we can get that many units on there, when you cut the density you end up with a projected development that doesn't work financially.

**MOTION CARRIED 9-3 (KANE, GOODWIN, TOCHER). APPROVED PR AT 5 DU/AC.**

**P 43. FIRST BAPTIST CHURCH CONCORD AS SUCCESSOR BY MERGER TO WESTLAKE BAPTIST CHURCH**

North side Westland Dr., east side I-140, Council District 2.

**a. Southwest County Sector Plan Amendment**

From PI (Public Institutional) & SLPA (Slope Protection Area) to C (Commercial) & SLPA (Slope Protection Area).

**7-D-15-SP**

STAFF RECOMMENDATION: POSTPONE the sector plan amendment consideration to the October 8, 2015 MPC meeting.

**P b. One Year Plan Amendment**

From P (Public Institution) to GC (General Commercial).

**7-C-15-PA**

STAFF RECOMMENDATION: POSTPONE the one year plan amendment consideration to the October 8, 2015 MPC meeting.

**P c. Rezoning**

From RP-1 (Planned Residential) to SC-1 (Neighborhood Shopping Center).

**7-G-15-RZ**

STAFF RECOMMENDATION: POSTPONE the rezoning consideration to the October 8, 2015 MPC meeting.

**44. SMITH-LINDSEY DEVELOPMENT**

South side Gibbs Dr., east side N. Broadway, Council District 4.

**a. North City Sector Plan Amendment**

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

**7-E-15-SP**

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-E-15-SP, amending the North City Sector Plan to O (Office) and recommend that City Council also adopt the sector plan amendment.

Mike Brusseau: This application, there is a history on this property. This particular property has been requested in the past for both office zoning as well as commercial zoning. This was back in 1990 and 1991. Both of the requests were recommended for denial by MPC. However staff did support in 1990 the request for office. So staff is still of the same opinion that we were 25 years ago now as far as office being appropriate but not commercial. Basically anytime placing commercial uses directly across from and next door to existing residences is not a good planning practice. We certainly acknowledge that the current residential designation as well as zoning is... obviously the property has been vacant for a long time. We recognize that it is probably not very desirable for residential uses so we feel that office gives the applicant reasonable use of the property while not intruding and having a negative impact on the neighborhood with commercial uses that include later hours, drive thru, just more impact to the neighborhood. Office is generally reserved for uses that are closed on the weekends and have limited hours during the week. We just feel that office is a better use of the site to allow reasonable use of it for the applicant but also protect the neighborhood. I will leave it at that for now. If there are any questions I will answer those.

Dan Rhea, Attorney. I represent the Historic Gibbs Drive Neighborhood Association. We have several of our people here in the audience today. I believe we also have some representatives of Fountain City Town Hall with us today as well. We want to speak on behalf of the staff's recommendation of this property. I keep saying your honor. I am used to appearing in front of a judge.

Longmire: I like it. Go ahead.

Rhea: We believe that there does need to be a transition between the residential properties. There are about 50 single family homes in our subdivision, in our neighborhood. This particular property is right at the entrance, right at the Broadway entrance, to the neighborhood. It is part of the Fountain City Dogwood Trail. The concern is retail or commercial development of this property is going to cause more traffic not only on Broadway, but more run over traffic into the subdivision and possibly more run over traffic into the subdivision on the other side on Jacksboro Pike trying to get to Broadway, get to the retail establishments there. That's what the neighborhood is concerned about. So we recommend... because of the need that the rules and regulations observe for

transitional space between commercial and residential, we fully support the staff's recommendation and for all the reasons they cite. I would like to reserve a minute of time.

Longmire: You have actually 3 minutes and 20 seconds sir. Thank you.

