



Minutes

November 10, 2010

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

The Metropolitan Planning Commission met in regular session on November 10, 2010 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF NOVEMBER 10, 2010 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF OCTOBER 14, 2010 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

Joel Farmer, 6804 Flatwood Lane ask no. 28 be removed from postponements.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ EXCLUDING ITEM NO. 28 UNTIL THE DECEMBER 9, 2010 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENTS APPROVED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENT 90 DAYS AS READ UNTIL THE FEBRUARY 10, 2011 MPC MEETING. MOTION CARRIED 11-0. POSTPONEMENT APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

- | | |
|---|-------------------|
| <p><u>METROPOLITAN PLANNING COMMISSION</u>
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.</p> | <p>8-A-08-OA</p> |
| <p><u>KNOX COUNTY SCHOOLS</u>
Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.</p> | <p>1-C-08-SC</p> |
| <p><u>WILSON RITCHIE</u>
Request closure of Lecil Rd between Asheville Highway and N. Ruggles Ferry Pike, Council District 4.</p> | <p>3-F-10-SC</p> |
| <p><u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u>
a. Concept Subdivision Plan
Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.</p> | <p>1-SG-08-C</p> |
| <p>b. Use On Review
Proposed use: Attached residential subdivision in PR (Planned Residential) District.</p> | <p>1-J-08-UR</p> |
| <p><u>WILLOW FORK - GRAHAM CORPORATION</u>
a. Concept Subdivision Plan
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.</p> | <p>11-SJ-08-C</p> |
| <p>b. Use On Review
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.</p> | <p>11-H-08-UR</p> |
| <p><u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>
a. Concept Subdivision Plan
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.</p> | <p>4-SC-09-C</p> |
| <p>b. Use On Review</p> | <p>4-D-09-UR</p> |

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

TIPPIT VILLAGE - SITES TO SEE, INC.

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

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

HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18 8-SB-08-F
 South side of Woodlawn Pike, east of Southwood Drive, Council District 1.

DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F
 South side of Kingston Pike, south of Walker Springs, Council District 2.

HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4 11-SO-08-F
 South side of Hardin Valley road between Schaeffer and Iron Gate, Commission District 6.

LECONTE VISTA 11-SP-08-F
 Kelly Lane near intersection of Kodak Road, Commission District 8.

HART PROPERTY 12-SH-08-F
 East side of S. Molly Bright Rd, south side of Asheville Hwy., Commission District 8.

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

WYRICK PROPERTY 8-SC-09-F
 East side of Tazewell Pike, north of E. Emory Rd, Commission District 8.

OLIVER A. SMITH
 Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.

a. Southwest County Sector Plan Amendment 6-H-06-SP
 From LDR (Low Density Residential) to O (Office).

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

PROPERTIES DIVERSIFIED, INC.

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

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

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

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

JAMES L. MCCLAIN
 Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.

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

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

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

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

MIKE ELLIOTT 2-A-10-UR
 West side of Arthur St., north side of McGhee Av. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay) District. Council District 6.

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).

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (LONGMIRE) WERE MADE TO TABLE ITEMS 8, 9, AND 12 AS READ. MOTION CARRIED 11-0. ITEMS TABLED.

CONSENT ITEMS

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

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 11-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 11-0. APPROVED.

Ordinance Amendments:

5. METROPOLITAN PLANNING COMMISSION

11-A-10-OA

Amendments to the Knox County Zoning Ordinance regarding regulations for private swimming pools, regulations in the PR (Planned Residential) zone district, and definitions.

STAFF RECOMMENDATION: Approve

Mark Donaldson: These series of amendments to the Knox County Zoning Ordinance come at the request of the Knox County Commission by way of the Law Director and with the support of the Knox County Building Official dealing with primarily the issue of private swimming pools as an accessory use. The amendments amend the definition of building and accessory building in the zoning code and create new definitions for structure, accessory structure, accessory use and lot coverage. It establishes private swimming pools as an accessory structure and provides location regulations and amends the language for the peripheral boundary setback in the Planned Residential zone district. This would have been on consent except for one number in the proposed location table at 4.104.05. If you will look at that the amendments propose that swimming pools, the edge of water of swimming pools be located 10 feet from the side and rear property line, no less than 10 feet. This contradicts the previous requirements that a swimming pool could be located within 5 feet of rear and side property lines. I just wanted to bring that to your attention and see if there was any desire to recommend either the 5 or some number in between the 5 to 10. It is my feeling based on reading regulations from a variety of cities and counties that 10 is kind of the median number that was out there. In the County we are generally dealing with a little larger lots than we do in the City, with the exception of some planned residential districts. The net effect of a 10 foot setback would be that the edge of water on a 50 foot lot would maximize a pool length of 30 feet, which is a fairly common pool length. I think with the larger lots a ten foot setback, especially when we are dealing with the edge of the water rather than the edge of an apron around the pool, provides enough room for that apron and for the easements, quite often utility, electric, drainage easements that occur on side lot lines and rear lot lines. We have proposed 10 feet. A current regulation that applies to some of the zone districts allows 5 feet. The 10 feet would trump that for a swimming pool.

John Schoonmaker: 144 Tan Rara Drive, Knoxville, Not exactly opposition. Just a question for clarification. The chairman of the Knox County Board of Zoning Appeals appeared before the Knox County Commission and asked that the regulations for swimming pools be changed in the Knox County zoning ordinance. I guess my questions is why are we just picking only one residential zone to change and do the wording for all the residential zones of the Knox County Zoning Ordinance?

Donaldson: The short answer is we are not. We are creating regulations that will apply to all private swimming pools, but we are also amending the Planned Residential zone district to strike a word that prohibits structures within the peripheral boundary. A swimming pool as an accessory structure would then be allowed to be in the rear yard of lots that are on the periphery.

Schoonmaker: Okay, what about RB zones?

Donaldson: The new regulations would apply to all swimming pools in all zones. Currently in RB and RA the Building Department has been allowing swimming pools within 5 feet. So this would actually require a little bit bigger buffer area between edge of water and the property line.

Schoonmaker: But is it actually worded in the ordinance that it is..

Donaldson: Yes we are creating a set of requirements specifically for private swimming pools that will apply to all private swimming pools.

Schoonmaker: Okay. Just wanted to clarify that, thank you

Art Clancy: On locations with respect to the edge of the water. Based on this table, how does that effect indoor swimming pools. Are they considered a part of the accessory structure that it is put in?

Donaldson: The accessory structure that encloses the pool would be and accessory building. The accessory building would be subject to its own set of requirements. You can theoretically build a building within 5 feet of a rear or side property line so that the pool then would have to 10 feet or you would have to have a 5 foot apron inside the building around the pool.

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

* 6. **METROPOLITAN PLANNING COMMISSION**

11-B-10-OA

Amendments to the City of Knoxville Zoning Ordinance regarding the prohibition of public schools in the C-2 (Central Business) district.

STAFF RECOMMENDATION: Approve the amendments as shown in Exhibits A, B & C.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

None

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

MOTION (CLANCY) AND (EWART) WAS MADE TO MOVE AGENDA ITEM NO. 7 TO THE END OF THE MEETING. MOTION CARRIED 11-0. AGENDA AMENDED.

7. **METROPOLITAN PLANNING COMMISSION** **12-A-09-SAP**
Hillside and Ridgetop Conservation Plan.

(See end of minutes for action taken.)

- T 8. **METROPOLITAN PLANNING COMMISSION** **6-A-10-SAP**
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T 9. **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.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

Concepts/Uses on Review:

- P 10. **BRANDYWINE AT TURKEY CREEK** **11-SA-10-C**
West side of Fretz Rd., southwest of N. Campbell Station Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

11. **ARLINGTON PLACE** **11-SB-10-C**
Northwest side of Washington Pike, Southeast side of McCampbell Dr., Council District 4.

STAFF RECOMMENDATION: Approve the concept plan subject to 7 conditions.

COMMISSIONER JACK SHARP RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Benny Mooreman: Benchmark Associates, 10308 Hardin Valley Road
We have submitted a use on review for basically a 3 lot subdivision that will implement an entrance road back to the back parcel. We have submitted our plans and have been through the process. We have also submitted design plans to City Engineering and have addressed their final comments. We feel we are in compliance with construction or the development plan for that road and be prepared for construction. We gratefully request that you all give us a positive feedback today.

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

Michael Kane: We received several emails to postpone this from community members. I guess there is a meeting with the neighbors on November 19th if I remember correctly. The reason, I had not talked to any body in the neighborhood, but their reasoning was a lot with regarding the traffic study and something like that. I am surmising the issue really is that they don't know what is going on and they would like to know what is going on before this really any kind of approval happens to move the process forward. I would just like you to maybe address that.

Mooreman: The use on review that you have before you today is to initiate a sale of the rear track of the property. That specific property will be coming before this board with a use on review for the December meeting. They are comfortable going through the steps. We are trying to get this conveyance of property by the end of the year and therefore we would get this process done and then our final plat would be heard at the same time as the use on review for the actual development of the rear tract. The other two tracts that front on Washington Pike, there is no plan to do anything with those at this time. That meeting as I understand it on November 19 is to address the use on review for the development of the tract in the back which is for a church.

Kane: I just was trying to find out if there was any clarification with the community that they felt comfortable at all? Do you have any specific knowledge at all?

Mooreman: I specifically do not. I talked with the pastor earlier today and he reflected that he felt that they had come at least with this portion of the submittal. He may be better able to address that than I.

Tim Guthrie: 6005 Stratford Park Boulevard in Knoxville. I am the Pastor of Arlington Baptist Church. We have been in email contact with two from that group. They do not live in either of the neighboring subdivisions. In an email this morning that clarified what we were doing, they said great the meeting on the 19th would handle that. We have been in constant contact with both Wingate Subdivision and Summer Rose They are on board and have been on

board for about two years with what we are doing. We do not feel there is any concern.

Tom Brechko: I think one of the issues that was raised was the traffic study and whether or not that needed to be completed prior to the concept plan being approved for the subdivision. We have a traffic study that has been submitted to staff for the propose church and assisted living facility that also takes into consideration commercial development on the front parcels. The revised staff report that I provided to the Planning Commission yesterday revises a condition that actually states that prior to any use on review approval or development plan approval for this development, that the traffic impact studies would have to be submitted and approved and any required road improvements as a result of that traffic study would be conditioned as part of the use on review. Its staff position that basically we have three large tracts that are being re-divided into three lots. There is a public street included with this that serves the development. City engineering has reviewed that and is basically approving the street design. If there's a need for modifications, it would be based on the site specific development that would occur in there. So it is staff's position that going forward with the concept plan at this time does not in any way hurt public involvement in the process to deal with the church property, the commercial property. The system is set up that traffic issues will be looked at through those reviews.

COMMISSIONER STAN JOHNSON ARRIVED AT THE MEETING.

Mark Donaldson: Just for the record we are dealing today with the concept plan which is not related to the use on review approval at all. The concept plan is the first step in the subdivision regulations setting up the next two steps which are the design plan review of any public improvements and the final plat. The use on review and development plan approval for any specific use there follows. It looks like we will be looking at that at our December meeting.

MOTION CARRIED 11-0-1. APPROVED.

Final Subdivisions:

- T 12. BRANDYWINE AT TURKEY CREEK PHASE I 8-SP-10-F**
West side of Fretz Road, south of Campbell Station Road,
Commission District 6.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- P 13. STEVE & ELIZABETH CARDWELL PROPERTY 10-SA-10-F**
Nickle Rd, 1100' northwest of Pleasant Ridge Rd, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **14. FINAL PLAT OF THE HUGH TAPP ESTATE PROPERTY** **11-SA-10-F**
West side of Kelly Ln, south of Kodak Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **15. FOUNTAIN CITY COMPANY ADDITION RESUBDIVISION OF LOTS 9-12** **11-SB-10-F**
At the northeast intersection of Midlake Dr and Kingwood Rd,
Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. WANDA KIRBY PROPERTY RESUBDIVISION OF LOTS 1-3** **11-SC-10-F**
Northeast side of Chert Pit Rd, north of Middlebrook Pike,
Commission District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

WITHDRAWN PRIOR TO PUBLICATION **11-SD-10-F**

- * **17. CAMPBELL STATION VILLAS RESUBDIVISION OF LOTS 1-3, 28-30, & COMMON AREA** **11-SE-10-F**
N. Campbell Station Rd at Black Rd, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **18. KNOXVILLE HABITAT FOR HUMANITY LEFLORE AVENUE** **11-SF-10-F**
Southeast side of Leflore Ave, southwest of Gap Rd, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. BREAKTHROUGH RESUBDIVISION OF LOTS 4-9 AND LOT 12** **11-SG-10-F**
At the terminus of Thurman Ln, southwest of Woodson Dr.,
Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. CANNON & KUIPERS PROPERTY** **11-SH-10-F**
Northeast intersection of Lee Rd and Vance Lane, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

21. **KNOX COUNTY COMMISSION**

Southeast side Fox Rd., northeast of Canton Hollow Rd.,
Commission District 5.

a. Southwest County Sector Plan Amendment

From LDR (Low Density Residential) to RC (Rural Commercial).

11-A-10-SP

STAFF RECOMMENDATION: Deny RC (Rural Commercial)

Mr. Arthur Seymour, Jr: On behalf of the applicant.

Robert Anders: I know we have opposition here today. I would like first though to have Mr. Brusseau present and then we will go to the various sides.

Mike Brusseau: Commissioners we went over this yesterday in pretty good detail so I will try to keep it brief. The main reason for the denial recommendation is that for a sector plan amendment there is four very specific criteria that we base our recommendation decisions on. We just could not, there is no way that this particular proposal meets any of those criteria. Obviously without the sector plan amendment, the rezoning could not be recommended for approval either. Just to give you the background on this, this was heard in July and denied unanimously by MPC. The rezoning decision was appealed to the Knox County Commission. They ended up sending it back to us and enacted the sector plan amendment on their own in their name Knox County Commission. So that's why you see a current file number for the sector plan and then a June file number for the rezoning. In addition to the sector plan not meeting the criteria for the sector plan, we just feel that there's some traffic issues that, they already exist with the marina and this could potentially make that worse. It is pretty much the definition of a spot zoning. We have discussed the possibility of CN zoning. That may be a little better; however, the sector plan problem still exists with either zoning. CN also poses, would not be compatible with some of the specific proposals that the applicant has provided you. It only allows for a 5,000 square foot building or business space and the proposed restaurant has more than that. It also would not allow the marine equipment rental so that may not be satisfactory to the applicant. That is why they requested the CR. I will stop there and if there are any questions I would be glad to answer those.

