



Minutes

June 14, 2012

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

The Metropolitan Planning Commission met in regular session on June 14, 2012 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

| | | | |
|---|-----------------------------|---|--------------------|
| | Ms. Rebecca Longmire, Chair | A | Mr. Michael Kane |
| A | Mr. Robert Anders | | Mr. Nate Kelly |
| | Ms. Ursula Bailey | | Mr. Robert Lobetti |
| | Mr. Bart Carey, Vice Chair | | Mr. Brian Pierce |
| | Ms. Laura Cole | A | Mr. Jeff Roth |
| | Mr. Art Clancy | A | 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 14, 2012 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF MAY 10, 2012 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

POSTPONEMENTS TO BE VOTED ON READ

Trey Benefield: Item No. 26 we are doing a subdivision and meeting with the community and would like to postpone

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEM NO. 26. MOTION CARRIED 10-0. POSTPONED UNTIL THE JULY 12, 2012 MPC MEETING.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION
None

REVIEW OF TABLED ITEMS

METROPOLITAN PLANNING COMMISSION 8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.

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

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

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

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

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

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

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

b. Use on Review 11-H-08-UR
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT
a. Concept Subdivision Plan 4-SC-09-C

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

b. Use On Review 4-D-09-UR
Proposed use: Detached dwellings in PR (Planned Residential)
District.

TIPPIT VILLAGE - SITES TO SEE, INC.

a. Concept Subdivision Plan 9-SA-10-C
Northeast side of Andes Rd., north of David Tippit Wy., Commission
District 6.

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

LONGMIRE SUBDIVISION

West side of Tazewell Pk., north of E. Emory Rd., Commission
District 8. 1-SA-11-C

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

Intersection of I-40 and McMillan Rd., Commission District 8. 2-SO-09-F

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE

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

JAMES L. MCCLAIN

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

a. Northwest County Sector Plan Amendment 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).

CITY OF KNOXVILLE

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

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

ITEMS REQUESTED TO BE UNTABLED OR TABLED

Arthur Seymour: We have run into issues and will not be able to hear the Gerda items at the July meeting. Items say untabled.

CONSENT ITEMS

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

COMMISSIONERS GEORGE EWART AND BRIAN PIERCE RECUSED FROM VOTING ON THE CONSENT LIST.

Carlos Maggard, 3231 Gazebo Way asked that Item 15 the Gazebo be heard.

MOTION (CLANCY) AND SECOND (BAILEY) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM 15. MOTION CARRIED 8-0-2.

MOTION (CLANCY) AND SECOND (BAILEY) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM 15. MOTION CARRIED 8-0-2. APPROVED.

Ordinance Amendments:

5. **METROPOLITAN PLANNING COMMISSION**

4-B-12-OA

Amendments to the Knoxville-Knox County Minimum Subdivision Regulations regarding development standards for subdivisions within the Hillside and Ridgetop Protection areas.

STAFF RECOMMENDATION: Adopt the amendments to the Knoxville-Knox County Minimum Subdivision Regulations as shown in EXHIBIT A and EXHIBIT B; and Recommend to the City Council of Knoxville and the Knox County Commission that their respective versions of the subdivision regulations be amended as well, so that they are kept current with the Knoxville-Knox County Minimum Subdivision Regulations as adopted by MPC.

Mark Donaldson: This request is initiated by staff in an effort to begin implementing the recommendations of the Hillside and Ridgetop Protection Plan. The plan calls for the provision of alternative development standards within the Hillside and Ridgetop Protection area which are relaxed from the current standards that apply elsewhere. In doing that we have two exhibits. Exhibit A reorganizes some of the sections of the sub regs in order to create a logical place for the alternative scenario, alternative standards and eliminates some standards that we are just trying to clean up and we found that they haven't ever been used in any of our staff's memory. So we are just taking them out. Exhibit B then is the new proposed alternative standards that could be applied to any projects

with property within the Hillside and Ridgetop Protection Area. They essentially relax the existing standards for right of way by reducing the minimum right of way requirement to 40 feet. They allow greater grade for streets within the area, tighter curves, narrower pavement widths, it eliminates the requirements for curbs. With the narrow pavement width is also create some standards for creating parking bays within that right of way and gives the planning commission the authority to sets standards for streets that may meander both inside and outside the protection area. It allows the Planning Commission to deviate from minimum lot dimensions and minimum lot frontage according to the zoning codes. We do recommend approval of these alternative standards and then also a recommendation to the two legislative bodies to amend their version of the standards which, in order to keep them current with the official subdivision regulations as adopted by the Planning Commission.

D. H. Andy Andrew, 712 Summit Lake Court. I speak specifically with regard to Item 5. I have a letter that I would like to submit for your consideration recommending that you to reject this recommendation. You have it as part of your file. In considering this we should review a couple of items of history. We the people of Knox County speaking through our duly elected County Commissioners, our only county wide legislatures, emphatically reject the mandatory of Hillside and Ridgetop. Our County Commission voted with increasing degrees of clarity, 6-5, 7-3, 8-2 to reject any mandatory element of Hillside and Ridgetop. The question today can and should be reduced to one straight forward question: What part of no is not understood. Thank you for your service.

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

Wes Stowers: Question for staff. Did we have any discussion with County Commission prior to bringing this forward? I know it has been postponed twice now. What discussions between County Commission has staff had?

Donaldson: The proposals are implementing the recommendations that are made in the plan that was initiated and adopted by the County Commission. We have met with County staff members and they have signed off on it. We have met with City staff members as well and they have signed off on it.

Stowers: My concern echoes what Mr. Andrews just spoke about. Nothing in here talks about Hillside per se. These are actually more lenient in most respects. I know we are trying to make the code the same between the City and County. But we have two distinctive legislative bodies. My understanding is

that the County plan is advisory and the City's is mandatory. That is my concern as well.

Donaldson: All plans are advisory. Both plans recommend these sorts of action items. With regard to the subdivision regulations, the authority granted by the State rests with the Planning Commission to adopt subdivision regulations. Now over time both the City and County have adopted a version of the subdivision regulations as well although they don't have the authority to do it. That is why our recommendation is two fold, that the Planning Commission adopt the proposed amendments and that you in turn recommend that the two legislative bodies do it as well in order to keep all of the versions that are out there the same.