Daniel Smith. I am here on behalf of Ms. Emma Harris who is sitting over here and Smith Lindsay, the applicant. We have a lot of concerns with the recommendation for office that the MPC staff is recommending. With all due respect to MPC staff I think an office zoning at this site would be an example of spot zoning which is illegal, it is unconstitutional and contrary to the zoning authority granted to the City of Knoxville by the General Assembly. A spot zoning exists where one or two properties are selected out for different treatment in the surrounding scheme or zone that is in existence. For the same reason that the city can't select one property for better treatment they can't select another property for worse treatment unless they have a reason for treating the property differently. That is the important thing. Why are you treating the property differently? To do so is unreasonable. It is arbitrary and capricious and it is unlawful. The issue of commercial zoning did come up in the appellant argument in the Harris versus Alman case. The appellant argument is available to the general public. It is on google. It can be searched. At 37 minutes and 30 seconds into that recording there is an exchange between Mr. Ray and Chief Judge Suzanna who issued an opinion in that case. Judge Suzanna was surprised that this property wasn't already zoned commercial. He said this in response and I quote, "I would say City Council will have a hard time objecting to commercial zoning on that piece of property." The reason is this piece of property is smack dab in the middle of one of the most intensely developed commercial corridors in all of Knoxville. 40,000 cars drive up and down Broadway on a daily basis. In 2009 the City commissioned a street study of the Broadway corridor that found that there was a strip commercial scheme that exists between Essary Drive, a quarter mile to the north, and old Broadway a mile to the south. In that strip commercial zone there is over 50 properties with direct access to Broadway and every single one of them are zoned commercial except for these two on Gibbs Drive. Many of those commercial properties are right next to residential neighborhoods. Many of them have access to the residential roads unlike this situation where we are bound by court order. We have agreed from the very beginning not to allow access onto Gibbs Drive. So there is no difference between the 60 homes on Gibbs Drive and the 126 homes on Woodrow Drive, the 149 on Highland, the 182 on Fair Drive and so on and so on. There is no rational basis to treat these properties any different than all those other commercially zoned properties. The second reason putting aside the issue of spot zoning, the second reason that this recommendation is concerning is that need for a transitional buffer to support the neighborhood is suspect for two reasons. First and foremost Mr. Whaley who is next

door to us across the street he supports this rezoning request and also Mr. Truan, who lives to our next door, I spoke with him and we are in agreement. He supports this request. Additionally the court order and court opinion made the finding that given the fact that you had this tremendous development on Broadway and given the fact that there is conditions in place to safeguard the neighborhood that there is no impact from a commercial development on the interior of homes in that neighborhood. It is a right in right out access. There is no one that can access to our property if there is a commercial development here. With one caveat I spoke on Tuesday with our next door neighbor Mr. Truan. He asked for a planned commercial zoning for this property. I agreed to that. I would ask that MPC consider rather than General Commercial a Planned Commercial that will allow the community to have input into what goes on at this site with site plan review process and have a say in this. That is something that I invite. I want to create a great development here that will have some great uses that are compatible with the neighborhood and that is something that we can do. One final point there is no question about it. The highest and best use for this property is commercial. Every property up and down Broadway is commercial. There is a few office I am aware of in the vicinity of this up on Essary Drive. That office space is vacant right now. It is a nice development up there at Essary Drive and Broadway. Has office in the back. There is 7,000 square feet of vacant space that is unfinished. Across the street from that there is a medical office building, 8,000 square feet. It is unfinished. We have immediate interest from some great tenants. High end places like Turkey Creek. I have met with the neighborhood. I have asked for their input to provide me a list of things that they don't want there. I want to work with the neighborhood. I am going to continue reaching out to them. The right thing here is to give this the same zoning scheme as everything else with direct access to Broadway. I thank you very much.

Rhea: Just very briefly yes there is a history of litigation on this question involving deed restriction. We agree deed restrictions really aren't relevant here in front of this commission. I would say we asked Mr. Smith during this litigation of what he thought would go well there and he said I think an office would do well there. We still recommend that the staff recommendation be approved. This is the entrance, it is not just a side place, it is an entrance to the Historic Gibbs Drive neighborhood next to the monument. When you are talking about property next to the entrance of a historical, residential neighborhood that has been there over a 100 years, we believe it is essential to have a transition like the rules and regulations of the zoning code say between commercial, the Chick Fil A right there on the street, and this property and the residential entrance. We believe an office would be productive for both the owner and provide the necessary transition to accomplish everything.

Smith: One point on that is our property is not part of the historic scheme number one. Number two what is historic about the Gibbs Drive neighborhood is the homes and the appearances of the home. Whether there is an office or nice commercial building, it is irrelevant as far as the historic aspect of the neighborhood.

Longmire: Mr. Brusseau is there any sort of historic overlay or anything on this property.