Seymour: I am here on behalf of the applicant, CGK Chad Kennedy and his wife are here. Mr. Surrell, Bill Surrell, well respected

attorney is here on behalf of the McKenry family and in particular Betsy McKenry who could not be here today. She is the resident closest to this project and supports it. If you all have any questions for Mr. Surrell he would be glad to address them. I think staff denial, respectfully, is putting form over substance. If this was here in a different posture, i.e. the Fox Road Marina to put a restaurant there I gather staff would look at this proposal very differently. The obstacle here is the sector plan which frankly does not recognize the commercial use of the Fox Road Marina as it is now. So we think, we would respectfully submit that this is a correction, a proper correction of the sector plan. If this is an extension of an existing commercial use although it is in an agricultural zone, then you all should approve the amendment to the sector plan and the requested rural commercial zone. You all have been bombarded with emails. I want to turn our portion of this presentation over to Chad Kennedy, the proposed developer who will speak next. We will be all happy here to answer questions afterwards. Thank You.

Chad Kennedy, 4185 Towanda Trail, 37919, I am the applicant for 1104 Fox Road. I am asking you to recommend that Knox County Commissioners rezone this property to commercial rural and change the sector plan to commercial rural. I would like to thank all those commissioners who took my phone calls and the ones who were able to meet me on the property. I would also like to thank all of you for taking the time to read the packet of information I gave you. I know I have opposition to this project. That is why I personally held four public meetings and have also attended two West Knox County Council of Homeowners meetings. From day one I have listened to and tried to address their concerns. Still today I am willing to sit down and work with my opposition to make this project a win-win for all. I realize that with change comes uncertainty and some people have a hard time envisioning new ideas. However in today's market one thing is certain and that is change. Change is necessary and it creates new opportunities' within our community. I would like to briefly address their concerns. The restaurant noise. This restaurant will be located an estimated three football fields away from nearest oppositions home. Fox Road Marina along with its boat and engine repair shop is my neighbor and in my opinion creates much more noise than a restaurant would. The Norfolk Southern train travels by my site 15 to 20 times a day and registers 109 decibels. That is equivalent of you sitting in the 12th row of a rock concert it is that loud. Traffic and road safety. There are three ways to and from my site. Canton Hallow Road to Fox Road, Fox Road, Emory Church Road. My customers will be using Fox Road when it is least traveled. At my expense I am offering to build a turn lane on Fox Road and create a safe entrance to the restaurant. We are also working with TDOT and Norfolk Southern Railroad to help pay for the installation of crossing arms at the Canton Hallow Railroad Crossing. In my opinion the biggest safety hazard to Fox Road is not the width of the road, but rather that drivers drive it over the speed limit. Knox County drivers use Fox Road as a back road and simply drive it too fast. In my opinion

the best ways to make Fox Road safer is to slow drivers down. This speeding could be solved very simply, quickly and affordably with more speed limit signs, small speed bump strips and more policing. If we can slow these drivers down, there will be no need to widen Fox Road. I am willing to personally help pay for the extra speed limit signs and speed bump strips. Restaurant concept. I want to be 100 percent clear on this. I am not opening a bike or sports bar, honky tonk night club. I am planning on opening a family friendly, boater friendly restaurant. We will specialize in wood fired chicken, steak, burgers and barbeque ribs. Our pricing will be comparable to Calhoun's Restaurant which is a local favorite. This is not a late night drinking establishment and at every one of my public meetings I have used the same description. I would like to briefly discuss the positive impacts this restaurant will have. I will be creating over 100 construction jobs during the development phase and approximately 70 permanent restaurant jobs once we are open. There will also be a positive ripple effect on jobs across the county. The estimated cost of this project is \$2.5 to \$3 million and a conservative gross sales estimate for the restaurant is \$2 million a year. I will be introducing over \$500,000 in annual payroll to Knox County residents. This project would raise the property tax base a minimum of \$26,000 annually. As shown in a market data analysis conducted by MKD Appraisal and Consulting, the restaurant would actually increase the surrounding property owners value and improve their marketability. The owners of Fox Road Marina and me feel this restaurant would grow his business. I envision creating a park like setting across the property. I want my property to be a place our community and tourists can come in and enjoy and take advantage of the beautiful lakes and scenery we have been blessed with. I am a local business man and the profits of my restaurant will stay locally. Joe and Betsy McKenry are the owners of this property. They have had this property for sale since 2006 with no purchase contracts. There property has KUB utility easements, TVA flowage easements and setbacks that almost eliminate the ability to build a home on this site. Additionally Fox Road Marina is my neighbor and nobody, and it has been proven that nobody wants to live right next to the marina, the 4-story metal building and the loud noises it creates. Joe has been a local business man in our community for over 60 years. Due to health reasons they are both now living in an assisted living home. This property is essentially their 401K plan. I am a true believer in property rights. I feel it is time for them to be able to sell their land. Finally, the sector plan for this property is simply that, a plan. In life, business and in government, plans always get changed. A lot of times what we plan for the future is not right and we must change our plan. The low density residential sector plan for this property, in my opinion, is wrong. You could not comfortably fit one to six homes on this site due to many easements and setbacks on the property. The property's neighbor is a marina with 250 boat slips. It is an operating commercial business with a boat and engine repair shop on site. You have the authority to change the sector plan and help allow my development to go forward. You will be giving Knox County citizens the jobs they need

now and you will also be increasing Knox County's property tax revenue. Please keep my final points in mind when you vote today. Almost every politician in the mid-term election ran on creating jobs. Both Mayor Tim Burchett and Governor Elect Bill Haslam campaigned on creating jobs for Knoxville and our State. Today I ask all of you to help them deliver on their promises and vote yes to change the sector plan. Thank you.

Mr. Wayne Kline; Attorney with Hodges Doughty and Carson, 617 Main Street. I am also a pretty close neighbor to this project. I live at 1226 Birchcove Way. I am also her on behalf of the homeowners association that I represent, the Westland West Homeowners Association. I am here more importantly, I think, on behalf of the residents, many residents out in Lovell Heights Subdivision, Tan Rara Oesta Subdivision, the residents who are not in a subdivision and live on Fox Road, Canton Hallow Road, the residents across the water which is where I am from and Lakewood Subdivision is from and the Council of West Knox County Homeowners. A neighboring church the Lakeview Missionary Baptist Church has also authorized me to say that I am here on their behalf. There are lots of folks that I represent. Many of them couldn't be here today. I have signatures attached to these petitions with names and addresses of 279 folks that live out there who want to say really we disagree with Mr. Kennedy in the sense that the sector plan is made for these folks. These are the folks that live out there. The residents that live out there participated in the sector plan. The Southwest Sector plan is there for them. You shouldn't really change a sector plan to impose a spot zone for a commercial entity within a sector that has been set aside for residential neighborhood. What you have got is a very narrow road. It's dangerous already. It carries too much traffic already. You have a grandfathered in marina and that is true. And you've got a railroad that goes by. That's true. But to add further insult, commercial insult to the neighborhood, is going to start a domino effect. And you got to remember there is property right next to it, 5 acres of property right next to this that is also for sale. And so the fact that this property hasn't been sold in six years only means to me it is not priced for residential. It is priced for commercial. Nobody is going to buy a property to develop it residentially and there are folks that are interested. I have talked to them. They are not going to be interested at a commercial rate. You have narrow shoulders, low shoulders, narrow road, and limited sight areas. It is not appropriately placed sight for the requirements of the rural commercial zone. It's improper to change the sector plan. You've been through this in your meetings. You know what sector plan requirements or the criteria are. There is not one criteria that is met by this proposal. A CR zone does not have a use on review with it. If you put a CR on this property, what you do is you say okay to ahead you can develop it within the requirements of that zone. There is no use on review. That also is objectionable. Now if they pair it up and came together with Fox Road Marina, there might be a situation where they can make an application with a use on review. I understand that MPC staff might be more

considerate of such an application. Although it is still not the right place for it. You don't stick it in a spot in the middle of a residential area. The folks that live down Fox Road, up Fox Road, up Canton Hallow Road, who live on the roads and around the roads want this to be their place for a residential area. You know CR zone if you look at the way it was created, it is created for those arterial and those commercial interchanges that are right on the edge of an area that is highly residential. Those arterial, those intersections are where you want to put them. You did one recently and I know you remember it, at the intersection of Choto and Northshore and those are sites that you deem appropriate. This site is not like that site. It is in the middle of an area on Fox Road that is not close to an arterial connector. It is down next to the water, and that is why they want to put it there. But there is also a restaurant very close on the water to this proposed restaurant. If you put this zone on this property, with all due respect to Mr. Kennedy, and I will say he is a nice fellow, I like him, once the zone is on the property it is there forever. It doesn't just go away if Mr. Kennedy decides not to build or to sell to somebody else. It attaches to the property. That's what you have to consider in a situation like this. It's simply inappropriate. There are lists of reasons why it's inappropriate that I can go on and on and on. But I think you have heard them already. So I am going to stop because Mr. Anders is going to stop me anyhow.

Anders: No I was not going to stop you. I was going to suggest there is a man behind you and I didn't know if he was speaking in opposition.

Kline: I would defer to the Commissioner Briggs here and I think he wants to speak. Thank you for your attention.

Commissioner Briggs: I am only going to take a minute in case there are questions for these other gentlemen here. One that I know you are respectful of the County Commission when they send this back to you for reconsideration. The vote on this at the County Commission wasn't a unanimous vote. It was a 5 to 6 not to reaffirm the vote of this Commission. It was a very close vote that evening. There was a lot of discussion even among the Commission members. The second thing deals in you know this already, but I am going to read you the legal definition of spot zoning and why it should be used only in very special circumstances. And from the legal standpoint the process of singling out a small parcel land for use classified totally different from that of the surrounding area to the benefit of the owners of such property and to the detriment, the detriment, of the other owners as such is very antithesis to the idea of zoning, of planning a planned zoning. As you can see this is in the middle of a residential area. We have talked about the problems with the roads. We have talked about other issues there. I wanted you to be aware of those two facts and especially that this wasn't an unanimous opinion of the County Commission. Thank you very much. I am sorry. I should have known better than that. I am

Richard Briggs with the Knox County Commission. My home address is 2235 Brickwater Drive, Knoxville.

Seymour: In response to Mr. Kline, MPC staff has recommended if you approval this that you put a site plan requirement on it. We are fine with that. This property is not in the middle of a neighborhood. It is on the edge of a neighborhood separated by a public road and a major line of the Norfolk Southern Railroad from any residential area other than Ms. McKenry's area or home. She supports it. With all due respect to Commissioner Briggs, it is not spot zoning by their definition. Neighborhood Commercial and Rural Commercial are spot zoning and we are right next to a commercial use.

Kline: All of those who have come here thank you. Would you please stand in opposition. And this is a representative sample (about 25 people stood) I beg to differ with Mr. Seymour. There are neighbors on the other side of marina that live right on this side of the road also on the water. They are also in opposition. I will submit the petition and sit down.

Becky Longmire: We had a unanimous vote last time. Nothing really has changed. I don't see any reason that we can vote to change the sector plan. I certainly oppose spot, with all apologies Mr. Seymour I see this as spot zoning. I can, Mr. Kennedy you have a wonder plan and you all have worked very hard. The McKenry's are wonderful people. But this is just not something that I support.

Wes Stowers: One thing that has changed in my mind is looking.. If there was not a marina there, absolutely this would be spot zoning. I have a concern on the road, but only for those that live along the lake. I do not have a good answer for that right this minute. Looking at this piece of property it is right next to a commercial use. We are kidding ourselves if we act like it is not, because it is. It has been there for decades. Second you have a easement going through it which renders anything along the road unusable. It is a tiny little strip. I don't think there is any way anybody is going to put a house there. Third it will improve the appearance when you have something there. It will pay taxes and enhance the value of that whole piece of property. It is separated from the neighborhood by, like they say, a railroad and a road. It would appear there is a lot of support for it. Stacks of it. We are not in the process of counting noses. But there's been a tremendous work on behalf of Mr. Kennedy. I think if we hide behind the spot zoning, I would be more interested in rather than using that, what is the true impact of the traffic, the road and what are Knox County's long term plans to improve that road, if any.

Cindy Pionke: County Engineering. There are no plans to improve Fox Road. Based on the current capital improvement program, we have been cut to the bone and this one doesn't even come close to the top in terms of where the County needs are.

Laura Cole: I just wanted to say for me framing this question. Mr. Seymour's words helped me frame it. Mr. Seymour refers to the sector plan as an obstacle; and I refer to the sector plan as a guide. For me somewhere in between, there might be some room for considering this development. It has nothing to do with, for me, what kind of development it is, whether there's loud music or anything else. What it comes down to is there is no justification for me to go against staff's recommendation. There is nothing that has changed as Commissioner Longmire said. It is exactly the same and there is no change in criteria that I can base my decision on to support it.

Stan Johnson: I want to talk about that compromise for just a second. We are in a situation where a sector plan is a guide. That's what we want to go off of. But in certain circumstances we want to make sure there are areas where we can compromise. I was talking earlier yesterday to Mike about the difference in the, what we thought we could need and what we need to pass. I think it came up to rental boats. It was neighborhood commercial would be a compromise. I wanted to hear a little more about what happens if we do neighborhood commercial versus rural commercial.

Brusseau: Basically the sector plan situation is still the same. Whether it is neighborhood commercial or rural commercial, it still would not meet the criteria. That being said, I think neighborhood commercial is a better zone for this property. Obviously the sector plan is what is important here. I mean without changing that we cannot recommend approval of any kind of commercial zone. You are correct in that the marine rentals are not permitted in CN. As I mentioned before the restaurant size as proposed currently is over 6,000 and the CN zone does not allow any individual business over 5,000. This was discussed when they came in with their application and CR was basically the lowest intensity zone that would accommodate what they were trying to do. The applicant, you may want to present the question would they be okay with the CN zoning. I don't know a definite answer for that.

Seymour: Probably yes. The goal was to make this sort of a family setting. If you have seen the plans, there is a boardwalk, a sort of a little play area on the site. He envisioned having some marine rentals kayaks, and paddle boats and things like that. No motor boats or anything like that. I suspect he could work that rental situation out where it would occur with Mr. Keiger over on the marina property, which he has already authorized to do. The question that Mr. Brusseau raises, the proposed restaurant right now is 6200 square feet. The neighborhood commercial allows a structure of 5000 sq. ft. I am going to turn to Mr. Kennedy and see if his restaurant could be changed to 5,000 feet and let him respond to that, if I may Mr. Chairman.

