

KNOXVILLE·KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N  
T E N N E S S E E

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# Minutes

## NOVEMBER 12, 2015

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

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

- |                               |                          |
|-------------------------------|--------------------------|
| A Ms. Rebecca Longmire, Chair | A Mr. Len Johnson        |
| Mr. Herb Anders               | Mr. Michael Kane         |
| Mr. Bart Carey, Vice Chair    | Mr. Charles F. Lomax, Jr |
| Ms. Laura Cole                | Mr. Jeff Roth            |
| Mr. Art Clancy                | Mr. Jack Sharp           |
| Ms. Elizabeth Eason           | Mr. Scott Smith          |
| Mr. Mac Goodwin               | Ms. Janice Tocher        |

\* 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 12, 2015 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF OCTOBER 8, 2015 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

### POSTPONEMENTS TO BE VOTED ON READ

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL DECEMBER 10, 2015. MOTION CARRIED 12-0. POSTPONEMENTS APPROVED.**

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 60 DAYS UNTIL THE JANUARY 14, 2016 MPC MEETING. MOTION CARRIED 12-0. POSTPONED 60 DAYS.**

Automatic Withdrawals Read  
None

***WITHDRAWALS REQUIRING MPC ACTION***

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO WITHDRAW ITEM 34A&B & 43 AND. MOTION CARRIED 12-0. ITEMS WITHDRAWN.**

**REVIEW OF TABLED ITEMS**

- KNOXVILLE CITY COUNCIL (REVISED) 12-B-13-OA  
Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.
- TREVOR HILL 11-A-14-SC  
Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.
- WILSON RITCHIE 3-F-10-SC  
Request closure of Lecil Rd between Asheville Hwy. and N. Ruggles Ferry Pike, Council District 4.
- METROPOLITAN PLANNING COMMISSION 6-A-10-SAP  
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.
- METROPOLITAN PLANNING COMMISSION 7-C-10-SP  
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.
- WILLOW FORK - GRAHAM CORPORATION
  - a. Concept Subdivision Plan 11-SJ-08-C  
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.
  - b. Use on Review 11-H-08-UR  
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.
- HARRISON SPRINGS - EAGLE BEND DEVELOPMENT
  - a. Concept Subdivision Plan 4-SC-09-C  
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.
  - b. Use On Review 4-D-09-UR

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

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

HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9 12-SJ-13-F  
 North side of West Gallaher Ferry Dr, west of Hardin Valley Rd,  
 Commission District 6.

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

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

HOOD PROPERTY 7-SR-15-F  
 North side of Rhea Road, southwest of Spangler Road, Commission  
 District 9.

FINAL PLAT OF THE JERRY SHARP PROPERTY 9-SA-15-F  
 At the terminus of Goldfinch Avenue and the east side of Ellis  
 Street, Council District 1.

CREEKHEAD CROSSING UNIT 2 10-SE-15-F  
 Southeast side of Creekhead Drive, at the southeast intersection of  
 Whitman Drive, Council District 3.

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

FIRST BAPTIST CHURCH CONCORD AS SUCCESSOR BY MERGER TO  
 WESTLAKE BAPTIST CHURCH  
 North side Westland Dr., east side I-140, Council District 2.  
 a. Southwest County Sector Plan Amendment 7-D-15-SP  
 From PI (Public Institutional) & SLPA (Slope Protection Area) to C  
 (Commercial) & SLPA (Slope Protection Area).  
 b. One Year Plan Amendment 7-C-15-PA  
 From P (Public Institution) to GC (General Commercial).  
 c. Rezoning 7-G-15-RZ  
 From RP-1 (Planned Residential) to SC-1 (Neighborhood Shopping  
 Center).

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.

WORLEY BUILDERS, INC.

10-C-15-UR

Southeast side of Creekhead Dr., directly southeast of Whitman  
Dr. Proposed use: Detached residences on individual lots in RP-  
1 (Planned Residential) District. Council District 3.

**ITEMS REQUESTED TO BE UNTABLED OR TABLED**

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO TABLE  
ITEM 8A&B, 19 AND 29. MOTION CARRIED 12-0. ITEMS TABLED.**

**CONSENT ITEMS**

COMMISSIONERS JEFF ROTH AND SCOTT SMITH RECUSED FROM VOTING ON THE  
CONSENT LIST.

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

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO HEAR  
THE CONSENT ITEMS AS READ. MOTION CARRIED 10-0-2.**

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO  
APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 10-0-2.  
APPROVED.**

**Ordinance Amendments:**

- P 5. METROPOLITAN PLANNING COMMISSION 10-A-15-OA**  
(1-14-16) Amendments to the City of Knoxville Zoning Ordinance  
regarding creating a mixed use zoning district for properties  
located in the area defined by the Bearden Village  
Opportunities Plan.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 6. METROPOLITAN PLANNING COMMISSION 11-A-15-OA**  
Amendment to the City of Knoxville zoning ordinance defining  
Craft Industries and identifying districts where permitted.

STAFF RECOMMENDATION: Approve the amendments.

Gerald Green: The ordinance amendment request before you  
comes at the bidding of the Codes Administration Department  
and a business which wanted to open a bakery that would  
produce baked products for local restaurants selling them at both  
retail and wholesale. Our ordinance currently does not permit this

type of small craft bakery. The ordinance has been presented to you and amended to address some concerns we received from the community to narrow it down from including all craft industries to narrowly defining it for craft bakeries. It has also further amended to state that the craft bakeries could sell their products at both wholesale and retail to distinguish them from the small bakeries that are currently permitted under the ordinance. The amendment has been reviewed by Codes Administration Department and by those in the community who had some concerns about the initial amendment and has been endorsed by all who reviewed it. I would be happy to answer any questions if there are any.

Michael Kane: Regarding the existing one, you know you gave us a clarification or me a clarification email yesterday that says that the current ordinance for those has bakeries but those are essentially for onsite retail. My experience is that some of these bakeries may actually have that are in existence now actually provide some portion of their product to other retail outlets. Is there an interpretation that it has got to be a craft bakery is 50%, wholesale or 51% wholesale possibly or where is the distinction on that in terms of being a use on review or not a use on review?

Green: One of the challenges in our process is that those of us who draft and approve ordinance amendments are not charged with the interpretation of them. The interpretation comes from the Code Administration Department. I will give you my best answer and what I would base my interpretation upon would be that extent to which wholesale sales make up a part of the business. In the example you gave or the reference you make, if more than 50% of the business is through wholesale sales then I would consider it meeting this craft definition.

Kane: Okay that is what I wanted clarified.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.**

### **Alley or Street Closures:**

- \* 7. **JEFF CARR**  
Request closure of unnamed alley between Forest Ave and easternmost corner of parcel 094LL001, Council District 1.

**11-A-15-AC**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

- T 8. VILLAS AT MALLARD BAY - HUBER PROPERTIES, LLC** **7-SC-15-C**
  - a. Concept Subdivision Plan**  
Northeast side of Harvey Rd., south side of Raby Way, Commission District 5.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T b. USE ON REVIEW** **7-H-15-UR**  
Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- \* 9. PALMER SUBDIVISION** **10-SE-15-C**  
Southeast side of Hardin Valley Rd., west of Valley Vista Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 10. DUTCHTOWN SUBDIVISION - GREEN RIVER HOLDINGS, LLC** **10-SF-15-C**
  - a. Concept Subdivision Plan**  
North side of Dutchtown Rd, south side of Bob Gray Rd., Commission District 3.

STAFF RECOMMENDATION: Approve variances 1-6 and the concept plan subject to 10 conditions.

Commissioner Scott Smith Recused from discussion or voting on this item.

Arthur Seymour Jr. 550 W Main Avenue. Here on behalf of the applicant. We are in agreement with the MPC recommendation with one minor matter and that is condition number 4. We would ask that that be removed. If I may Mr. Moseley is going to handout a blow up of the subdivision and the surrounding subdivisions. If I may this is the property under consideration here. It will be developed with 101 homes. It will have a connection on Dutchtown Road. The connection being asked for with the adjoining subdivision is here on Rennboro. The Rennboro subdivision immediately to the east of this tract of property. That subdivision has 25 to 30 homes. There are no connections from it to anything other than Dutchtown Road. We are asking for only

the one connection to Dutchtown Road. If you look at the subdivision around here you will find that all have one entrance. That is the preference of residents and developers. Because residents like residences with only one entrance. You have an email in your record from both homeowners in Rennboro Subdivision who are opposed to the connection. I suspect that if you went down the road and asked the other people in there they would be unanimously opposed to it. There are several reasons for that. Homeowner today who are buying in subdivisions in west Knoxville, north Knoxville, east Knoxville and south Knoxville prefer neighborhoods that have one entrance and one exit. That is for safety and security reasons. They have been told that and it is common sense to understand that you live in a more secure neighborhood if there is only one entrance into it and one entrance out of it. When we discussed the zoning on this subdivision at County Commission a couple of weeks ago, there was a condition that the property connect from Dutchtown back to Bob Gray Road. We asked that that be removed. County Commission unanimously removed that condition. One of the Commissioners, Commissioner Schoonmaker, lives in a subdivision that has over nearly 200 lots. He noted that the sheriff had told homeowners groups in west Knoxville that they were better off from a safety and security point of view with one entrance in and one entrance out. Developers will tell you that they can get top dollar for the lots on the cul de sac because typically the cul de sacs in lots of places are used as play areas. The stub outs in Rennboro subdivision to the right are sometimes used for basketball goals for children to play and so forth. Parents do not like their children playing in streets that generate through traffic. That is something where homeowners, developers and planners part ways. Planners love connectivity. They love through streets and so forth. Homeowners vote with their dollars and they will pay higher dollars for homes on cul de sac and that only have one way in and one way out rather than on connectivity in the newer subdivisions. This is I think been well documented. There have been a number of articles on this. We simply ask and our neighbors to the east in Rennboro Subdivision would ask that we not be required to connect into their subdivision which simply would add a road parallel to our main road going back into Dutchtown Road. For that reason we ask that condition 4 be removed. Thank you.

Tom Brechko: Sure being a planner I guess the few that like to see connectivity. The minimum subdivision regulations, and I am not sure exactly when the provision was put in there, have provisions requiring extensions to adjoining property when it is developed so these road connections can be made. It has a provision in there that talks about when you develop next to a property that has extensions that that you tie into those when it is feasible. Occasionally see property that has a stub out to it that because of grade there is no real easy way to make that connection but in this case the grades are not a real issue in

making this connection between the two. The Planning Commission had a presentation at agenda review last month looking at issues regarding from health development about connectivity between developments to allow for pedestrian and bicycle connections and in this case would be vehicular. It provides for a second access out to Dutchtown Road between these properties so you are not relying just on one. In the past we have used 150 lots as kind of the number on which to recommend a second entrance. We have provisions in the sub regs that have been there for years that strongly encourages those connections be made. I think that I all cases, in most cases, you will probably find somebody that has been living on a stub out street doesn't want to see that open. We have that in this case where they have talked to the two adjoining property owners that we have adjoining that. But again connectivity is something that we will strongly recommend every time it comes up. The subdivision regulations require to make those type of connections. Our recommends is to have to have that condition of tying into Coluzzi Drive.

Art Clancy: I just wanted to find out what Tom had to say about connectivity. It seems like the neighbors don't want it. I understand if you are on the corner of that you don't want it. That is probably their basketball court. I also agree with Arthur Seymour. It is more desirable to have one entrance in and one entrance out from a safety standpoint, a security standpoint it is probably better. That is what I wanted. I was going to ask Tom why we were asking for it.

Michael Kane: Two things. You said that the current subdivision regulations required that you connect to a stub out when it is basically feasible. Is that correct?

Brechko: Well there is a requirement that that is a little open ended. I mean that states that all streets shall designed so they can be feasibly extended into the adjacent property. Then there is a provision in relationship to adjoining road systems that says the proposed road system of the subdivision shall generally provide for the continuance of existing dedicated streets and adjoining or nearby tracts. It is not a requirement that they would need a variance from. But again there are provisions in there about requiring it when you develop a subdivision to tie to adjoining property and then when you adjoin streets that exist to tie into.

Kane: I guess it occurred to me when you were saying that it really needed to be stated as a variance.

Brechko: It is not an official requirement that says you have to make that connection. I talks about when feasible.

Kane: If it is feasible then it is a requirement. That would be the logic. Wouldn't it?

Brechko: I guess it would be an argument as to whether it is feasible or not.

Kane: If you are saying it is feasible then it would be a variance.

Brechko: We think it should be connected to it.

Kane: My thing is if it is if you believe as staff it is feasible, then it should be shown as a variance. That would be my thinking. The other thing is that I understand the arguments and Mr. Seymour did a great job. I will say that I live right off a cut through street in Fountain City. There is a lot of cut through traffic and it can be bad. I would say from a safety standpoint there are two aspects of safety: one is crime, the other is traffic safety or just even access. When we had the big storms come through and our whole neighborhood essentially was trees all over. My part of my street which is a dead end street, trees down. The other stubs where trees were down. Other areas of the street trees were down. There was no way to get out. And slowly people were able to get things out. They cleared the first part of the street. You could get out one way but you couldn't get out the other way. So there are some advantages. I guess I am kind of changing my position on this. I used to believe in the connectivity of it. If neighbors are so adamant against it and they don't see the advantages of connectivity I do not think we should force it. I do think it should be shown as a variance.

Clancy: If we decide to make it connected we can't approve the concept plan because we don't have a valid concept plan then. I would like to make a motion that we approve the subdivision variances required as stated in the staff recommendation.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE THE VARIANCES PER STAFF RECOMMENDATION.**

Bart Carey: I will point out at this time the concept plan is final. It would be appealed to Chancery Court, not County Commission on this one. So this is more of a final action.

Jack Sharp: Is this with or without item 4.

Clancy: Item 4 doesn't come in until the concept plan which is another motion. This is just the variances.

**MOTION CARRIED 11-0-1. VARIANCES APPROVED.**

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE THE CONCEPT PLAN SUBJECT TO THE 10 CONDITIONS EXCEPT FOR CONDITION NO. 4.**

Tocher: Mr. Brechko was going to make a comment to something that Commissioner Clancy said about not being able to approve the concept plan. I wanted to hear what he had to say.

