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Minutes

November 10, 2011

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

The Metropolitan Planning Commission met in regular session on November 10, 2011 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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|---|--------------------------|---|----------------------------------|
| | Mr. Robert Anders, Chair | | Mr. Michael Kane |
| | Ms. Ursula Bailey | A | Mr. Nate Kelly |
| A | Mr. Bart Carey | | Mr. Robert Lobetti |
| | Ms. Laura Cole | | Ms. Rebecca Longmire, Vice Chair |
| | Mr. Art Clancy | | Mr. Brian Pierce |
| | Ms. Jeff Roth | | 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, 2011 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF OCTOBER 13, 2011 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

POSTPONEMENTS TO BE VOTED ON READ

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL THE DECEMBER 8, 2011 MPC MEETING. MOTION CARRIED 12-0. POSTPONED.

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>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>METROPOLITAN PLANNING COMMISSION</u>
 Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.</p> | <p>6-A-10-SAP</p> |
| <p><u>METROPOLITAN PLANNING COMMISSION</u>
 Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.</p> | <p>7-C-10-SP</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
 Proposed use: Detached dwellings in PR (Planned Residential) District.</p> | <p>4-D-09-UR</p> |
| <p><u>TIPPIT VILLAGE - SITES TO SEE, INC.</u>
 a. Concept Subdivision Plan
 Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.</p> | <p>9-SA-10-C</p> |
| <p>b. Use On Review
 Proposed use: Detached dwellings in PR (Planned Residential) District.</p> | <p>9-E-10-UR</p> |

	<u>LONGMIRE SUBDIVISION</u>	1-SA-11-C
	West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.	
	<u>BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1</u>	2-SO-09-F
	Intersection of I-40 and McMillan Road, Commission District 8.	
U	<u>THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC.</u>	6-SA-11-F
	At the intersection of Shipetown Rd and Mitchell Rd, Commission District 8.	
	<u>METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE</u>	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.	
	<u>JAMES L. MCCLAIN</u>	
	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).	
	<u>CITY OF KNOXVILLE</u>	7-D-10-RZ
	South side Joe Lewis Rd., east of Maryville Pike, Council District 1. Rezoning from I-3 (General Industrial) to R-1 (Low Density Residential).	
	<u>BUFFAT MILL ESTATES - CLAYTON BANK & TRUST</u>	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 (EWART) WERE MADE TO UNTABLE 6-SA-11-F, THE CHURCH OF GOD OF THE UNION ASSEMBLY, INC. MOTION CARRIED 12-0. ITEM UNTABLED.

CONSENT ITEMS

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

Margo Kline, 8845 Ebenezer Oak Lane asked that number 21 Chuy's be taken off consent.

Edward Moore, 1091 Aspen Grove Way, asked that item 6 be removed from consent.

John Huber, 213 Fox Road, asked that item no. 19 be removed from consent.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEMS 6, 19 AND 21. MOTION CARRIED 12-0.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEMS 6, 19 AND 21. MOTION CARRIED 12-0. APPROVED.

Ordinance Amendments:

None

Alley or Street Closures:

P 5. UNIVERSITY OF TENNESSEE

11-A-11-SC

Request closure of Tee Martin Dr between Phillip Fulmer Way and east terminus, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

6. GREENBROOK - UNIT 4 & TEAL CREEK - JIM SULLIVAN

11-SA-11-C

a. Concept Subdivision Plan

Northeast side of Solway Rd., north of Gable Run Dr., Commission District 6.

STAFF RECOMMENDATION: Approve the concept plan for Unit 4 of Greenbrook and Teal Creek subject to 10 conditions.

Edward Monroe, 10901 Aspen Grove Way, We would like to only remove under staff recommendation, recommendation number 1 which is renaming of the entire development Greenbrook and just have that removed from the agenda for this agenda no. 6 at this time.

David Campbell, consulting engineer on behalf of Landview Development and Winston Cox. He is no particular concern with

removing, with changing the name. He was more worried about the fact that it may create the necessity of two homeowner associations. That is the only concern he expressed to me.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION REMOVING CONDITION NO. 1 TO RENAME THE ENTIRE SUBDIVISION. MOTION CARRIED 12-0. APPROVED AS AMENDED.

b. USE ON REVIEW

11-B-11-UR

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

STAFF RECOMMENDATION: Approve the request to permit the construction of one detached dwelling on each lot as shown on the plan for up to 55 detached dwellings in Greenbrook and 70 detached dwellings in Teal Creek subject to 1 condition.

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

Final Subdivisions:

- * 7. **WHITE LILY FOODS CO.** **9-SD-11-F**
Intersection of Central Ave. and Depot St, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 8. **MILLERTOWN COMMERCIAL CENTER** **9-SF-11-F**
West of Millertown Pike, south of Loves Creek Rd., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 9. **CAGLEY PROPERTY** **11-SA-11-F**
South side of W Emory Rd, west of Bales Rd., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 10. **CARTREF ADDITION RESUBDIVISION OF LOTS 10 & 16 BLOCK A** **11-SB-11-F**
South side of Sherwood Dr, west of Westland Dr., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11. **RESUBDIVISION OF W & L PROPERTIES LLC AND TRINITY UNITED METHODIST CHURCH** **11-SC-11-F**