Kennedy: We can take a look at it. The proposed restaurant right now is now 6500 square feet with approximately 210 seats. I would

just go back to my architects and look at it and see how many seats we would get with 5,000 square feet. At the end of the day that is going to affect the bottom line to make sure this project would pay for itself if 5,000 square feet is big enough to put chairs and turntable and make the payments. I would have to refer to my architect and see how many seats we could fit in 5,000 to see if that works for me. Just relate that in comparison to Lakeside Tavern which is approximately 8,000 or 9,000 square feet and has 340 seats. So we are a much smaller restaurant than what Lakeside is across the lake.

Longmire: Once again, and I don't want to be hard nosed about this, but this sector plan was done by the community that lived there. It wasn't the staff here going back in a corner some place. This is what the community wanted at that time. When changes come, I think that a sector plan amendment would be fine. Right now there have been no changes that could warrant me supporting a sector plan amendment. Therefore it follows that I couldn't support the rural commercial. I would like to make a motion to follow staff recommendation denying rural commercial sector plan designation.

MOTION (LONGMIRE) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY.

Bart Carey: I am still flopping around in the middle right now. I still do not have a firm handle on this. A lot of people do. I do not think changing the seating from 6500 square feet to 5000 is going to make the community embrace it. We are just kind of changing the color of the chameleon right there. After visiting the site it is apparent that, I guess I have a question. Did I understand that Fox Road Marina is not classified as commercial entity?

Brusseau: It is not zoned that way. It is zoned agricultural. A marina is a use on review in agricultural zone.

Carey: I think we got into this a couple of three months ago, if the marina did this project what would their process be? I don't want to spend much time on that. Could they, if they owned this land would they be able to expand this operation onto that land?

Brusseau: They could submit a use on review for your consideration. No this property is currently zoned Ag so it also would allow a marina and an accessory use. A restaurant is an accessory use.

Carey: One thing that did jump out at me, a train did happen to go by while I was there and it was, it wouldn't really help a restaurant business I can tell you that right now. What I did see is the buildable land on this site is slap up against a 4-story aluminum boat shed, dry storage building. I do not know what kind of residents would want to be in the shadow of that building. I don't

know what value that property would have in that regard. It is not really out job to determine the value, but what the use should be. That is kind of where I am torn. This would be one of those things that would be a nice fit. It makes sense to have a nice attractive marine looking building in the midst of a marina. And it would serve a good function. I think the parking could be back and forth. I guess I am going to sit here and be torn a few more minutes to see if I hear something that makes me land on one side or the other.

Stowers: I think we are talking about semantics here as it applies to the sector plan based upon the fact that we have got this operating marina with a metal wall that's two, three stories tall. This softens that. The only neighborhood it touches is one house owned by the people that own this property. I think if we deny this it will remain just like it is. If we approve it, it improves the property. If the marina wanted to do it, it would be a much easier course. I think we are talking semantics here. You have got a man that has put a lot of time and effort, willing to go at risk for several million dollars. I think putting this thing strictly on the black and white of a sector plan when it's right smack dab against a marina is more style than substance.

Anders: That's what is holding me up. If we didn't have, which we do; I am not trying to suggest we don't. If we did not have the sector plan issue here, I think it is a very good site for this, for what's being proposed. But we do have that issue that we need to address.

Robert Lobetti: Sir, how many employees do you plan having?

Kennedy: When the restaurant is open and operational there will be approximately 70 full time employees.

Lobetti: Seventy jobs with the way the economy is. Thank you sir.

Longmire: I would also like to point out that there is land on the other side not next to the marina that is owned by the daughter of the McKenry's that it would be just as possible to do something developable by joining those two properties. Using economies, I know that we need jobs, I know that we need a tax base, but we could sell kidneys and make money and that doesn't make it right. The sector plan really needs to count.

Anders: Ma'am we are at Commission now. But if you have got something that is new and brief we would be glad to hear it.

Donna Cardnuff: 10212 El Pinar Drive. I am not used to doing this. My backyard will overlook this restaurant. And Mr. Kennedy believes in property rights. That's what we believe in as well. Let me help you. Right now my property value is set. When I sit on my porch I see this beautiful strip of land. We are on the duck migration and fly over my house and land and I watch them. When this project goes

in from my backyard and my neighbor's, the Starnes, we will see a parking lot. If you think that increases the value of my property, I submit that it will not. So if you are looking to buy a home, do want to see this beautiful strip of land and the ducks and geese, or do you want to see a parking lot. My other question is all these conditions sound wonderful. He has all the great answers. What happens if he builds and suddenly he is renting speed boats or the restaurant is bigger or he doesn't build the board walks and places for the kids. Who do we go to? Do we come back to you say, hey this isn't being done or this is in violation. We are looking at our property rights here.

Anders: Ma'am the motion on the floor is to deny, but if an alternative motion was made to approve, I am assuming that it would include these two conditions that staff is adding that a development plan must be approved by MPC prior to development of the property including clearing and grading and then a traffic study would be submitted as well. Putting the cart way before the horse, if that happened and it was approved, he couldn't just change his, he has to come back and we have to look at that.

Cardnuff: And if he was to sell the property and somebody else comes in or perhaps, like I don't know if any of you have been to Amasit (indiscernible) at Choto Marina. I guess it is no longer there. They did have enough customers to keep them running. What happens if he doesn't have enough customers and closes down? Now I get to view an empty parking lot. Just for your consideration. Thank you.

Kane: I want to comment a little. I did go back and seriously look at the property. I did walk the property. I have a much better understanding of the constraints. I think, from my perspective, a lot of this has to do with the marina and the 4-story metal structure and that noise that that creates. And unfortunately what's happened is the approval of that activity on that lot has affected the lot next door to it. What I came back to over and over again was that if this property that we are talking about is to be developed, then it needs to be developed in conjunction with that marina and within terms of the uses that are allowed within the agricultural zone. I think there are still problematic issues with the traffic aspect of it. But if County Commission in the prior years decided that that property was a good use to have a commercial marina there, then I think any expansion of activity really needs to be tied to that. It needs to go through that review process. I just don't think you can get over the hurdle of the sector plan change. I think the compromise, if you are looking for one, has to be through the use on review process in conjunction with the marina. I really feel like that's because it is all tied to that marina. Everything is tied to that marina. Any change in what the neighbors expect or what is in the sector plan, it all comes out of that marina itself. It needs to be tied to that and how that marina develops, expands or whatever. That would be my comment.

George Ewart: I agree with Commissioner Kane. The marina, although it is a commercial use, it is a use approved in the agricultural zone. It is not zoned commercial and the sector plan does not recognize it as a commercial use because it is an agricultural use and it's a use on review in agricultural. We put this as a commercial property, and I know how volatile the restaurant industry is, then you have a 6500 square foot building over that that could be vacant at some time and now it is zoned commercial. What's the next use going to be there? I mean I don't know. But there are a lot of uses that can happen in that commercial zone that I don't think is not proper for this location. When people are saying there's a, you have got this marina beside it and its a commercial use, it is to some degree. It fits in the agricultural zone and this whole area is agricultural. I do think that if we go ahead and make this commercial that we are looking at a spot zone. And I don't see any other way around it. That's all. Thank you.

COMMISSIONER LONGMIRE CALLED FOR THE QUESTION.

Upon roll call the Planning Commission voted as follows (Yes to deny):

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

MOTION FAILED 6-6.

Longmire: My question is if we vote to change the sector plan, what are we using as the reason. We have to have a reason to change the sector plan. There are reasons set out in our material. I am sure Mr. Wise could talk about the reasons and Mr. Brusseau could. We can't just change it. We have to have a reason. So I would be willing to hear a reason.

Lobetti: Ms. Longmire, ordinarily I would go along with that. You would be surprised the people that call me every day for jobs and what have you. People crying on the phone. It's just heart breaking and this man says he is going to hire 70 people. That is what's going to make me vote for this.

Longmire: Well yeah, if it goes.

Carey: Could the applicant but a marina, apply for marina status

and put a 4-story boat shed there?

Donaldson: Yes, with a use on review approval.

Carey: But no sector plan change would take place in that. This is one of those that we are balanced on the edge of the sector plan as determining what to do with this land. I know how much we need to respect the sector plan. I very much do. I am still coming down to best use. I cannot get my hands around anything that is a better use for this land than what the applicant asked to do with it. I mean the neighborhood probably wouldn't want to see a 4-story metal building in their view line.

Anders: I understand the neighborhood's concern, but to suggest that you are not going to derive any benefit from a family style restaurant being located in your area probably isn't correct either. We talked about, the traffic to me is an issue. Noise isn't an issue. I don't think that is something that should be a swaying point. There is benefit of a family style restaurant in a neighborhood or adjacent to a neighborhood.

Kane: I think the problem is we focused in on a very specific use, which in our system a zoning pretty much outside of use on reviews allows for a broad range of activity. And this is a broad range of commercial activity. You can't, you have to look at the whole realm of things that could happen and those uses and the intensity of those uses and what that brings. It just doesn't seem to me that you can, that it fits. I could see the restaurant there. It is a beautiful piece of property. It would great for people to have public access to it. It would make a great park. It could make a great church. There are other uses. It's limited I admit. The problem is rural commercial or neighborhood commercial allows way too many things and it opens the door for a larger expansion that I don't think this body really wants to do.

Donaldson: Before we protract this too long, this is a plan amendment that was initiated by County Commission under a law that was changed in 2008. I just want to remind you folks of your role when the County Commission initiates a plan. I will read from our staff report. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative. Technically we do not have to come to a decision today. We can approve, not approve or take no action. The 6-6 vote is an option today. It is a rare occurrence for us. This is the first time that a legislative body has initiated a plan amendment. So it is the first time we are dealing with this in this setting.

Steve Wise: You need an affirmative vote no matter what you do.

Having a tie vote is not taking no action. You have to resolve the matter on your agenda. If you determine you could not reach an accord, then you would need an affirmative vote passing by majority saying you will take no action.

Clancy: I do not want to protract this any more than necessary. Mr. Kennedy, can I address you please. You have done a lot of work on this. I am coming down on the sector plan side of this. Sometimes I do, sometimes I don't. There's a lot of benefit both ways. Property owner rights apply to you just as equal as they do the neighbors. I see both sides. I have a hard time with it. You are a smart guy. You are planning a restaurant. You are going to rent you say non-motorized crafts, canoes, those kind of things. You are going to have to put a dock out in the water for your lakeside people to have access to your restaurant. Have you thought about applying for a marina permit so you can do that and then build a restaurant in conjunction with it so that you don't have to get the sector plan changed?

Kennedy: We have definitely thought about that. From what I have gathered at both of these MPC meetings that application would most likely go through with very little debate. My part on that is it's a plan. Sector plans get changed all the time. It is not uncommon to do that. This case is a unique one where the sector plan in my opinion is wrong. You cannot build more than 6 homes on this site. It needs to be changed to put the property to use.

Clancy: I understand that you see it that way. But you got to look at it how, you can put conditions on your deed. That's fine. It will travel with it and we can possibly overlook some of that, but you have got a domino effect with the property around you. That whole piece could end up being commercial. There is good argument, ten years from now, none of us are here. You are operating a restaurant and the McKenry's want to sell their property. Some guy wants to come in and put a nice big restaurant in there again. There is a precedent set where we can't say, no we did it for Chad because he did a good job and we liked him and he was going to give jobs to the County. Now the neighbors are going to be subjected to something else. It is hard for us to do that. It is hard for us to get around that.

Kennedy: I just want to deal with what we have today. Nobody knows what's going to happen in the future. The McKenry property is for sale. It's approximately \$2 million. It is not conducive to commercial use at that price tag. Again Betsy McKenry, her property is not for sale. It is not available. She is not moving. She wants this restaurant to go in. So the closely most affected neighbors want this.

Clancy: I would love to be able to narrow my view to what's going to go on right now and focus on it. I can't. I would love to narrow it down to, you know that's a great plan. That's a good use for a

piece of property that probably can't be used for anything else. But I can't narrow it to that. That was just a suggestion. That's all I have to say.

Stowers: Basically I can't add anything to what Commissioner Clancy said. That's my point too, if there is any consideration about resetting this thing as a marina.

Cole: Since I haven't heard an explanation for why we would support this plan I am going to make a motion, help me with this, that we take no action.

MOTION (COLE) AND SECOND (CLANCY) WERE MADE TO TAKE NO ACTION.

Carey: Basically we would be hot potatoing this back to where it came from. Back to you.

Donaldson: We would be following State law for an amendment initiated by the legislative body.

MOTION CARRIED 12-0. NO ACTION.

CGK, INC. (referred back by County Commission)

b. Rezoning

From A (Agricultural) to CR (Rural Commercial).

6-C-10-RZ

STAFF RECOMMENDATION: Deny CR (Rural Commercial) zoning.

Longmire: I move that we take no action on the rezoning. Since we couldn't do the sector plan, we can't do the zoning.

Donaldson: Staff would recommend that you recommend to the County Commission that the two conditions be added in the event that they want to approve CR zoning.

Steve Wise: You have an obligation to take action on this. There is an exception for sector plan review under the statutes, but there is no such exception for the rezoning. So its on your agenda and must be dealt with.

MOTION (LONGMIRE) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY.

Clancy: I have got a question. I am sorry. If we deny Rural Commercial zoning on the property, it goes back to County Commission. County Commission decides to approve the sector plan change, which they can do, then what. Then it comes back to us to see if the zoning is going to be done. I am confused.

Donaldson: On the zoning question, the Planning Commission makes a recommendation to the legislative body. In the event it is a

denial, the applicant has the right to appeal that denial to the legislative body. That has already been done. They referred it to us. We can refer it right back to them with the same action I believe. Staff would like to have you consider those two conditions so that County Commission will consider them as well when they do take up the....

Clancy: So would it be appropriate to make a motion that would say if County Commission does approve the sector plan change, we would support rural commercial zoning with these conditions. Then they can take care of the whole thing in one package or is that inappropriate?

Steve Wise: You can make advisory motions of any ilk. Notwithstanding that you have a burden to vote up or down or to postpone the rezoning issue. You can take votes of an advisory nature. You can instruct staff to deliver messages. You can deal with them any way you chose to do so. The rezoning matter you can't condition the zone.

Anders: Since we decided to take no action on the sector plan, I truly believe we ought to just up or down vote the zoning and then let County Commission...

Longmire: Well I had a motion, it was seconded and we voted. But I don't know how it came out.

Anders: Well it got a little confusing. But that's all right. I am going to go straight to roll call. Before we go to roll call real quick Mr. Carey.

Carey: Can we deny this action and still stipulate the conditions?

Wise: Not within... you either. The motion before you is to deny the rezoning. You can approve the rezoning with conditions. You could approve the rezoning without conditions, or could deny the rezoning without the conditions.