Brechko: I guess I was still a little confused by that statement. But the condition would require them to provide a revised concept plan showing that connection between their proposed street and Coluzzi Drive. The plan they have now doesn't have it but the condition would require them to revise it.

**MOTION CARRIED 9-2-1. (Tocher and Eason voted no)**

**b. USE ON REVIEW**

**10-E-15-UR**

Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

STAFF RECOMMENDATION: Approve the Development Plan for up to 101 detached dwelling units on individual lots, and the requested reduction of the peripheral setback from 35' to 25', subject to 1 condition.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE THE DEVELOPMENT PLAN FOR UP TO 101 DETACHED DWELLING UNITS ON INDIVIDUAL LOTS, AND THE REQUESTED REDUCTION OF THE PERIPHERAL SETBACK FROM 35' TO 25', SUBJECT TO 1 CONDITION. MOTION CARRIED 11-0-1. APPROVED.**

**11. MERCURY DRIVE SUBDIVISION - HOMESTEAD LAND HOLDINGS, LLC**

**a. Concept Subdivision Plan**

**11-SA-15-C**

Northeast side of Mercury Dr., southeast side of Yarnell Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 6 conditions.

Beth Bledsoe: 10764 Mercury Drive. I guess I am representing some of the residents in the Mercury Drive Subdivision. We did not realize until last week when the sign was posted at the grading that this was a planned subdivision. We were not aware of anything about this development until recently. Nobody was given a notice. The 11 lots on basically less than 2 acres when you take into consideration the roads. Not clear on the impact it will have on home values since it is at the beginning of our subdivision. We don't have enough information. We don't know if this is for low income; if this is just low income housing that will be sold below the property value of our existing subdivision which

could impact the value of our homes. We just want more information.

Carey: Okay. Hopefully we can bring that to you today. Sir would you like to speak as well.

CC Shih, Thank you for allowing me to address the board for discussion. I am the owner of lot 31 on Mercury Road nearby this proposed subdivision item 11. The issue is the potential impact of change of the pattern of the stormwater runoff when the existing greenspace is replaced by the paved structures. The slope regarding the new detention basin may significantly alter the water-holding capacity of the soil. Our lot is only 8 feet higher than the detention basin and is about 400 feet away. Any accumulation of water at the basin may saturate the soil close to the surface and impact of permeability of the ground water in the nearby Mercury Drive area including our lot. We therefore request during and regarding the regrading of the basin building, such concern be included in the beginning stage of the concept subdivision plan and the usage on review. Thank you.

Jeff Becket: 8550 Kingston Pike. I guess there were two comments, two questions. One had to do with the density and what type of units or what type of development this is. The other one refers to the stormwater and the drainage. First I can respond to the stormwater and the drainage. Through this process we have coordinated with Knox County Engineering and the existing topography drains to the west away from this lot 31. It drains toward the west where there is a proposed detention basin. This detention basin captures the stormwater and meets Knox County's regulations where it does not release any additional stormwater. This is redirecting so there is not the stormwater running toward Mercury Drive. We are redirecting it further to the west. Then the question about the density and what type of unit this is. It is a quality home that is a two story probably about 1500 to 1800 square feet and it is similar to newer developments in the area. If there are any specific questions I can answer those. But it is a single family residential development.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE VARIANCE 1 AND APPROVE THE CONCEPT PLAN SUBJECT TO 6 CONDITIONS PER STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.**

**b. USE ON REVIEW**

Proposed use: Detached residential subdivision in PR (Planned Residential) / TO (Technology Overlay) District.

**11-G-15-UR**

STAFF RECOMMENDATION: Approve the Development Plan for up to 11 detached dwelling units on individual lots, and a reduction of the

peripheral setback from 35' to 25' for the three lots along Mercury Dr., subject to 3 conditions.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-1. (Kane)**

- P 12. CLEAR SPRINGS PLANTATION **11-SB-15-C****  
North and south sides of McCampbell Wells Way, west of Glen Creek Rd., Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 13. STEELE ROAD SUBDIVISION - RUSTY BITTLE **11-SC-15-C****
  - a. Concept Subdivision Plan**  
Southeast side of Hardin Valley Rd., south end of Steele Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-6 and the Concept Plan subject to 12 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- b. USE ON REVIEW **11-H-15-UR****  
Proposed use: Detached residential subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the Development Plan for up to 61 detached dwelling units on individual lots, subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Final Subdivisions:**

- P 14. WILLOW POINTE PHASE II **10-SO-15-F****  
Southeast side of Buttermilk Road, southwest of Graybeal Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 15. FAITH WAY S/D **11-SA-15-F****  
Northwest side of W Emory Road, east of Oak Ridge Highway, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 16. DUTCHTOWN VIEW RESUBDIVISION OF LOTS 2-4 **11-SB-15-F****  
East side of Bob Kirby Road, north of Dutchtown Road, Commission District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. BON VIEW ADDITION RESUBDIVISION OF LOTS 18-20** **11-SC-15-F**  
At the southwest intersection of Beaumont Avenue and W Baxter Avenue, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. H S AND ROXIE STOOKSBURY ESTATE RESUB OF LOT 2R-2** **11-SD-15-F**  
Southeast side of Childress Road, east of Mullins Lane, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 19. HOLSTON BEND DRIVE EXTENSION** **11-SE-15-F**  
At the terminus of Holston Bend Drive, Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- 20. KENNETH AND JEANETTE BENNETT PROPERTY** **11-SF-15-F**  
North side of a private un-named JPE, north of Sunrise Road and northwest of Millertown Pike, Commission District 8.

STAFF RECOMMENDATION: Deny final plat.

Tom Brechko: This is a subdivision taking one lot, one of the existing lots on a JPE and cutting out a lot of 2 acres and the balance is a little over 10 acres. The issue that staff and with the recommendation and that is why there is a recommendation for denial is that the access or JPE for this subdivision which shows up on your zoning map is Antioch Road. It is my understanding that it used to be County road. It was closed. It is now it has been recorded as a joint permanent easement. The access for this road goes out to Roberts Road which shows up on your map in the lower left hand corner. The issue is that the existing hill and bank along Roberts Road going to the north limits sight distance to approximately around 200 feet in that direction. The subdivision regulations have provision about having access for streets and also would be for JPE's where you have a sight distance of 3 times the posted speed limit. It is my understanding in this case it would be 300 feet. Staff's recommendation of denial of creation of this additional lot on the JPE is that it potentially would create additional traffic on the road at an intersection that has unsafe conditions because of sight distance.

Bart Carey: When we looked at this on Tuesday, I was confused. I was thinking the subject property was fronting on the County road but again this is fronting on a JPE. Mr. Brechko are there other what is the total house count or lot count on the JPE?

Brechko: I believe that this may be 9 lots total with the subdivision creating the additional lot on that JPE.

Carey: On Antioch Road. The other day it seemed like we were talking about going from one to two but that is just on that one lot. This doesn't meet the county road standards. Is that right?

Brechko: No. Like I said I think at one time it may have been a county road, but it is just a joint permanent and it doesn't meet the minimum standards. The issue here and the concern we have is the one of safety of potentially having future division and coming out at an area with very poor sight distance.

Carey: If this were approved, and I am not suggesting we do that, what my question is I think the concern was that the back part of this lot that somebody would come and try to subdivide that. That would again be dumping a tenth unit on this already overburdened JPE. Is that right?

Brechko: It has the potential again of adding... I mean when you look at the lot it is fairly steep. In fact all the lots on the north side of Antioch are fairly steep and access is somewhat limited. But by creating a lot you do create the potential of having another lot created up there with a driveway cut in.

Carey: I guess landlocked so to speak you could have no access to. It is not marketable.

Brechko: Well it has frontage on the JPE. I would be tough to get access to that new lot that is created.

Scott Umstead with Acre by Acre Surveying, Yellow Oak Lane, Knoxville, TN. The JPE actually ends, we are dividing the 2.5 acres on the southeast corner of the highlighted area. The JPE actually ends there; at least the physical access. There is a creek and it is not traversable. There's only four houses that actually use the JPE as it is right now on the west side of the creek all the way up to Roberts. The division of property is not creating a sight distance. It's an existing problem.

Carey: Right but you are saying... We are looking at a map that shows to the left and right of the subject property there are lots that are unimproved. There are no houses on those. Going southwest there are tracts that have houses on two lots it looks like. Mr. Brechko we are talking about the one we are denying how does that work? There are no improvements on those lots. Does that affect the total number of houses on the...

Brechko: If you subdivide and create another lot there is the potential that somebody could get another permit to build on that other lot so it does add potential of another lot using that access.

Carey: What I think I hear Mr. Umstead saying is that there are presently four using that access.

Umstead :Four houses using that access. The property is not very conducive to further division. It is very steep and rocky. Where we are dividing off the 2.5 acres my understanding is an old dwelling site. I don't know if it is a home or not. It has been long gone. It is probably one of the few places on that whole north side of Antioch Road of the joint permanent easement that is buildable. There are more places but it would be very difficult.

Carey: So we are changing the permitted residences from 4 to 5? Am I hearing that right?

Brechko: Well every lot could potentially get a permit to build on. I mean if you look at... looking at the way they have been built some of them have cut into the hillside to get a home site and put their access in. My understanding part of what has generated this is in getting a loan I guess to build a house in the former location, I guess there was a house previously, I think the bank doesn't want to have the whole property tied with this. They were looking at creating a lot, and again it may be in this case for loan purposes. But the things is you create a... to get a mortgage on that and you have that lot created and if something happens it defaults then the bank gets it. Although they may not have the intent of building two houses on that property when it is subdivided, you may have two different owners in the future.

Carey: I guess we have kind of two things here. What I am still trying to get my head around is we, I think in our ordinance it states that on a JPE that does not meet county road standards that we cannot exceed 5 dwelling units, 5 buildable tracts on that JPE.

Brechko: You can exceed that but once it goes above five, and this is already above 5, the JPE is supposed to meet street standards.

Carey: That is what I am saying. This doesn't meet those standards. We are still back to that I am understanding there are 4 there presently and this would be the fifth one.

Brechko: As far as a residence but there are more lots than that.

Carey: But the ordinance... if those are not permitted lots then to me the big issue is if we are going to exceed the maximum allowable.

Brechko: The subdivision regulations are based on creating lots. It does not matter if there is a house on it. If you have a subdivision where you have five lots and there is not a house on it when you come in to build to subdivide and create another lot it's based on creating that lot and the potential building sites.

Carey: So those subdivided lots count against, all those count against the five lots. That is what I was looking for. Thank you. Do you understand that Mr. Umstead?

Umstead: I do.

Michael Kane: I just want to clarify. So the joint permanent easement actually establishes which lots are associated with that joint permanent easement. Is that correct. It is not just because a lot border a joint permanent easement it is not part of it. It is actually those people are responsible for that road that are part of that joint permanent easement. Is that correct?

Umstead: Right when the Antioch Road was closed in 1992, the County quit claimed to the homeowners Mr. Bennett and others the joint permanent easement. That joint permanent easement was platted and created at that time with the centerline of the easement and each property went to the centerline of the new JPE.

Kane: Okay. So there are... Even though what you are saying it is not likely they those properties would be accessed to that, in actuality they have responsibility. These other lots a total of nine are a part of the joint permanent easement. That is what I need to know. Thank you.

Umstead: My understanding is the, I have been on this property extensively, is the properties to the south of the JPE are on there is a small section between the JPE and the creek. There is only one house that has enough room. All the other properties on the south side of the creek or the JPE access from other places. The only places that access is one on the south and three, or four on the north. Because like I said the physical ability to cross that creek is just not there because it ends at the southwest corner of our property.

Scott Smith: I am just trying to... So are you saying there are 5 lots that have rights to use this easement right now?

Umstead: Rights I am not sure because of the south side of the road but they don't have physical access to it even though they may connect to it.

Smith: How many lots do you believe have legal access to use the JPE right now?

Umstead: Probably five.

Smith: The one down there at the corner on Roberts Road is not one of them because they obviously have access to Roberts Road so that is not one of the lot 1, 90 or 99 right?

Umstead: Now two of the properties two of the larger tracts on the northwest side of where it says Antioch they actually come off at one place just because the terrain is so steep they couldn't get another driveway in.

Smith Just so I am really clear you are wanting to take what is now serving 5 lots and make it serve 6 lots.

Umstead. There are only four houses that it serves right now. This would actually be a fifth house. I understand that it doesn't count houses but it is the nature... I am sorry.

Smith: Somebody could put a house on a lot so you have to look at it by lot.

Umstead: Oh sure. It is not very conducive to... It is extremely steep. This cut out as Tom was saying is for the financing. There is potentially one more house site on there but it is probably 2000 feet off the easement and it is extremely steep on that entire tract of land.

Kane: Legally how many lots are there? Cause I heard nine. Now I heard five. How many legal lots are there currently on this joint permanent easement?

Carey: The one that is there the subject property is an existing lot.

Kane: That would part of the total of how many are there now. I need somebody to answer that in authority. Not apologize but I don't think you are the authority.

Umstead: My understanding is that none of them are platted lots. Those are tax parcels. There are no platted lots on that joint permanent easement. This would actually be the first platted lot on that easement. I don't think that has to do with what Tom was discussing as far as the number of properties have access but none of them are platted lots.

Brechko: Dennis Irwin with Knox County Engineering may know a little bit more about this case than I do.

Dennis Irwin: Oh yes I have been out to the site. There are 7 lots that would use this for access. Not all of them have houses on them. That would be their access right now and this would make the 8th lot.

Art Clancy: They already exceeded the allowable lots for a JPE. Right?

**MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY FINAL PLAT.**

Jeff Roth: I have got a question. I am a little confused too. Have we... are we restricting lots that are available to a JPE because there are several places in the county where there are more than five lots that access to a JPE but are we saying you cannot build more than five homes on a JPE? Which one are we talking about?

Clancy: They don't have to come in and ask us for permission to build a house once we...