Stowers: What is your interpretation of the Hillside Plan as endorsed by the City Council and the version voted on by the County Commission. Where do you see the difference?

Donaldson: The plan that was adopted is identical except for the one paragraph that was added by the County Commission that in my opinion contradicts itself.

Stowers: What is the difference?

Donaldson: That paragraph says that the plan is advisory and we spent two years telling both bodies that the plan is advisory. The plan advises that we make changes to the subdivision regulations to accommodate these types of alternative development standards. We are following the advice of the plan by doing this.

Stowers: Once this is adopted though is it advisory or is it compulsory?

Donaldson: Subdivision regulations are mandatory. But these particular alternative standards are subject to the discretion of the Planning Commission to implement. All of it is written in terms of these standards may be applied. They work to the advantage of the developer in all cases. I can't see why anyone would chose not to endorse them.

Stowers: I still have a problem with the process. I don't have personally a problem with what we are changing here on these specific rules. I think it makes things a little easier to work with My concern is I think there is a good appearance of trying to backdoor what the intent of the County Commission was.

Donaldson: If you recall during the final public hearings, we had many people who were in opposition to the plan stand at podium down there and say we should see these proposed

regulations right now, we would like to adopt them concurrent with the plan. Whereas the typical process is to adopt a plan that sets forward a series of recommendations then implement the plan through ordinance amendments and regulations changes. So we are doing just that; we are following the advice of the plan. The proposed alternative standards are consistent with the recommendations and the advice that is in the plan. The plan was initiated and adopted by both legislative bodies. We are doing what they have asked us to do I believe.

Stowers: Let's say we had a proposal in the County not in the City, in the County that was by the new definition part of the Hillside Protection zone, would that be advisory or would that be mandatory?

Donaldson: These particular standards the Planning Commission may apply them if they so chose. I would hope that they would because they will save the developer money and minimize the land disturbance on the hillside.

Longmire: I think the word there may is the important word that you are looking for.

Kelly: If the folks who are against the Ridgetop and Hillside Protection Plan who are mostly pro-development types are wanting us to not pass a bunch of regulations that make development easier, then I think by all means we should to ahead and give them what they want on the one hand. On the other hand, is it correct that part of our recommendation here is making a recommendation to City Council and County Commission that they need to make some changes to the regulations?

Donaldson: Yes because over time they have adopted the subdivision regulations into their code of ordinances without the authority vested by the State to do that. We have the struggle of the Planning Commission being the authorized body to adopt subdivision regulations thereby being kind of the official set. We need to keep all the other sets current.

Kelly: So in a sense then if the argument is this body is misinterpreting the intent of the County Commission in passing the Hilltop and Ridgetop Protection Plan, then they could then not implement those changes in their regulations?

Donaldson: They could but they have no authority to utilize the subdivision regulations. They are not the approval authority on subdivision and have adopted the regulations into their code of ordinances I can only assume as a convenience to the reader so that they have and understand that the

subdivision regulations are kind of related to the zoning ordinance and they have them in one place.

Art Clancy: About 3 or 3.5 years ago when this whole thing started were we supposed to do this at the request of County Commission and City Council?

Donaldson: Yes, the origin of the Hillside and Ridgetop Protection Plan was in the County Commission and City Council when they created a taskforce and assigned MPC staff to support that task force which developed a plan. Then ultimately the final version of the plan was initiated by each of the legislative bodies and adopted by each of the legislative bodies with an interim step that the Planning Commission also adopted it.

Clancy: On that taskforce were there any elected officials? Yes. I thought there were. Usually when somebody tells me no I understand no, but for some reason I always go back to who asked us to facilitate this and if they are saying no, I think our recommendation on the slope and hillside was a much more lenient version than the elected official that was the chairman of the task force came with the first time. We are trying to be sensitive to each side and as it were cut the baby in half and do the best we can for Knox County. I didn't hear anybody, any of our elected officials tell us no we don't want this. It took them a while. I think it was well discussed. I think they ended up saying yes this is the slope and hillside protection plan. Would just like to have my motion called.

Longmire: So you are calling for the vote.

Stowers: My concern remains the Hillside plan adopted by the City Council was not the same. The County had a different take on it. You all know the controversy there is no need to beat up on that. I just hope we are not playing word games and going where County Commission did not authorize us to go. I do have a problem with anything we are trying, the wording and these restrictions they are easier, but I do have a problem if down the road we are going to make it a mandatory decision in the county whether something is hilltop or not when the County Commission clearly stated it was advisory. They did state that it was advisory. Whether it was worded right or not, whether we agree with it, whether it was or not, we could debate all day. There is a difference. The way this is worded, it does not make that clear. One is advisory and the other one is not.

COMMISSIONER STAN JOHNSON ARRIVED AT THIS TIME.

Bart Cary: Mark for clarification was the advisory language in the County's plan I guess to quote the Briggs amendment,

was that the plan was advisory or anything coming down the pike like alternative development plans, that these are advisory. Where does the advisory part leave the building?

Donaldson: The Briggs amendment very specifically referred to the plan being advisory. Taking to the extreme that any notion that is put forward in a plan is therefore off the table for implementation because of that paragraph is a little shocking. There were countless public hearings where even those in opposition agreed to 5 or 6 or 7 or 8 really good ideas within that plan that should be implemented. This is one of them. We because the Planning Commission has the authority to adopt the subdivision regulations are recommending that the Planning Commission implement that particular recommendation in accordance with the advice of the plan to serve the recommendations made in the plan.

George Ewart: I don't have a problem with any of these on our agenda today. I guess the only thing that is troublesome to me is that this thing was passed 6 months ago by both bodies. I don't know if there has been a case or I can't recall a case that has come through here for anything to be tested on and we are already revising it. We went through a lot of heartache and a lot of meetings. Six months after it nothing has been tested and now we are revising it again. It is just it doesn't seem like it's a proper way to do it. I don't have a problem with any of these in here. I think it is just the appearance to everybody of how we are doing this.

Donaldson: We are not revising the plan at all. We are implementing the plan. The plan recommended these very changes and recommended the body to make those changes. We are carrying out the wishes of the plan in accordance the recommendations that were made.

MOTION CARRIED 9-2 (Stowers, Lobetti). APPROVED.