Carey: The only way to get the conditions is to approve the rezoning? That may be very important in letting them make their decision. We are at least having some control over what County Commission does if we approve with conditions. Is that correct?

Wise: I don't know. It is County Commission. I don't know how...

Kane: Can't we have a, assuming if a denial of the rezoning request could there not be a third motion with an advisory that if County Commission decides to approve the sector plan and the zoning request that they include these two amendments.

Wise: Yes.

Longmire: But I can't amend my motion. We voted.

Kane: No it would be three votes.

Kline: I just want to say something on behalf of the homeowners that there is a third option that Mr. Wise almost got to. Which is a motion to deny the rezoning but attach conditions in the event the legislative body approves it. I believe that is true and Mr. Wise you are their attorney. I believe that is a good motion

Anders: We have a motion on the floor now that we have to deal with and I am going to do a roll call on it. We have a motion to deny Rural Commercial zoning.

Johnson: If we deny this and he goes back and applies for a marina and he gets the marina and he attaches a restaurant, he could do everything that he wants to do without any guidance from us at all.

Wise: It is a use on review. A marina is a use on review.

Upon roll call
Carey Yes
Clancy No
Cole Yes
Ewart Yes
Johnson No
Kane Yes
Lobetti No
Longmire Yes
Pierce No
Sharp Yes
Stowers No
Anders No

MOTION FAILED 6-6.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE RURAL COMMERCIAL ZONING IN THE EVENT THAT COUNTY COMMISSION APPROVES THE SECTOR PLAN CHANGE AND THE ZONING WILL CONTAIN THE TWO CONDITIONS AS SET FORTH IN THE ALTERNATIVE STAFF RECOMMENDATION.

Donaldson: Staff recommended two conditions. One that a development plan be approved prior to any clearing, grading or development and that a traffic study be included as part of that development plan process.

Sharp: Do you all agree with this?

Anders: Well we can't negotiate with the crowd. We have a motion to approve the Rural Commercial zoning subject to, if the sector

plan is approved by County Commission, it would be subject to conditions set forth by staff.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 7-5. APPROVED RURAL COMMERCIAL WITH CONDITIONS IF COUNTY COMMISSION APPROVES THE SECTOR PLAN AMENDMENT.

P 22. CITY OF KNOXVILLE 7-D-10-RZ
 (2/10/11) South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).

P 23. TENNESSEE LAND INVESTMENT PROPERTIES, LLC (REVISED) 10-B-10-SP
 Northeast side Pelham Rd., east of Rutledge Pike, Council District 6.
P a. East City Sector Plan Amendment
 From MDR (Medium Density Residential) and LDR (Low Density Residential) to LI (Light Industrial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. One Year Plan Amendment 10-C-10-PA
 From MDR (Medium Density Residential) to LI (Light Industrial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P c. Rezoning 10-D-10-RZ
 From R-2 (General Residential) and I-3 (General Industrial) to C-6 (General Commercial Park).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

*** 24. BHAVIN BHALODZA 11-A-10-RZ**
 Northwest side Maryville Pike, northeast of Edington Rd., Council District 1. Rezoning from C-1 (Neighborhood Commercial) to C-3 (General Commercial).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. B. JOE CLAYTON** **11-B-10-RZ**
North side Parkside Dr., northeast of Sherlake Ln., Council District 2. Rezoning from C-6 (General Commercial Park) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. WORLEY BUILDERS** **11-C-10-RZ**
West side Francis Rd., north of West Park Dr., Council District 3. Rezoning from A-1 (General Agricultural) to RP-1 (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. PROFESSIONAL LAND SYSTEMS (RALPH SMITH)** **11-D-10-RZ**
Southeast side W. Jackson Ave., southwest side W. Gay St., Council District 6. Rezoning from I-3 (General Industrial) / D-1 (Downtown Design Overlay) and C-3 (General Commercial) / D-1 (Downtown Design Overlay) to C-2 (Central Business) / D-1 (Downtown Design Overlay).

STAFF RECOMMENDATION: Approve C-2 (Central Business)/D-1 (Downtown Design Overlay).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review:

- 28. T-MOBILE SOUTH LLC** **10-G-10-UR**
North side of Dante Road, west of Dry Gap Pike. Proposed use: 220' Lattice Telecommunications Tower in CB (Business and Manufacturing) District. Commission District 7.

STAFF RECOMMENDATION: Postponed to the December 9, 2010 MPC meeting as requested by the applicant.

Arthur Seymour: On behalf of T-Mobile. We would like you to go with staff's request here. There are a couple of issues that remain to be worked out before this can finally be presented in final form to the Commission.

Again my name is Joel Farmer, 6804 Flatwood Lane. Last year in October we were basically facing, or opposing the same very tower from T-mobile just across the street.

Robert Anders: Mr. Farmer let me stop you just a second. I am going to give you all the time that you are due. Why are you all opposed to the postponement?

Farmer: We want to outright oppose it right now and make a motion to deny for reasons I am about to get into.

Anders: I just didn't know if they had not made contact with you or they hadn't had conversations with you. But please you have the floor. That is your right.

Farmer: Thank you. Like I said we opposed this last time for several reasons, due to aesthetic reasons and health and other property reasons. This time around we have, not a mono pole but a lattice tower. A very large lattice tower. And Larry Perry, the guy who is assessing this for Knox County, I guess he has proposed that we put a large tower base for room for expansion to a 250 foot tower later on. Right now it is 220 feet. He proposes they build one, but leave room for expansion for five more arrays. They want to put a strobe lights on it with a red blinking light during the night. In their application here are several, I guess, errors. In a lot of places it says monopole and it says lattice. Then the matrix, I disagree with the matrix. You would assume it would be in a sensitive area, but they are trying to claim it is a rural heavily wooded area where there's the largest housing district I believe in Knox County right below it. The reason I am proposing that we do deny it because, is there any ways you guys can pull up their coverage map where they say they want to justify. There is their coverage map. Last time when we opposed it they didn't have that one tower on Dante School Road and now they do. So most of that white area is a ridge line so I am not sure if they are trying to get coverage for squirrels or what but there is not one there to give coverage to. Their application also says that they are trying to give coverage for Rifle Range. So in the very epicenter of that white area there's Grove Road, the intersection of Mynatt, Rifle Range and Grove Road. At the very epicenter there is a U.S. Cellular stealth tower there that for some reason T-Mobile refuses to collocate on. And as I read the ordinance the only way they can build a tower is out of necessity and also the way I read it is they have to collocate on it before they can construct a tower and before they can justify a gap in coverage. How can they say they have a gap in coverage when they haven't even observed the ordinance to start with? I also, last year I went up and down Fountain City Road and Flatwood Lane and Dante Park or Durham Park and I brought over here an overwhelming majority of signatures to oppose that one tower. I have spoken with my neighbors once again and we oppose this one, this very one, because we consider it the same tower. I also have the homeowner's president, president of the homeowners association for Sterchi Village. Their board took a vote on it to oppose it. She is present here today. Her name is Jennifer Weaver.

Jennifer Weaver: 1612 Maremont Road, We were here last August. We are back here now. T Mobile has never contacted us. They have never contacted our homeowners association. No one has ever contacted us about this tower. We just keep getting notices. And there they go again with their towers. Last year Larry Perry specifically said with a tower across the street from where this is located that he would have a problem with it if it was a lattice work. So we really want to figure out why now that he is wanting a 250 foot tall lattice work across the street, he doesn't have a problem with it. And T-Mobile last year said that they had to have their coverage area within ½ mile. They are more than ½ mile from Rifle Range which is their target. That map doesn't even show Rifle Range. You have got to look at the coverage map to see Rifle Range which is their target area. When they were here last year they had a back pocket tower that had been approved in April of 08. It was not built until this summer. So last year's application didn't show the coverage that they already had with the tower that they had approval to build and had not built it yet. So for these reasons we would like to say no to T-mobile. Please go to Rifle Range road if you want to get tower and if you want to get coverage. This area is covered with their Dante School Road, Ward Road tower.

Seymour: Frankly I am not prepared to debate the issues here today. I would request a postponement. Larry Perry says the applicant proves adequate justification for the site using a lattice type antenna support structure. It is recommended that it be increased to allow for four additional users for a total of five. I think we need, if we are going to debate these issues, we need to have Larry Perry, who is your consultant, here to discuss those issues. If not, I don't think there is adequate justification to deny this at this time because your consultant has recommended approval. There are issues remaining. Mr. Brechko and I and the engineer have discussed them on road alignment and so forth that have not been finalized at this time.

Anders: Mr. Seymour when did you request the postponement?

Seymour: It was two weeks ago. We sent it in on the day the preliminary agenda was posted because I asked Mr. Brechko why it wasn't showing a P and he said since it wasn't an automatic postponement you didn't get a P on the preliminary agenda. We were hoping to get notice to advise everyone via the preliminary agenda that we were requesting postponement.

Ms. Weaver: The signs are still up. Because the road is closed right in front of where this tower is because they are building a new road, they put extra signs. The signs are still up. They are still up right now. If opposition hadn't been here today they could have heard their case and gotten it approved without any opposition. Is that correct?

Anders: Had it not been postponed.

Ms. Weaver: If no opposition showed up. Last year August through I think March I had to show up here every week to make sure that you postponed it because that cell tower, we heard it in August and it got postponed every month. You can go back through your meeting minutes. I was here. I would take time off work to come down here. We want to be done with the cell tower. If they really want this location, build a 90 foot tall, 90 foot, disguise it like a pine tree, and put it there no one will see it. And then they have got their cell tower; everyone is happy. They've got stealth towers throughout the United States. You Google T-Mobile stealth towers, and they are everywhere. They are pine trees. They do it for other communities. Why do they want a 250 tall lattice tower with strobe lights?

Seymour: Having requested a postponement when the applicant requests a postponement, he can't show up and then request action other than a postponement as I understand the rules of the Commission. If these two people would give me their emails, I will put them on the email list or addresses. We will notify them.

Farmer: I would just like to talk about how you guys are supposed to uphold the ordinances. As I read the ordinance, they can't build that tower unless it's out of necessity. There is obviously not a necessity here when they haven't collocated yet. So I suggest that you just outright deny this thing and make them observe the ordinances. Thank you.

Carey: Mr. Weaver is that right. No Ms. Weaver, excuse me. First of all I don't feel as a Commissioner that I would not rely on a lot of this without having Mr. Perry here. I think we rely heavily on his advice. He is our paid consultant. Or our consultant, I assume he is paid. If this were postponed could your client, Mr. Seymour, take the time to maybe approach the neighbors and make them know more about what is going on.

Weaver: You can. But August 2009, this is November 2010. We have never been approached.

Carey: That is what I am saying. Your problem in not hearing this today was, I am kind of confused. You haven't heard from the applicant. And we can't hear from our consultant. I think we are playing with a short deck here. I think it is important that one of your objections is that you haven't heard what's going on from the applicant and this would give us time for the applicant to get in touch with the homeowners' associations and address those issues.

Clancy: Is there a limit to the number of times you can postpone something? I make a motion we postpone for the final 30 day postponement and give them a chance to contact the neighborhood association, get their ducks in a row, and stand up here and defend, or whatever their position.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO POSTPONE FOR THE FINAL 30 DAY POSTPONEMENT.

Anders: Arthur, Mr. Seymour, 30 days from now we are going to deal with this. We are going to deal with it one way or another. These people are not going to get drug down here again. So let's make sure that we communicate. Let's make sure staff that Mr. Perry is here. We are going to put this to bed in 30 days. Is that agreed?

MOTION CARRIED 12-0. POSTPONED UNTIL THE DECEMBER 9, 2010 MPC MEETING.

- P 29. BRETT HONEYCUTT 11-A-10-UR**
North side of Hardin Valley Rd., west of Westcott Blvd. Proposed use: Signage plan for The Commons at Hardin Valley in PC (Planned Commercial) & F (Floodway) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

WITHDRAWN PRIOR TO PUBLICATION 11-B-10-UR

- * 30. MARK WISHAM 11-C-10-UR**
Southwest side of Oak Ridge Hwy., south of Sparks Rd. Proposed use: Self storage facility in CA (General Business) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a self-storage facility as shown on the site plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 31. JAMIE HICKS 11-D-10-UR**
North side of E. Emory Rd., west of Norman Jack Ln. Proposed use: Veterinary clinic in A (Agricultural) District. Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 32. DONALD FERGUSON 11-E-10-UR**
West side of N. Forest Park Bv., north of Newcom Av. Proposed use: Domestic Kitchen in O-1 (Office, Medical, and Related Services) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a domestic kitchen as a home occupation subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

33. Consideration of Nomination of MPC Officers for Fiscal Year 2011.

11-A-10-OB

NOMINATION COMMITTEE RECOMMENDATION: Robert Anders as Chair and Rebecca Longmire as Vice Chair.

Laura Cole: The committee met which included me, Commissioner Johnson, and Commissioner Stowers and the committee has nominated Robert Anders to serve as Chair and Rebecca Longmire to serve as Vice Chair.

Cole: Sorry I forgot to open the floor for further nominations and discussions. (Advised by Mr. Wise)

**CAREY AND CLANCY MOVED NOMINATIONS CEASE.
MOTION CARRIED 11-0. NOMINATIONS APPROVED.**

* **34. Consideration of use determination for recreational use in the SC-3 (Regional Shopping Center) zoning district.**

11-B-10-OB

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

(This next item was moved to the end of the agenda earlier in the meeting.)

**7. METROPOLITAN PLANNING COMMISSION
Hillside and Ridgetop Conservation Plan.**

12-A-09-SAP

Joe Hultquist, 2240 Fisher Place, I have an alternative suggestion. Mr. Donaldson has suggested to the task force chairs that one opportunity would be for he and his staff to draft some proposed revised language. Let me make sure I am right about this Mr. Donaldson. In which case for the 15 to 25% slope gradient, in which case we would simply postpone you all would get that language, our task force would get the language. Convene before the next MPC meeting and we would postpone until that meeting. And if you all want to do that we could do this, be done. Not only would you take a break. You could adjourn.

Robert Anders: As long as it is officially in the paper that you all requested a postponement.

Donaldson: Actually staff would like to receive input from the Planning Commission regarding those draft amendments that are going to be asked to put together.

Anders: I think that is a wise move. I know there are several commissioners here that have definite concerns. I think what we are doing now, we have finally got this honed down to the part of the plan that is causing so much heartburn and that is that 15 to 25%. I know Mr. Stowers would be more than willing to be involved in that in conversations and I would as well. I think that is very reasonable.

Wes Stowers: So we are going to discuss this some more this afternoon while we are all here?