Carey: If someone by could a lot on 125 to the west of this subject property, they have the right I guess to do that by pulling a permit right now. Everything that is fronting on that road does not have access somewhere else counts against that number.

Kane: If I am not mistaken in an agricultural area you can build two houses on a lot. It is permitted to have two houses on an agricultural lot.

Smith: I don't think the houses matter. It is the lot.

Kane: I am just saying if we are going off the number of houses... some of these people have the right to build more houses on their property and not affect a joint permanent easement.

Roth: Is that the case here?

Kane: It is all agricultural.

**MOTION CARRIED 11-1 (Roth voted no) DENIED FINAL PLAT.**

- \* **21. ELIZABETH D RAINES PROPERTY RESUBDIVISION OF LOT 1 **11-SG-15-F****  
Southwest side of Gibbs Road, north of E Emory Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 22. EFFICIENT ENERGY OF TENNESSEE & CALLAHAN BUSINESS PARK RESUB OF LOT 1 **11-SH-15-F****  
At the intersection of Old Callahan Drive and Callahan Drive, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **23. LETSINGER RIDGE** **11-SI-15-F**  
 South side of Snyder Road, west of Lovell Road, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **24. RUGGLES FERRY, PHASE 2** **11-SJ-15-F**  
 West side of Burris Road, south of N Ruggles Ferry Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. SHERRILL HILL RESUBDIVISION OF LOTS 1R2R1 & 1R3R1** **11-SK-15-F**  
 South side of Kingston Pike west of Moss Grove Blvd., Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **26. FREP KNOXVILLE** **11-SL-15-F**  
 Park Village Road north of Cross Park Drive, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **27. THE MARKETS AT CHOTO, RESUBDIVISION OF LOTS 5R 7 1R1R3** **11-SM-15-F**  
 North side of Choto Road, east of S Northshore Drive, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **28. DEANE HILL S/D REPLAT OF LOTS 4R & 4R1** **11-SN-15-F**  
 Gleason Drive at Wellsley Park Road, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Rezoning and Plan Amendment/Rezoning:**

- T 29. GUSTO DEVELOPMENT, LLC**  
 Southeast side Ball Camp Pike, northeast of Middlebrook Pike,  
 Commission District 6.  
**a. Northwest County Sector Plan Amendment** **10-F-15-SP**  
 From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T b. Rezoning** **10-Q-15-RZ**  
 From A (Agricultural) to CA (General Business).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- \* 30. MICHAEL CAMPBELL** **11-A-15-RZ**  
 North side Beaver Ridge Rd., east of Windcrest Rd., Commission  
 District 6. Rezoning from A (Agricultural) to RAE (Exclusive  
 Residential).

STAFF RECOMMENDATION: Approve that County Commission APPROVE RAE (Exclusive Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 31. ANDREW STEWART AND MELISSA STEWART CARVER** **11-B-15-RZ**  
 South side E. Emory Rd., west of Mayes Chapel Rd., Commission  
 District 7. Rezoning from A (Agricultural) to RA (Low Density  
 Residential).

STAFF RECOMMENDATION: Approve that County Commission APPROVE RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 32. SCOTT DAVIS** **11-C-15-RZ**  
 Northwest side W. Emory Rd., southwest of Chartwell Rd.,  
 Commission District 6. Rezoning from A (Agricultural) to PR  
 (Planned Residential).

STAFF RECOMMENDATION: Approve that County Commission APPROVE PR (Planned Residential) zoning up to 3 dwelling units per acre.

COMMISSIONER SCOTT SMITH RECUSED FROM VOTING ON THIS ITEM.

Mike Reynolds: This is a pretty straight forward case from the stance of what they are asking for. It is Planned Residential up to 5 which is in the low density residential sector plan designation. Staff is recommending down to three dwelling units per acre which is more consistent with the surrounding development. One concern that we have heard from the surrounding neighborhoods is that they feel they got their notice a little late. The postcards that we sent out were done as we normally do. Unfortunately the

signage that got put out was not in the right location initially and has been put on the property as of Tuesday of this week. So from that standpoint the neighbors feel like they have some concern with the public notice. It was published appropriately according to what we have to do. It was an unfortunate situation with the signage.

Scott Davis: PO Box 11315, 37939. As a general rule I usually allow the opposition to go first but in this particular case with things unfortunately happened as it relates to MPC. In all due respect to the residents I think they should have sufficient time to have notice for the sign to be put back in the property location because I don't want anybody to infer that anybody didn't have proper notice. So with that said I will agree to a 30 day deferment with the understanding that one or two things. We have a concept plan to be heard at the December 10th meeting. We filed a double fee deadline fee to be heard at the December 10<sup>th</sup> meeting. One of two things. Either the zoning and the concept plan be heard simultaneously at the December meeting or I feel that I should have reimbursement for if that concept plan gets deferred to January, I feel it would be fair to be reimbursed for that. With that stated I would agree to the 30 day deferment to allow the residents to have proper notice time. I understand things happen with MPC. We all make mistakes and that is part of life.

Bart Carey: I think I understand. You are asking for a, you paid double fees?

Davis: Not for the zoning I paid a double fee for the concept plan. The concept plan is on the agenda for December 10<sup>th</sup> I believe. If the concept plan cannot be heard simultaneously with the zoning and gets kicked with January, then I don't feel that I should be burdened for that double fee for the concept. If it could be heard simultaneously with zoning in December then I am okay with the double fee.

Carey: I am going to ask the opposition if this is okay. But first Mr. Reynolds is that something that you feel good about.

Reynolds: I would have to defer to Executive Director Green.

Gerald Green: I appreciate Mr. Davis's willingness to defer it. I would have to check with our legal counsel to see if we can do the zoning and concept plan at the same. If we cannot then I would be in agreement to refund you the amount in excess of the normal filing fee, the double fee.

Steve Wise: That can be done.

Green: Okay then we will schedule the rezoning and the concept plan. The Commission would have to do the zoning first then approve the concept plan. Mr. Davis you would have to

understand if they deny the rezoning then the concept plan would obviously not be approved.

Carey: There was opposition back there. Did you follow what we did? There is going to be a 30 day postponement if we approve it the way it was just...

Arlene Lemiszki, 7516 Brittany Drive. I think I follow what you propose but that does not violate or put us behind the 8 ball as far as being entitled to a first hearing and a second hearing and ultimately County Commission. So we still preserve our rights.

Carey: Yes pushing it back 30 days and all that other gobbled goop is I think extraneous to what your...

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO POSTPONE 30 DAYS. MOTION CARRIED 11-0-1. POSTPONED.**

Gerald Green: I would like to apologize to Mr. Davis and to the neighbors for the challenge with the notification and staff will be looking at ways to improve the notification process and assure that we provide adequate notification. Again I regret that this had to be delayed because of that. I appreciate your cooperation.

Lemiszki: Will we get notification for the next meeting.

Green: I will make sure we notify in adequate time.

Lemiszki: For myself and I know there are a lot more. Thank you.

- \* **33. EAGLE BEND REALTY** **11-D-15-RZ**  
Northeast side Schaeffer Rd., northwest of Harrison Springs Ln., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to PR (Planned Residential) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Withdrawn Prior to Publication **11-A-15-SP**  
**11-E-15-RZ**

- W 34. KNOX COUNTY** **11-B-15-SP**  
Northeast side Middlebrook Pike, southeast of Ball Camp Pike, Commission District 6.  
**a. Northwest County Sector Plan Amendment**  
From PPOS (Parks and Public Open Space) to C (Commercial).



agricultural rural residential it does allow the consideration of densities of up to what the growth policy plan allows. There are some stipulations on which properties can request up to 3 dwelling units per acre and this site does meet those requirements. That is the reasoning for staff's recommendation to deny the sector plan amendment to LDR. Under the current growth policy plan designation we don't have authority to recommend something higher than that. As for the zoning case for the density staff used 3 dwelling units per acre as the base zone or base density max and then used the slope calculation to get 2.5 dwelling units per acre which is pretty close to a comparable development down the road on Hickory Creek which 2.8 dwelling units per acre. We felt that was an inappropriate density for this site being it is in the rural area.

Arthur Seymour Jr. 550 West Main Avenue. I am going to let Mr. Harbin in a moment address the slope issues. This property is in the Rural Residential zone thanks to the growth policy plan. I bet nobody has read this in 20 years except Mr. Reynolds when he was preparing his recommendation for this. I sent a letter out to everybody via email. I am testing the email system. I am sure you all have read that letter and studied it closely. For those involved in local government back in the late 90's, this document generated a lot of discussion. I don't know how many meetings. There are I think 20 listed in this document. What it was primarily designed to do or this document was produced pursuant to a state law. It was to try to reign in the rampant annexations of cities. There were three areas created: one the urban growth boundary. We had a mayor then who was pretty, uh, knew how to annex and he may have been part of the inspiration for this. Anyway it defined urban growth boundaries. In Knox County that was for Farragut and the City of Knoxville. Then it defined planned growth areas. Then it defined the rural area which this property falls into. It was primarily designed to reign in annexations. You came up with a crazy boundary that was the result of a lot of compromise. If you go out to the west end of the city across the city line, 7 Oaks and neighborhoods like that, they are not in the urban growth boundary. The City of Knoxville under this plan could never have annexed them without an amendment to it. Annexation is out the door anyway now because the State legislature has basically said you cannot be annexed without your permission. So that left the planned growth area which permits some density. Then you had areas like Hardin Valley that were in the rural area. This plan required that the urban growth boundary committee which came up with it and it was enacted on January 12, 2000, reconvene every three years and reconsider what should be done about the urban growth boundary. It should have met 5 times by now. It has never met since it had its last meeting to approve something approved by the administrative law judge in Nashville. I know Mr. Wise was involved in this at that time. I am not sure most of the members of the urban growth boundary committee would know they are still on it. They probably aren't.

They just dissolved. Anyway that is where we are. Hardin Valley has changed considerably since this was identified as a rural residential area. In the year 2000 there was no Hardin Valley Elementary School. There was no Hardin Valley Academy. The roads out there were not near as good as they are now. There were no plans for a Hardin Valley Middle School which Knox County has now appropriated money for and has anticipated to be built by 2018. When you have a school situation that goes from K through 12 which this area will pretty soon, the first thing people want to do is move in nearby. If you drive out to Mr. McClure's property here you will see subdivisions going up right and left. But they are limited to at max 3 units per acre. He is requesting 3.6 units per acre. He needs that to adequately develop this property. You are going to be faced with numerous request in the future. Mr. Green was quoted in the shopper you all are about to redo the Northwest sector plan and he is asking for input. I am giving input not only on the Northwest Sector Plan but this rezoning. But as I understand Mr. Reynolds he feels his hands are tied by this outdated plan that is not being enforced and is not being used by anybody and probably hasn't been read by anybody since it was enacted. We are asking on behalf of M&M developers that there be a change and allow low density residential on this tract at up to 3.6 units per acre. On the slope issue I would ask Mr. Harbin our engineer to address that if he could for 30 seconds. I realize we are out of time. If there is no opposition we will take our opposition's time if that is alright.

Carey: I am not sure I can do that. I am green at this, but not that green. I have a light on. I guess someone could ask for more time to learn more about the hillside.

Herb Anders: I would ask that we hear more about the hillside and slope.

David Harbin, 4334 Papermill Drive. Engineer that has been assigned for this project right here. On the staff report most of the slope is either zero to 15% which is outside of it. There is probably about 4 or 5 acres, 6 acres it says here between the 15 and 25 and I think it is closer to the 15 percent. In this place it is basically a hilltop right there coming around. It wouldn't be hard. There is not much earth to move to flatten that out right there. It wouldn't cause environmental damage. It is not much to do. It is basically a hat top if you think about what this is. It is not like we are grading into the side of a ridge where we need to take out a massive amount of dirt. The engineering and construction to flatten this out to get it to a usable area it makes this site very feasible for us right here.

Art Clancy: I agree with Mr. Seymour about the Urban Growth Plan. But the fact of the matter is the density of everything around it is 2.8. With that kind of slope you are going to have a hard time making 3 look like 2.8 or 2.6. Is there any way that we can take

some of that slope and put some type of conservation easement on it or something like that so we could work with density a little bit?

Harbin: In other areas there is one I think Conner Creek just down the road there they had a big ridgetop that they went up to the top. They were able to transfer that density down in there. Our development is going to look just like Connor. In fact we will probably have even wider lots than what they do right now. They just concentrated it right there away from the ridgetop. I tried to explain. I probably didn't do a very good job. We really don't have a ridge here it is a hat top which you grade that down it will go away. There is not much dirt to move here. This entire site is basically usable. In fact we are looking at 70 foot wide lots, 75 foot wide lots is what we are looking at. I think the development that exists is about 65 or 64 feet wide. So we are actually proposing larger lots than what the other one did down the street.

Michael Kane: I just want clarification from Mr. Wise. Mr. Reynolds basically said that this body does not have the authority to approve anything above 3 dwelling units per acre. Mr. Seymour apparently disagrees with that so I want to get a clarification on that please.

Steve Wise: That the state statute that imposed the requirement for that body to create this plan states that zone land use decision zoning must be consistent with it. Mr. Reynolds is correct.

Elizabeth Eason: I have a follow-up question on the slopes. Of the sloped portion that is 15% or greater what percentage of that are you intending to grade or disturb?

Harbin: Ms. Eason it is basically right in the middle of it right there, that steep spot that comes up into a pinnacle. When we flatten that down and it is not very much really when you get in there if you go out there and walk the site and look at it, you can see how you can take it down and be able to flatten that top right there so it will all be usable.

Eason: So you would be grading 100% of that that is within the steep slope protection area?

Harbin: Well I disagree. If it is barely 15% if that and it is not that much area that is in there. It would be very easy. It is not like you are going into the side of a ridge and you are trying to take the ridge down. We have proposed subdivisions like that in the past and it has been a massive grading job. Those things are what we need to protect and get away from. This is not the situation we have right here.

Eason: The steep plan actually says if you have 15 to 25% slope no more than 50% of that should be disturbed.

