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Minutes

June 9, 2011

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

The Metropolitan Planning Commission met in regular session on June 9, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF JUNE 9, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MAY 12, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ UNTIL THE JULY 14, 2011 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 90 DAYS AS READ UNTIL THE SEPTEMBER 8, 2011 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO WITHDRAW ITEM NO. 21A&B. MOTION CARRIED 11-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

<u>METROPOLITAN PLANNING COMMISSION</u>	8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	
<u>KNOX COUNTY SCHOOLS</u>	1-C-08-SC
Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	
<u>WILSON RITCHIE</u>	3-F-10-SC
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	
<u>METROPOLITAN PLANNING COMMISSION</u>	6-A-10-SAP
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	
<u>METROPOLITAN PLANNING COMMISSION</u>	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.	
<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u>	
a. Concept Subdivision Plan	1-SG-08-C
Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	
b. Use On Review	1-J-08-UR
Proposed use: Attached residential subdivision in PR (Planned Residential) District.	
<u>WILLOW FORK - GRAHAM CORPORATION</u>	
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 4-SC-09-C
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd.,
Commission District 6.
- b. Use On Review 4-D-09-UR
Proposed use: Detached dwellings in PR (Planned Residential)
District.
- TIPPIT VILLAGE - SITES TO SEE, INC.
- a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission
District 6.
- b. Use On Review 9-E-10-UR
Proposed use: Detached dwellings in PR (Planned Residential)
District.
- LONGMIRE SUBDIVISION 1-SA-11-C
West side of Tazewell Pk., north of E. Emory Rd., Commission
District 8.
- HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18 8-SB-08-F
South side of Woodlawn Pike, east of Southwood Drive, Council
District 1.
- DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F
South side of Kingston Pike, south of Walker Springs, Council District
2.
- HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4 11-SO-08-F
South side of Hardin Valley road between Schaeffer and Iron Gate,
Commission District 6.
- LECONTE VISTA 11-SP-08-F
Kelly Lane near intersection of Kodak Road, Commission District 8.
- HART PROPERTY 12-SH-08-F
East side of S. Molly Bright Rd, south side of Asheville Hwy.,
Commission District 8.
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F
Intersection of I-40 and McMillan Road, Commission District 8.
- WYRICK PROPERTY 8-SC-09-F
East side of Tazewell Pike, north of E. Emory Rd, Commission
District 8.
- OLIVER A. SMITH
Northeast side Lake Heritage Way, southwest side I-140, southeast of
Westland Dr., Commission District 5.
- a. Southwest County Sector Plan Amendment 6-H-06-SP
From LDR (Low Density Residential) to O (Office).

b. Rezoning 6-S-06-RZ
 From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

PROPERTIES DIVERSIFIED, INC.

Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.

a. North County Sector Plan Amendment 8-B-08-SP
 From LDR (Low Density Residential) to C (Commercial).

b. Rezoning 8-E-08-RZ
 From RB (General Residential) to CB (Business and Manufacturing).

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District. 8-O-08-RZ

JAMES L. MCCLAIN

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

a. Northwest County Sector Plan Amendment 9-A-09-SP
 From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

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

CLAYTON BANK & TRUST

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

CITY OF KNOXVILLE

South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential). 7-D-10-RZ

LISA HOSKINS

Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in R-1 (Low Density Residential) & R-2 (General Residential) District. Council District 5. 4-F-08-UR

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending). 4-B-10-UR

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO TABLE ITEM NO. 14 THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC. 6-SA-11-F. MOTION CARRIED 11-0. ITEM Tabled.

CONSENT ITEMS

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

- Mr. Carl T. Newcomb, Newcomb Machine Welding. As that item no. 34 Western scrap metal be postponed for a month.
- Mr. Anders we will remove from consent and will be heard.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 34 MOTION CARRIED 11-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM NO. 34. MOTION CARRIED 11-0. APPROVED.

Ordinance Amendments:

- * **5. KNOX COUNTY COMMISSION** **6-A-11-OA**
Amendments to the Knox County Zoning Ordinance regarding locations of establishments serving beer.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **6. METROPOLITAN PLANNING COMMISSION** **6-B-11-OA**
Amendments to the Knox County Zoning Ordinance, proposed changes to the TO (Technology Overlay) zone reflecting changes to the TTCDA Enabling Act.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- P 7. SCHAAD COMMERCIAL INVESTMENTS, LLC** **1-A-11-SC**
(9-8-11) Request closure of Amherst Rd between Piney Grove Church Rd. (east end) and relocated portion of Amherst Rd. (west end), Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 8. **UNIVERSITY OF TENNESSEE** **5-A-11-SC**
Request closure of Mann St between Sutherland Avenue and Southern railway right-of-way, Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

STAFF RECOMMENDATION: Approve

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

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- * 9. **METROPOLITAN PLANNING COMMISSION** **5-A-11-SAP**
2011 Update to the Knoxville-Knox County Major Road Plan.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Concepts/Uses on Review:

- 10. **TESTERMAN CONSTRUCTION ON NUBBIN RIDGE ROAD - BRYAN TESTERMAN, JR.** **6-SA-11-C**
 - a. **Concept Subdivision Plan**
Southeast side of Nubbin Ridge Rd., southwest of Hampson Ln., Commission District 4.

STAFF RECOMMENDATION: Deny variance 1, approve variances 2 & 3 and approve the Concept Plan subject to 9 conditions:

Tom Brechko: This subdivision on Nubbin Ridge Road, the property was reviewed last month for rezoning to planned residential which was recommended and forwarded to County Commission. Access to this subdivision is off of Nubbin Ridge Road. It is the only access proposed in the application that you have. There was a traffic impact analysis that was required for the site because of the number of lots. That traffic analysis identified that the level of service at the intersection of Nubbin Ridge Road was acceptable. They identified that there was some improvements needed for getting adequate sight distance along Nubbin Ridge back to the west. The traffic study did not look at alternative access points to this site. It was based on analysis of the one entrance on Nubbin Ridge Road. Staff's recommendation approval, there are three conditions that staff has made that the applicant, I believe, is in opposition to and will speak to those items. I want to go over those briefly. These are conditions 3 through 5. The first deals with connectivity of the road system for this property. In your blue sheets we have provided a map that

shows this site in relationship to the adjoining properties. You can also see it on the screen in front of you. There are two roads that stub out to this property. They were designed as connections to the property when it was to be developed in the future. One is Queensbury on the east and the other is Galewood on the west side. Queensbury gives access over to Morrell Road, and actually with some other interior streets there connections can be made back out to Nubbin Ridge. I think there are 3 or 4 connections out to Morrell Road that provides access to the school. Provides access to the Rocky Hill Ball fields. The connection to the west and Galewood Subdivision, although there are some cul-de-sacs or streets that actually have turnarounds in this subdivision, Galewood as it comes to this property was designed for a connection because it stubs out to the property. There was no turnaround provided as in the other streets in the subdivision. Staff's recommendation that connections be made to both of these streets. We talked before about the importance of connectivity. The very important factor is providing access, I think, to the school and to the ball fields. Actually going to Morrell it gives you access to the commercial development at Morrell and Northshore. There is also a rural metro fire station on Northshore that providing these connections allows alternatives and actually would help to reduce response time to any emergency within the proposed subdivision. These connections would make a difference of reducing the distance down by $\frac{1}{3}$ to $\frac{1}{2}$ of what would be required if the only access is to Nubbin Ridge. The second item that we have identified a condition is providing sidewalks within the subdivision. The property is within the parental responsibility zone. While there are no sidewalks on Nubbin Ridge Road, it has been our position that on any development that is within a parental responsibility zone, that sidewalks be provided as part of the development. That would give safe access for children and also parents walking with their children to school. Making the connections as we have proposed to Queensbury, it would also give access to Morrell Road where there is actually a sidewalk on Morrell Road that takes you right up to the school. And again as I mentioned earlier with connections to the ball field that provides a safer access to these facilities for pedestrians also within that area. The third issue that I mentioned in the condition no. 5 is installing traffic calming within the development. It has been our practice in the County and areas where we have longer streets that may result in increased speeds on vehicles within the subdivision, that we require the applicant to work with engineering on developing some traffic calming measures as part of that. That is one of the recommendations that they be incorporated into this project. Also if the connections are made to adjoining streets, traffic calming measures along with the design of those connections can help reduce any impact that you might have from any potential cut through traffic. The more either stops or traffic calming measures that are put in there helps to discourage people using it as a cut through, but it allows the connectivity that I think is important for these reasons stated. There is one other issue that is not a condition. Based on a recommendation, well a requirement of the

subdivision regulations that on any subdivision there is a requirement for right of way dedication based on the major road plan. The applicant is requesting for a variance along Nubbin Ridge Road from that requirement. County Engineering says they would not want to support that variance and require the additional right of way dedication, so we are recommending denial of the variance. If you have any other questions, I would be happy to answer those.

Brian Testerman, 8601 Dunair Drive. I will address the street issue first. I have done about 50 developments in Knoxville and I've never see one yet where you hook up neighborhoods that didn't cause mass trouble with kids racing back and forth on motorcycles, cars running back and forth between these neighborhoods, thieves it just opens the door for them. If you have a one entrance access the thieves won't come in. You open it up and here they come. There is no if, ands and buts about it. That is a big deal to people that live in these neighborhoods. It's a big deal. And that's a, as soon as you open multiple accesses to any neighborhood, and I have got 50 of them, that is the problem that you confront. It is a big problem. A major problem. Also it costs me three lots to hook these streets up which nobody wants including myself or my neighbors. They don't want them either. I just feel like under the conditions of where permits have gone from 4,000 to less than 700 that we need to be adding any additional cost to these neighborhoods. People can't buy them now. That is my street objection. Now sidewalk objection I have got several things. My neighbor immediately west that abuts my property, he has got no sidewalks. He has not putting sidewalks in. The County went down and built a nice new road that's on my property and they put no sidewalks in. So how come all at once Mr. Testerman needs sidewalks. Nobody else needs them. I mean this property abuts me. I certainly don't want to go in there and spend \$1,500 dollars a lot putting sidewalks in when my neighbor isn't putting them in. I don't think that is, I don't believe that is justifiable for me to be putting them in and the other, my neighbor which is right next to me isn't putting them in. So that is my major objection on that. The 30 foot; they just finished taking a right of way to build a new road. They just took the right of way and they want 30 more foot. That is my objection to that. They have already taken 30 foot right of way to build a new road and took whatever they wanted to build it. I do not see why they need 30 more feet when the road has not been finished 6 or 7 months. The biggest problem we have is there is no discussion at MPC about this stuff. They have already submitted their stuff before you even go to the meeting. So it doesn't do any good to discuss them. All they do, you go to the meeting and Mr. Kelly site up there and does this the whole time rushing the deal through. You know maybe that's the new deal maybe. But that doesn't seem right to me. I've added quite a bit, hundreds of millions of dollars to the tax base in this town and I think I deserve a proper hearing anyway. Those are my objections to what they just spoke of. Thank you for your time.