Brusseau: There is no overlay on it.

Michael Kane: It is on the National Historic Registry.

Longmire: It is on the National Historic Registry, the whole street.

Kane: The whole street. I guess including that parcel. I don't know about that.

Brusseau: It probably excludes that parcel because there is no house on that parcel.

Elizabeth Eason: I wanted to get a clarification when you say you are in support of the staff recommendation. Is that in support of staff recommendation of O-1?

Rhea: My clients have not taken a position on O-1 or O-3. I think you have gotten one letter failing O-3. We go both ways.

Jeff Roth: This situation I am struggling a little bit with the recommendation for office and not a recommendation for the commercial zone simply because there is a ton of commercial property right around it and Broadway is commercial all up and down. I just don't see the negative impact that that one particular would have if it were zoned commercial. I would be willing to support that.

Clancy: Michael first of all can you tell me what the differences between O-3 and PC would be.

Brusseau: O-3 does not allow retail uses where PC does.

Clancy: Alright. With PC that has to come back before, anything they do in PC would have to come back before us and O not necessarily. I would like to make a motion that we adopt resolution 7-E-15-SP amending the North City Sector Plan to PC and recommend that City Council also adopt the sector plan amendment.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO AMEND THE NORTH CITY SECTOR PLAN TO PC.**

Kelly: You are recommending a change in the sector plan to PC?

Brusseau: It would need to be just GC. Any type of commercial zoning would be permitted or would be able to be considered within the GC designation. It would just be the zoning if you were wanting to go PC and in the city it would be PC-1. But if are wanting to go that route it would be just on the zoning.

Clancy amended motion to adopt resolution 7-E-15-SP amending the North City Sector Plan to GC and recommend that City Council also adopt the sector plan amendment.

**CLANCY AND JOHNSON AMENDED THEIR MOTION TO AMEND THE NORTH CITY SECTOR PLAN TO GC.**

Kelly: If I understand what Mr. Clancy is wanting to do is approve the sector plan amendment. And then are you going to make a motion for PC-1? The PC-1 is intended for larger tracts of ground. There is like a 50 foot peripheral boundary setback which would be... I am not sure you would have very little property left in order to be able to do that. Again PC and PC-1 is intended for larger tracts of ground than this. You are welcome to make that motion but I just wanted to...

Clancy: Okay. Let me ask this. I have a problem with O-1 or O-3 that it doesn't get to come back before this board. This is a significant piece of property that needs to have quite a bit of deliberation on what actually go on there. I think everybody would agree. Can you give me an option?

Kelly: If you recall if that is the angst that you are having, if you recall when Mr. Huber had his property down on Choto and we approved neighborhood commercial down there, we made it subject to or a condition of the rezoning was they had to in essence go through the use on review process. That was a condition that was placed at the time of the zoning. I don't know if that would be an appropriate condition that you could place on this property if that is the direction that you want to go. If that is the only reason that you wouldn't want to recommend either O-1 or O-3 that would be a potential solution to that.

Longmire: I would like for our director to have a comment. Mr. Green.

Gerald Green: I have spent almost all of my professional career in North Carolina where conditional zoning worked well to address issues like this where the plan was subject to review and approval to assure that the unique circumstances of that property and the surrounding properties were addressed and that the impact of any development on the surrounding properties were minimized. I think that approach of placing a condition on this zoning that the plan be brought back, subject to use on review and brought back for review by this board is great. If you have any particular concerns or issues

that you know of now and that you would like us to assure or address in the plan that is prepared for development I am sure it would help both staff and the owners of the property if they could hear the plans.

Clancy: That addresses some of my concerns. I am not just anxious to put commercial zoning on there, general commercial. But it concerns me that we would eliminate some good uses if we did if we approved general commercial and condition it that it has to come back to us for review for development seems like that gives us the best opportunity for the most uses and we don't eliminate the... I mean there some good commercial, general commercial uses. We just need to be very selective about what does go there.

Longmire: Mr. Brusseau, if we do GC and they do want to put an office would that prohibit putting an office there?

Brusseau: Could still do an office.

Longmire: So would you like to amend your...

Clancy: Right now I am at GC on the sector plan so far.