Harbin: I think it gives you some discretion. That is an advisory thing. This is where we are asking for your discretion right there. If I was coming in asking to grade 30, 40, 50 feet of a hillside off in order to make lots, yes. That is where discretion. Here we are going to be taking 5, 10 feet off at the very most at the very top of it to flatten it out. I am trying to say that we are not raping into the side of a hill the hillside for us to create lots for us to build on.

Carey: I think I have always had an issue with the fact that we have a slope designation of 15 to 25 percent which is a large. There is a lot of difference in a 15 or 16 and 24 or 25 percent slope. I wish we could break that down and get a little bit more specific there.

Kane: I apologize. Are the houses going to be basically on top of this r whatever we want to call it. Is that what you are saying is that the houses are going to be situated on top? Or are we is it...

Hardin: Our preliminary plan Mr. Kane will just be coming off of Hickory Creek and it will wrap around to the left and come up there. It will be a gentle grade probably about 7 or 8 percent all the way around through there is what I calculated. So it is not out of the ordinary there is nothing strange or hard to create with this subdivision. It will look very nice actually. There will be some good vertical separation between all the houses. It is not that big of a grading job when we get in there to do it.

Carey: The top of this pinnacle is witches cap. You are taking away that totally. Is it contiguous to another boundary to property line?

Harbin: You can even see there where it is almost a circle right there where the slope protection area is. It gives you the idea of how of where the pinnacle is right there.

Carey: You are not going to create a situation where your runoff is going... Obviously you have to contain it to meet county standards and all that. You are not going to be grading the site, right in the middle is where you have got to level this peak off.

Jeff Roth: If we approve this zoning would the final plat have to come back to Commission for approval? The subdivision plan would have to come back.

Carey: Yes that is correct.

Art Clancy: Mr. Seymour I already said I agree with you on the Growth Policy. You are familiar with the criteria we have for changing a sector plan. Correct.

Seymour: Correct.

Clancy: Can you help me see what... I mean I know it has been developing out there but can you help me figure out why we should change the sector plan.

Seymour: Alright. First roads. Not quite to this property but Hardin Valley Road has been greatly improved since the last sector plan. I can't remember when the Northwest Sector Plan is currently adopted was...

Reynolds: I can look it up. I can let you know in just a moment.

Seymour: One roads. Road access to this property has greatly improved. You now have all new utilities. You have gas, electric, sewer and water, city water, for this location. You now have the schools. You have got Hardin Valley Elementary School. You have got Hardin Valley Academy. In less than three years I think Knox County is going to have Hardin Valley Middle School out there not very far away. Those have been major changes that have occurred since the development of the last sector plan.

Reynolds: It was last updated in 2003.

Seymour: So that was 12 years ago. None of these were even on the drawing board as far as I recall. Hardin Valley the elementary school was built first as I recall and then the Academy is that correct? Now it is one of the biggest schools in the county.

Carey: Okay. So we have got some change there.

Scott Smith: Hardin Valley has really exploded and there has been a substantial change down there. I am not saying that we should make a sector plan change but 2.56 units per acre gets 50 lots. The amount of grading and clearing that is going to be done if you build 50 lots or 60 or 65 lots is pretty much going to be the same. They are just going to make the lots a little smaller. Most of the grading is going to be for the roads. I just want to keep that in mind. We want to try to accommodate as many people as possible on these properties as we can so we don't have to make these lots too big then we have to take another property down without accommodating those people on smaller lots which you could do here. If we are cutting density to try to save more trees or prevent additional grading, it is probably not going to have a huge impact between the recommended density and a little under what the applicant asked for.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO AMEND THE NORTHWEST COUNTY SECTOR FROM AGRICULTURAL AND RURAL RESIDENTIAL TO LDR LOW DENSITY RESIDENTIAL LAND USE CLASSIFICATION. MOTION CARRIED 8-4 (Eason, Goodwin, Kane, Tocher)**

**b. Rezoning****11-I-15-RZ**

From A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 2.5 dwelling units per acre.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PR PLANNED RESIDENTIAL ZONING AT A DENSITY OF UP TO 3.6 DWELLING UNITS PER ACRE.**

Steve Wise: The growth policy plan that Mr. Seymour has explained earlier is not a creature, the plan itself is not a creature of the Planning Commission as with all your other plans the General Plan and sector plans. You have the ability to revise or amend your general plan and sector plans and these other smaller area plans with latitude. The Growth Policy plan arose out of a unusual statute. There was a separate body established, the Growth Policy Plan Committee or something of that nature I can't remember, and it consisted of some 20 members. It was established back in the last century. They put this policy in effect the statute says that zoning must comply with the growth policy plan. That is also the same with your general plans which you have control over so from time to time you get applications for zoning densities that vary from the plan and you have the ability to manipulate the plan just as you have done in this case the sector plan to make it accommodate the requested zoning. In this instance because the Growth Policy Plan has parameters that are less than what is being in the pending motion, you don't have the ability to change that plan. I will agree with Mr. Seymour it was an awkward and strange statute. Local participation was not invited before the statute was enacted and it has resulted in some strange results. Nonetheless the statute says that your zoning must be consistent with the Growth Policy Plan. Failing that it is illegal. So the Growth Policy Plan I believe Mr. Reynolds says allow it up to 3 dwelling units. So before you approve anything more than 3 that would be contrary to State statute. If there is a saving grace this matter is recommendation to County Commission or where ever it is located, County Commission. So there will be an opportunity to correct any errors. I feel compelled to caution you that it would be violation of State statute.

Carey: As it would be at County Commission. So Growth Policy Plan trumps the sector plan.

Wise: It is a different animal. It is a...

Roth: The sector plan, the dwelling units per acre I guess is what it is.

Carey: Three is the maximum that the Growth Policy Plan will allow us, three dwelling units per acre. Anything we do over and above that is in violation.

Clancy: If I had a room full of people out here yelling and screaming that they didn't want this to go in I would probably say you are right. I am hesitant to I was going to make the motion, well I did make the motion at 3.6. If that is illegal. I say send it to County Commission and let them figure out whether it is legal or not.

Carey: I am not sure we should send them a violation to deal with. That is up to the Commission.

Roth: What was process is there to review the Growth Policy Plan.

Roth: It is in place forever?

Wise: Oh it is awful. It is. It is in place forever. Supposed to be revised Arthur said every three. I thought it was every five years. They were supposed to reconvene. The bodies I mean they just don't exist. They were so exhausted at the conclusion of putting this together that. Every county in the State had to do it. It wasn't just an anti-annexation. It was supposed to be some kind of anti-sprawl idea that was just flawed. There was just a lot of problems with it. Now a decade later we are confronted with them. Unwinding them is not going to be easy. You are not going to get that body to reconvene.

Clancy: Sounds like a task for County Commission.

Wise: No it is the state that will have to undo this.

Seymour: The committee has to be reconvened by the three majors. That is not going to happen.

Wise: Right and it is not going to happen. No. It is an albatross in the community. I recognize that. But the statute says what it says. As you know I rarely speak unless I feel like you are getting into a ditch. Here is a case where I am just pointing out. You can handle as you chose. It is not a roll for counsel to direct where you are going.

Herb Anders: Mr. Wise if this moves forward at the 3 per acre and it goes to County Commission and they appeal at County Commission. The County Commission would also be in violation?

Wise: Three is fine. Three is the upper limit. The motion is 3 and one half or something like that. It automatically goes. You are merely making a recommendation. Rezoning automatically go up to them. What you are struggling with is whether you want to recommend something that violates the State statutes.

Roth: So County Commission can't even approve above three?

Wise: Yea they could. They can do what they want but it would be violating the law.

Roth: That is what I am saying. Legally we are bound by the growth policy plan.

Clancy: My motion is at 3.6 and I am not going to change it and I will tell you why. I think as fast as it is growing I Hardin Valley as much as is going on out there, I think we need to maybe push a precedent and maybe figure out some way to change it. If we strangle development at 3 units per acre throughout that whole corridor that is a lot of houses for people that want a house that aren't going to get it. You can vote it down but I am going to leave my motion at 3.6 even knowing that I am violating State statutes.

Roth: I think I want to withdraw my second, but I am not sure.

Carey: I don't think any of us saw this coming today. After the fact if we did approve something over and above the three could there be a lawsuit brought by any opposition anyhow.

Wise: Certainly. As a body since you are merely making a recommendation you are not going to be a target. This ultimately is County Commission's problem. Yes, I just can't stand by idly and watch you do something that I know is contrary to State statute. The repercussions are pretty de-minimos.

Laura Cole: I just wanted to comment that it is not, I agree with Commissioner Clancy, but it is not just setting a precedent. Mr. Wise said it was illegal. That is why I am not going to support it. I think as it goes forward to County Commission they have more discretion than we do on discussing. They are going to read this discussion in the minutes and understand our dilemma. That is the only reason I am not going to support the 3.6.

Clancy: But it is not illegal to recommend it. It is illegal for them to approve it. But if you send it to them and they are like well we can't do that it is illegal and see the reason or the rationality in having a little more density especially in this area of our Knox County that is growing like this maybe they can, as a legislative body maybe they can talk to the majors and say hey can we get somebody to petition.

Cole: I get all of that. I just made my statement.

Carey: It is not all of Hardin Valley it is obviously a pocket. It's a district that is affected by this.

Carey: Mr. Reynolds, do you know how large district is.?

Reynolds: The Hardin Valley or the rural area? The rural area of the growth policy plan. The rural area starts at Steele Road where the elementary school is and goes all the way out west Hardin Valley to this property. Steele Road is the limit of the planned growth area.

Carey: That whole area can't exceed three dwelling units per acre.

Reynolds: That is correct.

Seymour: I think at the time this plan was adopted more land in Knox County was put in rural residential zone in the urban growth boundary and the planned growth boundary. Most of the land or a majority or not 50% but there is more land in the rural residential area than there is in the urban and planned growth areas of Knox County

Roth: I am just surprised we have not had this issue in the past. This is the first I have heard of this being a state law and our hands being tied.

Clancy: I think our Knox County government has been doing a good job of attracting people to Knox County and we need more places for people that have jobs and industry that are coming in.

Clancy called for the question.

Carey: Commissioner Roth is your second still in place is my question to you.

Roth: Since it is a recommendation yes I will second the motion.

Carey: We have a motion and a second to approve the rezoning to planned residential up to 3.6 dwelling units per acre.

Upon roll call the Planning Commission voted as follows:

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

**MOTION FAILED 9-3.**

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PR PLANNED RESIDENTIAL ZONING AT A DENSITY OF UP TO 3 DWELLING UNITS PER ACRE.**

Anders: Had that motion been approved I wonder what kind of predicament we put the developer in and he goes ahead and develops that at 3.6 and what happens down the road?

Carey: County Commission would be the shield there.

**MOTION CARRIED 11-1. APPROVED PR UP TO 3 DU/AC.**

**38. THE DEVELOPMENT CORPORATION OF KNOX COUNTY**

North and south sides Thorn Grove Pike, east and west sides Midway Rd., Commission District 8.

**a. East County Sector Plan Amendment**

From LDR (Low Density Residential) & O (Office) to BP (Business Park) - Type 1.

**11-E-15-SP**

STAFF RECOMMENDATION: ADOPT RESOLUTION #11-E-15-SP, amending the East County Sector Plan to BP (Business Park Type 1) sector plan designation

Bart Carey: Something we usually don't talk about but I thought was interesting here is the watershed. This must be on the watershed because it goes to both the Holston and the French Broad Rivers. I think the third, Tuckahoe, is a tributary that goes into the Holston. It is a large acreage tract and we have got water going both ways.

Gerald Green: Thank you Mr. Chairman and members of the Commission. The Development Corporation has owned this property for some time. I think all of you are aware of the past history of it. The Development Corporation in preparing for the submittal and application for this rezoning held two community meetings at which comments were received from neighboring property owners. A number of those comments addressed the concern regarding the growth of that sector of the county and the community around both as a result of the development of the business park and other growth pressures in the area. The staff in reviewing the request and in listening to comments from the community felt that the business park was an appropriate use at that location hence the recommendation. There are a number of benefits to the community that both the community of east Knox County and the broader community of all of Knox County even this sector of east Tennessee are many from the development of the business park. We do understand the concerns about the growth in the surrounding community and how that growth could actually compliment the business park and help in the success of the business park and its mission. For that reason we have worked with the Knox County Mayor's office and with our staff and are committed to working with that community in preparing

a community plan to anticipate not just the business park and its development but to address the other growth pressures in that area and to work with the community to identify ways to manage the change that will come to that community just as a result of as one of the Commissioner's pointed out earlier Knox County being successful in creating a great environment for people to live and work and more growth pressures overall in that community. With that I will stop and be happy to answer any questions. I know one additional thing. At our agenda review there was some discussion of the timing of the preparation of that community plan. Any direction that the Commission wants to provide to the staff we would be happy to accommodate. We have initially discussed starting that community plan in the new fiscal year in July. There was some discussion of the need to move that up and do it more quickly. We would be able to do that if directed to do so by the Commission. One final thing I would like to add is that a number of the comments related to the business park made at the community plans were more appropriate for the any type of development plan that would be prepared for the development of that site. That is one of the advantages of the employment community zoning in that the zoning approval comes at this point then the Development Corporation would have to prepare development plans for that site and present those to the Commission for review and approval. My understanding is that based on comments made at the community meetings the Development Corporation will work with the community and be receptive to their input during the development of those development plans or preparation of those development plans. There were a couple of issues that came out as major issues in those comments from the community. The handling of stormwater from the site, surface runoff, access to the site. There was a concern that the access come from the interstate and not lead heavy traffic and a lot of traffic through the community. Finally that the environmental constraints on the site primarily sink holes be addressed in the development plan. With that I will stop and be happy to answer any questions. I know that both the Development Corporation and the community will have comments and possibly some questions.

Carey: Thank you Mr. Green. Is the applicant present?

Todd Napier: Yes

Carey: Is there opposition today? Two people here to represent opposition. Okay. Thank you very much. Would the applicant like to go first or defer to the opposition?

Todd Napier: I would like to defer to the opposition but I would like to make a small request that given the amount of acres and public investment involved and the fact the application is both for a sector plan amendment and for rezoning I would respectfully request that we as the applicant as well as the opposition have

more than the allotted five minutes of time that we have allotted up to a total of fifteen minutes and two speakers if that is possible.