COMMISSIONER BART CAREY ARRIVED TO THE MEETING AT THIS TIME.

Mr. David Harbin: Engineer with Batson Himes Norvell and Poe, 4334 Papermill Drive. To augment what Mr. Testerman said, he does make a good point that the right of way was taken by the county just a couple of years ago. They were able to get all improvements within the 50 foot required right of way. That is what they took. They got two 11-foot lanes, two shoulders of 2 feet with ditches, 25 feet was all they needed. Now we come back with this development and the county wants an additional 5 feet. But the road improvements are already there. Also connecting to our adjoining streets, I want to point out that a single access for 98 lots is adequate. We do not need a second access at this time. One is enough. The sight distance looking east is fine. Sight distance looking west, we are going to have to do some grading and some vegetation removal. It is all on our property. We will be able to obtain the sight distance with that. I distributed a sketch beforehand that says agenda item no. 10 on it that shows you the road network in this area. The major things I want to point here is that the classification of these roads. Nubbin Ridge is classified as a major collector; Morrell is a minor arterial; and Northshore is a major arterial. If we connect these two roads, the pass through or cut through traffic will be great. Traffic follows the path of least resistance just like anything else. Our roads will be wider. The alignments will be better, so therefore it will induct the traffic. Anybody heading west on Nubbin Ridge wanting to go west on Northshore will come through our subdivision. Same thing for the other way around. The protection that cul-de-sac streets give and you know you can just imagine that in your own neighborhood. You don't want arterials and collectors having a bypass to cut through your neighborhood is what we are setting up here. Chair Anders: Mr. Harbin I am going to give you a little more time. Harbin: I appreciate that. Also I would think that even the county recognizes too that there will be quite a few pass through or cut through traffic. That is why they put the stipulation to put the speed humps in there. They want 4 locations on our subdivision alone. If this goes through they will have to go back on Queensbury and add them there too because this is a straight shot. It is one entire subdivision, take a left and you are over there at Morrell. That tract is a couple hundred feet even less in distance than going up to the four-way stop at Nubbin Ridge and Morrell. If you look at the subdivision requirements about connecting, I have got it right here. It is in section 62.20 it says here that the proposed road system of a subdivision shall generally provide for continuance for existing or dedicated streets in the adjoining nearby tracts. It is not a requirement. It is something that we look at on a case by case basis. That is what we are asking you to look at here today. There are some advantages to connecting to adjoining road and there are disadvantages to it. In my opinion and in our developer's opinion the disadvantages far out weight the advantages that we would get in this situation right here. Finally I guess for the sidewalks, we are within the parental responsibility zone. We acknowledge that. We are about 0.7 of a mile away from Rocky Hill School. It is important

for us to have the connectivity of pedestrian connectivity in here. What we would propose is to provide two walking trails to the dead end streets that are adjoining us. That way for pedestrian traffic they would be able to get back and forth. Not vehicular, but pedestrian. They could walk to school, walk to the ball field. That would provide the connectivity for pedestrians that I think MPC is looking for. We have no sidewalks in the other old subdivisions there. I would and Mr. Testerman would respectfully just like to ask somebody from County Engineering why are we requiring him to put sidewalks into his subdivision when the County just built a road in the parental responsibility zone, yet they did not provide the sidewalks out there. I thank you for your time and thank you for the extra time and certainly respectfully ask that you consider our arguments. Thank you.

Becky Longmire: Mr. Brechko, the developer was aware of the conditions of the stubbed out streets when you talked to him. Correct?

Brechko, Well one it was in the staff report regarding the rezoning about making connections at the zoning review last month. We had also up front when they first approached us on it, we talked about connections and also sidewalks within the development. We have mentioned it previously.

Longmire: County, can we hear about sidewalks on Nubbin Ridge and also what sort of traffic calming ideas you have if we do the connectivity.

Cindy Pionke: County Engineering, We will start with the sidewalks on Nubbin Ridge Road. Nubbin Ridge Road was, the purpose of that project was to take out the hard 90 degree curves within the road itself. In order to do that, we only pur... we didn't even purchase it. Scott Davis donated the property to make improvements that we needed and all we asked for was the 50 foot right of way that we needed to make the improvement itself. As there were no sidewalks out there on Nubbin Ridge and we did not have a plan to continue it except through that S curve where we made the improvement, there was no reason to get additional right of way. At that point that was a decision made by the director. In regards to the traffic calming, we have learned over time. We have been in the traffic calming business since 2000. We have gotten traffic calming in brand new subdivisions at least 16 new subdivisions over the last 3 or 4 years. We have subdivisions prior to that who have also gotten. We also have subdivisions that we get calls on consistently with people their existing subdivisions they have problems. On those we have done 32 subdivisions of which 14 are what you would consider a closed street. It is the cul-de-sac, one access entrance with no other cut through capabilities in it. We have learned to recognize based on the different subdivisions that we have been reviewing which ones we are going to have to go back in and address and which ones don't seem to have a problem. In looking at the layout that was

proposed for this subdivision, we recognize it as if we don't ask for the traffic calming now just for what he is proposing, we are going to get a phone call once the neighbors start moving in requesting the traffic calming because of the way the road is actually designed. It is due to the limitation on that width that they have, particularly as you get at least the first two-thirds of the property heading north towards Nubbin Ridge Road.

Longmire: Even without the connectivity there would still be a need for traffic calming?

Pionke: Yes, ma'am.

Wes Stowers: First off, is there anybody besides staff that has come forward asking for those roads to be connected? Any of the neighbors on Queensbury or Galewood? Any of the property owners. So this is something that staff is trying to ...

Harbin: I have not talked to a lot of neighbors. I talked to 4 or 5 neighbors. All of them are not in agreement. They like their quiet streets and deadend streets. They very much so want to keep them in its present condition.

Anders: Commissioner Stowers can we ask Mr. Donaldson to answer your question real quick from staff's point of view.

Donaldson: Commissioner Stowers as you will recall when we rezoned this property recently from RA to PR, there was opposition to the rezoning. The reason given by the opposition was the increase of traffic on Nubbin Ridge. One way to reduce traffic congestion on arterial streets is to connect to adjacent subdivisions and provide alternative access points out of that subdivision. Connectivity works to reduce the traffic and traffic congestion on Nubbin Ridge.

Stowers: If those roads lined up you might make a better case. But it looks like a pretty torturous if you are going to go through it. Another observation is that as far as, the key thing, the only thing I saw that made any sense was kids being able to go to on that Queensbury route to the ball field and school. I lived many years in that area and am very familiar with it. This concept of the walking path would be a heck of a lot safer than kids walking along a cut through and that is exactly what it would become. So you would have connectivity for foot traffic for children going to the ball field and the school without having the extra increase of traffic. From what I have heard I think it is pretty heavy handed for this body to force property owners to put roads through that no one wants other than the staff. I do like the concept of the walking trail or path, sidewalk that would get the kids over to where they are going to be going anyway.

Art Clancy: I just want to agree with Commissioner Stowers. The best traffic calming, I think, because I live in a subdivision that is old. People cut from Washington Pike to Cherry Street in my subdivision, my road specifically is a cut through. The city has come and done traffic calming which is noisy and kind of silly in the one intersection next to my house. It doesn't do much to calm the traffic. The best traffic calming you can do is to not make it to where you can cut through the subdivisions, I think. I kind of understand the connectivity theory. If you look at this, I am with Wes. I think it is better idea to put kids going to a ball park on a walking path walking into a deadend street to the ballpark instead of having to go through a cut through where everybody is trying to get off of Nubbins Ridge and down to Morrell. So I see that. Sidewalks it is parental responsibility zone. It is hard to get out of that. I just don't see connecting these roads as being a good thing for anybody in the neighborhood.

Michael Kane: Point of clarification. We start off saying it's the general policy for connectivity. Is that a policy that is in MPC's or ordinances or County or what level are we talking about? It sounded like it was just MPC staff desires and has no other weight behind it.

Mark Donaldson: Within the subdivision regulations there is a requirement that platted subdivision stub out streets to undeveloped property with the expectations that the next, when that property is developed it will connect to that street.

Kane: So that is something that County Commission and City Council have basically approved. They are policies that have come before us. Is that correct?

Donaldson: Correct. The subdivision regulations are the authority of the planning commission to adopt. Both City Council and County Commission have also adopted the subdivision regulations.

Kane: From that standpoint the developer as well as being in the parental responsibility zone, those are things that are fairly well known in advance. I would think in terms of those policies being there. The question becomes is there anything unique here that says those policies shouldn't be adhered to. I guess from my perspective I do not see that. I don't see that if we are going to follow the policies, then why wouldn't want this particular property fall into those policies? I don't really see that there is anything unique here that would prevent you from doing that, following the policies for the sidewalks or the connectivity. I think that having ways for people to move about in their neighborhoods brings people together and provides better neighborhoods to be honest with you. I live in an area that has lots of connectivity and I think it brings people together. I think that is the purpose of the policy and to reduce traffic and those other things. I just do not see what is unique about this particular property other than the desire to change the policy.

That seems to be the argument really is more, we don't like the policy and therefore we shouldn't adhere to it.

Anders: Hold on gentlemen. You guys have both been here long enough to know we are at Commission now. If we have questions, we will ask you. But it is not open mike again.

Longmire: One thing Knox County and Knoxville City are in the middle of a Health Knox initiative. Two of the huge issues with Health Knox, connectivity of neighborhoods to encourage walking and sidewalks. It is to be hoped that from now on all subdivisions whether or not they are in the parental responsibility zone do advocate sidewalks. I am not a fan of walking trails because in the first place who becomes responsible for keeping up a walking trail? Walking trails don't maintain themselves. They are not as easily maintained as a sidewalk. The most appropriate time to put in sidewalks is when a development is occurring. I think it would be difficult to endorse the Healthy Knox initiative and still maintain that connectivity and/or sidewalks are not important. Speaking for example, Commissioner Johnson, you have lived in a neighborhood with sidewalks and connectivity and you have survived. My mother grew up in an area with sidewalks and connectivity and it increased the neighborliness of it. I really do not see how we can avoid supporting what the County and City both are supporting and that is increasing a healthy Knoxville.

Anders: Mr. Harbin if you have something in comments that have been made by Commission. I don't want to open up another bully pulpit.