Southeast side of Palmetto Rd at northeast side of Western Ave.,
Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **12. WESTWOOD BLOCK F RESUBDIVISION OF LOTS 13R, 15, & PART OF 16** **11-SD-11-F**
Northwest side of Herron Drive, northwest of Westwood Road intersection, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **13. CHESNEY HILLS** **11-SE-11-F**
West and south sides of Winding Hill Ln. north of Bob Kirby and northwest intersection of Chesney Hills Ln and Mountain Hill Ln., Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 14. FRED LANGLEY** **9-A-11-RZ**
Northwest side Dutchtown Rd., southwest side Simmons Rd., Commission District 6. Rezoning from CB (Business and Manufacturing) / TO (Technology Overlay) to CB (Business and Manufacturing).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 15. NORTHSHORE PELLISSIPPI STORAGE**
Southwest side Osprey Point Ln., southeast side S. Northshore Dr., Commission District 4.
a. Southwest County Sector Plan Amendment **10-C-11-SP**
From O (Office) to C (Commercial).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W b. Rezoning** **10-C-11-RZ**
From OB (Office, Medical, and Related Services) to CA (General Business).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **16. DANIEL AND AMANDA WATSON** **11-A-11-RZ**
North side Robinson Rd., west of Tori Rd., Council District 3. Rezoning from A-1 (General Agricultural) to R-1A (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- W 17. JASON STEPHENS **10-B-11-UR****
- North side of Jonathan Ave., east side of Sam Houston St. Proposed use: Duplex in R-1 (Low Density Residential) District. Council District 1.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- P 18. REV. ALAN SMITH **11-A-11-UR****
- South side of Dutchtown Rd., west of Rennboro Rd. Proposed use: Expansion/addition to church and school facility with after school care in A-1 (General Agricultural) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 19. HUBER PROPERTIES, LLC **11-C-11-UR****
- South side of S. Northshore Dr., east side of Choto Rd. Proposed use: Revised site plan in CN (Neighborhood Commercial) District. Commission District 5.

STAFF RECOMMENDATION: Approve the plan for up 75,000 square feet of commercial/office space in up to 10 buildings as shown on the site plan subject to 8 conditions.

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

John Huber, Huber Properties, LLC, 213 Fox Road
 Just in general I had a concern with no. 4 on the staff recommendation. Specifically, there are a couple of things in there, but specifically construction of a sidewalk at a minimum width of 8 feet along south Northshore Drive. If you look in your packet there, the darker area is Northshore Drive. That is where I had improved Northshore Drive 3 lanes wide for about 1200 feet coming into the intersection of Northshore and Choto. Our original plan two years ago was, verbally involved with Parks and Recreation we were going to have an 8 foot wide trail. Since then we have not gotten together on that and Parks and Recreation has chosen not to be involved in the trail process what we are calling the trail. The new use on review that we turned in actually requested a 6 foot wide trail for the entire length of Northshore Drive and we had rerouted the trail to go north on Choto Road versus the original layout that went south on Choto Road. There were several reasons for that. One we really ran into some utility problems. There were some fiber optic

cables that really got in the way. Those are literally millions of dollars to move. We decided to reroute it and actually made it about 500 linear feet longer than the previous trail. When we did turn it in we asked it to be 6 feet wide versus 8 feet wide. My basis on that is under if you read neighborhood commercial zoning actually 5.38.16 under Neighborhood Commercial it says, I will paraphrase this "pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhoods" which is what we are doing. It goes on to say "sidewalks must be paved with a minimum of 4 feet." We have turned in a plan that is 50 percent larger than what the code requires. Now I am being asked to spread it out to even larger than that. I wanted to talk about that. Also about there is some other language in here about bonding. I have got a \$50,000 bond in the works. All the road work is done.

COMMISSIONER STAN JOHNSON ARRIVED TO THE MEETING AT THIS TIME.

Northshore is done. All the road work is done. Northshore is improved. It is flattened out. It looks great. I get calls weekly thanking me from the area people out there for fixing the road. It was combination between myself and engineering department. They are thrilled with it. What this says is we have got to install this sidewalk adjacent to Montgomery Cove, we have to install it before Mr. Weigel builds his Weigels out there. Again I have got a \$50,000 bond that is being produced specifically just for this trail right now. What I would like to ask for is just that bond to be looked at just like any other bond just a bond on the pond or somebody had a landscaping bond. That is the whole purpose of them is to have a bond to make sure it gets done. We have got that. We have committed to putting the trail in. It is really more of a timing issue. I have going to come and do the whole parking lot. When I do the parking lot, that is when we are going to run the trail. I don't want to have to run the trail and then come back out and work around it and then install the parking. We are going to do them both at the same time. It will remain bonded until that time.