Carey: I think we are probably going to want to hear that. So you are asking for 15 minutes for each side instead of five minutes for each side?

Napier: Yes sir. I believe we need fifteen minutes in order to present the information that we have to share.

Laura Cole: Do I need to ask for that?

Carey: That would make it very comfortable.

Cole: I would like to ask we give them fifteen minutes each.

Carey: Commissioner Cole has asked for that time so yes we will grant that to both the applicant and the opposition.

Art Clancy: Why don't we take a break before we begin.

Carey: We have got to change the video out. Never mind. We don't do that anymore. Opposition you can speak first I think there are two of you that want to come today.

Janice Tocher: So we can't take a break first?

Citizen: Good afternoon and thank you for the opportunity of speaking with you...

Carey: Excuse me for interrupting. I am sorry.

Tocher: I am sorry. So we can't take a quick break first?

Carey: There is a request for a break and its 3:07 can we be back by 3:13? Is that fair. I am sorry sir we are going to take a break for about 5 or 6 minutes here.

A BREAK WAS TAKEN AT THIS TIME.

Carey: Ladies and gentlemen thanks for affording us that coffee... that was a reciprocal coffee break I think actually we just took. Thank you for allowing that. At last count we had the opposition addressing the podium. Sir do you want to state your name and address.

Thank you very much. My name is Ed Reed. I live in east Knox County on East End Road that is just right off of Thorngrove Pike. It is 435 South East End Road. I want to thank you first of all for taking time to do this important job at volunteer wages. I think it is very important that we serve our community and try to do the best we can by it. It's interesting to me that I have several

concerns about the Exit 402. I want to give you just a short little anecdote. First of all I want to thank you again for putting this information on the internet. I was able to find it and I printed off about 150 pages I think and read it through. One of them said that Midway Road is one of the top three business sections or busiest intersections in east Knox County. There's only three so it has to be in the top three. It is kind of like the big car race they had across Russia with an American car and a Russian car where the Russians reported the American's were way out in front but American's are next to last and Russians were almost there in second place. What I am going to tell you is the plan is to change it from agricultural and low residential. My wife's family and I have for the last 48 years have lived in that section of Knox County for 70 years. We actually think that there ought to be some exit on Interstate 40 that is not commercially put up with all kind of lights and traffic and so on. Right now I will just tell you that does every interstate exit have to be commercialized and all kinds of activity. We are talking about hardly any trucks at all. The plan proposes there will be 1,600 trucks every day exiting there. There's just a few cars. People coming and going to work and church and so on. Now it will be 33,000 cars per day. So it is a major, major change. It has been suggested by the study also that the infrastructure has changed. It is one of the major changes they said that Midway Road and Kodak Road and Thorngrove Pike have changed. I have only been there 48 years. I have seen no changes at all. It is still little, narrow country roads with people going back and forth. I think that is important to understand also. One other interesting thing there would be a lot more people here today except that about 9 years ago this was voted down based on a lawsuit as you know. Most of the people thought it was history already. Just to see these little signs up people thought it was just something different. I am recommending the fact that this is new to people. They thought it was history already. The people have not changed their minds about this at all. A third point that I will make in closing my remarks and thank you again for listening. When you look at the TDC if that is the proper credentials here from a layperson's perspective it appears that the developer has a conflict of interest because you have people that are not business people that are looking to build and produce, but they actually seem to be part of the Knox County business or the Commissioners. You have Mayors and Commissioners and so on. It appears to be a conflict of interest. Who is going to turn these people down? What rights do the citizens have to say anything about it? I would like to vote in favor, ask you to vote in favor of leaving the zoning as is and let's see if we have some of our people that can come out and do some residential development there. I will also tell you in addition that we thought it was turned down based on sink holes. I have 24 acres within a mile of this property and I have two big sink holes on it that never fill up which means water is going everywhere underneath the ground out there. No telling what would happen if there were

manufacturing and thousands of cars and trucks in that area.  
Thank you for listening.

Carey: Thank you Mr. Reed.

Jason Long, I am with Lowe, Yeager and Brown, 900 S Gay Street. I am here on behalf of Bob Wolfenbarger and the 8<sup>th</sup> District Preservation Association. I want to make sure before I begin... there were two submissions that I made to the Commissioners. One was a letter yesterday that went via email and today I dropped off copy of a letter with some packet information for each of you to review. If anyone doesn't have a copy of that information please let me know and I would be glad to pass up another copy. I would like to make that a part of the record of these proceedings. Significantly if you had told me Friday that I would be standing here arguing against an application by the Knox County Development Corporation and preparing to argue against Mr. McAdams on three days' notice, I would told you that couldn't happen because I am not that crazy. I find myself here and that is what has prompted my request both yesterday and reiterated today for a postponement of these proceedings. The fact of the matter of is that the community and my clients in particular have not had a meaningful opportunity to review at this point the proposal or the recommendations of MPC which came out Friday and get them to me in a timely fashion that an appropriate position can be taken. As a matter of allowing that meaningful opportunity we have requested postponement of proceedings for 60 days. I understand the Development Corporation is in opposition to that request and certainly I understand their position that they have invested time and money and effort in getting the proceedings to this point. However I would point out that this property has been in the hands of the applicant now for almost 10 years. A request of 60 days in my opinion at this point will not so hamper proceedings that if this is an appropriate development certainly it may go forward. If it is not and there is investigation that needs to be done on behalf of the residents that would provide an opportune time to do that and to develop a full record at the beginning of these proceedings at the MPC level rather than waiting for this matter to go in front of the County Commission waiting for subsequent action to be taken. I think it is important that at least on an issue and a piece of property this size that the record be as complete and as fully developed and as accurate as possible at each stage of the proceedings so that reasoned decisions can be made. If this body decides not to postpone these proceedings I still do rise in opposition at this point to the proposal and for a number of reasons. The requirements for change in the sector plan as this body knows is that there be a change in the property. We have heard today other pieces of property and I am sure you will hear from the Development Corporation and the materials they have submitted in application that there has been an increase in access to utilities. I think they referenced some changes in the roads

although the speaker who immediately preceded me I think took issue with that, and that constitutes a change that now warrants a change in the sector plan. What I would suggest is while those changes which make it feasible or possible to change the zoning to EC in this case, the real question is are there any changes to this property that make it appropriate; make it the best thing to do with this property. We would suggest that at this point those changes haven't been shown. As the person who preceded me indicated, there hasn't been any substantial change in these properties in a number of years. They are old country roads; rural pieces of property. In fact there haven't been any zoning changes or requests with the exception of a billboard change on one corner of a property as far back as anyone at least that I have talked to so far can remember. The people of this community have been very clear about what they want in this community. This property has maintained that consistent character for years. There have been discussions and in fact the Executive Director mentioned and there will be ongoing discussions about potential health risks in the development of this property particularly the stormwater runoff, the sinkholes that litter this property and how those issues are to be addressed. Because those are such significant issues we would suggest they need to be addressed on the front end. We don't want to get far into this process, have surrounding properties rely upon that EC designation if it were granted only to find out that this is not a piece of property that can be developed effectively in the way that the applicant has suggested. And for that reason we would request that additional time be granted to do studies to make sure that a proposal can work in this property. I think part of MPC's guidelines that are referenced in the materials indicate that this type of zoning is only appropriate where there is a predominantly flat or primarily flat grade 0 to 6 degrees. If you look at the topography map that is included in your materials, the grade is all over the place on this particular piece of property. Sure there is some parcels or some portions that are 0 to 6 degrees. There are also plenty of portions that are over 25 degrees. This is a piece of property that is going to need substantial work and substantial analysis to determine what type of venture can be proposed for this particular site. To date I don't think we have seen that information and for those reasons we think it is premature to grant the proposed request at this time. There are, of course, and because my time is running out a little bit I will refer to the materials that I have already submitted to you and don't need to repeat them other than issues such as air pollution; such as the increase in the management of wastewater that could be the result of in this development; and the fact that at least in the opinion of my clients and many of the residents it is not a development that is particularly needed for this area. They would point to or I would point to the fact that we have other business parks within a five mile radius of this particular parcel that still have capacity; that still can afford businesses an opportunity to develop if that is what the community needs. It is not necessary at this point to establish yet another business park

when these others are functioning not at capacity at this time. So for those reasons we request first a postponement of proceedings. But if this body does go forward with deliberations, that the application be denied today. Thank you.

Carey: Thank you Mr. Long. You still have three minutes and thirty-eight seconds of your 15 minutes to use for later if you need to.

Todd Napier with the Development Corporation of Knox County, 17 Market Square No. 201, Knoxville, TN. I am here today in my capacity as President/CEO Development Corporation as well as to represent our Board of Directors for this application for a sector plan amendment and rezoning of Development Corporation's property along interstate 40 at exit 402. The Development Corporation, it has been spoken a little bit but just so you knew who it is and who it represents, our board has 13 members; 8 private sector members; 5 by virtue of their elected office become members of our Board. That is County Mayor Burchett, City Mayor Rogero, Knox County Commission Chair Dave Wright, Vice Chair Bob Thomas and County Commissioner at large Ed Brantley. So it is very important the reason the board was made up that way was to make sure they represent the better interest of Knox County as we move forward with our plans. It was established in 1991 as a 501C3. Our mission is to facilitate job creation and incentivize private investment activities in Knox County and one very significant way we do this and why we are here today is through the development ownership of business parks to ensure that Knox County has ready sites to recruit new businesses and accommodate the expansion of existing businesses. The Development Corporation works very closely with many other organizations. It works closely with Knox County, City of Knoxville, both industrial development boards for the City and County, TVA, the Knoxville Chamber, the State of Tennessee, Innovation Valley Partners and many, many others to make sure that Knox County will remain competitive in attracting, growing, retaining businesses and job opportunities they bring. So the decision by us to pursue the development of a business park along Interstate 40 at the Midway Road interchange was not a decision made lightly, in haste or without consideration or planning. Two separate studies County wide done, County wide studies done by the Metropolitan Planning Commission first in 2002 and then in 2005 both identified the Midway Road property as suitable for business park development. There were five primary criteria used to identify these sites that were most suitable in Knox County for business park development. They included terrain, large tracts of vacant land, compatibility with surrounding land, compatibility with surrounding uses, accessibility and utilities. The Development Corporation's Midway property currently meets or can easily meet all of these criteria. Knox County is well positioned in many ways to make the most of the good economy and increase jobs here but in one very

fundamental way we are not as well positioned. Knox County doesn't have an abundance of real estate options to offer companies looking for sites where they locate or expand operations. Most of the buildings that have become empty during the great recession we just recently came out of have since been reoccupied I am happy to say and we are now seeing a shift in demand toward land options upon which to build new facilities. Over the years various factors regarding how important a particular... what's ranked as number one, what companies are looking at and where they rank in making decisions about location have changed. However there is one factor that has remained very consistently important and near the top and that is proximity to highway and interstate access. Exit 402 along Interstate 40 where this property is located is the last remaining undeveloped interchange as has been stated in Knox County. We are so very fortunate actually to have the opportunity to take this great opportunity and to develop it in such a way as to leverage the creation of jobs for our citizens. Developing property, particularly business parks is not quick, easy or inexpensive. It is very involved, very lengthy and expensive. In fact in was in 2006 when Development Corporation identified, initially did get this property rezoned and took ownership of the property. It is not in the best interest of the citizens of Knox County to delay this thing any longer. This property meets all of the criteria for a business park site as well as the criteria for the requested sector plan amendment and rezoning change being sought. I respectfully request your support of our application so they can finally move forward with this very important, very needed project. Mr. Tom McAdams who is representing us will now provide you with some additional information in support of our application.

Mr. Chairman, Members of Commission I am Tom McAdams with Bernstein, Stair and McAdams, 116 Agness Road, Knoxville, 37919, here on behalf of the Development Corporation of Knox County. Let me address first the request for the postponement. This has been one of the most public processes for a rezoning process and a sector plan amendment process in recent history. The Development Corp board gives public notice of its meetings and holds public meetings. It approved the filing of this application on August 20 and directed that a public input process start. On August 25 WBIR ran a story about the application. On September 8 WBIR ran a second story. WATE ran a story. The Knoxville News Sentinel ran a story. On September 10 information was posted on the Development Corporation website. On September 15 after notice to the neighbors there was a bus tour of the Development Corporation business parks in which many neighbors participated including Mr. Wolfenbarger. There was an on-site dinner hosted by Mayor Burchett on September 15 on the property in which Mr. Wolfenbarger participated. I don't know if he ate, but he was there. There was a public workshop on September 17 at Carter Elementary School which Mr. Wolfenbarger attended. There was, the application was not filed

until September the 28<sup>th</sup> after having been discussed at all these meetings. On October 8<sup>th</sup> there was a meeting at Carter Elementary School facilitated by University of Tennessee staff. On October 15 it was again discussed at the Development Corporation board meeting. On November 6<sup>th</sup>, in the normal process of the MPC, staff posted its report and recommendation. So this has been a well-publicized process. Everyone has had ample time to prepare and we do not believe a postponement is appropriate. To respond briefly to Mr. Long's other comments he mentioned studies and questions about the site and the suitability and so on. The Development Corporation did not spend millions of dollars buying this site without doing some investigation. We furnished to you in your packages a list of some of the studies that have been done that include endangered species studies; that include cave studies; that include closed depression studies, geologic studies; over 30 onsite borings have been conducted and there are other phase I environmental surveys and so on and those are in your, the list of those is in your materials. We understand many of these issues will need to be addressed in detail particularly the drainage and other issues. That's why the Development Corporation requested a planned zone. The EC Employment Center zone is a planned zone and they will be coming back before you with a detailed plan, studies, whatever information MPC staff feels is appropriate to request. There will be a much more comprehensive package presented before any development could occur assuming the sector plan amendment and rezoning are approved. They will have to comply with all State and Federal and local laws concerning drainage and stormwater runoff. Included in your package is information about the hillside and ridgetop protection plan. Very little of the protected area is on this site. Most of this site is outside the range that is protected. That will be taken into account. We have heard the concerns of the neighbors and will be addressing that in the development plan. In terms of capacity, included in your report is materials about development sites that are currently available that Knox County can offer to perspective businesses and to local businesses who want to expand. There are no sites that Knox County can offer in the Forks of the River Industrial Park. The East Bridge business park does have sites available but it is a different type of park that is a good distance from the interstate highway and thus has been slower to develop. The other parks are rapidly depleting. The Hardin business center, the Pellissippi Corporate Center, the parks that have proximity to interstate interchanges are rapidly running out. Knox County had a relatively low amount of acreage available to begin with and it has dropped from approximately 360 to approximately 280 acres within the last 5 years. A substantial change, a substantial bad trend in the amount of land available for economic development. That too is in your materials. I would like to review very briefly what we filed with you for consideration and that it has been filed with Mr. Wise and made a part of the record today. TDC submitted early a statement with an appendix. We yesterday submitted a