Harbin: I read this earlier. It is the design standards at 62.20. I will read it again, "the proposed road system of a subdivision shall generally provide for the continuance of existing or dedicated streets in the adjoining or nearby tracts." It doesn't demand. It is not the policy that we have to connect. You have the authority to look at it and make a rational decision of what's best. For sidewalks, I live in a subdivision without sidewalks. I still walk; not nearly enough. I do it in the street. It needs to be in the developer's interest what he is trying to provide. Me as a homebuyer, those houses with sidewalks cost more. I saved \$2,000 on my house because I do not have sidewalks out there. I chose that. It doesn't need to be in every subdivision. We have already set up for one of neighbors doesn't have to do sidewalks out there in developing. That gives him an undue advantage. Even out of the County's mouth just a few minutes ago Ms. Pionke said she did not put sidewalks in because they connected to nothing. There were no sidewalks for them to connect to out there and they thought it was foolish, or not wise at this time to put sidewalks in Nubbin Ridge. That is the same reason we are saying right here today.

Donaldson: In addition to that statement about generally wanting to connect streets, there is a provision, a regulation in the subdivision

regulations that requires that people provide the stubbed street connections to undeveloped property with the expectation that they will be connected.

Stowers: I think that is intended a stub out street that the expectation that there is a need it can be connected. I don't think it is a requirement to connect it. In this particular case, the developer... I have lived in connected place and got robbed twice. I was real neighborly one time. I confronted a guy with a pistol. The other times I lived in cul-de-sacs and did not even have to lock my doors. I do think it is a huge difference as a homeowner. I personally look at cul-de-sac when I buy a lot. The three I bought here at Knoxville have been on cul-de-sacs. I do feel if the developer wants to make that type of neighborhood and it is his property, to force a road across that nobody in the community is asking for is heavy handed. We are going to force the expenditure of both public and private money to make people mad. Heck we can make them made for free. We don't have to do this in this particular case. As far as walking trails goes, if you put a sidewalk in made out of concrete that goes across from the road to the other stubbed in road, it will last forever. It doesn't require maintenance.

Margaret Kline, 8845 Ebenezer Oaks Lane, Knoxville, President of the Council of West Knox County Homeowners Association. I would like to only make a real brief comment regarding sidewalks. The arguments I have heard basically are nobody else has to so why should, we. I think back to what my mother always said. Which is "Two wrongs don't make a right". If it is within the parental responsibility zone, the Council of West Knox County Homeowners position is the sidewalks should go in.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION EXCLUDING CONDITION NO. 3 AND NO. 5.

Clancy: Condition number 3 means, deals with connectivity and number 5 deals with traffic calming, which if you don't have connectivity I don't think you really need traffic calming either. Well um... Do you need the variance first.

Anders: I think so we have to have two votes on this thing. No we don't?

Steve Wise said something about only one motion needed (inaudible).

Anders restated the motion: **TO DENY VARIANCE ONE AND APPROVE THE CONCEPT PLAN SUBJECT TO 7 CONDITONS WITH REMOVAL OF NUMBER 3 AND NUMBER 5.**

Upon roll call the Planning Commission voted as follows:
Carey Yes

- Clancy Yes
- Cole No
- Ewart Yes
- Johnson No
- Kane No
- Lobetti Yes
- Longmire No
- Pierce Yes
- Sharp Yes
- Stowers Yes
- Anders Yes

MOTION CARRIED 8-4. APPROVED AS MODIFIED.

b. USE ON REVIEW

6-B-11-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 98 detached dwellings on individual lots subject to 2 conditions.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED -8-4. APPROVED.

11. VILLAS AT PELLISSIPPI - M & M PARTNERS

6-SB-11-C

a. Concept Subdivision Plan

East side of George Light Rd., north side of Rather Rd., Commission District 6.

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

David Harbin: Batson, Himes, Norvell, and Poe, 4334 Papermill Drive We are in agreement with staff all but one condition this time. This is condition no. 4. This is the improvement of George Light Road. As you see on the plan that we propose, all roads are internally accessed with the exception of two to the north of site. Of course with 44 lots being fed off of a substandard road, we will improve that road up to our intersection. However, the need or engineering need I really fail to see it for the improvement of two lots, lots 45 and 46 that we need to put the cost and improve George Light Road on past our intersection right there. I would suggest that we approve this subdivision and amend that one condition no. 4 to improve George Light Road only up to the proposed road we are putting in.

Dan Kelly: The condition is placed on it in that the, I guess to specifically address what Mr. Harbin was talking, if they were only building two lots, two houses we would not have that condition in there that they improve the road. Since they are building 44 other houses to go with it, that is why that condition is there. From that

standpoint we would recommend that the widening of it, that Mr. Harbin only talked about the idea of only widening it to their entrance and did not discuss the potential of widening it beyond that entrance. We are requesting that be done.

Harbin: Of course we do need to improve the road up to the intersection of the new road. That is where the vast majority of the traffic is going to come. Only two additional houses are being placed on George Light Road from that point. The need to improve that road from that point from an engineering stand point, I truly can't find one.

Anders: But you have got 46 additional homes are being built.

Harbin: What is using that section of George Light Road north of my entrance is only two houses at that point. That will not overtax the road.

Anders: Hold on a minute. We are free styling here.

Wes Stowers: I thought I understood this and I don't think I do right now. If looking at the map and go to the right of the subdivision road, you are agreeing to widen it out. I am just trying to determine which road we are asking them to widen and which piece they don't want to.

Kelly: George Light is the road that we are asking for widening. What they are proposing is from the intersection of Rather Road which is the road that splits off to the right. Rather is the road that goes back to the east or south if looking at your KGIS map. George Light Road generally runs north and south. We are asking that they widen George Light from Rather Road to their entrance. That is what they are proposing to widen and then they have lots 45 and 46 shown on their map on their concept plan that are up in the northern corner of their property. But they front on George Light.

Stowers: But there are just two roads that front on George... Kelly: Two lots. Stowers: Staff is recommending that they widen the road from the entrance to their subdivision all the way to those two isolated lots. Just wanted clarification.

Kelly: That is correct.

John Roberts, 10358 Rather Road. I am basically not opposed to this. I think my concern is Rather Road and that whole entrance situation there. It is probably about 100 yards from Pellissippi which is a nightmare to get out on back and forth across there every morning. I think if it is done right, I don't oppose it. I just don't see that one entrance way as being sufficient to go in and out of that development, especially where it is located. I just think it is unsafe.

Art Clancy: David, can you, Rebecca asked me do you own the property that is in between these two pieces of property? Is that future development?

Harbin: Just north of us fronting on George?

Longmire: It is between the entrance and the two lots.

Kelly: That is part of this site. That is not future development. That is a ravine or an area that... originally we had a concept plan some time ago that used basically the same entrance point but then they had another cul de sac that went up that drainage way there. I believe because of grading costs and other things associated with the development, they have opted to come back to this plan as opposed to internalizing all the lots.

Clancy: If they had not asked for the extra two lots we would just be talking about developing from this subdivision entrance over to Rather Road. It is the fact that they stuck those two lots on there that makes us want improvement from those two lots all the way through. Right? I mean if we just left it...

Kelly: I am not going to say they just stuck them on there. They designed their project in a manner that... It is just a different way of saying it. Originally what was approved for this project was 59 condominium units using one access point in the location that is generally where the access is right now with all the access to the development internalized within the project. George Light Road is 14 to 16 feet wide. It's not a, it even makes Nubbin Ridge look like a wide road. From that standpoint, the widening of the road, and again George Light is a potential alternative as the gentleman that came up earlier was talking about. Getting out on Pellissippi Parkway that is an issue that they are going to have to deal with when they are trying to sell these units to potential buyers. George Light is an alternative access out of this area and it goes back over to Oak Ridge Highway. There isn't a left turn at that location, but you can get back to Oak Ridge Highway and get out over there. Yes we want the road improved. And because they did put those two other lots over there, we feel we are justified in requesting it.

Clancy: I guess my question to Mr. Harbin would be does the cost of that negate those two lots. Wouldn't it be better just to do without them and..

Harbin: Absolutely. We could not repave that road and do that just for two lots right there.

Clancy: Once Cindy paves that road, you can go resub it and put lots back on it.

Harbin: Right after she puts sidewalks on Nubbin Ridge.

Anders: You didn't realize how much power you had, did you Ms. Pionke?

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 9 CONDITIONS.

Harbin: Can I make one more point please before you vote? Can we stipulate... I tell you what let's go ahead and just remove those two lots there. Take those off and make it for 44 lots, improve the road up to the intersection and do that. Will that be acceptable to MPC staff?

Donaldson: Staff would recommend that George Light be improved along the entire frontage of the property because it is a connected street that provides alternative access to Pellissippi Parkway and to Oak Ridge Highway.

Anders: Staff's position is you want it widened anyway.

Donaldson: It should be widened.

Clancy : I will have to rescind my motion. I have to think about that for a minute.

CLANCY RESCINDED HIS MOTION

Stowers: Mark, were you suggesting they widen it along the entire stretch of that road. Even longer than the original recommendation?

Donaldson: That road should be improved and quite commonly communities require developers to make improvements to roads that are adjacent to their property even if lots don't front on it. When you are dealing with a 14 foot road and people are very likely to have to use it or want to use it, that road should be improved to a minimum standard.

Stowers: I mean... I thought that is not going to be the road they are going in and out of the neighborhood.

Donaldson: You have heard testimony today that the intersection down near Rather of George Light with Pellissippi Parkway is already a nightmare. So if we add 46 units to that intersection, some people will chose to take an alternative route. They ought to be able to use it on a standard street.

Stowers: Maybe they ought to take it all the way to Alcoa Highway. We are asking a lot here. Here is my problem. Right now we are in a depression in this community. People can't afford to build anything. The more we heap on them to do the responsibility, we do pay taxes on a public road. That is one municipal responsibility and to make it even more onerous on somebody trying to create and build something with private money to force them to do something that...

I think if they reduce, take away those two lots and they widen it to the main corridor which is where people are going to come and go, I think that is more than enough personally.

Anders: I am just going to make a general comment. Mr. Stowers and I share the same view on an awfully lot of things. I do on this to some degree. We have to be careful. Over the last 4 to 5 meetings it seems like every time we turn around we are trying to justify a development because of the economy or let's let them do this or let's don't make them do this because it is tough right now with the economy. We have to be careful that we don't make short term decisions that could affect us long term. I am sensitive to those issues as anyone else.

George Ewart: Ms. Pionke is there any plans for improvement on George Light Road in the near future?

Pionke: No sir.

Ewart: How much would it cost Mr. Harbin to extend this road along your property along George Light Road, approximately?

