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WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO WITHDRAWN ITEM 22 . MOTION CARRIED 14-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

<u>KNOXVILLE CITY COUNCIL (REVISED)</u> Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.	12-B-13-OA
<u>WILSON RITCHIE</u> Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.	3-F-10-SC
<u>TREVOR HILL</u> 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.	11-A-14-SC
<u>METROPOLITAN PLANNING COMMISSION</u> Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	6-A-10-SAP
<u>METROPOLITAN PLANNING COMMISSION</u> Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.	7-C-10-SP
<u>WILLOW FORK - GRAHAM CORPORATION</u> a. Concept Subdivision Plan Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.	11-SJ-08-C
b. Use on Review Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.	11-H-08-UR
<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u> a. Concept Subdivision Plan Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.	4-SC-09-C
b. Use On Review Proposed use: Detached dwellings in PR (Planned Residential) District.	4-D-09-UR
<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u> Intersection of I-40 and McMillan Rd., Commission District 8.	2-SO-09-F
<u>HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9</u>	12-SJ-13-F

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

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).

TANASI GIRL SCOUT COUNCIL, INC. (REVISED) 4-J-14-RZ
 Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).

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

None

CONSENT ITEMS

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

Charlotte Davis: 104 Crawford Road. Item number 7. I have several concerns.

Citizen Dwayne Banks 1100 Town View Drive, Item 8

Mary Reeves 4316 Shangrila Drive, Item 24

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 7, 8, AND 24. MOTION CARRIED 14-0.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEMS 7, 8, AND 24. MOTION CARRIED 14-0.

Ordinance Amendments:

P 5. KNOXVILLE CITY COUNCIL (Referred back to MPC by Council)

11-A-14-OA

Amendments to the City of Knoxville zoning ordinance regarding pet services.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

6. CITY OF KNOXVILLE

5-A-15-OA

Changes to the General Provisions of the Form Based Code to add definitions related to existing structures.

STAFF RECOMMENDATION: Approve

Jeff Welch: There are representatives here from the City of Knoxville, both Anne Well, excuse me, Anne Wallace and Peter Ahrens, if Commission has any questions of them. We went through this at agenda review about the Form Based Code and how it is going to be addressing those minor modifications and exterior modifications to allow that to happen in a more expedited manner. If there are any questions I turn it over to Anne Wallace and Peter to be addressed.

Peter Ahrens, City of Knoxville Plans Review Inspections Department. We have not made any substantive changes to the requirements of the code we have just provided some provisions in the code for the smaller projects when somebody is putting an addition on or making an alteration or even repairs where the current code does not address those areas specifically. We are providing some clarify there to help expedite the process and help redevelopment in those two areas. I will be happy to answer any questions you might have.

Longmire: We did go over this in some pretty good detail on Tuesday. We appreciate your informing us so ably so that we probably don't have any questions. Good to know that you are there if we need you..

MOTION (CLANCY) AND SECOND (EASON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

7. CITY OF KNOXVILLE**5-B-15-OA**

Amendment to the City of Knoxville Zoning Ordinance to define Urban Agriculture uses and supplementary regulations.

STAFF RECOMMENDATION: Recommend that the City of Knoxville's City Council adopt the draft ordinance amending Article II through Article V of the City of Knoxville Code.

Brian Blackmon, Office of Sustainability for the City of Knoxville, Project Manager. The definitions that we are proposing are really to add clarity to the zoning ordinance by creating additional provisions and supplementary regulations. I am happy to answer any questions about that. These change affirm regional goals that have been set by the City of Knoxville through the Bloomberg Philanthropies Mayors Challenge of 2013 as well as the PlanET community input and planning process. I will turn it over to Ms. Charlotte to figure her comments.

Charlotte Davis, 104 Crawford Road, Had several concerns regarding the proposed agricultural zoning ordinance. As stated in the handout prepared by the City of Knoxville's Office of Sustainability the idea of expanding local food production was sourced from extensive community input. I can be wrong, but I believe there was only one publicized public meeting. I would like to present a few potential problems. A request for an increase for the number of hens from 5 to 15. The Office of Neighborhoods worked a long time in coming up with this ordinance and there would have to be some noticeable changes to that ordinance if this was permitted. Residents have asked for additional research into the keeping of ducks and goats, ducks and/or goats. This would be a noise factor and a possible odor factor. Surprisingly the Bill Landry Series just the other day had a segment on goats. It was brought out that female goats do not have an odor but that males have a bad odor.

Longmire: Kind of like young boys. Yes they do.

Davis: Composting could be a problem. Sale of produce using produce stands that could become a traffic hazard. Not because the stands would be too close to the road, but because of cars parking to stop at the stand. Accessory structures such as greenhouses. Cold frames, high and low tunnels, lack of upkeep of garden areas, runoff from the gardens into adjacent properties. As stated the City of Knoxville Code Enforcement will continue to be the primary investigator determining violations. Without an increase in the staff in that department, I believe that it would take a long time to have reported violations investigated. To address the problem of neighborhoods that do not have access to fresh produce has anyone thought of having produce trucks to out into these areas or to utilize more church parking lots to use as farmers markets. I

would ask that you please give serious thought to this proposed change in zoning. Thank you.

Blackmon: For clarity we are not proposing any change to the amount of hens on any lots nor are we promoting ducks or goats in these amendments. Regarding compost we have added additional provisions for compost regulations including provisions for monitoring smell by enforcement which exists already in the zone, in our ordinance. The concern about road side stands, the seasonal produce stand temporary permit already exists. As far as I know we do not take on that permit nor do we have any violations of it. Stopping, standing in a roadway is already covered under Section 7 in the ordinance, not our ordinance but the pre-existing ordinance. These are already clarified and not any new issues that we would need to broach. I am happy to answer any other questions.

Longmire: The concern about the accessory structures and upkeep and/or runoff off the gardens.

Blackmon: Runoff. We have worked with stormwater engineering. There are statements in there that you need to comply with all Federal, local, State control for sediment erosion, runoff, anything like that. Regarding... what was the one before that?

Longmire: Well there was another one about garden upkeep.

Blackmon: Upkeep. We've introduced standards for greenhouses and low tunnels including materials that would be acceptable for use and spacing so the goal is to allow folks like Peter Ahrens with Building Inspections to make a very informed decision whenever somebody request a permit to construct it but also if there were complaints about somebody using a tarp and calling it a row cover. We have clarified what we expect in that regard. So we are establishing standards both for the inspections on the front end and enforcement of any potential violations that may result.

Longmire: Will the inspections be totally complaint driven though?

Blackmon: Yes as are any other dirty lot complaints.

Longmire: I do share the fact that codes has a hard time because of the lack of, the number of people working, but I understand.

Blackmon: I think they do a fantastic job.

Longmire: They do. They really do.

Herb Anders: With regards to the complaint driven aspect of this, once a permit is issued and I am guessing unlike other permits, building permits and that sort of thing, there is follow up to see that it is constructed properly and everything is in order before they are

allowed to proceed. Is there going to be a follow-up on this because the complaint driven part of this I think there should be follow up instead of leaving it to the citizens to complain about it.

Blackmon: There is already a permit process for greenhouses and any other accessory structure, shed would be treated the same as it would be if you were building it on your lot with a house.

Anders: What about the stormwater and that sort of thing?

Blackmon: Stormwater there are no... I mean for a construction standards somebody would inspect it but if you are having issues with runoff that is complaint driven. It is the same with construction.

Michael Kane: I guess you kind of touched on this but I want to make sure. In the permitting process if somebody makes an application, is there a site visit at that time at all? I guess my question is the permit when you make application for a permit is there an automatic requirement for a site visit or does it just depend on what that is. Like you were saying building a structure or something like that.