supplemental appendix with additional materials. I would also file today just for the record a copy of the 2010 East County Sector Plan. We filed a package that includes aerial photographs, sector plans and zoning maps of every interstate interchange in Knox County. The materials that were submitted to you include a list of the primary sector plan designations and primary zoning designations at every interchange. The trend in the last five years as you have seen for yourselves is for more intense development around rural interchanges. We have seen it at Callahan Road. We have seen it at Emory Road. We have seen it at Raccoon Valley Road. We have seen it at Hardin Valley Road, We have seen it at Watt Road and that is the trend. One of the things you look for in sector plan amendment is trend and development. That is both a trend in development and an evidence of governmental policy. The trend and the government policy is for more intense development including light industrial uses and commercial uses around interstate interchanges including interstate interchanges in rural areas. The other materials that we have submitted include a copy of an MPC rezoning report from 2012 on an application filed by TB Properties, LLC, for development on this same property. In that one which MPC staff recommended that report was submitted because it contains a good description of things that have occurred since the 2010 sector plan was adopted and other indications of changes in Knox County policy including Knox county approval of a pilot program where Knox County proposed to incentivize business development of a corporate warehouse and distribution facility and headquarters on this same piece of property. As far as evidence of what the government policy is toward this piece of property they have already taken actions that indicate it should be used for light industrial purposes. We would ask that all of those things be made a part of the record. We also have presented to you today and have filed with Mr. Wise a copy of this presentation, TDC's presentation to you today which generally summarizes and highlights some of the information in the appendices that have been filed with you. There have been significant changes in conditions. It is true that there has not been a great deal of road work in this area. But the introduction of new roads and road improvements is also a criteria for an amendment of the sector plan. We recognize that traffic impact studies will be required. We recognize that TDC will be required to improve Midway Road if its development plans warrant that and the traffic study says that will be required. So road improvements would be anticipated. That section also says new utilities. We gave you a utilities map. Massive utility changes in this area since 2010. At the time the sector plan was adopted everyone assumed it would be an on-site wastewater treatment plant. That is not correct. KUB is here and can confirm that it will be connected to the East Bridge wastewater treatment plan. I hope you will take a moment and review the statement. It includes other evidence of changes in conditions affecting this property and Knox County generally. Mr. Napier is here. Also present today are Rhonda Rice, the Executive Vice President of the Knoxville Chamber; there are

representatives of the Knoxville Utility Boards and there are representatives of S&ME Inc., the project engineers. If you have any questions for the Development Corporation, the Chamber, KUB or the engineers, they would be happy to respond to you. We appreciate your consideration in regard to this and would be happy to take any questions and hope you have had an opportunity to review the materials that have been submitted and filed for the record. Thank you.

Art Clancy: So much to say. Thank you all for all coming out. I participated in the last round of this 9 years ago. It was a good opportunity for us to bring more economic development acreage into our grasp and entice industry to come here to Knoxville. I have got a thing from the Development Corporation shows us as second to the last in competing cities for economic development acreage. That is unacceptable. As a Commissioner on this board it is our responsibility to make sure Knoxville is the best place in this area to live period. That is part of what we do. We make sure development happens and it happens responsibly. None of us take that lightly. We are all concerned with watershed, with everything. Right down to the economic development. I have gotten so many emails and letters from people. I would just like to address one of the issues first and say that I have gotten several that commented on greedy developers and how the Development Corporation and Knox County were in cahoots. Let me just read you something. I pulled it up. Our Knox County government commissioned the Development Corporation with this. This is their mission. Think what you want but... "To maintain and improve the quality of life including environmental concerns for the citizens of Knox County by developing the overall economy of the County." Their long range goals: "Increase the manufacturing percentage of overall employment. Increase established basic employers' capital investment and job creation. Increase the per capita income growth equal to that of the State as a whole. Maintain Knox County's role as a regional retail service and education center." That is what they were created to do. That is their task. When nine years ago they went out and purchased this property, I understood this was the best thing for Knox County. The people around this feel like it is an imposition. It may very well be but there is a whole county that depends on being competitive in the economic market and we have to have acreage to do that. Nine years of wasted and lost opportunities. I can't tell you what they all are but I guarantee you Mr. Napier can give you a slew of opportunities missed because we didn't have large enough parcels to accommodate some really good employers that would come into this area. Nine years ago I made a motion to approve this and I am going to do it right now again. I make a motion that adopt resolution 11-E-15-SP amending the East County Sector Plan to BP Business Park Type 1 sector plan designation.

**MOTION (CLANCY) AND (SECOND) ROTH WERE MADE TO APPROVE THE SECTOR PLAN AMENDMENT.**

Michael Kane: In general I agree with the things that Commissioner Clancy said. I do not disagree with the business park. I understand particularly the need for developments along interstates. That is what the businesses want whether we like it or not. The problem that I have is that I think the community has made it very clear that they want to maintain the rural residential nature of their area. I don't necessarily think those two are in conflict. We see the East Bridge Industrial Park is out in the county. There is not a lot of development around it outside of the development itself. The problem that I have is that the...We have no tools in place currently that essentially will help maintain the rural residential character of this area outside of the business park. Once this business park is approved if it is approved, then there will be all kinds of justifications for sector plans. The recommendation or the plan that there be some kind of study done in fiscal year 2016 to 2017. Again it is a study. We talked about the Bearden Village Opportunities Plan which was a study from 2001 and we talked about it in our agenda review. Basically there were a lot of Commissioners that say it is just a plan. It is not important and we don't have anything to say compel us to stick to this so and we don't feel like we can. So I see that what's happened is that instead of the time from when this got turned down the last time in working with the community and saying hey let's put the tools in place to maintain the rural residential character of this outside of the business park. We didn't do that. Now we are trying to get the business park in and we don't have those tools. So in my opinion there is going to will be an explosion of requests for sector plan changes all justified based upon this sector plan change or this new business park. I don't think this plan, by the time this plan gets done and anything gets implemented, it's going to be four or five years from now. The whole place will be changed by then and it will be worthless. I can't support it overall because I don't think that adequate planning has been done in the things that have been implemented. I like the idea of a business park. I think it is a great idea. I think that again the two rural residential and the business park at that area can maintain. Yes there will be some impact. Would it completely change everything? No. But that planning has not been done. I think that our governmental leaders and MPC staff as well as this Commission have done a disservice to the community.

Carey: Thank you Commissioner Kane. I think we all need to try to stay focused right now. We are trying to figure out if we can justify a sector plan amendment and is this doing that. We will have the zoning of course coming up after this. I have a sequence of lights but I have seen Mr. Green's light come on. I would like to kind of jump over the line and see if you might address something here. We will go to Commission Cole.

Laura Cole: I agree with many things that both Commissioner Clancy and Commissioner Kane said. I was here for the original discussion. I was against it at that time because there was no, in my mind, there was no justification for the sector plan amendment. I believe that further down the road here we are and I think that there are some significant changes in the sector that would warrant this business park. But Commissioner Kane brought this up Tuesday and again today. The concerns I have is to keep a balance. Our job I believe is to look at the big picture and keep a balance. While we have this big change coming I realize that there were other things that we had put in place in the sector plan recommendations that have been there many years that have never been brought to fruition. One of those has some potential and Knox County has agreed to fund this community plan. I discussed this with Mr. Green before the importance of the community plan which impacts the property outside the business park. I wanted to ask Mr. Green if there was a way we could accelerate the Community Plan and what tools are available to us that allow us to accelerate the protection of the land outside the business park while not interfering with the schedule of the business park itself.

Gerald Green: The staff can implement or begin the community planning the first of the calendar year in January. We will have to look at funds from our fund balance to retain a consultant to help us do that. I have already talked to some consultants we would request, present proposals for doing that. Give them a deadline of no more than 6 months hopefully less to do that community plan in which tools could be identified. We would then, understanding that any funding from the county that would come in the next fiscal year, we would replenish our fund balance with those funds. I would adjust our staffing to assure that there is staff to assist with that. Something to move even faster would be to look in the sector plan and the French Broad Corridor plan to see if there are recommendations in that, tools that could be implemented even before the community plan is done. That would have to be careful because we want to build community support for those tools as part of the Community Planning efforts. Whether we are able to do that or not is still open. I believe that sector plan and corridor plan could provide us a jump start in doing the community plan. The biggest tool we have for addressing potential growth and impact prior to the development of the business park would be the direction provided by this Commission. Every request for sector plan change, area plan change, or rezoning would have to come through this Commission. That is the biggest tool we have to slow down those requests until we have opportunity to look more thoroughly at the community. One challenge that does exist is the zoning of 130 acres at that intersection that is actually in the City of Knoxville as opposed to Knox County. It is zoned C-4. How do we address that there are a number of uses permitted that which could be

developed without any approval from this Commission or even MPC staff. They would be reviewed by our codes administration permitting department because they are permitted uses. I think the limitation on that development is the lack of utilities, specifically wastewater and some of the topographical and geological constraints on that property. We would hope that as part of the community plan that we are doing that we would address those properties also and would seek the City's endorsement of any change in the designation of those properties. It is my understanding that it will take some time for the development plans for the site to be prepared and presented to this Commission, probably if I remember correctly and I will look to Mr. Napier for confirmation on this, about 6 months to prepare those development plans. Then they would go through the approval process and then there would have to be a contracting period to identify contractors and start developing in phases. The actual development of the business park would be some years off probably. I think we need to move expeditiously on the preparation of that community plan so that we can address the questions that have come up like Commissioner Kane and your questions Commissioner Cole and to address the concerns of the community. It may be strange but after all these years in this profession I still retain some idealism. But I would like to think of this as an opportunity for the community to work together to realize that change is coming to that community, with or without the business park, and how can they manage that change as opposed to letting that change overrun them. I think this is a great opportunity for the community to work together with the Development Corporation to assure that the development in that area is complementary to each and becomes almost a synergy where the community is enhanced by the business park and the business park is enhanced by the community.

Cole: Are you suggesting that this body, all projects coming to this body would be a way to control some of that development that might take place outside. It could happen very rapidly and I think the community feels that once we do this rezoning, things are going to start happening and we have lost control of everything outside that business park.

Green: Again because of the zoning of most of the area, the development potential is limited. There are, there is the 130 acres of C-4 zoning at the interchange over which we have little control at this point. There are some small parcels of commercial zoning in that community but the parcels are so small the development potential would likely be limited. Being able to require all projects to come before this board even, especially in that C-4 designation, would be challenging because of the current zoning.

Cole: The conservation area I think that has been discussed in the French Broad Corridor Study, I think that is the big concern in there is that area that has now, there's plans to put it in

conservation. But now it has not even been looked at. Is that something that would the community plan accelerating that would move toward putting that conservation zone in place around the French Broad?

Green: That would certainly be a goal of the plan. Again we would have to work with the community to build community support for that and assure that's the will of the community. We can't impose something against the will of the community but would certainly work with them and look at that as a tool to protect that.

Cole: That forward. Thank you.

Art Clancy: I just wanted to say that and I wanted to ask a question of staff does anybody know when Employment Center zoning was put in place? Michael. 2011.

Kane: That is what I was thinking was about 2011. That is what I was thinking.

Mike Brusseau: It is referenced in 2003. I am trying to find it for certain here.

Clancy: Seems like I remember it coming before us and approving it or at least some amendment to that. We haven't just sat and waited around and done nothing. We passed or amended the Employment Center zoning which in essence anything that goes into this development has to come back before us at which time it is our responsibility to make sure that what goes in there is fair and helps Knox County and protects the neighbors. That is our job.

Kane: I don't disagree with that. I think the Employment zoning is the right thing. I am not talking about what happens within the business park as planned. I am talking about what happens outside the business park.

Clancy: I understand and I agree. Update the French Broad River Corridor Study; do the small area development plan. All that is great. I think that is fantastic. But we miss opportunities when we don't act on trying to get these things done. It is kind of like what comes first the development or the utilities; the infrastructure or the zoning.

Kane: I am not arguing with that. I am arguing that this community fought very hard ten years to maintain the rural residential character of their community. That was very loud and clear. It went all the way to the courts. Very loud and clear. We have all these plans and studies. We have concepts of plans and studies. None of them have been implemented and none of them have been enacted in a way that they are operative. I will use that word very deliberately that they are operative in overlay

districts that protect that this body can say, yes I can hang my hat on making that decision to support a sector plan or deny that sector plan or whatever. There is nothing there for us to do that. These plans again that we are talking about, it could take three years for something to come about. We are a recommending body for sector plan changes. You know whether they come through us or whether we say no you can't do that or we don't recommend that you do that, it still goes to County Commission. I don't know if County Commission there are people on County Commission who have pledged to say no. We are not going to support any development outside of this business park. I haven't heard that. I don't know. It is very difficult for me again looking at the big picture to say to support this because this is such a huge impact on the community. It is very difficult. I want to support it. I do. I also want to support, maintain the rural residential or at least a way that this community feels confident in how they want their area to grow. They may not want to be the Callahan Drive. They may not want to be the exit off of Hardin Valley. I think those people should have some opportunity to have some control over their destiny. Nothing has happened much in the last ten years. I mean it says something. It does say something. We need to recognize that.