Harbin: I am remise to put a cost on it. What we are required to do it is about 14 to 15 feet wide. So we would come on our side and add about 4 or 5 feet of subgrade and then we would have to repave.

Ewart: Would you have to put the sidewalk in too?

Harbin: Not in this place.

Ewart: How many feet are we talking about?

Harbin: I am guesstimating probably about 500 to 600 feet of road. That is a very small portion of this road. I would say it is still a ½ mile or mile on out to Pellissippi Parkway. You are kidding yourself that this 500 foot section is going to provide save egress from this site. It is a drop in the bucket. The alignment gets much worse further on down George Light Road. A lot of hairpin curves, steep slopes. You can't see around it. In fact if you build a road that looks pretty good there you might encourage people to take it. And then once they get down there at that, it is just a nightmare. I am sure Cindy could speak to the alignment and to the width of George Light Road.

Ewart: I understand that developers, we don't have any impact fees here in Knoxville or Knox County on certain utilities and roadways and so on and so forth. Their right is to build when they develop. I think it is kind of odd that you have got a 2 mile stretch of road or 3 and you are talking about 500 feet of road frontage that is going to be developed. I have been out there. I don't know how much the

rest of this is slatted for development. I just have a hard time making him do that. I am going to make a motion.

Anders: Just a moment. I think Commissioner Clancy agreed to rescind his motion. I am going to rule on that and pull that off the table. Now go ahead.

MOTION (EWART) AND SECOND (CLANCY) TO APPROVE THE SUBDIVISION FOR 44 LOTS AND REVISING ITEM NO. 4 TO THE APPLICANT WIDENING FROM THE NORTHERN BOUNDARY TO THE ENTRANCE INTO THE SUBDIVISION AND ALL OTHER CONDITIONS.

Harbin: Actually that should be from Rather Road to the intersection, not the northern boundary.

Anders: Let's do this again George. Let's get it out there again.

Ewart: **44 LOTS WITH NO LOT ON GEORGE LIGHT ROAD PAST THE ENTRANCE ON THE NORTHERN SIDE.** Is that correct?

Harbin: Yes.

Ewart: I do not want him to develop on that road up there except that corner lot because if we do 44 lots he still could put a lot out there, theoretically. Is that correct?

Harbin: Not without a concept plan.

Ewart: Let's just tie it down. **AND THEN IMPROVE THE ROAD FROM THE INTERSECTION TO THE ENTRANCE INTO THE SUBDIVISION AND THEN THE OTHER REMAINING ITEMS ON HERE WILL NOT BE REVISED AS CONDITIONS.**

Clancy: Seconded the revised motion.

Laura Cole: Just wanted to make a comment just to follow up what Mr. Anders said about focusing on the economics. I feel like we are doing that a lot. We are actually totally focused on a single development and whether or not 1 or 2 lots is going to make a difference. I see our role as looking at the bigger picture and the long term. My concern is we are so focused on this development we are not thinking about the safety issues. We are actually saying we can't afford to do it right so let's go ahead and do it wrong. That is what I struggle with in a situation like this when we start talking about economics and how much the developer is going to lose.

Stowers: I would agree if 500 feet would make a difference. All it is just extending the neck of the funnel and then you another one and one half of rabbit trail. It won't make any difference. You are going to make this developer spend a lot of money with no added

value. If it went all the way down that would be one thing. If the street wasn't a cul-de-sac and it was, it connected again down there, you could make a great case for that. This is just taking the bottleneck further down the road. It has the same net effect. It won't make it safer. That is my point. It is making somebody spend private dollars to no effect.

Clancy: My decision to second this motion had nothing to do with the economic climate of this city right now. But I did wholeheartedly agree with what Commissioner Stowers says when your making private landowners spend money on municipal projects that are the responsibility of our municipality. That's Knox County is responsible for keeping our roads safe and making them safe. I understand what you say Mark when you say it is traditionally acceptable to ask the developers to improve the road. This is not a major arterial road. That hit home when Wes said we are spending, we are forcing the private sector to do why the municipal ought to be taking responsibility for. If it is not safe, we need to look at that from a Knox County Engineering standpoint. Maybe that needs to get on the road improvement list.

Michael Kane: I understand the arguments here on this specific. If a development is going to cause more intense use of our road system and it is unsafe and we don't have the tax base to improve that, then our philosophy and our practice has been to have the developer make those improvements. Your argument really only again is only when there are exceptions. The general practice and policy is to have the developers pay for these things when there are more intensive uses that require road improvements to make them safe. In this particular case I do understand the arguments that there is not a lot of stretch of road and not a lot of frontage on George Light from this development itself. You can make an argument in this particular case that farther down George Light where there is some open land that the next developer came in and he could develop all of that along George Light and we could require him to do all of that and then we would have a section of 500 feet that wouldn't be done and it wouldn't be fair to him to widen the road even though he has more frontage on George Light. We should be consistent in our general practice and when there is an exception, that is when we look at the exception.

Kelly: If I understand what is going on here the applicant has withdrawn 45 and 46 and with Mr. Ewart's motion you would also need to amend condition no. 7 which talks about internal access. It specifically excepts lots 45 and 46 and that would address George's issue of additional lot inside potentially having access out to George Light. If we just AMEND CONDITION NO. 7 TO SAY "PLACE A NOTE ON THE FINAL PLAT THAT ALL LOTS WILL HAVE ACCESS FROM THE INTERNAL ROAD SYSTEM ONLY".

Ewart: I would revise my motion to include that.

Clancy: I would like to second that.

Carey: Mr. Kelly touched on what I was... I am not familiar with this area. In looking at this map, it started off the conversation that the two lots were part of this whole thing. They have been eliminated. If there was a hairpin curve between the main subdivision entrance and into that property or something very dangerous I could see more of a reason to widening that. It basically is a straight shot and it is going to result in a bottleneck on down. I am supporting Mr. Ewart's motion.

Ewart restated Motion. TO APPROVE 44 LOTS WITH NO LOTS NORTH OF THE ENTRANCE INTO THE SUBDIVISION FROM GEORGE LIGHT ROAD AND AMEND ITEM NO. 4 WIDEN GEORGE LIGHT ROAD FROM THE INTERSECTION TO THE ENTRANCE INTO THE SUBDIVISION AND ITEM NO. 7 OMIT LOTS 45 AND 46 AND SAY ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL ROAD SYSTEM ONLY.

Longmire: If he says north of the entrance to the subdivision, that would include all the lots on the north side of that road. And I know that is not what is intended. Is what the motion is saying? I know you are referring to the two lots that are away from the main body of the subdivision.

Ewart: Yes that would be the north part of George Light Road from the subdivision.

Longmire: I understand that but it you say form the on the north side of the entrance to the subdivision that would include all those other lots

Ewart: From George Light Road.

Longmire: Okay that clarifies it.

MOTION CARRIED 11-1 . APPROVED.

b. USE ON REVIEW

6-C-11-UR

Proposed use: Detached dwellings in PR (Planned Residential) / TO (Technology Overlay) District.

STAFF RECOMMENDATION: Approve the development plan for up to 46 detached residential dwellings on individual lots subject to 1 condition.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE THE DEVELOPMENT PLAN FOR UP TO 44 DETACHED RESIDENTIAL DWELLINGS ON INDIVIDUAL LOTS SUBJECT TO 1 CONDITION. MOTION CARRIED 11-1 (COLE). APPROVED.

Anders: I need a motion to link Item no. 12 and Item no. 33 together so we can discuss it all at one time. They are the same thing.

MOTION (CLANCY) WERE MADE TO LINK ITEM NO. 12 AND ITEM NO. 33 TOGETHER. MOTION CARRIED 12-0.

CLANCY LINK ITEM NO. 12 AND ITEM NO. 33 TOGETHER.

12. MILLERTOWN CENTER

6-SC-11-C

Northwest side of Millertown Pk., southwest side of Loves Creek Rd., Council District 4.

STAFF RECOMMENDATION: Approve the concept plan subject to 16 conditions.

Mark Matlock, MSN Development 210 Main Street, Lenoir City, TN. This is a development that is adjacent to the East Town Center Mall that is there apparently that borders on Kinzel Way which is a private and also to Millertown Pike and Loves Creek that is adjacent to the north. What we are asking for is our concept plan. I guess what we are hearing is the first step of this which is item no. 12 and to approve this for a 9 lot subdivision.

Anders: I am not trying to rush the process, but do you agree with staff recommendation.

Matlock: We talked about these. If you wouldn't care to run down those that would be tremendous.

Anders: You haven't looked at their conditions?

Matlock: Do have a copy of those Dan? Could I see a copy of those just to make sure.

Anders: While you are at it look at 33 too. I just wanted to make sure Dan didn't change any of items on me. He is a slick guy some days. Dan said he was not going to share his copy with him after saying that.

Michael Kane: I have received a call from Ronny Cones, President of Alice Bell, and he said that they had met with the developer and this was consistent with something else they had proposed I think for the site and didn't have any problems with it and saw that it was a good development. The only concern he expressed, and that is what I wanted clarification on, it appeared the only way to exist the property and go north on Millertown Pike would be to exit to Kinzel Way then go to the intersection and then cross up going north on Millertown Pike. His concern that will mall traffic at holiday seasons that would be very difficult. Is that the case in terms of the wayt he traffic would flow. There is a right in and right out on Millertown Pike

and the only way to go north would be to go back on Kinzel and then go to the intersection and go north.

Matlock: Yes that is correct. We actually had met, if I will I may, Mr. Mathis is here who is also to part of the Alice Bell Community and he may wish to speak with that. We did talk about that. We are understanding possibly at peak seasons. They kind of identified it around Christmas time or whatever as with any kind of traffic whether it be Turkey Creek or West Town Mall those conditions can transpire. Again that is kind of a unique scenario. Because of the lay of this property and the width and conditions that existing along Millertown Pike that we need that access back onto that private road back to the mall from Kinzel to get back out at the traffic light. We figure that 90 % to 95 % of the time that is our best way possibly in and out of the site. I have looked over the 9 or 10 conditions. I am sorry Dan, yes page two. Yea the first 10 we did.

Longmire: It is a comment reflecting Commissioner Kane's concern. I live in the area and it is not just at Christmas. The right, the left turn onto Millertown from Kinzel Way allows possibly four cars at a time to go through before the light changes. Any extra traffic is going to be a problem. Why did you say there would not be an exit onto Loves Creek because there is a light there?