Eason: I am concerned about general commercial for this property. We have the majority of our historic neighborhoods in Knoxville are along the Broadway corridor and we have lost the entrances to many of those neighborhoods. I think it is important to have something that is compatible that is not commercial that can in some way recognize that this is the entrance off of Broadway to one of our historic neighborhoods. I think that I could support an office, O-1 or O-3 at that point. I think some good suggestions have been made in terms of bringing something back for review. Also there were some good recommendations within the letters for additional conditions such as a buffer to the neighborhood and to have some photometric studies of the site so that we don't have light intrusion into the rest of the neighborhood. I think that those are both good suggestions. I can't support the GC. I think that we need better protections for the entrance to our historic neighborhoods.

Michael Kane: I agree. Driving up and down Broadway all the way from downtown through Fountain City there are a few places still left where you have an entrance into a residential area, Fairmont and Emoriland neighborhood in particular on the other side of 640 and there is a respite of essentially this barrage of commercial development. I think that I like the idea of the use on review aspect of an O-1. I think the O-3 is probably too restrictive in terms of uses. O-1 does allow for some additional uses that I think probably are okay in that particular area. But I just don't see that the general commercial is a good idea. It is a possibility if you had a much crafted plan that the developer and the neighborhoods supported from the beginning from general commercial all the way through

concept plan. I think that could be done. That is not what I am seeing here. I don't think we can do that around the table. I think if you are going to do something like that that it has to be very well crafted in terms of uses, design, and all those kinds of things. I just don't see that. Unless I hear the neighborhood saying yes we are willing to work with the developer on uses and commercial, but we don't want all these other things. That is not what I am hearing. I am not hearing that from them. I don't think it is going to work.

Longmire: I have a motion and a second to adopt resolution 7-E-15-SP amending the North City Sector Plan to GC and recommend that City Council also adopt the sector plan.

Upon roll call the Planning Commission voted as follows:

Sharp No

Roth Yes

Lomax No

Tocher No

Kane No

Johnson Yes

Goodwin No

Eason No

Cole No

Clancy Yes

Anders Yes

Longmire No

MOTION FAILED 8-4.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE  
TO APPROVE STAFF RECOMMENDATION OF OFFICE.  
MOTION CARRIED 12-0. APPROVED.**

**b. One Year Plan Amendment**

**7-D-15-PA**

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

STAFF RECOMMENDATION: Approve O (Office) One Year Plan designation.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE  
TO APPROVE STAFF RECOMMENDATION OF OFFICE.  
MOTION CARRIED 12-0. APPROVED.**

**c. Rezoning**

**7-H-15-RZ**

From R-1 (Low Density Residential) to C-3 (General Commercial).

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

Elizabeth Eason: I would like to make a motion that we adopt rezoning from R-1 Low Density Residential to C-3 General Commercial.

Longmire: Now wait a minute.

Eason: I am on the wrong one O-1 thank you.

Clancy: I second that.

Longmire: Would you mind stating yours again please. You recommend that City Council...

Eason: Recommend O-1 zoning rather than the requested C-3 with a condition of use on review and also two additional conditions. A condition that we have a buffer of evergreens and also that we have a site photometric study that comes back to us.

Longmire: Okay so you have a condition for use on review which includes buffering and lighting study.

**MOTION (EASON) AND SECOND (COLE) WERE MADE TO RECOMMEND THAT CITY COUNCIL APPROVE O-1 OFFICE, MEDICAL AND RELATED SERVICES ZONING WITH THE CONDITION OF USE ON REVIEW WHICH WILL INCLUDE BUFFERING AND LIGHTING STUDY.**

Len Johnson: I have a question for legal. I didn't think we could put those kinds, I think we can put use on review but we can't put anything else on it.

Wise: No it is not limited to use on review. As a practical matter that is what we have done in most instances. There are cases from other jurisdictions where there has been more specific conditions put on like the width of road and odd ball things like that. This is still within the confines of conditional as opposed to contract zoning.

**MOTION CARRIED 10-2 (ROTH, ANDERS) O-1 WITH CONDITIONS APPROVED.**

Longmire: We will see you back for use on review. Again I would like to thank the neighborhood and the developer for being so amenable to work together and for letting us have the information we need to make what is I hope an excellent decision.