6. METROPOLITAN PLANNING COMMISSION

4-C-12-OA

Amendments to the Knoxville Zoning Ordinance regarding development standards for subdivisions within the Hillside and Ridgetop Protection areas.

STAFF RECOMMENDATION: Recommend approval of the proposed amendment to the Knoxville zoning ordinance as shown in Exhibit A.

Mark Donaldson: This is a case where the Planning Commission is making a recommendation to City Council to amend their zoning ordinance. It basically relaxes the regulations that would apply within the Hillside and Ridgetop Protection area in order to eliminate a minimum setback and

provide future developers the greatest amount of flexibility possible.

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

7. METROPOLITAN PLANNING COMMISSION

4-D-12-OA

Amendments to the Knox County Zoning Ordinance regarding development standards for subdivisions within the Hillside and Ridgetop Protection areas.

STAFF RECOMMENDATION: recommend approval of the proposed amendment to the Knox County zoning ordinance as shown in Exhibit A.

Mark Donaldson: Again this is a recommendation to Knox County Commission to amend their zoning ordinance. They have the authority to do that. We will see if they want to do it in conformity with the recommendations of the plan. Again it relaxes minimum yard requirements and allows the Planning Commission to determine those at the time of site or development plan approval.

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

D. H. Andrew, 712 Summit Lake Court. You have my letter of June 13 recommending rejection of this. I quote in part this recommendation proposes amendments to binding Knox County Zoning Ordinances. Such amendments by law would be mandatory. I recommend you reject it. I further comment that Knox County citizens would be better served by MPC if MPC comports its activity consistent with the clearly stated intent of our only county wide legislative body, namely the County Commission. It is made up of our directly elected commissioners. Thank you.

Wes Stowers: I have the same concerns as we did on item 5. I just want to state that for the record. I agree with everything that is in it. I don't agree with the fact that County Commission has called this entire thing advisory. I can see where we are going to be in a few months when something comes up and are the Hillside rules advisory or mandatory. I think that is still muddy.

MOTION CARRIED 10-1 (Wes Stowers) APPROVED.

8. METROPOLITAN PLANNING COMMISSION

5-A-12-OA

Amendments to the Knoxville-Knox County Minimum Subdivision Regulations regarding land ineligible for subdivision following

timber harvesting within the Hillside and Ridgetop Protection areas.

STAFF RECOMMENDATION: Staff recommends the withdrawal of this item until such time that Knoxville and Knox County establish permit procedures and requirements for timber harvesting. When there is an adequate triggering mechanism to determine the date of timber harvesting, staff will reintroduce this proposed amendment.

MOTION (STOWERS) AND SECOND (CLANCY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED - 11-0. WITHDRAWN.

- * **9. METROPOLITAN PLANNING COMMISSION** **6-A-12-OA**
Amendment to the Knoxville Zoning Ordinance regarding retail, service and restaurant uses in the I-3 (General Industrial) zone district.

STAFF RECOMMENDATION: Approve the proposed amendment to the City of Knoxville Zoning Ordinance.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- * **10. UNIVERSITY OF TENNESSEE** **6-A-12-AC**
Request closure of Boling Alley between Melrose Place and Frances Street, Council District 1.

STAFF RECOMMENDATION: Approve closure.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. UNITED RENTALS** **6-A-12-SC**
Request closure of Unaka St between N. Seventeenth Street and Ailor Avenue, Council District 6.

STAFF RECOMMENDATION: Approve closure.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- P 12. METROPOLITAN PLANNING COMMISSION** **6-A-12-SP**
North County Sector Plan Update. Commission Districts 6, 7, & 8 and Council Districts 3 & 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review):

13. SHANNON VALLEY FARM - SOUTHLAND GROUP, INC.

5-SB-12-C

a. Concept Subdivision Plan

Southwest side of Murphy Rd., south of Shannon Valley Farms Blvd., Commission District 2.

STAFF RECOMMENDATION: Approve variances 1-3 and the Concept Plan subject to 8 conditions

Tim Hill: 244 Peters Road. Applicant. We would just like to have approval according to staff recommendation.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE VARIANCES 1-3 PER STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONCEPT PLAN PER STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.

b. USE ON REVIEW

5-G-12-UR

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

STAFF RECOMMENDATION: Approve the development plan for up to 42 detached residential dwellings on individual lots subject to 1 condition

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

*** 14. WILLOW BAY**

6-SA-12-C

East side of Quarry Rd., south of Maynardville Hwy., Commission District 7.

STAFF RECOMMENDATION: Approve variances and the Concept Plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

15. THE GAZEBO - DWAYNE JONES

6-SB-12-C

a. Concept Subdivision Plan

Southwest side of Maloney Rd., west of Alcoa Hwy., Council District 1.

STAFF RECOMMENDATION: Approve the concept plan subject to 6 conditions.

Richard Lemay 10816 Kingston Pike 37934. I am the engineer on the project representing the applicant and developers who are also here and would be happy to answer any questions.

Carlos Maggard, 3231 Gazebo Point Way, Knoxville, TN. If you will look at the proposed drawing by LeMay and Associates Consulting Engineering you will notice in one of the sections above which I have highlighted in pink here they have actually destroyed the club house which we purchased as an amenity on the property in order to put in a hammerhead turn lane in that area. The current four owners do not oppose the property becoming a private unit development. We do not want to lose our club house based on these drawings. It is an amenity we paid a premium for to have a club house, a gated community, a private marina. But the plans have not been shown to or discussed with any of the four current residents. He has made no effort to discuss this with any of the current residents. I would ask that you reject this drawing until he has met with the current people that own property inside the development and we come to some sort of agreement over what will happen with that club house and as to whether another club house will be added to that property in the future.

LeMay: In talking with developer prior to meeting I believe I spoke with this gentleman yesterday and I think he had spoken with one of the developers prior to that. (Inaudible) I am wrong I did not speak to this gentleman. I spoke to someone else yesterday regarding these same matters. The plans can certainly be, we have labeled that area of the club house as future development. The developers at this time do not have definitive plan for that. In speaking to them just prior to the meeting they certainly are willing to adjust the location of the turnaround that we added to that street in order to preserve the club house if that is their desires.

Longmire: Are you aware that one of the conditions listed of the four conditions is the use of club house and boat slips is limited to private use by the members of the homeowners association of this development which seems to indicate that a club house will be there.