Blackmon: We are not proposing any changes to the permitting processes to clarify. If you are proposing to build a structure that process would be the same as if you were building it anywhere else. If Pete Ahrens wants to step up and speak to the permitting process I think that he is probably the best person to do so.

Peter Ahrens: City of Knoxville Plans Review and Inspections. Right now the way we permit chicken coops, they present a site plan to us. We verify setbacks. We verify the size of the coop to make sure that it complies with the requirements that are set forth already. We don't do a site visit beforehand but we certainly do an inspection and a site visit once it is constructed to make sure that it meets the standards which we review for.

Kane: So if there was a temporary market stand, I know that is not the right terminology, but the produce stand and it is temporary where you have to take it down every day or whatever there is no real discussion. I guess would there be site plan as to where are you going to put your temporary stand or whatever like that?

Ahrens: Sure anytime that we issue permits where there is any sort of structure whether permanent or temporary we require a site plan to ensure the traffic safety from an engineering stand point, setbacks. We verify that ahead of time. As far as the temporary nature we don't have a concrete system in place but we are aware of it and we drive by after the expiration date just to make sure the structure are down or whatever temporary permitted issue is taken down.

Art Clancy: First of all I would like to thank Mr. Blackmon for all the work he has done on these changes. I think it was well prepared. I think sustainability and local food sourcing is extremely important for the vision of Knoxville and Knox County for the future. With that being said I would like to recommend that the City of Knoxville City Council adopt the draft ordinance amending Articles II through Articles V of the City of Knoxville Code.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE STAFF RECOMMENDATION TO RECOMMEND THAT THE CITY OF KNOXVILLE'S CITY COUNCIL ADOPT THE DRAFT ORDINANCE AMENDING ARTICLE II THROUGH ARTICLE V OF THE CITY OF KNOXVILLE CODE.

Longmire: I do have another question. There was a question about the neighborhood meetings. Was there more than one?

Blackmon: We had a public meeting to unveil the phase and the general structure of the changes. We received excellent feedback. I believe Ms. Charlotte provided feedback as well. Then we broadcast it to ask if any neighborhood groups would like to have additional meetings. Those were sent out in March whenever we began circulating the packet that you have seen. We received no takers. We did through the Neighborhood Advisory Council present to the Neighborhood Advisory Council formal meeting at their next meeting in April. I believe that was April 8th. We sought input to see if anybody wanted us to come to their groups and speak to them.

Longmire: Commissioner Clancy would you restate your motion because I need numbers.

Clancy: Yes let me find it here. I read it pretty much... Recommend that the City of Knoxville's City Council adopt the draft ordinance amending Article II through Article V of the City of Knoxville Code.

MOTION CARRIED 14-0. Approved.

Alley or Street Closures:

None

Street or Subdivision Name Changes:

8. GEORGE PIPER

Change Town View Dr to 'Lula Powell Dr' between E. Summit Hill Dr. and E. Summit Hill Dr., Council District 6.

STAFF RECOMMENDATION: Approve the street name 'Lula Powell Drive'

Dwayne Banks, 1100 Town View Drive. I just recently just saw the sign. It was very vague on right down on the school property. I am

5-A-15-SNC

very familiar with who Lula Powell is. But I don't feel that it is appropriate to change the name of Town View Drive to Lula Powell. If they want to honor her it would be to change the Green School but not change the school name because it is also involving the residents. I am part of the residents that live around that loop. I don't think that is appropriate at this present time.

George Piper: CCR Strategies, 5731 Lyons View Pike. I am here today as agent on behalf of Lawler Wood Housing. What I would like to do is read a very brief statement that was provided to all the property owners that would be involved in this name change and was approved by all. This will give you what we are asking for and the reason why and what the implications would be. I think this will be brief. Lawler Wood Housing, LLC, in partnership with KCDC is in the process of extensive rehab of Town view Towers Apartments. This project and similar renovation in process at Arbor Place Apartments is part of a major renovation of two affordable housing properties located on the area bordered by Hall of Fame Drive and East Summit Hill. The first phase is taking place now at Town View Towers and is a \$10 million dollar investment. With the recent commercial and residential development downtown specifically the Gay Street area there is an opportunity to assist this redevelopment by providing improved low income housing adjacent to the city that could attract and house individuals who might work in the new businesses that would be emerging as business grows. As a means of rebranding the area and attracting newer residents the names of both affordable housing properties will be changed. Specifically upon completion of the renovation process Town View Towers will be named the Eleven Hundred Studio apartments. Arbor Place upon completion of its renovation will become Pinnacle Park Apartments. In order to complete this rebranding Lawler Wood Housing is in the process of changing the name of Town View Drive by a written request which encircles the development area. After considerable discussion and inquiry renaming the street for Dr. Powell seems to be a very appropriate selection. Dr. Powell was the longest serving principle at Greene Magnet School since its opening. She established a distinguished record of service, dedication and achievement in this role. While she is no longer working at the school, she has been encouraging the study of math and science and her involvement in that has been a matter of record for years and years. So the naming of the street in her honor is just a tribute to her accomplishments and recognition of her participation in the neighborhood. Should be recognize Dr. Powell's husband. William Powell was a Knoxville City Councilman and also a 25 year employee of KCDC. So it is on that base that the company, Lawler Wood Housing requests that the City permit us to consider changing the name from Town View Drive to Lula Powell Drive.

Banks: I really don't understand about changing the name is that going to change the position of the three low income housing that is located in that area? You know by changing the street name it being Town View Drive for over that I know of 60 years. I am

currently a resident. That is part of my address so it is to me it is to change something for what? She hasn't did anything that was substantial within the community itself but being the principle at Green Elementary School at that present time.

Elizabeth Eason: I have a question maybe for Mr. Piper. I think we often see name changes of roads. I think this one has the potential for impact to really impact a lot of residences. How many residents of the unit use Town View Drive as their address?

Piper: I do not know that. I know that there are 298 total residents in Town View Drive. I would have to estimate that at least half would use that address. It would indeed affect a significant portion of that population. Naturally if this were to be approved we would immediately begin the process of notifying the residents of this change and give them due time to make the applications and changes with their mail, with their billers, etc.

Eason: I think about if my road were to change names how difficult and how many things would have to be changed in order to come into compliance with that road change. I am wondering if there is another or better way to honor Dr. Powell other than a road change.

Pipe: There could be. At this point this is what we would like to propose and see if that gets any support whatsoever. I do understand what you are saying and I am not blowing it off. I just think this is what we would like to do today and if the opinion is against that we will make some alternative move..

Eason: At this time I don't think I can support it because of the number of residences that would be impacted.

Art Carey: Mr. Banks I have a couple of questions for you. You mentioned that you didn't know about this until you saw a sign down near the school. Did you receive a mailed notice I believe Mr. Piper or how were the notices sent out?

Piper: The canvassing process as we completed it with the approval of MPC was all of the landowners of the various parcels of property that were involved here. This was a preliminary step that needs to be taken before we go and notify residents. So we have not done anything directly or indirectly with residents because we don't know where this is going to fall.

Carey: You said there was a notification that this was under way.

Piper: I am not aware of any.

Carey: Only to the owners of the land not the residents.

Piper: Yes that is correct.

Carey: Mr. Banks are you is there opposition to the proposed name or to the change in general?

Banks: The change in general. I think it was done the wrong way. I found out by a sign that is no higher than about right here and it was just only I think like Tuesday that I found out about it. It kind of distorted me because then I went and asked some of the people in my office of my apartment complex and they really couldn't tell me what the name was going to be changed to or anything like that. I made some calls up here and I kind of got the Mickey Mouse runaround. It is just the whole point that I need... Being a resident of Town View Drive and over 300 that stays at 1100 Town View Drive. They never knew about it.