Matlock: On this particular site there is a natural division which is Loves Creek. This is divided into two sections. There is a section that is the Millertown and Loves Creek section. The section we are talking about that exits back onto Kinzel, it is kind of hard to see, this would be on the south side of the creek that would come off Millertown Pike and it does a dog leg off Millertown Pike and an L shape back onto Kinzel Way. There is no bridge crossing or anything proposed to get back onto Loves Creek.

Longmire: Bur that would be a possibility to build a bridge to do that. I am not seeing Kinzel Way as a very good exit because so much of your customer base comes from the north side.

Matlock: It would be extremely expensive to build a bridge across Loves Creek.

Longmire: Right there with sidewalks. I know. It is a really bad place to try to get out even away from peak times if you are familiar with the Knoxville Center area.

Kelly: The alternative, one of things we are doing is we are not going to grant any additional access to Millertown Pike in its current condition. I think everyone would agree that that would be a bad idea if we had additional two-way access to Millertown Pike given current situation. Kinzel is the only likely alternative they have at the present time. The city has a fairly major road project for improvements to Millertown Town Pike which may in the future actually Mr. Matlock or his successor may want to propose at that

time some additional access to the property. Building a bridge across Loves Creek at that location would be a very expensive venture. Water quality and all of the other issues that come into play now would have to be taken into consideration. Three of the 9 lots proposed actually are up on that section, the Loves Creek section. A portion of the property would be developed and access would come from Loves Creek where there is a traffic signal. Typically in a commercial subdivision they propose the maximum number of lots that could ever think could go on the property. And then the way you market the property is a potential tenant would come in a probably buy 2-3 of these lots. I doubt very seriously if you are going to end up with 9 separate property owners at some time in the future. It is usually less number of lots than shows particularly in a commercial setting.

Matlock: I have read all 16 and those few other requirements that Dan has slipped in here. Yes, we have known about these and are in agreement with these.

Stan Johnson: I am trying to figure out what you are going to do with the lake.

Matlock: Dan wants to leave for a fishing pond. The lake that is out there is actually a manmade structure. We have been working with every body that has got letters by their name from TDEC to Army Corps of Engineers to TVA and so forth. The pond has been drained. It was drained back in the fall. TDEC has actually walked over this to make sure of what the spring head conditions are. What is proposed in the plan is the lake will be drained and it will be filled. Part of it will become the detention facility for the south side of the site. The balance of it will be into the stream head and there is a proposed plan to take that and put ripple ponds and so forth back into Loves Creek itself.

Bart Carey: It seems like easiest solution to the traffic congestion instead of building a bridge would be to change the red-light to make it a little longer.

Anders: We have a powerful woman in our presence. Ms. Pionke can make that happen.

Pionke: I am glad to say it is in the city

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

33. MILLERTOWN CENTER

Northwest side of Millertown Pk., southwest side of Loves Creek Rd. Proposed use: Commercial development (car wash) in SC-3 (Regional Shopping Center) District. Council District 4.

6-G-11-UR

STAFF RECOMMENDATION: Approve the request for the car wash facility and the associated retail space as shown on the site plan subject to 9 conditions.

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

Final Subdivisions:

- 13. **BRANDYWINE AT TURKEY CREEK PHASE I** **8-SP-10-F**
 West side of Fretz Road, south of Campbell Station Road, Commission District 6.

STAFF RECOMMENDATION: DENY Final Plat.

Tom Brechko: Staff recommendation of denial was based on fact that we were waiting on letter from the Town of Farragut regarding the improvements that were required to Fretz Road. We have receive that letter. We have everything to make this application complete for the final plat. Staff's recommendation would be to approve subject approval of the waiver of the 9-day deadline rule.

Gene Lackey, Surveyor from Oliver Springs. I operate out of 214 Main Street. I am here to answer any questions pertaining to this plat that was prepared by my staff.

MOTION (CLANCY) AND SECOND (JOHNSON) TO WAIVE ARTICLE 6, SECTION 1, OF MPC'S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 12-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 12-0. APPROVED.

- T 14. **THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC.** **6-SA-11-F**
 At the intersection of Shipetown Rd and Mitchell Rd, Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 15. **DALE & CONNIE GIBSON PROPERTY** **6-SB-11-F**
 North side of N Ruggles Ferry Pike, southwest of Graves Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. LONSDALE RECREATION CENTER AND NEIGHBORHOOD PARK** **6-SC-11-F**
 Intersection of Stonewall St and Connecticut Ave, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **17. CLAYTON V CHRISTENBERRY JR PROPERTY RESUBDIVISION** **6-SD-11-F**
 West side of Texas Ave at intersection of Badgett Dr, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **18. CAMPBELL CREEK PHASE III** **6-SE-11-F**
 East side of N Campbell Station Rd, south side of Yarnell Rd, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. OAKLEIGH UNIT 4** **6-SF-11-F**
 Northeast side of Oakleigh Township Dr, northeast of Eaglewood Ln, Commission District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. UNIVERSITY OF TENNESSEE MEDICAL CENTER** **6-SG-11-F**
 On University of Tennessee Medical Center property north of intersection of ramp off Alcoa Hwy. and Cherokee Trail intersection, Council District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- W 21. TLD CONSTRUCTION, MARSHA SNEED**
 West side Rehberg Ln., north of Lovell Rd., southwest of Middlebrook Pike, Commission District 6.
 - a. Northwest County Sector Plan Amendment** **4-C-11-SP**
 From LDR (Low Density Residential) & SLPA (Slope Protection Area) to MDR (Medium Density Residential) & SLPA (Slope Protection Area).

Seymour: I know we have been requested by several Commissioners to meet with the adjoining property owners, the Johnsons, to discuss that. We met with their lawyer yesterday on certain issues, Mr. King here, and we will continue meeting, we will meet anywhere any time with any adjoining property owners to discuss our plans for this operation and how we can protect their property and utilize the property as PSC wishes to.

Longmire: There was an email in your packet that an adjoining property owner did ask for a 30-day postponement because he was not able to be present today. So from both sides there was a necessity for a postponement.

Seymour: The Johnsons, Mr. King may... Who do you represent? The Scruggs family we met with them, Mr King yesterday and he met with his clients today. I think it might be helpful if Mr. King and his clients and use got together and discussed this further.

John King, P.O. Box 2425, 37901. I know there are several people that I do not represent who are property owners to the north and two ladies here from the church over on on Starkey. I just want them to understand this is being postponed it will be back and whenever there is a meeting I will try to make a point if you will give me your names and phone numbers, I will make it a point to try to make contact with them so they can be present.

b. Rezoning

6-B-11-RZ

From RA (Low Density Residential)/TO (Technology Overlay) and CB (Business and Manufacturing)/TO (Technology Overlay) to I (Industrial) /TO (Technology Overlay).

STAFF RECOMMENDATION: Approve I (Industrial) / TO (Technology Overlay) zoning, subject to one condition.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO POSTPONE 30 DAYS. MOTION CARRIED 8-3-1. POSTPONED UNTIL JULY 14, 2011.

Robert Anders resumed as Chair of the meeting.

* **24. CUS, LLC**

South side Hardin Valley Rd., east of Bertelkamp Ln., Commission District 6.

a. Northwest County Sector Plan Amendment

6-B-11-SP

From O (Office) & SLPA (Slope Protection Area) to C (Commercial) & SLPA (Slope Protection Area).

STAFF RECOMMENDATION: ADOPT RESOLUTION #6-B-11-SP, amending the Northwest County Sector Plan to C (Commercial) and SLPA (Slope Protection Area) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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b. Rezoning

6-C-11-RZ

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

STAFF RECOMMENDATION: Approve CA (General Business) zoning to a depth of 200 feet from the right-of-way and OA (Office Park) zoning on the remainder of the site.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

25. VANCE AND PAM GRIFFIN

6-D-11-RZ

Southwest side Shoffner Ln., northwest of Griffith Rd., Commission District 7. Rezoning from RA (Low Density Residential) to A (Agricultural).

STAFF RECOMMENDATION: Approve A (Agricultural) zoning.

Robert Bean: 7821 Thomas Henry Way, It's a condominium complex. President of homeowners association. Our property backs up to Mr. Griffin's property. Problem we are having is Mr. Griffin cannot contain his chickens on his property. They are coming on down to our property and doing damage to homeowners flower beds and flower gardens. It has been going on for probably 2 to 3 months. I went through the Knox County animal control. They were not able to do anything. It is a residential area. There is some agricultural there. There is also some agricultural that connects with our property at the upper end as you can see. Mr. Griffin is in a residential area himself in a subdivision. His chickens are running free in the yards. The only problem we have had is they will not stay on his property. If they are running free, they are not going to stay there. That is the problem we have had with them.

Pam Griffin: 7803 Shoffner Lane, Yes, I have chickens. They are pets. They have not at any point told me they had a problem other than one neighbor. I did put fencing up. Obviously they do not feel it is adequate. We have planned more substantial fencing for the subdivision. This part of north Knox County is traditionally agricultural. When we moved in 19 years ago, it was very much so which was a great appeal to us. It was a misunderstanding on our part. We were told we were agricultural at that time. But then the naivety shall we say of youth, I didn't look any further. I never thought about it. That is why we wanted to pursue to do the right thing. The reason want for rezoning primarily is because I want to keep a rooster. Containing the chickens I will do. I have every intention of doing so. I do not wish to contribute to the loss of quality of life to anyone with my chickens. I will do whatever it takes to keep them up. That is why I wish to be rezoned to agricultural. All the properties to my north and west are Agricultural.

Becky Longmire: Ms. Griffin, how many chickens do you have?

Griffin: I have 7 hens and one rooster.

Longmire: That's all you plan on having or have you talked to the rooster?

Griffin: I would like for the rooster to be more able bodied. His primary role is to be a mate to the other hens just because they are happier with a cockerel around. Otherwise, no I don't raise chickens or anything. They are just pets. I like the eggs.

Longmire: You are planning on fencing in your yard or you are making a chicken run or chicken coupe. Whatever.

Griffin: We have both we are in the process of fencing in the yard. Obviously, we have not gone quite far enough if they think there is... I have not seen them across the fence. But if they say then so we will extend even more so.

Longmire: Are their wings clipped.

Griffin: Yes.

Michael Kane: Are you part of a subdivision that has deed restrictions?

Griffin: It was going to be a proper subdivision, but at the time building it, they decided just to do six houses fronting Griffith Road and ours fronts Shoffner Lane, which is a narrow dead end. I think on the plans it is called a subdivision; but it is not really and there are no restriction s.

George Ewart: Are you going to build a chicken coupe? Is that what you are doing? How are the chickens getting out?

Griffin: We have one. I like them free range. They eat the bugs in the garden and things like that. But they wander too far. So that is why the extra fencing.

Anders: Do you put them up at night?

Griffin: Oh yes.