Dan Kelly: The 8 foot width along the frontage of Northshore, we continue to recommend that. The trail system per se, the idea of linking it into a trail system at some point in time is still a viable option. There are no design impediments that would suggest that a lesser width trail would need to be installed at that location. We did agree to the 6 foot trail along Choto because there are design issues with getting to be able to go to a full 8 foot wide trail up Choto. For that reason we did not pursue the 8 feet that goes from Northshore back to the entrance to Montgomery Cove. In addition to that, as John said, there is actually additional length they are actually installing more lineal feet of sidewalks by doing that. So from that standpoint the 6 feet wide was deemed to be satisfactory because of 1) doing more work and 2) design issues. The issue, previously this plan had the sidewalk or trail that John talked about going down, going south on Choto from the intersection of Northshore Drive. In doing the engineering work for that he discovered the fiber optic and other utility

issues that made it almost impossible to do. That is when we got together and he agreed or more or less suggested that it would serve more people if I did it up Choto as opposed to down through there. Well that being on offsite improvement it is in essence a responsibility of the County to see and really outside the purview of the use on review. It is up to the County to see to it that that sidewalk gets put in place. One way to try to make sure that happens is by holding a bond. That is what they are doing in this situation. John posted a bond when he was doing the roadwork. He has now agreed to do some additional work in the public right of way. To ensure that the work gets done, the County would like to hold a bond on it. The timing of the sidewalk, Weigels being approved back last May or June, I guess it was, they have recently closed on the property. I have talked to Mr. Weigel. They intend to pursue construction of that store this year. The people that will be using the sidewalk and trail we anticipate a large number of those people would be children in the area that will be ending up going to Weigels to buy an Icee and something like that. So we feel that the sidewalk should be in place. That is kind of a timing element. It says alright if you are going to do the sidewalk, it needs to be in by this time. It is a cutoff point. It is an easily measurable cutoff point that we can say it has got to be in on the site by this time. That is why we made that recommendation.

Art Clancy: I just need to get my head around this. Mr. Huber, the road improvements that you were required to participate in, those are all done right?

Huber: That is correct. Northshore is improved about 1200 feet. We cut the sight distance, a hump out of there and got it all completed.

Clancy: I have got actually a copy of CN zoning which calls for 4 foot sidewalks I do know how we got to 8 feet, 6 feet when it specifically says sidewalks must be paved with a minimum of 4 feet. Dan when you said that the Park and Recreation is considering a trail along Northshore are they still going to do that?

Kelly: It is like right-of-way dedication of a subdivision. It is like anything else. These types of things are done on an incremental basis. If you get into a situation where a benefactor of this sidewalk trail, whatever you want to call it, a benefactor of that is going to be Mr. Huber's development. So therefore we feel it is an appropriate expense to the development itself as opposed to not necessarily having to be paid for by the County. What we are arguing over here a sidewalk width of 2 feet for 1,000 or 1,200 feet. That is what we are talking about.

Clancy: The way I am looking at it is we are arguing really over 4 feet 1,000 feet long.

Kelly: He is proposing a 6-foot wide walk. We are asking for an 8-foot wide.

Clancy: But based on the CN zone he is only required to have 4 feet. Minimum of 4 feet.

Kelly: Minimum. When the zoning was done on this property, one of the conditions you placed on the approval at the time of the zoning was that they have to go through the use on review process. CN typically would not require a use on review. Once you get into this use on review process you can place reasonable conditions on the approval. That is what we as staff believe these to be reasonable conditions. Mr. Humber felt that an 8 foot sidewalk was a reasonable condition when the plan was approved 6 months ago, but has now backed off that and believes 6 foot is satisfactory. Because the previously approved plan was at 8 feet, the county actually has a design plan that shows an 8 foot wide sidewalk.

Clancy: But that 8 foot wide sidewalk was going to be half his and half....

Kelly: MPC staff is not privy to conversations between the County, between the Recreation and Mr. Huber.

Clancy: Mr. Huber, is trail going to be asphalt or concrete?

Huber: Asphalt. I know it does not sound like a lot, but it probably comes out to about \$10,000. When you say 2 feet wide you have got to 4 inches of stone and all the asphalt on top of it. If you break it out it is about 10 grand. I am already making it 500 linear feet longer than the previously approved plan and I am not getting any assistance at all anymore.

Clancy: The only problem I have is, I know that we look at these development and we have to put a reasonable amount of burden on the developer because they are the ones that actually benefit from any improvement. But we have asked him to share in the expense of fixing a road that was a major undertaking. I personally thought that would kill the development because of the expense that would bring. If it is an asphalt sidewalk is there any reason why we couldn't but a, approve it as is, put a 4 foot sidewalk down there. Do the grading when we do it and have a 4 foot asphalt sidewalk when Weigels opens and then put the additional 4 feet in as the development eases on or is more developed. Would that be something that might be acceptable?

Huber: It is still challenging. I appreciate the thought. Anything can be done. You are saying put 4 feet in now...

Clancy: Put 4 feet in front of Weigels. I understand that kids will be coming across the street and walking to Weigels to get their Icee and all that stuff. Put something there that would be, give them safe access to the Weigels store. Then under your bond that you posted, at some point when you do the rest of the sidewalks you can still grade it, at that time add the additional 4 feet to the sidewalk.

Huber: Is it 4 feet or...

Clancy: I think 6 feet is adequate. Is there something that tells us a trail has to be 8 feet wide?

Kelly: A multiuse trail, as opposed to a sidewalk, a sidewalk is primarily intended for pedestrian movement. A pedestrian trail or a greenway type trail is intended for both pedestrians and bicycles. Eight feet was the going standard for a trail. I think current thinking would be that it is probably up to 10 now would be the required standard for a multi-use trail. The development in the sense that.. we certainly appreciate everything that Mr. Huber has done to improve the intersection down there. I think he recognized there was a significant safety issue at his proposed entrance and without improvement to that, his development would not have occurred. From that standpoint he not only did the County a favor in improving the intersection he did himself a significant favor too. So from that standpoint we feel that the sidewalk or trail as shown on the plan was originally intended, the new YMCA just recently completed is back to the east of this site. The eventually is we hope that this will tie all the way back to the Y and that way you would have quite a bit of pedestrian movement in the area.