Carey: Do you understand... I think I see both sides of it. I think Lawler Wood is trying to, they are going to spend a whole lot of money upgrading that property and renaming it, rebranding it and trying to make it a, well just upgrade it. I guess their position is carry that all the way. I understand your opposition as well and I think we have just got to find a middle ground here.

Piper: I hear exactly what you are saying. I don't know how you found out about it but you did. It is disturbing that you found out about it in an indirect way. We have not told anyone who works for us or anyone who lives with us that this is happening because it hasn't happened yet. This is an internal recommendation that we have come up with. I made this application and hold that the next step of notifying residents would be only if this is approved.

Clancy: If it is approved it would be too late to notify them.

Longmire: It is after the fact.

Piper: I was instructed or advised that the people I needed to talk to were the landowners, the property owners. If that was incorrect then I stand at fault.

Longmire: It is not necessarily incorrect sir but it leaves the residents the ones who will bear the burden. It is not that we are attacking what you did it is just that we are trying to find out I guess the most equitable position.

Piper: I did not canvass the residents. That is a matter of fact.

Michael Kane: I guess two questions or one question and a comment. How many property owners are that I guess would have been contacted?

Piper: There are 5 property owners that are affected by this name change.

Kane: How many do you represent of the property owners? Two of the five. I am not inclined to support it at this time. I would think it would be better to postpone it and ask the applicant to get with the residents to discuss this more fully to get their input and hopefully their buy-in because there are so many people affected. I understand the rebranding. It makes total sense to me. It is not just a question of rebranding. It is also a question of impacting the people who living there. That would be my comment.

Art Clancy: Mr. Piper I share the opinion of Mr. Kane and Commissioner Eason. Here is what I would like to see. I think your idea is a good idea. I think it is a good start but this is kind of putting the cart before the horse. What I would like to see is a master plan of what you all want to do and bring it to the neighborhood residents. Not just the landowners, but the residents. Get their input. Show them what the positive aspects are. It may very well be that the trouble they have to go through to get their checking account and driver's license and everything changed might be worth it and they may be fully supportive of it. Right now all they are seeing is a bunch of work and a bunch of headache. Mr. Banks has by coming down here probably saved all his neighbors a lot of trouble. I would like to make a motion that we deny but I would like to see it included in a master plan.

MOTION (CLANCY) AND SECOND (SMITH) WERE MADE TO DENY.

Herb Anders: Mr. Piper when this applications was first talked about you mentioned I believe in your comments that a request came to you. Was that from your client or was that, as far as the name change, was that part of the rebranding if you will?

Piper: We began by saying we are doing multimillion dollars' worth of investment into what is currently Town View Towers and Arbor Place. We thought it would be appropriate then to possibly rename those properties and hence rebrand them. In order to complete that process it seemed at least consistent if not a benefit to then change the name of the street that surrounds the property, Town View Drive, for a number of reasons which I won't go into. To change that name and help perhaps to upgrade and rebrand the property. That is how this all came about.

Anders: The request of changing the name to Lula Powell Drive was that something internal with your group of people?

Piper: It was, we spoke with a number of members in the community; Councilman Brown and Sam Anderson and some others who suggested this might be a very appropriate individual to name the street for. It wasn't just and out of the hat kind of thing. It was with some counseling.

Charles Lomax: Is the rebranding of the complex contingent on the name change?

Piper: Here is the way I can answer. The renovation of the property is not at all dependent on the name change. Okay. The renovation is occurring as we speak. What we are able to call it in the future and how we brand it is initiated by all this renovation. The two are in. We are going to, we are doing the renovations now. The rebrand is something that we think would help reframe and rebrand. This is the part of the City of Knoxville which is part of the city where I think most new growth will be coming on the eastern side of town. That was the idea.

Longmire: Okay we have a motion and a second. I have to say I think the name Town View is a pretty name because it is a view of the town if you go up there. I have a motion and a second to deny the street name Lula Powell Drive contingent on...

Clancy: I didn't say contingent on anything. I said deny. I did want to make one more comment. Just real quickly. My motion to deny does not mean that I don't think it is a good idea. It may very well be the best idea ever but the way it is being presented is the where we are coming at just a little backwards. The people that live there that have that as their address want to know probably what you are going to do. Again they may be fully supportive. That is part of what we do. We try to get neighborhoods and neighbors together with the developers that are doing good things and improving neighborhoods so that everybody has all the information. I think that is where we kind of got a little bit backwards on this. My motion to deny doesn't... I don't want you to think that I think it is a bad idea. I just think it is not timely.

Janice Tocher: I have got a questions with regards to if we make a motion and vote to deny this, Commissioner Kane had an idea that we postpone giving Mr. Piper's group an opportunity to meet with the neighbor or the residents there. If we vote to deny this today, does that man if they chose to come back again they would need to pay another application fee?

Welch: Yes they would.

Carey: How much is that?

Piper: \$500

Clancy: Have they already come forward with a development plan for this whole thing?

Jeff: They don't have to. In this respect it is just a street name change.

Clancy: Aren't they investing millions of dollars into...

Welch: It is just reupgrading the facilities, the exterior of the facilities as I understand it.

Cole: I was just going to say that concerns me that we are not giving it a chance to work through the system and come back to us. We are putting a hardship on coming back if there is another fee. Perhaps to postpone it is more appropriate.

Wise: You have a motion that has to be dealt with initially. You can either turn it down or make a motion to postpone or withdraw.

CLANCY AND SMITH WITHDREW MOTION

MOTION (KANE) AND SECOND (LOMAX) WERE MADE TO POSTPONE FOR 60 DAYS AND ASK THE APPLICANT TO GET WITH THE RESIDENTS AND GET THEIR INPUT AND PROVIDE SOME INTEREST IN THE PROPOSED NAME CHANGE AND WHAT BENEFITS THIS WOULD HAVE IN TERMS OF THEIR OVERALL MOVING FORWARD WITH THIS DEVELOPMENT

Jeff Roth: I just want to make a comment about postponing. Not necessarily to postponing this to give them an opportunity to get with the neighbors and talk to them. Specifically the neighbors that live there. I think in my mind what I am listing to when you contact the landowners or the people who own the building you exclude basically 100% of the people that are affected by this. I think it is very important. I would have supported to deny it today. I will support to postpone it. But I want to make sure when we come back in 60 days that you have made an effort and you have talked to the people and that there is support for it not just lack of support for it but support for it by the people that are actually living there..

Mike Brusseau: I just wanted to make two comments of clarification. One if MPC were to deny the application today there is the right to appeal that decision to City Council which would provide some more time between final decisions. In regards to the overall development of the plan, I see the zoning is R-3. More than likely MPC would not have any review of the plans for that area obviously high density is permitted in that zone.

Longmire: Motion to postpone for 60 days to allow time for developers to get with the neighborhood and let them know what is going on and get some feedback from the neighbors.

MOTION CARRIED 14-0. POSTPONED 60 DAYS.

Longmire: I will say as somebody who had to go through an address change because of street numbers, it is a really harrowing experience to find out how many places you have to go to change your address. So that should be part of the discussion with the

neighbors about how to change it should it happen. Okay? Mr. Banks thank you for coming. You will be back in 60 days.

Plans, Studies, Reports:

None

Concepts/Uses on Review:

- P 9. 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.