Donaldson: Please. Let's take a break and come back and open up discussion. Ultimately at some point a motion to postpone might be appropriate, but not until we have discussed this and provided staff with some direction.

A break was taken at this time 3:22 p.m.

C

OMMISSIONER MOSE LOBETTI DID NOT RETURN TO THE MEETING.

Becky Longmire: I would like to thank all my fellow Commissioners who showed up at the Hillside workshop. The MPC Commissioners had the City Council outnumbered. I appreciate everybody's efforts in coming that evening to learn more about the Hillside and Ridge Top Protection Plan.

Robert Anders: We obviously heard this last month. Some of our members were actually on this taskforce. We had this joint meeting with City Council. I do not want to stifle anything in the debate. I would like to focus it in if we can. Last month we postponed this because a lot of us had not had time to really digest this and really look into this completely. If we can I would like keep the focus on Commission and Commission's concerns specifically to parts of this plan.

Wes Stowers: I bumped my light accidentally.

Robert Anders: Mr. Stowers I know you had some specific questions and concerns. Maybe we can get them out on the table and discuss them.

Stowers: First of all, I think we need to make it clear that there is a whole lot more in this plan that people agree with than not. I have a concern that we not rush this thing. I know you all have been working on it for two years. But we need to get this right written specifically where everybody understands it before we approve it. I think this is going to be a good discussion. I think we do need to give some direct input on things we would like to see happen. I have a couple of concerns first one Commissioner Norman you were out at our place and we are zoned industrial. And I don't see anything on industrial in here. You saw what we did 10 years cutting down a hill and flattening against a hill, and made it ten flat acres. We built a bridge, spent \$8 million on a building and made 75 jobs. I think we could not do this the way this plan is written today. I don't think that is the intent of this plan is to prohibit people from building on land they owned for 48 years. I don't think that is your intention. But the way this is written it would have prohibited us from doing what we did.

Tony Norman: County Commissioner from the third district, 3520 Peachwood Road. To Mr. Stowers comment there, I greatly appreciated by tour of his facility. And he was very gracious in showing me what all that entails and it is very very impressive. As to what I saw on the site, first of all it was an industrial site and it was zoned industrial. And for sites like that that are zoned industrial this plan will have no effect. The current industrial sites that may have that may work with or may have a slope area on them, we plan that that site should be there will be provisions for the owner to accommodate a business. I think that that type of wording you will see come up and is alluded to in the addendum that you have got now. There are many things in this County, this building one, this building could not have been built. That statement doesn't apply to me in reference to the remaining steep slopes. To me what we are primarily trying to preserve are these outstanding major ridge lines that run through the county. I think there is accommodation within the plan to do some commercial, carefully planned commercial activities. And I think we are going to be able to show how that plan will do that.

Stowers: Pilot Oil is an example. The way I see it if you see this GIS format with a 5 acre grid, it is going to capture a lot of rolling hills. Any flat ground around here was made flat by man for the most part other than the top of the lake. If you look at a 5 acre grid and again I don't have the numbers, but I am concerned. No one is against protecting the vistas and the ridgeline, but we have a bump right next to Parkwest Hospital that ultimately ought to get flattened if they are going to build their \$200 million project some day and this would prohibit that. The way I read it we are creating a lot of burden. I would suggest we back off the acreage on that grid. Better yet just to identify major ridgelines and there are many. That is what we are trying to protect that view shed, the erosion issues and the deforestation issues. We can point to things that have occurred that would never have occurred today even with the existing rules. And if there are some things that are still taking place that need to be zeroed in on do so. But 15 to 25% is the big concern that I have got right now still when we try to have that as an overriding definition and we have to address that on an exception basis as opposed to going on 25% which takes care of your peaks. I would also agree with what you are talking about with ridge tops even if you have a flat few acres and I could put something on there that is not obtrusive. It is that 15 to 25% and what is defined as a hill top or hill side and ridge top being overly liberal, overly narrow. It creates it defines areas as being hillsides and ridge tops and I think that is too subjective.

Norman: First of all Tim Kuhn is here, our KGIS person specialist, with the model that was used for the development of the model that we consider steep slopes above 15%. So he can speak. I think I would like Tim to speak about the model and why this model was used and maybe why certain dimensions of the model are better than others for the purposes that we intended. And certainly there

are some things there he can explain better than I can. Mr. Hultquist may want to speak to that too.

Hultquist. Mr. Stowers I just want to go back to your lead in or introductory remarks. I agree with you completely after putting two years into this effort we want to make sure it is done right and not stumble over anything or gloss over anything that needs to be addressed in more detail. I also want to say that we do not want to be overly constraining. We certainly need to take, if necessary to break down the 15 to 20 and 20 to 25% or whatever is needed. You say we are all in agreement with the major ridgelines. I would hope that that would be true. I think a lot of us are, including you. There are other issues because there are other slopes that are not considered major ridge lines that we have seen significant what I would call abusive activity that has not only impacted that property but the properties around it, the adjacent properties. In my mind the question is not whether or not we should do anything, it is what should we do under those circumstances. I think that is all this discussion is about. I am looking forward to it.

Stowers: Some of that could be enforcement issues. There are pictures in here, this one right there. That is an enforcement issues. There should be a letter of credit or bond that covers that. I am on the Board of a bank here in town, that I might add that has foreclosed little, and they did on one. foreclosed on Friday afternoon TDEC was all over them. That weekend they fixed it. That is an enforcement issues. There are other things you can show when something is under construction. I will take issue that man can't make land better and more useful. Otherwise we would all be living in caves. That's fun for a weekend, but not for life. I think we have created a situation by the make up. I want to also call on some of those that have served on this group with the best of intentions, and I am guilty as anybody, when your only tool is hammer, you nail. You have members of your group that represent the development side, the building side that I think agree with a lot of what is in here. I think we need to hear some of their concerns. They are the pro's. They have to deal with this for a living. There are a lot of restraints they have to deal with already. I would like to know if anybody is here on that side. Mr. Smith.

Rocky Smith, 4909 Ball Road I was on the task force and it was a very very long process. I would like to make one comment right now that has come up about the scope of this thing. When you all talk 15 to 25, if you actually look on what is on the proposed hillside at 0 to 15 there are 38,000 acres under your table on page 31. There are 38,000 that is under this protection area that is 0 to 15 and another 43,000 that is 15 to 25. I was in on the meetings when we were modeling this up and staff did a great job of working on this. My perception was when we did the first modeling of what we were going to do, the area that was affected was so small, was so much direct ridgelines, it was not enough bite of the apple. They kept modeling down slopes and then up slopes until we have a good

85,000 acres involved at 25 below. Why is there slope protection area of 38,000 that is 0 to 15? When this started, we were talking about ridges and primary ridges. I just think it got out of hand. We have taken a couple hundred of acres that have been abused, terrible things, should have been done by irresponsible developers and inexperienced developers and now we are going to just put an overlay on about 125,000 of our county. 81,000 of it which is below 25 percent below slope and this is like we had a wreck and someone got killed and we are not going to drive anymore. We are taking very few things. I mean the pictures. Some of those are in Sevier County. I just want you all to look at this closely and read what it says. I still don't understand if it is an overlay or not. And don't know if it affects new zoning or existing zoning. And I served on the task force and I still don't know these things. Please look at this. We are talking about 15 to 25. There are 38,000 acres affected 0 to 15.

Buz Johnson: Just to bring clarity, the table we may want to relook at redoing that. The slope protection area begins at 15%.

Rocky Smith: I talked to staff earlier and they said that is in the zone. That is where they had to connect and bring some things together.

Mike Carberry: In the existing sector plans right now you have the slope protection area and it goes up and come back down the side of the ridge. We don't have any numbers on what that was. But we realized in the process was that on certain ridges you have a fairly broad area at the top of the ridge. You have knife-edge ridges like McAnally Ridge which are very pen pointy at the top. Then you have steep slopes out in the Lyons Bend area which is completely different geology rolling all over the place and people find those 1-15 percent sites within a much stepper area for the development of their houses and those kinds of things. The Task Force felt in general that it is the overall ridge system and these rolling ridge systems that are important. And just to take out a bench within a ridge, we do recognize that in the clearing limits, in the development limits as you go through planned residential that is not going to be taken into account as far as density. We have never done that. That will continued to be that we you will get a credit for what ever the density is in the surrounding area generally 3 dwelling units per acre in that kinds of lands.

COMMISSIONER STAN JOHNSON LEFT THE MEETING AT THIS TIME.

Those are the areas that as far as clearing limits for those kinds of developments that would be 100 percent clearing limits within those 1 to 15 percentages, to leave those development opportunities for housing in some cases office. The bottom line is in drawing this boundary there are various types of development that can be done relative to it. It is not to say it is forbidden to develop within those areas. I hope that helps.

George Ewart: I am a slow reader so I have taken this, I met with ten different people and talked about the hillside and ridge tops and been to meetings. I have got 6 things I would like to have someone look a. Number one is to define what the hillside and ridge top actually is. Are we saving major ridge tops with the hill side that is associated with them? Because it seems like this thing is global and does it all. In that if it is the ridge tops, which I am assuming that is should be, then I would like to define a mean elevation that says you can't develop above this elevation per each ridge that they are saving. That way you get slope out of the question and whatever. That way if it is a certain elevation point, then anything above it is protected and anything below it can be used. I would like to get into the commercial aspect. This thing is 78 pages, is that correct it is 76 pages and just has a paragraph in there that deals with commercial and just says you can't do it. I don't think that is right. I think there are number of commercial developments. I said it at agenda review, I said it at City Council and I said it at this meeting that this building couldn't be built under this. That Brook View Tower off of Papermill was a residential area it was bought, rezoned, taken down and flattened out. That couldn't have been done under this assuming that they would be building them now not that they are already done. The pilot building could not have been done under this. There are a lot of good pieces of development that have been done in the 15 percent and above range if they are done right. I think we need to protect and make sure they are done right. I think we need to define all the incentives that are listed in here. Whenever, being an architect, whenever you give somebody a plan that is gray you get a lot of gray back. There is nothing defined in here as far as what incentives are. What are we going to talk about when somebody does certain things in this plan? Are you giving them a density bonus? What is a density bonus? Are you reducing them parking? I don't know how much it is. That stuff needs to be defined. You just can't just go out there and say I am going to give people incentives to develop here and define it later on as you go. That just doesn't work. I think we really need to amend the requirements in the 15 to 25 percent. If it is even gets to a point it becomes law or whatever, I think we ought to just look at protecting the ridge tops and then doing a use on review so people can come in here. There are certain instances like Commissioner Stowers said that Fort Sanders has, that Parkwest has purchased a piece of land. They could knock down that hill and it is not going to affect anybody except the people of Parkwest. To me that is a use on review that we can determine, yea this land can be graded, that's okay, let's move on with it and go to the next one. It is not a protected ridge top. The last thing that I really, really had a problem with is every Commission meeting that we go to I hear from property owners and neighborhood associations. I hear I didn't get notified. That the sign was moved somewhere else or I didn't received my card in the mail and you guys are up here doing something without telling anybody. When I was sitting in a meeting with City Council in the workshop, I found out there was going to be 62,000 pieces of property that this thing is going to be affecting. 62,000 and it is going to cost us \$17,000

approximately to mail out notifications. What is that going to affect on one person's property? Is it going to be \$17,000 worth? I am assuming that at 62,000 properties out there that there is going to be more than \$17,000 of impact that is placed upon them. The point we are sitting here arguing back and forth on this and 200 people started the task force and ended up with 23 people actually compiling this thing and yet 62,000 people or properties were left out of the picture. I have a really, really hard time dealing with that. If we can't come up with \$17,000 to notify people, I feel like this thing should be tabled until this body or some entity or organization comes up with the money to notify people of their property rights. Once that happens, then I think we can all sit around this table and have a discussion on what needs to be done.

Art Clancy: Everybody is interested in protecting hill sides and ridge tops. Everybody. The view sheds, the waterways they belong to everybody in Knox County. Quite frankly the hillsides and ridgetops belong to specific people that have a, feel like their property has a value. George let me save you some money. Robert you say let's narrow it down to what we need to put in, what we need to take out. I am going to throw this out. Narrow that map down. I don't mean to minimize everybody's efforts that they have done on this plan. Pull that map down to everything above 25%. We will protect our ridgetops and our hillside will receive some protection. Narrow down to the number of people you actually afford to notify and the people that have slopes above 25% will know that their, the County is looking to how they are going to develop. I think you need to have some language in there right off the bat if you are going to start codifying this that says anything above 25% we want a grading permit before you ever even turn the first shovel of dirt. We want to be able to look at how you are going to develop it, make sure that it is being developed responsibly and go from there. That is one thing, you take everything out from 25% down, you are going to be a lot more people willing to support this recommendation. It is going to be a lot easier to codify. It is going to take half the meetings. You are protecting what we want to protect to the point that we can protect it anyway. Because the big, the 800 pound gorilla, is the utilities and that is why the whole thing started in the first place. It is a great idea. We want to protect our hillside and ridge tops. It is the character of our community. But you can't throw a blanket over that much acreage that already is difficult to develop. I mean you start looking at development costs and I don't know exactly what they are, but if you talk to developers the development costs to develop on a hillside or a slope from 15 to 20% a lot of times you can't do it just because the numbers don't work. Some of these hillsides and ridge tops protect themselves just because its not monetarily feasibly to do it. And the big bad wolf the developers are there to make money, so if they can't make money by developing a ridgetop, they probably won't. Getting water up there, getting utilities up there. Those are the problems that you face when you do the developments. So they are a little bit self protected. But it is not a bad idea to have some type of overlay or some type of

benchmarks where we say look these are our ridgetops. This is what we want to protect from irresponsible developers. 25% seems to be a benchmark everybody is comfortable with. Go from there up. That cuts your map down. That takes us into some kind of a workable plan that we can say notify everybody at 25% and up. Everybody, how many is that George?

Ander: That is just what I was asking Mark. I said where did George get that number and he said he got it from MPC. So we could, it would take a little work, but we could identify how many property owners it would be at 25% and above.

Clancy: George will pay for that.

Anders: He will just raise his barbeque prices.

Clancy: That's just my comment. Thank you.

Stowers: I other thing. I agree wholeheartedly with what Commissioner Clancy just stated and what Commissioner Ewart did earlier about putting specifics so when we do present this to the parcel, property owners they know exactly what they are dealing with. One other thing that is very gray in here. There is something talking about stream buffer zone. It doesn't say what that is. No one wants to make the water dirty. You already have permitting requirements by TDEC, stormwater runoff. You got regulations with TVA that are already codified. If we want to do more, I would sure like to know what it is. I think there is probably enough in there already to protect the water if it is done correctly. I suggest that we have an enforcement problem sometimes more than a coding problem.

