



# Minutes

## MARCH 12, 2015

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

The Metropolitan Planning Commission met in regular session on March 12, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair  
 Mr. Herb Anders  
 Mr. Bart Carey, Vice Chair  
 Ms. Laura Cole  
 Mr. Art Clancy  
 Ms. Elizabeth Eason  
 Mr. Mac Goodwin  
 Mr. Len Johnson

Mr. Michael Kane  
 Mr. Charles F. Lomax, Jr  
 Mr. Jeff Roth  
 Mr. Jack Sharp  
 Mr. Scott Smith  
 Ms. Janice Tocher  
 Mr. Jim Wakefield

\* 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 MARCH 12, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

\* **3. APPROVAL OF FEBRUARY 12, 2015 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**

COMMISSIONER LEN JOHNSON RECUSED FROM VOTING ON THE POSTPONEMENT LIST.

Barbara Hooper and the number is 26. I want to postpone this to next month. 2014 Bradshaw Garden Drive, Knoxville, TN.

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM 26 FOR 30 DAYS UNTIL APRIL 9, 2015. MOTION CARRIED 14-0-1. POSTPONEMENTS FOR ITEMS 7, 32, 35 and 26 APPROVED.**

Automatic Withdrawals Read

***WITHDRAWALS REQUIRING MPC ACTION***

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO WITHDRAWN ITEM NO. 33 JOHN L. SANDERS. MOTION CARRIED 15-0. WITHDRAWN.**

**REVIEW OF TABLED ITEMS**

KNOXVILLE CITY COUNCIL (REVISED) 12-B-13-OA  
 Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

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

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

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

WILLOW FORK - GRAHAM CORPORATION  
 a. Concept Subdivision Plan 11-SJ-08-C  
 Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.  
 b. Use on Review 11-H-08-UR  
 Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT  
 a. Concept Subdivision Plan 4-SC-09-C  
 Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.  
 b. Use On Review 4-D-09-UR  
 Proposed use: Detached dwellings in PR (Planned Residential) District.

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F  
 Intersection of I-40 and McMillan Rd., Commission District 8.

HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9 12-SJ-13-F

North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.

RESUBDIVISION OF GEORGE HOSKINS PROPERTY 4-SE-14-F  
 North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.

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

908 DEVELOPMENT GROUP  
 Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.  
 a. Central City Sector Plan Amendment 7-E-14-SP  
 From C (Commercial) to HDR (High Density Residential).  
 b. One Year Plan Amendment 7-D-14-PA  
 From GC (General Commercial) to HDR (High Density Residential).  
 c. Rezoning 7-F-14-RZ  
 From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

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

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

***ITEMS REQUESTED TO BE UNTABLED OR TABLED***

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEM 5 TREVOR HILL. MOTION CARRIED 15-0. TABLED**

**CONSENT ITEMS**

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

SCOTT SMITH RECUSED FROM VOTING ON THE CONSENT LIST.

Commissioner Kane asked that items 6 and 9 be removed from consent.

Linda Weis 6617 Mission Springs Lane, Corryton 37771. Asked that item 38 be removed from consent.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 6, 9 AND 38. MOTION CARRIED 14-0-1.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEMS 6, 9 AND 38. MOTION CARRIED 14-0-1.**

**Ordinance Amendments:**

None

**Alley or Street Closures:**

- T 5. **TREVOR HILL** **11-A-14-SC**  
Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

6. **METROPOLITAN PLANNING COMMISSION** **3-A-15-OYP**  
2015 Update to the Knoxville One Year Plan.

STAFF RECOMMENDATION: Approve the 2015 One Year Plan update and recommend that City Council consider the attached list of potential areas for general rezonings (maps also included).

Mike Brusseau: Staff is recommending approval of the 2015 One Year Plan Update and also recommending that we forward the list of potential areas for general rezonings to City Council for their consideration. There are 13 areas that staff has identified where the zoning is not consistent with the one year plan designations and that we think should be relatively simple to rezone them properly to be consistent with the plan. So those are the two recommendations. Staff held 3 public meetings out in the various sectors and about 30 people total attended the meetings. There were 236 postcards sent out inviting for participation in those meetings. We are recommending five amendments to the land use map. The main ones are based on the adoptions in the past year of the East City and Central City sector plans. Staff is recommending that those land use designations within those sector plans be also adopted as part of the one year plan maps. The eventual goal is to as sector plans get updated to have the sector plan and one year plan maps be consistent across the board. As sector plans get adopted year to year that will occur. We have also recommended appropriate land use designations for five properties that were annexed into the city since the last year's update. That is just a boiler plan process we do as part of the update. Then we also list 10 quarterly plan

amendments that were done as a result of individual zoning requests that came in throughout the year. Just basically report those to the public as to what occurred on those. There has not been any opposition. There was one staff amendment that was added based on a comment from the public at the West and Northwest City sector where we identified that the sector plan and one year plan were not in consistency so we recommended a change in that area to be consistent with the sector plan. I guess I will just answer any questions if there are any.

Longmire: Staff recommendation is to approve the 2015 One Year Plan update and recommend that City Council consider the attached list of potential areas for general rezonings.

Dave Hill: There is a blue sheet for item 6 in case you have not seen it.

Michael Kane: I think that is why I took this off consent. We received an email yesterday from Fountain City Town Hall through Carlene Malone regarding an issue of the traditional neighborhood residential category which is something like LDR or MDR. When I called about it today to Dave Hill he told me that staff had already talked about it and already tried to contact Ms. Malone about it and to try to get clarification. If you want to maybe discuss that and discuss a little bit about the issue because I think we don't deal with traditional neighborhood districts that often. I think it would be enlightening for the rest of the group to kind of understand the issues and how it was resolved in terms of understanding. I think that would be a very good instructive thing for us.

Longmire: Mr. Brusseau do you want to address that?

Brusseau: I will try. It is not really related to the one year plan update that is under consideration today. It is more about the description in the land use designation tables. Those tables are basically put, they were adopted around 05 or 06 and now basically all the available land use designations that can be used in either the sector plan or one year plan. Under the TDR she had some concerns about the R-1A zone and not having necessarily a restriction on density as part of that zone. However the only use that is allowed in that zone that could potentially create density would be multi-family type uses and the areas that are shown for TDR on the plans generally don't have lots of it to even accommodate that kind of thing. The areas shown for that are older neighborhoods on smaller lots, generally inside the 640 loop. Any multi-family in the R-1A would require use on review approval by this body. So if there were a proposal that exceeded low density residential it would be reviewed by this body and if it did exceed that it would also require a plan amendment to consider medium density or something higher. Basically the discussion was that in the tables under the traditional neighborhood designation it is somewhat unclear what the density, you know what a maximum density in that, you know as I discussed with her that may have been intentional just because you don't necessarily may come about, what may be appropriate, but because a use on review would be required for any of those types of situations staff was comfortable with it. We did agree that at some point down the line, she mentioned in spring, that we are going to take a look at those designation

tables. Staff has also identified some other potential issues that may need to be, may need some updates on those tables just some clarification on language that have come up over the years. So we plan to do that in the very near future.

Kane: Just one more thing. Again my understanding the reason for the traditional neighborhood residential category was to allow essentially nonconforming lots to have some kind of additional use or when a house needs to be torn down and something else has to happen to it or people want to do some changes to it, you know it allows them to do something because the LDR designation would not necessarily allow that. Is that correct? Is that... The purpose of the traditional neighborhood district.

Brusseau: I don't know that I can say as well as maybe a comprehensive planner as far as the intent of it and everything. But to try to answer your question...

Dave Hill: I can help out a little bit. A lot of these areas the anticipated use of the TDR designation is older neighborhoods. You have smaller lots. A lot of them have the old city ward map lines. The idea really is to put something in place that helps preserves the pattern of density which is not always the same across neighborhoods. The reason that you have wording in there that says that there is a 4 to 8 dwelling unit as being typical is that there is no one size fits all for it. The idea behind it really is to allow the R-1A zone to dictate what the density might be with having that protection of a use on review once the density starts to climb. I think the primary purpose is, if you have got a single family home on a 7,500 square foot lot or smaller which is really the development pattern we see most typically, those can move forward as of right.

**MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

**Concepts/Uses on Review:**

- P 7.      LONGMIRE SUBDIVISION      1-SA-11-C**  
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 8.      ELY PARK - FIRST NATIONAL BANK OF ONEIDA      3-SA-15-C**  
(Concept Only) **a. Concept Subdivision Plan**  
South side of Millertown Pk., east of Ellistown Rd., Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- \*      b. USE ON REVIEW      3-I-15-UR**  
Proposed use: Requesting removal of a condition regarding sidewalks/trails in the subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve The applicants use on review request for relief from the requirement to construct sidewalks in the Ely Park Subdivision with exceptions subject to 4 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**9. LYONS CROSSING - FINAL PHASE - MESANA INVESTMENTS**

**3-SB-15-C**

**a. Concept Subdivision Plan**

Northwest side of S. Northshore Dr., southwest side of Knightsbridge Dr., Commission District 4.

STAFF RECOMMENDATION: Approve the concept plan subject to 8 conditions.

Longmire: Commissioner Kane. Not so much opposition but clarification. Would you like to go first sir?

Scott Davis: PO Box 11315, Knoxville, 37939. Is there opposition.

Longmire: Commissioner Kane needs some illumination on some points if you would like to come up and be able to answer his questions about things.

Michael Kane: We received one, well I think a couple of, emails on this. One thing came in particular was the access of the entry into this subdivision from an existing street near the divided boulevard, I guess. There was some concern about that. I would like to hear from staff or Ms. Pionke regarding that particular issue to make sure that everyone from the technical side feels that is a safe configuration.