Final Subdivisions:

- * **10. RESUBDIVISION OF THE SCOTT HOLTZMAN PROPERTY 5-SA-15-F**
East side of Harris Road, west of Wood Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **11. FARMINGSTON 5-SB-15-F**
South side of Bishops Bridge Road at intersection of Sedgewick Drive, Commission District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **12. CASCADE VILLAS, PHASE 3B & 3C 5-SC-15-F**
Tumbled Stone Way at Gatekeeper Way, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. RESUB. OF BOYS CLUB OF AMERICA, INC. 5-SD-15-F**
At the intersection of E. Baxter Avenue and Stewart Street, Council District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **14. RESUBDIVISION OF THE BRIGHT PROPERTY 5-SE-15-F**
Southwest side of McCloud Road, southeast of Fort Sumter Road, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. INGLES MARKETS INC. RESUBDIVISION OF PART OF LOT 1** **5-SF-15-F**
South side of E Emory Road, east of I-75, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. WEST LONSDALE ADDITION** **5-SG-15-F**
At the intersection of Western Avenue and Sanderson Road, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 17. CHILHOWEE HILLS BAPTIST CHURCH RESUBDIVISION OF LOT 1** **5-SH-15-F**
Northwest side of Asheville Hwy., north east of Macedonia Lane, Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **18. UNIVERSITY ADDITION TO KNOXVILLE RESUB. OF LOT 50 & P/O 51** **5-SI-15-F**
West side of Armstrong Avenue, south of Kenyon Street, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. BRANDYWINE AT TURKEY CREEK RESUB. OF LOTS 27-30** **5-SJ-15-F**
West side of Woodhollow Lane, southwest of N Campbell Station Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 20. U. T. CHEROKEE FARMS** **5-SK-15-F**
Alcoa Highway at Cherokee Farms Way, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **21. WESTLAND PLACE** **5-SL-15-F**
Northeast intersection of Morrell Road and Westland Drive, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

W 22. 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 WITHDRAWN EARLIER IN THE MEETING.

23. ZAKIRHUSAIN G. SHAIKH

4-A-15-RZ

Northeast side Foxvue Rd., east of Fox Rd., Council District 2 and Commission District 3. Rezoning from A (Agricultural) & OS-1 (Open Space Preservation) to RA (Low Density Residential) & R-1 (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential) zoning on the north side of the driveway. DENY R-1 (General Residential) zoning on the south side of the driveway.

Zakirhusain Shaikh: 1035 Gettysvue Drive 37922. I bought this property around ten years back to help the school because the entrance had a small road and they wanted to widen the road. So I, the school had financial problems so they asked a community member to help some way. So I bought this for a little extra money because the previous owner was not ready to give the property. This is the background. Then they made the road as much as they want. The school is happy their problem is solved. Now I wanted to make use of the property because it is simultaneous with no return on my investment. The property is divided into two sections because of Fox Road. My wish from the beginning to build a house on the south side of the road which is not easy left road as commence from MPC. The north side is still open. The school is requesting me to give the land to them or build a couple of duplexes. Some of the stock can live there. It is a community school and they don't pay much to the people who work there so they want to build duplexes where people can have easy access for their transportation. The north side is my interest. My interest is the south side to build a house. North side I want to keep it open either to donate to the school in the near future. I have not made my mind whether to donate or build the duplexes. I am still working with the board. So south side is my interest to have approval for a single home which is 162 in area. And the north side I can go it is fairly clear the south side is in objection. I am requesting to get approval on the south side.

Longmire: So you would like to keep the north side the zoning the way it is now.

Shaikh: No.

Longmire: You like the staff recommendation on the zoning?

Shaikh: The rezoning for both. My interest is mainly south. That is what I am trying to emphasize.

Brian Mitchell: 713 Dawson Creek Lane in FoxVue Subdivision. I am mainly here on behalf of the homeowners in the subdivision. And to make sure the petition was delivered. I sent an email to a couple of this...

Longmire: We did receive that sir.

Mitchell: Okay good. Mainly the residents of the subdivision were concerned when they saw that they are trying to rezone this property to a residential area because we are concerned about duplexes or any kind of rental property. It would possibly hurt our homes values and resale values of homes. Actually a lot of the information we didn't know anything about. We basically heard that it was going to be rezoned to a low density residential area. Most of our residents basically were kind of concerned and quite a bit horrified by it just because of the unknown of it. The issue of what type of structures were going to be built there. What would the residents living there, would they be screened. You know as to would they have the same regard for property that homeowners would have. It is right there butting up against our neighborhood. So I am mainly here on behalf of the subdivision. We went around and collected this petition. The majority of the people in the subdivision are actually opposed to it. We are not trying to tell anybody what to do with their property. We are just concerned with whatever is built up there is it going to affect our resale values. Right now the Inoore Academy is up there and they have been an asset to the community. Most we have heard up there is children playing and that is, to me that is the essence of America. We have no problem with that. From what Mr. Shaikh that is a little bit more information because we were not sure what was going to be put up there. On that south side the part that abuts up to that hill. I have been in that neighborhood since it was built, that actually was graded back there. I don't know how safe it would be to even put structures up there on that hill. All that could come down with a good rain season. For the most part we are just mainly concerned with what type of structures that was going to be put up there. What type of individuals would be living there? Coming into Foxvue Road it is kind of a small narrow road. The traffic; what would that be? Basically we are just wanting to address the unknowns. Mainly I am just here on behalf of the FoxVue Subdivision. Mainly I wound up just kind of being by default the spokesperson for the neighborhood. Mainly just to make sure that the petition was delivered and that there is some consideration for our property values. Thank you for your time and service to the community.

Longmire: Mr. Brusseau. Since you will take questions kind of explain to me the reasoning behind the staff recommendation.

Brusseau: There is a... First off this property is both in the City and County. So that is why the difference is between the two zones. Essentially the RA and the R-1 are very similar zones, just City and County versions of them. Regarding the site there is basically a driveway that has been cut through the subject property to get up to Anoor Academy. When I say cut through literally. It slopes both sides. The property is absolutely got steep slopes on it. Because of the odd shape, the size and the slope of the southern portion south of the driveway, staff just felt like that is less appropriate to be zoned for something that would allow smaller lots, In addition to that it is kind of a buffer between the Academy and Pellissippi Parkway to the subdivision that is down to the southeast. We just felt like the applicant would have reasonable use of the property to use the slightly less deep and larger size site on the north side of the driveway. It is about an acre in size. It actually could be developed with one house under the current zoning which is Ag, but that would allow him to subdivide it into lots as small as 10,000 square feet or 12,000 square feet if he chose to pursue duplexes. Duplexes would require use on review approval by this board. Mainly we just felt like the more usable property was the property to the north.

Art Clancy: Michael you said the portion to the south it is Ag?

Brusseau: No, it is OS-1 in the City. They can't really do anything in the zoning currently.

Clancy: He couldn't building a house on that one way or another.

Brusseau: They could not building a house on it currently.

Elizabeth Eason: I have a question about the slope protection. I know you mentioned the south part has a steep slope. It looks like looking at the map that the entire parcel is in the slope protection area. How does that impact the number of units in the low density residential or is that even allowed in this area with it being slope protection area?

Brusseau: Under the zoning they have asked for there really is no way to apply the hillside protection standards. In this case because obviously the site to the east, the Academy site, has undergone severe grading to accommodate that. This is kind of just a remnant between it and the Foxvue Road. Frankly we weren't really that concerned that, about the grading that would be required to develop this site. It just wasn't one of those, it wasn't in an area where it is part of a significant ridge line or anything like that. We are willing to, if this is approved, willing to concede that obviously some grading would be required to accommodate this.

Eason: What was the intent of the open space?

Brusseau: I do not have an answer for that question. It appears that it has just remained part of the city limits that the city annexed Pellissippi Parkway and it is part of the city. The parkway itself is zoned OS-1 and it is just part of that. I don't think there really was an intent. As far as why that portion is in the city I could not tell you.

Eason: You said if the upper northern part remains with an agricultural zoning that one house is the maximum that is allowed within that zone. One residential unit could be constructed.

Brusseau: That is correct. Assuming that it is an acre in size we measured to be about that but it has not been surveyed.