Clancy: Did we require the Y to put in an 8 foot sidewalk in along Northshore?

Kelly: That would be the destination.

Clancy: I guess I misstated that. Did the YMCA upon approval have to put an 8 foot sidewalk up into his entrance?

Kelly: I don't know. I don't believe we did sir.

Wes Stowers: We are talking about 6 to 8 feet that is 33% greater materials that is the cost. County was committed, not committed, County implied they were ready to put a trail in. Apparently they are not. Six feet to me isn't plenty wide unless it is a bar instead of Weigels maybe it needs to be wider. We are talking about a convenience store. Six feet is wider than most sidewalks. It is his expense unless the County is ready to connect the walking trail, this thing could be 10 years or 20 years out and by then you may be doing the whole sidewalk all over again if it is asphalt. I think Mr. Huber has already expanded it and gone way out of his way to accommodate the changing needs. The County hasn't. They want to have it both ways. They want an 8 foot sidewalk, but they don't want to have to connect it. I would suggest 6 feet is being more than generous since the rule only requires 4. Second the bond, I have a question. There is still a bond in force, correct, for the overall project?

Huber: That is correct. We currently had a, or myself and Blount Excavating, has a bond for \$288,000. It is in the process of being reduced. All the work is done and been inspected. It is being reduced to \$50,000.

Stowers: But you still have \$50,000 until it is totally complete. Correct?

Huber: It is only for the walking trail.

Kelly: Mr. Stowers with regard to the bond, the County is holding the bond. The County set the requirement for the bond. The bond is for improvements off site. I think it is County's call as to whether or not they have a bond or not.

Stowers: Where I was going was I understand the bond has a time limit that the sidewalk would be complete. All you are asking for is to do it concurrent with the grading and paving of the Weigels facility. To put those together.

Huber: Well it is actually the internal site. Not necessarily the Weigels, but the internal site.

Stowers, What you don't want to be doing is doing a bunch of grading and concrete work and trying to work around a skinny little sidewalk. It is a lot less expensive to do them all at one time. It won't have a purpose until the Weigel's is there anyway. Is that correct?

Huber: Yeah. We are moving forward as fast as we can. As everybody knows the economy is a little slower than we want. I am trying to get people leasing and the buildings coming out of the ground on the Markets at Choto side. I know Dan spoke with Mr. Weigel and I have spoken with him obviously multiple times. He has indicated, but he is still hot and cold. He doesn't know when he is going to start. What I wanted to do again is tie to the parking lot of the Markets at Choto. It is almost like if you are building a house and you are coming through and you are going to tile every bathroom and your kitchen and tile the whole basement floor but you are in the kitchen and you need a backsplash, you are not going to have the tile guy come out and do the backsplash and then call him a few months later and ask him to come back and do the rest of the house.

Kelly: The majority of the sidewalk he is talking about will not be impacted by the construction. It is on Choto going up Northshore Drive.

Stowers: Right, but there is no where to go on that until the center is in. You are having to mobilize an entire paving crew, your trucks, your rocks, your grading equipment, your roller, your paver, and all the trucks that go with that to make a trail when you could be taking that same cost and spreading it over an entire parking lot is very inefficient.

Kelly: I understand and I will be quite. But the situation with regard to sidewalks is it is supposed to be in before Weigels is occupied. Not before they start construction. If Mr. Weigel were to start construction that would be a cue to Mr. Huber that I need to get out and build this sidewalk. It is not it has to be in place before Weigels' does anything.

Huber: I am not, I have sold a lot to Mr. Weigel, but I have no control over his constructions nor will be doing any paving for him. He uses concrete anyway. He concrete's all of his parking lots. I will be using asphalt in the parking lot of the Markets of Choto and that is really where I was hoping to tie those two together and still have the bond. Again my point is I have still got a \$50,000 bond. I've committed to do it. It is just a timing issue. I am not sure when he is going to start it. He might start it tomorrow morning, but he might not start for 2 years. We have all seen Weigel signs around. I really am needing to tie it to the parking lot of Markets of Choto and keep the bond in place. Just like a have a bond on hydrology. Just like in here it states I have got to post a bond to install all the landscaping. Everything has got to be done. It is just a timing issue.

Longmire: Mr. Huber, I am a little confused. The sidewalk that you want to hold off on, are you saying that the other stores might be occupied, might be in business prior to Weigels opening. This says very clearly the sidewalk has to be in place by the occupancy of Weigels. I thought that is what you were asking for.

Huber: No ma'am, we are actually talking about two different things. The first one is I would like to, my plan showed a 6 foot wide trail for the entire length and Planning Commission says it needs to be 8 foot.

Longmire: I am good with the 6 foot. It is the other part I am confused about.

Huber: I have a bond or we are working on a \$50,000 bond just to cover just the trail. Longmire: I understand that part. Huber? What they are saying is it is likely that Bill Weigel will build first. He will build his building and they want to be able to link the trail to his outlot. What I am requesting is that, I am in the process of working with the banks, working with lessees to come into the Markets at Choto, the restaurants, the dry cleaners, the pharmacies, all those guys are coming in. When we start construction on our building, when we start construction then we are going to put our parking lot in. When we put that parking lot in to service the Markets at Choto people, that is when we want to install the trail.