Clancy: I think we recognize it in lost opportunities.

Carey: I too sat on this body back in July 2006 when we voted on this and we changed the sector plan and I think in hind sight we would concede that we made an error that day. Our charge right now is to come up with a conclusion of does this sector plan justify change today. It is the classic chicken or the egg. We also have to consider property rights. Can a study ultimately tell an individual if they don't sign onto the study if you don't want to be a part of the historic overlay you don't have to be one? But once you, there is a sticky wicket there that comes into play with how a plan works and property rights. I am getting ahead now.

Green: I just wanted to respond to Commissioner Kane. I certainly appreciate what you are saying and looking at our past record of implementing plans it has been poor. But I will make a commitment that we will do this plan and that the tools identified in it we will bring to for adoption as implementation tools. We will have the plan completed by July 1 of 2016 and start bringing those implementations tools and even then those tools will have to have support from the community. I look to members of the community for that. Those tools have to be partially identified by you and your support. We will not bring something forward that does not... from staff's perspective as a whole we have to do a better job of providing implementation of our plans. I charge this Commission with assuring that when the plan comes to you with implementation strategies then you hold us accountable, us as staff accountable for bringing those implementation tools to you for approval. I hold the community accountable too. We are here

as staff to Commission and more importantly as staff to the communities. We need to take that responsibility seriously and we will.

Herb Anders: I have a question of Mr. Napier. If you would I attended the meeting that the University of Tennessee facilitated. I thought it was an excellent meeting. A large attendance from the community there. I heard you say at that meeting the sensitivity that you would have to their input regarding the development surrounding this business park. If you would just for the record would you reiterate your comments briefly or summarize your comments at that meeting.

Napier: I will do my best to address that because I do not remember exactly what I said. One of the things we will be very sensitive to and very committed to is making sure that we are sensitive to the properties and the nature of the properties surrounding us. As a matter of fact a couple of weeks ago I met with one of the families that I guess recently bought a piece of property behind us. We walked around out there and he and I talked about where could we plant trees. How could we do that? Could we do some on his property, some additional ones on our property? We talked about security and kind of where the buildings could potentially be located. We talked about setbacks and things like that. We are going to take that level of sensitivity all the way around the perimeter of the property. One of the things that particularly as you look over here on the what would be the west side of the property as it moves down toward the interstate it moves down. So we're going to as you building and develop there is going to be a vertical and a horizontal separation particularly on two-thirds of the property. So there are lots of opportunities to do that. Those things will be codified in the development plan related to landscaping, setbacks, building materials, building heights, types of lights, down-lighting, roads. That is really the tool, the mechanism by which we are committed to a plan and obligated to. When we have done this in our other parks to design standards, we enforce those. But the development plan really is a whole different level. It says you have agreed with the local government to commit this and if you don't then you can't move forward or get approved. I don't know if that helps answer that question.

Anders: It does. I understand if I remember correctly there was a plan to dedicate some portions of land for...

Napier: That is correct. Over on the eastern side of the property there is a cemetery. There are three different congregations, churches that share that. It is not full but obviously they are concerned. It is about 12 and one half acres. At our most recent board meeting I got a verbal commitment from my board to work with them to dedicate five to six acres that adjoin that, to that. I have had contact with someone who represents one of the

churches and they are going so far as to make sure they are in a position legally to accept that property. That would be put together in our development plan. We absolutely want to be good neighbors here as much as we do anywhere else. We want to be part of the community. We are going to do things in this park that identify as a member of the community more so than we have ever been able to do before. I think times are changing and that is expected. We are a business resource and a community resource.

Jeff Roth: One thing I want to point and I don't disagree with anything Commissioner Kane said. I agree with what Commissioner Clancy said. I am certainly in favor of this business park. I think when you are dealing with the surrounding properties some things I would throw out there to keep in mind. If we today said we want to put a moratorium on development of the surrounding properties, I think what we are doing is we are taking away the right of one property ownership. That is a big issue with me because whoever owns the property would have to agree to want a change down the road if we were even to consider it. I think we just talked about a situation in Hardin Valley where some 15 years ago a committee garnered together and decided somewhere in Knox County we shouldn't have more than three units per acre period. In the intervening 14 years things have changed. We have no ability to change with the things that have changed in Hardin Valley. I think if we simply were saying we want something that's going to say there will be no other development outside this thing, I think we would be making a mistake. I think there is zoning in place. There is certainly a sector plan in place, but there is also down the road the ability for reconsideration when things change. I think a community plan is a great thing as long as the community is involved in that. I also don't think we should sit here today and think about putting some type of moratorium on future development around it.

Janice Tocher: I was not a part of this body when the initial business park came about but I was very involved with it through keeping up with the information. I think the Development Corporation of Knox County I am hearing what you guys are saying and it sounds like a great opportunity and you are doing... I think the business park out there can be a great asset. But I am concerned, Commissioner Roth you say you are not in favor of doing any kind of moratorium. We are not talking about a moratorium that would be forever. It is something that would be let's not make any other changes until this community plan is in place. I am going to stand by that. I don't want to see other people come and say okay now that this sector plan has changed that there is going to be a lot of other types of development that are not conducive to the rural community. I would be in favor of putting some sort of moratorium until the community plan is in place.

Cole: I just wanted to make the comment that a conservation overlay wouldn't be a mandatory rezoning. I would never support that but it does give the community an opportunity to put blocks of property together that will conserve and area. Just wanted to be clear on that property rights issue.

Clancy called for the question.

Carey: We are voting to amend the sector plan to BP Business Park Type 1.

Carey: Can we get a show of hands of the no's? Three, four.

Roth: There is no waffle vote.

Carey: I think we have a majority.

Tocher: I am just confused. When we are voting on this there was no provisions in there that any other development cease or be put on hold until the community plan. Is that correct with this vote?

Carey: That was not in this motion.

Tocher: Okay then no.

Carey: We have four no's.

Thom McAdams: Commissioner Carey would we request you call a roll call vote.

Upon roll call the Planning Commission voted as follows:

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

**MOTION CARRIED 8-4. BP (Business Park) - Type 1 APPROVED.**

**b. Rezoning**

From A (Agricultural) & CA (General Business) to EC (Employment Center).

**11-J-15-RZ**

STAFF RECOMMENDATION: Approve EC (Employment Center) zoning.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE EC EMPLOYMENT CENTER ZONING.**

Clancy called for the question.

**MOTION CARRIED 12-0. EC EMPLOYMENT CENTER ZONE APPROVED.**

Carey: Thank you very much for your participation. Maybe especially the ones that weren't recognized today were maybe some of the people in that community who were heavily involved in the process that were supportive of where we ended up today. I see many of you out there and you helped shape where we got today and thank you for what appeared to be your silent support in this process.

**Uses on Review**

- P 39. ED CAMPBELL **8-B-15-UR****
- West side of Iron Gate Blvd., south of Hardin Valley Rd. Proposed use: Self-service storage facility in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 40. MERCHANTS RETAIL PARTNERS **9-D-15-UR****
- Northeast side of Cherahala Blvd., north of Hardin Valley Rd. Proposed use: Self-service storage facility in CA (General Business) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 41. BETSY BRENT **11-A-15-UR****
- West side of Piney Grove Church Rd., north of Middlebrook Pk. Proposed use: Veterinary clinic in O-1 (Office, Medical, and Related Services) pending District. Council District 3.

STAFF RECOMMENDATION: Approve the request for a veterinary clinic as shown including the future expansion area as shown on the site plan subject to 6 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Withdrawn Prior To Publication **11-B-15-UR**

- \* 42. HERIBERTO HERNANDEZ **11-C-15-UR****
- East side of Washington Pike, south side of South Mall Rd. Proposed use: Eating and drinking establishment in C-1 (Neighborhood Commercial) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for reuse of an existing 2,182 square foot building as an eating and drinking establishment, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**W 43. RUTH M. WHITE**

**11-D-15-UR**

Northeast side of Lucinda Dr., southeast of Essary Dr. Proposed use: Duplex in R-1 (Low Density Residential) District. Council District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**44. GEORGE EWART**

**11-E-15-UR**

South side of Sutherland Ave., west of Lebanon St. Proposed use: Restaurant in C-1 (Neighborhood Commercial) District. Council District 2.

STAFF RECOMMENDATION: Approve the request for up to 2,590 square feet of restaurant space, subject to 9 conditions.

Gerald Green: The property for which the use on review is requested is within the Bearden Village Opportunities planning area which raises some I guess policy issues on which we would like your direction as you review and consider this request. The Village Opportunities plan, the Bearden Village Opportunities plan recommends that development be pedestrian in nature that buildings be built towards the front of the lot with parking to the side or rear. For that reason one of the conditions is that one of the buildings be placed back on the lot with parking on the side and the rear. It also recommends that curb cuts be reduced to create a more pleasing pedestrian environment. In working and meeting with the applicant, the architect and the owners of the proposed restaurant, we realized that the two curb cuts were necessary for deliveries and to accommodate traffic flow. Compromised and allowed two curb cuts. The restaurant has a use on review hence it being here. Another policy issue for us and I will name all of those, the first policy issue is are uses on review subject to more stringent or additional than typical uses as set forth as permitted uses in the zoning ordinance. If so to what degree do we rely on adopted plans in reviewing those? That is the second policy issue. First is do we have the latitude with uses on review to do a more stringent and in some cases a more thorough project review and the second policy questions is whether we can rely on those adopted plans as well as the ordinance to identify standards or provisions for the development of uses on review. With this case in this instance the Village Opportunities, Bearden Village Opportunities plan again has not been codified. It is an adopted plan. It was adopted in early 2000's and has been used by the community to implement improvements in that community with an activity community organization. I guess the third policy question is to what extend does the

community have the ability to guide development within that community. With that I will be happy to answer any questions. Those are major policy questions which staff especially under new directorship needs some direction, would appreciate direction from this commission. With that I will let the applicant speak.

Terry Faulkner: 4178 Ridgeway Lane, 37919. I wouldn't describe us as opponents of this development. I would describe us as supporters of the staff recommendations that go along with our Bearden Village plan. I am here as President of the Bearden Council and I am going to be supporting the staff recommendations relating to Mr. Ewart's use on review. Our group was formed in 2001 and is an umbrella group composed of representatives from the Westwood, Forest Heights, Historic Sutherland Heights, Lyons View and Sequoyah Hills/Kingston Pike Homeowners Association. Our mission is to implement the goals put forth in our MPC Bearden Village plan which was created by MPC staff working with neighborhood leaders and Bearden business representatives for over a year. This pedestrian plan provides guidance for every aspect of future development in the Bearden Community. The goal of the plan is to create an attractive, sustainable urban environment in which residents can live, access all their needs and enjoy an excellent quality of life without ever owning a car. During the process of approval by MPC Commissioners and City Council in 2001 we were reminded repeatedly by members of those bodies that unless our community leaders worked to implement the plan that it would sit on a shelf and gather dust. We have diligently worked for the last 14 years to carry out the plan always assuming that MPC staff and Commissioners would stand behind our plan. The Bearden Village received the first MPC Environmental sustainability award in 2006. Our group has worked since that time with over 120 businesses and developers within the Bearden community with three mayors and several city council representatives. We have worked with TDOT, KAT, East Tennessee Community Design Center, Knox Heritage, Keep Knoxville Beautiful, Knox County School System and various UT officials. I would like to address at this point Mr. Ewart's concerns and questions about what we have done on Sutherland Avenue. Two million dollars of State contestation, medication and air quality funds were acquired and used to build approximately two miles of greenways and sidewalks. The roots and shelter cap stops were based on the Bearden Village plan. Over 150 trees funded by business owners, the City and UT have been added to beautify and provide shade. The City recently completed a \$400,000 sidewalk to access pedestrians to convenience stores and restaurants across from the UT athletic fields. We worked with the University on this main street project and they agreed to participate and added a public plaza, two greenway connections and paid for a pressed asphalt crosswalk on Sutherland at Hollywood. We worked with developers Jay McBride, Paul Murphy and the City to get sidewalks on the north side of Sutherland across from West High School. We attempted a

compromise with Mr. Ewart and I think Gerald Green can address that. Our recommendation is going to be to stand by the staff recommendation on this request. I would like to recognize Mary English a member of our group who would like to speak also.

Mary English, 810 Oak Grove Lane. As Terry mentioned I am on the Bearden Council. I have lived in Bearden for 35 years. I am also a professional in land use. I have spent a good deal of my career working on urban growth issues as part of my policy work. Staff is recommended approving the use on review subject to the 9 conditions. The condition I want to focus on is condition four to make it clear that condition specifies placing the restaurant at the front of the lot with parking in the rear unlike the commercial strip that is to the east on Sutherland the lot that you are looking at is right in the middle of a mixed use area. It is surrounded by residential, office. It is a very small strip. Right now the lot is vacant. It has been vacant for a long time. This vacant lot is precisely the kind that benefits from the design features that you find in the Bearden Village Opportunities plan and that has been spelled out by Mr. Green and his staff in their recommendation. These design features not only enhance the neighborhood, they protect the property values of surrounding property owners. They will actually probably benefit El Charro. They also, and this is part of your responsibility, they help to enhance the density of growth in this increasingly urban area which saves public money by using public infrastructure efficiently. Thank you.

