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# Minutes

## NOVEMBER 13, 2014

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

The Metropolitan Planning Commission met in regular session on November 13, 2014 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

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

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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**1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE**

\* **2. APPROVAL OF NOVEMBER 13, 2014 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

\* **3. APPROVAL OF OCTOBER 9, 2014 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 (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ 30 DAYS UNTIL DECEMBER 11 2014. MOTION CARRIED 15-0. POSTPONEMENTS APPROVED.**

Automatic Withdrawals Read

**WITHDRAWALS REQUIRING MPC ACTION**

None

**REVIEW OF TABLED ITEMS**

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

North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.

CITY OF KNOXVILLE

7-D-10-RZ

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

**U**

**TANASI GIRL SCOUT COUNCIL, INC. (Referred back by City Council)**

**4-J-14-RZ**

Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).

908 DEVELOPMENT GROUP

Northwest side Dale Ave., southwest side N. Seventeenth St., southeast side I-40. Council District 6.

a. Central City Sector Plan Amendment

7-E-14-SP

From C (Commercial) to HDR (High Density Residential).

b. One Year Plan Amendment

7-D-14-PA

From GC (General Commercial) to HDR (High Density Residential).

c. Rezoning

7-F-14-RZ

From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

4-B-10-UR

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

SOUTHLAND ENGINEERING

7-A-13-UR

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

MR. PAUL MURPHY

7-E-14-UR

South side of Kingston Pike, east of Kingston Court. Proposed use: Apartments and Residential Condominiums in R-1 (Low Density Residential) District. Council District 2.

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

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 4-J-14-RZ TANASI GIRL SCOUT COUNCIL. MOTION CARRIED 15-0. ITEM UNTABLED.**

**CONSENT ITEMS**

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

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 15-0.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 15-0. APPROVED.**

## **Ordinance Amendments:**

### **5. METROPOLITAN PLANNING COMMISSION**

**10-B-13-OA**

Amendments to the City of Knoxville zoning ordinance at Article II, definitions, and Article V, Section 10, regarding sign regulations.

STAFF RECOMMENDATION: recommend that City Council amend the City of Knoxville zoning ordinance as shown in Exhibits A, B, and C, as amended to include: option L.6.d(3) to utilize the functional classification of roads to determine detached sign dimensions in commercial and industrial zone districts as shown in Exhibit J; optional language shown as paragraph D to allow otherwise abandoned signs to be used to advertise the availability of the premises on which the sign is located as shown in Exhibit M; and removing sight triangle provisions as shown in Exhibit N.

Mark Donaldson: In your packets there is a lot of information. I will go through the list of exhibits to remind you of where we are at on this. Exhibits A & B are proposed deletions from the current code that are necessary to consolidate all of the sign regulations in a single section of the code which as recommended by staff would be Exhibit C. Exhibit D is a side by side comparison of the current sign regulations to the proposed regulations. Exhibit F is the version of the proposed regulations as forwarded by the Task Force. Exhibit F is just a summary of the current and proposed definitions so you have all of those all in one place. Exhibit G is a series of one page summaries of the various issues that emerged through the task force and that we have continued to discuss in our regular meeting and in the work session. Exhibit H is a list of roads in Knoxville that are on the Scenic Highway System because the sign regulations make reference to the scenic, roads on the Scenic Highway System in several places. Exhibit I is an illustration of a couple of examples of sight triangles. Exhibit J is an optional table of maximum sign height and area in commercial and industrial zone districts that ties those two dimensional requirements to the functional classification of the road upon which the property is located. Exhibit K is new from last month it is a comparison of the proposed staff changes to the version as forwarded by the task force. Exhibit L is a series of options that you could take with regard to window signs which is a topic that emerged at

our work session. Exhibit M is a series of options you could take with regard to abandoned signs which was also a discussion topic at the work session. Exhibit N is the language required to delete the sight triangle provisions from the proposed regulations. Then we have added since our meeting on Monday Exhibit O which is an alternative master sign plan proposal that was presented to the Task Force but not acted upon. We put that in at your request so that you would have it in front of you today. Staff recommendation starts with the bulk of the proposed regulations are from the version forwarded to you by the task force with proposed amendments as shown in Exhibit K and then a couple of optional recommendations, the optional table relating to the road classification Exhibit J. Paragraph from Exhibit M which deals with abandoned signs options which provides for an exemption from the one year time limit that is imposed in the proposed regulations in the event that the sign is used for the marketing of the property. Exhibit N is the language to delete the sight triangle provision. There is a lot of stuff. I am prepared to answer any questions that you might have.

Longmire: Mr. Grieve you asked to speak just on an informational basis. Is that correct? Or an explanatory basis perhaps.

Duane Grieve: Hopefully. I am chair of the Sign Task Force that was put together by City Council. We sent you some information yesterday in a letter. I understand maybe some of you haven't had a chance to take a look at that so Madam Chair if you will bear with me I would like to read the letter.

Longmire: Sure.

Grieve: Thank you. "As chair of the Knoxville City Council Sign Task Force, I wanted to send to you several critical pieces of information for our review. There seems to be some confusion as to the last recommendations the Sign Task Force made in regard to the sign ordinance documents and the vote on the sign heights. To give you a bit of history, the Knoxville City Council determined that their preferred approach to addressing the status of an antiquated and cumbersome sign ordinance was to establish a Sign Task Force, comprised of local citizens, staffed by MPC, the City Redevelopment Office, City Codes and the City Law Department. The Task Force met for two and one-half years through July, 2014 and arrived at recommendations on a range of issues. At the July 2014 meeting of the Sign Task Force, a decision was made to suspend the work of the Task Force, due to an inability to arrive at a consensus on remaining issues. Further, the recommendation of a majority of the Sign Task Force was to forward the document, this is Document 1 which I think is now K that you folks have, the represented what recommendations had been made, through a decision of

the majority, to the MPC for their review. The Sign Task Force suggested that if the MPC and/or the City Council wished to subsequently forward additional material to the Sign Task Force for their response and recommendation, the Sign Task Force would be prepared to consider that request. So we are still an open committee. The following is Motion number 3 from the July, 2014 summary notes submitting Document number 1 to the MPC as noted above. Part of the reason we are here is because we want to be clear that you folks understand what we did versus what has happened since then and what recommendations we as the Sign Task Force made. The motion was Don Parnell made the motion to table consideration of the ordinance and submit document number 1 to MPC. They can come back to the Sign Task Force or not if desired and then submit it to the City Council as a status report and not a recommendation. Comments made on the motion-Mr. Parnell stated that he did not see an outcome remarkably different than what is current and he did not make his motion in a negative sense. He just feels the Task Force has done all it can do at that particular time. Mr. Parnell reiterated that this is a status report, not a recommendation. Jim Nixon seconded the motion. Of the many motions that were made by the Sign Task Force over the two and one half year period, one motion that was voted on and adopted specifically dealt with sign heights. You can see in the attached summary notes from August 21, 2013 and the attached table that documents that vote. The MPC is now considering not only the Sign Task Force work, but additional suggested changes that have been prepared by the MPC staff. The additional changes have not been reviewed or voted on, nor otherwise considered by the Sign Task Force. Additionally, more suggestions have been made to the MPC by citizens and local interested organizations which also have not been reviewed or acted upon by the Sign Task Force. The Sign Task Force worked diligently and thoroughly reviewed many aspects of the sign ordinance. We did not make a final recommendation, but did submit document 1 to MPC as a status report. Additional information and material which has been prepared by others than the Sign Task Force has not been offered to, nor considered by, the Sign Task Force, and therefore is not part of the process that was originally directed by the Knoxville City Council. If you have any questions, feel free to ask me. I did mention at the sign workshop a little bit of the history. I think everyone was there at the sign workshop, weren't they? Pretty much.

Longmire: There were quite a few there.

Grieve: I am not sure if I need to go through that again. As was noted the Sign Task force actually grew out of City Council's concern over sign heights. This was back in 2011 where the sign height issue was brought before City Council. City Council did do on first reading they voted to lower the sign heights. It

was decided several meetings later that what was really needed was a review of the whole sign ordinance. Little did any of us know the complexity in which we were getting involved with from the standpoint of signs when we were really just beginning to look at sign heights, sign sizes, locations of signs and this sort of thing. Once we got into this and as I mentioned for two and one half years we have had a group of individuals who have met almost monthly to review the sign ordinance. To give you a little background on that they started out with a bus tour of the City to see what the sign was in our City. One of the things that came out of that was the fact of the abandoned signs that were all over the city and this was one of the first things that was looked at. There were 13 different meetings. There meetings dealt with the different signs. There were 2 public hearings that were held also during that two and one half year period. Then we did have that first draft of the sign ordinance. I at this time also I do want to thank Mark for all his work that he put into in terms of providing us information, in fact the whole staff that worked with the sign task force group. We have had several City Council workshops and I have attended your workshop to see where we are and see what we can do. With what the sign task force began to look at is that our number one issues once we met were sign sizes, abandoned signs, setbacks, sight triangle, window signs and office districts in terms of where signs were located. We quickly found out that not one size fits all in terms of the sign situation. The sign task force then as was done by the motion did come up with that idea that what we would do is send our recommendation to MPC for them to review and to look at. Part of what some of us were thinking would happen was that once additional information was done or whether MPC decided to change that that we would have an opportunity to look at that and then really make a recommendation to City Council. That is pretty much where we are at this particular time in terms of where the Sign Task Force is. We have not reviewed the Exhibit K in your package that was prepared in November 13. That has not been done on that. If you have any questions, I will be more than happy to answer those.

Longmire: Mr. Grieve may we have a copy of the letter for the record. I will tell you you and your sign task force have made me a different traveler. I can't go anywhere without looking at sign heights and windows and things like that.

Grieve: We found that like I had said earlier that the whole issue of signs is very, very complicated. I am not sure how you folks can get involved in it in two workshops and 175 pages of documentation that you have before you.

Longmire: Don't overlook the multitude of emails that we also got. As usual I will have to ask for support or opposition. If we

may have your letter if you will give it to Mr. Brusseau. Is there anyone who would like to speak? You have five minutes.

Joyce Feld: 1540 Aquila Avenue 37919. I am here as President of Scenic Knoxville and also as a member of the sign task force. Councilman Grieve gave you a little bit of history and I just want to reiterate or make a little more salient some of those points. This whole thing began when Councilman Joe Bailey, who is no longer on City Council, put forth a motion that no sign, no new sign in the City of Knoxville should be taller than 25 feet. That was sent to MPC for study and it came back with their recommendations and City Council passed indeed on first reading sign heights, four different sign heights throughout the city, with the tallest sign height at 25 feet. The primary mission, and I think this is really important to understand the primary mission of the task force derived from Council's intent two years, now three years ago, and that was to decrease sign clutter and improve the appearance of our city. I appreciate the opportunity to serve on the task force. There are many positive changes being recommended but the process has not been without its problems. Unfortunately many parts of the product as it stands now are not what the majority of the community is expecting from an almost three years process and one during which they have weighed in heavily. It is really important to have a good sign ordinance. Research shows us that there is a strong correlation between sign control, community attractiveness and economic vitality. Beauty is good for business. It is also good for surrounding property values. Cities with strict sign regulations have higher property values and greater economic prosperity. An attractive city is a business friendly city. There is no research, and I want to repeat this because our opposition will frequently make this claim, that is no research that I am aware of certainly that shows us tall and big signs are sign clutter are good for business. So that claim is made frequently but there is nothing to substantiate it. I am going to talk about a few specific issues. I just sent you an email a while back. I sent you a few on many issues but I am going to pull out just a few. The first one is sign.

Longmire: Do you wish to let any of the other people speak? Because I will have to cut you off or are you going to use the whole five minutes.

Feld: No I am not, somebody else is going to speak. I will try to be brief. Sign heights. I think I sent you tables you can compare and you know what City Council passed on first reading. Scenic Knoxville is supporting a different table and then there is the one from the task force and then there is the one from Mr. Donaldson. I want to talk about window signs. Mr. Cohen said this is a problem that doesn't exist. I think that the photographs that I sent you shows otherwise. The current proposal is that more than 25 percent of a window cannot be covered with

signs. I think this is actually generous. In the form based codes established for Cumberland Avenue windows cannot have more than 10 percent coverage. Windows signs depend on being seen from the public right of way just as other signs do. You and I pay to maintain that public right of way and therefore we have the right to regulate including its appearance. Abandoned signs. Mr. Cohen and the Chamber have stated they don't think any sign should be designated as abandoned as long as they are maintained. They are concerned about decreasing the businesses' property value but what about the property values of the surrounding properties. Allowing abandoned signs to stand indefinitely decreases the values of surrounding properties. Most cities we looked at only allowing a sign to be abandoned for 60 days before it is subject to removal. The current proposal originally specified 60 days and then it was extended to one year only because the Chamber complained. Now as I understand it they want to remove that altogether and the community will suffer. I am going to sit down and let Travetta Johnson speak. Thank you.

Travetta Johnson: 1640 Jefferson Avenue in the Parkridge Neighborhood. I am here on behalf of the Neighborhood Advisory Committee which is a group of neighborhood leaders appointed by the Mayor that meets monthly to give advice and feedback to the Office of Neighborhoods and to the city. The following statement was previously submitted on the MPC via email on October 29<sup>th</sup>. The NAC Neighborhood Advisory Committee has studied the MPC amendments to the sign regulations document and has listened to members from the sign ordinance task force at two different meetings. We have viewed photographic evidence that taller, bigger signage does not directly correlate to increased business. At our October meeting the NAC voted to endorse Scenic Knoxville's proposal for maximum sign height and area. The vote was 11 in favor, zero opposed with two abstaining. With all due respect to the business interests and to the extensive work of the sign ordinance we strongly urge the MPC to enforce Scenic Knoxville's proposal for sign height. As for business interests we respectfully believe that people are more likely to support a business that has demonstrated through tasteful signage that they care as much or more about investing in the greater good of the community as they do in their own private business endeavors. Thank you.