\* 45. **STUART ANDERSON**

West side Letterman Rd., north of Walden Dr., Council District 2. Rezoning from I-3 (General Industrial) to O-1 (Office, Medical, and Related Services).

**7-I-15-RZ**

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Uses on Review

P 46. **BRACKFIELD - ASSOCIATES, GP**

Southwest side of Tice Ln., southeast side of Neal Dr. Proposed use: Self storage facility in PC (Planned Commercial) District. Commission District 7.

5-A-15-UR

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

47. **BRANCH TOWERS**

Southeast side of Bluegrass Rd., northeast side of Garland Rd. Proposed use: 194' Monopole Telecommunications Tower in RA (Low Density Residential) District. Commission District 5.

5-C-15-UR

STAFF RECOMMENDATION: Approve the request for a 194' monopole commercial telecommunications tower in the RA (Low Density Residential) zoning district subject to 9 conditions.

Chair Longmire: Mr. Brechko do you have anything to say before we get started?

Tom Brechko: I stand by my recommendation. If you have questions I will be glad to answer them.

Susan Massey, 10221 Overview Drive in the Rivercrest Subdivision which the proposed site would be right at the entrance to our nice little hidden neighborhood. If this site has a cell tower on it I will be staring up at it from my back yard maybe a block and one half away. Obviously I am opposed to that in my neighborhood. I had some issues with you had a consultant's report and I had some serious issues with some of the statements that Mr. Larry Perry made. For example he said that the use of the tower here "Should not significantly injure the value of adjacent property". I would just say that they defies common sense that it is going to completely change the way our neighborhood feels to have a 200 foot pole. If you have ever gotten up close to one of those they are really tall and they are not attractive at all. It is a wooded area but the tree line is not going to even begin to hide the upper part of that pole. I wouldn't buy a house where that was my view from my backyard. So I think it defies common sense to say that it won't affect the property values in the area. He also says "That it should have little impact on the view aesthetics of the area," and "that it would blend in with the surrounding land use and design" and that it would have "no impact on the aesthetics of the adjacent land". Again I would say that this defies common sense. It is going to affect the character of that area and the neighborhoods that are there. Right now the area is all low density residential neighborhood. There are some places that were farmland they may still be zoned agricultural. But most of Bluegrass Road now has single family homes and my neighborhood does. Our neighborhood is the closest to this proposed site. The other specific issue that I have with this

is that I could find no indication that other sites were considered. According to the matrix that was developed this area is considered both sensitive and avoidance. From what I can understand that means they are supposed to try to find a more suitable place for a cell tower. I can find no indication that they ever seriously considered any other areas. There are areas that have some commercial development on Westland Drive no far away from this spot. There are areas that have high density development and commercial development near Pellissippi Parkway not too far from this spot. I just find it hard to believe it wouldn't be possible to find a more suitable location. Finally I would just like to note that the Branch Towers has three developments or three use on reviews for cell towers before you in the last couple of months and all three of them are in what are considered sensitive areas that are not suitable for cell towers. I would really ask that you consider at the very minimum making a serious search for a more suitable location for this tower.

Longmire: You did a very good job. You are great.

Massey: I do have one question on the plan there is something that says within the site there are three areas that are designated as future lease. I just wondered does that mean that they are going to potentially put three more towers up? It wasn't clear to me what that meant.

Mary Miller, 2108 Kellerbend Road, Knoxville, TN 37922. I here on behalf of Branch Towers. I would like to address the issues that Ms. Massey has arisen, raised. First the three lease, the other three areas. That is for future carriers to locate on that specific tower. It is not for additional tower sites.

Longmire: Do you understand what she is saying Ms. Massey?

Massey: It looks like they were separate spots.

Miller: They are spots to locate cabinets for future carriers.

Massey: It is four arrays. Is that right?