Cindy Pionke: I will go ahead and take it if you like. Knox County Engineering is very comfortable with the access onto Knightsbridge. You will notice one of the conditions on approval is that there will be some additional improvements to the portion of Knightsbridge between Northshore Drive and the proposed entrance to this 48 lots.

Kane: The other option I guess would be to for the entrance to be offset from Oxford I think or Oxmore. You guys don't usually like that. You like things to line up, streets to line up. Is that correct?

Pionke: In this case we are satisfied with them being directly opposite the Oxford Drive entrance.

Kane: The second thing is, this is something I have really seen more and more that we have in the PR zoning where MPC Commissioners are requested to approve to allow the setback to go from 25 feet to 15 feet. Often times there is really no explanation to why that is allowable. We are just saying Commissioners are allowed to approve something but we are given no criteria as to why is it okay in this situation. It seems to me I guess I would like to know a little bit more about why in this particular case staff is feeling that this situation is okay where we are reducing it from 20, I think, along Knightsbridge.

Longmire: 35 to 15.

Kane: 35 to 15. Not 25. That is why I wanted to get an explanation on that.

Tom Brechko: We also have Mr. Kelly because he does this too sometimes. In the past, the planned residential district has a peripheral boundary setback of 35 feet for buildings. In the past the only time you could get a reduction on that is if you property, planned residential property, backed up to another planned residential property, you could have requested a reduction down to 15 feet which the planning commission could approve. All other residential districts that option was not there. A few years ago the ordinance was amended that when a PR property backs up to or borders any adjoining residential property they can request that change. That is why sometimes you will see PR, a piece of property has a 35 foot peripheral setback and actually is the case here for the property surrounding this parcel because it was zoned agricultural at the time that the original subdivision was done. So they unless they asked for a variance they couldn't reduce it below the 35 feet. Our position has been that when these requests are made that one if there is no opposition to that change from adjoining property owners, we have usually supported at least them to go forward with that request for the reduction. In cases where we are looking at like uses, if this were a multi-dwelling development we most likely would not recommend a reduction when it adjoins another property unless it was another multi-dwelling development. In this case it is basically single dwelling, we it is detached dwellings on individual lots that border the same type of lots. What you usually will find in all these subdivisions that their internal rear yard setbacks are usually 15 feet. It is a default setback within the ordinance within the PR if there wasn't one established in the original subdivision. So if there done actually with the rest of Lyons Crossing initially this would most likely have been a 15 foot rear yard setback and not a peripheral set back. That is generally why we will look and consider, we look at what the adjoining uses are. If they are similar type density then we would support a reduction. If they don't ask for it we don't recommend that they change it. They have that option to approach the planning commission and request that. I think the applicant can probably identify why he feels he needs to reduce in this case.

Kane: I guess I would like to hear from the applicant why you feel like you need to reduce that and how many lots does this effect if you recall that.

Davis: It gives you more flexibility with the type of product you are putting on. Whether somebody wants to add a porch or not. It just gives more flexibility and it is something we have done for the past... I know just because we have done it all these years doesn't necessarily make it right. Lots unfortunately right now are getting smaller so your houses are a little bit deeper. The lots aren't as wide so your houses are deeper. With a deeper house you need less setback.

Kane: So in general we should see even in these single family residential areas that essentially people are going to be just butted up back to each

other potentially a lot more. It is just going to be standards. Is that what you are saying?

Davis: Yes sir.

Brechko: The answer to your other questions about how many lots, I think there are 20 lots that would have a rear yard setback or that the peripheral would be reduced from 35 to 15 proposed lots. All the internal ones have that 15 foot rear yard setback.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

**b. USE ON REVIEW**

**3-E-15-UR**

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

STAFF RECOMMENDATION: Approve the request for up to 48 detached dwellings on individual lots and the request for a reduction of the peripheral setback from 35' to 15' in the areas designated on the concept plan, subject to 1 condition.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

**10. MASSEY CREEK - HMH DEVELOPMENT, INC.**

**a. Concept Subdivision Plan**

**3-SC-15-C**

North side of Hardin Valley Rd., northeast side of East Gallaher Ferry Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-4 and the Concept Plan subject to 12 conditions.

David Harbin, 4334 Papermill Drive, Knoxville, TN. I am the engineer and surveyor for this project here on behalf of my client Mr. Hunter Harrison he will also be speaking to this request here in just a few minutes. We ask the Planning Commission today to approve this plan with the exception of conditions 5 and 6 on the staff report. Condition 5 is a requirement to build sidewalks along a couple of the roads, Roads A and B. Before we start out here I want to point out that we are outside of the parental responsibly zone so therefore sidewalks are not required as part of this subdivision. As any PR process goes through this the planning commission has the responsibility for each developer to provide an amenity package for each subdivision. That amenity package in the subdivision regulations or actually the zoning regulation says that recreation uses may include a community center, a golf course, a swimming pool, parks or other public recreation areas. Mr. Harrison has put together this plan right here and his amenity package includes 9 acres of common area. It has a swimming pool. It has a community center for use too. We also met with the Knox County greenways coordinator. She explained the importance for a walking trail

through this site. Mr. Harrison agreed that would be a very nice amenity so he also agreed to put a greenway easement through a good portion of this property that the parks department could come back later on and put a walking trail through the subdivision. When we talk about sidewalks, it is very expensive to do that. It goes far behind just putting down 5 feet of concrete basically in there. As you know this is very steep and rocky terrain out here. If we have to put sidewalks in they have to be in with the road grade. We set back an additional 7 feet before we can start putting our driveway up to the lot. It increases the grading costs tremendously. Also at the intersections of the public roads we have to have at most a 1% grade coming in or the ADA standards won't match. Several hundred feet away from an intersection that affects the grading of that road right there. Once again that tremendously impacts the amount of grading and the cost for the subdivision. The utilities: the sewer line has to be set 7 feet further away. So every lateral that goes underneath the road has to be that much longer. In this case I counted it up and it is about 150 feet more of sewer line which all has to be imbedded in gravel all the way to the top. More added cost. The same can be said for the electric lines and the water lines as well. At the end of the project to get the bond released, if you notice on report we have to put them in at the very first. Portions of the sidewalk will be chipped, cracked and destroyed or damaged. Mr. Harrison will have to go back in there, mill those out and put in new sidewalks. So it is a very expensive case. We've provided an amenity package. We have got a community center. We have got a pool. We have also agreed, I think one thing that staff did do that we agreed with, to provide a walking trail between, I think it is Roads C & E through there. We will provide a walking trail. That gives them a short cut to the amenity center. We will agree to do that as a walking trail. In my opinion we have met the amenity requirements for this subdivision. We have provided quite a bit of stuff. I have been doing this 25 years. This is the first time any of my projects where MPC staff dictated to the developer what type of amenity they will put in there. For condition number 6 for the stub road, that is a rather large tract right there. It is over 250 acres. If allowed to develop at current trends, three units an acre that would be up to 750 units that funnel through our area. The Stafford Farm to our east there has about 5,000 feet of frontage along Hardin Valley Road. They have plenty of opportunities for access. The most serious part of all of this is that our Road A that is coming up through there has about 1300 feet of access to the Stafford Park. They could come in at any point on that 1300 feet and build their own road. I don't see where Mr. Harrison has to provide them with a road and access to their property. Thank you.

Hunter Harrison, 2926 Slawford Road. Biggest concern for me, the sidewalks are a concern, Dave Harbin I am not going to reiterate. Cost is not you all's issue. It is my issue having to compete with local subdivision. There are three subdivisions that are under construction now that are not required. Allowing the stub road gives the Stafford property, we increase value but one thing we do do is we give the opportunity of 250 plus acres not to have to cross the creek and use Massey Creek entrance. That could be close to 800 houses potentially. We are at a density of 2.2. I do not know what my competitors will come in but most likely they will be greater

density than 2.2 and that is loading a huge amount of cars on that road. Thank you.

Longmire: Mr. Brechko would you like to speak to those issues please.

Tom Brechko: On the issue of the access road, when we met with the applicant initially they actually had some common area as part of that 100 foot right of way that comes up from Hardin Valley Road that we had them remove to retain that all as right of way which would allow access to the adjoining properties on both sides which are larger tracts. When we originally talked about it we felt that was probably adequate but as we reevaluated and looked at the plans part of the reason, we always look for connectivity between developments in larger tracts even if they already, if they have significant frontage on a main road we look to try to have interconnections between developments in our recommendations. The reason why we asked them to add this stub out to the property to the east is that once you cross Connor Creek the road grade for their proposed road goes to a 15% grade which was one of the variance items that is listed here. And a 15% grade is a little too steep to try to put a perpendicular road coming into it from the adjoining tract. Where it starts to level off is where it gets up into the property which their lots start. That is why we asked to provide that additional connection, provide that connection because you know on the north side of Connor you can't get to that property adequately until you get up in that area of their lots. The original plan that they had when they didn't have the access out to Hardin Valley because of the proposed Orange Route. That was the previous plan. They actually had a stub out identified in that location that we are proposing. It is mainly to provide additional access to the more level area of that adjoining property so that if you didn't have to cross Connor Creek you wouldn't have to. It give another option. It will impact they probably will lose a lot in doing that unless they are able to shift the lot lines on those lots there. On the issue of the sidewalk, I think I would probably argue with David on the fact that we have never asked them to provide sidewalks unless required. It has been a, there is a provision in the subdivision regulations that states basically the Planning Commission can require sidewalks at any time if they feel it is necessary. We normally require that for parental responsibility zone subdivisions. But there are numbers of cases where there has been an amenity proposed whether it is a pool or some other use where we have recommended sidewalks be added to provide from the lots to the amenity area. In fact we did one on Nubbin Ridge where we did the same thing. The Testerman development they provided an amenity area and we recommended sidewalks be added to give direct access from the home sites to the amenity area. That is nothing new that we have been doing. We originally identified that we would like to see the sidewalks on all the major roads within the development except for the little stub out cul-de-sacs. After we worked with them and they we quite agreeable to work on the greenway easement to provide a fairly large area the greenway easement to make it more doable as far as having a future greenway on the property. We told them we would look at the sidewalk requirement to reevaluate it. We did; and we came back and only recommended that the two main road connections from the public, from Hardin Valley and East Calvary Road would be the roads to have sidewalks

on one side. I think if they actually put the sidewalk on the south side of Road B that goes from Road A, the main road, from Hardin Valley, I think there are about 20 lots that would be impacted by the sidewalk out of their 98 for this proposal. We are asking that the sidewalks just be added to one side of those two roads.