Longmire: Thank you. I will add 30 seconds to the opposition. Your time is up ma'am. There is no more time for that unless one of the Commissioners ask you to speak. Opposition.

Mike Edwards: President and CEO of Knoxville Chamber, 17 Market Square. We support improving the sign ordinance. We think that it is outdated. We would urge you to look at the document 1, I think what is now Exhibit K, which came to you

from the task force. It includes a 40 percent reduction in sign heights down to 30 feet, a reduction down to 195 square feet in area. We think that is significant. We would ask that you amend the height, I mean that document to eliminate language on window signs. The small business administration has said that the most important that a business, particularly a small business, has to succeed is signage. Apart from talking about off premise signs and detached signs to start taking about size and even shapes of window signage that goes on in their own business is starting to get extremely intrusive to companies and small businesses that are at risk and trying to make a go of it. We also ask that as long as a building that has gone dark maintains the owner, maintains the sign and continues to use that sign to market the building that it be allowed to stand. The argument that a blank sign is a blight on a community, if you are looking at a blank Home Depot or an empty home depot nothing is going to be more of a blight on that community than a 130,000 square foot building. You take away the sign and it is going to make it harder to market. One other thing we agree with the 10 foot setback and we agree with Mr. Donaldson that with a 10 foot setback the sight triangle is not necessary. It is handled in city codes so the sight triangle should be amended to be removed.

Grieve: There was one thing I did mean to bring up that I was not sure that we were going to get into the specifics immediately and that had to do with the sign heights. Again I am talking in regard to the Sign Task Force. Also in all the issues that we covered in the last two and one half years, we never necessarily had unanimous agreement as you can imagine on different issues with the sign ordinance. I did want to say though in terms the sign heights that the present code right now allows a 50 foot high signs anywhere. When we got into this some of the members of the community especially the business representatives wanted to go to 35 foot height signs. You heard what Scenic Knoxville and some of the neighborhoods wanted in terms of heights of signs. I want to give you just a little bit of information on why some of us made the decision that we did or voted in favor of 40 foot high signs at the interstate and 30 foot signs everywhere else. We actually reviewed over 6,000 signs permits over the last 12 years that had been granted in the city. That is over almost 6,000 sign permits that we actually individually looked at. Of that we found that 77% of all pole and monument signs were 24 feet or less. If you consider the height of the sign and driving down a road and what you can see. 83 percent of those signs were 29 feet or less. 83 percent of all the monument signs and pole signs that had been granted in the last 12 years were less than 29 feet in height. What happened was there was really a compromise made at the meeting that the business community said okay we will go to 30 feet can you go up to 30. They agreed to a 40% decrease in the height of the signs on that.

That motion was made and that motion carried 6 to 2 in terms of determining what the height of the signs would be. There was some discussion, as Mark has mentioned with another table, in terms of looking at different streets and different arterials. Some felt that was getting pretty complicated and it ended up that those signs along the interstate we would reduce from 50 feet to 40 feet and then all other signs in the city as far as pole and monument signs would be 30 feet. I wanted to give you that history on that in terms of what we did. If there are any questions, I would be happy to answer. Thank you.

Bart Carey: The lady coming to the podium right now did you have some comments you wanted to make. Maybe some brief comments?

Jennifer Roach, Knoxville Association of Realtors, 609 Weisgarber Road. I did on the side of the Chamber. We would like to submit a letter to the Commission and apologize for the late notice of it.

Longmire: Just go ahead and hand it to somebody and we will get it around here and put it on record. Did you want to read it first into the record.

Roach: I will just state the two main points of it is that the realtor association agrees with the current sign reduction up to 40%. We also agree with the addition of maintaining signs, the addition of retaining maintained signs and the abandoned sign sector in accordance with what Farragut and Memphis and Nashville do as part of their sign ordinance.

Art Clancy: I would like to make a motion on agenda number 5 but I would like to preface it with a comment that I will read if you don't mind. On February 21<sup>st</sup>, 2012, the Knoxville City Council established a sign ordinance task force to comprehensively review the current city of Knoxville sign ordinance. The purpose of the task force was to provide to MPC and City Council a recommended philosophy, guiding principles and associated framework to guide the drafting of a modern sign ordinance for the city of Knoxville. I would like to personally thank Councilman Duane Grieve, Councilman George Wallace, Joyce Feld, Gary Hayes, Mellisa McAdams, Jim Nixon, Don Parnell, Bill Weigel, Mark Donaldson, Cindy Mitchell and Ann Wallace, the members of that task force, for their countless hours of deliberation and dedication to this extremely important and frustrating assignment. I would also like to thank MPC staff and my fellow commissioners for all their tireless contributions. After nearly three years of consideration, consultation and certainly a fair share of ventilation we seem to have arrived at a crossroads. We have the scenic camp which has the absolute best interest of the citizens of the city of Knoxville at heart. And on the other side we have the business camp which

coincidentally which has the absolute best interest of the citizens of the city of Knoxville at heart. One goal; two different views about how to achieve that goal. Yet somehow with Solomon like wisdom this task force was able to achieve consensus on the majority of the issues associated with what can only be called an ineffective, outdated and somewhat unenforceable sign ordinance. Job well done. Now the MPC staff is charged with taking this hard-thought consensus and drafting it into the model sign ordinance for the city of Knoxville. Here is where it gets tricky. The task force didn't achieve full consensus on all issues which leaves the MPC staff in the position to try to find common ground when crafting that every illusive, perfect sign ordinance. At best both sides feel as though we are not listening to their views. I just can't seem to understand how even someone as smart as Mark Donaldson can write an ordinance pertaining to window signage that states Mr. convenience store owner. You do a really nice job of enhancing your store windows with delightful signage and then walk down the street and tell the liquor store owner that his window signs are not attractive and per codes you need to change them. That would be like writing an ordinance that says Commissioner Lomax you look absolutely dapper this afternoon and then telling Commissioner Sharp he has to go home and change. I just had to Jack.

Longmire You cannot leave Commissioner Sharp. Stay where you are. I am telling you not to.

Clancy: It is hard to write an ordinance that dictates personal preference. You either throw the baby out with the bathwater and restrict all window signage or you trust everyone to do only tasteful signage. Neither of these works very well when crafting a sign ordinance. Oh we were able to come to a tentative agreement on sign height. We were able to hold our noses and roll our eyes and shake hands on some combination of sign size. We even reorganized that crummy old sign ordinance and cleared up some of the archaic, obsolete verbiage. I am still not sure what a nit is or how you measure it, but I did actually end of finding example N. But in the end as a wiser man than I once said and I will paraphrase Commissioner Carey right here. You can polish a piece of excrement all you want and it will still be a piece of excrement. Commissioner Carey stated in our Monday agenda review meeting that it might have been easier to scrap the whole sign ordinance all together and start fresh. Mr. Donaldson agreed that it may have been easier. Which brings me to my motion. I would to make a motion **THAT MPC RECOMMEND TO CITY COUNCIL THAT THE RECOMMENDATIONS OF THE SIGN TASK FORCE AND THE SUGGESTIONS OF THE MPC STAFF BE HANDED OVER TO AN INDEPENDENT CONSULT AND USES AS A FRAMEWORK, A PLATFORM IF YOU WILL TO RIGHT A NEW AND COMPREHENSIVE SIGN ORDINANCE. A**

**CONSULTANT THAT CAN BRING NATIONAL BEST PRACTICES TO LIGHT WHILE CONSIDERING THE UNIQUE BEAUTY AND THE THRIVING COMMERCE THAT IS OUR EAST TENNESSEE HOME. AND IN ADDITION IN ANTICIPATION OF THIS NEW AND AMIABLE SIGN ORDINANCE WE STRONGLY URGE THAT CITY COUNCIL, IN THAT GOOD OLD EAST TENNESSEE BOOTSTRAPPING WAY, FIND THE MEANS TO FUND A REASONABLE SOURCE OF ENFORCEMENT FOR THESE NEW RULES THAT WILL BENEFIT ALL KNOXVILLIANS. AND WHEN YOU'RE FINISHED LEAVE A COPY ON YOUR COUNTERPARTS IN THE COUNTY SO WE DON'T HAVE TO DO THIS AGAIN.**

Len Johnson: **Second.**

Longmire: I have motion and second to take to City Council the MPC recommendations of the sign task force, the recommendations of the sign task force and the MPC staff and suggest that City Council hire an independent consultant to create an amiable sign ordinance and find a reasonable source of income so that this ordinance may be enforced. Is that a paraphrase good enough?

Clancy: Good enough.

Michael Kane: I apologize I was not at the agenda review meeting on Monday so I don't know how much of this....

Longmire: It was a total surprise to us all.

Kane: I guess I was just trying to understand the value of an independent consultant what they would be doing more than what our staff could do?

Clancy: Again they would bring to light national best practices and would make recommendations on how sign ordinances without considering existing sign ordinance, sign height or sign anything. Let's just take what the task force has brought to the table and what MPC has tried to do to fill in. An independent consultant could look at those things and use that as a framework to craft a brand new sign ordinance. If you don't think there is any value in that you can vote it down. I think there is...

Kane: I am not saying there is not. It wasn't meant to be a negative. It was meant to be I want to understand a little more fully.

Clancy: Well when you can't reach consensus.

Kane: So what you are saying because we haven't reached consensus we really need to bring in somebody more independent and somebody who has expertise in this area. That is what you are saying.

Longmire: And the lack of bias one way or the other.

Kane: I understand that. Thank you.

Art Carey: This is obviously something thrown out there that maybe a lot of us here in the room, people who are here on this agenda item maybe weren't ready to hear or maybe surprised to hear it. I wanted to see if we might give each side a couple of minutes to reflect what they think about that motion. Is that possible?

Longmire: If that is what the Commission wishes that is fine with me. If you want to request that. What I am going to then since it has been asked the Commission can ask that. I need a spokesperson from each side. Is that correct.

Carey: That would be fine. We are throwing something out there that wasn't part of what they may want.

Longmire: I am going to read this motion again. A motion that MPC recommend to City Council that the recommendations of the sign task force and suggestions of the MPC staff be handed over to an independent consultant and used as a framework, a platform if you will to write a new and comprehensive sign ordinance. A consultant that can bring national best practices to light while considering the unique beauty and the thriving commerce that is our east Tennessee home and in anticipation of this new and amiable sign ordinance we strongly urge that City Council find a means to fund a reasonable source of enforcement for these new rules that will benefit all Knoxvilleans and to give a copy of that amiable sign ordinance to County Commission so they may peruse it as they wish.

Carey: Just to make sure for a clarification. Is it City Council's responsibility to select and hire that consultant?

Longmire: City Council is the only one that asked about the sign ordinance. The County has not requested.

Clancy: What I mean it wouldn't be the task force. City Council would go through the process of a selection committee.

Longmire: It is up to City Council to either hire or decide who should hire.

Clancy: Or form a task force to hire a consulting firm.

Longmire: No. No more task force. Does anyone on either side wish to speak to this recommendation before I call for a vote?

Jeff Roth: I would like to ask a technical question. If we send this, if we vote on this proposal and we send this proposal to City Council for consideration, what are their options? Do they have to only entertain this proposal? Could the City Council entertain anything in the sign ordinance that has been suggested and make their own decision? Where would they stand on that? Where could they stand on that.

Donaldson: City Council would have in front of them all of the background information that has been provided to you including all of the options ranging from their initial simple reduction of sign height to 25 feet to our first recommendation back to them which brought in the road classification as a criteria for the height including the work of the task force including the exhibits that we have, that staff has prepared in crafting alternatives to the task force. They could mix and match to their hearts desire. If they take the suggestion of the motion and hire a consultant to lead a comprehensive process to replace the ordinance in its entirety, I would suggest that they would then take that final product and send it to us for our consideration in its entirety before they vote on it.

Herb Anders: With Mr. Clancy's motion and his comment about passing it on to Knox County could an amendment be made to that motion to invite them to participate in the process at the beginning rather than wait until it is complete? Just throw an invitation out. There will be some costs with regard to the consultant and all that and they can perhaps share in that. It might be an incentive to get a county-wide ordinance.

Longmire: So rather than leaving a copy with the County Commission invite County Commission to participate in the process?

Clancy: The last part was put in there basically to plant that seed so that we don't have to duplicate this like we do everything else. I would hope that if left in the motion that City Council would realize that there is going to be an expense there and they should ask the County if they would participate. Hopefully our dual governments work close enough together that that would work. I would think that was an assumption and would be in common sense with what City Council would do. I am happy to amend it but I don't think it really needs to be.

Len Johnson: I would like to hear what Councilman Grieve has to say and I call for the question.

Longmire: We will listen to Councilman Grieve, we will listen to a part from the other side and we will listen to Commissioner Tocher and then we will call for the question. Okay.