Longmire: So if Mr. Weigels builds within the next six months, it may be another two years before your part gets built.

Huber: You never know, but..

Longmire: You are saying there might not be a sidewalk there for 2 years, 4 years, 6 months or whatever. You don't have any idea.

Huber: It is a possibility. I am working with the banks, working with the tenants. The architecture is done. I have already interviewed the builders, three different builders. It is a question of digging footers. But I don't know when he is going to start. If he starts in the morning,

we have all seen him he can crank those store out in about 90 days he has it up and running. It is going to take me longer than 90 days to get my stuff done.

Longmire: You understand the concern we have about Weigels opening with no sidewalk neighborhood access. That is the big concern.

Huber: This is within neighborhood commercial zone. It requires the connections. There are certainly a lot of Weigels around that do not have sidewalk connections. I personally think people will be walking more to the restaurants and things like that that I will have installed versus the Weigel's. I know the kids will eventually maybe work their way over there possibly in the summer to get an Icee. The way I envision the whole thing is a real family friendly deal where everybody comes over to get something to eat then may go to the ice cream shop. That kind of thing. That is what I envision for the trail, not to walk over and get a gallon of gas.

Longmire: I am clear in understanding that your proposition is that until your part is built no sidewalk will be built, even if Weigels is open.

Huber: But it will be bonded with a \$50,000 bond.

Anders: Mr. Huber, I guess we are fleshing this all out, but if you build first it is a mute point. If Weigels builds first, we have a Weigels witting there without a sidewalk to it. It could be a long, long time.

Huber: It could be. I will still have a \$50,000 bond guaranteeing that they will go in.

Anders: This is fine. I know they will go in at some stage, but functionality of that site is not going to work the way it was intended.

Kane: Clarification was my wanted to understand the sequence of events. So the only other issue is somebody who has occasionally used a greenway walking trail. What is the buffer or greenspace between the 6 foot asphalt sidewalk to Northshore. What is that going to be. Is it 4 feet or 5 feet.

Huber: Generally it is designed at 5 feet.

Kane: So it would be 5 feet and if we do it for 8 feet then that would go down to 3 feet or...

Huber: It stays at 5 feet.

Kane: We are talking about a 6 foot path then a 5 foot buffer area. I am trying to think about safety. Some places are a foot off the main drag which the safety aspect of that is different in terms getting around bikes and pedestrians and stuff like that. If you have a 5 foot buffer area that does provide a little extra safety.

Ewart: Mr. Huber. A couple of questions. One when we initially approved the use on review, how far did that 8 foot sidewalk go?

Huber: It was approximately 1400 linear feet.

Ewart: It went along Northshore or did it go down Choto?

Huber: Both it went along Northshore and went south on Choto.

Ewart: You said you are extending it now beyond that. What is taken out. What is going down Choto? Did you add that to Northshore and are you increase anything?

Huber: Yeah, we are definitely increasing it. What we discovered were some utility issues, as I had mentioned earlier, that made us take a hard look at going south on Choto. So what we came up with is a design, because when we were going south on Choto we were really trying to access a subdivision called the Mill at Choto. We were trying to link to that subdivision. So we came up with a new plan that we are still able to access and service the people at the Mill of Choto and in turn turn the walking trail north on Choto Road extending it. If you look at the full length, it was originally about 1400 feet. If you look at the length now, it is about 1900 feet. So it is an additional 500 feet longer to the Montgomery Cove entrance. Basically we turned it from servicing maybe 20 homes to maybe about 420 homes. So it is going to service the community a lot better, but we did ask that it be narrowed up from 8 feet to 6 feet the whole way. Yes on Northshore. We narrowed it up and made it longer. Just stretched it. It was originally 8 feet, put it this way we had 8 feet of 1400...

Ewart: Square footage is close to being the same maybe.

Huber: It is still probably more now. But yes if you are calculating it out multiplying 1400 linear feet by 8 feet wide and now we have got 1900 linear feet at 6 feet wide was our request for this use on review.

Ewart: Originally you had 8 feet all the way along Northshore and south on Choto. Now it is going north on Choto but it is still roughly the same square footage only it is more linear feet if you do 6 feet.

Huber: Right but it services 400 plus homes now versus 20. It helps everybody. I think it helps the County. That is the whole purpose of trying to do it.

Kelly: Maybe I erred in tying the sidewalk construction to the Weigels. Maybe we should just tie it to the first occupancy permit within the development whether it be Weigels or a building that he builds or whatever. Eliminate the reference to Weigels and put the building constructed within the development which could include Weigels but could be any building that Mr. Huber builds also.

Ewart: Can we, we don't do the bonds though. That is up to the county

Kelly: That is up to the county in this particular case.

Ewart: If you ask us to forgive something, we can't do that correct.

Kelly: We can't eliminate the bond. But the timing of the construction of this other sidewalk I believe we can tie that in.

Donaldson: With regard to the bonds, the only mention of bond in the conditions is the one that is proposed I lieu of installation of the landscaping. There is no mention of bond tied to the other public improvement.

Huber: That is where I was going with it. I will have a bond and that is what it is for is the installation. I was really requesting that it be removed and everybody seems to be in agreement with changing the language of it. What was I was trying to get of it was the requirement of it going in at the start of Weigels. If it were my druthers the way Dan is wording it is would be first construction of a building of the Markets at Choto, not the Weigels.