Ewart: I am all about chickens, but not running around. I like to eat them though and cook them too.

Griffin: I eat other people's chickens.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO APPROVE AGRICULTURAL ZONE PER STAFF RECOMMENDATION.

Bean: If they are zoned agricultural, what are their limitations? They can have anything they want in their yard. Basically it is a yard. They do not live on a farm. It is in a subdivision. It backs up to 35 condominiums. I don't see how you can let a farm move in there.

Ewart: It also butts up to agricultural and meets the lot requirements for an agriculture lot. Is that correct, too. It is over one acre.

Bean: Does that mean that our condominium complex could be zoned agricultural because we have 8 acres?

Longmire: The whole condominium as a whole has 8 acres. She has one dwelling unit on more than an acre. So it is one dwelling unit per acre or more for agricultural. Do you object to her chickens if she keeps them fenced in?

Bean: She has not been able to keep them fenced in.

Longmire: And you are concerned that if we rezone it agricultural there maybe cows or horse or pigs?

Bean: There may be no limitations what could be there. Could be anything. They are not able to keep their chickens on their property.

Stowers: I just want to echo what Ms. Longmire just said. I don't personally have a problem with the chickens if they get cooped up or contained in their yard. It would open up that you could put a pig farm there. That could become an issue if we do not put restrictions on the use.

Bart Carey: I don't think changing the zone takes care of the problem. Mr. Bean's issue is, if I got this right, there is a big gap of agricultural land between the applicant's lot and the condominium complex. Is that right?

Griffin: No. They built the condos right up to the property line. I might add. The condos made no comment to me even after we put up fencing that they were continued.

Carey: Sorry in looking at the map I did not see lot lines where the condos area. Either way chickens need to be kept up. They can't be on somebody else's property. I think whether it is agricultural or industrial, the issue is how do you enforce the chickens being kept on the property.

Mark Donaldson: If we look at the County Zoning Ordinance for the agricultural zone under the uses permitted use letter c is farming. Then it goes on to say including all types of agriculture and horticulture, commercial dairies, and a long list of farming type activities. You could condition it so that use letter c read only the keeping of domesticated chickens or something like that.

Carey: Keeping is a critical word. Keeping them her property is what the whole issue is. Yes, I would suggest we do something to make it just for chicken so other farm uses can't contaminate the rest of the neighborhood.

Ewart: What is the difference in all the agricultural that surrounds this whole thing?

Carey: They keep their cows on their own property.

Ewart: You don't know that.

Stan Johnson: Mr. Donaldson, didn't we just pass a fowl ordinance that you could have fowls.

Donaldson: In the city, the city has adopted regulations for the keeping of domesticated chickens and just recently we modified the City Zoning Ordinance to reflect that new ordinance that they adopted.

Johnson: How keep them contained?

Donaldson: Well the city regulations have a fairly extensive section on fenced enclosures and hen houses as well as limiting them to female chickens and no roosters.

Anders: Could we condition this property with the conditions of the city ordinance?

Johnson: Reason I asked that was to make sure that we realize we can have chickens wherever; but how do we contain them is already in the ordinance. I am not sure if part of that is really what you wanted, is just a way to contain them the way the city does. Or do we make her put a fence around her whole house or just in the garden where she has the chickens at. I have been at Beardsley Community Farm. They make this little chicken thing that they run with wheels over the area where they want the bugs to be picked up at and fertilized at. Griffin: A chicken tractor. Johnson: There you have it, a chicken tractor. If there is a way that we could tell her what she needs to do to make sure they are not running across the street because I would probably eat those chickens if they came in my yard. That is just me.

Griffin: They don't actually go across the street. It is a long ways to the street from my house.

Kane: I am trying to understand the logic of this particular situation. I know we have, especially in the county, a lot of situations where we have residential and planned residential right up against agriculture. This body routinely changes agricultural to some kind of residential area. The logic that I am hearing is if somebody in one of these areas that has a new subdivision complains that the lot next

door which is two acres and they have got chickens that are running loose that we are going to rezone them to residential so they can't have chickens. I do not understand the logic behind this. If we think that the conditions is that this property, there is logic behind it being agriculture, then there is logic behind it being agriculture. The property owner needs to contain the chickens per the ordinances that are in the county regulations and not do some kind of regulation. I don't understand the logic behind this.

Donaldson: These regulations are in the, apply only in the city.

Kane: The County has similar requirements.

Longmire: In an agricultural zone a person is responsible for keeping his or her own control. If you have a cow that keeps getting out, eventually you are going to sell that cow. The problem with chickens is not just getting in flower beds and scratching around and eating bugs. Chickens are not very particular about their bowl habits. If one goes barefooted, then it is not a pleasant thing, nor is it a sanitary thing. I think it definitely behooves the owner whether she likes her chickens ranging free or not to perhaps rein the little dears in occasionally because it is not fair to the adjoining property owners. I would agree with maybe not rezoning, I mean rezoning but with the idea of only chickens, only a certain number of chickens as reflected in the city zone. But I have a problem rezoning it agriculture because as we have run into before, we will rezone something that person will sale and then you have an agricultural piece of land, surrounded, I realize there are some agricultural areas, but if you really look at the map in the book those lots are not that big even the ones that are zoned agricultural. I would have trouble voting to change this to agriculture and perhaps encouraging her to raise canaries.

Anders: That is my concern. It sounds like in a perfect world is in agreement. If they contain the chickens it would be okay. I am sympathetic to Mr. Bean's situation. Once you zone this thing agricultural, it is agricultural. Even if you have got the best interests in the world, if you decide to move and sell your property or whatever. For me to support it it would have to be heavily conditioned.

Cole: Do we have motion?

Anders: Yes we have a motion on the floor to approve per staff recommendation with a second.

Ewart: If you look at this lot right now, if you look where the condos are, lot no. 8 & 9 are all agricultural. They could mine out there, copper mine or whatever they want to. They could have a pig farm out there. That is the problem we get into no matter what we do, every time we get into the agricultural zone. To me that is what we need to revise in the first place is the ag section of our zoning

ordinance because everybody thinks they live in residential and they live in ag and they can't do this and can do that and so on and so forth. You read all these restrictions that you have, the ag zone is just totally messed up. If she wants to have chickens in there, I would be glad to revise whatever. If we could have chickens in RA I would revise it to say we have chicken coops in RA. I do not understand what the issue is I guess.

Griffin: The rooster.

Cole: Could we revise the motion to rezone it to agricultural with the condition that it is specifically for chickens? I am asking. We can't rezone it to ag with a condition.

Donaldson: You can recommend that a condition be placed on the rezoning that limits the uses to the type of livestock and the number.

Griffin: My neighbor has goats already and I do not want anything to interfere with their farm animals.

Ewart: Which lot are they on.

Griffin: They are to the north and west.

Ewart: In lot number 8 is that right?

Griffin: Yes.

Bean: On the map it shows that our condominium complex is not completed. But ours is totally completed up to their property. There is no vacant lot on our property, it is all completed. Whether they are zoned agricultural or not, if there is some way they can keep their chicken on their property we are fine with it. You all are wanting to go through a big issue of changing everything. All we want them to do is keep their chickens on their property. That is all I want, whether you rezone it or not. I have known Mr. Griffin 10 or 15 years anyway. I used to work with him. I didn't know we were having this big of a problem or I would have talked to him myself.

Anders: Yea, I wish you had worked this out before you got here.

Bean: I wish we had of too.

Anders: Somebody spent a bunch of money to get things zoned and somebody is going to walk out of here unhappy.

Bean: I didn't know that until he told me that today.

Anders: Why don't you guys postpone it and work it out.

Griffin: I can promise him that we will contain the chickens from their property. I did not know they were continuing to get on his property.

Johnson: Called for the question.

Griffin: I will contain the chickens. As far as the contentions, I just want to be zoned agricultural so I can keep the rooster.

MOTION CARRIED 9-3 (Cole, Lobetti, Longmire). APPROVED.

* **26. WILLIAM L. LUNSFORD**

Northeast side Old Maynardville Pike, north side Foley Dr., Commission District 7.

a. North County Sector Plan Amendment

6-C-11-SP

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

STAFF RECOMMENDATION: ADOPT RESOLUTION #6-C-11-SP, amending the North County Sector Plan to C (Commercial) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

6-E-11-RZ

From RB (General Residential) & CA (General Business) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (k) (General Business) zoning with 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **27. CITY OF KNOXVILLE**

6-F-11-RZ

North side Chapman Hwy., west of Green Rd., Council District 1. Rezoning from No Zone to SC-1 (Neighborhood Shopping Center) or SC-2 (Community Shopping Center).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

P 28. BRETT HONEYCUTT

11-A-10-UR

North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **29. TIGER, G.P.** **6-A-11-UR**
East side of Callahan Dr., north of Clinton Hwy. Proposed use: Commercial development in PC (Planned Commercial) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a 4,800 square foot building as shown on the site plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W 30. ALSTOM OFFICE BUILDING** **6-D-11-UR**
Northwest side of Centerpoint Blvd., southwest side of Pellissippi Parkway. Proposed use: Office building in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 31. KINGSTON PIKE, LLC** **6-E-11-UR**
South side of Kingston Pike at Moss Grove Blvd., south of Market Place Blvd. Proposed use: Master Sign Plan in PC-1 (k) Planned Commercial, O-1 (k) (Office, Medical, and Related Services) & RP-1 (k) Planned Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the Master Signage Plan for the Sherrill Hill mixed use development to include a development directory sign at the intersection of Moss Grove Blvd and Kingston Pike subject to 4 conditions.