Hultquist: Could I just make a quick comment to that. One of the, being also on the stormwater review ordinance review process, I think before we are finished, and that is one of the things that we haven't had time to discuss as a body internally sort of the core group. I think the water stuff is going to be gone from the plan,. It is unnecessary. Given the new NPDS phase II requirements and what the county has got to go through, we don't need to deal with that. You are right exactly.

Laura Cole: I wanted to make a comment that I put a log of thought and time into this issue. If I have done my job, I will make everybody mad when I say this. I really don't think this is about the water tower. I think this is about an enforcement issue. I think it touches on many things, water quality. I think it touches on a lot of things. I think the 800 pound gorilla in the room is we have a problem with enforcement. It is fine to say that we will come up with some development plan that will penalize people if they do, if they start grading without a permit. But it happens all the time. And there is no consequence to that. I think part of the reason there are so many people that feel strongly about these issues, is because

there are a lot more people out there than we realize that are dealing with a lack of enforcement issue. And they have property rights too. I speak from personal experience. I get at least one call every month from someone who asks me what to do about the problem that they have with a development next door because they are experiencing a lack of enforcement. I would suggest that we do focus a little bit more on enforcement. Not everybody is going to approach it as responsibly as you might when they do a development. I think we have a problem with that in this County. I think we have people that commence to grading property without a permit. I think we tend to allow people to clear cut and we do not provide enough of an incentive in our enforcement to get people follow the development rules that area on the books. Even if we do codify some of this language, I do not have any confidence that we are going to make great improvements until we get the political will to deal with the lack of enforcement we have in this county. I would also like to say that the new permit that is coming forward to us contains some much stronger language about how we develop. It talks about not only steepness, but it talks about the soil types which comes into play when we cut into a ridge top. It is not just the steepness of the slope, it is the proximity to water. It is soil type. Density is not always a problem. I just wanted to make that comment that I think no matter what we do here today if we don't address that enforcement issue, we are not going to make any progress.

Anders: I agree with you wholeheartedly. I echo what was started in this conversation I think by Commissioner Stowers was that I don't think anybody in this room would say for one second that the body, the majority of the body of this study is good. It is solid. It is good. It is good for the community. We are just trying to tweak it right now. Maybe this is a gross analogy, but I do believe in the enforcement side of it, but if you try to fix that by doing something like this, throwing this blanket over it, it is almost like what they did in San Francisco. They are saying that we have got child obesity so now we are going to pass a law that says you got to have fruit in your happy meal. I mean we do need to enforce. We need people to be responsible and we need to hold them responsible.

Bart Carey: I would first of all like to say a big thank you to Gary Norman and Joe Hultquist because I am telling you what those two gentlemen brought a lot of passion, energy, time, organization to this process. I applaud their work. They have spearheaded this thing and they have done a fine job. Whether this thing started at the flue tower or whether it started somewhere else, we are sliding down a slippery slope and we are trying to catch ourselves before we hit bottom. I think what I heard listening today is we have kind of drafted something that maybe a one size fits all and we have a lot of sizes here. It is hard to make a one size fits all document work effectively in a place like East Tennessee in our valleys and ridges here. I think the 15 to 25% is what we are kind of focused in on right now. Obviously if that is taken out, it does definitely shrink the

district we are talking about, the number of affected homeowners. It does everything from freeing up a lot more space that is non controversial to doing things like lowering the costs for notification. I was driving around just looking at places in the last couple of days to see is this a quality development and was it done on slopes exceeding the 15 percent and some were greater. I went to Gettysview which it was a beautiful hillside. A lot of people didn't want to see that become a development. But yet you might argue that is some of the highest land value in terms of improvements costs and tax base, tax revenue in our county. That would not be built under the standards laid forth here. You drive, and I am speaking of West Knoxville because that is where I happened to be driving. You could drive up Bearden Hill and there was an old beautiful hill side at the top there that was I guess a pre-Civil Ware antebellum home there that was for many years a nice big green hillside. It is now commercial. I think it was done properly with consideration to the slope even though it is not as beautiful as that green hillside, it it was done correctly. I am in agreement with everyone else there are a lot of things we need to embrace here and hand onto. I feel like maybe the more effective way to do this would be to, I know all we need is another committee or board, is have a review committee of experienced people, architects, engineers, water quality people, that could look at a plan on a hillside or ridge top and determine whether those were good building practices and development practices. Because with controls and guidelines, I promise you, you can build great things on hillsides. You can't go to Europe without seeing how they do it. If we could slow the bulldozers down, excuse me Wes, if we could slow them down just a little bit and take a little bit more care in how we cut the hillside, I think we would all have a lot better feeling for the end of the day.

Longmire: I want to echo Commissioner Cole's concerns. It has always been my biggest concern about enforcement and penalty. I think she uses incentive. She is using the carrot; I am going to use the stick. But sometimes it is cheaper to pay a fine than it is to pay for permits. I am concerned that once something is done we can't put keep a hillside back. But if we make, keep the 15 to 25 percent in, make it a use on review so that we can look at the soil types so that we can put some conditions on it about reforestation or reclamation. We live in a hilly place. And we are going to have to build on hills. That is just the way it is going to be. I think where it is located also. Obviously downtown you can build on a hill better than you could build out on House Mountain. Unless we have something to make sure that people who are not responsible, and there are some people who are not responsible, that we can hold them to fact of reforesting or whatever it is, reclaiming, at least putting kudzu on a slope so it does not erode as badly, that it is not going to make a whole lot of difference.

Anders: Commissioner Stowers, Clancy and Ewart, if it was modified to say 15 to 25 % would have to come as use on review, would that

ease your concerns a little bit or are guys more concerned about having it eliminated all together?

Ewart: My thing is I wouldn't mind doing a use on review on it because there are some... But the big thing that we need to talk about here is that if that is truly the case and you come back with a use on review, can a person then you know grade that thing out and get rid of it like Fort Sanders or is it going to be slope protected. I think the big thing is if you define the major ridges and what you want to protect, then the other things can be on use on review if you want to. You know you have freedom there. We don't want somebody just to do certain, like borrow pits right off the interstate that you can see. Nobody wants that. I think that would help out with a use on review. Still you are going to have to notify those people the way I feel about it no matter what. If you say you want use on review at 15 to 25, you are going to have to tell these people that something is happening on their property.

Stowers: I also take a little issue with the enforcement. I agree we got enforcement issues on a lot of different things. We had someone steal \$350,000 worth of stuff from our building and got off scot free because they were a first offender. That is enforcement. That is a whole another thing. We are not here to write new laws. I think we already have laws to address them. That is another purview. We need to make sure we don't create something here that puts an undue burden on people that own property and makes it more expensive to build homes or commercial buildings if they are done correctly. I think 15 percent slope, and I have done the same thing this past week driving all around this county, its hard to find a place that doesn't have 15 percent slopes. I will agree I haven't seen where this GIS comes into play, but I would much rather define the ridge lines and hit the places that we agree on. These steep slopes, the economics of developing on a slope, drive a lot of it away. If you can find flatter land, they do, its cheaper. But there area also considerations like Bearden Hill. Kingston Pike goes right over the top of it and it's commercially viable to develop that. They have to be in compliance with the rules to get permitted. Most of them are. There are ones that aren't. That is a separate issue. But finally this thing with... what I don't want to add is more government shades of gray that basically just costs to something that is going to happen anyway. If you have got to spend a dollar to comply, then spend a dollar to comply. But to spend \$3 and end up with the same thing I do have a problem with that. We are going to put ourselves in a position where we can become like California and I don't think that is what we want to do here either.

Anders: If you have compliance, if your concern is compliance that is not a reason to pass this plan. Stowers: Correct. Anders: That is not our body, that is not our job to be in the compliance issue. Thank you for your patience Commissioner Kane.

Michael Kane: I said this a little bit at agenda review meeting yesterday. This is about several things I think ultimately it is about where we see this community 100 years from now or to 200 years from now. Part of that is rights and part of that is responsibility. What we are trying to do is to help responsible people give them guidance on how to achieve the things we want to see our community 100 years from now. That includes in my opinion the 15 to 25% slopes. Now I would agree the practicality excluding those slopes or limiting the development of those slopes to residential or low impact office is problematic. I would agree with that. I tend to go with the idea of the use on review or something that brings case by case issues to this body to the public to review. Also I think that people who are responsible, there are two parts to that. There is the design itself and then there is the implementation. There are good designs that can work on steeper slopes. There are bad designs that won't work. You can have good design and still have someone implement it poorly. An idea, just an idea it hasn't been flushed out, is there a way to develop some kind of certification for people to go through some kind of training program on how to develop in those areas of the 15 to 25%. I don't know. We talked about economics. Economics changes and the economics of today is different than economics 50 years from now. What can be done on higher slopes, What is practical economically changes. I think again we need to look at the long term and how we want to see our community. I am definitely willing to see something more than what we have now for the 15 to 25%. I think it would be very short sighted of this body to completely eliminate this from the plan. It has been shown that there can be a lot of problems. As our developable land in the flayers become less and less, then we are actually going to have more people potentially be more irresponsible. We need to give them, we need to give the system the right guidance to do that. I think this plan has made a wonderful effort to do that. We need to maybe refocus some things, but I completely support what this is trying to do and we need to work through some of the issues, but don't lose site of the long term objective.

Cole: I do support the plan. I support and understand the intent behind the work that's gone into this. I think it is a great piece of work. I think I would also support a little tweaking to put more flexibility in it because I also understand that issue. I understand that black and white doesn't always work. Our development plans are basically, we use development plans that people who have flat lands use. It should be different for hills, but we never made that transition. I think it is time to look at it. I am not worried about what we are doing right now because there is always a safety valve. Tonight we had a black and white issue right in front of us where there was absolutely nothing to support going against staff recommendation and yet we had a variation on that. I think the system that we have now, use on review process will give us a lot of flexibility in taking things on a site by site basis. I am not quite as concerned about that. I just don't think we operate in black and white and when it comes to this many people from this kind of

variation in background, I think that projects will be given a lot of flexibility just by the nature of our debates.

Ewart: Ms. Pionke and Mr. McGinley enforcement I guess has been bantered back and forth with you all not enforcing some of these sites or maybe you are handing out fines. If something like this plan was put in place, what kind of impact would it have on your all's departments? Would it require you to hire anybody additionally? Anybody out there enforcing all the guidelines?

McGinley: We are still in the process of evaluating exactly what this plan would mean for us in enforcement and whether it would require more people. I don't know that I could give you a solid answer on yes or no. We are still evaluating that.

Pionke: I would have to agree with that. From what we know at this point, yes there would probably be more enforcement, but how much; we don't have a handle on that yet

Stowers: I think we do need to have a, to me I am still hung up on the 15 to 25. It is, I think it is way too restrictive. When you get, we do need to notify the public. I feel strongly that the public needs to know before we pass something. This plan needs to be written in great detail as close as to what staff thinks the code, that's what we are going to be doing is developing a code out of this. If it is vague, it will be like the health care bill. We will find out when its passed. That is a bad analogy because I don't think that is what this task force has done. I think they have tried their very best to come up with something that works. I think we are in far more agreement with what's in it than against. But the 15 to 25 is huge. I do not think you can go anywhere in Knox County without hitting that. I would like to see staff, go back, its going to take a while, but get the GIS stuff and do one with a 20, start out with a 50 acre grid, a 28, 30, 20, 10 and see what that really looks like. Does that really better identify the ridges? Should we just go back. We have slope protection today. This is now new. We have slope protection right now. Are we trying, we are trying to have a totally different way of defining slopes. I think it is a net with too broad, excuse me too narrow a hole. We are catching stuff we perhaps don't need to catch.

Anders: This has been great debate. I what we ought to do now is we out to start putting some meat on the bone and specifically giving staff some things that we want them to go back, I am more than willing to entertain a vote on passing this up or down. But I think everybody thinks some modifications needs to be made on this. If everybody is open to that, we can start giving them some specific things that we would like them to look at to be back in 30 days ready to talk about. Is that reasonable?

Cole: I just had a question. I thought staff had prepared some language for us to consider that was in our packet tonight. Are we

going to discuss this as part of, or are we just going to come back to it later. I thought this was something we did need to talk about. Or are you saying this is not adequate.

Donaldson: Those are some specific amendments that staff put together based on comments from last month and at the work session. You could certainly give us an indication that they are headed in the right direction and whether something along those lines would be acceptable. We have certainly received additional input today and we need to place that language in broader context I think and show how it would permeate throughout the whole document. But if you could look at that language that has been proposed and see if that is what you guys had in mind with the comments you made a month ago. That would be a help.

Anders: For clarification you are saying this part Allow consideration of medium density that part. Let me just read this "Allow consideration of medium density residential and office uses on slope of 15 to 25 percent with certain provisions to reduce the amount of site disturbance: 1) smaller setbacks should be considered to avoid slope cuts, and 2) these uses should only be considered when the building footprint does not exceed 5,000 square feet per one acre when the slope is closer to 15 percent and graduating to one 5,000 square foot building per 2 acres when the slope is closer to 25 percent. The number of buildings and their locations would be addressed via use on review."

Donaldson: That statement broadens the recommendation within that 15 to 25 percent and recognizes that there is a difference between 15 percent and 25 percent and that one size doesn't necessarily fit all. We have had as staff conversations about that same sort of approach to commercial development and on looking at it on a case by case basis as to how much of a parcel is within the slope protection area versus how much is out of it and what we would consider to be acceptable or reasonable changes to the area within the slope protection area and what standards might be applied. We talked about the idea that one could amend this plan as a part of a development application was lost on some people. If the plan is adopted into the General Plan, there is always the opportunity to amend the plan based on the criteria, for example, changing development trends could be a criteria. A specific location could be a criteria for amending the plan and simply reconfiguring the geography of the slope protection area.

Anders: Second paragraph of that alternate wording is "Require slope restoration and reforestation of cut-and-fill areas within the 15 to 25 percent sloped areas to minimize the long term impact to water quality and lessen forest canopy loss in the hillside and ridgetop protection area."