Miller: Right. Secondly in regards to the impacts on property values, we sub... I am not sure it is in your package but we did submit to MPC an appraised or a consultant's report that studied this site and indicated that there would not be an impact on property values. Thirdly adjacent, looking at adjacent locations. Before they considered putting up this tower; this tower is for T-Mobile. Before Branch Towers and T-Mobile considered putting up this site they looked at the site off of Sandpiper Lane which is very close to this area. There are four carriers already located on that tower. That tower was built and approved for four carriers. It is not high enough, there is not a high enough space for T-Mobile to go on that tower to provide the coverage that they need. Places like

Westland and Pellissippi are too far away for them to provide coverage needed in this area. This site is a good site for three reasons. One it is a large site. Two it is very well buffered. There are a lot of trees. There is a lot of vegetation and it is a well buffered site. If you look at the zoning map it is in an area that is surrounded by agricultural. This property though zoned RA is used for farm animals and has a pasture on it. It is in a sort of donut hole of an area that has a lot of residential around it and so it has less impact to be honest. We think it is a good site. We have met the conditions. We will agree to the, we checked with T-Mobile. Using flush mount antennas if fine. We will submit a reforestation plan. We are going to move the entrance way. We have tried to do our best to lessen the impact on the adjacent homeowners. We would request you approve the site. If you have any questions, we will be happy to answer.

Michael Kane: I guess in terms of the report, I agree that that were some statements made that that I think are too opinion and not enough fact on it. As I said at our agenda review meeting, I think there is just not enough details in our packet sometimes to understand whether or not enough alternatives were provided. I do appreciate Ms. Miller too. There was an email in our packets that I am sure the opposition did not have where it did discuss some of the things that Ms. Miller just reviewed. I do appreciate that. I think that that kind of information needs to be more prevalent in our packets and not just a statement. I do have a concern that we make a big case especially in these sensitive areas that the tree canopies and the vegetation are part of the justification for this but there is nothing in our packets that established a conservation zone or no build zone or don't tear down trees or anything like that. I think that in terms of especially in these sensitive areas if it doesn't include that then I think that we are really being disingenuous.

Longmire: Commissioner condition number 6 on the back. Does that address one of your concerns?

Kane: A reforestation/landscape plan for the areas that have been cleared. This is for the road to get the road in. No I am talking about the whole area around it because we are talking about the existing trees that won't be cut down in order to put the tower. That is what I am talking about. I appreciate clarifying that. I am concerned with that. I do feel like the staff has made by recommending the flush mounted in some ways I think that may create in the long term more towers which I think will have a.. even though visually in that particular location it may be worse to have the, I am sorry what is the word I am looking for, the case, the bird cage style. In the end it might cut down. I think that Ms. Miller's response is that she did say that technically these flush mounted could have impact on the future uses of those other levels. So yeah their primary customer at this point in time won't have a problem, but it may impact the three other people that could be on it because it is flush mounted. I just can't support it.

Charles Lomax: I would like to go ahead and make the motion that we approve the request for the 190 foot monopole telecommunications towers in the RA zoning district subject to the 9 conditions.

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

Janice Tocher: I do agree with Commissioner Kane with regard to the flush mounted antennas arrays and would like to see that condition removed specifically for the reasons that Commissioner Kane.

Longmire: So you would prefer... Mr. Perry what is the real name for that bird cage?

Larry Perry: 11464 Saga Lane. We normally used to call it the candelabra but we have several names for it. It is just a bridge that mounts on the tower. Before I get any further I would like to welcome Mr. Green from Jackson County here. You are missed over there incidentally Gerald. I was just over there last week.

Longmire: They can't have him back.

Perry: Let me explain something about the antennas here and I will get more into it when we have our workshop on this. Mr. Kane makes some very good points. Number one the bird cage is not going to work for every carrier. There are two different kind of carriers and we have 13; only which of 5 are in our area right now. There are eight more that could come in. There is one called a PSC which is what represents T-Mobile, Sprint, AT&T. We have two cellular carriers, which are totally different. That is Verizon and US Cellular. They operate at a much lower frequency and have a much greater range so they don't require as many towers. Now the PSC carriers their range is about a quarter of a mile, a little over. If you take the United States and you put a crosshatch pattern all the way across the United States and each square of that corner is one mile, one mile, one mile and you put one tower on each one of those corners you are not going to have enough towers to provide the services required by 320 million Americans. It is not going to happen. You are going to see more and more of this. Is there such thing as a no build zone? The Federal Government won't let you do that. You can't have a no build zone if they, as long as they meet the requirements that you as a Planning Commission set, it is going to be very difficult to win any kind of a lawsuit if you turn them down because they meet all the requirements. They meet all the requirements here. What we can do and what I would recommend that we do that you as Planning Commission do with regard to this carrier is recommend that when they design the original monopole, the 190 foot monopole plus the antenna I mean the round ball on top, that it be designed with the intent or with the understanding