LeMay: Yes. There again they are here. I would like for them to confirm that. We will adjust the location of the proposed turnaround to meet city of engineering requirements and we will save the club house.

Wes Stowers; I have a question. Does that satisfy you and the other three homeowners?

Maggard: Yes sir, we are not opposed to it becoming a private unit development. We do not want to lose the club house based on the current design. Since it stated that it was for future development there would be a possibility that the club house would not be put back in the plans and that is an amenity we paid a premium for to have on the property sir.

Stowers: But are you satisfied with Mr. LeMay's assurance that it is going to remain?

Maggard: Yes if the club house remains we are not opposed.

Longmire: The club house is there. What if it has to be in a different location. As long as the club house is available.

Maggard: Yes the club house would have to be available on the property and it needs to be of the same size and configuration.

LeMay: We speaking for the developers have no problem with that premise.

Clancy: I would feel a little bit better about approving a concept plan that had it on there rather than had somebody say yeah approve my concept plan and I will put one there.

Longmire: Would you like to add an additional...

Clancy: Either that or postpone it until I get a concept plan with it on it.

Lemay: If I might. This is a concept plan. We still have to do design drawings which have to be approved by City Engineering. These plans can also be reviewed by the homeowners there which there four. The plans would not have to be approved by city engineering that don't comply with what we have said here today. There is a guarantee it will be done.

Clancy: No. That goes through City Engineering. That means your engineering is correct and you will have already approved a concept plan.

Longmire: Let me interrupt and have Mr. Kelly speak.

Dan Kelly: Richard. The club house is still there or has it already been torn down.

Maggard: It is still at that location. Yes sir.

Kelly: The club house has been constructed. It is on the site right now. The condition may very well be, you may want to place a condition that the existing club house remain and I think that would probably take care of the issue. The club house is on

the ground right now. They were going... to make a long story short basically the requirement for the turnaround that we are proposing at that end there was brought on by a requirement by us and the city. In order to be able to accommodate that turnaround the easiest thing to do was to tear the club house down. Mr. LeMay is now saying that he can provide an ASHTO type approved turnaround at the end of that road and preserve the club house, For that reason there would be no reason to tear the club house down. I think just adding a condition that the existing club house remain on the site is enough.

Clancy: Mr. Maggard You said they tore the club house up putting the hammerhead in. Is it torn up?

Maggard: No sir, I said the plan they submitted to you they would be destroying the club house and putting a hammerhead in. The club house currently exists on the property and we do not want to see it destroyed or removed. We were afraid if the plan were approved as it with nothing else on the record that we would in the future, lose the club house, have a hammer head and then an amenity we paid for would be lost.

Clancy: I understand. I think we can take care of that.

Cole: Did you say the club house is just a club house. Is it a club house with a pool? I want to be very specific when we make our motion.

Maggard: We would like to keep the club house and there is also an outdoor barbeque and entertaining area with a fire place in that same zone. There used to be a sudo pool that did not meet code that the first developer put in place so the property had to be filled in and then an entertainment area put in that place. We would like for that entire area to remain as is and the amenity remain as is in the current configuration.

Longmire: So it is the club house and amenities remain.

Stan Johnson: Mr. LeMay, does that work for you the club house the pool and amenities?

Kelly: There is no pool at present.

Carey: Under condition two it said the assured or guaranteed continued use of the club house and boat slips, blah, blah. Would that...

Clancy: That doesn't specifically state that there be a club house. It just says they can use a club house.

Carey: Guaranteed and continued use of... That would seem like add two words to that condition and it would clean it all up.

Longmire If we add it to the concept plan that is probably where it needs to go.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN SUBJECT TO 7 CONDITIONS-THE 6 THAT ARE ALREADY STATED AND THE 7TH STATING THAT THE CLUB HOUSE AND ALL ITS AMENITIES REMAIN INTACT.

Kelly: That condition would be better suited with the use on review rather than the concept plan. It doesn't, the club house doesn't have anything to do with the division of the land and that is what a concept plan deals with the subdivision of the land. The amenities and how the property is actually develop is part of the use on review process. I would attach that as condition no. 5 on the use on review.

Longmire: Is that alright that we move that to number 5?

Clancy: I guess. When we approve a concept plan don't we approve how they have subdivided it and what those parcels of land are going to be used for. Isn't that the nature of approving concept plans?

Kelly: What I generally tell people is the concept plan or subdivision process creates the lots and the roads and the use on review basically says what you can put on the lots and roads.

CLANCY AMENDED HIS MOTION TO APPROVE THE CONCEPT PLAN SUBJECT TO 6 CONDITIONS. JOHNSON SECONDED AMENDMENT. MOTION CARRIED 11-0. APPROVED PER STAFF RECOMMENDATION.

b. USE ON REVIEW

6-D-12-UR

Proposed use: Detached and attached housing in RP-1 (Planned Residential) & A-1 (Agricultural) District.

STAFF RECOMMENDATION: Approve the request for 8 attached dwellings and 24 detached dwellings as shown on the site plan subject to 4 conditions.

Art Clancy: condition no 5 that the club house and its amenities remain.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION ADDUBG CONDITION NO. 5 THAT THE CLUB HOUSE AND ITS AMENITIES REMAIN INTACT. MOTION CARRIED 11-0. APPROVED AS MODIFIED.

Final Subdivisions:

- * **16. JERRY DAVIS PROPERTY** **6-SA-12-F**
East side of Ricketts Ln, south of Marietta Church Rd,
Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 17. CORRYTON ACRES RESUBDIVISION OF LOTS 1 & 19** **6-SB-12-F**
Southeast side of E Emory Rd, northeast side of Casselberry
Rd, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **18. WALKER PROPERTY** **6-SC-12-F**
Corner of Tillett Lane and Corryton Road, Commission District
8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. RESUBDIVISION OF THE NEWCOMB S/D** **6-SD-12-F**
Northwest side of Pelleaux Road at the intersection of Norris
Freeway, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. KANA REAL ESTATE PROPERTIES** **6-SE-12-F**
Southwest Dante Road, northeast side of Central Avenue
Pike, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. HUGH TAPP AND INGLE PROPERTY** **6-SF-12-F**
North side of Kodak Road, north of terminus of Kelly and
Newman intersection, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- * **22. SAMUEL J. FURROW** **6-A-12-RZ**