Stowers: I still think it is gross overkill for 15 to 25%. If you put something like that in there I think the burden of proof needs to be

on who's approving it, not on the person doing it. Most, you cannot drive around this place, jump in a helicopter and fly around. Most of this county is rolling hills or ridges. I think we have way too many restrictions already in about everything we do regarding construction or businesses. I built a bathroom in a hanger and it took me two months to get, you know, we are strangling ourselves. I think we are adding a whole new layer of expense, complexity that is not necessary to get the job of done of what we want to do which is protect the ridgelines. To go back to George's point earlier, when defining the ridgetops, setting elevation and some grade above 25 percent, I think you get very little push back from anybody. Boy when we start, this is expanding the scope of what this project was supposed to do immensely when we go to 15 and 25. I could vote on this thing right now taking from 25 up as written. One other minor point there is an issue about putting utilities under roads, that is back in one of the residential, that is a bad idea. That is a thing for another discussion. Utilities need to be where you can dig to get to them without tearing a road up. That is another point. But the big picture, if we took the 25 to 1 out of this thing, I think we could probably pass it tonight.

Anders: I agree with you. I support that. I think that the intent was that to protect these ridgelines. I would be very curious to know how many homeowners are affected at 25 percent and above the 15 to 25 percent. I think that would be maybe very telling. In the notification part of this I agree. If you are going to affect that many peoples property, we need to have notification.

Dan Garrigan: P. O. Box 20084 Knoxville, TN. Everybody talks about these slopes like they are theirs. Like each one of you individual owns that. That's not the case. My property will be affected. It wouldn't make a bit of difference to anybody here, but you are talking about restricting my property rights, reducing my property values, doing things that are going to be detrimental to me. And that is personal to me. My hill is very steep. I can see we want to protect it. You look off my hill and there is a good reason why my house is on top of the hill and not the side because it is very steep and the engineering would be incredibly expensive to do. But everybody in this room knows what a couple weeks some blasting and a bulldozer can do. You can turn a mountain into a flat parking lot in a matter of a few months. None of us in the room will be alive 30 years from now. We don't know what our land needs are going to be 30 years from now. But my point is that the notification, that I can't read your name sir (Commissioner Ewart) but you are right. We need notification . If this were to pass and the people are not notified about it, then once it moved up to the next step of the process, then you are going to get the input you should have received right now. Now if you are going to devalue somebody's property by saying up above 25 percent and it is so valuable to the people of Knox County, but I still have to pay the same amount of taxes as somebody on the flat land. Has there been any consideration of that? Would the Knox County tax payer say that my

taxes go down so that the flat, people that live on the flat land have to pay more? I don't know how that would go over. But the fact of the matter is it is the differences that are going to make this thing fail. The sameness of the law, as Martin Luther King said, here it applies to everybody that is what is going to make this go through. Not the differences. If you look at the task force meeting web site, you cannot find any evidence, and I spoke at one, that there has been any input from the public as far as minutes or what their general comments where, who it was, anything. You cannot find it. I defy you to find public input to this task force that has been actually documented. That is why I am here. If I am the only one of the few, I don't know who else is here to speak against it. If there are 62,000 property owners out there and I am the only one that is here, I think there is a serious, serious communication problem. The County Commission and the Metropolitan Planning Commission needs to look at that. Because if this moves along and people find out and they do not like it, it's going to be a lot harder. It needs to be reasonable and forward looking. Thank you.

Anders: I hear what you are saying. I think, hopefully if you have been listening during this meeting you got an awful lot of Commissioners that are also looking up saying. Wait a minute. This thing needs to be, you don't throw the baby out with the bathwater. I don't think anybody is here suggesting we throw the whole thing out. That is what we are trying to get to right now is some modifications to that. That is what this process is all about.

Clancy: As far as voting on it today I agree with Commissioner Stowers. You know eliminate everything from 25 percent down. That would be fine. I could probably vote for that. I could probably support that. We really, really need to look hard about what Commissioner Cole said. If we are going to send this on to legislative body, they are the ones that have to figure out a way to find the budgets to support enforcement. Our development plans aren't enforced right now. Things we say, no you have to do this, the only people that actually do that are the developers who come in here month after month and know that if for some reason we find out they stripped off the back side of a hill when we told them not to, they are going to have a hard time trying to get any kind of concessions on their next development. That is not the only people that develop in Knoxville. Like Mr. Smith said there are a lot of first time developers. A lot of developers that figure this is my one shot. I am grading. I will pay the fine. Those are the people that a lot of this has to apply to. I am not saying don't do anything. But I do feel like 25% and above is what we are trying to protect. The man who spoke had a great idea. Give given them tax breaks if you own property of 25 percent and greater. Let the people of Knox County decide if they want to pay for their view or not. There are all kinds of things you can do and its gets, it does get sticky. I think enforcement is one thing and I think that is critical. But I also think that you can't throw quite a big a blanket over the whole thing. I think narrowing it down to something we can manage. Something

that we can actually... Commissioner Carey, a board, a mayor appointed board similar to us that meets and says yea we can see how this is going to work, that's a good eye. I can't look at a slope. There are people in this room that can look at a 25 percent slope and they start thinking, ah this is a great way to do this, a great way to do that. A board that you don't have to pay for. But you still have, even if you had a board you have to have an enforcement body.

Anders: Let's rifle shot this. Everybody is kind of saying the same thing. How are we going to deal, are we looking at is this body comfortable with eliminating 25 percent and down from this plan? That is my question. Not a vote, just an idea. If we can get to some common ground.

Donaldson: If I could put that in context. We currently do and have been doing for about 2 decades, identifying slopes greater than 15 percent in our land use plans. We have slope protection areas identified and we use the 15 percent slope to help us do that. So to move to a 25 percent threshold would be reducing the protected area that we already have.

Stowers: Then we need to define the ridges and not put this big blanket over it. If we are already doing that, I don't think the system is broken myself. I think the examples are enforcement. If we already have slope protection, then maybe we need to look at how we better do that. To use this GIS thing with a 5 mile grid, is a much bigger blanket. The other piece of this I am strongly, I agree with the gentleman that just spoke. We have got to inform the public with what we are getting before something happens, before we act.

Anders: How would if all we are doing is taking this plan and educating and just taking out anything below 25 percent, how would that alter the slope protection that is already in place?

Donaldson: It would replace it by adopting a plan that starts slope protection at 25 percent. It would replace the slope protection that is there that starts at 15 percent.

Anders: Could the wording not be altered to say current slope protection and issues in place up to 25 percent would remain in place? I mean up to 15 percent would remain in place. I am sorry 25 percent and then have the plan kick in at 25 percent and above?

Donaldson The recommendations of the plan are very consistent with what we already do.

Mike Carberry: Right now when you have a planned zoning case, you are getting a map with that zoning case of the gradations of 0 to 15, 15 to 25, and 25 and above. As staff we do the analysis and as Mark suggested we have been doing this since the early days of GIS back in the 90's where we assigned two dwelling units per acre for the land 15 to 25 percent. To give you an example of what kind

of density that is as far as hills going up through Bearden. Then one dwelling unit for two acres for anything 25 and above. So that is the formula. Then on a use on review, the developer can put that density wherever he or she may want to. That has been the basis of your planned residential zoning decisions for quite some time now.

Clancy: They have to submit a concept plan don't they?

Carberry: We use the slope protection area as a guide to say when somebody comes in for RA, we are saying we really need to see a sight plan on this. And then we are recommending to you let's look at planned residential. You had award winners that completely comply, at your excellence award program, with those kinds of standards whether it be Covered Bridge or Turning Leaf or those kinds of projects.

Clancy: It is because we have a board here that sits and reviews the concept plans, development plans, that says what was it, the place across the river over here, leave this untouched and cluster your development down here. The three developments we did on Cherokee Trail. Cluster your developments down here. Leave this alone. I am trying to get my head around why we are messing with that because it is working except for a few.

Longmire: I think it is more commercial isn't it and not residential. Is that not the question?

Anders: Hold on a second we are kind of free for all talking here. Let's be recognized before we start talking.

Rocky Smith: For us slow people, if we already have slope protection in the 15 they are identifying we are following all those guidelines, what is our purpose. What is this all about? I guess I am lost on the whole agenda then. If we already have this it's already there, why can't we just stick where we are at and do better at the enforcement thing and that sort of thing? Also I asked a question earlier. Is this an overlay or does it just affect new zoning? I have never got a clear answer on that. Is this an overlay of all property and when you all refer to commercial, does that include office within this thing? Clarification from the staff, is this an overlay and it will affect everyone's property or will only affect new zonings? Because I was informed during the task force that it would just be on new zonings, zoning changes.

Donaldson: This is a plan. The plan that includes a defined hillside protection area that would be used by staff for guidance in making recommendations regarding new zonings. But it does not create a zoning district. It does not create any requirements. It does not create any regulations. It recommends some drastic changes to development standards to reduce the costs for developing within the hillside areas by reducing right-of-way, by reducing pavement widths, by allowing greater flexibility with regard to setbacks. So

there are some recommended changes to standards that are friendlier to developers.

Jamie Dobs, President of the Local League of Women Voters. We were here last year to speak on this issue and we are returning to voice the opinions and the feelings of 176 of our members several of which participated in observing the meetings. I just wanted to share the perspective of some individuals who are concerned for the broader community's interest. We understand there's expression by people concerned about individual property, I am here to represent the views of those who are concerned about the broader community impact of hillside and ridge top development. Of course, from what we are hearing the processes to your study has been a very valuable process, and we support the recommendations in the plan. We want to urge you to consider whatever you have to do to consider the tweaking or variations, but not to make a decision that isn't balance with the amount of time and effort that's gone into this plan. That there be some consideration of the impact of making the decision about the 15 to 25 percent. I was expected to, I wasn't sure exactly how this meeting would go, but I just want to use this opportunity to share that prospective and that we believe this is a very, very critical design that you will make. And that it is going to have a strong and important impact on our community for a very, very long time. So we want you to be very careful. Thank you.

Mr. Lonnie Harris: I am a horticulturalist by profession. My background is in engineering. I live at 2535 Old Callahan Drive. This is right next door to the poster child for Tony and Joe's presentation. It is currently Knoxville Wholesale Furniture. I guess I am in sort of a unique position here in that I told Lumpy when the cut was made over there he was all upset about it. I said look it's going to heal itself. It will heal itself over time. The biggest complaint I have heard from any of the participants in this thing is the visual affect. It is going to affect their visual perception of the area. The gentleman that was up here a few minutes ago brought up a very good point. This isn't their property. This is our property. We paid taxes on it for years. We pay the insurance on it. These people want to drive by and look at it and say oh how pretty it is. They are not willing to pay of insurance. They are not will to pay our taxes. They just want to look at it. Well we, a lot of us bought this property for investment. There was some discussion a few minutes ago about well we ought to lower their property taxes. No let's not lower the property taxes, let's give a rebate back from the time when we bought our property. Give us all of our money back that paid in. We bought this property as an investment. A lot you guys, a lot of these people out here that are proponents of this, they have no skin in the game. A few of them do have skin. One lady said oh I have 22 acres. She was on the committee. Of course that 22 acres is already in a trust, I understand. She never intended to develop this property so it is nothing to her if we put these kind of restrictions in. I bought my property as an investment. Under the Tennessee Right to Farm Act a farmer can do anything to that property he wants to to do to bring it

into a usable condition for them to farm. That includes taking the trees down, flattening the property if they so desire. A lot of this property is in farm land by active farmers. And they very well may do this if you take all the possibilities away from them of realizing some kind of profit off of it, what you are doing is encouraging bad development. If they have to go around what you guys do it is going to encourage bad development. Look at this thing you have on the wall up here. It shows you where your ridges are. What is this going to do to east Knoxville? It's going to put tremendous pressure on East Knoxville for development because that is flat land. West Knoxville and East Knoxville are flat land. Now there are several of us agree that Knoxville eventually is going to be the retirement capital for the east coast of the United States. Look at the logistics involved. Look at the location. Look at the proximity in hours to any major metropolitan area on the east coast. We have ideal weather. We have low taxes. It's going to go to that. You are going to have an influx of people. Where are you going to put them? Are you going to put them in east Knox County? We have got, there's a development, I am building a house on property that I own. There is a development just across from me that is on a ridge that is by these standards is undevelopable. In the summer time you can't tell that development is on there because the trees are still there. Tony came out a while back and I took him up behind the Knoxville Wholesale Furniture. I said Tony look around, what do you see? He says well there is a Sweet Gum. He pointed out some... I said Tony it is going to heal itself. Tony was upset because they cut it out. He said what they should have done was come and bought your property and this property and just developed the very front part of it. Tony has no concept of what it takes to run a business. He has been a teacher all his life. You can't put exorbitant amounts of money into a piece of property when it doesn't make sense. The gentleman that was up here before, he stated in a round about way when you do something for the greater good, that always means somebody is going to get the shaft and it ain't the greater good. It's the folks you are going to take those rights and property away from. Thank you.

Greg Lambert, 7001 Clinton Highway. I just wanted to say I find it very refreshing that I am hearing so much today about notifying the property owners that will be involved. I want to reiterate what Lonnie just said about a lot of this property is zoned agricultural. And MPC doesn't have a lot of control over agricultural land under the Right to Farm Act. I want to preserve these ridges. I didn't like, now it is like Lonnie said it has gotten much better, but I didn't like what happened to the other side of the ridge that my family owns. I think they could have done a better job of developing it without carving the whole side of a ridge down. I would like to see ridges preserved. But like someone said here today, one size doesn't fit all. Sometimes the best way to preserve the ridge is to allow some flexibility. I know one thing that everybody seems to agree on is that we need to limit development on the tops of ridges. The property that we own, its got a nice flat top. It's in a very commercialized

area. It's right off Clinton Highway. The best way to develop that property is to allow high density residential on the top. It puts high density residential right where high density residential should be, within a quarter mile of a bus stop, within a short walk down the hill ideally with some sort of greenway to a shopping center. It is a poster child for where we should have high density, you know condos or apartments. Because what you do for the people who would live in this development, and again I am not a developer and we are not going to build it. We would probably sell it to somebody like Victor or somebody like that to develop it. But what it would do, the ridge would be protected. The ridge and the trees would become a barrier and create a very pleasant living space for the folks on top. If there is some flexibility on height on ridges that are corridors where there is public transportation, where it's in the middle of commercialized area, you can create some very attractive high density housing. If that's not allowed, I mean this is my father's and my uncle's retirement. They don't have a 401K. They never worked for a company that offered a pension. Their retirement is this land and they are going to sell this land at some point. Now if it is sold where there is some flexibility and good development is allowed under guidelines, it can be of benefit to everybody. But if it sold and the next owner decides we need to keep this agricultural because under the agricultural zoning we can harvest the crop on this land which is trees and we can cut into the ridge side and do exactly what that unscrupulous developer did on the other side of the ridge. We can sell the dirt and then we can some create flat land for agricultural use. If this is held to the letter of the way it is written, the unintended consequence is it is going to absolutely encourage the very thing that we want to discourage because a lot of this land is zoned agricultural. I just hope that you all will see fit to add some flexibility in there so that on a case by case basis if you see a case like this where you have got a flat hill top and the best way to protect that ridge is to allow development on top, I hope you all will right in some flexibility. Because without flexibility, there could be some unintended consequences and the very thing you are trying to stop could be encouraged. Again I just want to thank everybody here who has something about notifying the property owners. You can't rezone someone's property without notifying them and their neighbors. I just don't think you could impose these type of restrictions without notifying folks. I feel much better today after hearing that language than I did before I got here. Thank you very much.