Grieve: Madam Chair let me be clear I am not on either side. In fact Mr. Clancy did write well. I am sort of like Bart a little confused as to this all of a sudden being dropped on us. First of all in regard to best practices, I think Mr. Donaldson did a fantastic job in the very beginning of bringing us all up to date on best practices in different cities all around the county. I think he worked hard at each one of the issues that we asked him to look into. He researched different cities in terms of what they were doing and we had the opportunity to look at that. I am not necessarily opposed to having an expert come in and help. I have got a little bit of qualms about expanding the task force to necessarily have the County. All of us that live in the city and that are on that also are county residents so I am no so that is necessary. I think that we represent the city of Knoxville as well as the county. We are all tax payers in both situations. So not too concerned about that. The one concern that I do have is that this particular type of motion I think really in terms of whether or not we have another consultant coming in or whatnot probably ought to go back out of courtesy back to the Sign Task force in terms of the fact that they have spent two and one half, almost three years trying to put this together and working with Mr. Donaldson that I would ask that something like this be, if this is what MPC would like to do is that make the recommendation that it does go back maybe to the sign task force for their consideration as well as the consideration of the additional items that Mr. Donaldson and the staff have added to the status report that we had done so far. I think that might be a good idea. Like I say this is the first I have been hit with this so these are just, I am just talking.

Longmire: I understand. There is another you wish to speak also and is there someone else who wishes to say anything.

Grieve: Remember I represent the sign task force.

Feld: Well this is a bombshell I think for everybody. First I want to say that I wholeheartedly endorse the second part of Commissioner Clancy's motion which is that I would like City Council to put more funding into enforcement. I see some problems. First of all who is going to make the decision about who the independent consultant would be? We have different factions here. We have the sort of chamber/business and I want to say they don't represent all businesses. I think they represent a minority of businesses. But anyway. We have sort of chamber side and then we have the scenic/community side. So who makes the decision about who the consultant will be because I can imagine the outcome could be different depending on who the consultant is?

Longmire: According to the motion it would be handed to City Council to make that decision. According to the way the motion is written City Council would be in charge of making that decision. And if they chose to have a task force, you know it is very undetermined just that City Council would be in charge.

Feld: Okay. One concern I have is that once a tall sign goes up, it is there. It is there for 50 years. That is why we have all this sign clutter. These tall signs that have gone up are not going anywhere. We have already dragged this process out for almost three years. We have already added to the inventory of large and tall signs. This would just extend the process for months or a year and in the meantime we are going to have more large and tall signs going up that are not going to go anywhere no matter how out of compliance they are with the new ordinance. I would like to see some kind of moratorium this being done with the moratorium passed by City Council where they would set a maximum sign height for new signs during the process if this, and I am not sure if I am in favor of the process, but if it goes through. If it happens. Thank you.

Edwards: We have always understood that one of the options that you have is to send it to City Council with whatever recommendations or non-recommendations you want to do and whatever caveats you have. I would be very opposed to any moratorium given that we have no way of knowing what kind of time frame we are in. I believe there is wisdom in what Councilman Grieve has said that if you invested two and one half years of your time as a citizen sitting on the task force, then it would be appropriate, I could see where they wouldn't want to do it, but it would be appropriate to ask their opinion on such. I will say this. I sat in your chair 15 years ago on MPC and dealt with an off premise sign ordinance. And tried my best to understand all the nuances and all the unintended consequences. You all are dealing with a very complicated matter; and I take my hat off to you and staff for what you are engaging in. I think this thing is even more complicated than what we dealt with. It is complicated. There is a whole lot to it that doesn't exist anywhere that will reveal itself in months and years after you have done it. I think whether you send it to Council or you take in whole or in part or you amend, that is the pleasure of this body.

Longmire: I think we all understand that very often our actions extend far into the future and that is what makes this such a terrifying job because we really don't know. I have had the question called. I did say I would ask Commissioner Tocher to speak and then I am going to call for a vote.

Janice Tocher: Thank you very much. That was quite a surprise coming from Commissioner Clancy the idea of hiring, taking this

work that the task force and MPC has done and say well we are not going to do anything with this. We are going to get somebody else. I am not sure what credentials another consultant would have that hasn't already been brought in by the task force and MPC staff. A couple of concerns that I have got, Ms. Feld voiced one of them, is the time. It has already been three years that has gone past but we don't have a good sign ordinance. I am really concerned about the time that it would take to find a consultant and how long it would be for the consultant's work on this and we still don't have something that is workable. I am very concerned about the expense of I know consultants cost a lot of money. I am concerned about the additional expense that that would be. I don't agree with calling for the question because I think that there is a lot that, what has just been presented needs a lot more discussion than call for the question.

Longmire: Well the question has been called. We can either vote it up or down.

Clancy: Can I rebut a couple of things since it is my motion? If you will indulge me.

Longmire: It is your motion. And very quickly though. Very quickly.

Clancy: My motion does not preclude that the task force be done away with. The task force is still an open task force. It specifically states to take the recommendations of the task force. I will assume that if the consultants want to find out or want to talk to the task force that they will and they probably will. The motion states both sides need to be taken into consideration. I am not an expert on signs or sign ordinances. Councilman Grieve probably knows a lot more about it than I do and probably knows a lot more about it than he wants to. Mark Donaldson I think he is very intelligent and knows a lot about sign ordinances, but I don't think he is an expert on it. I think there is a consultant out there who has dealt with this. It is there job. They have studied it. They have studied in several municipalities and they can help us write something that everybody can live with. Wasting time? We don't have a workable ordinance now. Whatever we vote right now up or down on what we have got whether we take staff recommendation or the task force recommendation. Neither one of those are consensus and nobody is going to be happy with that. Nobody is.

Longmire: We are going to vote on the motion recommend to City Council the recommendations of the Sign Task Force and the suggestions of the MPC staff be handed over to an independent consultant and used as a framework to write a new and comprehensive sign ordinance and in anticipation of

this new sign ordinance we urge City Council to find a means to fund a reasonable source of enforcement for the new rules that will benefit all Knoxvilleians and to invited County Commission to take part in this process. You may either vote up or down. It doesn't matter but this is where we are going to be right now. If this passes great, if it doesn't then we are on to a second motion I would believe.

Upon roll call the Planning Commission voted as follows:

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

Longmire: Okay abstain counts as no vote?

Dave Hill: That is right.

**MOTION PASSED 10-5.**

Longmire: I would like to thank all involved. You all have worked long and hard hours both sides. I appreciate what you have done. I think something really good will come out of it.

**6. KNOXVILLE CITY COUNCIL**

**11-A-14-OA**

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

STAFF RECOMMENDATION: recommend to City Council approval of the proposed amendments to the zoning ordinance as shown in Exhibit A.

Mark Donaldson: This request comes from City Council to amend the zoning ordinance to include language regarding pet services. I have done a fair amount of research on this and I was surprised by the number of communities that are amending their zoning ordinances currently to address pet services. It must be an issue that is sweeping the nation. I recall one staff report that made a statement that there were more pets in the city than there were people and it is probably appropriate to include pets in the zoning ordinance. We have got a number of people who are interested in opening pet services businesses

that are finding it difficult to do that within the current framework of the ordinance. So we have made recommendations regarding definitions, standards and what we feel are the appropriate zone districts to include both indoor pet services such as pet grooming and pet day care and then also indoor and outdoor pet services which may include, some cities are going so far as to, some providers are going so far as to have pet training facilities and play facilities outside. Some days I wish I could come back as a pet. It sounds like fun. We are recommending that the indoor pet services be allowed in the C-1, C-2, C-3, SC-1, PC-1, I-1, the industrial district, and the BP-1 as permitted uses and that indoor/outdoor pet services be allowed in the I-1 and BP-1 zone districts as uses permitted on review. The standards that we proposed are primarily to provide screening of any outdoor facilities with landscaping and appropriate locations as far as setbacks from adjacent uses.

Longmire: This does not include kennels. Is that correct?

Donaldson: Right. We have been very careful to stay clear of the issue of boarding and kennels. The definition for day care for example includes a maximum 24 hour period of time corresponding to day care.

Longmire: We did have a letter, it should be in your packet, from Fountain City Town Hall land use committee asking that the C-1 Neighborhood Commercial district be excluded from the indoor pet services apparently feeling that this is not one of the uses that would be conducive to a good neighborhood and also considering the idea of enforcement.

Michael Kane: A couple of things. Back to that issue with the pet day care. My understanding of what you said Mr. Donaldson on the 24 hours each day would essentially mean that you can't have an animal on any given day, calendar day, that you can't have a pet there more than 24 hours. In other words it cannot extend between two days. Is that the intent of that?

Donaldson: That certainly is the intent. Several cities approached it by defining the time limit by corresponding with the hours of operation of the service provider. That brings in to play the 24-7 service provider. There could be situations like that. The intent is certainly to limit segments to less than a day.

Kane: Again if overnight is considered less than a 24 hour period I don't think that covers that.

Donaldson: Keep in mind that we are talking about outdoor services primarily and outdoor in the industrial and business park situations.

Kane: What is the point of saying it if you are not limiting because it becomes boarding. I guess what I am trying to get is, you know you are trying to make a distinction between boarding and non-boarding and a day care kind of thing. You have tried to do that saying we don't want to limit their hours of operation, but at some point in time somebody has got to pick up their pet on the day that they brought them. If that is midnight, that is midnight, but it is not boarding overnight.

Longmire: But if they worked third shift you would need a place to leave their dog you are talking about two days.

Kane: Then that becomes boarding. Again we are getting in a very complicated type of situation where folks are trying to provide a service and I understand the need for the service I am not disagreeing with that. The question is if we are saying it doesn't include boarding but we provided kind of a definition that essentially allows it then I am not too sure that we have achieved what we wanted to achieve.

Longmire: Have you a suggestion? Like limiting the hours of operation or some such?

Kane: Again if we want to say the pet day care... and again to some degree it is based upon where the use is and if it is in the C-1 and particularly, let's see we are saying that the indoor pet services is really the one that is the key is the indoor pet services.

Donaldson: We had this discussion regarding child day care. The definitions of child day care starting with the state and trickling down to many communities dealt with used the phrase less than 24 hours. We ended up landing on less than 18 hours to create a bigger gap between what would be day care and what would be boarding in this case. That might be a suggestion as well.

Kane: So in terms of the pet day care would we amend it basically... I am okay basically with the pet services and some of these more intense uses but in terms of pet services for indoor it seems to me that is the one we need to limit the 18 hours to. I don't if that is best to put that in as an amendment to the pet services indoor or to clarify that for pet day care saying except for those for the C-1... Personally I agree with the comment about it shouldn't be in C-1 at all I guess is what the case is. To make this move forward I guess what I would do is I would propose that we eliminate it for use permitted in C-1 and I think we are just going to have to live with it and see how it plays out with codes on implementation in other districts. I am offering a motion per staff recommendation except to eliminate the C-1 Neighborhood Commercial as a use permitted for indoor pet services.

Longmire: Well it just says for pet services, not just indoor pet services.

Kane: No it says indoor pet services for C-1.

Longmire: So just eliminate C-1 totally. Eliminating C-1.

Art Clancy: Enlighten me. Why not C-1?

Kane: I think the issue is again if you are going to have boarding you are not trying to provide that service in a C-1 neighborhood district which is essentially supposed to be a fairly close to the neighborhoods and the more you do boarding the more intense you are going to have in terms of the type of use.

Clancy: It is not boarding.

Longmire: I have a question Michael. If it were a day care in C-1 would you have an objection to it? The reason I am asking you so many people consider their pets their children really. To have an indoor pet service near a home where they can leave their animal I can see that because this is such a new idea for this area that there would be people concerned about what would happen. At the same time I know people if there were a tornado coming through they would shove me outside and keep the dog in the basement. You are one of them and you don't even have a dog.

Kane: I have no children so I am agreeing with you that we would get the cat and that would be the first thing. I understand. I am convinced. Never mind. I will let Art make the motion.

Clancy: All I asked was why omitting C-1. I understand your point. I don't agree with it.

Kane: It is something that apparently has not been in the ordinance before. We are allowing a new use. We are trying to understand all the implications. I understand the concern that areas where you have more closer to a residential area there is more concern because but you don't know what the implications are. I understand that concern. That is what I was just trying to recognize. I also understand the point that you are making these are places where people are going to want these services as well. I understand that argument. It is just something that we are just going to have to see.

Herb Anders: Wouldn't the limiting to the hours of operation pretty well take care of the whole thing?

Clancy: That is what I think.

Bart Carey: They could still have a 24 hour operation and that could keep it kind of grey. We were talking about 18. Was that only on part of this or was it on all of it?

Donaldson: Currently the 24 hour provision is in the definition of pet day care. So you could quite literally just replace 24 hours with 18 hours each day and create a clear gap between the days.

Carey: It says less than 23 in the definition, less than 24 rather that would make it where it didn't have a full gap. If we went to 18 that should be able to do everything.

Clancy: Sure. You are not trying to limit their hours of operation you are just trying to limit the amount of time that they keep dogs. If they stay there for two weeks that is really a different animal all together, no pun intended.

Lomax: So we are saying they can have a 24-hour facility but they can only keep the animal at the facility for 18 hours. Which could cross over day. So if I brought my animal in at 10 pm it could cross over to the next day to cover the 18. Okay.

Clancy: If your job requires you to be there and you want to make sure your little animal is taken care of it works out. Do we have a motion on the floor?

Kane: I will make a motion. I started this I would like to make a motion.

**MOTION (KANE) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE RECOMMENDATIONS PER STAFF EXCEPT FOR TO CHANGE THE DEFINITION OF PET DAY CARE FOR LESS THAN 18 HOURS EACH DAY.**

Longmire: We have a motion and a second per staff recommendation except changing the hours from less than 24 to less than 18.

**MOTION CARRIED 15-0. APPROVED AS AMENDED.**

## **Alley or Street Closures:**

### **7. TREVOR HILL**

Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.

**11-A-14-SC**

STAFF RECOMMENDATION: Deny the closure.