that it will support three additional platforms at 15 feet apart something like that. That way when they design if another carrier comes in and we are going to have other carriers come in that will need this site because the one just 1,000 feet away is already full. The structure over there, I looked at the structure design on it and it won't handle anything else but this one will. If it is designed to handle the three additional carriers with bird cages if possible then we will be able to put them on their real easy and we won't need a lot of porcupine towers around. That is what we are trying to do. Let me say one other thing here about the matrix that we are talking about. The matrix designed by myself and four other members of the staff back in 2002 before the PCS carriers came into being. It was designed primarily for the Cellular carriers which have a lot of coverage area. It was intended to be and is only an advisory thing. I think we need to readdress that when we get together here for our workshop. I will not go into any more detail on that. It is outdated is what I am trying to say.

Longmire: So one of the recommendations... our second recommendation is revising the design of the monopole to utilize closed, flush mounted antenna arrays instead of the typical basket mount design. You would have that changed to revise the design of the monopole so that it will carry three other antenna with the possibility of a basket mount design?

Perry: Correct. If it is designed that way on the front end, it is a lot less expensive on the carrier that rather try to go and reinforce it later on and it doesn't cost them anymore to design it that way to start with. Because your other carriers if you come in with Sprint, if you come in with a couple of the other AT&T for example that are not in your area or some that are not in your area right now they are going to ask for it because of the design of the antennas and the coverage it requires it.

Longmire: We are trying to do everything to discourage the proliferation of cell towers but there is a proliferation of technology it is a difficult thing to do. Commissioner Lomax on your motion with the 9 conditions the 2<sup>nd</sup> condition might need to be if you are agreeable with it to revise the design of the monopole to utilize close, flush mounted antenna arrays designed so that it will carry three other antenna mounts with the possibility of the basket mount design.

Lomax: In light of this new information I would love to do just that.

Brechko: Madam Chair I am confused.

Longmire: Surely not Mr. Brechko.

Brechko: I guess I am asking for clarification in that right now they are proposing a tower that would handle up to 4 antenna arrays. So in addition to the T-Mobile are three additional. I guess the

clarification is whether we are talking about it being designed to handle up to 7 antenna arrays?

Longmire: There was no condition that mentioned carrying four that I saw.

Brechko: That is the plan that they submitted. When we approve... we don't recommend conditions that restate everything that is shown on the plan.

Longmire: I see that the applicant is proposing up to four telecommunication carrier arrays.

Brechko: It is in the packet. The plan shows that there are four carriers. I was just asking for clarification as to whether or not we are restating what their plan shows versus allowing more than 4 on the design of the structure.

Longmire: We were talking about the monopole. Would the plan allow for the possibility of the basket mount design?

Brechko: If you put a condition requiring them to change it to a flush mount then you are eliminating the design that shows a basket platform.

Longmire: One of the conditions, condition 2 says: Revising the design of the monopole to utilize close/flush mounted antenna arrays instead of the typical basket mount design.

Gerald Green: Just eliminate that condition altogether since the design shows accommodating four carriers. Then it would be up to the... unless this board specifically wants basket array antenna. It would leave it eliminating that condition to allow those future carriers to use whatever mounting is best suited to them.

Miller: I about called you your honor too Madam Chairperson. The present plan show for four carriers for 4 levels of antennas with platform or basket mount.

Longmire: If we just remove the second condition that would allow the carriers to... I think it is really interesting with the basket mount the birds love them. They feel nesting. They don't like the monopoles; they like the basket.

Longmire: Back to you Mr. Lomax you are illuminating number 2, 8 conditions taking out condition number 2.

Lomax: Madam Chair I would like to revise my recommendation again that we approve the request for the 194 foot monopole telecommunications tower in the RA zoning district subject to 8 conditions, taking away condition #2. Second Johnson

**LOMAX AND JOHNSON REVISED MOTION TO APPROVE THE REQUEST FOR THE 194 FOOT MONOPOLE TELECOMMUNICATIONS TOWER IN THE RA ZONING DISTRICT SUBJECT TO 8 CONDITIONS, TAKING AWAY CONDITION #2.**

Elizabeth Eason: I have a little question. Looking at one of the plans I see a note that says existing vegetation surrounding compound to be undisturbed as much as possible to avoid existing bat habitat. Can you tell me about that?