Eason: The north side?

Brusseau: I don't think there is any survey recorded on the property. Assuming the survey bears out that it is at least an acre, they could do a house there. It appears to be.

Longmire: But a duplex could not be put on agriculture.

Brusseau: Duplex in Ag would require a two acre lot. So no.

Michael Kane: Is this all one parcel now? The parcel actually sits in the county and in the city.

Jeff Welch: I think when the State came in and did the right-of-way in building the Pellissippi Parkway these were remnant pieces of property and that is why they are ... The City of Knoxville annexed them with Pellissippi Parkway so that is why part of the land is in the city and part is in the county as a result of Pellissippi Parkway. The building of Foxvue Drive to get to that subdivision obviously cut into the property even more to make it even more difficult to develop. That is probably a little more of the history. It started off with the Pellissippi Parkway construction.

Kane: I guess I apologize. I did not go look at this. It is hard for me to say whether one house on the south side would be... I mean I can understand you are not going to build a subdivision but one house on a property. It is hard for me to think that couldn't be appropriate, but I don't know.

Carey: Did you say you didn't see it? You don't see it as being feasible...

Kane: I see it as it could be feasible. I am just saying that you know it could be feasible. You could have access from the driveway that goes into the school. You could get right of way from that. Seems to me that your... You know it makes it difficult because the

property is split between the City and the County. In some ways it doesn't make sense. You know split zoning. If you were doing agricultural uses and you had, there are some agricultural uses that I think that are allowed in the OS-1 you know like grazing... no that is floodway to put female goats and stuff. I don't know it just...

Carey: Between Mr. Brusseau and our maps are changing in front of our eyes, these GIS maps are really helpful. As we talk the maps are changing. I assume the hash mark on our page as well as what we are looking at on the screen right now the green section, that small triangle to the lower part is the area in question. The square footage on that again on that portion that is in the...

Brusseau: It is approximately one half acre.

Carey: It would easily meet R-1. That is the city side right? It would easily meet two or three times the R-1 requirement. You are saying because it is OS-1 he can't build anything there under OS-1 only if it were rezoned to R-1?

Brusseau: Looking at the OS-1, I just turned to it, it does list houses as a permitted use.

Carey: But I guess not duplexes.

Brusseau: It is questionable whether they could meet the minimum lot width requirements with the strange size of it. It is 200 feet minimum lot width so that may be the catch there but it does allow houses under certain circumstances. I have not researched to see whether it could accommodate a house.

Kane: Is that something that could be under a variance?

Brusseau: Yes. I guess my advice would be if the board feels that it is appropriate for a house then it won't hurt anything to just rezone it to R-1 which would clarify and eliminate the need for variances.

Clancy: In light of the fact that you could put a house in the OS-1 and that is what he wants to do. I think we could look at that if it comes about. I would like to make a motion that we recommend that County Commission approve RA Low Density Residential zoning on the north side of the driveway and deny the R-1 General Residential zoning on the south side of the driveway.

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

Jeff Roth: I guess I have got a question. I may have missed something but Mr. Shaikh maybe can answer this. In our paperwork it says the proposed use is duplexes. But your proposed use is for single family house?

Shaikh: South side definitely one house, small single family house. North side it is more expeditious to have the couple of duplexes for the south. But if it is difficulty one house is enough too. My main interest is not to lose the south side land because it is divided by the road. Even if I built an outside house, the south side land will be invest and be able to use for my family for personal use. I just want to make use of the south side. North is usable but south side I don't want to just let it go. I am going to use the school driveway to enter and school will not have objection because of our relation and I helped them in the beginning. I will use the driveway to go from there. There is a lot of land flat where easily a single family home can fit there. The lot remains almost half of it.

Scott Smith: I was going to ask the applicant about the duplexes. Do you plan on bringing driveways in from the school parking lot or are you going to bring the driveways in from the Foxvue Road?

Shaikh: The school has the driveway already from the Foxvue Road which they did not use. The second driveway they have which is next to the one residence which is already there. There is one residence who has a driveway next to that. Not from the school it would be from the Foxvue Road.

Smith: I went up there and looked at it. I kind of think the staff recommendation is appropriate.

Longmire: We do have a motion to recommend that County Commission approve RA zoning on the north side of the driveway and to deny R-1 on the south side being that south side would be able to be used for one house. Is that correct? Is that your logic about...

Clancy: We will look at it. If he needs to get a variance we can look at that after he gets it figured out.

Longmire: I have a motion and a second. Sir it is with Commission now unless somebody wants to hear what he says. Nobody?

Eason: I want to hear what he says.

Mitchell: As far as a single family home or any of that stuff I can't see where anybody in the Foxvue Subdivision would have a problem with that. One thing I did want to bring up. FoxVue Road where that driveway comes down water is running down that hill so fast it is going under Foxvue Road and actually eroding out FoxVue Road. So I did want to bring that up. I forgot about it. I don't know if you guys can pass that along to County.

Longmire: Their engineering is sitting right over there.

Mitchell: If you drive up there the road is actually dipping where the water is running down and going underneath the road. That would probably want to be looked at too. Anyway I can't see where anybody would have a problem with a home being there. What they were having issue was when we say there were duplexes we were like whoa. What is this going to be. As far as the staff for the school, I can't see where we would have any problem with crime or anybody from them. I can't speak for everybody in the subdivision. From the people I know there I can't see where they would have an issue with staff living there on the property for Anoor Academy.

Carey: One more clarification Mr. Brusseau. If we vote this motion down and then had an R-1 motion, there is no chance for a duplex there. Is that correct? On the south side.

Brusseau: Both the R-1 and RA allow consideration of a duplex as a use on review.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 11-3. APPROVED.

24. HAL NGO

5-A-15-RZ

South side Shangri-La Dr., southwest of Ault Rd., Council District 4. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial).

STAFF RECOMMENDATION: Approve I-3 (General Industrial) zoning, subject to one condition.

Hal Ngo: 710 Winfield Dunn Parkway, Sevierville, TN 37976. I sort of have some credit around the community. First of all I would like to say I let the Morgan contractor use the land for nothing. They cut trees and they store their equipment to repair the sewer line on around the community. I go to the conclusion. I have a couple of backhoe. It is really first trailer I put it at home and I know that I cannot put it at home. That is illegal and I am worried to death. I buy the land and supposed to move it out there. If I do I am going to move it on the back. Put it next to the railroad. I am going to

put it out of sight. There is not going to be no more building or no more land going to be cut.

Longmire: So you are not actually excavating the land you are using it for storage for your backhoes.

Ngo: A little bit. A very small company. Very small. Basically I store one backhoe. The problem is I cannot put the equipment on the house. I am worrying and too much frustration. I have people helping me. I wanted the community to know that. Morgan Contractor come and cleared the land. I did not clear the land. I let them use the land. I even go to the City County to ask the public forum as well. It come out of my money, my pocket. I did not charge them nothing. I would just like to know all the people in the community understand. We help each other. There is no more tree cuts. There is no more building or anything at all. I just store a couple of backhoe and I do it on the back.

Longmire: So the work on the land was done by the company doing the utility work. You have some more time. Would you like to save that until you hear from the other people so you can respond?

Ngo: That is all I would like to say. If the people misunderstand or some time they reject. They thought I am going to put a big building or doing something disturbing them, no.

David Bryants, 4421 Larigo Drive. Today we are actually just finding out what is happening on that property. We did know that Morgan was using that property. They have been there for quite a bit. I think the concern with the community is that they say the signs and it was reading rezoned and we wanted to know exactly what was being rezoned. What I see on the map is the property where Morgan is at now. However I am looking at what is being rezoned and I think it is being rezoned to L light industry. We are wondering how far is that going to go. I think right now behind my house which is 4421 Larigo Drive it is listed as LDR. Are they changing that also to light industry? That is the main concern. What and how far is that zoning going. What is it going to be used for? It is not what he is planning to do. We are fine with that him storing that equipment there. But what exactly is getting rezoned is the question?