Northeast side Thunder Ln., northwest of E. Emory Rd., Commission District 7. Rezoning from CA (General Business) to OB (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve OB (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. TARAGON VAN DE WERKEN** **6-B-12-RZ**
North side Robinson Rd., east of Bakertown Rd., Council District 3. Rezoning from R-1A (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density up to 5.9 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. JOE W. TOUCHTON** **6-C-12-RZ**
Northeast side Amherst Rd., northwest of Oak Springs Rd., Council District 3. Rezoning from A-1 (General Agricultural) to R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve R-1 (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. CHRIS MCKINYEN** **6-D-12-RZ**
West side Francis Rd., south side Bearden View Ln., Council District 3. Rezoning from A-1 (General Agricultural) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density up to 4 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **27. BOJANGLES RESTAURANT, INC.** **6-F-12-RZ**
Southeast side Middlebrook Pike, northeast side E. Weisgarber Rd., Council District 2. Rezoning from I-3 (General Industrial) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

28. HARRY WIERSEMA

4-F-12-UR

South side of Smoky Trl., south of Shenandoah Dr. Proposed use: Professional office - lawyer in R-1 (Low Density Residential) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a home occupation for a dual law practice as requested, subject to 8 conditions

COMMISSIONER URSULA BAILEY RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Dan Kelly: There have been conditions added since last month that reflect the discussions that were held with the neighborhood through a mediation process. We went from 4 conditions previously up to 8. There were 9 on the sheet that they were talking about at this meeting. I have taken the liberty to combine two of the conditions into one on my staff report and hopefully report out what the mediated settlement how it came out. Basically it allows the law practice to, the recommendation is to permit the law practice with no clients coming to the dwelling. The address the Smoky Trail address would not be used as their business address. A post office box would be their official address. We have reduced the number of required parking spaces from 5 down to 3, that is two for the dwelling and one for the business. You have a revised staff report that says that. That is the general jest of the changes in the staff report. Again there was a meeting of both sides in this past month and presumably an agreement. I guess we will find out in just a next few minutes.

Longmire: One thing Mr. Kelly, this goes with the applicant. It does not attach to the property.

Kelly: That is one of the conditions listed.

Harry Wiersema, 5420 Smoky Trail. For the record I won't use that in relation to the law practice.

Kirk Anderson: 1604 Timber Pass. Do you care if I bring up the 9 amendments that were discussed? (Handed to Mr. Buz Johnson) We did go to mediation. We did discuss the legal parts of this. There was some clarification that was not really clear at the mediation. Mr. Johnson may be able to help us on those 9 amendments. So staff is will to accept all those legally as we mediated through our mediation?

Buz Johnson: What you have in the staff report. It is not the same wording. We thought we would try to do some word smithing and make then even more direct and clear. The result is going to be the same recommendations in the staff report as we have revised in relationship in the detail in the results of the mediation session. The result is the same.

Longmire: Have you seen these sir? Do you have a copy?

Anderson: Yes. We have one more person that would like to speak.

Polly Doka: 4804 Tomache Drive. I live in the Lonas Drive area. My concern just as a citizen if you make these recommendations on an individual piece of property, who's responsibility is it to monitor these? Is it the neighborhood? If a neighborhood has issues historically I think originally when this residence was used as an office with people coming and going maybe that alarmed the neighborhood. I am concerned with limited city resources, if there are issues with this property or any property I do not understand why we would put the burden on the City to monitor this or the neighborhood. Who's responsibly is it to make corrections if necessary when these, if this does not go well?

Kelly: To begin with it is Mr. Wiersema's responsibility to comply with the requirements. That is the number one thing. The second thing is the zoning ordinance whether you like it or not is basically enforced through a compliance process. Whereas as neighbors in Timbercrest are most closely around. They see what is going on. The process would be if they believe he is not complying with any or all of these conditions, they would notify the city building inspections department who at that point would then take their complaint and would begin an investigation process. If it is determined that they are not complying with the requirements of this approval at the point their use on review can be nullified at that point and be out of business. There would be a hearing process where if need be Mr. Wiersema could come in and say no that the city is wrong. I am complying and go through that process. It will be enforced basically through a complaint oriented type process.

Doka: If this property it is my understanding is not in the applicant's name, and I have rental property in Knoxville, I would think I would be concerned or alarmed if someone that was in one of my properties kind of applied for this sort of thing. Is that not uncommon for people to do that sort of thing in residential areas?

Kelly: We have people make application all the time on property they do not own. The current property owner did, her

name is on the application and Mr. Wiersema stated that he was authorized in representing all property owners. If there is an issue my understanding is it is his former wise is the ones that owns the property or that it is how it is listed with Knox County anyway. If she has an issue with it that would be one of the quickest ways I know to really get, if she showed up and said I did not authorize him to do this.

Longmire: I would like to say that I think it is a situation that we all have dealt with. Complaints are driven by the people around the property whether it is something for codes violation. That is the way the system works. We notify that Mr. Johnson is dumping his trash on his front yard and then codes comes out and checks it. I don't think there are enough people in the world to just go through neighborhoods all the time and check and see that things are okay. A neighborhood is responsible for itself to a large extent. I am not sure that is the way it ought to be.

Carey: Would like to take brief moment to thank both the applicant and all the people in the neighborhood that came together to work together. I know you have been here, this is the third time you have been and you had to take time off from work. I really want to congratulate you all for working through this process. Let's hope it comes our right. That is the best solution for everyone. Thank you for your hard work.

Wiersema: I want to thank everybody involved in the mediation. I think it is a much better result for me and for the neighborhood than we would have gotten plowing ahead without the help of the mediation. In terms of the compliance thing, my setup is anybody that knocks on my door, anybody comes to my house, I write the time of day. With a computer you just type in their name, who they are and who they are with. If you think somebody went to my house and you don't recognize them as one of my neighbors or one of my friends, get me the drivers license number and time of day and the date and I will have it on the computer and give you that information anytime you ask. I am there. I want to be able to comply. I don't want you to think well that was a long time ago and I don't have any records. I will know who visited my house. I put it in the computer every time. That is my secretary's job when she is there. When she is not I do it or Natalie does it. The other thing is about advertising. I have spent a lot of time, my secretary has spent a lot of time and we continue to spend a lot of time getting our names off all the internet lists. I am getting pretty successful at it. You may still have a link. I have an email from a lady that said here's all the different ways that you are listed. Most of them using my home number, not saying that I am an attorney, but it does show that I live at that place. We are going in a changing that. The link will still work. If you click on that link it will still bring

up the ad. If you go to the website like find an attorney and put in my name, you will not find me or you will find me with a P O box and not that address. You links may still work, but I want to know any time you go to any search engine and search for Harry Wiersema and it is going to show me practicing law at 5412 Smoky Trail I will get that off. That is actually not advertising because I am not paying anyone for it. In the spirit of the agreement, I don't want anybody to be able to find me in Timbercrest.