Arthur Seymour, Jr. on behalf of the applicant. I am here on behalf of the property owner, Kingston Pike, LLC. With me today is Harold Cannon and Brad Salsbury from Cannon and Cannon who will be happy to assist us, or you all with any questions you have. Brice Cameron and Jackson Hughes with Hughes Real Estate out of Greenville, South Carolina, they represent one of the major tenants and Mike Price with Oliver Smith and Company, Mike is here on behalf of the owner's broker which is Oliver Smith. This development has been before you a number of occasions before. It is one hundred plus acres on the south side of Kingston Pike just beyond the Cedar Springs Presbyterian Church. I goes up a hill. Presently under development and about complete are apartments at the top of the hill. There is an office area that is not under development yet. Then generally the frontage along Kingston Pike is commercial. There have been sales so far to all these which is a food store, Gordon's; we are working now to close with Academy Sports. The outset it was determined because of the size of the development and the nature of it mixed use, residential, office, and commercial, that we would need a master sign plan for the center. The master sign plan was adopted by the Knoxville City Council in the early part of this century in response to the needs of larger

shopping developments, in particular Turkey Creek. Basically it allows certain signage, puts restrictions on signage. In other words, if a developer elects to go under a master signage plan as here, there can be no variances granted from any of the requirements of the sign ordinance of the City of Knoxville. This applicant is requesting approval per MPC recommendation. One of the critical issues, and Mr. Hughes and Mr. Cameron can certainly address this, is issue of Academy Sports. It is apparently a large retail sporting chain that wants to come to this site. Last month you all approved a development plan for them. I understand there is some opposition to the height of the development directory sign. We were unaware of that until last week. Academy Sports understood when they came in, since they are going to be up the hill and part of their deal is we get to go to the top of the development directory sign. Big dogs get to go to the top I guess in the retail business. That is how it works. They are rather, they feel that it is necessary for their success in Knoxville that this development directory sign, which I think is what the controversy is about, be approved per staff recommendation. We would ask that the master sign plan as submitted be approved for this mixed use development so that we can go forward. Is it 50 feet or nothing on that? I don't know. Hughes Real Estate is here. We could knock 5 feet off of it if that is, would help you all in your decision making. They read the City sign ordinance. They assumed they could be on a 50 foot sign there and have acted accordingly. That is sort of a contractual issue between them and the landowner. I don't know if they don't get the 50 feet, if they go away. We certainly hope not because this is an important commercial development for that area. I think if 5 feet would make everybody happy we can certainly agree to that. Otherwise we ask for approval per staff recommendation.

Larry Lowell, 224 Norfolk, Seven Oaks East, A boundary homeowner, actually where the senior retirement independent living center was supposed to go. I am a retired design and construction engineer, but I have not done signs. I am point man and main contact person for the 5 subdivisions consisting of 500 people that live around the Sherrill property including 53 other boundary homeowners. I know them all well. I have been the point man since 2005 when I was homeowners' president. In fact some of the wording in the sector plan was my proposals before you all decided the town square concept would be discounted and developed this way. Joining us in our concerns are the Council of West Knox County Homeowners represented by Margo behind me and she will have the rest of the time, Margo Kline, and also the community forum by Sue Maur. Initially we were concerned with the height of the main sign being out of character for the area which now currently has 25, 32, 33 and 35 foot signs along Kingston Pike. However after involvement of more homeowners and conferring with a professional in signage, we have many other concerns than just the height. Margo will address those. My position and Margo's position is we propose this be postponed for 30 days so Mr. Hughes or a representative from Academy can listen to our concerns about heights and other

concerns about the signage. I asked Mr. Seymour before the meeting and he said not likely. So I will hand out analysis of the signage plan by a person that is 50 years in the industry and then Margo can have the floor. Thank you.

Margaret Kline, known also as Margo, 8845 Ebenezer Oaks Lake and president of the Council of West Knox County Homeowners. Before I even begin I would like to say I thought I would be given five minutes because my concerns represent not just those neighbors of Mr. Lowell but also the Council of West Knox County Homeowners which is a much broader concern than just the adjacent neighborhood. The ordinance says a master signage plan will promote the use of signs which are aesthetically pleasing, of appropriate scale and integrated with surrounding buildings and landscape in order to meet the community's express desire of the quality of development. We feel that that sign does not. It is not aesthetically pleasing. It is not in keeping with surrounding buildings. The neighborhood on the east side is bordered by Cedar Springs Church, which is a beautiful old church with beautiful white spires and bricks. They just put in a really lovely entrance wall. On the west end of this area it is bordered by Franklin Hill, Franklin Square. Those are the established norms. Also only about 3 or 4 months ago there was a plan brought to you by Krogers and I am sure you are familiar with it. It is also a brick sign and it is 25 feet tall, 30 at the peak, but 25 the tallest and the rest are monument signs of 7 feet. This is completely out of character with the neighborhoods. It also doesn't meet with the communities express desire. The Council voted and there were 19 different neighborhoods who are in that are who feel that this is entirely inappropriate. We think that there needs to be a great deal more discussion. We learned about this last Friday when we got the agenda package. So there has been no time to talk about it. I sent you all a very lengthy email showing pictures, explaining the demographics of the area. I am sure that you are quite aware that the recently released census figures show that the demographics of the area right there, Cedar Springs, Ebenezer, Blue Grass and to the north of Northshore, are the second highest only to Farragut in Knox County. 60% or more have a Bachelor's degree. 24% or more have a masters or better. The average home price, median home price in this area, and I am talking about an area that is relatively small, Westland to Kingston Pike on one side, cause there is really nothing residential across the street there, and Ebenezer to Pellissippi. This is the area I am talking about. It is a tremendous leap for Academy. We welcome them. We welcome lifestyle shopping centers, something more along the lines of what part of Turkey Creek has done; something that is tasteful; that appeals to the demographic of the area and looks like other things in the area. Not an interstate sign, aluminum sign with lighted plastic. That we really do not appreciate. We think that there is no precedent for this. It will in fact set a precedent. There is nothing on the south side of Kingston Pike also to make this point of that size. On the north side of Kingston Pike there are some really ugly signs. Some pretty tall signs. Not on this stretch. But closer in between

West Town and Ebenezer, there are some really hideous signs. They are on both signs of the road. When you get past Ebenezer there are neighborhoods. These neighborhoods with expensive well maintained homes are right behind the south side. As I said before, the church and Franklin Square establish the trends and we would like to see those trends continue. I have also been in touch with Dwayne Grieve and Richard Briggs who Richard said he feels his hands are tied because the people whose homes are in jeopardy of having their value damaged live in the county and this area was annexed to the city. Dwayne Grieve said I appreciate it and we will probably see you at City Council to talk about this some more. We would ask that you simply vote no.

Seymour: I don't want to belabor the point, but there is no uniform height for signs in this area. Mr. Cannon's surveyors have been out there looking. There is a Lowes sign at Cedar Bluff that is 52 feet. The shopping center right next to this development, which is a strip center owned by the Fiser family Cedar Springs Shopping Center, their sign is 40 feet. I do not want to get into aesthetics. I don't think you all want to start regulating aesthetics. The zoning ordinance doesn't attempt to regulate aesthetics. That is an area that I am not prepared to debate in a forum like this. I will debate aesthetics with people, but that is not a proper police power of the state to determine what is aesthetically pleasing or not. I think the sign in the eyes of the designer is aesthetically pleasing. I am sure that other people would disagree. We ask that you go ahead and approve this one development directory sign which is authorized by the master signage plan so we can proceed ahead with our proposal.

Clancy: At our review meeting Tuesday didn't somebody say they were going to go back and see if they could do a little better job with their sign? That was brought up at the Tuesday meeting.

Kane: I think Mr. Seymour said they were going to re-evaluate that.

Kline: Mr. Seymour also said that he had discussed something of the concerns with the homeowners. I have not heard from him and neither has Mr. Lowell and we are the only ones who have been talking with anyone. I want to respond to one...

Anders: Ms. Kline hold on for one second. This isn't open mike. You don't just get up and start talking. Just hold on for a second. I will recognize you to speak and rebut what Mr. Seymour just said. Just stay in the realm. Okay.

Kline: Thank you I am trying to talk fast. I am not used to it. Thank you I just wanted to just rebut the one statement he said that the ordinance doesn't have to do with aesthetics. What I read was straight from the ordinance. That is the wording of the ordinance. "A master signage plan will promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with

surrounding buildings and landscape in order to meet the community's express desire for quality development."

Laura Cole: I appreciate that there are regulations and rules that tell you how you can do signs and aesthetics are not really the issues. But it would be very valuable to have a discussion, and I know it is hard to figure out there is very rarely agreement on aesthetics, but it would be in the best interest of everyone I think to get an idea of what the community would accept. I am just wondering how much discussion has taken place to see if there is a compromise on aesthetics.

Seymour: Who is the community? I live in north Knoxville, yet I shop in west Knoxville.

Cole: I understand your point.

Seymour: We found out about opposition the other day. I think it came from an email that Mr. Brechko sent to Harold Cannon perhaps. So we have, I think the community view is on view here. I can stand up and say I represent everybody in Fountain City. And how are you going to test that? Mr. Lowell says he represents everybody around there. Has he submitted a petition? Has he brought anybody here other than Ms. Kline with him? We had a number of community meetings with the surrounding neighborhoods prior to the zoning. There are a number of conditions on the zoning here. I am not going to say everybody was in agreement after those meetings. But there were very few people here when the final zoning came up for approval by MPC and the City Council. Since that time that time I have heard that there had been comments between adjoining neighbors over issues. They have been with the engineers of the construction company; and my understanding is they have all been worked out. If the master signage plan is designed not to have certain heights and things like that, I think you ought to give, the ordinance should be amended so people who are reading the ordinance are on notice of that. Do you all want to comment? Harold do you have anything to add or Mike Price?

Cole: What I am trying to get at is I am hearing that we are supposed to reject this, but I am not really hearing what is acceptable. Maybe I should ask Ms. Kline. That is all I am going for is what do we have that we would accept in terms of aesthetics, because that is a very vague term for me.

Kline: Well we haven't had discussion. My sense of what is appropriate is what is appropriate is what has been established as norm. If they would go with something similar to what Kroger's did, the height and the material which are brick or stone and 25 feet, I don't think we would be arguing. There is a lot of area that is unclear as well in the plan. It says 50 feet from ground level, however there is a big berm in the location that is built up about 10 to 20 feet. The question in several people's minds is are we talking

about feet from the level of Kingston Pike or feet from a mound that is built up beside it. There are a lot of questions and I am not prepared to say this is what we would accept because there has been no discussion and it is really not clear what they are planning to do. As far as do I really represent who I say I do, we met Tuesday night. A member of the board of each of these neighborhoods voted against this master plan or sign. Ashley Oaks, Cobblestone Park, Crestline, Crestwood Hills, Farrington, Gulf Park, High Gate, Karns Community Club, Lake Ridge, Lovell Hills, Lovell View, Lyons Crossing, New Kensington, Northshore Landing, Seven Oaks, Tan Rara, New Harbor, West Shore and Woods at Bluegrass.

Anders: I just got to ask you before I go to Commissioner Ewart, tell me what the connection and relevance with this sign and average median price of a home in that area or average median income of somebody in that area?

Kline: Because I would think that the academy wants to appeal to this demographic. We are their audience. We are their consumer. We want them. We want Academy. We want the development. I am very pro development. We want it to be done in a way that is attractive, that actually draws people to the area so that they like the neighborhood. We don't want something that looks like an interstate sign to have people drive down and go boy that is tacky looking.

Anders: So your argument is you think it is better for their business.

Kline: I think it is way better for their business. Absolutely, yes.