Art Clancy: I would like to make a motion that we approve variances 1-4 because the site's topography restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard and approve the concept plan subject to 11 conditions excluding condition number 5.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-4 BECAUSE THE SITE'S TOPOGRAPHY RESTRICTS COMPLIANCE WITH THE SUBDIVISION REGULATIONS AND THE PROPOSED VARIANCES WILL NOT CREATE A TRAFFIC HAZARD AND APPROVE THE CONCEPT PLAN SUBJECT TO 11 CONDITIONS EXCLUDING CONDITION NUMBER 5.**

Longmire: Are you not going to do the third approval, the development plan? Are you going to put them all three together.

Clancy: No just those two.

Bart Carey: I would like a little clarification on the greenway. I may be I am not sure on my computer I am seeing what I need to. You mentioned the amenity area would be connected to the neighborhood by a walking trail or is it the greenway or are they one and the same?

Harbin: It is a couple of things. A couple of things for Mr. Brechko too. The Nubbin Ridge subdivision, we were in the parental responsibility zone right there. That is why we went ahead and put sidewalks in.

Longmire: You need to answer the question please.

Harbin: Also with the greenway, there is a greenway along Gallaher Ferry Road where the community center is. Everything that is not in the community center is also the greenway easement right there. Talking to the parks department, they were wanting that area that they could come back in and put a walking trail along Conner Creek there and then down Gallaher Ferry. The walking trail that Mr. Harrison has agreed to put in, I believe it is between Road C & E I can't read those up there, would be a shortcut from up there where the cul-de-sacs are down to the community center. That is what we have agreed to do that too. Also on the stub road once again the Stafford Farm has about 600 feet of frontage south of the frontage with great grades. They could stub into our road right there. I don't really see where Mr. Harrison has to buy another 150 feet of roadway and sacrifice a lot. It makes the Stafford Farm more desirable to develop. I don't think that is a good point for the Planning Commission to be doing right there. They can tie into the south part of Connor Creek right there, have the connectivity and still develop their site.

Elizabeth Eason: I would just like to comment that the estimated student yield for the subdivision is 52 students. That seems like a large number of small children to be walking on streets without sidewalks. I think the idea of having sidewalks on just one side is really a great idea. If it doesn't happen at this point, it is not going to happen later.

Johnson: Mr. Clancy I would like to make an amendment to your motion with your permission. I would like to have number 6 deleted also in those conditions.

Longmire: Let's go ahead and leave it as is and if we will vote. If you need to redo... unless he wants to remove his motion or redo it.

Jeff Welch: I think one of the other reasons Commissioners that we are looking for sidewalk on Road A is down to Hardin Valley is commercially zoned property right now. To be able to have individuals whatever to walk from the subdivision down to commercially zoned property that will be developed in the future gives greater access, greater mobility for individuals. Also the fact that they are putting in an amenity package with a pool or whatever and not to be able to access that amenity package a pool without sidewalks I think is short. I think you are missing the boat here on that. I think we ought to be looking several years out on our investment in the streets. Just take that into consideration that this subdivision this street development is going to here for many, many years and we should be building a street that handles all types of mobility, not just vehicles.

Michael Kane: To be honest I hear all the arguments and they are all valid arguments regarding the sidewalk issue so I certainly understand why Commissioner Clancy proposed the motion as he did. My problem that I have is that I think that the sidewalks needs to be a standard in the subdivision regulations. Then if developers want to have a variance from that then they need to request it. I would like to know why we can't get that done. Why can't we change the subdivision regulations to require it? Because it is not fair for them to say I have to put it in my subdivision and this subdivision over here didn't have to put it in and there is no record of why there was a variance to that. I think that is a good argument. But I would like to know why we can't change the subdivision regulations?

Jeff Welch: I think the subdivision regulations are currently under review and have been. This issue has been brought up several times through my career at MPC as far as changing language from may require to shall require. It is just something that has not been able to leap over the hurdles yet of local government and the Planning Commission itself of historically requiring that in all cases. We have been struggling with that issue for years. We are in the development of revisiting the subdivision regulations but until that point in time we are, you know, looking at a case by case basis Mr. Kane. We are just not there yet. I am hoping to have the write of the subdivision by the end of this summer to be able to tackle that issue and several others.

Kane: I would support the shall.

Scott Smith: Along the lines of sidewalks you know this... I went out to that property yesterday. There is a lot of grade on this property. I just don't know how in all situations how practical it is to think you can build sidewalks. It is 15% grade on that road. Can an ADA compliant sidewalk be installed there? I am not an architect. Also on this other road that runs down it seems to have lots that will fall down to the road. The road will come in and it will fall from the road down below and I can see some ugly shelves being installed in front of houses to accommodate a sidewalk. Can anybody speak to that? Is an ADA compliant sidewalk can it be on a 15% grade?

Longmire: Let's let Mr. Brechko but I will have to say your description of the property doesn't make it sound very appealing.

Brechko: If the sidewalk is installed with the grade of the road, it would be ADA compliant. The areas where it gets a little more difficult in subdivisions when you lay out the sidewalks is dealing with the cross slope that you cannot exceed 2% in a cross slope. So you have to plan out a little bit more ahead of time where you are going to put your sidewalks in that process. It is my understanding, unless Cindy or Chris over there that deal with this more on a day to day basis knows something different, as long as you follow the grade you are okay. That one subdivision I mentioned earlier, we had an issue where we recommended sidewalks be going to a stub out street adjoining to an existing street that adjoined the property and we were proposing sidewalks with that. When the planning commission removed the condition of the street connection to that property where it was about I think a 10% grade for that street coming in and it just became a sidewalk and it wouldn't meet ADA requirements and therefore they couldn't put the sidewalk in. So sometimes saying well we don't do the street and we will put a sidewalk in there then you get into totally different grade requirements to meet ADA.

Clancy: I don't want anybody to think I don't like sidewalks in subdivisions. I agree with Commissioner Kane. I think our subdivision regulations should be more definitive. I don't think we should ask developers, landowners, anybody to just keep pouring money into these difficult projects. I mean at some point you have got to say. Well here is what we would like. We would like a greenway and connect to a greenway. Okay thanks. Okay we would like a community center. That is an amenity to the development but at the same time when you are asked to do all these things you have got to give somewhere. I realize that we may be missing the boat, but we don't, at the same time, we don't want to run the boat over what progress we have and keep willing to take these pieces of property that otherwise would be undeveloped and underused and make it difficult. Let's make it easy for them to do a good development. I looked at the property as well. The grades are tough on this. I don't think you can get an ADA compliant sidewalk throughout that subdivision. So you are missing the boat there as well. I am a big proponent of connectivity. I don't know how much by this decision we will improve the value of the farm above it. I think we need to look at connectivity which is why I made the motion the way I did. I am not married to it if you want to vote it down and stick 6 in there. I would probably support that as well. I would like to call the question.

Longmire: I have got a couple of more lights.

Carey: The question of can you put an ADA compliant sidewalk on property that is sloped. With enough grading and enough cost you can probably put an ADA sidewalk on anything. But what is the unintended consequence of doing that? If you have a roadway that has a 12 or 15% up or down slope to where the house seat is, typically you want to make that slope as gentle as you can for access to the driveway. You want it to be a consistent slope and you are going to grade it accordingly. You can probably level that lot off and move dirt, just completely scalp the whole site and virtually make it a table top at what costs. Even if you do scrape in and cut a 7 foot swath, that is going to increase the slope. You are using so much of your workable slope to create a 7 foot bench there. You are going to the increase the slope going to the driveway where the car might bottom out or drag. There are places for them. We have said many times if we were in Kansas this wouldn't be such a touch issue. Everything is a table top and it is easy to comply with ADA. But with the regulations that are in place in so much of what is left to be developed in Knox County being sloped property, it is so hard to make that work. It can be done but what you end up with is undesirable product that doesn't function as well as that without a sidewalk.

Len Johnson: Madame Chair I would like to have the Commission take a look at the second drawing that is in our packets. If you look around each one of the roads you will see substantial amount of dark area. Those are contours that are laid in there. I think it is about 2 to 1 which is a pretty steep slope guys. The bottom line is that ADA is a great tool for us to make things accessible but sometimes it becomes not only physically impossible, it becomes economically impossible. I have got experience in doing that with projects that we were trying to make ADA compliant and when you start talking about taking out 5, 10, 15, 20 feet of grade to access an entry to a building or to basically develop a path from the parking lot to the amenities or building that has to be handicapped accessible, it becomes very, very, very expensive. In the case of this site if you just take a look at that one sheet and look at all the dark areas that are around those roadways and onto the lots, those are very steep areas in order for them to get the grade of that road to meet any kind of standard. Thanks Madame Chair.