George Ewart: 404 Bearden Park Circle, 37919. I appreciate Mr. Green allowing me to be you all's test tube on this project. I want to thank everybody here for serving on this Commission. I served on it for five years and I know what you all go through and I appreciate you all spending your time doing this. Rhonda is here and David Williams from the Pond Gap Neighborhood Association. We have got Mr. Cook who owns the Holyland Market and Oliver Smith with us today. Our issue is number 4 which Mr. Green has already addressed. Let me give you a little bit of history. We first met with the Pond Gap Neighborhood Association where this parcel is located and Ms. Faulkner mentioned that they are not part of the Bearden Council. I am kind of confused about what is going on there. Anyway we met with them before we submitted this. They were involved in the Bearden Opportunities Plan. We collected 72 signatures which you should have in your package of support on this project. When we submitted it we waited until we got the approval from the neighborhood association submitted to you all then we started getting feedback from Mr. Green and saying that we needed to look at the Bearden Village Opportunities plan and so on and so forth. We met and went over everything. I actually met with the Forest Heights Neighborhood Association also. I will get a little bit more on that. When I met with Mr. Green I did not recall the Bearden Opportunities Plan. I went back and started reading it and on page five of that plan there is a picture of me in there. I was involved in this process. There is no doubt

about it. What we had was a very conceptual overlay plan. It was for a master plan. If you look at the concept on the Sutherland Avenue plan that they have presented to you in there, there are no parcels on Sutherland Avenue that meet that. This parcel doesn't have an alley on the back of it. It doesn't have... We have got to get a setback variance to put this thing in here and so on and so forth. There is a lot of things that kind of have developed over the years since this thing has been implemented. For example the creation of the new sports complex, new offices. Six6 restaurants in this area have developed. There are 10 restaurants from one mile from this property. Every single restaurant has parking in the front. Not one does it have it in the back. Okay. Every single one of them has it on there. This parcel is zoned C-1. There are 16 uses that we can put in this building on this site that you all would never see. They could put on this site exactly like we have drawn. Exactly. The 10 restaurants I mentioned there's 10 restaurants. They are all built with parking in front of them. The staff is requiring El Charro to relocate their building in front of their front yard. They have been in the restaurant business for 35 years. They own a place on Bearden that has the exact same situation. It is a failing restaurant. They sold it. They are moving. Why are they moving? Because people cannot see cars. They think it is not popular so they are not going there. They are investing \$750,000 in a piece of property on Sutherland. I ask you. Would you do that and have the same situation as you have right now on Bearden Hill? The answer is no. You wouldn't. Even Mr. Green's drawing, not picking on you Gerald, but the drawing that he put in your package has us to try to get a front yard setback it shows our entrance in the setback. That is another public hearing that we have to go through. Who knows what is going to happen there. Just like this. It does not make sense to approve something that you already have to get a variance on. The other thing is. Most people look at this thing there's four residential lots behind this building. Do you want parking lot lights from cars shining in the back of four residences? Because that is what you have got. I ask you all with all this above in mind to approve this use on review and exclude item number 4. Thank you.

Carey: I am afraid I have made a rooky mistake. There are two, four, five lights on and I have no clue who was first. I have been reading along with this thing. Is there an honor system here?

Michael Kane: I think Mr. Clancy always has his light on first. I think I was second. I think Mr. Ewart makes some very strong arguments. I understand those arguments but I think part of the problem that I have is that we do have plans and they do establish some kind of expectation. I think Ms. Faulkner made a very compelling argument in the fact that they had a plan and they were told to go out and work hard to make it happen. What they have done is to provide the pedestrian infrastructure to make this work. Which doesn't really happen on top of Bearden Hill. Bearden Hill is not really a pedestrian kind of place. But they worked hard

to do that. So some of the things that may not have happened in the past. Maybe there wasn't justification for it because those buildings already existed and the parking already existed. Some of those examples may not be there. But the problem is these folks have worked hard and now that infrastructure is in place. They worked hard to do that. What's the payoff if we don't use the tools that we have in place to say if there is a development here then it must comply with this. I am not saying El Charro will be successful there. They have got to make that decision themselves. I can't make that decision for them. What I can say is this is what the community has said. They worked hard to make this a pedestrian friendly area. We see urbanized environments all the time that they are designed for pedestrians. That is what happens in other areas of the country. That is what they are doing. They are putting the green space in front. They are moving the building forward. They are doing all those kinds of things. What we are saying is that these folks have worked hard. It was a plan that was endorsed by this body and by City Council. We are saying you worked hard and your payoff, hum really there is no payoff for you. We are not going to really do anything to compel folks to help implement this. So I have a problem with that. If we are not going to try to help implement these things then we shouldn't have these plans or not have any design standards that affect private property. We just do the public infrastructure part of it because that is what we can effect. We just won't do any of the other stuff because you know there is no other planning that goes with it. Anyway that is my perspective.

Art Clancy: First of all I would like to thank the Bearden Council and all the work they have done with the Bearden Village Opportunity Plan. I think it is a great thing. I think you all have done a lot of good positive things. I would like to sarcastically thank Mr. Ewart for his efforts in developing the Bearden Village Opportunities plan. I don't think there is no payoff. I don't agree with that. I am looking at a Bearden greenway that goes out in front of this whether we put the restaurant to the back of the property or the front of the property. I don't see... other than I asked somebody how does pulling the building up to the road make this more pedestrian friendly and more bicycle friendly. All I got was I think it does. I don't understand how that makes this more pedestrian friendly. You pull that building all the way up. Let's say we pull the building all the way up. Put all the parking in the back. The customers are all parking around back where you access door is. You're moving good in and out. You have got your garbage cans, your grease, everything sitting right there and they have to walk all the way around that and go into your restaurant. I don't know about seeing cars in front of your restaurant. Maybe that does work; maybe it doesn't. Having a patio out front with umbrellas makes it more festive. Seems like that make it more attractive. People going down the bike trails; hey there is a restaurant. Not hey they there is a restaurant. I will just drop my bike and walk two feet over into to it. I just don't get that part of

it. Nobody has been able to tell me why putting a restaurant right up against Sutherland Avenue is a good idea and why it makes it pedestrian friendly. Don't the bicycles have to go around in the back and park? Is that it? Is that where I am missing it? I don't know of one single restaurant, there probably is one but I don't know of it, where there is no parking in front. Can anybody tell me where there is a restaurant in Knoxville where there is no parking in front.? Other than something on Gay Street. Clancy's right. El Charro on Bearden Hill. The Orangery, that is not true. The Orangery has parking in front of it. Somebody else said Namas. Namas has parking in front.

Kane: K brew. They have just a little parallel parking.

Carey: Okay let's not get into this conversation. Let's stay on track.

Clancy: It is in front. Shucks locates on Mohican or whatever. That being said. I had other questions but I just really can't get my head around what makes this so attractive moving this all the way to the front. Having a bigger vegetative buffer between the restaurant and the neighborhood, I am up for that. Yes let's do that. Let's make sure that the developer puts a sidewalk in. Let's make sure that he puts bike racks out front. Let's make sure that he maintains the greenway. Curb cuts who cares. I mean the Bearden Council is doing a great job of stuff. I just don't know that any of these things in particular are going to be beneficial to the entire neighborhood. I don't see where you have increased the value, aesthetic value of your neighborhood by putting a restaurant in that can't stay in business. I don't understand why pulling it all the way forward is so import. I don't understand why planting trees in front of your sign and in front of your whole thing so it blocks the restaurant and you don't see it. I don't understand how that it makes it a better place. So I would like to make the motion that we approve the request for up to 2,590 square feet of restaurant space subject to 8 conditions, removing condition number 4.

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE THE REQUEST FOR UP TO 2,590 SQUARE FEET OF RESTAURANT SPACE SUBJECT TO 8 CONDITIONS, REMOVING CONDITION NO. 4.**

Elizabeth Eason: I am not going to try to answer Commissioner Clancy's many questions he raised. I do want to talk about the plan. I still feel like a fairly new Commissioner and I think that the whole issue that we run into where we have plans that the community has worked really hard on developing; we have put them into place. I think it is something that I appreciate our staff looking at those plans in making decisions and considering those plans as we go forward. I think if we have a plan that has a conflict or requires a variance we should figure out some ways to resolve those conflicts so that we don't have to go through another

process if we are setting up a conflict or find ways to take those plans and actually have some implementation tools that let us more easily follow those plans in our decision process. I think we have got a plan. This is a restaurant on a new, vacant parcel. Many of the other restaurants are in existing buildings. That is sort of a different situation there. I think it is a very walkable, pedestrian corridor and so I support the plan and the staff's decision.

Jeff Roth: I want to go on record, Commissioner Kane, I don't know if I came across maybe Tuesday like I didn't think the plan was important. I think the plans are important. I think the plans we adopt are important. I think our zoning ordinances are important. I think it is up to us as commissioners to look at these recommendations in these plans in each individual situation and make a decision as to whether they apply or not. I think this plan resulted in this particular situation there are several things that have happened, several things they have done that are a result of this plan. You talk about making pedestrian friendly. They have got a sidewalk from the hard sidewalk to the front door that doesn't cross the parking lot. That is pedestrian friendly to me. They have put in vegetation. One of the curb cuts, I know they have two curb cuts, and part of the plan was to recommend to reduce curb cuts but they have shown that there is a requirement for deliveries that makes that not feasible for this situation. They have put in vegetation. They have put in sidewalks. They have worked... you know we are really big on the developers working with the community. I think in this case the owner and developer have gone out of their way. So there are things in the plan that have been adopted under this recommendation in not to move the building to the front. Moving the building to the front, I agree I don't understand how that makes it more user, increases walkability. We are listening to a situation where okay so there is some give and take. Okay we can do this and this and this. But the person that owns this property says, I can't do this. He has met everything else including the codified zoning requirements and he has gone above and beyond to meet some of the things that the Bearden Council has recommended. So I think...

Kane: What things has he done to meet the Bearden Council? I am sorry I don't understand.

Roth: Well pedestrian friendly recommendations. Right.

Kane: Like what?

Roth: Well there is a sidewalk from in the plan that we have there is a sidewalk.

Kane: They are putting in a sidewalk that isn't there now. Is there a sidewalk there now?

Roth: They are putting in a sidewalk to the front door of the restaurant.

Kane: No I don't see that.

Roth: Look at your plan. Well I don't have my, my plan has gone out.

Kane: On the side. I see it now. I thought... I do see it now.

Roth: It doesn't have to cross the parking lot. So they did that. That is part of the plan's recommendation. The way I see these plans, and again they are not asking for zoning changes or anything like that. The property is zoned for what they are doing now. I think part of the plan and part of our job as Commissioners is to look at these plans and take these recommendations and say okay does this work. Do all these recommendations in a plan have to apply to every situation? In a plan we would have the latitude to determine when they do. I would suggest that we have done that. I would suggest that this... and I seconded the motion that we support this development without item number 4. So.

Scott Smith: I just want to agree with, I don't understand the putting the restaurant in the front looking backwards and to park in the back. I don't get that why it helps walkability. But let's talk about the plan and the area. I went over there to Chambliss and Newcomb Avenue and it is mostly businesses in those old residential style houses. The ones that are there they all pretty much have parking in front of their houses in front of the houses that have been changed into offices. They do have parking in the back as well. As I read through the plan even let's say we go with this plan although it is not codified one of the main things like page 17 under the urban design page it even, it says for example guidelines might require that buildings front on streets with parking lots towards the rear of the building. Then it goes on to say the design elements will have to be further defined if an overlay or other zoning district is implemented. That led me to believe that maybe this is not finished. Maybe there is more work to be done on this plan. Additionally on page 24 Forest Park Boulevard and Chambliss Avenue which this property is supposed to be a part of it says development occurring between Sutherland Avenue and Kingston Pike east of Carr Street, west of Lebanon Street is a mix of office and residential uses. No commercial. Office and residential uses. This property obviously is a commercial property on Sutherland. I kind of feel like this thing about parking in the rear was directed at these office and residential homes in that district because if you look at those houses where they sit on the lot they were first houses they sit at the front of the lot. So there is no way to have parking in front of the houses. So I think that has kind of gotten morphed into what they are trying to impose on this commercial side. I think the plan if that is the district it falls in needs to address commercial properties which this

plan doesn't. I mean I am fully supportive of Art's motion to not require them to do parking in the rear.

Bart Carey: I am going to weight in just real quickly. I would rather handle three Development Corp deals as opposed to this one. I am not sure there are many comfortable people sitting at this table right now because this is one sticky issue. I on the other hand disagree with Commissioner Clancy's assessment that there is no benefit from having the restaurant towards the front. I think that creating an urban setting much like an inner city feel with walking right into either a patio or courtyard or right into the restaurant offers a benefit. I think that's a broad stroke. I would be a whole lot happier if this whole block of land here was vacant and we could establish a street scape that was consistent. My issue with, I think the idea of a front forward building, I think it can offer a much better and more attractive look as you drive down the street to see buildings instead of cars. But we go back to the property next door is set back and other properties are set forward and back. Good planning involves street scape and harmony and not having irregularities as you drive or walk or bike which I do regularly on this area. Again I think conceptually the forward front is moving forward is a good design element but I just don't know that I can support it because of exactly where it sits. I hope the district can find a place that it could be more at home, more comfortable in its settings. I am just not sure this is it. If there is no other comments or questions, I guess I better find my motion here. The motion was for to approve the request for up to 2590 square feet of restaurant space subject to 9 conditions with the exception of number 4 which makes it 8 conditions.

Upon roll call the Planning Commission voted as follows:

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

**MOTION CARRIED 8-4. APPROVED WITHOUT CONDITION 4.**

**\* 45. AGGREGATES USA, LLC**

**11-F-15-UR**

North side of E. Raccoon Valley Rd., east of Interstate 75. Proposed use: Mining expansion in I (Industrial) (pending) and A (Agricultural) District. Commission District 7.

STAFF RECOMMENDATION: Approve the request to expand the mining and mineral extraction operation in the A (Agricultural) and

I (Industrial) zone as shown in the Plan of Operations (Amendment I), subject to 10 conditions:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Other Business:**

**46. Consideration of Nomination of Officers for Calendar Year 2016.**

**11-A-15-OB**

Laura Cole: As the Nominating Committee Chair and in accordance with MPC Bylaws I am going to present to you a slate of nominees for Chair and Vice Chair. The committee has chosen for chair as a nominee Becky Longmire and for vice chair Bart Carey. I can accept any other nominations from the floor. If there are no other nominations, do I have a motion that nominations cease?

Art Clancy made a motion that nomination cease. Jeff Roth seconded. Motion carried 12-0.

Cole: Election of officers will be held at the December meeting. I am going to turn the meeting back over to the Vice Chair.

**\* 47. Consideration of extension of Concept Plan for Edwards Place for two years until November 2017 (11-SA-13-C).**

**11-B-15-OB**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Adjournment**

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

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:46 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Secretary for the Commission

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Approved by: Rebecca Longmire, Chair

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