Anders: I did not intent to open this up for just one after another after another to step up and talk. I am going to go back to Commission real quick.

Cole: I really did not want to delay this, but clearly we are going to have to move forward. I think my sense is that Commission thinks a little more work needs to be done before we take a vote on this. I don't know whether to make a motion to put together a committee as Commissioner Carey suggested. I would like to hear from other

commissioners on how can we move forward taking the language staff has started with and move forward on addressing some of the issues that are giving us heartburn. Somebody help me out here.

Carey: I am not sure if I can help you out. My ideal about a board or a group or a committee, the more I think about another layer or another time slot, I am sorry I talked too much about that. I think one thing we have got to step back and look at is since the time that people thought this was a great place to live, whether it was James White or John Sevier, we have been downzoning people for the last 100 years or maybe 60 years. I am not sure when it all started. We have got to keep that in perspective. I am not saying we slap down a whole lot of new regulations, but one question I think I have or I thing I want to solidify in my mind, we still, we took a bag of suggestions from the task force and now as our group we are charged with tweaking and reshaping that in order to hand a solid plan to the legislative process and let them start tweaking it too. Is that correct? They are going to be doing the same thing that we are doing.

Donaldson: Your role will be to adopt the plan as an amendment to the general plan that becomes operative only with the approval of legislative bodies.

Carey: We would be naive to think that they aren't going to have a lot of interest in what happens because that is when, that's when it hits the fan. That is when the public really gets wound up in this thing. We are not here about counting votes, but at the same time we might as well do our best job in passing along the best plan we can get. Keeping in mind it has got to get through the whole process which means maybe we bat some things off, maybe we leave some things in place. At the end of the day could it not be possible for the City and the County to pass different plans?

Donaldson: Yes.

Anders: Not only possible, its highly likely.

Carey: So for us to think we are, this is the end all, we are putting ourselves way up there too high. I think, not to dump it off again, we need to do the best, maybe it will take a little bit more time, but I don't think we need to consider ourselves the last line of this whole thing. We aren't. We know that. Maybe it comes back to us again. I am in agreement with Commissioner Cole, getting it forward is important if we can come to some conclusion.

Anders: Correct me if I am wrong Laura, but I don't think you are suggesting we go ahead and vote on this. I am hearing you want to postpone it and have somebody else...

Cole: I want to talk about moving forward and if that means approving the plan with our concerns, our documented concerns

going forward to the legislative bodies that would be one approach. Another approach would be to work with the task force representatives and other to address the concerns that we have and put them forward in a more formalized way. Either way I think we need to move forward and we have to either agree to it or agree to it with amendments.

Ewart: Again, I go back to my item number 6 which was notification. I think we... how can we move forward without notifying people of what's happening, have input from them? What are we going to do? Our task last time, if I can remember right, was for us to come back in 30 days and give you a list of items that we want addressed and then 30 days later the task force was supposed to come back to us with those recommendations addressed. That was the last motion we had. We have given direction and one of those directions is notifying people. There are some other issues that have come back and forth. I hope Betty Jo has been taking great minutes so we can review those. What do you want us to do? We did what we were asked to do. We asked for a 30-day postponement last time, come back to you with directions and we did that. That motion was then for them to come back with us in 30 days. So have we done our task.

Anders: Mr. Donaldson, as we talked, made a list of the items that you have noted and items that Mr. Stowers noted.

Donaldson: I think we are traveling along that path.

Ewart: Therefore do we have to make a motion? The motion was made last time. That was the directive of the motion.

Anders: I think we still have to make a motion to postpone if we want to postpone 30 days.\

Donaldson: That would be the cleanest way.

Clancy: That's my question when Laura said that. Last meeting we said 30 days we come back and give you all direction. Sixty days from now we get something that says this is approved or not approved. So it seems to me that...

Anders: The same effect is there. Let me ask Mr. Wise from a legal standpoint. Do we need to make a new motion or was that motion that was passed at the last meeting suffice?

Steve Wise: MPC attorney. It is pending on your agenda. The matter needs to have some direction. It appears that you need to give staff some direction how to move next if you are not going to approve it and send it to the legislative bodies.

MOTION (EWART) AND SECOND (STOWERS) WERE MADE TO TABLE UNTIL WE GET ENOUGH MONEY TO NOTIFY PROPERTY OWNERS.

Longmire: Are we the ones though that need to listen to the property owners? What I am thinking is that we need to give suggestions of what we have heard so far. When it goes to the legislative body, the people who are elected they are the ones that need to hear from the people. Not us.

Ewart: We are the ones that have to notify people for property every time we rezone something.

Longmire: But it is a whole different situation there.

Ewart: But if this ends up being an overlay like it says in this book right here, then you can effectively put an overlay on somebody's property.

Scott Davis, P.O. Box 11315, Knoxville, TN 37939. I promise this is brief, new and different. I greatly appreciate the time and the work that you have put into this. I know you all are getting paid \$250,000 a year to do this and I appreciate it. One thing that has not been talked about at all, not one word, is the taking clause as a in the First Amendment of the Constitution. I am going to read for you and each of you needs to go home and read this before you make any decisions. The taking clause of the Fifth Amendment of the United States Constitution applicable to the states through the Fourteenth Amendment states that private property shall not be taken for public use without just compensation although the clear sort of taking occurs when the government encroaches upon a physically occupied private land for its own proposed use, the Supreme Court has recognized other categories of takings which can occur without physical occupation by the government, but rather through regulations and development ordinances that can be considered "takings". As a result there are instances in which government regulations limit a property's use to such an extent that a taking occurs even though the government action does not physically encroach upon or occupy the property. And specifically I would suggest that you go to the former Supreme Court Justice Holme's opinion on this which states, and I am taking out of context from his statement, "while property may be regulated to a certain extent, if regulations goes too far it will be recognized as a taking and therefore the enforcement municipality can and will be sued and will have to come with compensation for those affected parties". By not contacting these folks, you are placing Knox County and the City of Knoxville in great peril, in financial peril, and massive lawsuits affecting 61,000 to 62,000 potential lawsuits.

Cole: This is a plan and not an overlay. Do we send out... by the way I am one of the people that have a very steep ridge, a very large steep ridge. The steepest in the area. So I will be getting one of

those cards. I want to know what that card will say. Will it say there is a plan that has passed at MPC? It is not a rezoning, so... I am just trying to get a feel for exactly what is going to happen when this card goes out since it is so important to you.

Donaldson: To give a property context to the plan we probably are looking at a mailed piece in an envelope that would include a map. I don't know that we could do it on a postcard. The \$17,000 estimate was based on a postcard. If we do a short synopsis of what the plan says and show people where they are in relation to the slope protection area that has been identified as a land use classification, we are probably looking at a multi-piece mailing and probably pushing a \$1 per parcel. So we are up in the \$60,000 range. And then we have to consider the people that are immediately outside the slope protection area who have just as much interest in what happens above them as the people who live above them and we may be doubling that number. We typically do not mail everybody in the County notice that we are adopting a plan.

Cole: So we have a plan, but we can't afford to tell people.

Donaldson: MPC literally doesn't have \$17,000 to do a postcard mailing. We were assigned the task of, by County Commission and City Council, of supporting the task force at its inception. Since then we have devoted about \$300,000 worth of staff time to that effort without any additional revenue from those bodies. We are on a tight budget. We can't afford \$17,000.

Anders: Motion is to table until all affected parties could be notified. Are we saying the 15 percent and above the 62,000 you were talking about George?

Ewart: Yea, if it is going to stay at 15%. It seems like everybody has got this, everybody needs a motion to do something on this and I thought really that we made a motion the last meeting and... that's what I set out for the last month to do and work on.

Anders: And you have done a good job. I am wondering why we, if we all agree that extra work needs to be done on this, tweaking as we say, as everybody has been saying, we have defined, I've got a list, Buz has got a list, Mark has got a list, part of it came from you and part of it from everybody else. Instead of tabling why don't we stay with the thought the process we had which was we were going to review this for the next 30 days, come back with specific action plans, action items for staff and then charge that within the next 30 days to be back with altered wording for us to review.

Ewart: And what are we going to do then?

Anders: I think we pass it up or down.

Ewart: Without notifying people?

Carey: There is something pretty clear here. If we eliminate the 15 to 25 percent slope, we have taken 43,000 plus acres out of the equation. One thing we learned in the task force was, the smaller, when you get up on the ridges on the steeper higher parts, the tracts tend to be larger. The smaller tracts are towards the bottom. If you and I would suggest an overwhelming majority of the 5-acre grid tracts are going to be in that area. If we do a new GIS, if we could do a GIS study that showed us by eliminating the 15 to 25 how many homeowners or land owners are we talking about. I think we are going to see a much smaller number and be able to address that. I think it may be like a 70% reduction in our mailing.

Anders: Just a reminder that tabling would require minimum 60 days and it would tantamount to a 60-day postponement at a minimum.

Stowers: Sixty days to get it right is better than 30 making a purse out of a sow's ear.

Ewart: Our original motion last meeting was 60 days so we could get a little bit, then we came back.

Stowers: I think we have come close to a consensus. I strongly agree we have got to notify people if we are going to be doing something that affects their property. We need to finish the staff work before we give it to the elected officials. I think that is part of our responsibility. Yes it is expensive, but this lawsuit thing. That is real; people do that today. And one hic-up could cost multiples more than a mailing. If we do this correctly I think it is something that most people will agree with. You will have opposition no matter what we do. My personal feelings, I am still not convinced there is something broken with our present slope protection. I think there are some great recommendations in this study to make it better. But to add a whole lot more real estate to that slope protected area, I am still struggling with. If we were to change this GIS to a broader net so to speak, we may be a lot closer than we think.

Anderson: Unfortunately it is like grinding out sausage. I think I made that comments one time before. One thing is for sure we can all walk out here going, man we didn't get anything done, but we got a lot done today. We ground out a lot today. We got a lot of opinions out on the table. We got a lot of views. We got, in my mind, we got a list. Will this list be completely incorporated into the plan, I don't know. But now we have got some specifics I think to take back to staff and say or also go back to the Committee and say, we've got concerns about these things.

Stowers: Can this thing include the notification piece? That is something I do sense that there is strong support for.

Anders: Personally I would like to change it to the point where it only affects people at 25% slope and higher and then have that pool

of notified people be much smaller pool. We can table this. We can postpone it and as them to address these things and we could still pass it with the condition that notification is made.

Clancy: There is a motion on the table. Tabling it, George I like everything you said about it all six points were good. Spending \$62,000 to notify everybody in the county that lives anywhere near a slope doesn't make sense to me financially period. Eliminating it to 25% and above, I would love to hear in 30 days at a meeting how big of a sampling that is, what that is going to cost us. I may be able to make a good decision on his recommendation, Commissioner Cole's recommendation, Bart's recommendations, Wes's recommendations, take all those back and in 30 days come to me with something I can sink my teeth in and give me time to read my constitution, thank you Mr. Davis and then let me make a decision. But that is what we were supposed to do. In 30 days we are going to give staff some suggestions, the committee some suggestions. 30 more days to let us gobble it down and figure it out. Now we have got to go look up the constitution. 30 more days we should be able to make something out of this that we can vote on even if we are voting okay this is a good sampling let's vote let's say... Commissioner Ewart let me ask you if you will rescind your motion.

EWART AND STOWERS RECIINDED THEIR MOTION.

NEW MOTION (EWART) AND SECOND (STOWERS) WAS MADE TO POSTPONE THIS FOR 30 DAYS, HAVE STAFF GIVE US FEEDBACK IN 30 DAYS AT OUR NEXT MEETING AND FOR US TO THEN LOOK AT THAT AND MAKE A DECISION AT THAT POINT EITHER TO POSTPONE AGAIN OR TO MAKE A VOTE OR WHATEVER IT ENDS UP AND HOPEFULLY WE CAN MAKE SOME HEADWAY.

Anders: Let me just ask Mark is that reasonable 30 days.

Donaldson: I believe it is.

Stowers: But I would like to if you write something up next Thursday, I would Like to have it Thursday afternoon so we can look at it and think about it and not get it right before the meeting. How long I am curious...

Anders: He said a week from tomorrow he could have something.

Donaldson: I was asking if that was the date you were referring to.

Stowers: We are not a race to get this done. This is such a big deal it needs to be done correctly if it takes a year if it is done well its far better than getting something done quickly that is haphazard or creates a mess. We need to be thinking about it and maybe have another workshop. These are ugly, its not fun and I'd rather be

drinking beer right now. This is so important that we really need to make sure that we know what we are voting on.

Anders: I agree. We have had workshops and we have been talking about this a lot so I feel really good that we are doing our due diligence in really examining this and grinding it out. I think that is wise. I agree I don't want to revisit this thing. I don't want to be part of something that five years from now I look back and say I can't believe I was sitting on Commission when we passed that, good or bad. Pro or con based on how you feel about the 15 to 25 percent or whatever.

Longmire: What we are doing is okaying a plan that we will then forward to the legislative bodies as a recommendation. Is that correct?

Donaldson: You will actually approve the plan as an amendment to the General Plan but it does not become operative and that's the phrase from the State law, it doesn't become operative until approved by the legislative body.

Longmire: Alright so we are not the final word. We rarely are. The next thing I want to ask. We already have a slope protection for 15 percent and up. We have operated for several years with slope protection on 15 percent and up. I don't think it is personally responsible for the economic downturn of the country. So we are doing okay with the 15%. I mean we haven't told people that couldn't do stuff. We have just suggested they kind of move a little around and about. Is that correct:

Donaldson: That is the end result, yes.

Carey: Can we quantify this a little? If you eliminate the 15 to 25 we need to quality the landowner approximate costs.

Anders: Restated the motion to postpone for 30 days with direction to staff to consider action items that have been identified and incorporate wording into the plan for our review prior to the meeting as soon as we can.

MOTION CARRIED 10-0. POSTPONED UNTIL DECEMBER 9, 2010, WITH DIRECTION TO STAFF TO CONSIDER ACTION ITEMS THAT HAVE BEEN IDENTIFIED AND INCORPORATE WORDING INTO THE PLAN FOR OUR REVIEW PRIOR TO THE MEETING AS SOON AS WE CAN

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:10 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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