Longmire: We as a Commission have worked hard for connectivity and for walkability with the idea of health of our community involved. We know that sidewalks do add to that. I am sympathetic with the costs of that. At the same time I am listening to you say Commissioner Johnson that it is not economically feasible for ADA. If I had a handicapped child the cost would make a difference. As I get older and more handicapped I really appreciate things that allow me to live as other people live. My other problem is when you talk about parental responsibility zone, for those of you who may not be familiar with it if you live within a certain distance from a school and it varies from elementary to high school you are responsible for getting your children to getting your children to school because the buses don't stop there. Knox County buses do not stop from

house to house anymore as they did when I was growing up except I lived one half a mile from the school and I had to walk anyway. When you have a subdivision with an estimated student yield of 52 students in an area that is already talking about having to build a new middle school, having an elementary school that has already reached capacity, you are talking about lots of kids that are going to have to walk a distance to catch their bus. I realize that is economically although it would be passed onto the homeowner, but I ask you what is the price of a life? The question has been called. We will vote on the first two. The first two have been put into motion. The staff recommendation is to approve variances 1 through 4 because the site's topography restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard and to approve the concept plan subject to 11 conditions removing 5. If this is voted down Commissioner Johnson wants to add another motion that is fine. We will go ahead and vote on what Commissioner Clancy...

Clancy: May I make one more comment before we vote. We walk on the streets in my neighborhood.

Longmire: I know and look what happened to you.

Clancy: I have yet to be hit.

Longmire: I live in the County. We don't even have shoulders on the road but that doesn't make it right and it doesn't make it good.

Clancy: There isn't a main thro... artery in this. You are talking about a neighborhood where the speed limit is 30 miles per hour.

Longmire: Where the published speed limit is 30 miles an hour. I would not want to get...

Clancy: People aren't in there going fast. It deadends all the way through.

Longmire: I am looking at 1018 vehicles trips with 52 kids. I just think it is a dangerous situation. And that is where you and I may choose to disagree but I love you anyway, even when you're wrong.

Carey: I am looking at a site that says that only 2% of Knox County's kids ride the bus. Is that possible?

Longmire: I doubt that seriously in my neighborhood. They all ride the bus, even some high school people.

Herb Anders: Madame Chair, my light evidentially is not working. It came up and you alluded to the bus situation and these 52 children that could possibly live in that neighborhood. I am sort of in between on this thing. I agree with what Bart said up in the community and cul-de-sacs I could understand no sidewalks there. More than likely that bus is going to be down at the end of that long drive. It is not going to come up into the subdivision. I would be more prone to ask for sidewalks in that long stretch from the subdivision down rather than up in the subdivision. My concern

would be that long stretch the speeds may be a little higher on occasion and get the kids off the road would probably be something that I could live with but I cannot agree with removing all the sidewalks.

Laura Cole: I just had a question for staff. When a developer agrees to put trails in are there standards or regulations that dictate how that trail is going to be built and maintained?

Jeff Welch: If it is a greenway trail in this case I think this developer is agreeing to provide the right of way easement for a greenway along this roadway. If it is to be built it will be built by...

Cole: Are there standards? Are those ADA standards.

Welch: Depending on if they are using federal funds or local funds but there will be standards they are required to comply with to build a greenway in that area. Ms. Pionke in the County in most cases if you are using Federal funds you would be meeting all the Federal requirements and ADA requirements. There may be cases where because of the steepness of the slope you may not be able to do so or you will have to provide sort of a resting area at certain slopes. Go a certain distance on a flat area and then go another percentage of slope. Again in this case the developer is not building the greenway, he is providing land.

Cole: Right. The question comes to my mind I see sidewalks being very expensive and in some ways like adding more impermeable surface. I am wondering if when look at the future we should be looking... (Inaudible). I may be leaning on it. I understand the need for sidewalks but at the same time I see that the costs of sidewalks and the invasiveness of sidewalks are creating barriers. I think there would be more incentive if we looked at a way of putting paths in that maybe aren't paved. I wonder if we look at the subdivision regulations if there is some, maybe there is someone else in the country that is doing this but sidewalks are becoming a real problem for us especially in the topography that we live on. So I am wondering if when that study is done if we can't look at other ways of providing pedestrian access in our subdivisions besides sidewalks.

Longmire: At the same time if you have ever tried to push a wheelchair on a greenway or a stroller it makes it much more difficult.

Cole: But there are ways to do that without paving or concrete. Just a comment.

Charles Lomax. Madame Chair this has been a very healthy debate and I am prone to agree with Commissioner Anders and what he has said but the question has been called for and I think we should vote.

Longmire: We will vote. Again the motion is to approve variances 1 through 4 and to approve the concept subject to 11 conditions minus number 5.

Upon roll call the Planning Commission voted as follows:  
Anders No

Carey	Yes
Clancy	Yes
Cole	Yes
Eason	No
Goodwin	No
Johnson	Yes
Kane	No
Lomax	No
Roth	Yes
Sharp	Yes
Smith	Yes
Tocher	No
Wakefield	Yes
Longmire	No

**MOTION CARRIED 8-7. APPROVED**

**b. USE ON REVIEW**

**3-G-15-UR**

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

STAFF RECOMMENDATION: Approve the development plan for up to 98 detached dwelling units on individual lots and the requested reduction of the peripheral setback from 35' to 25' as shown on the plan subject to 2 conditions.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

Herb Anders: Madame Chair may I make a comment to the developer. You have 100 foot right of way there and I know that you will be doing extensive grading to get the road in. I would ask that you consider at least grading to allow for a sidewalk on one side of that road at some point so that if the homeowners association or I guess it would be the homeowners association chose to put that in it would be a viable option for that homeowners association.

Harrison: I am a builder who has become a developer. I am looking at the end use as much as much as the profitability from the developer. I look at this different than a lot of developers were where they are just trying to sell the lot to make money and let the end user resolve it. I want this to be as pleasing piece of property. I don't name it after myself for the sake of it so that it is usable and acceptable by the kids. Removing not removing the stub road provides the potential for another entity to tie into a density of 2.2, 75 lots and go what is going just down the street from me 60 foot lots, \$210,00, houses go right through my entrance. It is not about an argument to say I spent a million dollars for this entrance and someone else does not know have to. I think it is... if we are concerned about the integrity of a subdivision and allowing some body to enter into that subdivision that did not do my concepts can affect that integrity. I know there are people in this room who have had a lot of fights where phases of

land were purchased after previous went out and they changed legally the concept or the type of home being built.

Anders: I am in no way attacking your integrity of what you plan to do here. That was a simple request. I appreciate it.

Harrison: I will adhere to that request.

- \* 11. **CABOT RIDGE - GLENNARD HARRINGTON**  
**a. Concept Subdivision Plan** **3-SD-15-C**  
North side of Rockford Ln., south side of Ridgepath Ln., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1-3, deny variance 4, and approve the Concept Plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **b. USE ON REVIEW** **3-H-15-UR**  
Proposed use: Detached residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the request for up to 5 detached dwellings on individual lots as shown on the development plan subject to 2 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* 12. **CAMPBELL PARK - CAMPBELL STATION PARTNERS**  
**a. Concept Subdivision Plan** **3-SE-15-C**  
North side of Campbell Station Rd., northeast of Fretz Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **b. USE ON REVIEW** **3-K-15-UR**  
Proposed use: Detached residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve E the request for up to 9 detached dwellings on individual lots and reduction of the peripheral boundary setbacks as shown on the development plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

**Final Subdivisions:**

- \* 13. **WESTLAND GARDENS** **10-SJ-14-F**  
South side of Westland Dr., west of Coile Lane, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

**14. THE GLEN AT HARDIN VALLEY, PHASE I**

**10-SK-14-F**

Northwest intersection of Hardin Valley Rd. & Brooke Willow Blvd.,  
Commission District 6.

STAFF RECOMMENDATION: Deny the final plat.

COMMISSIONER SCOTT SMITH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Dan Kelly: This item has been on your agenda since last October. It is a final plat that is before you today. That final plat is... the approval of the final plat should reflect the conditions that were placed on it at the time the concept plan was approved. Like I said the matter has been on your agenda since October. The applicant has been working since that time to meet the requirements of the concept plan. They are very close but at the present time they do not meet all the requirements of the approved concept plan. The requirement that they specifically do not meet is a condition that was placed on the concept plan at the Planning Commission meeting on August of last year. It is required that the final paving in phase I be completed before the final plat for this subdivision is approved. As a condition of the approved concept plan we certainly as staff do not have the authority to go well you are making good progress we can waive that. We do not have that authority. In lieu of them not completing the paving at this time we have recommended denial.

John King: P.O. Box 2425, 37901. I am going to ask if Mr. Van de Vate will start his way on down here. I need help getting me propped up. This is a very curious situation and I don't relish the idea of standing before this body and asking for help, begging for mercy or however you want to say it. This is a piece of ground in a development that is has had its issues over a course of time beginning in 2008 when the market went south. Now it is trying to crank back up and they have encountered a number of issues that have resulted in delay or whatever. Where we are right now is at one point in time the reasons for denial included some security for a decel lane to be built on Hardin Valley. That has been now accomplished. The other issue related to the road paving. I think the condition went on, my understanding is this body did I was not involved at the time. There was a lot of concern over getting the roads finished. I know County Engineering had a lot of input on that and that is probably the reason the condition was put on. We are in sort of a curious situation in that I might as well outline it all... We have been meeting and working with engineering and Mr. Van de Vate has been out there very recently. They are now satisfied. They are okay with going ahead. They have no issue or no opposition to approval of the final plat. The curiosity is that we are now in that posture where I think I am reciting correctly is that the problem is the road though they are out there today paving and will be finished in due course. One of the reasons they haven't done it before now is some of the weather delays. The county was

okay with that part of it. The problem is the condition went on put on by this body on the concept plan; we're on a final plat. The concept plan is not before you. There is an issue or concern as to whether you all by action now can in essence override, waive or if you will acknowledge as satisfied that condition of the concept plan. I have got a representative of the homeowners in the Villas here. They have a spokesperson here. They are fully in support of the approval of the final plat. Mr. Van de Vate can of course speak for himself. My understanding is they are okay. I guess I would say this, I always hesitate to say to people don't or you can go ahead and take an action that your lawyer doesn't advise you to do. But I do it where I feel like I have to. In this instance I would ask that this body to go ahead and approve the final plat. If in fact procedurally there is an issue with that there is only one person or one entity potentially at risk for that and that would be my client. He is desperately in need of moving forward in order to get this plat approved. We are virtually there. I am asking for help from this body to go ahead and approve with that condition having been put on that concept plan. I would ask that Mr. Van de Vate be allowed to speak on the issue because I have made representations and I don't want to put words in his mouth.

