

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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400 Main Street
Knoxville, Tennessee 37902
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Draft Minutes

November 9, 2017

1:30 P.M. ♦ Small Assembly Room ♦ City County Building

The Metropolitan Planning Commission met in regular session on NOVEMBER 9, 2017 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Rebecca Longmire, Chair

Mr. Herb Anders

Ms. Gayle Bustin

Ms. Laura Cole

Mr. Art Clancy

Mr. Mike Crowder

Ms. Elizabeth Eason

Mr. Mac Goodwin

Mr. Charles F. Lomax, Jr

Mr. Chris Ooten

Mr. Patrick Phillips

Mr. Jeff Roth

Mr. Scott Smith

Mr. Charles Thomas

Ms. Janice Tocher

* Arrived late to the meeting. ** Left early in the meeting

A – Absent from the meeting

Agenda Item No.

MPC File No.

*** 2. APPROVAL OF NOVEMBER 9, 2017 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT (THEN AMENDED AT THE END OF THE MEETING).

*** 3. APPROVAL OF OCTOBER 12, 2017 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

Citizen asked for item 22 to be removed from postponement list.

Agenda Item No.

MPC File No.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO POSTPONE ITEMS AS READ EXCEPT ITEM 22 FOR 30 DAYS UNTIL THE DECEMBER 14, 2017 MEETING. MOTION CARRIED 15-0. POSTPONED 30 DAYS.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO POSTPONE ITEMS 60 DAYS AS READ UNTIL THE JANUARY 11, 2018 MEETING. MOTION CARRIED 15-0. POSTPONED 60 DAYS.

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO WITHDRAW ITEMS 7A&B AND 42. MOTION CARRIED 15-0. WITHDRAWN.

Tabled Items (Actions to untable items are heard under Agenda Item 4)

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.

METROPOLITAN PLANNING COMMISSION 10-A-15-OA
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.

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.

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.

VILLAS AT MALLARD BAY - HUBER PROPERTIES, LLC
a. Concept Subdivision Plan 7-SC-15-C

<u>Agenda Item No.</u>	<u>MPC File No.</u>
Northeast side of Harvey Rd., south side of Raby Way, Commission District 5. b. USE ON REVIEW Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.	7-H-15-UR
<u>GREEN BRIAR RETIREMENT COMMUNITY - JAMES LORD, GLEN GLAFENHEIN, MARGARET AVERY</u> a. Concept Subdivision Plan South side of W. Governor John Sevier Hwy., east of Government Farm Rd., Commission District 9.	4-SD-16-C
b. USE ON REVIEW Proposed use: Detached Residential Subdivision, Apartments and Assisted Living Facility in PR (Planned Residential) District.	4-I-16-UR
<u>CREEKSTONE - RUFUS H. SMITH, JR. & CO.</u> a. Concept Subdivision Plan North side Strawberry Plains Pike, east of Creekside Ln., Commission District 8.	1-SA-17-C
b. USE ON REVIEW Proposed use: Single family residential in PR (Planned Residential) up to 5 du/ac (pending) District.	1-B-17-UR
<u>CANTON HOLLOW WOODS - URBAN ENGINEERING, INC.</u> a. Concept Subdivision Plan Southwest side of Canton Hollow Rd., west of Edgewater Dr., Commission District 5.	1-SD-17-C
b. USE ON REVIEW Proposed use: Detached Residential Subdivision in PR (Planned Residential) District.	1-G-17-UR
<u>ANDES COURT - CORNERSTONE DEVELOPMENT, LLC</u> a. Concept Subdivision Plan Southwest side of Andes Rd, southeast of Ball Camp Pike, Commission District 6.	1-SF-17-C
b. USE ON REVIEW Proposed use: Detached residential in PR (Planned Residential) District.	1-J-17-UR
<u>HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9</u> North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.	12-SJ-13-F
<u>RESUBDIVISION OF GEORGE HOSKINS PROPERTY</u> North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.	4-SE-14-F
<u>CHILHOWEE HILLS BAPTIST CHURCH RESUBDIVISION OF LOT 1</u>	5-SH-15-F