Kelly: It would include Weigels is what I said.

Anders: So you request that we add a condition.

Clancy: We just reword the 4th condition where it says "The portion of the sidewalk east of the Weigel's site must be completed prior to occupancy of either building 9 or 10" say prior to the first occupancy permit pulled for the project.

Kelly: We haven't even talked about that that is totally different. He has two lots that east of Weigels that we are not asking that he build the sidewalk up front not until he builds on either lots 9 or 10.

Donaldson: The sentence right above that is where the reference to the occupancy of Weigels is.

Anders: I think we are all getting to the same point here. Mr. Kelly do you want to lead us in crafting that wording?

Clancy: I can do it. I would like to make a motion that we approve the plan for up to 75,000 square feet of commercial office space and up to 10 buildings as shown on the site plan subject to the 8 conditions modifying condition no. 4 to reflect construction of a sidewalk at a minimum of 6 feet and also the section of the eastern boundary of the proposed Weigels site Choto Road must be built prior to the first occupancy permit requested.

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

CONDITION NO. 4 TO CONSTRUCTION OF A SIDEWALK AT A MINIMUM OF 6 FEET AND ALSO THE SECTION OF EASTERN BOUNDARY OF PROPOSED WEIGELS SITE CHOTO ROAD MUST BE BUILT PRIOR TO THE FIRST OCCUPANCY PERMIT REQUESTED. MOTION CARRIED 11-1-1 (KANE NO, PIERCE RECUSED). APPROVED AS AMENDED.

* **20. CHESNEY HILLS PARTNERSHIP 11-D-11-UR**

North & south sides of Winding Hills Ln., north of Bob Kirby Rd. Proposed use: Reduce the side yard setbacks for the identified lots in PR (Planned Residential) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request to decrease the minimum required side yard setback for the noted lots from 10 feet to 5 feet as shown on the plan subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

21. CHUY'S RESTAURANTS 11-E-11-UR

North side of Kingston Pike, west of N. Cedar Bluff Rd. Proposed use: Restaurant in PC-1 (Retail and Office Park) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for a restaurant containing approximately 7,756 square feet of floor space as shown on the development plan, subject to 7 conditions.

Margo Kline, 8845 Ebenezer Oak Lane. I am here representing the Council of West Knox County Homeowners. I am the president of that organization. We were not aware of the signage part of this plan until a couple of days ago. I apologize for not sending any information indicating concerns. We met just last Tuesday and the group applauded this restaurant coming in. We understand they are very high quality organization. We think they will be a great addition to the neighborhood, to the community. However I think that possibly their signage plan was put together prior to discussions and decisions made on signage in Knoxville. In fact currently the sign plan part of this use on review indicates that there will be a 25 foot ground sign. The neighbors in this area have been working very hard with MPC and City Council to try to work with a more progressive signage plan that would limit taller signs to development directory signs and keep signage for establishments within developments to monument sign height. Currently in the past two or three months we have been working with Sherrill Hill and Academy Sports monument sign which is on an outparcel or on a parcel part of that development. It has been approved at 10 feet. Dwayne Grieve, Councilman for the City, has been working with Aldis and GSS. In fact I received two emails today from him indicating that both of those will be monument signs between 10 and 12 feet in height. The other signage in this general area, I am talking about a mile in area between Cedar Springs Church and the Shops at Franklin Hill, Franklin Square include Perkins, Captain D's,

McDonalds, the Chop House, Fazolies, Chick Fila and Sullivan's all of those are monument signs and none exceed 12 feet. I am asking simply that everything about this use on review be approved with the exception of the 25 foot ground sign and I would ask that the requirement be that that be a no more than 10 foot monument sign to be in keeping with the other signage going in in the area. This is again an outparcel. It is on two parcels within the Kroger's Marketplace development. The main sign there and the development director sign which is the Kroger's Marketplace says shops at Kroger's Marketplace is 30 feet tall, but there are multiple tenants that will be indicated on that sign. The Kroger's Marketplace monument sign is only 8 feet and that is within the same development where Chuys will be going in. It would be really, really negative precedent to allow a freestanding 25 foot sign for this establishment that is part of this other development.

Frank Biller, 604 Burley Lane, Franklin, TN for the applicant
Originally we had a, I believe, a 30 foot sign in there. We came and worked with the City. I believe the City code states 25 foot. So we reduced our sign based on the recommendation of the City.

Donaldson: I will just review where we are with regards to sign height in the City. The currently regulations allow a ground sign up to 50 feet in height. City Council has recently requested MPC to make a recommendation as far as amending the code. They suggested a 25 foot height. The Planning Commission actually sent forward a recommendation with a variable height depending on the amount of setback from the right of way with a 20 foot maximum height if you met the minimum setback requirement and up to 30 feet if you moved it back an additional 10 feet. That has not yet been acted upon. The first reading of the ordinance is scheduled for next Tuesday. So as we stand today the current regulation is for a 50 foot maximum height on a sign. The discussion about limiting all signs other than a development directory sign to monument signs is new to us. It would have been nice to have been part of those discussions then we could have built it into our recommendation; however, this is the first that I have heard of it today. That is not currently a regulation on the books.