Becky Longmire: According to what we have their opposition. I don't know if they are represented or not. Mr. Brusseau I have a question. Under applicant's reason for closing it says the City Engineering office suggested the closure. Under staff recommendation it says the City of Knoxville Engineering, Police and Fire Departments are all objecting to this street closure. I don't understand.

Mike Brusseau: That is strange isn't it. Basically my understanding is that the right of way, and there are two of these that are both adjacent to the same business which is the Hill's, my understanding is that essentially the two public right of ways have been over time been essentially used as private parking lots for the business. Apparently the owner unaware that these are public right of ways there have been lines stripped in there for parking along Forest Avenue that was not permitted by the city. Anyway I am not sure what brought this whole thing to a head as far as bringing them in here to make the application. The applicant's reason for closure that comes directly off the applications that the applicant filled out that that is what they put. That is just what we put on the application. My understanding, and hopefully Engineering can shed some light on this as well, but my understanding is that the Engineering office told them that if you want to continue using these as you currently are that your only option is to come in and ask for the closures of the streets which is what they did. Yes they suggested a closure but they didn't necessarily endorse the closure.

Chris Howley, City Engineering: There are two different closure areas that we are referring to. Back several years ago when the hill was under construction there was a retaining wall associated with the development that was built outside of their property, ultimately it was built in the right of way. This is the right of way towards the north side of the building it is the extension of 12<sup>th</sup> Street. At that time we recommended as opposed to tearing down a brand new retaining wall and shifting it in a basically redoing the entire site, we suggested that closure of that right of way would probably be our recommendation. It would be easy for them to do. We didn't need that right of way for, we are never going to reconnect that down due to the elevation change between the World's Fair Park Drive and where the end of Twelfth Street was so we recommended that they go through the right of way closure process. The second piece of right of way which is I believe Forest. The applicant that we were given here was the first time that I had been made aware of the interest in closing that. I understand that there were conversations that may have occurred in the past with one of our traffic chief's previously, but I don't know the content of those conversations and haven't seen anything that identifies what those discussions entailed.

Longmire: So if I look, and I don't know if you have a copy of this picture, as I look at that the side marked Forest Avenue that has parking lines is actually public?

Howley: That is correct it is public. Prior to the development of this establishment the hill that road where the parking lines are currently located there were no parking lines but there were a row of no parking signs along all the telephone poles along that stretch. Those lines have somehow occurred over the years but there was no permitting for the installation of those parking spaces.

Hank Hill: Attorney from Chattanooga representing the applicant. We would request that item no. 7 be postponed for 4 months. The reason being that one of the reasons suggested for not okaying closure of Forest Avenue is that there is an unopened and undeveloped alley next to Carr Rehab, which is at 1108 which is a rectangular white building you see the top of, and that currently is used as a patio for the apartment complex next door. We have an agreement from the apartment ownership and from Mr. Carr, who is also recommends that this closure take place, that they agree to closing that alley way which has never been opened and never been used. We think it will take about that long to have that one little strip of alley way closed. There was some issue with the fire department. We have since talked with the Fire Chief who controls this particular area. We think we have dealt with his concerns. We have no complaints with the KUB easement issues as to either Twelfth Street or Forest Avenue. We are more than happy with that. You can't quite see it on here, but there is a guardrail essentially at the end of Forest Avenue, the dead-end. It is not actually public access. There is a sidewalk on the side of Forest Avenue that would be adjacent to Carr Rehab, the white rectangular building, and we do not request closure to that sidewalk. Only at that sidewalk is there access to the other sidewalk along World's Fair Park Drive, I think that is what it is called. We feel that we can meet the complaints of the Fire Department as I said first of all; that we can meet any issues that KUB might have; and that we can meet any issues that KPD may have as well as the issue about closing that KPD brought up closing the alley way next to Carr Rehab. We would like to postpone item no. 7 for 4 months to deal with those issues. Just to make sure that we can get the alley way before this panel before we come back up with item number 7 and we are confident we can do that. As far as item no. 8 we would ask that the Commission go ahead and approve that. We own both sides of that Twelfth Street extension, or the property on both sides of that extension. There has already been discussion of the fact that that will never be reopened. It would seem to me to be inappropriate. I don't think there is any significant objection to item No. 8.

Longmire: Let's go ahead and deal with item number 7 first.

Hill: They were just combined by some of the staff.

Longmire: I understand that but one is recommending denying and the other is recommending approving. Let's one denying first.

Hill: We would request then a 4 month postponement as to item no. 7. We are confident in doing that. We have had discussions since the Fire Department issued their statement with the Fire Chief. We are confident he is going to be satisfied and will present to you folks that he is satisfied.

Clancy: Mr. Hill did you all pave that road?

Hill: We did not pave the road however we did....

Clancy: Did you stripe it?

Hill: We didn't stripe it. We are not aware of any no parking signs being there

Longmire: The stripes just appeared?

Hill: The most recent stripes were done by the contractor for the city who replace, I am sorry the contractor for KUB who repaved the area down the middle of Forest Avenue when there was a new sewer connector line put in.

Clancy: After they did the new sewer line did somebody come in a repave that? I don't see a cut through the sewer. It may still be there.

Hill: That is an old picture.

Trevor Hill: 1105 Forest Avenue.

Clancy: You didn't pave it or stripe it

Trevor Hill: It is not currently paved in the manner that you see. There is a cut down the middle of it. I guess the start of UT or the start of college school this year, the week of, KUB came down through there and cut a trench for a new sewer line for the improvement because there is so much wastewater and the ground runoff, yada, yada, yada. Twenty-two feet the entire length from approximately Twelfth Street they put in a new manhole. They put in a new manhole where around the end of Forest Avenue and had to do an entire road cut, giant excavators, the whole nine yards. They have got a patch all the way down through there. They came back and put stripes there. There stripes were there before that, correct. It has not

been repaved. Hopefully they are going to come back and repave it. I would hope that they wouldn't do it during the first week of school but that is the same time that they like to pave too. So who knows?

Longmire: Does that answer your question?

Clancy: It does but I have got one for City Engineering. How did one our streets get striped for parking like that?

Howley: I have no idea. We don't have a record of us every being involved in that. The stripes just showed up all of the sudden. It happened after the development of the hill. It seems that most of the patrons associated with that parking are associated with the Hill project. Some of the parking that I think was originally proposed on site is not used for parking. It is used for patio space. I don't have an answer for exactly how and when that parking was striped.

Clancy: Will you come pave my driveway?

Howley: No.

Longmire: So they are asking for a 4 month delay until the March meeting.

Clancy: I do not see what the closure of the alley is going to do to change this situation; using a public street for a private parking lot. Everybody would like to have that situation, but it doesn't really seem like its right.

Hank Hill: May I respond? This street at one time back when I went to UT went all the way through. That was before the World's Fair Park was building because before World's Fair Park Drive was built at one time when this street was paved it was a through street. It is no longer a through street. As a matter of fact it is so much not a through street that there is a barricade at the end of the street blocking ingress and egress except for the one sidewalk that runs in front of Carr Rehab. But we have no proposal to close any of that.

Longmire: The big complaint as far as staff is concerned is that the City of Knoxville Engineering, Police and Fire Departments are objecting. You have said the Fire Department is no longer objecting to that. City Engineering...

Howley: I think we would probably need to hear more about their proposal for us, for City Engineering's interest. It is about the connectivity, the pedestrian connectivity from that Fort Sanders Community out to the World's Fair Park area as far as some of the others in that area. As far as just maintaining a 5 foot strip for a sidewalk, I would say that would be not enough

space to provide that. If it was property that ultimately was incorporated into a developable site you would end up with a strip that would be, some people would feel unsafe using that if it was so constricted with buildings or landscaping or other things tightening up so tight on a small area. I am just saying that they would keep that sidewalk open and usable is probably not addressing the entire issue from that standpoint. I think the letters from Police and Fire probably state their own case. .

Michael Kane: Just a question, if we turn this down does the applicant have to wait a year to reapply or can they do it within 4 months?

Longmire: They would have to pay.

Steve Wise, MPC attorney: Whatever happens it goes forward to City Council.

Kane: Oh a City Council thing so they can... Okay that is right this is a City Council thing. So they could appeal it to City Council if we turned it down.

Hank Hill: Can I make one more statement please?

Longmire: Not just now sir, it is with Commission now.

Eason: If we were to approve this, would a parking layout then go back to City Engineering for approval because it doesn't look like the striping as in place now is adequate for...

Howley: I think that is something we are looking into right now. So if it is not closed the addressing the striping issue is something that we would do.

Eason: I am sorry. I am not sure if that answered my question. If we were to approve it rather than deny it would they then have to come back to City Engineering with a parking drawing?

Howley: I am sorry. If it is closed they would need to come back and get an appropriate plan in order to provide that striping. The current configuration does not meet the standards.

Eason: The connectivity that you are talking about wanting to maintain is connectivity towards the World's Fair Park.

Howley: That is correct. It is basically the pedestrian connectivity, the sidewalk essentially on the south side of Forest Avenue that currently continue out as an active sidewalk access to the sidewalk that is on World's Fair Park Drive that continues up to Eleventh Street.

Eason: The barricade, the barricade that I am seeing here at the end of that road, was that installed by the City?

Howley: I believe so when they installed the World's Fair Park Drive the elevation changed to get from the Eleventh Street elevation down to the Grand Avenue elevation. It has got a fair amount of grade on it. So on the... I am not sure what the grade is on World's Fair Park Drive itself. You have about a 3 or 4 foot difference in grade on the on one edge of that street so the expectation of them ever connecting again is probably fairly low.

Eason: But it could still be pedestrian or even bicycle?

Howley: I think so. The pedestrian one is an existing connection at the south side of the street. It is at grade so it connects at the right height. On the north side of Forest Avenue where it hits World's Fair Park that is where the grade changes much more significant as World's Fair Park is going downward at that point.

Longmire: I can't tell whether the light is Commissioner Wakefield or Mr. Brusseau.

Brusseau: I was just going to state as of the date of this report, and still as of this date, we had not heard any recommended approval from Fire on the Forest Avenue which is the first case. I don't know if anything has changed if they have had discussions since then. As far as staff knows we have not been informed that they are not okay with this. As far as I know there is still denial across the board.

Longmire: We haven't gotten a letter have we?

Brusseau: No, on the second one Fire Department initially recommended dial but after seeing the conditions they were okay with that and sent an email which is in your packages..

Scott Smith: What does it hurt us to delay this. He is the applicant.

Longmire: You have the right to do that for 4 months or whatever.

Smith: The city has no problem with a 4 month delay.

Howley: The postponement doesn't bother us one way or another. I think that issues will still be our issues. If they want to take that time to try to address those issues we don't have any opposition to that.

**MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO POSTPONE FOUR MONTHS TO MARCH 2015. MOTION CARRIED 15-0. POSTPONED.**

**8. TREVOR HILL**

**11-B-14-SC**

Request closure of Twelfth St. between northern edge of Hedge Ave. right-of-way and southern edge of World's Fair Park Dr. right-of-way, Council District 1.

STAFF RECOMMENDATION: APPROVE the closure of the recommended portion of Twelfth St. (see attached map from Engineering, varies from request), subject to any required easements and subject to conditions.

Longmire: Please note that in the staff recommendation the attached map varies from the request.

Mike Brusseau: The variation is very slight. It basically just the southern portion that you see on the MPC agenda map how it was originally proposed is just altered to take it to the north side of Hedge Avenue, which is the small street that runs west off of Twelfth. Basically to just allow Twelfth to still provide full access to Hedge Avenue. That was the only variation on it. As far as the conditions I will let Engineering handle that. Staff is recommending approval as long as the two conditions from City Engineering are adhered to.

Chris Howley, City Engineering: Basically one of the two requests is what Mike just referred. It is a slightly different boundary of the proposed closure area. It is for to I guess make sure that we have access to Hedge on Twelfth so that the closure does not affect that. The second condition is something that is part of all our right of way conditions which just stipulates about easements for utilities and in this case there is a storm system in the area so it would reflect the necessary easements for that. Other than that we don't have any additional conditions.

Hank Hill: Attorney from Chattanooga, We are more than happy to comply with those two requests.

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

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

- P 9. THE COURTYARD AT TOOLES BEND - RACKLEY ENGINEERING** **10-SA-14-C**  
**a. Concept Subdivision Plan**  
North side of Badgett Rd., east side of Tooles Bend Rd.,  
Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. USE ON REVIEW** **10-A-14-UR**  
Proposed use: Detached dwellings in PR (Planned Residential)  
District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 10. STRATFORD PARK** **11-SA-14-C**  
North end of Knightsboro Rd., west of Jim Sterchi Rd., Council  
District 5.