Longmire: Okay and you can see the map. Can you tell from the map what we are talking about?

Bryants: Yes it seems that I see I-2 but there also an I-3 that is being shown.

Longmire: It is the one with the cross hatches on it. That is the property. It is currently I-2 and he would like for it to go to I-3. It would be an extension of that I-3 that is already there.

Dave Reed: 4417 Larigo Drive. The part of the property that is hashed out that Mr. Ngo is using we don't have a problem with that. That is already being used basically for what he is going to use it for through Morgan Construction. Are you looking at rezoning the entire of I-2?

Longmire: No, No. Just the cross hatches.

Reed: Okay. We were looking at future maps and even all the way in the section that is marked RP-1 which I believe is... That next section in future maps is being turned into industrial on your KGIS maps.

Longmire: Mr. Brusseau can you speak to that concern?

Brusseau: I don't have the one year plan or sector plan maps in front of me. There they are actually. It does show light industrial proposed there to the west of the site. However most of that site is already zoned Planned Residential. You can't predicted if someone may come in with an application on it. This particular application is only covering that five acres that is hatched.

Longmire: Do you understand that if somebody owns the projected light industrial, it is not zoned that now. So they would have to make an application and come before us and convince us that that is appropriate for that place. That is not being discussed right now. It is only the cross hatched place.

Mary Reed, 4316 Shangri-la Drive. In talking with the young man that owns the property, and he explained what he was going to do, we really don't have a problem with that. None of us do because it is just a temporary thing. We aren't suffering from it now. But it is good because we are getting new lines put in our community. If that is all he is going to do is put the backhoes on there only because that land back there behind where this young man lives is like a dump. If that is all he wants to do that is okay.

Dan Kelly: The map that is up right now is the One Year Plan; the map that is on your screen. It shows low density residential in the area right in behind the Larigo properties. The sector plan shows it for light industrial so we have a conflict there. So if anybody wanted to apply for an industrial zoning classification it would require a plan amendment in order for them to proceed. There is some protection in place right now that automatically it would not go automatically to industrial at that location.

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

Eason: What does the I-3 allow in that zone that the I-2 does not?

Brusseau: Outdoor stuff, uses.

Longmire: So he can't really store his equipment on the I-2 but he can on the I-3.

Brusseau: That is correct I-2 is restricted manufacturing and warehousing essentially restricted to indoor uses only.

Michael Kane: That answered my question.

Scott Smith: The only thing I wanted to bring up is this nice lady asked about she didn't have a problem with it as long as it was only storing these backhoes. You have to kind of keep in mind that once you change the zoning on that property all things that are in that zoning would be allowed there. You really can't condition the zoning on it just being allowed to store backhoes. Just so as long as you understand that.

Longmire: If you decided to sell you land it would still say I-3 if someone else came in. Right now you are promising that is all you are going to do and I feel like that is truly what you want to do and it is a good place for you to store your stuff because you can't do it at home. You have no plans to sell it.

Ngo: I put the sign for sale as well because I don't have a long purpose to use the land in the future. There is not going to be more land cut, more tree cut or beauty.

Bryants: There is one more concern that I do have with that area. If you have ever driven down through there if he is bringing in things like backhoes and trucks, that is really not a good place to be driving in. It is a dangerous place for one thing. Even with Morgan being there I had run into several problems with trucks being there, cars cut the corner really bad. It is a sharp curve. Is there anything that could be done to make that a safer place for him and for us, the residents living in that area? He is going to have to come in that way. He is not going to be cutting through the section that is there right now. It is not meant for heavy traffic industrial stuff going through there. It is bad enough having Morgan parking their stuff there..

Rick Howley: That particular road probably ranges in 19 to 26 foot wide. It has a double yellow stripe down the middle and edge markings. It is a fairly decent at least at face value appearing road. It widens out as you get kind of towards the curved section of it. At face value I don't see any problems being able to make those turns. From a driveway standpoint there could be some benefit to making it wide enough that as they are making their vehicle transition from the road into the driveway making that so that they don't have problems with it getting off the road or having problems of that nature. But at face value I don't see an access problem off that road.

Longmire: I would like to point out that City Engineering and County Engineering are always here and willing to talk to you about concerns.

Bart Carey: The access, I guess I have a question for Mr. Ngo. Is your traffic going to always come, be west bound coming in there? I would assume you would never be coming from the neighborhood side. You are going to be going west on Shangri-la. Is that correct?

Longmire: You are coming from Ault Road from Rutledge Pike to Ault Road?

Ngo: Yes ma'am.

Carey: An overwhelming majority of the time you are going to be coming that way. I am familiar with this property. It was considered for a habitat project about six years ago and I have been all over that. If that road could be aligned coming in there to make it more, make the radius more generous towards heading eastbound as you leave the property that would make your ingress and egress a whole lot easier and not such a hard turn. I haven't seen it since the trees were cut but from looking at the map here it still looks kind of like a 90 degree turn. That mouth could be widened. If it were basically almost a straight shot as you are coming in and therefore going out would be nice. That is just a recommendation.

Longmire: I would like to agree that the maps are changing before our eyes to point that motion sickness is setting in. I don't know if you all can see that there but our maps go whew. But they are excellent maps. Did you understand what the condition is sir. You have to plant trees and things like to keep it... If you have questions Mr. Brusseau is more than happy to help you with that.

MOTION CARRIED 13-1 (Kane). APPROVED.

Longmire: I would like to thank the neighborhood for coming in. Mr. Ngo I think you will find anytime you communicate with the neighborhood about what your plans are it makes life a lot easier for all concerned. Thank you very much.

- * **25. BRANDON BARRETT** **5-B-15-RZ**
Southeast side Hardin Valley Rd., southwest of Valley Vista Rd., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to PC (Planned Commercial) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve PC (Planned Commercial) / TO (Technology Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. CHRISTOPHER D. BUSH** **5-C-15-RZ**

Northwest side Forrester Rd., southeast of Cunningham Rd., Commission District 7. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **27. J. ED CAMPBELL**

North side Greystone Summit Dr., southwest side Solway Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

5-A-15-SP

From TP (Technology Park) to O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION #5-A-15-SP, amending the Northwest County Sector Plan to MDR/O (Medium Density Residential/Office) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

5-D-15-RZ

From BP (Business and Technology) / TO (Technology Overlay) to OB (Office, Medical, and Related Services) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning, subject to one condition

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

28. FIRST KNOX REALTY LLC

East side Snyder Rd., north side Outlet Dr., Commission District 6.

a. Northwest County Sector Plan Amendment

5-B-15-SP

From MDR (Medium Density Residential) to HDR (High Density Residential).

STAFF RECOMMENDATION: DENY the request to amend the Northwest County Sector Plan map to HDR (High Density Residential).