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

Ewart: I would like to commend the neighborhood for getting together and echo Commissioner's Clancy's comments. I know it has been a long process. I really appreciate and I think it worked out to the betterment of everybody. I just want to thank you all for doing that.

Longmire: I would also like to echo your sentiments. Our job is much easier when people just talk to each other.

MOTION CARRIED 10-0-1. APPROVED.

29. LKM PROPERTIES

6-A-12-UR

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

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

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

Arthur Seymour Jr., 550 Main Avenue, Knoxville, TN 37902. I am here on behalf of the applicant with Mr. Chris Ooten who is with Weigel stores, and we are ready to proceed. David Harbin is here also with the engineering firm and Gary Hayes is here with the sign company, Neon Service Company. This is an application for approval of a use on review for a new Weigels store at the intersection of Ebenezer and Westland Drive. We ask your approval as staff recommended subject to all conditions with one exception. That is condition 7 which has us limited to a 25 foot sign. We would ask that that be raised to 30 feet. As I mentioned this is a new Weigels store at the corner of Ebenezer and Westland. Westland Drive is shortly going to undergo some reworking so will be 3 lanes coming down into Ebenezer. This store will be one of the newest updated Weigel's prototype. It will be brick and stucco. It will

be extensively landscaped. By the way Weigels for the last two year has received an award from the Town of Farragut for its landscaping at its stores there. It will have the low level lighting that is now required in the Town of Farragut. That is the lighting does not bleed off the premises onto surrounding properties although the adjoining surrounding property here is a nursery operation. Weigels has started doing that on all of its stores. We have worked our way through the Westland entrance to this store which is shown at the top of the diagram. David Harbin is handing this to me here. (Showed a diagram handed out materials. Westland Drive comes down here. Here is Ebenezer. South, north. The entrance was originally proposed at about 60 or 70 feet from Westland Drive. In working with Knox County Engineering they have asked that it be moved to the back of the property which we are proposing to do and also that it grant access off to the nursery property to the immediate east. We have worked through those issues and that is one of the conditions which we are comfortable with. Monday of this week we learned for the first time that there was some concern about the height of the sign which we propose to erect on Ebenezer Drive at the south end of the property. Weigels originally asked for a 34 foot sign at that point. MPC recommended a 25 foot sign. Gary Haze with Neon Services has gone back, by the way the ordinance allows a 50 foot sign under the Knox County Zoning Ordinance, Gary Hazes went back and looked at the site elevations and distances and suggested that we could go to a 30 foot sign. The problem with the sign height is immediately to the south of this property there is a retaining wall. There is part of the nursery property there. The sign needs to be seen above that for north bound motorists. The sign needs to be seen for some period of time. Mr. Weigel has been in the convenience store business for over 50 years. He has learned a lot during that period of time. People are very price conscious. They look for the price. They don't care what the store is necessarily, but they want to beat the going price by a penny or two. (Longmire: You have less than a minute left.) Thank you. For that reason, we feel, and I have Mr. Hayes here to answer any questions about that, we need a 30 foot sign for that site. People as I mentioned look for a price when they are buying. There have been some complains based on letters I have seen about the design of the store. Mr. Weigel for 50 years has been in the convenience store business. I submit he does the best stores in the community, the best stores in the country. He has studied this industry all over the country. He has been head of the industry association. He is proud of the design of his stores he incorporated that latest into them we ask that you approve the use on review with that one amendment.

Margo Kline, 8845 Ebenezer Oaks Lane. President of the Council of West Knox County Homeowners and also President of the Woods at Bluegrass Homeowners Association.

Longmire: Ms. Kline let me ask. Is there other opposition and are they going to speak also?

Kline: Some would like to.

Longmire: Would you like for me to tell when you have 3 minutes left.

Kline: That would be wonderful. I know I have already sent you a lot of information. Basically what we are here today to ask for is a delay to allow more time for the neighborhood who only learned about the exact nature of the plan last Friday to talk with Mr. Weigel or Mr. Ooten. I respect Mr. Seymour, however, he said that they just learned on Monday that there was opposition to the sign. Mr. Ooten called me last week on the 8th and actually we talked about 15 minutes that day. We sat down and had coffee Tuesday morning. That was arranged actually by Arthur Seymour, not Arthur Seymour I am sorry, Oliver Smith, one of Arthur's clients because not only residents but also other businesses and developers in the area are concerned that if a 35 foot sign is allowed that particularly because this is planned development. It is planned commercial, which means there area almost 5 acres still left. If one store is allowed a 35 foot sign...Longmire: They are asking for 30. Kline: Well 30. They were asking for 34 actually. 30 okay then the two or three that go in next to it would also want a 30 foot sign. There are other parcels further south on Ebenezer and they would want a 30 foot sign and pretty soon the whole nature of the area would change. We really want Weigels there. It is a good use. I think they will make a lot of money. There is a lot of traffic; huge amount of traffic. There is a large history here of the zoning. The sector plan was changed in 2006 to allow for another convenience store. They were asking at the time for just plain old commercial. They were not allowed that. They were allowed planned commercial because of concerns registered then as today. Then it was discussed that there would be road improvements which have not been made. I would like to know if there is currently money in the budget in the Knox County budget allocated for the improvement of those roads this year. There is another concern too. I think this is what stalled out that other project from going in. Planning Commercial requires a 50 foot setback on both sides and the plans don't have that. We are asking for them to go with neighborhood commercial. There are a tremendous number of neighborhoods in the area and a tremendous amount of objection. It is a very historic area. I have already sent you a lot of information, but I am going to

hand out some of our concerns and let someone else come up and say something

Bayer Donahue, 1009 Farrington Drive. We are the subdivision right next to where Weigels is going. We are fans with Weigels. We appreciate the fact that Weigels hasn't sold out to a national concern and we can always call on Mr. Weigels, etc. First about the sign. There is no competition for Weigels. There is nobody for them to compete against. Light is accumulative in its effect on a neighborhood. I live the 3rd house down from Ebenezer and as the nursery sells out and more signs go up, the light will grow and grow. We will have an umbrella of light that I think will affect the night sky. Secondly if, first of all I appreciate the lower lighting that Mr. Seymour referred to as far as parking, there is no competitive reason for a large sign. There is nobody to compete against. Mr. Pierce who is not going to vote, he designed the Choto design which is a residentially soft design. We think if that kind of design is implemented... Longmire: 30 seconds. Donahue: Thanks a lot and appreciate it.