Dwight Van de Vate, 205 W Baxter Avenue. Knox County Engineering and Public Works. Mr. King's representations are accurate. We do not object to this moving forward at the Planning Commission today. I should disclose that obviously we represent the county's interest and our constituents there. We have been under some pressure from our constituents that live within the subdivision to do something to move the project forward such that the roads will come out of binder and in a state of some degradation and disrepair and go ahead and be finished out. We have earlier in the year even though these have not been accepted yet undertaken some repairs purely for safety. In terms of moving forward regardless of the Planning Commission's procedural elements and I wouldn't presume to speak to that we are anxious to see the roads get finished just for the benefit of our constituents that live there. The other issue that Mr. King alluded to was one that has been subject of long and at times contentious debate with the applicant but that has ended well. That was that the traffic impact study and your prior approval both called out a turn lane. It was our contention that that was the responsibility of the developer and he eventually agreed and we do have a bond in place now for completion of the turn lane. I hope that helps. I will be glad to answer any questions but that is our position from an engineering standpoint.

Longmire: Ms. Pionke is this yours? Do you have anything you would like to add?

Cindy Pionke: County Engineering. I don't believe so I think Dwight sufficiently covered it.

Clancy: Mr. Kelly I understand you all can't as a staff based on our the restrictions we put on our last recommendation can't recommend approval of the final plat. If we do approve what are we risking? That the road won't be paved? Is that kind of where you stand on that?

Dan Kelly: No. I think... Again the condition... they were concerns and there are concerns about the condition of the existing road and that it be brought up to a standard not only the paving but Dwight alluded to the idea that the construction of the original road there are issues with that that need to be addressed. Whether or not that is the County's responsibility to do that they have already invested money in it. I think at this point we need to allow the developer to do what is supposed to be done and repair the roads and put the top coat on there. I think what Mr. King is saying is that they are out there working today. That sounds good. I am glad they are out there today. As I said earlier this matter has been on the agenda since October. One would suspect that there has been a few warm days between now and last October that he could have been out there paving.

Clancy: I am wondering about from August till now as well. Seems like I am not the only person in the world that procrastinates.

Kelly: There were other issues in addition to the paving. I don't want to leave it like the paving was the only thing that he had to do in the last number of months. But there were some other things that he needed to do. Paving would have been one of those things that he could have done during that time period if everything was...

Clancy: Can he not bond, have them put a bond up for the paving just like you did for the turn lane. I mean is that not done?

Kelly: I don't know what the financial arrangements are by virtue of the fact that they are out there. They are actually out there paving today. They are actually out there paving the private streets today. My understanding is that they will move to the public street next week. The condition was that they have the public streets paved in order to get the final plat approval.

Clancy: I want to make a motion but I want to tell you what is compelling me to do that. We have people here from Villa Gardens Way which is probably the ones the most affected. There is nobody here in opposition. If it didn't look like anything was getting done don't you think the neighbors would be out screaming and hollering about it and letting us know that you put a restriction on, we expect to hold your feet to the fire on that.

Kelly: We put a restriction, that condition was a condition that was added at the meeting by the Commission. As far as how you undo that at this point that is a procedural issue that you probably need to discuss amongst yourself or with Council as to how you can resolve that. At this point the condition is there. As staff we are obligated to follow through with that.

King: If I may since we are talking about they are out there paving today, I wanted to make one additional comment and Mr. Van de Vate again is looking out for the interest of the people out there as well as all the citizens. We are told by them that approval of a final plat is just that by this body but that until the roads are completed County Engineering will not sign off on the plat so that it can't be recorded. They have got the trump card if you will in that sense of the word.

Clancy: Motion to approve final plat. Johnson second.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE FINAL PLAT.**

Bart Carey: Two of my questions were answered. One was its procedural issue. We set the requirement. Staff had no option but to recommend denial because of what was there. They can't opt around that. The other thing is the bond. I never did really get an answer on where... There is a turn lane bond. Is there a bond for the road?

Van de Vate: Mr. Carey this property came in before my tenure and there is some confusion about the absence of an original road bond. There is a small \$25,000 bond in place that we believe is a grading bond. At some point or another the development moved through the system without a road bond being set. I have retained that \$25,000 grading bond. It would be insufficient to protect the County's interest in the event of developer default. Mr. King is correct we have told the developer directly that in the even the roads are not paved, Mr. LeCamera will not sign plat and the plat cannot be recorded. I don't mean to diminish the significance of any action this body might take, but the developer's ability to sell lots with the plat no being recorded is going to be, he is going to be stuck. We have significant, I hate to use the word leverage, but we do have the ability to protect the County's interest and to encourage the developer to complete.

Carey: Thank you Mr. Van de Vate. That answers both questions and I can support if you hold the trump card. I think that is great.

Tocher: I am confused as to why we can't postpone this until next month. If the people are out there paving this week, why can we not postpone until the paving is done?

Steve Wise: MPC Attorney. Final plats have to be acted on within 60 days of the initial filing under State statute or they will be deemed pasted. If you postponed it we would not convene in the 60 day window and you would approve the final plat without having voted on it. There is an exception. There can be a request for a postponement to get around that. There hasn't been one in this case. What I understand is they are anxious to move forward. That is not an option that you have to approve or deny in the absence of a request for a postponement.

Michael Kane: I guess this has come down to a schedule issue. We approve it. They have to pave it and the County allows for its filing. All that is supposed to happen in less than 30 days from the last time we meet. I am trying to understand why the applicant hasn't postponed this until next month.

Longmire: The applicant chose not to.

Herb Anders: I know the County holds the trump card on the paving. Mr. Kelly mentioned that is not the only thing that is holding this up. I want just

get a clarification and make that the other things are not very significant that would cause problems later.

Van de Vate: Mr. Anders. I don't want to characterize anything as incidental. They are pond repairs, adjustments to catch basins and things like that all of which would be covered by \$25,000 bond that we do still hold. I feel like our financial interests are protected in the event some of that work is incomplete.

Longmire: Do you really thing \$25,000 would fix all that. I thought things were much more expensive.

Van de Vate: The pond clean outs and things like that yes madam. It certainly would not cover our exposure on the road and I wouldn't want the Commission to think that is the case at all but the other repairs like catch basins and things like that yes.

Kelly: I am not aware of any other issues other than the paving. The issue that we were concerned about was the bond for the decel lane and our understanding is that is in place.

**MOTION CARRIED 12-2-1 (TOCHER, LONGMIRE). APPROVED.**

- \* **15. JOHN H. ELLIS ESTATE** **3-SA-15-F**  
Southeast side of Strawberry Plains Pk., north side of Ellis Ln., Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **16. EUPLE KECK SUBDIVISION** **3-SB-15-F**  
North Morris Rd., east of Greenwell Rd. at Western Rd., Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **17. PROPERTY OF JOHNNY F LEACH RESUB. OF LOT 2 AND ADDITIONAL ACREAGE** **3-SC-15-F**  
Southwest side of High School Rd., northwest of Glenoaks Dr, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **18. HARPER PROPERTIES, LP PERIMETER PARK ROAD** **3-SD-15-F**  
West side of Perimeter Park Rd., north of Kingston Pk., Commission District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **19. STRATFORD PARK, UNIT 4** **3-SE-15-F**  
Northeast end of Knightsboro Rd., north of Lampwick Ln., Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **20. ZACHARY'S POINT RESUBDIVISION OF LOTS 1-6 & 31-39** **3-SF-1**  
South side of Pelleaux Rd., southwest of Norris Freeway, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **21. REGIONS BANK ON KINGSTON PIKE** **3-SG-15-F**  
South side of Kingston PK. At the intersection of S. Northshore Dr., Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **22. LOOP ROAD VILLAS** **3-SH-15-F**  
South side of Loop Rd. east of Concord R., Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **23. BAKERTOWN STATION** **3-SI-15-F**  
Northeast side of Bakertown Station, southeast side of Ball Camp Pk, Commission District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* **24. JOHN GARNER PROPERTY RESUBDIVISION** **3-SJ-15-F**  
At the northeast intersection of Riverside Dr. and Crestview St., Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* 25. **COWAN'S ADDITION RESUBDIVISION OF LOT 107R AND PARCEL 017** **3-SK-15-F**  
Highland Ave. at Nineteenth St. and Laurel Ave., Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

**Rezoning and Plan Amendment/Rezoning:**

- 26. **BARBARA HOOPER**  
Northwest side Wilson Rd., southwest of Gap Rd., Council District 5.
  - a. **Northwest City Sector Plan Amendment** **2-C-15-SP**  
From LDR (Low Density Residential) to MDR (Medium Density Residential).