Carey: Two or three things here kind of jump out. I think it is kind of hard to let neighborhood organizations kind of take over a design process or have a huge impact in it. These people have hired professionals to work on this. One thing that really jumps out to me is the unique configuration of this development. It is 100 acres. It is a large tract of property and its elongated. So the frontage is the narrow part of it. It is very deep. What that means is there is no visibility. A lot of these businesses, the Kroger across the street and down the road is going to be totally different in that that is all there is there, a Kroger store. The tenant panels that are pictured here, if you are on the back of this property and you don't have any signage or recognition from Kingston Pike, those tenant panels are going to be necessary. In the vertical sense of the design of this sign they have got to be there. I think it is better high than wide. I think Arthur's, Mr. Seymour's, agreement to maybe cut 5 feet off, I do have a question. You mentioned there was a sign right down Cedar Springs, the Pfizer property, how tall is that sign again?

Seymour: The one in the shopping center right next door is 40 feet. That is that strip center between this property and the Presbyterian Church.

Carey: You are proposing a 45 foot sign?

Kline: I was just out there and took photos. I am sorry, I am not saying you are not telling the truth, it might have been planned at 40 feet. It might be on paper somewhere. I would challenge whether it is actually 40 feet.

Seymour: Our engineers Cannon and Cannon measured it. They went out and checked these signs yesterday with all their instrumentation.

Lowell: I measured five other signs within 2 blocks and they are 35 feet, 32 and 25.

Carey: What about the one we are talking about?

(Could not hear Lowell's response)

Kline: What we are talking about here sometimes is the level the height from Kingston Pike and that is not clear at all. I mean I don't know if this sits down in a hole. It may only sit up 25 feet off of Kingston Pike, you know.

Jackson Hughes, Greenville, SC developer of the Academy building. One of the reasons for the height, when we had Academy in the car riding up and down Kingston Pike there is a lot of signage up and down Kingston Pike. This location is up the hill a good bit. They are concerned about your point Commissioner, about visibility. Being up the hill some 35 to 40 feet you need a big tall sign so you can see it. Of course we read the ordinance and the ordinance says a 50 foot sign is allowed. That was one of the things that pushed them over the hill to commit to this site. So that is how this came into being. We didn't know about any opposition. I have not heard from them personally. That is why we are where we are.

Kane: In lieu of, I get feeling that the developer is not willing to postpone and discuss this further with folks in the community. I would like to propose that we deny this.

MOTION (KANE) WAS MADE TO DENY. MOTION FAILED FOR LACK OF SECOND.

Ewart: Is this master sign is it for all the parcels that are going to be in here?

Seymour: No it will be. We are limited by square footage on how much we can have in there. How much is it Harold?

Hughes: The panels that are shown up there that is the maximum square footage. I think it is 250 square feet.

Ewart: That is for all the 100 acres?

Hughes: That is for the 100 acres. There are some other monument smaller signs. This is the directory sign for the whole 100 acre development.

Ewart: How are you going to get everybody on that?

Hughes: We would not get everybody on there; just probably four of the larger users.

Ewart: I don't have a problem. I mean it is kind of proportioned a little bit odd for me. The materials on there it doesn't have to be brick. I am assuming you are building it in all brick and some metal panels. I know that Aldi up front will have some metal type element in there. I do not see anything wrong with this 50 feet for 100 acres. If it is going to be limited to this area that is the only square footage you can have, I do not see a problem with this.

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

Cole: I wanted to say that I think that both groups want the same thing. My hope was there would be more discussion on what would be aesthetically pleasing to everyone and that perhaps there would be a compromise. My difficulty is that legally they are well within their rights. There is nothing I can hang my hat on in terms of asking for. And that is my only comment.

MOTION CARRIED 11-1 (KANE). APPROVED.

- * **32. CHRISTIAN ACADEMY OF KNOXVILLE **6-F-11-UR****

South side of Dutchtown Rd., west of Christian Academy Blvd. Proposed use: Cafeteria building for the Christian Academy Campus in RP-1 (Planned Residential) & A-1 (General Agricultural) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a cafeteria building in the RP-1 portion of the Christian Academy of Knoxville Campus, subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 33. MILLERTOWN CENTER **6-G-11-UR****

Northwest side of Millertown Pk., southwest side of Loves Creek Rd. Proposed use: Commercial development (car wash) in SC-3 (Regional Shopping Center) District. Council District 4.

(THIS ITEM WAS MOVED TO EARLIER IN THE AGENDA AND HEARD WITH ITEM NO. 12)

- 34. WESTERN SCRAP METAL CORPORATION **6-H-11-UR****

Southwest side of Western Ave., northwest side of Tennessee Ave.
Proposed use: Scrap metal processing/recycling yard in I-4 (Heavy Industrial) District. Council District 3.

STAFF RECOMMENDATION: Approve the phased development plans for a scrap metal processing/recycling facility in the I-4 (Heavy Industrial) district, subject to 7 conditions.

Tom Hale: PO Box 629, 37901, I am not sure we do have opposition. We have a request for a postponement apparently. We have been working on this for several months. We have a contract with Waste Management that currently owns the building. This is an I-4 zone. Almost everything around it is I-4 or I-3. We are here today only because of the use on review feature that is required for what the assumed use is. I have gotten a number of calls about this from people before today. I have been to the developer review meeting. We have been asked to do a number of things that we have gladly agreed to do by the request of MPC staff. I think those things are all very appropriate and the client is happy to do them. We are fine with the conditions and we have made that known. First thing I have heard of anybody that had any concern about this was when I arrived here today and in my intent to find out what the problem is I can't, all I hear is they want us to agree to a 30 day extension of time. I would normally... I am a pretty laid back person. I am not usually in a very big hurry about things. I think time heals a lot of things and I usually am pretty agreeable. Unfortunately we have a contract with a time limit in it that will expire before the next meeting of this body. The last time when I did phase I study on this property and I needed to get an extension of time to do some environmental testing, I went back to Waste Management and the smart business people they are when I asked for an extension they were happy to give me an extension if I would agree to put up 10's of 1,000's more dollars to buy that extension. So I am not in a position to agree to an extension of time today. I really don't know what an extension would do. It is what it is. I think this is going to be a good extension for the community based on my experience, limited experience with these folks that are starting this company. I am not sure what we would find out between now and the next meeting that would be the least bit material.

Carl T. Newcomb, Owner and operator of Newcomb Machine Welding on Scholfield and Tennessee Avenue, I live 7045 Lawson Road, Knoxville, TN

I was notified with a card through my address by mail from MPC on May 26th. That is only about 15 days. All of his notifying and talking he didn't come to a few feet, I am about 200 maybe 250 feet away. AmeriSteel a big industrial right beside them. A little railroad and a little laundry place that overhauls washing machines. I am saying if he gives us 30 days to see the people around there, there are other things that are coming up there. I met with the State yesterday or they met with me. They are not set on the bridge that is going to go in front of that building over to the past to the side of my building.

They don't know where that is going yet. He doesn't know where his entrance on Western is going to come in. These things are not complete with the state. Then there is going to be a traffic problem in that corner until that is taken up. The state has postponed the building of that bridge until December of 2012. Another 30 days and we will meet with AmeriSteel and the other people around that area and see if we can work it out.

Becky Longmire: I am still not understanding what your problem is with them. I understand that the state, there is a problem with the bridge. Would you object to having that business next to you?

Newcomb: At this time no. I make by living partly with dealing scrap yards. I have got no objection to scrap yards. Where it is at this time we would like to do some negotiating with them for some other outlets and inlets.

Longmire: So it is actually where they will go into and out of the scrap yard?

Newcomb: At the present time it is going to cause one heck of a traffic jam on Western at 8:30 of the morning and late of evening from in front of their building plumb to the red light on Western at Keith Street. Traffic is backed up all the way back there. You go over on Central Avenue traffic going into the old PSC, MP.... they have policemen sitting there to keep traffic pushed over to the side to where the traffic can get down Central Avenue.

Longmire: So your problem is the possibility of traffic jams at that area.

Newcomb: That is going to be one for the city to work with. Our people go in and out 2 and 3 and 4 times a day.

Longmire: I just wasn't sure about what your question was with their property.

Anders: I can't imagine, maybe I am wrong, that there would be more traffic general by this recycling center than waste management had when they were there.

Newcomb: Waste management trucks generally came in, went out once and came in once.

Anders: A lot of trucks though out in the morning and back in the afternoon. I am just asking.

Hale: I have a picture of the state taken of that aerial view and it will show you that in day time how many cars and the room that you can put trucks. Yes they had probably 50 trucks. But I have seen 50 or more cars an hour go into PSC Metal on Central Avenue. If you

would like to see it you are welcome to it. SUBMITTED FOR THE RECORDS

Hale: If I could address that point. If look at attachments on our two plans, we have actually submitted two plans, one plan is for the current condition today and how the site would be arranged. The second plan is for how we anticipate it would be once Western Avenue is expanded. That was done at the request of MPC staff. We were hopeful we would not have to come back once this taking of Western Avenue was accomplished. If you will notice and this is a suggestion by Barge Wagner I believe and maybe MPC staff suggested it, they were concerned about the issue on Central with the salvage yard up there and suggested there ought to be a long cue where trucks can have plenty of room to maneuver around the site. If you look on the west side of the drawings, the cue runs the whole length of the building all the way down and wraps around the back of the property and the trucks do not get to where they can unload until they have gone a fairly long distance. I think there is plenty of cueing to prevent the potential traffic problem that has been pointed out. I will say we don't know what exactly is going to be done with Western Avenue. We all hope everybody will be reasonable and whatever the state decides to do, they will do and we will all work together to make it work. I don't know that we can decide yea or nay on the use of this property based on what might not happen on Western Avenue.

MOTION (STOWERS) AND SECOND (COLE) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

- * 35. **FAITH PROMISE CHURCH** **6-I-11-UR**

Southeast side of Horseshoe Bend Ln., southeast side of Faith Promise Ln. Proposed use: Church expansion in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the phased development plans for a scrap metal processing/recycling facility in the I-4 (Heavy Industrial) district, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * 36. **Consideration of FY 2011/2012 Work Program and Budget.** **6-A-11-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **37. Consideration of 1st amendment to MPC's FY 2011/2012 budget.** **6-B-11-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. Consideration of one-year extension of concept plan for Bradley Farms - 5-SJ-07-C.** **6-C-11-OB**

STAFF RECOMMENDATION: Approve the one year extension for Bradley Farms through June 2012.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 39. Presentation of the report of the Knox County Stormwater Ordinance Review Committee.** **6-D-11-OB**

THIS ITEM WAS POSTPONED 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.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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