Miller: I couldn't hear what she said.

Eason: There is a note to avoid disturbing existing bat habitat. I wanted to know more about that.

Mary Miller: One of the trees in the vegetation there is considered a bat habitat. We have run into that in several instances in East Tennessee. We have a lot of bat habitats in East Tennessee. What that means generally is that we cannot do construction and we cannot disturb that tree in the summer months so that we will not disturb their habitat.

Longmire: In the summer months? But they hibernate in the winter months.

Clancy: You can disturb them when they are asleep.

Eason: I have another question about that. Is that considered a critical or endangered species?

Miller: I don't believe it is an endangered species. It may be lesser on the list and that is why we cannot... We have our national environmental protection act compliance approval but we have to preserve that area.

Longmire: So winter or summer you are not going to bother that bat tree.

Miller: It is summer is my understanding.

Longmire: Then they are endangered during the winter.

Eason: My question was leading to is there some sort of study that has to be done or has that been done?

Miller: The study has been completed. It is March 31 to October 15<sup>th</sup> that we cannot do construction.

Longmire: We have a motion to approve the request for a 194 foot monopole commercial telecommunications tower in the RA Low Density Residential zoning district subject to 8 conditions removing

condition no. 2. Mr. Brechko are you with us on this. Are you okay with this?

Tom Brechko: I was only going on the recommendation Mr. Perry initially said. Actually I had that in the Ridgecrest when we made a recommendation previously that to try to address the issue of being in a residential neighborhood going to a flush mount design which we have done before reduced some of the visual impact by narrowing it down more just to the pole itself.

**MOTION CARRIED 10-2. APPROVED. (Kane and Goodwin-no)**

**P 48. BRANCH TOWERS**

(9-10-15) Southwest side of Blow Dr., southeast side of Ferry Rd. Proposed use: 190' Monopole Telecommunications Tower in A (Agricultural) District. Commission District 9.

**6-G-15-UR**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

\* **49. DAN BREWER**

North side of Hardin Valley Rd., east of Cherahala Blvd. Proposed use: Dentist office expansion in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

**7-A-15-UR**

STAFF RECOMMENDATION: Approve the request for the dentist office expansion with a total building area of approximately 6214 square feet as shown on the development plan subject to 6 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **50. ROBERT G. CAMPBELL & ASSOCIATES**

Northeast side of Bernstein Ln., southeast side of Greenwell Dr. Proposed use: Reduction of periphery boundary setback from 35' to 30' in PR (Planned Residential) District. Commission District 7.

**7-B-15-UR**

STAFF RECOMMENDATION: Approve the request to reduce the peripheral boundary setback from 35' to 30' along the eastern boundary of parcel 037OC001 (lot 1)as shown on the site plan subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **51. ORNL FEDERAL CREDIT UNION**

North side of S. Northshore Dr., west side of Town Center Blvd. Proposed use: Commercial development in a TC-1 District (ORNL Federal Credit Union) in TC-1 (Town Center) District. Council District 2.

**7-E-15-UR**

STAFF RECOMMENDATION: Approve the request for up to 25,683 sq. ft. of financial institution/office space as shown because the

proposed use is compatible with the general principles of the TC-1 zone and the previously presented conceptual plan subject to 6 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **52. DAVID SMALLWOOD**

**7-F-15-UR**

North side of Hardin Valley Rd., west of Ball Camp Pk. Proposed use: Expansion of existing animal hospital/clinic in PC (Planned Commercial) & F (Floodway) District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for expansion of the existing veterinary hospital as shown on the site plan subject to 7 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**W 53. WHITE OAK CROSSING LIMITED PARTNERSHIP**

**7-G-15-UR**

Southwest side of Chapman Hwy., east side of W. Dick Ford Ln. Proposed use: Apartments in PR (Planned Residential), A (Agricultural), CA (General Business) & SC (Shopping Center) District. Commission District 9.

THIS ITEM WAS WITHDRAWN 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 4:16 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Secretary for the Commission

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Approved by: Rebecca Longmire, Chair

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