Kirsten Cisco, 9231 Culchester Ridge Road. I am also the librarian at Blue Grass Elementary School. Every single day we teach 750 children to reduce, reuse, recycle and make our world beautiful and keep it beautiful. We drive past this place constantly. We have two other Weigels on this same road. I just want you guys to do the right thing and make our place a beautiful place to live for all our children for the future.

Robert Hill, 11504 Mountain View Road, Farragut. I am a past planning commissioner member in Farragut and chairman there for 20 years of that commission. We have worked through two Weigel stores in that area. I sense from talking with Ms. Kline there are some residential residences have some issues which need some work through and some discussion of. I would really like to see, I think that both the applicant and the residents would be best served by having a one month delay on this so that the applicants and residents can get together on the issues they have and work out some kind of consensus agreement and go forward with this with everybody in the same boat. I drive by many Weigels stores everyday. I am a card carrying Weigels milk member and enjoy their milk. As a matter of fact I started drinking Weigels milk as a result of a session like this a long time ago. I think Mr. Weigel will be a good neighbor but I do think that the applicant and the neighborhood ought to sit down and find their issues and work them out. My suggestion for good planning and good neighborhood relations is to give it a month and see what we, what they can work out. I am not a resident of that area. Thank you very much.

Seymour: There is not much I can add, but I do not think a postponement would be beneficial. We have been working on this project quite a while. The plans have been available for over a month now on file at MPC. Ms. Kline suggested to Mr. Ooten that she was going to take us to the Board of Zoning Appeals anyway. I think she had that statement at the agenda review the other day. There is nothing we can do that we are aware of at this time to change anything in the store plan and still preserve a Weigels store at that intersection. The sign we have done the best we can. It is smaller than the sign across the street which is over 200 square feet. We have reduced the height as much as possible. This is the newest prototype of the Weigels store. Very similar to the ones Mr. Hill referred to in Farragut.

Longmire: Before I go to Commission I have a question. Coming today I drove by the Weigels on the corner of I believe its Callahan and Central Avenue Pike. Can any of you tell me how tall that sign is?

Art Clancy: It is on an interstate.

Longmire: No it is not on an interstate. It is the intersection of Callahan...

Clancy: An interstate ramp is right next to it.

Gary Hayes: I work with Neon Service Company. That sign is approximately 30 feet tall.

Longmire: All right that gives me perspective. I am not good with judging distances. Thank you.

Carey: This may have already been answered. Mr. Seymour, you said there is nothing much more that can be done. As we saw in the last agenda item things were worked out. Maybe there is no compromise that could be, but is timing so much of the essence that you couldn't... is that going to be detrimental to your plan going forward.

Seymour: I am not going to stand up here unless Mr. Ooten tells me otherwise and say 30 days will kill the project. No. But that will not kill the project, but we are where we are. I think this is similar to stores they have built in recent years on, in Powell, Callahan Road, in other parts of the community on Lovell Road, on Hardin Valley Road and in east Knoxville.

Carey: Regardless of where each of us as Commissioners fall on how tall a sign should be or whether it should be a monument, I would personally pull into a place that had a monument sign that had two cents higher gas just to honor the integrity of the design. That is neither here nor there. I am

not in the business. I don't know what the Weigels family knows about design and Mr. Hayes is an expert on signs. That is a personal call. I don't feel like it is my responsibility to vote myself individually on what I like. Yet we have guidelines and I think you are within the guidelines that are out there. Whether the 5 feet additional, 5 feet or 8 inch is what you want that is not what staff recommends. If you would go along with that 30 day postponement I think that would promote a lot of good will in this whole thing. These people that are sitting here today and their neighbors are going to be your closest allies as that door opens. I would just throw that out.

Clancy: Arthur, would you mind would you hold that sign up and put your finger where that sign is going to be so I can get an idea of where it is.

Arthur: This is Westland Drive and Ebenezer.

Clancy: Bear with me. A couple of questions. Is that sign actually going to be 30 feet high or the proposed sign if it passes is that 30 feet from street elevation or 30...

Hayes: It is from base.

Clancy: 30 feet from base is fine. Now if we could you have engineer tell us how far base is going to be above street level. I am just trying to get an idea of where we are. Does that property have a 4 foot, 5 foot tall retaining wall all the way down it?

David Harbin, 4334 Papermill Drive, Engineer with Batson Himes Norvell and Poe. The way it currently is now we will be coming in there and Weigels will be basically level. Essentially it will be a couple of feet above the street level.

Clancy: I am not sure a 30 day postponement is going to solve anything. I don't think we are going to get a monument sign out of them in 30 days. I probably wouldn't support that, but I will let the other Commissioners comment.

George Ewart: If this is the new and improved design of Weigels are you all still selling gas for \$2.60?

Seymour: That fluctuates from day to day. Mr. Weigel is in the hospital if I told him that was one of the conditions I think he would end up staying there in today's environment.

Ewart: How tall is the church's sign across the street? I know you had mentioned that the area of this sign is less than what the church's is across the street.

Harbin: We went out there and checked that out. Actually that sign sits down below the road. The actual height of the sign is 35 feet. If you measure it in relation to from the road it is roughly 25 a little over 25 feet above the road level right now.

Ewart: But the total sign is 35.

Harbin: If you measure from the base to the top of it, yes sir.

Ewart: I still have a problem with all this sign stuff. We still have an ordinance in place. I don't think anything has contradicted that that we could go to 50 feet on this sign and they are asking for a reduction in that. I just don't know. I agree with Commissioner Clancy. I don't see a postponement helping anything here. I will make a motion that we approve staff recommendation with 10 conditions and item no. 7 maximum height is 30 feet.