Arthur Seymour Jr., 550 W Main Avenue. Here on behalf of the applicant. You do have a letter from the town of Farragut which I would like to respond to in a minute on this issue. In looking at this site and driving by it again this week I am struck by the appropriateness of it for high density residential. If you look at the area, it is directly across the interstate from Turkey Creek, one of the leading commercial districts in our town. It has excellent road access to I-40. Outer Drive has just improved by Knox County. Knox County spent 3.6 million dollars improving Outlet Drive between

Lovell Road and Campbell Station Road with the purpose of developing this as a commercial high density, commercial business area. There are parks nearby. The area should be developed for high density if as was pointed out at agenda review the other day Knox County is going to grow by 400,000 people over the next 25 years. That is 16,000 people a year on average. To accommodate those we cannot continue building single family homes on quarter and half acre lots. We are going to have to have high density residential available for these new residents. I can certainly understand why they are coming here but when I heard that figure I was a little astounded. I think part of the criticism of the applicant here is that several months ago he asked that this property be rezoned to medium density residential at 12 units per acre which is consistent with the property immediately adjacent. At that time he thought he could acquire 3 to 4 acres of that tract and do an apartment development at 225 units per acre or 225 units. That land is not for sale at any price at this time. It is not a matter of price being the difference between Mr. Gentry's company and the neighbor. So to put an apartment complex in here and to do it in an economical manner, we need the requested zoning. Modern apartment houses are completely different than the ones I lived in when I was in school and a young person. They provide elaborate club houses. They have pools. They have dog parks. They have walking trails and everything. They are a modern community center. But the economics are such that a developer cannot provide the amenities that modern apartment dwellers want unless he can get enough density to finance the improvements. If you will look at the apartment developments that are coming before you, the modern ones, they are requiring 225 to 250 units for the development to work. Some are even going up to 300 units. For that reason we are back here with the request for high density residential. I realize it is unusual in the County to approve high density residential because there is no public transit in the County and I know of no plans for Knox County to develop public transit. When have an area that is as accessible as this with such a good infrastructure it is a shame not to allow it to be used for its highest and best use. The Town of Farragut has written a letter opposing this as I understand it. Well I read the letter. The property is in the Urban Growth boundary of the town of Farragut. I suggest respectfully and I passed this on to Mr. Shipley recently, if Farragut wants to control land use in this area, they can annex it. They can annex it right away if they want to. They have for some reason chosen not to. I would suggest that until they have it under their control they wait and influence its development at that time. There are as you know a lot of apartment developments coming in. There have been a number of them on the Pellissippi Parkway corridor. There is a new one that was just approved on Emory Road.

Longmire: Your time Mr. Seymour. Very quickly.

Seymour: Let me just conclude. Perhaps one of the most attractive things I would think to the Metropolitan Planning Commission about

this site is you don't have a crowd out there yelling we don't want apartments in our neighborhood. The development of apartment units and complexes in this town and our community is very difficult because of public opposition to them. We do not have that here. I would urge you to approve the requested density.

Longmire: If we decide to amend the northwest county sector plan we have to have some changes in the conditions that warrant it. Are there any changes in conditions?

Brusseau: Our recommendation is based on the policies in place in the General Plan which talk about where you can go beyond MDR in the county. The county doesn't have, the county sector plan has very little if any areas recommended for HDR. A big part of that is the lack of transit. That kind of density in our opinion and in the guidelines of the General Plan should not really be approved when you don't have transit available. It does allow for consideration of up to 24 units per acre under the medium density residential designation if it has been identified as a neighborhood or community center which this area is not and transit is also a factor there. I think the biggest issue we have with it is the fact that they already can do 160 units on 13 acres and if they were able to combine you could get more than enough units combined with the adjacent property. Frankly I question whether they can get all the amenities in when you are cramming that many units on a 13-acre site. I may be wrong on that but that is certainly part of the thought too. It would be much better if were done you know as the 30 plus acres that would be available that is already zoned 12 units per acre. Considering that they don't meet any of the criteria of the General Plan, it is staff's opinion that they have reasonable use of the property at the current density.

Bart Carey: In that explanation somewhat answered I guess the beginning part of my question. I guess the fact that Outlet Drive has been improved or modified would I guess be a justification for a sector plan amendment. Is that correct Mr. Brusseau?

Brusseau: That is really not my decision to make. It is our opinion that that road improvement... The current plan as well as the plan being updated do not propose this as any kind of community center so our comprehensive planner folks in their meetings have not determined that any change in land use is warranted.

Longmire: The main objection is the lack of transit?

Brusseau: That is a big one.

Carey: That is kind of where I am headed. We haven't really seen a proposal. We heard it might be upscale apartments but we don't see that. That will all come I guess as a use on review down the road. I understand for high density there is a transportation need typically. I would suggest in this neighborhood and at the level of

price points so to speak would probably make transportation not a critical need. That is all speculative and I don't pretend to be a transportation expert. I don't really see how... If transportation is the single largest factor I don't see how... I think these people are going to be automobile owners and drive cars to and from their apartments and not be dependent on this. It is kind of a staging area. When we get to a certain point we assume we need transportation, but in this particular case I am not sure I really believe that. This is one of those things on the front end a few days ago I was kind of, I had a preconceived idea of what my thoughts were on this. As we start to see it unfold here I am kind of shifting on why we are denying this. I am going to listen to the conversation and make a decision.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO DENY THE REQUEST TO AMEND THE NORTHWEST COUNTY SECTOR PLAN MAP TO HDR (HIGH DENSITY RESIDENTIAL).

Jeff Roth: I think Mr. Seymour has made a pretty compelling argument about the location of this apartment complex. I think at least the studies that I have been exposed to that MPC has done over the last several years since I have been on Commission have indicated the need for apartments on that end of town. Pellissippi Corridor mainly as an example. I think the change in Outlet Drive is enough probably to justify the change to the sector plan. I believe that this is probably a good use of this property to build apartments. Without a lot of opposition and because things have changed over the years in this area and because of our studies that say that this type of development is going to be required more and more, I think I could see supporting it.

Jeff Welch: One of the comments that Mr. Seymour made based on my reference at agenda review, this region is going to grow by 400,000 not Knox County in the next 25 years. So I just wanted to clarify that that our region will be the one but not Knox County by 400,000 people in the next 25 years. We are growing about a percentage a year. The other aspect is the Outlet Drive has had plans for improvement for years and years and our sector plans have been based and prepared based on Outlet Drive being expanded. I think there is consistency in the plan the fact that Outlet Drive has been proposed almost since I have been here for 30 years for its construction and completion. Outlet Drive is not a new idea, a new concept. The fact that there are really no community facilities in that area, a part of the whole General Plan is that community facilities. There really isn't any community facilities in the area for this high density development. Again that is the basis of our staff's recommendation.

Michael Kane: My concern is two things. One is if we are saying that this because of essentially the traffic capacity of this area now can handle the R-3 then my question would become how many

other locations in Knox County have similar traffic capacity and that becomes a justification for all those other areas in which face it. Seems to me we would need to change the criteria by which we decide where R-3 is appropriate in the county for high density. Given that we haven't changed that criteria if we feel like traffic capacity or being near an interstate makes the difference then I think we should change the criteria first in deciding where high density is appropriate before we make that decision on this particular parcel. I really can't support it. It doesn't make sense. I try to say it again. I think we need to change our criteria first which we give to staff or staff develops the criteria which we think is appropriate essentially for where high density goes in the county.

Longmire: So you are actually supporting Mr. Clancy's motion to deny.

Kane: I am supporting it because what I am saying is I don't think we have enough. To me this would become precedent setting because we are saying you know the road capacity was increased and it is a four lane road. There are a lot of four lane roads in the county that I am not too sure that high density is appropriate. To me that is the only justification that I have heard other than it is near the interstate. Seems to me like there has got to be more compelling reasons. If we feel that this is a compelling reason then we need to go back to staff first and say hey you need to change your criteria.

Charles Lomax: Can it not be on a case by case basis Michael?

Kane: It can be. I agree. But the one factor that we have heard is it's the traffic. It's the capacity of the road. To me that is not unique enough to say that you should make an exception for this because that is not unique enough. It is not unique enough.