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- b. **Rezoning** **2-D-15-RZ**  
From RP-1 (Planned Residential) @ up to 5 du/ac to RP-1 (Planned Residential) @ up to 16 du/ac.

STAFF RECOMMENDATION: DENY the request to increase the RP-1 (Planned Residential) density from 5 du/ac to 16 du/ac.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 27. **BRENT FARWICK** **3-A-15-RZ**  
Northeast side Luttrell St., southeast of Third Ave., Council District 4. Rezoning from C-3 (General Commercial) / H-1 (Historic Overlay) to R-1A (Low Density Residential) / H-1 (Historic Overlay).

STAFF RECOMMENDATION: Approve R-1A (Low Density Residential) / H-1 (Historic Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* 28. **MARSHALL BRANTLEY FERRELL** **3-B-15-RZ**  
East side Fox Rd., south of Donovan Ln., Commission District 3. Rezoning from A (Agricultural) to OB (Office, Medical, and Related Services).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- 29. **EJM PROPERTIES** **3-C-15-RZ**

West side Dogwood Rd., south of Solway Rd., Commission District 6.  
Rezoning from PR (Planned Residential) @ 1-3 du/ac to PR (Planned Residential) @ up to 3.9 du/ac.

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.2 du/ac.

COMMISSIONER SCOTT SMITH RECUSED ON DISCUSSION AND VOTING ON THIS ITEM.

Arthur Seymour, Jr, 550 West Main Avenue, 37902. I am here on behalf of the applicant along with Mr. Moseley. Mr. Moseley is handing out to you a diagram that I hope will explain the situation out there. There was some discussion Tuesday at the agenda meeting. This is property off Dogwood Road out in I would call it Solway community. It is right before Pellissippi comes into Oak Ridge Highway. To sort of lay out the situation, the acreage is shown as either 9.77 acres or a little over 10 acres. Mr. Moseley has requested 3.9 dwelling units per acre. Presently the property has 3 units per acre. Staff has recommended 3.2. What Mr. Moseley proposes is to dedicate a greenway easement along the front of the property which we understand will eventually connect Oak Ridge with Blount County generally following the path of the Pellissippi Parkway and I think ultimately into the Smoky Mountain Park. I know from downtown there are plans like that also. Mr. Moseley proposes to dedicate an easement a no build easement on the steepest part of the land. That is shown in green. There was some discussion that this would not be satisfactory and compliant with hillside protection plan. One because the property had been cleared and two because the undisturbed part would not be accessible to the general public. The property was cleared about ten years ago and Knox County did not have a hillside protection plan at that time. I am not sure if it a policy or plan. Dr. Briggs is not here but he word smithed that very carefully at the time. Nonetheless the proposal is to dedicate on the plat the steepest part of the property which is about 80 feet above Dogwood Road and leave that undisturbed and as an easement with access to the public. When the greenway is ultimately built, the path will be to the easement, the no disturb easement, from the greenway up a County road. The intent is to dedicate the road in this subdivision with a 10 foot access easement up to the undisturbed portion of the property. If we do that and you all will have this plan before you next month as a use on review since this is planned residential property and that is the proposal that Mr. Moseley has already submitted to you. We submit, Mr. Moseley submits that he is entitled to a 10% bonus and is entitled to 3.9 units per acre by setting aside the steeper portion of the property as a no build zone. For that reason we submit respectfully that you all should approve this at 3.9 units per acre which would give the property basically 38 dwelling units. There is an issue, I think staff's measurement by KGIS shows this is a little over 10 acres. We think the size of the tract is somewhere in there but it has not been surveyed in recent years. Of course it will be subject to a final survey when the final plat is done. We think there is ample justification by setting aside the steep portion of the property to grant 3.9 dwelling units per acre rather than the present 3 and respectfully more than the 3.2 that staff has recommended to you. Is there any opposition. I didn't think there was.

Longmire: I didn't see any. I mean out there. There may be up here.

Seymour: I have already talked to Mr. Brusseau about this and we have agreed to disagree a little on this. We would ask that the approval be at the requested density. Mr. Moseley will be here to elucidate any of the things that are shown on this diagram.

Elizabeth Eason: I have a questions about the density bonus and about the area that is being set aside. I would think that the intent of protection of the undisturbed areas would be that you have native trees and plants in that area. What is the plan if you set this area aside because it has been already cleared?

Seymour: I think it was cleared about 10 years ago. I have not walked that part of the property yet. May I ask Mr. Moseley?

Longmire: I would like to ask Mr. Moseley. Has it been cleared since 10 years?

Eric Moseley: 405 Montbrook Lane. It was 9 or 10 years ago we cut the pulp wood off this site. This site was mostly pines. It has been cut like a pasture. There is brush that grows on it and you know normal things you see in a field. There are quite a bit of trees around the perimeter.

Longmire: Once again I am asking have you done any clearing since the original clearing. So in 10 years there haven't been trees...

Moseley: 9 years, 10 years. It was quite a time ago.

Longmire: I know but I was just thinking surely trees would have grown back by then.

Seymour: What is growing on the proposed easement here Mr. Moseley? The green area.

Moseley: It is just natural vegetation. We have bush hogged it. We have not been in there with anything but a bush hog.

Longmire: That is what I was trying to know.

Eason: My question to follow up again. Do you have plans to plant native grasses or native hardwood trees or anything else with this being a conservation area?

Moseley: Well it is kind of up in the air at this point because the common route for the large easement that will connect to Smoky Mountains with Anderson County is going to kind of dictate. It will be there available I don't have any plans. I could do some things if you felt it necessary. I guess what I was planning on doing was leaving it undisturbed. If the easement is there on the plat then it is available for whatever use is deemed to be

made available to the general public once that larger pathway is established.

Seymour: Right now I guess the answer would be just leave it as it is.

Moseley: I would stop cutting it. I would just let it grow I guess.

Seymour: Any suggestions?

Moseley: I am open for...

Eason: I guess going back to the steep slope plan I think the intent of that would be to have undisturbed, it says undisturbed areas. The equivalent of an undisturbed area in my mind would be one that is returned to its undisturbed state, native hardwood trees, a mix of different native shrubs and things like that.

Bart Carey: The Foothills Land Conservancy, I am not sure about who you are thinking about using, but there is hundreds maybe thousands of farmland pasture, whatever you want to call it, that obviously at some point was disturbed. It was cut. The timber was cut selectively or clear-cut. I think the biggest issue is when we talk about undisturbed we can't go back and make those trees reappear. If you start grading that site that is when the real problem happens. That is when to the hillside task force the erosion of that site is of huge concern. If the field is managed, well I can't say managed, there is no requirement for a conservation easement to be uh, unless it is stated in that use agreement with the conservation entity for you to do anything. What would be the purpose of that and what would be the need. If that is the high point, maybe a view shed or maybe as a view point. If it were cleared it would allow views to other places. I have no idea what the property looks like or what is may offer. That would really come down really between you and the entity that you file the easement with. The main thing is don't grade the site.

Moseley: I would put any restrictions that you all deemed or the engineering office deemed necessary. I am planning on if it works out I would just stay out of there. We could put anything that is required to deem it as a natural area to be undisturbed from this point forward.

Carey: If you are going to record it as a conservation easement that is the intent, it is more between you and the entity that you work with that is going to record that conservation easement that is going to be the facilitator of that. I don't know that we should try to tell you what to plant there or what not to plant or how that has to happen. I manage one that does have warm season grasses and we did plant trees on it but that was not at the direction of the Foothills Land Conservancy, it was our own choice to do that. I guess we can make whatever conditions we want but I am not sure... We are kind of getting out of our prevue I think when we get into telling managing a conservation easement.

Seymour: Whoever manages the easement I guess would determine that. I have dealt with Foothills and the Isaac Walton League on those. Basically we turn it over to them.

Moseley: I was simply trying to abide by the regulations that were in I guess they are more advisory in nature as far as slope protection stuff. I am open to do whatever people think is necessary. My plan would be to not disturb that area and to stop cutting and let it grow until somebody decides they want to do something with it down the road.

Art Clancy: What rings out to me in our meeting on Tuesday Michael said that since it was cleared and it is disturbed it had no value as a greenway conservation easement therefore they wouldn't grant the density bonus. That is where I kind of have a problem. I think it does have value. I don't think every single greenway conservation easement has to be wooded and have pine trees on it and all that. I think it has inherent value. It is 300 feet away from the proposed Anderson-Blount County Greenway. It is an ideal area for a picnic area or anything like that that you could stop along that. I feel like the intent was to try to make use of the steeper slopes and not just keep them from being clear cut but make good use of them. The minute you decide you are going to put a picnic table there you have got to cut a tree probably. They don't fit in between all of them. I am going to make a motion that we recommend that County Commission approve PR Planned Residential zoning at a density of 3.9 dwelling units per acre.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PR PLANNED RESIDENTIAL AT A DENSITY OF UP TO 3.9 DWELLING UNITS PER ACRE.**

Herb Anders: Mr. Moseley or Mr. Seymour either one, have there been any conversations taking place with any organization to see the viability or what they might use this area for as a green space?

Moseley: They have been real active at concept stage in meeting with developers. I am expecting they will probably be at our review meeting here next month before we review our concept plan. As far as any contact about this specific item, no I have not.

Anders: Perhaps at that next meeting I would like to hear some ideas of what that could be used for. I know everything doesn't have to be wooded. I certainly wouldn't expect you to plant trees or anything like that without having some ideas from whatever organization you speak with and deal with on this greenspace...

Longmire: My question is since there is only like 21 kids to get run over any hope for sidewalks? Or are you just going to let them play in the woods.

Moseley: I guess it will be addressed at the concept stage.

Longmire: It would be awfully nice. Don't bush hog for a while.