Clancy: I am sorry what is your name again? Frank Biller. I am looking at your proposed sign. Ms. Kiline represents quite a few people around your proposed restaurant, quite a bit of what will be your clientele. I understand her point of view that a monument sign would be more appropriate for one freestanding restaurant. Your sign is really cool. If you could chop that post off, put it on top of a monument and still make your customers happy.

Biller: I want to keep the peace. Understand that I don't have the authority to make that decision at this point. I don't want to do anything that is going to delay the approval of this. Kroger really wants us to get started and get open. They are moving pretty fast on their building. Could we approve this thing contingent upon the

sign? I could go back to the powers that be. We certainly want to be a good member of the community. If that is what the community wants, I am not going to make the people around me mad. My recommendation when I go back to my bosses would be to put a monument sign.

Clancy: That seems to be a really prudent business decision and it would probably help us help you. I am ready to make a motion.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION SUBJECT TO 7 CONDITIONS WITH CONDITION 7 BEING THAT WE APPROVE A MONUMENT SIGN SIMILAR IN DESIGN TO THE ONE THEY HAVE SUBMITTED NOT TO EXCEED 10 FEET.

Kane: Mr. Donaldson you mentioned about the proposal for signage that was before City Council. This sign would it meet that current proposal? I don't know what the setback is on this one.

Donaldson: This was meeting a 10 foot setback which would meet the 25 foot that Council requested but not the 20 foot maximum height that we recommended.

Kane: So this would exceed what our recommendation was.

Donaldson: If they move that sign back 10 feet...

Kane: As far as the maximum, you always have the character of the neighborhood. I am not arguing that I am trying to figure out where we stood even within something that is on the proposed. That is where that sits.

Tom Brechko: The sign as proposed at the location as identified on their site plan, under the proposed regulations would have to be reduced 5 feet to a 20 foot maximum height. If they shifted it to the island at the end of the parking area, as you can see on the site plan, they could actually go 30 feet under the proposed requirements. The reason why the 25 doesn't work at this location is the right of way jogs at the entrance for these curb cuts. The sign where it is proposed is actually 60 feet from the edge of pavement of the road if you continue the road line without the turn lanes going in. A slight shifting and they could meet the requirements of the proposed change. For clarification on the motion it mentions 10 feet, we are talking about the height of the sign.

Anders: I hope we get this signage thing done and get teeth into it and some clarify into it. I really think it is unfair. We do this more than we should to have a developer come in here who is under a set of assumptions that is under a set regulations and he is developing his plan. He comes in here and we stand up and say I know by law you are able to do a 50 but we don't want a 50. We want you to do a 25. I think that is wrong and it is a bad precedent. I support this

because it looks like everyone is in agreement to it. I sure hope we can get this thing done and tied up cause this is getting a little old.

Ewart I agree with you Chair Anders. I think we have a problem with having a set of guidelines and coming in here and changing it. There is nothing wrong with the sign as he submitted it. It meets all the guidelines. We can come up here and talk about we have a proposed sign ordinance coming through and this and that. The bottom line is this man is submitting a package right now. And right now this meets all the guidelines in the sign package. I don't think that if we come in here and start telling him to do things that aren't drawn at this time and say well just do a 10 foot high sign. We don't know what that is going to look like and so on a so forth. There is nothing wrong with what this man has. In fact if he moves it a couple of feet he can do a 30 foot high sign in the new proposed standard. We are coming in here and getting all upset about signs all the time. We are going to be sitting here pretty soon in five years if we keep on doing all this sign stuff that we are not going to have anything to approve because nobody is going to come here. The Town of Farragut went through a period of time where they had this strict sign ordinance and nobody developed there. Now since Turkey Creek came about they relooked at it and have done some things. Now they have attracted people. We are going the opposite way here on everything. I can't support this cause. I think this meets the guidelines. This meets the standards that we have and I don't think we should hold him to anything different that is not approved.

Jeff Roth: I want to echo the last two comments. I think when we have something in this proposal that says he has to meet the sign requirements that we already have in place. I don't know how we can sit here and give him another set of sign requirements that are not already in the books. I think that we should approve it like it is and not do anything with what is written taking into consideration this sign.

Anders: My support was that the applicant seemed to say this probably makes more sense for me. I agree with everything that has recently been said. If that is a different scenario then I have a different opinion.

Clancy: My recommendation was not based on the fact of requiring him to meet anything but what is required by the City sign ordinance. My suggestion is that he acquiesce and say this is a good business decision. This would be more satisfactory to the people that are going to be patronizing his restaurant and it might gain more support with Commission and help push this through and get the package done. I really do wish we could get the sign ordinance pinned down to where the neighborhoods are happy that the signs and restaurants are going around and to where the restaurant owners are happy. Right now we are not at that point. If you look down Kingston Pike there are quite a few monument signs that look good. They do what they are supposed to do. They bring people in.

They signify there is a restaurant there. I am looking at his sign and I would think that you could make that into a monument sign that looks just as nice. All I did was ask if that was something that we could work out and that is why make my recommendation and my motion.

Anders: No need to apologize cause I agree with you as long as this is his business decision to do this, I am okay with it.

Stan Johnson: My support for this is based on the community and the developers working together. We always tell people to work together before they even get here. Now we have somebody here that says we can work together on this and make it happen. Let's make it happen. That is why I am supporting it.