STAFF RECOMMENDATION: Approve the Concept Plan subject to  
8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Final Subdivisions:**

- P 11. WESTLAND GARDENS** **10-SJ-14-F**  
South side of Westland Drive, west of Coile Lane, Commission  
District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 12. THE GLEN AT HARDIN VALLEY, PHASE I** **10-SK-14-F**  
Northwest intersection of Hardin Valley Road & Brooke Willow  
Blvd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 13. GEYLAND HEIGHTS RESUBDIVISION OF LOTS 20-21** **11-SA-14-F**  
Southeast side of Navy Dr, northwest side of Army Dr, northeast  
of Edington Rd, Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 14. CALA CROSSING** **11-SB-14-F**  
Beaver Creek Dr and Dry Gap Pike, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **15. BURNETT PROPERTY** **11-SC-14-F**  
North side of Couch Mill Rd, north of E Turpin Lane, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **16. FINAL PLAT FOR JAMES UNDERWOOD** **11-SD-14-F**  
Southeast side of Norris Lane, east of Old Jacksboro Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. HFB PROPERTY ON THOMAS WEAVER ROAD** **11-SE-14-F**  
Southeast side of Thomas Weaver Rd, east of Hill Rd, Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. SEQUOYAH HILLS, SECTION ONE, RESUBDIVISION OF LOT 17 & PART OF LOT 16** **11-SF-14-F**  
East side of Cherokee Blvd., north of Iskagna Dr., Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **19. LENA MCCAMPBELL RESUBDIVISION** **11-SG-14-F**  
Boyd's Bridge Pike at Parish St and Wimpole Ave., Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **20. HARVEST GROVE RESUBDIVISION OF LOTS 38-40** **11-SH-14-F**  
Southwest side of Harvest Grove Lane, northwest of Dante Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **21. RONALD MCKINNEY PROPERTY RESUBDIVISION OF LOTS 1-2** **11-SI-14-F**  
At the north intersection quadrant of Gamble Dr and Raccoon Valley Dr., Commission District 7.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **22. ANDERSON ESTATE** **11-SJ-14-F**  
South side of Beeler Rd, south of Twin Brooks Blvd., Commission District 8.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **23. URBAN PARK VILLAS** **11-SK-14-F**  
East side of Jackson Rd, north of Amherst Rd, Council District 3.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **24. JAMES RANCEY SPARTKS PROPERTY** **11-SL-14-F**  
North side of Highland View Dr, due east of Pickens Gap Rd., Commission District 9.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **25. REESE AND SNELSON PARTNERSHIP** **11-SM-14-F**  
Northeast side of Central Avenue Pike, north of Callahan Dr., Commission District 7.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **26. WITHDRAWN PRIOR TO PUBLICATION** **11-SN-14-F**
- \* **27. PIEDMONT PLACE RESUBDIVISION** **11-SO-14-F**  
N. Broadway at Pembroke Avenue and Raleigh Avenue, Council District 5.  
  
STAFF RECOMMENDATION: Approve.  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
- \* **28. PANASONIC ELECTRONIC DEVICES CORPT.** **11-SP-14-F**

East side of S. National Drive, east of Gov. John Sevier Hwy,  
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **29. GEYLAND HEIGHTS RESUBDIVISION OF LOTS 1 & 2, BLOCK 17** **11-SQ-14-F**

At the intersection of Candora Road and Repass Drive,  
Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **30. GREENWAY RESUBDIVISION OF LOTS 1-7, BLOCK B** **11-SR-14-F**

West side of Old Broadway, north of intersection with Tazewell  
Pike, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **31. LIBERTY PLAZA** **11-SS-14-F**

South side of Kingston pike, west of Huxley Road, Council District  
5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. JAMES F BROWN ESTATE RESUBDIVISION** **11-ST-14-F**

North side of W Emory Road, north of Oak Ridge Hwy.,  
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **33. MCC GROUP AND M A SCHUBERT RESUBDIVISION** **11-SU-14-F**

North side of Ray Mears Blvd., between Downtown West Blvd.  
and Montvue Road, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **34. VILLAGE AT SADDLEBROOKE PHASE 2** **11-SV-14-F**

Northeast terminus of Saddlebrooke Drive, northeast of Parrish  
Hill Lane, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **35. RALPH C & IRENE H PRUEITT PROPERTY** **11-SW-14-F**  
Southwest side of Schriver Road, southeast of Duncan Road,  
Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Rezoning and Plan Amendment/Rezoning:**

- 36. GEORGE HAMILTON**  
Northwest side Garden Dr., southwest of Jacksboro Pike, Council  
District 4. **10-A-14-SP**  
**a. North City Sector Plan Amendment**  
From LDR (Low Density Residential) to MDR (Medium Density  
Residential).

STAFF RECOMMENDATION: DENY the request to amend the  
North City Sector Plan map to MDR (Medium Density  
Residential).

Mike Brusseau: As you said there are three requests. The applicant was seeking R-2 zoning which requires MDR medium density residential in order for it to be considered on the one year plan and sector plan. Because of that the one year plan and sector plan from LDR to MDR are also being proposed in this application. This property is located on the north side of Garden Drive west of Jacksboro Pike, just a little north of Central High School. There was a... about 3 acres of property that was included in a general rezoning back in 1994 to rezone like I said about 3 acres or so which included this property. It was a general rezoning that was initiated by the city that took this property from R-2 to R1-A zoning which at the time and as far as we know since then has always been designated for low density residential which was not reflective of the zoning that was there which was R-2. Essentially the applicant is asking to go back to the zoning that existed prior to that general rezoning in 1994. Looking at the site there are other apartments in the area. There is other R-2 zoning in the area. However this site is deep and has a lot of slope on it. There had to be some reason that Council proposed that rezoning back in 1994 and reasoning behind why that was downzoned. The R-1A zone that he currently has permits multi-dwelling apartments to be considered because Garden Drive is classified as a collector street. The R-1A zone allows multi-dwelling development to be considered. However it requires use on review approval by MPC. Staff feels that is very appropriate on this site considering the slope that is on the site, at least the immediate adjacent properties are single-family dwellings. We feel that if this property is proposed

for multifamily development it should be done with the use on review public hearing that would be involved with bringing it to MPC. Basically staff is recommending denial of the three requests and just maintain the R-1A zoning. We feel that that gives the applicant reasonable use of the property in this area. I can answer any questions if there are any.

George A. Hamilton Sr. 2812 Greenway Drive 37918. I would like to ask what is a lot of slope on the lot?

Brusseau: This property shows a portion of the lot under slope protection in the sector plan and the back of the site has slopes. We did not run a specific slope analysis. There certainly is no exact definition for the questions that you presented.

Hamilton: In other words you don't know the degree of slope? Well what do you need from me?

Longmire: I would like to know why you want it changed to MDR since you can go ahead and do a multi-dwelling with the R-1A.

Hamilton: Well, I would like to build as many units on it as possible like everybody else has over in there. Some of them right directly behind me have got 12 apartments on a lot about the same size.

Longmire: Mr. Brusseau. Will there be a difference in the number of apartments he can build with LDR and MDR?

Brusseau: I believe there is but I am going to have to look and verify that if you could come back to me in just a minute please.

Mark Donaldson: The general rule of thumb in the R-1A can get up to 12 units per acre I think is the maximum allowed and the R-2 it works out to be about 24 units to the acre.

Longmire: You are planning on building how many sir?

Hamilton: As many as it would allow for that 25,000 square feet. Nothing more; nothing less.

Longmire: Would you like to hear from your opposition and hear what they have to say?

Hamilton: I don't know of any opposition.

Longmire: There is someone back there that wants to speak. So let's let that person speak. Okay. Thank you.

Marcia Smith, 3505 Garden Drive. I oppose this project as a homeowner next door for one reason because we already have two apartment buildings on Garden Drive. Those apartment

buildings are an eye sore to our street. I live right down from Savage Garden and it is a nice community in Fountain City. We have already been broken up with these apartment complexes as is. The second reason why I object to this apartment complex especially as many as are desired on the property is my concerns for the rainwater runoff. I also live on, my property is also considered on a slope. When it rains the neighbors do get rain in their basement. My concern is this lot is very narrow and very deep so to put this many apartments on it most of it would be covered in concrete or some sort of impermeable surface. So the concern is just the runoff and the effects it will have for the other homeowners in this section.

Art Clancy: I would like to make a motion to deny.

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

**b. One Year Plan Amendment**

**10-A-14-PA**

From LDR (Low Density Residential) to MDR (Medium Density Residential).

STAFF RECOMMENDATION: DENY the request to amend the One Year Plan map to MDR (Medium Density Residential).

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

**c. Rezoning**

**10-A-14-RZ**

From R-1A (Low Density Residential) to R-2 (General Residential).

STAFF RECOMMENDATION: DENY R-2 (General Residential) zoning.

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

Longmire: Mr. Hamilton. You didn't get a zoning change but you can still build your multi-dwellings there. You will just have to give us a plan. Okay.

Hamilton: Okay. That is not much for a \$1,000 bucks is it.

Longmire: Oh well. We got to enjoy you sir. So we feel like it is money well spent. Thank you.

Hamilton: That is alright. We will take care of it.

**37. WITHDRAWN PRIOR TO PUBLICATION 11-A-14-SP & 11-A-14-RZ**

**38. ERIC MOSELEY 11-B-14-RZ**

Southeast side S. Northshore Dr., southwest of Choto Rd., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3.5 du/ac. (Applicant requested 5 du/ac.).

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

Eric Moseley: 405 Montbrook Lane. I would concede to the lower density that staff is recommending.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0-1. APPROVED.**

\* **39. COOPER, YATES, WELKER, PACE, SANDERS 11-C-14-RZ**

Southwest side N. Central St., northwest of W. Fifth Ave., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business) district.

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-2 (Central Business) zoning, subject to one condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **40. PARTNERS V, LLC 11-D-14-RZ**

South side Mercury Dr., west of Lovell Rd., Commission District 6. Rezoning from BP (Business and Technology) / TO (Technology Overlay) and PC (Planned Commercial) / TO to PR (Planned Residential) / TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential)/TO (Technology Overlay) zoning at a density of up to 5.6 du/ac, as requested.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 41. ALEX LOZANO 11-E-14-RZ**

Southeast end Hilton Rd., south of S. Middlebrook Pike, Council District 2. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **42. HATCHER-HILL PROPERTIES, LLC** **11-F-14-RZ**  
 South side Papermill Dr., west of N. Weisgarber Rd., Council District 2. Rezoning from O-1 (Office, Medical, and Related Services) to C-4 (Highway and Arterial Commercial).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE C-4 (Highway & Arterial Commercial) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Uses on Review

- 43. SCHAAD COMMERCIAL INVESTMENTS** **10-C-14-UR**  
 South side of Amherst Rd., west side of Piney Grove Church Rd. Proposed use: Commercial - Dollar General Store in RP-1 (Planned Residential) District. Council District 3.

STAFF RECOMMENDATION: Approve the request for a retail commercial store of approximately 9,100 sq. ft. as shown on the development plan subject to 10 conditions.

Tom Brechko: This property was originally part of the Seven Springs property when it came in for subdivision approval back in 1994. There are approximately, it appears it has grown 241 lots within that subdivision. When it was approved two years later the applicant or the developer came in for the two triangle pieces, this being one of them that are on the south side of Amherst, for approval through use on review to do commercial development on those parcels. The Planned Residential district both in the county and the city allows consideration of commercial development in a PR district if you have at least 100 or more dwelling units, you are able to get up to one acre of commercial use per 100 dwelling units. At that time in 1996 the Planning Commission approved a proposed development on both of those parcels that was approximately 22,400 square feet of commercial space. Actually the proposed development on this portion on this site here had I think it was about 10,400 square feet. There are actually three curb cuts as a part of that development and proposed gas pumps on that same property. One of the issues though under the PR zoning commercial approval is that though you can get an approval you cannot get an occupancy permit for any commercial development on that property until there are at least 100 homes permitted or occupied within that residential development. While the approval may be granted before the residential property is fully developed, it doesn't occur or the approval granted on it until you have 100 residents there. Usually the homes that are approved will quite often become the opposition for the development that you had approved. Which I think everybody is

aware that that is the case in this situation. In 2001 the property was annexed into the city and rezoned from the PR planned residential to RP-1 in the city. They did not proceed with trying to get any further commercial development on the property other than the original use on review approval. The application you have before you today is for a Dollar General Store. On this site it is proposed for 9100 square feet. There is one proposed access on Amherst Road. It is on a 1.3 one acre parcel. Under the application they are also asking for variances on rear yard setback which backs up to the railroad, a reduction which has to go to the Board of Zoning Appeal and that is actually from 25 to 18.2 feet allows a little more room for maneuvering in front of the building. They are also asking for a reduction in parking spaces from 46 to 32 which is, the request is based on what their general model is for required parking for one of their stores. On the issue of signage, while commercial development is allowed there is very little signage allowed within the planned residential district for commercial use. You cannot have a ground or monument or pylon sign within that district. You cannot ask for a variance for one. It allows business signs. You are allowed up to 10 square feet per business. The plan that you have before you today is revised from the one that was before you last month in that they added a directional sign at the entrance which is permitted under the zoning and you can have a 9 square foot directional with a height not to exceed 42 inches which can actually identify the business and provide a directional arrow for the entrance. Also difference between the staff's recommendation that you have before you today and what was presented last month is there are a couple of conditions of our previous recommendation that were removed. Those have been removed because the site plan that is in this package has been revised and with the revisions there were two conditions that weren't applicable any more. Staff's recommendation is for approval with the recommended 10 conditions.