Elizabeth Eason: I am still going back and forth on this. I am looking at it and listening to Commissioner Kane. I am thinking from the opposite side that this is close to great transportation but it is also a reasonably flat parcel. It doesn't have any steep slopes on it. If we are looking at the area around it we have got a lot of wooded steep sloped areas that we wouldn't want high density on. If we were going to put it anywhere in the county, this seems like a good location for increased density. Work out the transportation along the way. Work on greenways along the way. It does seem somewhat appropriate to me.

Longmire: Keep in mind whatever we do there will be a use on review. Is that correct.

Brusseau: That is correct. I just wanted to point out that this intersection based on the Outlet Drive has already been shown on the plans for a more intense use being medium density than I assume it was before either rural or agricultural or low density. It

has been identified as an appropriate area for more intense development already. The question is is high density too intense and we feel that it is not, that it is too intense. Excuse me.

Roth: I just want to be clear Michael. I hear what you are saying. My statement I didn't want to imply that I think it is good idea simply because the road is wider and the traffic is available. I think it is a good idea for several reasons. I think that might add to it. I also think it is an appropriate area. I think with what is coming in the future and our requirement for high density residential places and the difficulty in finding places where they fit, I think this individual case is appropriate. That is where I am coming from with this individual case. I am not saying because I think this is a good place that I think next door would be a good place next time. That is not necessarily what I am getting at. I think this particular case is appropriate.

Scott Smith: I kind of have a hard time with this one too. The sector road, the sector plan was changed when the road was redone I am assuming. Is that right? As a new member I know that it has been hammered into my head that a sector plan change should occur whenever something major happens like a road or something. I want to do the right thing for the growth of that area and see the developer do a good job. Are doing two sector plan changes for one road project. I guess that is what I am wondering. It was done in 07 when the road was done and would we be going again if we change it again off the same project? That is the only concern I have on it.

Longmire: So what you are saying is that since the sector plan was passed after the road improvements came about that that would be a difficult thing to use.

Smith: That was kind of what I was asking. Is that was the sector plan changed as a result of that road project already.

Brusseau: The previous approval of MDR which was just in February of this year was primarily based on the fact that the larger property to the east was already MDR. Certainly part of the justification of it was the fact that those improvements were made but even more so was just the existence of MDR on a larger property next door. That is the frustration here. It is a shame that the thing could not be developed all at once because that would make the most sense. Having two separate developments there, because inevitably that is going to develop down the line, having two separate developments, two separate sets of amenities, two separate entrances, it just doesn't make sense. But if the property is not for sale, it is not for sale.

Carey: I know we have asked a number of questions on the sector plan and I am still wrestling with this. Mr. Welch I want to get a clarification. The chicken and egg here. Were the road

improvements done, I think you said the sector plan was amended in anticipate of those road improvements.

Welch: The sector plan, this road has been anticipated to be extended for years and years from Lovell Road to Campbell Station Drive, Campbell Station Road. As you all are aware it was built out to Outlet Drive and then it sort of terminated. I think it was just in the last three years or so that has been completed and open to traffic; at the most when the Town of Farragut built their portion along with Knox County. In our plan we show that there was going to be an extension there.

Carey: I have never known us to actually take action to change a sector plan on an anticipated improvement; only after there was an improvement made could we justify that actual plan amendment. That was the first thing. I think I know where I stand there. The other thing that is really jumping off the page at me here, I think we in the county had a medium density on Emory Church Road that had 400 people at a hearing that opposed this. That area is pretty heavily populated. I assume there has been a sign there for a couple of weeks. There is no opposition to this and that is almost unheard of that we have no opposition to a medium or any kind of development. Again this has to come back we could also be discussing density at the time it comes back for a use on review. Is that correct? Density could be modified at the use on review time. That may be when the neighborhood would weight in. I have kind of flip-flopped on this thing I think since I walked in the door. Okay thank you.

Clancy: I think 12 units to the acre on a piece of property that size, that is a lot of units. I think that is pretty dense. And especially if we are talking about high end apartments. I think that if you go to put 18 on there, it is going to look a lot less like high end apartments.

Carey: That would be use on review.

Clancy: But at 12 you have got reasonable use of the land. We don't have to change the sector plan again. We argue about this a lot.

Longmire: Every time.

Clancy: It seems that when you make the sector plan and the whole neighborhood weighs in on it you have got to have some good reasons to do that. We are trying to accommodate people that are moving into our region. This serves that purpose. The numbers may not work. That doesn't pertain specifically to land use or how this is going to look when it is done. Usually I am would side with the developer to give them more density to make them do a better, allow them to do a better project. It seems to me on a property of this size 12 units to the acre is going to be fairly intense there. Yes I did get responses. I got two or three people wanting to express,

they are not here present today. I would be willing to bet if you put an 18 unit per acre development on there at the development stage we would have a house full of people. I am going to stand by my motion

Laura Cole: I just wanted to make a comment about how many people or not here today. I know when a lot of people get upset it really puts a lot of pressure on. I try to remember when they are not here the community expects us to be sitting in their seat and making the judgement for them. They expect us to be very careful with the sector plan. I have heard that over and over again. I had somebody call me this week telling me that they, there is a lot of meaning in the sector plan and the General Plan for them and they want us to watch over that for them and make our decisions very carefully. It doesn't matter to me whether someone is here in opposition or not. I think I try really hard to lean on those planning principles and remember that we are here to make the decision for them.

Longmire: We have a motion to deny per staff recommendation a request to amend the Northwest County Sector Plan map to HDR.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 10-4. DENIED.

b. Rezoning

5-E-15-RZ

From PR (Planned Residential) @ up to 12 du/ac to PR (Planned Residential) @ up to 18 du/ac.

STAFF RECOMMENDATION: DENY the requested increase in PR (Planned Residential) zoning density from 12 to 18 du/ac.

MOTION (CAREY) AND SECOND (KANE) WERE MADE TO DENY THE REQUESTED INCREASE IN PR (PLANNED RESIDENTIAL) ZONING DENSITY FROM 12 TO 18 UNITS.

Longmire: Are they the same no's? No they are not the same no's.

Bart Carey: Don't call a vote because I voted the other way. I voted to support the motion.

MOTION CARRIED 11-3 (Lomax, Roth, Sharp). DENIED.

- P 29. 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.

- P 30. BRACKFIELD - ASSOCIATES, GP 5-A-15-UR**
Southwest side of Tice Ln., southeast side of Neal Dr. Proposed use: Self storage facility in PC (Planned Commercial) District. Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 31. BRANCH TOWERS 5-B-15-UR**
Northwest side of Ridgecrest Dr., east of Hollyhock Ln. Proposed use: 150' Monopole Telecommunication Tower in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 32. BRANCH TOWERS 5-C-15-UR**
Southeast side of Bluegrass Rd., northeast side of Garland Rd. Proposed use: 194' Monopole Telecommunications Tower in RA (Low Density Residential) District. Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 33. USPG PORTFOLIO FIVE, LLC 5-D-15-UR**
Northeast side of Norris Frwy., southeast side of E. Emory Rd. Proposed use: Revised development plan in SC (Shopping Center) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request to redevelop and renovate the shopping center as shown on the site plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 34. PARTNERS V, LLC 5-E-15-UR**
Northwest side of Lovell Rd., southeast side of Yarnell Rd., northeast side of Mercury Dr. Proposed use: Commercial development and proposed grading plan in PC (Planned Commercial) / TO (Technology Overlay) & PR (Planned Residential) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:

- * **35. Consideration of City of Knoxville FY 2016-2021 Capital Improvements Program.** **5-A-15-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 36. Consideration of MPC's FY 2015-2016 Budget.** **5-B-15-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **37. Consideration of Amendment to MPC's Administrative Rules and Procedures revising the fee schedule related to Form Code Development.** **5-C-15-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. Consideration of the purchase of replacement laptop and desktop computers under Knox County Purchasing's Dell bid** **5-D-15-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve the purchase.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:43 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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