**MOTION CARRIED 13-1-1. (Kane No) APPROVED.**

- P 30. SCHAAD PROPERTIES 3-D-15-RZ**  
North side Kingston Pike, west of Downtown West Blvd., Council District 2. Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Uses on Review**

- \* 31. THE KROGER COMPANY 11-E-14-UR**  
Southeast side of E. Emory Rd., just west of the I-75 interchange. Proposed use: Kroger store with a fuel center and retail shops in PC-1 (Retail and Office Park) & F-1 (Floodway) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a retail shopping center containing approximately 127,200 square feet of floor space, and a fuel center as shown on the development plan, subject to 12 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- P 32. UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION 12-A-14-UR**  
West side of Alcoa Hwy., north of Cherokee Trail. Proposed use: Proposed Cherokee Farm Innovation Campus Master Plan and Development Guidelines in BP-1 (Business and Technology Park) District. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 33. JOHN L. SANDERS 1-H-15-UR**  
South side of Jersey Ave., west side of Lindsay Pl. Proposed use: Parking lot in O-1 (Office, Medical, and Related Services) District. Council District 2.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 34. FARIS EID 1-M-15-UR**  
South side of E. Baxter Ave., north side of Caswell Ave. Proposed use: Boys and Girls Club expansion in R-2 (General Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the expansion of the Boys and Girls Club as shown on the development plan subject to 3 conditions.

Rick Norris, 402 S Gay Street, Knoxville 37902. Architect for the owner. I am representing the Boys and Girls Club of the Tennessee Valley. We are designing the facility per discussion here. I would like to offer a very brief overview of the scope of this project. Essentially we are taking the property which is bounded by 6 public road and by the way it has sidewalks all the way around so we are good with that. We are essentially taking some of the buildings that are on the site and being used for the Boys and Girls club that are dilapidated and have really served their time and purpose and removing them, demolishing them and replacing them with new buildings,

or new building. The new building will be consisting of classrooms and activity spaces for the children. It will also include an indoor swimming pool and two indoor gymnasiums and there will be a small eating area, cafeteria type space to support the children. In addition there are improvements to the vehicular circulation and access to the site. There will be two primary driveway entrances onto the property. We are consolidating two existing parking areas into one parking are. We are replacing two of the tennis courts, actually we are removing three tennis courts and building one new tennis court. With this improvement comes the requirements to meet the stormwater control for this property which we are doing. Essentially that is the scope of this project. It is simply a replacement of old with a brand new code compliant and modern facility for the children.

David Byrd: 241 East Baxter Avenue. Thank you Commissioners for letting me speak to you a little bit today. I emailed all of you yesterday in addition to some of the staff. I hope you have had time to review that email. As I mentioned in the email I am a Boys Club kids. I grew up going to the Boys Club and think very, very highly of their programs. I think back to how it impacted my life as a youngster. I remain incredibly supportive of the Boys and Girls Club and the work that they do for our youngsters. I fit into the opposition just because I have some concerns. I expressed those I the email that I shared with you. Unlike what the use on review report states that the area is predominately commercial, that actually is not quite true. I do have some materials that I can share with you. Unfortunately I don't think I have enough for everybody. I apologize. (HANDED OUT MATERIALS) The areas in green there on the map when you get it are actually the residential areas that surround the property. I myself live directly across from the property. One of the big concerns that I have is the light pollution that the current facility emits into the neighbors, the neighboring residences. The second page you will see photos that I took two nights ago from my bedroom window that shows the lighting that we have coming into our house all night long. My request and the request of my neighbors is simply that the designers and the owner take into consideration ways to soften the transition into the residential area that surrounds the property. The areas that are of biggest concern as I highlighted in the email include light pollution that I mentioned. Also the location of the detention pond and what may surround the detention pond. As I stated in my email a home is perhaps a person's largest investment. It is certainly my largest investment and probably will be for the rest of my life. I want to look out on a property that is appealing that is welcoming to neighbors. So we are concerned about this detention pond and how that will appear. We are concerned about mosquitos, rodents, other things that you might be concerned about with a very, very deep detention pond essentially in your front yard. The current building the Gene Monday Gym which I understand to be demolished is only 96 feet from my bedroom widow hence the lighting that you see in the photos. That if I understand it correctly is very close to where said detention pond will exist. We simply are hoping that the Commission will consider adding some conditions or some requirements to this project to help soften that transition into the neighborhood. I would also like to point out that in addition to the appearance, the attractiveness or not of the detention pond, the detention pond will also be less than ½ block away from a public park. So the

sidewalks, we do have sidewalks, they are great, that are used very frequently are also frequently used by children and clearly there will be children on the property of the Boys and Girls Club and I know that the owner is certainly aware of that but hence another reason for that concern. Thank you so much for the opportunity to speak to you.

Norris: Yes I would. Quite honestly we appreciate input from the community, the neighbors and that is how we make a better project. Thank you Mr. Byrd for offering your suggestions. Let me address the light pollution. Today the Boys and Girls Club has a pretty vast playground area that has ball fields, as I mentioned earlier, the tennis courts. There are at least 6 what I would call athletic field lights. They are very tall lights and have large heads. I didn't see the photographs he passed around but I would imagine they are spilling quite a bit of light on that property. Our scope of this new project we do not have any field lights. The only outdoor lighting that will accompany this project will be for the parking lots. What we have planned for the parking lots are what you would traditionally find the 30 foot tall, box type fixture that guides and controls the light directly down to the asphalt surface. So I really believe that this is going to be a vast improvement of probably the existing conditions.

Longmire: And these old lights will be removed?

Norris: The athletic field lights will be removed. That is correct. As a matter of fact we are, with the exception of the existing Caswell Boys and Girls Club building, everything else is going to be completely demolished and removed. We are going to come back with new paving, landscaping and all the things I described. I am pretty confident that Mr. Byrd would be pleased with the light pollution plan. We would be happy to share with him even our photometric after we place those light fixtures and demonstrate how the cone of light comes down to the parking area and see that. The second item was regarding the stormwater control. As you probably know engineering pretty much dictates how those ponds are designed. We are required to hold our water and detain it on the property at a certain volume because of the size of the development. There is certain things we can and can't do with that. We will be landscaping it as far as grass or turf. The embankments that form the pond will be grass and it will be maintained on a regular basis. The top edge of the pond will have a 6 foot high PVC coated chain link fence which would probably be black. Black is a good color for transparency but it also would be the deterrent to keep the children from being attracted to the pond. It also allows a gate in that pond that is locked and used for just mowing purposes by the people who do that. There's really not much options if any that I am aware of that allows us to put any plant material or landscaping of trees within that area of the detention pond. Other than that the corner of the property as Mr. Byrd indicated is indeed where our pond is. In this particular case of our property, this is the low end of our site. We have about 37 feet of vertical grade differential from the corner of Baxter and Folsom all the way down to the corner of Baxter and Stewart. So there is a significant grade change. That is essentially where all the water has to go by gravity. That is where we will be collecting it. It is not like an option that we have before us.

Longmire: Mr. Byrd did you make available all the concerns to Mr. Norris that you had in your email about the noise...

Norris: We did. We received it from MPC yesterday. So we do have his email. So yes...

Longmire: Well once again as we often say when developers and architects talk to neighbors things work so much more smoothly. I appreciate both of you all approaching this in such a civil manner and an amenable manner.

Michael Kane: Two questions. Is there a way to include the lighting plan into this use on review at all?

Norris: The answer would be yes. We are in the design phase. It is not ready to go to construction. I do not have one that I can share with you today but I could certainly make that available.

Kane: Would it be possible to basically say that the applicant is required to submit a lighting plan and then it could be approved by, reviewed by staff without coming back to this body. Is that acceptable as a condition?

Kelly: That would work real good if there were a condition as to how much light is permitted to leave the site or a standard at which we would be reviewing the plan by. My guess is they will be producing a plan where there should probably more than likely be zero light leaving the property or less than 1 foot candle or something like that.

Norris: You are correct.

Kane: Do we have a standard other than the Farragut standard that is what we used in the past?

Kelly: We do not have a standard. If you want to put that as your standard that would be something that we could measure too and that is basically zero light.

Kane: The second question I have is I guess I drive on Baxter quite a bit on East Baxter where Baxter makes that sharp curve. It is very sharp. I don't know if it is better to round it out a little bit better this would be an opportunity to round it out better or leave it as sharp to keep people from speeding so fast.

Longmire: Are you talking about Baxter to Stewart?

Kane: I am talking about where Baxter, you see their entrance on Baxter, if you go essentially from left to right from there that corner right there. It is really at the low spot. They have a wall that basically starts going up Baxter from that point in time. It is a very sharp corner. I don't know if Mr. Byrd agrees with me that it might need some work if this is the opportunity to do that.

Chris Howell: I think that the magnitude of the development itself is not to a point where we would ask them to incorporate anything regarding their development. However when they did plat the property there was a radius improvement that they are basically giving, dedicating a certain amount of right of way that would allow for a future improvement to have a little bit of additional room in that area. They did request several variances for other locations, other intersections. That one they did not, they are just providing that. So there is a little bit more so if at a future point the City did want to do that improvement that there would be right of way to make it wider than it is now.

Kane: I don't usually drive there through the middle of the day during the work week, but I image Broadway Carpet's warehouse and all those trucks trying to turn and everything onto that turn it is not as safe as it could be. I appreciate that issue at least being forwardly looked ahead for correction. I don't like to make motions when there are lights on. I am done. Sorry.

Janice Tocher: I was also looking at Mr. Byrd's not in talking about the loud speaker volume and the, gosh, dumpster pick up at 3:00 am. I can't imagine. The loud speaker volume from 3 pm to 7 pm during the week, there is a lot of people that work night shift. What is... can you talk about the loud speaker volume issue?