Arthur Seymour Jr. 550 West Main Avenue. I am here on behalf of the applicant along with Mr. Michael Schaad and Tim Dunnaway. Mr. Brechko has set out a very thorough history of this property. At the time in 1994 when a concept plan was filed for the subdivision it was contemplated that on Amherst there would be, across Amherst from Seven Springs, there would be commercial. Originally I think it was envisioned that it would be a convenience store. The commercial has not developed but the property is permitted for commercial development subject to a use on review approval from this body. As Mr. Brechko has noted this is a 9100 square foot Dollar General Store. That is their smallest prototype store that they are building today. It is one that is designed for a neighborhood that has no commercial development in it. You will see them building them a number of area around the state. The hours will be limited. They operate 12 hours, 8 to 8, 9 to 9 something like that in a store such as

this. There have been numerous objections raised to the store. One that they cannot turn around a truck in the parking lot without backing out onto Amherst. Mr. Dunnaway will demonstrate and I have given you all a packet with this information that this can be done on site. There will be no backing out onto Amherst. There will be only one entrance into the store. That will be on Amherst and you might point that out. It will be right there. There will be one Dollar General tractor trailer deliver a week typically to a store like this. Now you will have other vendors coming in including Coca Cola, Frito Lay, and so forth. They regularly service stores all over town. I have attached restrictions to the packet I handed to you all, use restrictions, for this lot and the other lot. These are restrictions that are required by Dollar General typically. This will be a situation where the Schaads will build, develop the store and lease to Dollar General for a 15 year minimum period of time with a number of extensions after that. We have heard traffic, issues like that raised. Typically and this Dollar General statistics and I think they have got a pretty good idea of what their business is and what their business model is. A store like this will general 12 trips per hour on average. Those trips will come from the surrounding neighborhood. They will not come from Middlebrook Pike because there are other Dollar General's scattered around. This is truly a neighborhood store. The facade is basically below Seven Springs if you look at the road. Seven Springs is up higher; these two commercial lots are bounded on the back by the main CSX railroad which runs from Knoxville to Cincinnati. It typically has 15 to 20 train movements per day. The site lighting, and Mr. Dunnaway has a photometric study, will limit the lighting to the site. There will not be any bleed over. This is the more modern lighting. It will be on at night obviously for security purposes but it will not bleed off the site. The landscaping will be as shown on the site plan. Sidewalks will be installed per the MPC conditions. So the developer is willing and able and will comply with all of MPC's conditions on this site and would ask for your approval. If I may I would suggest that if the sign said store or general store we would not be faced with the opposition that we have here but for some reason Dollar General Store has raised some objection. It is the fastest growing retailer in the country. It is design for neighborhood shopping. It does not draw from large areas like a Walmart or a Target. It is definitely a neighborhood store which this commercial was designed for. We would ask for your approval.

Cynthia Crosby Meyers: 2437 Brierbrook Lane. I will be followed by the Vice President from the HOA in Seven Springs, Dean Leonard. You have the green sheet showing our objections. I am not going to review those and insult your intelligence. One thing that Mr. Seymour said that I would object to is we haven't got anything against Dollar General. Who doesn't go to a dollar store? I think everybody here has fun trying to find something

for like finding a 5 cent candy bar again. It is a good store. It is just a bad location. It is in the wrong place. We have got traffic problems and they have tried to address those. But we will discuss that even further. When this was presented to us it was presented to us at our HOA meeting as a feta complee, you will have a general store period. Now if you want to tell us how it should look, we will listen to that. The fact is that the financiers behind this development only want a Dollar General. So therefore other things may be built there, smaller stores, business offices, nonprofits, it is not even in consideration. They want only a Dollar Store there. There is no compromise. So for the reasons I have cited here in this handout here and because of their failure to even compromise, we respectfully request that you deny this

Dean Leonard, 5634 Summitridge Lane. I am the Vice President of the HOA. One thing that I want to point out is that this is going to create large truck traffic on Amherst and Piney Grove Church Road. They have got one entrance and those roads are very curvy if you have ever been back there. They are not built for that type of traffic. The other thing I would like to point out very quickly is that there is going to be considerable foot traffic drawn to this store from neighboring subdivisions, trailer parks, that type of thing. There are no sidewalks. I know that they talked about putting sidewalks maybe up to 200 feet down from their store. They are not going to extend all the way to these other subdivisions which is going to create children and other people walking up Amherst and other roads creating a hazard there not to mention people walking up and down the railroad tracks. Finally I would like to point out that we have considerable backup from the railroad tracks when the trains come through and/or when they stop on the tracks. With the additional traffic that we anticipate from this we anticipate that would even possibly constrict emergency vehicle service to that area.

Blake Fultz, 5650 Eaglecrest Lane. I want to just really quickly I want to address some issues that were included in the minutes of Monday's meeting that were inaccurate. Commissioner Clancy inquired as to how many residences exist. Mr. Brechko replied 41. There are actually, on the plot map that was sent to you for the permit, there are actually over 450 residents in that area on the site plan. So 40 is an inaccurate statement. Commissioner Tocher asked on both sides of the street and then it was clarified it was only on the west side. There were comments on the tractor trailer traffic on that road. The National Department of Highway and Safety and Transportation recommends at least a 12 foot lane, and City Engineering can respond to that, on either side to make it safe for tractor and trailer passing. Amherst, McKamey, Piney Grove Church Road and Robinson Road, all of the roads that would access that corner do not have that. In addition a traffic study has not

been done. According to when it was paved the last time was in the early 80's. The rating on that asphalt is going to be only to accommodate a vehicle of 20,000 pounds or less. As you know an 18 wheeler weighs 80,000 pounds. Not only... there is no stormwater runoff on this site plan and they are asking you for a setback on property that they don't own. The property that has been closed, Amherst Road has not be conveyed to the Scads. So that setback in the design plot is not even legal. The permit should be denied and a new application should be made. I would like a Commissioner to yield me another three minutes.

Longmire: I will ask. Alright Commissioner Cole says three minutes and then Mr. Seymour will have three more minutes.

Leonard: The other issues that I have specifically on the application is the, on the front back, front yard setback it has got to be a minimum of 25 feet and if you measure from Piney Grove Church Road , there would be some question on whether that is the front or side of the building. Based on the location of the property it is a wedge and the way that they are proposing it is going to sit right next to the main thoroughfare. There is no retail in that area. None. Zero. They have indicated that there are multiple businesses. I do have a map showing the closed road of Amherst right here. They have included that location on their application as part of the property to accommodate the setback of 18.5 feet which it should be 25 feet to begin with, but not only can the road not handle it, it is going to create a substantial amount of money for the city to go back in and put new drainage all the way down, new sidewalks and also upgrade the road to handle the 80,000 pound trucks that are going down through there. I do have for your... if you would like to keep the Federal Highway Administration on what the load is for their trucks and I also would like to request that on the minutes of the meeting for Monday that I really feel like MPC needs to be informed accurately on some of these things because some of the things that were discussed in the meeting were not accurate. The last and not least everybody, I don't know of anybody in the neighborhood that wants the Dollar General there. We are within a mile and one half of Middlebrook and Clinton Highway so there is no need for the location anyway.

Carey Dougherty. Realty Executives I am a 13 year resident.

Longmire: Are you in opposition or in favor.

Dougherty: I am a 13 year resident in the neighborhood. I do well the most homes in the neighborhood. I would like to rebut that they can control the light bleeding from that property onto the backs of the homes that reside on Crooked Pine and within the neighborhood and that will affect neighborhood resell. I would also like to say that there is not even enough room for

the building and the traffic and what is going on there to propose landscaping. I can't even image what kind of landscaping it would be; a couple of pieces of monkey grass perhaps. There are children at the front of the neighborhood. The bus runs for one mile from the grade school the bus is going to be delayed picking kids up and dropping kids off. I think that is a problem. Not only that along with the emergency response time to get to the neighborhood which is already delayed.

Longmire: You have seven seconds and I am going to hold you to seven. That is it. We have heard everything we need to hear. I can't imagine anything else.

Dave Kansas, 5665 Summit Ridge Lane. A couple of issues real quick. Pedestrian connectivity has been brought up. There is no pedestrian connectivity for a size this big. This is a grocery store, not a neighborhood convenience store.

Seymour: I will not take all of that. I would like to respond to the traffic issue. I went and sat at the site for a period of time yesterday. I think I saw at least one UPS or Fed Ex truck going in or out of the neighborhood; one concrete truck, I think the neighborhood has been built out but presumably somebody was doing some remodeling or adding on; and one truck with concrete block going into Seven Springs. There is traffic there. Amherst Road has accommodated all the commercial traffic that went in there to build the 241 homes in the neighborhood and to do the remodeling. There will continue to be trucks going in out especially this time of year with UPS and FedEx. I think Dollar General is a minimal traffic generator. Anything you put in there is going to generate the same objections, safety, traffic and so forth. There can be no better neighborhood institution than Dollar General that is building stores of this type. This is a perfect location for them. The property has been designated as commercial use since 2000, excuse me, 1995 for nearly 20 years. We would ask that it be approved with the conditions recommended by MPC staff. Thank you.

Longmire: First of all, I would like to assure the neighborhood and the developer that the majority of Commissioners did drive out, probably from end to end on Amherst Road. So we are familiar with the conditions out there. I would like to go to City County Engineer because the road is both city and county depending on which curve is what.

Pionke: I am going to defer to my city counterpart. Truly Amherst as you drive it between Middlebrook to Ball Camp Pike, it does go from city to county to city to county. So but this particular stretch is in the city.

Chris Howley, City Engineering. I think that this particular road is designated as a major collector. It is not kind of a minor internal street or meant for just destination traffic. It is meant for through traffic. It is set up I am not sure where some of the standards that were being discussed before about it being substandard or does not meet the loading capacity of the road, but it has been designated for that. There is no truck prohibition on that road. The trips per day that are currently run out there are in the neighborhood of 3,000 to 5,000 depending on where you are located within the limits of that street. There are some places that do have some curves to it as a lot of roads do. The road varies in width from end to end. For the most part it appears to be in the general vicinity of about 20 feet wide. There are a few areas that look like they might be a little narrower. In general based on what I have seen out there and the classification of the road I don't see a problem with the truck traffic component or the additional traffic being proposed for that area. The tractor trailer traffic is probably the most significant concern or impact to that area. The simple fact of, you know, if you have had a refrigerator delivered to your house or a mattress or you are moving, tractor trailer trucks do often go into some of these areas and at the infrequent interval it is being proposed for I don't foresee any issues with the traffic as it relates to the classification of the road for this particular building.

Laura Cole: He answered my questions.

Art Clancy: I have got a few questions. The first one is for Mr. Brechko. When this was developed in 1994 does anybody know who had to pay for the road improvements on Amherst. Was that done by the city or was, I know that it was improved at the time, I just was wondering who.

Brechko: That area was in the county at that time. I am not sure how they worked out the arrangement because again they did relocate the road across this property at that time.

Longmire: Do you have that answer Mr. Seymour?

Seymour: Yes. The Scads developed this property and I was involved back in 1995. They did the improvements there at Piney Grove Church and Amherst as part of their concept plan requirements.

Clancy: I have struggled with this one I really have. Back when this was developed our predecessors in their infinite wisdom, and we still do it we say for every 100 lots you develop you get a parcel of commercial and that commercial and the intention of that was that you reduce trips. You make neighborhood commercial available to the neighborhood so that they can walk to the general store and walk to the cleaners and walk to the

dentist. That is the general intent. That is the purposes of doing that. I temper most of my decisions on this Commission with if this was behind my house or near my house how would I feel about that whether it is apartments, cell towers, commercial buildings or what have you. I always try to look at a broader sense. I am not in love with this business being located in this neighborhood. I thank all the people from Seven Springs for blowing up my email box and I have read every single one of them. We have had some people in support there are some seniors in this area that are in this area that say this is great we can walk to it. That is great. That is fine. I don't see how we can place restrictions and the financial responsibility of improving the road at the time of development and telling the developer you can't build anything on there until you get at least a 100 houses, which by the way our recording secretary at the meeting on Monday did not hear Mr. Brechko. He said 241. I understood 241 so that was just an error. He is getting old and hard of hearing. I have a problem with restricting and telling the developer you cannot do this. Seven Springs has been there for what 15 years, 10 years, no 20 years. These people have held onto this property in hopes to develop it in commercial. Now is it the idea commercial use that I think it should be; probably not. It is commercial use. They have rights. I mean they've held on it. They spent their money to improve the road. They spent their money on the development. Most of you people are living in their houses that they built that you bought from them. Most of your real estate agents are selling properties that they put in there. They have still got another piece. I would really hope that on that other piece we would look for something more like a dentist office or an ice cream store, something that is more appropriate. In a land use situation, and it seems like I am just not listening to the neighborhood, but I am backed into a corner where I realize that the developer is allowed to have this commercial use. It is not... I don't love it. I think they have gone a long way into toning it down. Yes they can put lighting in that is down lighting. We have to do it on just about every Weigels store that comes down the road. We require down lighting and it is an expensive proposition. With that being the case I would like to make a motion that we...

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE REQUEST FOR A RETAIL COMMERCIAL STORE OF APPROXIMATELY 9100 SQUARE FEET AS SHOWN ON THE DEVELOPMENT PLAN SUBJECT TO THE 10 CONDITIONS.**

Longmire: I would like to ask someone from Silver Springs are their sidewalks throughout your development? No. I couldn't tell from the map whether there were or not.

Bart Clancy: I share some of the concerns that Commissioner Clancy voiced. I think if this thing just fell out of the air as a rezoning in its place and time I don't think I would see the ... I won't say I don't see the need, I don't know how appropriate that would be but based on the way our ordinances and zoning regulations are written there is not an entitlement for this particular project. They have earned the commercial status but I think there was a question from the opposition I think it was mentioned that this was the only project that these developers would consider. They can only bring one project per application. They can't bring 4 or 5 in and see which one sticks. They can only bring one at a time. It has got to be a viable project. It has got to be, it has to work economically and feasibly for the, not only for the developer but for the entity that is going to, for Dollar General in this case. I think there were some concerns. Ms. Dougherty I think you mentioned landscape and I want to see if someone can address the landscape plan and how it will... We haven't really heard any specifics on that or maybe they are in the packet. Could someone Mr. Seymour could you or someone in your group address the screening that you could propose.

Seymour: May we let David Harbin with Batson Himes address that?

David Harbin 4334 Papermill Drive.