Longmire: I agree if we have a standard for signage we shouldn't change it every time we turn around. If a community that this business serves objects, I think it is the community and the developer that ought to get together and that we don't need to be the ones stepping in as referees because they are both very capable people and they can communicate well with each other. If people are doing what is right why should we change things?

Clancy repeated his motion. Make a motion to approve the request for a restaurant containing approximately 7750 square feet of floor space as shown on the development plan subject to the 7 conditions. The 7th condition being altered to state placing a monument sign of similar design not to exceed 10 feet in height.

Anders: Should we maintain the meeting all applicant requirements of Knoxville sign inspector as well. Just leave that in there as well?

Clancy: That is fine.

Anders: Let's do that.

Upon role call The Planning Commission voted as follows:

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

Motion Failed 7-6.

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

Anders: I don't want to lobby here, but I do want to make one comment. Sometimes we get caught up so much into the process. What I see our here, correct me if I am wrong, what I see out here is the processing working where you look at it and see the constituents and the developer agreeing on something that is in their view mutually beneficial. I see Ms. Kline shaking her head.

Billier: I agree that it is probably smart that we have a discussion on it. Again as I stated I probably have to take this back to the powers that be. My intention is to not slow the process of getting this approved and getting under construction.

Ewart: I was just going to respond to you Chair. He is not the decision maker on it. That is a thing. Trying to make things work right now he has to go back to a committee or owners and they have to go and talk. So we really have not resolved anything.

Roth: That is my point really. I think that we can't hold him to a higher standard than what the code actually says. That would be my reason. I support this and I think if in the motion we had said with a recommendation that he goes back and renegotiates the sign height, I could probably support that.

Stowers: I think we shouldn't threaten to not to vote for it unless they put something in that exceeds the law. If it was my business I would be wanting to do something that the community would accept. I think you all should have the right to do everything you want within the compliance with the code. My recommendation would be to look at the sign and make sure it is something that Ms. Kline's constituency at least give them a hearing. You don't have to do it.,

Anders: That is an excellent point. Just because we pass this as per staff recommendation, it does not hold you to putting in a sign that big. You can work with the neighborhood and decide to do something less.

Billier: That is what we intend to do.

Johnson: I was just going to reiterate that here is a restaurant that the community says it is a good idea that they want to support. But get them mad and they don't support it, then what happens. Then you go out of business and then we have another empty store. Then we have got another problem. I don't want to sit here and say 10 feet is going to make that big of a deal on a decision. If you get these people mad and they don't want to support the restaurant, then what do we do?

Donaldson: Mr. Chair I wonder if the makers of the motion would consider adding a condition that would allow staff to approve a monument sign not to exceed 10 foot without having to come back to amend the plan.

Billier: Can I make a comment to the Commission. To your point sir though. We have to consider if we get our look or not. We have to make a decision whether we are going to come to the community or not. That works both ways..

Stowers: My motion as to allow you to proceed per staff recommendation.

Longmire: May I ask about what Mr. Donaldson...If we do it like this will he have to come back then.

Clancy: If he decides to do a 10 foot monument sign, he will have to come back.

Stowers: Amended his motion to give them the option of reducing the sign if they chose to.

Donaldson: And changing it to a monument sign.

Stowers: If they chose to.

Ewart seconded the amended motion.

MOTION (STOWERS) AND SECOND (EWART) TO APPROVE PER STAFF RECOMMENDATION WITH THE ADDITION OF ALLOWING THEM TO REDUCE THE SIGN AND CHANGE TO A MONUMENT SIGN BY SUBMITTING IT TO STAFF AND NOT HAVING TO COME BACK TO THIS BODY FOR APPROVAL.

Anders: I am confused. Don't they have the right without staff approval to change their sign down to a monument sign?

Brechko: I am going on the Sherrill Hill Development. We have been working with Dwayne Grieves on reviewing the Gordon sign and doing modification and reducing the height and going to monument and we have been doing it as a staff review. As long as we think there is not a major change in the design, it is reduced in height and meets the standards, that we have approved modifications before.

Roth: If we approve by staff recommendation though, we say they have to meet the requirements of the Knoxville sign code. If they reduce and the sign and then meet the requirements, then why would they have to come back?

Donaldson: It is a use on review and they are supposed to develop and permit in accordance with the approved development plan.

Clancy: We are approving that and that does meet the sign regs.

Stowers: We are making it too complicated. I stick to the original thing.

MOTION (STOWERS) AND SECOND (JOHNSON) WERE MADE TO GO BACK TO THE ORIGINAL MOTION TO APPROVE STAFF RECOMMENDATION.

Stowers: As an editorial comment I think if you wanted to reduce your sign, that would probably be a very easy thing to pass review. My original motion stands.

MOTION CARRIED 13-0. APPROVED STAFF RECOMMENDATION.

Other Business:

- * **22. Consideration of Plans of Service** **11-A-11-OB**

STAFF RECOMMENDATION: Approve and adopt this report and forward these findings to the Knoxville City Council.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 23. Nomination of MPC Officers for FY 2012** **11-B-11-OB**

Nominating Committee Presentation:

Laura Cole: Nomination Committee met myself, Commissioners Stowers and Commissioner Johnson and we would like to forward a nomination of Becky Longmire for Chair and Bart Carey for Vice Chair. Open the floor for any discussion or other nominations.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE NOMINATIONS AS STATED. MOTION CARRIED 13-0. NOMINATIONS CEASED.

Adjournment:

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 2:40 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.