MOTION (EWART) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH 10 CONDITIONS AND CONDITION NO. 7 AMENDED TO MAXIMUM HEIGHT IS 30 FEET.

Laura Cole: Before George spoke I was going to say that I supported Commissioner Carey. I don't like to make postponements but we often do. When I looked at this planned commercial zone it reads that it is the objective of the zone to achieve the highest quality site design building arrangement, landscaping, and traffic circulation pattern as possible. The intent is to have the businesses coming in match the existing pattern. When I drove the area last night, there is a pattern established there. It is typically monument signs. With the exception of the church sign that is what is out there. I can understand why this neighborhood wouldn't want to open up a whole line of signs that are 34 to 35 feet. I also can understand why Mr. Weigel feels the way he does. If there is a chance that this could be worked out by the people who live there and the people who run businesses there, then I would support a postponement.

Longmire: We have a motion on the floor. Right now it is with commission. We do have a motion to approve per staff recommendation.

Carey: I don't mean to be beating this up. I am not such a huge proponent of the postponement as I am... I want everybody to hold hands and sing cum bah ya. That is being a little facetious. I do believe Laura made the effort to drive all the way across the county to go there. I live in that area. I drive through there all the time. I have never seen... if the two other Weigels stores that are probably a mile from there didn't close, there would be 4 Weigels stores in a 3 mile

stretch. I understand that is not going to be a long term case. All those signs there are full size signs. I didn't mean earlier to say that I hate the pole signs. I just would love to see things discussed so to the point of that we know where we are. Maybe nothing is coming from that. Maybe the two sides are firmly where they are. One side wants a taller pole and one side wants no pole. Maybe going forward is not so bad. I am wrestling with this in a big way because within the plan guidelines 25 feet is certainly right there in the middle of it. I guess I am kind of coping out and hoping you all can help take care of my problem.

Longmire: Question for I don't know engineering or what. How tall is the canopy over the gas fueling station? Just an estimate. To me it looks like the one at Callahan the sign was about as tall as the canopy.

Chris Ooten: P. O. Box 650 Powell. With Weigels stores. That is typically what we do for all our sites. The sign height comes right in the same elevation as the canopy cover. If you are on the interstate, if you are on John Sevier where you are trying to look over outparcels to get to Chapman Highway, certainly he puts them up in the air. He is typically between 28 and 34 feet for most all of his signs. He is very consistent with that. This particular case he hired Neo Signs to go ahead and go out and place the sign. They had a crane go out; put up the canvas. He got in the car with 4 or 5 other folks. Drive up and down Ebenezer to make sure he got a site distance. The sign has to sit back off Ebenezer to get out of the power lines that run down Ebenezer Road. The retaining wall that Mr. Carey and Clancy spoke of earlier is just to the south of our driveway that we have off Ebenezer. That retaining wall is not going to go away. The two buildings that are at the landscape company that they have currently, they are not going to go away. So the sign, it is where it is. The height is at what it is because they need to see over the retaining wall and those buildings. Our driveway is...

Longmire: I just wanted to know how tall the canopy is.

Nate Kelly I thin I agree with a lot of what has been said. I would urge us to vote no on the current motion and go ahead and postpone. I like all of you I think are not huge fans of postponements. It just strikes me that in this case there has been very limited communication between the applicant and the neighborhood to this point. I don't think it is anybody's fault necessarily. It could be both sides fault there has not been communication or nobody's fault. It doesn't really matter. The point is that there has not been a ton of communication yet. I don't know if that communication would result in any kind of a solution where both sides were happy with the outcome. We may be deadlock and need to make

adjudication. If that is the case that is fine we can do that. I do wish we would give both sides just a little bit more time to talk this out and see if there is a way for them to reach an agreement. In part it would make our lives easier. I think it would make their lives better too if they could reach an agreement. I would encourage us to do that.

Longmire: We have a motion on the floor and a second. The motion is to approve request per staff recommendation. All in favor... wait. Adding the 30 feet I am sorry.

| | |
|----------|-----|
| Bailey | No |
| Carey | No |
| Clancy | Yes |
| Cole | No |
| Ewart | Yes |
| Johnson | No |
| Kelly | No |
| Lobetti | Yes |
| Stowers | Yes |
| Longmire | Yes |

Motion failed 5 -5.

MOTION (NATE KELLY) AND SECOND (STAN JOHNSON) WERE MADE TO POSTPONE UNTIL THE JULY 12, 2012 MPC MEETING.

| | |
|----------|-----|
| Bailey | Yes |
| Carey | Yes |
| Clancy | No |
| Cole | Yes |
| Ewart | No |
| Johnson | Yes |
| Kelly | Yes |
| Lobetti | No |
| Stowers | No |
| Longmire | Yes |

Motion passed 6-4-1 (Pierce recused). POSTPONED.

Chris Ooten: Just for the record we did have a very pleasant cup of coffee on Tuesday morning and I will be more than happy to talk to them again. I appreciate your time.

Longmire: I appreciate the amenable tone that was brought forth.

* **30. MELANIE BECKMANN**

6-B-12-UR

South side of Baum Dr., south of Deane Hill Dr. Proposed use: Child day care center for up to 120 children in C-6 (General Commercial Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a child day care center to serve to 120 children at this location as shown on the site plan subject to 4 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 31. BEVERLY HOLLAND

6-C-12-UR

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

- * **32. Consideration of Amendments to the City of Knoxville Downtown Design Review Board's Administrative Rules and Procedures (Exhibit E of MPC's Administrative Rules and Procedures) regarding postponement and tabling of applications.**

6-A-12-OB

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **33. Consideration of the FY 2012-13 MPC Composite Work Program.**

6-B-12-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Chair Longmire: This may be the last meeting for some people I have gotten to know and depended on a lot, Mr. Lobetti, Mr. Clancy, Mr. Johnson and Mr. Anders who is not here. This might be, I said might be your last meeting. I say might because you can be reappointed or if they don't appoint anybody else, you are here for life until they do. I would like to thank you gentlemen for your service. You have done an outstanding job. I would like to thank you personally because you have taught me a whole lot about what planning commission is about. I think we have a really good planning commission because of your input and we will miss you.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:09 p.m.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Rebecca Longmire, Chair

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