As you see the landscape plan that has come up on the screen right now there is an area there just north of the site that is a pretty heavily landscaped screened area. Mr. Brechko is there a type of screening there. I don't quite remember what type of screening that is required. That screening will be there that mainly will screen the store from the entrance and many of the houses. Also just to the west of the store right there the landscape buffer will be in that area as well right there. It has got a plantings list. It is a pretty intense planting. It is a lot more than standard store you would see out you know at a major arterial or something. As you can tell there are 30 to 35 shrubs and trees and everything else that has been proposed there for that site. This is a pretty heavily landscaped screened area; much more so than you would in a normal arterial somewhere...

Brechko: If I may just add on that. One of your conditions is condition number 4 requires revising the landscape plan to add additional mix of shrubs and grasses along the entire frontage for the parking and also the 5 spaces that are on the western end, to screen those so that you don't have lights at night with cars pulling in that also shine down Amherst Road. There is a condition to actually revise the landscape plan to add more screening.

Carey: One other question would be, I am not going to remember the gentleman's name, but he voiced a concern that the city was going to have cost involved in stormwater modification. I wanted to get a clarification on that.

Leonard: If you look at the site plan they don't have any, there is no, there is nothing on there that city engineering, there has not been a traffic study for the area. There has not been any... If you look at the site plan they have got, all of the wastewater and everything is going to come straight into the Amherst and Piney Grove intersection. They don't have any room on their site plan that they have developed for a retention basin which is going to be required by stormwater engineering. In addition to that they didn't, you didn't address the fact that their plot land has land that the city still owns next to the railroad track that has not been conveyed.

Longmire: Sir we are dealing with one thing at a time right now.

Carey: I think we were talking about drainage here. There is a detention pond, a detention basin pictured on the plan. I just want to make sure ...

Longmire: Mr. Harbin would you like to respond to that please.

Harbin: Yes. Of course the next step will be a site development permit pending approval here of course through City Engineering. Yes to the western end of the property right there is quite a bit of property that we will be able to drain the roofs and the parking lot too. There also is some storm drainage along the railroad. We will build us a detention pond to the west of the property right there to meet the stormwater requirements. That will be the next step we will deal with City Engineering.

Longmire: Would one of you gentlemen, whether Mr. Seymour or Mr. Brechko, deal with the idea of who owns what property and who is developing on what property, or Mr. Harbin.

Harbin: I can put on my surveyors hat now and tell you that we have performed a survey of the property. As mentioned previously, the original road of Amherst Road was parallel with the railroad right there. Once Amherst Road was relocated, we went through County Commission and closed a portion of that road that is in reference now. That road has been closed. The deed has been delivered to the Schaad Companies and I have recorded a plat that has incorporated it. I think they are relying on information from KGIS or other sources. That is not a survey. I can assure you we own all the property that, actually the Schaads own all the property that is shown on your site plan. Thank you.

Longmire: One of the things we try to do when there is a large development is to have something so people can walk and get those last minute things that we often run out of: milk, bread, in my case greeting cards. I go to Dollar Store a lot for greeting cards. But a chance to have some sort of business that would allow neighbors to maybe walk. I know that it is not the safest thing to walk. You know me and sidewalks. I think that would be wonderful. But at the same time there are people in the neighborhood who don't drive and to have a chance to walk and get some necessities to me would be a good thing whether it is Dollar Store or some other kind of thing. But right now we are dealing with Dollar Store. We do have the staff recommendation to approve the request for a retail commercial store, not a Dollar Store but a retail commercial store, of approximately 9,100 square feet. If it is a Dollar Store fine but it is a commercial retail development. So I would like then for a motion please. Does someone have a motion? I have a motion. Sorry. I can't believe I missed your motion. The motion and second is to approve the request for a retail commercial store of approximately 9,100 square feet as shown on the development plan subject to 10 conditions and that includes the landscaping and lighting and all that stuff.

**MOTION CARRIED 14-1 (NO FOR KANE). APPROVED.**

Longmire: Now this will have to come back to us as I understand it or at least MPC staff with the development, with the landscaping and things like that. Is that correct?

Brechko: Correct.

Longmire: Okay it better be good then. Thank you very much.

(Someone from the audience was making comments the speakers did not pick up. Becky Longmire asked them to go outside please.)

- \* **44. JOHN SANDERS** **11-A-14-UR**  
 North side of Dutchtown Rd., west of Cogdill Rd. Proposed use: Medical products minor assembly in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a medical products assembly facility of approximately 21,022 square feet as shown on the development plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **45. BREVARD PARTNERS OF TN, GP** **11-B-14-UR**  
 South side of Pembroke Ave., west of N. Broadway. Proposed use: Parking in a more restrictive zone in O-1 (Office, Medical,

and Related Services) & IH-1 (Infill Housing Overlay) District.  
Council District 5.

STAFF RECOMMENDATION: Approve the request for parking in a more restrictive zone as shown on the site plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 46. GARRON LAND SURVEYING 11-C-14-UR**

Northwest side of Gardner Ln., northeast of Heiskell Rd.  
Proposed use: Reduction of the peripheral boundary setback from 35' to 15' in PR (Planned Residential) & A (Agricultural) District.  
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Number not assigned 11-D-14-UR

**P 47. THE KROGER COMPANY 11-E-14-UR**

Southeast side of E. Emory Rd., just west of the I-75 interchange. Proposed use: Kroger store and retail shops in PC-1 (Retail and Office Park) & F-1 (Floodway) District. Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**48. ARLINGTON BAPTIST CHURCH / MERIDIAN ASSISTED LIVING AT ARLINGTON PLACE 11-F-14-UR**

West end of Lifespring Ln., south side of McCampbell Dr.  
Proposed use: Site modifications to previously approved church and assisted living facility (increase of 4 beds). Master sign plan remains unchanged. (12-C-10-UR) in RP-1 (Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the revised development plan for a church with a maximum of 400 auditorium seats and an 88 bed assisted living facility subject to 12 conditions.

Tom Brechko: This site was previously approved for a church and assisting living facility and a sign master plan. Initially it looked at the RP-1 property, 22 acres, for those uses. The SC-1 at that time was included for the purpose of the master sign plan. That part of the previous request remains unchanged. This was generated by the applicant having a request to modify the assisted living facility going from 84 to 88 beds. In the process of looking at the assisted living facility, the church also revised their internal layout and the scale of the proposed church. Originally the church was approved for a first phase 425 seat auditorium. Followed it with a second phase of 800 seat auditorium. That has been changed, scaled back. With this application the phase one for the church is 210 seat auditorium.

The main church when it is built in the future will only have 400 seats. So staff's recommendation is based on the 400 seat maximum auditorium and the 88 beds. One of the things that is different between staff's recommendation with this application and the previous approval is that there were a couple of conditions regarding road improvements that were based on the phasing of the church, again this being a larger church at that time. The Lifespring Lane, which is approved as a public street, has not been constructed. The conditions, recommendations part of this approval would be that they have to modify their approved design plan. They had a median in the public street originally which they removed but they want to put that back in so it requires an approval of the revised design plan. It also requires that before any certificates of occupancy are issued for either the assisted living facility or the church that the road would have to be in place and approved by City Engineering. The change of the two conditions I had mentioned, one was that with the, well actually there is a proposed access out to McCampbell Drive that would be a gated access and that the only time the gate is to remain open the condition allows that during, four hours during church services on Sunday morning that it could remain open at that time. Other times it would be gated and closed, The requirement previously had been that when they got to the second phase of the church, it would require widening McCampbell Drive from, well approximately 16 feet to 20 from the entrance out to Washington Pike. Because their final phase this new application is actually smaller than their originally first phase, that condition has been removed and that was through discussions with the County because that is a County road. The other condition was that previously with the second phase church which went to the 800 seats it required that the applicant would have to put a left turn lane at Washington Pike into Lifespring Lane if the city had not completed their proposed improvements to Washington Pike. Again because of the reduction in the size of the church that their final church would be smaller than what was originally approved that condition did not apply. So it has been removed. The city is still pursuing improvements to Washington Pike. I think along that stretch well at this time preliminary they are looking at a four lane section with a median and the median would be adequate in size for any turn lanes. If the church wanted to expand above the 400 they would have to come back to the Planning Commission for a reviewed approval. Also any development of the shopping center property would require a use on review approval and a reevaluation of the traffic impact study.

Longmire: Mr. Brechko, the whatever that lane is, what is that lane, Lifespring Lane, that will be sometime because I looked for it really hard, is a public road? It is a dead-end road?

Brechko: It was approved. There was a concept plan approval for that to be a public street. It is platted. There is bond, I believe, in place for that. They have not begun construction. Conditions of this approval is that they have to, that the applicant would have to building that road and be accepted by the City before they can get any occupancy permits.

Longmire: So there would be an entrance on Washington Pike and then it would go through to McCampbell or...

Brechko: You can kind of see... No no. It comes....

Longmire: So it is just basically almost a...

Brechko: You can see it on the plans that is on your screen right now. It is a cul-de-sac street as proposed with a median. That is a public street that provides access to the commercial lots and to the church and assisted living. There is no public street connection between there and McCampbell. .

Longmire: And was any thought given to how they are going to get from McCampbell Road onto Washington Pike. If you have ever driven out McCampbell Road there at Washington Pike, it is not very safe to even get out on Washington Pike.

Brechko: Through the original review and analysis it was determined because of the kind of restricted access there. Limitations is that during that first phase development that it would be acceptable understanding that when the City does the improvements out there it would involve a realignment on McCampbell at Washington Pike with the City's improvements.

Longmire: City and County Engineering. Which road is whose?

Howley: Washington Pike is in the City; McCampbell is in the County.

Longmire: So Washington Pike to Murphy Road is City. McCampbell is County. How are you all going to get along out there because that is a terrible road to pull out off. That is what really concerns me.

Pionke: The plans all along even when that stretch of Washington Pike was in the county was for when the widening occurred that McCampbell Road would be realigned so that it actually T's into Washington Pike. We are very much aware of the skewed intersection that it is just horrendous to try to pull out.

Longmire: And the Lifespring Way right now you are not asking for acceleration, deceleration, turn anything there?

Howley: On Lifespring Way itself I think there is a proposed left and right turn lane as it approaches Washington Pike.

Longmire: No. I mean on Washington Pike.

Howley: On Washington Pike itself we are not. The previous approval that had already come through this body for the same count or a lower traffic count, it had already been approved with that turn lane only coming in if they hit a phase II. At this point they are staying below the volumes, the traffic volumes that would have required that. If they stayed under their previous use on review approval, they could have had more traffic than they will with this one and wouldn't have had to have had that turn lane under the previous approval.

Longmire: Now there is a turn lane that comes to the subdivision right before to the west or the south of the church. There is a turn lane, a center lane, that's suicide lane, turn lane whatever you want to call it. When is the City going to extend that?

Howley: The widening project for Washington Pike is already, the design is already begun. Our funding source will through a TDOT source. Those plans have not been complete. So there will be a time frame to complete the plans. Then we will have to acquire the right of way. The total section of improvements is about 1  $\frac{3}{4}$  miles long so we are talking about a pretty substantial roadway improvement.

Longmire: And that is from Mill Road to Murphy Road?

Howley: I think it goes from all way the way back to Millertown. So basically where Greenway and Millertown come together, it starts generally speaking there. There are some improvements on... did I say Millertown or Washington Pike? I am sorry Washington Pike at that point. There are some improvements that would be at that intersection and then it continues on to Murphy Road.

Longmire: But there is no timeframe right now?

Howley: I don't have a specific time frame. Part of it does depend on acquisition of all the right of way, having that right of way certified through TDOT, and then beginning the construction process. Based on the length of that road the construction process will be a multi-year timeframe for that construction.

Longmire: There is just a lot of traffic through there.

Rusty Baksa, Plan Development Solutions, 310 Simmons Road, Knoxville

We are fine with all the conditions the Planning Commission...

Laura Cole: My question was to engineering about the road improvements on Washington Pike. You may have said but I just missed it. Did you have a schedule on when you think that would happen or are we talking years or do you know?

Howley: Before actual construction begins it will be years. It is in the design phase right now. And then because of the amount of property that will have to be acquired for this project, I anticipate that taking a pretty fair amount of time. It is hard to get a specific time frame based on how easy it is to work with folks. Since there are so many I anticipate that being a fairly lengthy time period. Normally I would say we would generally say a year or so would be about the time we would expect but because of the length of this roadway I would envision it being more like double that or potentially even more than that before construction could begin. We would have to have all that in place before we would be able to let a contract to be able to do this work.

Herb Anders: I would like to ask the applicant what type of time frame you folks are on?

Baksa: Construction likely to start in 2015. We have heard from the traffic... well from the designers I believe, that the road construction was probably going to be a 2016 start if all the funding was in place. So we are probably finishing up when they are about to start construction.

Michael Kane: I just wanted to express my concern in that the even though we are saying only four hours that is the four hours of intense traffic on McCampbell Lane potentially. It is just hard for me to see even with that reduced size of the church in this phase that that could not be a potential safety problem. I guess I would want County engineering to comment on that because it just doesn't seem like that in reality this gated thing doesn't really mean anything because the intense part of it is when the church is going to have service.

COMMISSIONER HERB ANDERS LEFT THE MEETING AT THIS TIME.

Pionke: Well in regards to McCampbell Road we have pulled the crash data for the last two years and I am happy to say that there have been no crashes along McCampbell. We do recognize that it is a substandard width roadway, but it is a local street and there is, I would be willing to bet that we will not be doing any improvements in terms of the county funding it because we have too many other needs in other locations. The traffic volumes, 24-hour volume on McCampbell in 2012 was 140 cars a day. So that's during a week day.