Norris: I can. I can't really speak to the volume or the technical aspect of that. I do know that the purpose of the loud speakers is to simply instruct the staff that the child's ride is there and that they need to proceed to the point where the parent or guardian can pick them up. We did discuss this a little bit when we got Mr. Byrd's comment. I talked to the director of the facility. The loud speakers as we understand it are actually affixed to the existing Caswell Building and they are aimed essentially towards the playground fields. Well where the playground fields are, which is essentially where the L-shaped new building is located those are the existing playground field. Well we are going to replace the playground fields with this new building. So there is essentially a much smaller, significantly smaller outdoor play area for these children that is confined with fencing to keep the kids from running off. That is presently going to be between the two buildings. As you can see there is about a 30 to 40 foot wide L-shaped area. It does extend down to the very bottom of the plan that has the tennis court. All of that is going to be fenced in. That is where the children are confined. What the club intends to do is address that loud speaker technology so that it's only doing what is needed to draw the attention to the child's pickup. So I think with the building being in place between the neighborhood and the loudspeaker that certainly I think going to help that situation.

Tocher: Where is the dumpster going to be located?

Norris: Currently the dumpster is right at the south end of the existing building that you see there on Folsom Place. It is sitting right on the property line just about. We are moving that to the very northern edge of the property along East Baxter. Someone mentioned earlier about the concrete retaining wall that essentially is the corner of Folsom and Baxter.

That is a significant grade change. We are actually tucking in our new dumpster location right on the edge of the parking area just below this retaining wall. Essentially it is not really going to be visible from a driver on Baxter. It will be significantly lower, probably 10, 15 feet lower to our parking lot from the Baxter Avenue. I think that is going to be a significant improvement for the pickup of trash. Then the trash vehicle itself would be entering our property, doing the pickup and then leaving our property. As it is now they are right on the city street picking up the trash. We think that is an improvement.

Tocher: It looks like where you are locating it is farther away from the neighborhood.

Norris: It is. It is essentially kind of right across the street, well it is right along the edge of the parking lot. It just goes straight up and that is where the dumpsters will be.

Kane: There are houses on the other side of East Baxter near Folsom but I think because of the retaining wall the noise level would be significantly reduced.

Clancy: I think with the removal of the Monday building, based on Mr. Byrd's photos, that is probably the biggest lighting culprit and you are getting rid of the ball field and those lights. All you have got left is the street lights which in these pictures is probably the worst of the bunch. I think all issues have been addressed.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

- P 35. COLONEL J. D. EDDLEMON & HENRY J. BRIGHT, III 2-C-15-UR**  
Northeast side of Schaeffer Rd., north of Lovell Rd. Proposed use: Office and research and development in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 36. RON BURRESS 3-A-15-UR**  
Northwest side of W. Oldham Ave., southwest side of Sunrise St. Proposed use: Church - new gymnasium in R-2 (General Residential), C-1 (Neighborhood Commercial) & O-1 (Office, Medical, and Related Services) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for the proposed gymnasium as shown on the development plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* 37. PRECISION CRAFTERS 3-B-15-UR**  
North side of Spring Park Rd., west side of Sinclair Rd. Proposed use: Revise development plan to reduce the required rear yard setback for 743

& 747 Spring Park Rd. in RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request to reduce the rear yard setbacks for proposed attached dwellings to be located at 743 & 745 Spring Park Rd. from 25' to 14' as requested subject to 3 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

**38. DARRELL & TERESA HURLEY**

**3-C-15-UR**

Northwest terminus of Mission Springs Ln., north side of Ruby June Ln. Proposed use: Detached residence in PR (Planned Residential) District. Commission District 8.

STAFF RECOMMENDATION: Approve the development plan for one detached dwelling subject to 4 conditions.

Linda Weiss, 6617 Mission Springs Lane, Corryton, Tn. First let me say we welcome our new potential neighbors. We just have some questions. If you are not familiar with our subdivision it is Christian Springs. The initial developer went bankrupt maybe 5 or 6 years ago. Last year the remaining properties were sold off, auctioned off in 5 acre plats. One of those 5 acre plats contains the pond which has about 12 to 14 houses built around it. It is built... That particular 5 acre plat is part of what our new neighbors are going to be combining with another 5 acre plot to build one house on. So it will be 10 acres. Our concerns are that in the past there were beavers that came in and there is above ground springs. There is below ground springs and then there is a little creek. So these beavers damned up one of the creeks that one plot of land and it drained the pond. The pond is connected to the creek. The creek is connected to the detention pond which is back a ways further north. You can see it on that map. It is in the far north. The house is kind of backed up to that detention ponds. Then the pond, pond which is in the center that is the part they are buying. My question is is there any way the Commission can require them to have an engineering study before they break ground because there are a lot of natural springs there. It affects the whole area. It affects the detention pond, the creeks, the big pond. That is one of my questions. The other question is where they are going to be building is a dead-end. It is paved almost to where they are going to build but not quite. Who is responsible for finishing that street, for paving that street? Is that the builder or owner or is that the County? Then two more questions were handed to me by another neighbor before she left. The people that are backed up to the pond right now have thought for all these years they lived there that this was their pond and it wasn't. The bank sold it out from under the subdivision. Do they still have fishing rights on the pond? The other question is the fencing that is around three of the homes and it is the same fencing because they are all related they were wondering if somehow the new owner could continue the fencing, the same fencing all the around the pond for uniformity. Those are my questions.

John Walker, 6529 Ruby June Lane. I have lived here for over 4 years. As she just stated we had the developer go out of business and then the bank

took over these properties. I think there was a previous owner before these, this couple has now bought it. The actual neighbors have taken care of this land since I have been there. There has been a lot of concern over this, is it going to be continued to be taken care. If this is approved will this continue to be residential or does this change. Will it allow for a future development to immediately move in? The other concern I had is on one of the drawings I saw it showed an alteration to the pond itself. I have been there over 4 years and that pond has done tremendous job on flood control in the immediate area. Any alternation to that damn could affect that area drastically. I am just curious has there been an environmental study on the alteration to the damn to the pond?

Longmire: I would say to you for those of you that don't know the name Christian Springs is particularly apt. Particularly as far as the springs go. There are springs sometimes in people's basement as I understand. There are some springs...

Darrell & Teresa Hurley, 5969 Babelay Road, Knoxville, TN. As far as this gentlemen's questions we don't have any intentions at all to do anything to the pond. I don't know what photo that he saw but we don't have any intentions at all. For our own security we do, we would like to put up a fence around the pond. We don't want any children to get in there. We lost a child and we don't want any children to get in there and potentially we want to protect the neighborhood. We want to build one home and that is all. I don't have any problems with anything that the Commission wants us to do.

Tom Brechko: I think part of the feeling of the neighborhood was that when the concept was originally approved for these larger tracts it was to be part of the Christian Springs subdivision. Because of the bankruptcy or the issues related to that the concept for that portion of the subdivision was not completed. The concept has expired. I think there was a plat created that created these five acre tracts and sold them off. The applicant has purchased two of them to create a single lot for one dwelling. Because the property is zoned planned residential, it requires approval for any development on it basically for a single family home to be on that site. Normally that is addressed when the concept is approved and the use on review is approved granting individual for residents on each individual lot. Because that expired they are getting the approval for a single home here. I think part of the confusion may have been that one of the drawings that the applicant had submitted showed the pond had a line and something going out I didn't know if the intent may have been to put a fountain in there or something. It showed up in the plan. I think that is why people are thinking there was something altering the proposed pond. That was in the package of materials that you have. Again it is for a single home. There wouldn't be any extension or change to the existing right of way out there. When this was approved for Mission Springs the way the road ended having that kind of hammerhead design on it allowed for that to function without putting a cul-de-sac turnaround. Again the original intent was to extend the road and put a cul-de-sac at the end of it. But that is all gone away when the concept expired. I don't know if Cindy may be able to answer some of the other issues. What the planning commission would be

granting is the right to build a house. Then they would be subject to requirements for putting a home out there from Knox County as far as building permits.

Longmire: Would the fact that it is in the Beaver Creek Watershed is that where the Engineering and Public Works would come in to make sure.

Cindy Pionke: When they come in for their building permit I believe the stormwater folks would actually take a look at their permit as well. But exactly what would transpire I cannot actually define for you what would actually happen.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 15-0. APPROVED.**

Longmire: I would like to say I know the kids enjoy the pond, but the liability is so high. I am sympathetic with that. There will be some fence climbers I feel very sure. Thank you all very much for staying.

- P 39. THE MULCH COMPANY KNOXVILLE, LLC 3-D-15-UR**  
Southeast side of S. Northshore Dr., just north of Bickerstaff Blvd. Proposed use: Commercial mulching operation in A (Agricultural) District. Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 40. MARY SETZER 3-F-15-UR**  
North side of Chickamauga Ave., west of Huron St. Proposed use: Home office for a loan originator in R-2 (General Residential) / IH-1 (Infill Housing Overlay) District. Council District 5.

STAFF RECOMMENDATION: Approve the request of the applicant for a loan originators office as a home occupation, subject to 8 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

- \* 41. HARBWHITE PROPERTIES 3-J-15-UR**  
Southwest side of Bridgewater Rd, north side of Walbrook Dr and I-40/I-75. Proposed use: Parking lot expansion in PC-1 (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a parking lot expansion at this existing event facility, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING

**Other Business:**  
None

## **Adjournment**

**MOTION (CLANCY) WAS MADE TO ADJOURN.**

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:46 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Secretary for the Commission

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Approved by: Rebecca Longmire, Chair

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