Kane: Right. So on Sunday that would probably be 140 cars just in that 4 hour period in that one little section on Sunday morning.

Pionke: I do not know where everybody from the church comes to get there but it would definitely attract the folks from the Fountain City area in terms of being easier to get to than Washington Pike.

Kane: Even if they didn't even if they came off Washington Pike to McCampbell and then onto it, it is still a lot of traffic in that short period for that short section.

Cole: There is somebody at the podium who would like to speak.

Pastor Tim Guthery, 6005 Stratford Park, Knoxville. In reference to McCampbell, the State requires that the Senior Care Facility have an Emergency ingress and egress. So that is why the initial connector road went across. The gate solution was derived through consultation with County Engineering back in 2010. The amount of cars we are not even parking 80 cars total as of right now on the property and the amount of cars using McCampbell on Sunday during that 4 hour time period are going to be less than 50 if even 50 at all. That is just simply a main access for emergency egress and ingress. Then we do have some senior adults that live in that McCampbell road going over to Tazewell area and it is just a way to get them into the property without getting out onto Washington Pike from Murphy Road. That was the reason why it was done that way.

Longmire: Having come out there often it does increase my prayer time I will say that because it is a terrible way to get out.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-1. (Kane- No, Anders-out). APPROVED.**

- P 49. DIGI ACADEMY OF LEARNERS, LLC **11-G-14-UR****  
South side of Mildred Dr., east of Woodhaven Dr. Proposed use: Child daycare facility in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

### **Other Business:**

- 50. Consideration of Appealing the decision of the MPC staff requiring a tenant address to change (suite number) due to moving office location to second floor in the same multi-tenant building. **11-A-14-OB****

STAFF RECOMMENDATION: DENY the request of the appellants to maintain 249 N. Peters Rd., Suite 101 as their mailing address because they have moved from the first floor to the second floor of a three story building which triggers the need for a new suite number.

Dan Kelly: The recommendation as just read by the chairman is our stance in that the Administrative Rules for MPC as contained in the package. There are suggested guidelines for office buildings; how they are to be addressed, multi-floor office buildings, the suite numbers are addressed according to the floor on which the tenant is located. Background on this is that the property manager was approached by the post office through a certified letter that came to them saying that a tenant had moved, in this case it is the appellant, to the second floor and was continuing to use an address that had not been assigned by the Planning Commission. He came to the addressing staff and they looked at the situation and initially assigned addresses, totally new addresses for all tenant space in the building. The appellant then wrote us a letter saying that they wanted to keep the 249 N Peters Road, Suite 101, address. We went out and did a field review. We determined that the 249 N Peters Road could be continued however under the administrative guidelines that we have the change to 201 would be needed. Therefore we made that change. Then the appeal was filed. We have consulted with the 911 staff. They feel that from just a for another reason a common sense standpoint an office located on a second floor of a multi-tenant building the suite number of 201 would make a lot more sense. All the current telephone numbers that are associated with the law firm are tied to a first floor location right now and that needs to be changed in the 911 database. Presumably once the suite number is changed to 201, the telephone number database will be updated to address that.

COMMISSIONER HERB ANDERS RETURNED TO THE MEETING AT THIS TIME.

Chad Tindell, firm of Lacy Price and Wagner. We along with the owner of the property have filed this appeal. May I speak? Members of Commission, again Chad Tindell, I am an attorney with the law firm Lacy, Price and Wagner. We occupy both first and second floor, at least a portion of the first, at the building in question. This did come about, Citizens National Bank, who is the owner of the property, wanted to have our space. They wanted first floor space for the, you know, they felt it was better for their consumers. They didn't need that much space. They didn't want to be up on the second floor. So they came to us several months and said would you all be interested in relocating some of your offices upstairs or in fact most of our offices. So we agreed to that but we put a provision in the lease and specified that we needed to retain the lobby

downstairs and we would retain the designation of suite 101 that is specifically written into the lease with our landlord when we relocated that that was part of the deal that that was what we needed to do. We had some special reasons for that. During the building phase when the bank sort of slowly moving into the space that they would be taking over on the first floor the lobby was in somewhat disarray and the mailman had to come upstairs to deliver the mail. That was when he became concerned that we needed to change the address and the mailman notified the post office and the post office notified the addressing department. That is how this came about. It wasn't through something that we did. Because we always considered ourselves still in suite 101 because that is where the entrance you came into the building. That was suite 101. Yes some of our offices are upstairs. There is appropriate signage to show it there. I mean that is what it shows. I want to say Mr. Kelly and Donna Hill with MPC, very helpful. I know that through this build out process there was a little bit of confusion about where the offices were located. I hope that and I did send a letter to each of the Commissioners kind of explaining this and explaining how we got to this point. Obviously this isn't I am not aware of any complaints or anybody raising any objection. It is important to us. It is important to use for a number... for a primary reason and that is that due to the specific nature of our business, we service hundreds of corporations. We have our address in registrations all across the country. It would be an enormous undertaking to provide notices to all of those. It is not merely changing letterhead. If that was it that would be easy. That is not the nature of our business. I would also note that MPC is correct that when if an office were to change completely to another floor then maybe that is appropriate. But there are lots of professional offices that occupy two floors. My doctor's office you go in on the first floor and they have some offices there and second floor offices as well. Here you do enter on the first floor. The sign is there. This is where the law firm is. We receive mail down there now. All the mail is received there. There is some signage dictating that some of the offices are upstairs. We would be glad to and even proposed that if there was some additional signage that we needed to place to direct emergency personnel. The emergency personnel if they showed up at this location, they are clearly going to see there is one entrance and they go in and there are signs showing whatever tenants. It is going to be the same... they are going to know there are people on other floors simply because of the signs there and because of the lobby area for the law firm and for the bank is right there. It is important to us. We would ask that we be allowed to use and I would mention that 101 is still available. They reassigned some suite addresses. The bank now has suite 102. 101 is still available should this body so chose to overturn that decision and allow us to continue using 101. I hope we have set forth some good reasons for that. I would be glad to answer any

questions. I know this seems like a small issue considering all the issues that you all deal with with respect to planning, development and land use. It is important to us and I do appreciate your time.

Longmire: I have a question. In that entrance do you have any security or reception area?

Tindell: There is a reception area there. As far as security...

Longmire: I mean a person. Is there a person there?

Tindell: We are still working that out with the bank. We don't presently have a full time staff person that is down there greeting people. But are going to work that out with the bank because the bank is still working on staffing that and having a reception area out there. We need to work that out with the bank.

Jeff Roth: I heard that suite 101 is still available but it is not assigned in this building apparently there is 100 and 102 now.

Kelly: We had to assign an address to the tenants on the first floor. We knew this matter was coming before the Board. We didn't know what was going to happen with this particular request so the address of the suite that is on the first floor was assigned the address of suite 102. To my knowledge the only presence that the law firm has presently on the first floor is a mail drop at the present time. After getting into this process I think the post office just decided we are not going to deliver mail to each individual tenant, we are just going to put it out here and you all can come pick it up.

Roth: What I am trying to get at, what I am trying to get in my mind is if there is still a place in the building that could be called suite 101 on the first floor and there was a mail drop on the first floor. Obviously it makes sense for me for 201 to be on the second floor but if they wanted to maintain their mailing address as suite 101 why couldn't that be done?

Kelly: I think we are more concerned about emergency service at this point and the delivery of that and the approach that any first responder would appear on the property and seeing suite 101 they are going to look around to try to find 101 on the first floor.

Roth: It would be still on the first floor. It just wouldn't happen to be where they are located. A lot of people have post office boxes.

Kelly: I think that is important. That is the point I am trying to make. It wouldn't be where they are located.

Roth: Well but they on 201 if they called if we changed their physical address to 201. That does not necessarily mean they have to change their mailing on their letterhead or that kind of thing now does it?

Kelly: I understand that. If they were in the Plaza... if they were across the street in the Plaza Tower, they moved a floor. Their address would change. If MPC offices moved to the third floor, I guarantee you our suite number would change.

Roth: I understand the physical address is going to change. In my mind I am separating their physical address with what they use for their mailing address. We have two different ones. I have a post office box and then I have a physical address at our plant. I guess that is why I am, what I am trying to figure in my mind. It would make sense for them to be able to have a suite 101 mailing address but their still physical address is 201. Does that make sense? Is that possible?

Kelly: They can certainly have a post office box if they would like to. We believe 201 is the appropriate suite number for them.

Longmire: Can you get up to 201 without going through 101?

Tindell: No. The other thing that I would mention, just for example, I can name you at least two and maybe three or four law firms that are downtown. One I think in Plaza Tower they occupy two floors. You come in on one floor and there it is. They may have stairs or other access or elevator access to their other floors, but their address is that first floor, that beginning floor. That is kind of what we are after.

Longmire: I guess what I am asking is. Let's say you drop over in your office, heaven forbid, and your secretary calls and says office is suite 201. When emergency came looking the only way they could find you is to go through 101.

Tindell: Yea, I think that is correct. They have, there is only one entrance. There is one entrance. You go in that door and you are going to be able to see. You have to go there. The stairwell is right there. The elevator is right there. The signage is right there. These are the tenants in the building. This is where it is.

Kelly: There is no suite 101 at the present time.

Michael Kane: There is no physical Suite 101? Is that you are saying.

Kelly: I think what Mr. Tindell is referring to as 101 is the lobby area.

Tindell: Yea, we retained that number because of that address. When I say it is not being used, 101 is not assigned by MPC right now. We are asking to be returned to that.

Elizabeth Eason: I think I am asking the same question just to be clear. I thought I heard you say that you have offices on first floor and the second floor.

Tindell: We have the reception area in the lobby there. You come into suite 101 off the street and that, in our view, that is suite 101 because that is the entrance to our office.

Eason: But you share that entrance with the other offices.

Tindell: The bank will be at, you have to access, to get to the bank's area you have to go through the same area. You will go through that and there will be a door, there is a door straight ahead and that would be, I assume suite 102.

Eason: Do you have you own doors on the first floor that are specifically for your office?

Tindell: Only for access to the second floor because the stairwell is the only access to the second floor as far as a stairway. The elevator goes to the third floor.

Kane: It is a common lobby. Off the common lobby you have a suite 102, which is the bank. You have a stair well and an elevator which goes upstairs. That is it. Right?

Tindell: Yes.

Janice Tocher: Where is suite 100. Is suite 100 not the lobby?

Tindell: I don't think suite... there is no suite 100.

Kelly: There is another door, exterior door. That is, the address for that is 251 N Peters Road, suite 100.

Tindell: My apologies that, this building if you are looking at Peters Road and you look at the building there is a front entrance that is 251. You go around to the side and that is 249. That 249 is only way to get to our office. Well you could unlock some doors and some security doors. But they are partitioned off from that front entry way.

Longmire: So your main entrance...

Tindell: Is on the side. That is what we have always been is 249.

Anders: I have a question. If someone called 911 from the second floor, what would the caller ID say?

Tindell: Right now I would think it would say first floor which is where you enter our office. According to Mr. Kelly, I have not spoken with him, but according to Mr. Kelly they are still showing it as a first floor office which is how you get to our office.

Clancy: Do you think you could see the ambulance from the second floor if it showed up in the parking lot?

Tindell: I suspect we could.

Clancy: This is a lot of trouble for a lazy mailman.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE REQUEST OF THE APPELLANTS TO MAINTAIN 249 N PETERS ROAD, SUITE 101, AS THEIR MAILING ADDRESS.**

Upon roll call the Planning Commission voted as follows

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

**MOTION CARRIED 10-5. APPEAL APPROVED.**

Longmire: You may retain your address but it would sooth our hearts if you will hire a receptionist to sit down there. So when you are over lying flat in your floor, she will tell them to go to the second floor.

Tindell: Thank you to the Commission. We will try to make sure we have appropriate signs should take care of that down there.

Anders: I was in principle okay with this, but in the event that there is an emergency and there is confusion when it comes back on this body as responsible that emergency service is not getting to that floor I voted no.

Longmire: I understand that and I respect your opinion. I was serious to have someone down there to help people. You have to promise not to sue us if they cannot find you.

Tindell: I think it is on the record that we are aware of the emergency services issue.

- \* **51. Consideration of Similar Use Determination for educational uses in the SC-1, SC-2 and SC-3 (Shopping Center) zone districts.**

**11-B-14-OB**

STAFF RECOMMENDATION: APPROVE secondary, post secondary technical/business/medical training and higher educational uses as a use permitted in the SC-1 Neighborhood Shopping Center), SC-2 (Community Shopping Center) and SC-3 (Regional Shopping Center) zones as qualified.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **52. Consideration of Staff Report for Plans of Service.**

**11-C-14-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.

- P 53. Consideration of Similar Use Determination for a private club in the I-3 (General Industrial) zone district.**

**11-D-14-OB**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 54. Nomination of Officers for Calendar Year 2015.**

**11-E-14-OB**

Art Clancy, Nominating Committee, Pursuant to Article IV, Section 8, of the MPC bylaws the nominating committee is convened and deliberated and is happy to present and recommend the following persons for officers for MPC for calendar year 2015. For chair we would like to nominate Commissioner Longmire and for vice chair we would like to nominate Commissioner Carey. The floor is now open for additional nominations.

Len Johnson: I move the nominations cease. Roth Second.

Clancy: Hearing none the election of officers will be held at the December monthly meeting and I turn the meeting back to the

chair. We don't have to vote on that. I didn't need a motion. I just needed to see if there was another nomination. Back to the Chair.

## **Adjournment**

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

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:35 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Rebecca Longmire, Chair

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