<u>Agenda Item No.</u>	<u>MPC File No.</u>
Northwest side of Asheville Hwy., north east of Macedonia Lane, Council District 6.	
<u>FAERBER PROPERTIES</u> Southeast side of Westland Dr, south of Pellissippi Parkway, Commission District 5.	7-SL-15-F
<u>HOOD PROPERTY</u> North side of Rhea Rd, southwest of Spangler Rd, Commission District 9.	7-SR-15-F
<u>FINAL PLAT OF THE JERRY SHARP PROPERTY</u> At the terminus of Goldfinch Ave and the east side of Ellis St, Council District 1.	9-SA-15-F
<u>BEAU MONDE, PHASE 3, RESUBDIVISION OF LOT 261 AND ADDITIONAL ACREAGE</u> Northeast side of Clingmans Dome Dr, northwest side of Chimney Top Ln, Council District 6.	6-SF-16-F
<u>TARYN'S NEST</u> East side of Cate Road at the intersection Cateland Lane, Commission District 6.	2-SG-17-F
<u>FOREST HOMES</u> South side of Forestdale Ave, west of Woodmont Rd, Council District 4.	5-SA-17-F
<u>HARBOR CREST</u> East of S Northshore Drive off an un-named easement, Commission District 5.	9-SD-17-F
<u>TANASI GIRL SCOUT COUNCIL, INC. (REVISED)</u> 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).	4-J-14-RZ
<u>GUSTO DEVELOPMENT, LLC</u> Southeast side Ball Camp Pike, northeast of Middlebrook Pike, Commission District 6.	
a. Northwest County Sector Plan Amendment From LDR (Low Density Residential) to C (Commercial).	10-F-15-SP
b. Rezoning From A (Agricultural) to CA (General Business).	10-Q-15-RZ
<u>SOUTHEAST COMMERCIAL, LLC</u> Northeast side Zion Ln., northwest of Ball Rd., Commission District 6.	
a. Northwest County Sector Plan Amendment From LDR (Low Density Residential) to O (Office).	2-A-17-SP

<u>Agenda Item No.</u>	MPC File No.
b. Rezoning From PR (Planned Residential) to OB (Office, Medical, and Related Services).	2-A-17-RZ
<u>SHADY GLEN LLC</u> Northwest side Lovell Rd., northeast of Hickey Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).	3-G-17-RZ
<u>BUFFAT MILL ESTATES - CLAYTON BANK & TRUST</u> 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).	4-B-10-UR
<u>VERIZON WIRELESS (FAULK & FOSTER REAL ESTATE INC.)</u> North side Holston Dr, southeast side Martin Luther King Jr. Ave, south side Asheville Hwy. Proposed use: Commercial Telecommunications Facilities in C-3 (General Commercial) District. Council District 6.	9-B-16-UR
<u>RALPH SMITH (PLS) FOR DISNEY JOINT VENTURE</u> East side of Cate Rd., directly east of Cateland Ln. Proposed use: 5 duplexes (10 dwelling units) in RA (Low Density Residential) and RA (Low Density Residential) pending District. Commission District 6.	2-B-17-UR
<u>MAC TOBLER</u> South side of Forestdale Ave, west of Woodmont Rd. Proposed use: Detached residential subdivision in RP-1 (Planned Residential) District. Council District 4.	5-A-17-UR
<u>G.M. PROPERTIES</u> Northwest side of Garden Dr, west of Jacksboro Pike. Proposed use: 4-plex in R-1A (Low Density Residential) District. Council District 4.	6-H-17-UR

ITEMS REQUESTED TO BE UNTABLED OR TABLED

None

CONSENT ITEMS

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

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

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

Agenda Item No.

MPC File No.

Ordinance Amendments:

- * **5. MPC **5-B-17-OA****
Amendments to the Knox County Zoning Ordinance to create a new Rural Preservation zoning district.

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- 6. NORTH KNOXVILLE BAPTIST CHURCH **11-A-17-AC****
Request closure of unnamed alley between W. Emerald Ave and W. Oldham Ave, Council District 5.

STAFF RECOMMENDATION: Approve subject to 1 condition.

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

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses On Review:

- W 7. WILLOW FORK - GRAHAM CORPORATION **11-SJ-08-C****
a. Concept Subdivision Plan
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- W b. Use on Review **11-H-08-UR****
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

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MPC File No.

- * **8. FIVE POINTS, PHASE 3** **8-SB-17-C**
 Southeast side of Martin Luther King Jr. Blvd., southwest side of McConnell St., northwest side of Kenner Ave., and northeast side of S. Kyle St., Council District 6.

STAFF RECOMMENDATION: Approve variances 1-4 and the concept plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. 6702 WESTLAND DRIVE** **10-SA-17-C**
 Southeast side of Westland Dr., west of Craig Rd., Council District 2.

STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** **10. STRATFORD PARK, UNIT 5 - SPD PROPERTIES** **10-SD-17-C**
 (12-14-17) **a. Concept Subdivision Plan**
 West side of Jim Sterchi Rd., west of Dry Gap Pike., Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P** **b. USE ON REVIEW** **10-H-17-UR**
 (12-14-17) Proposed use: Detached Residential Subdivision in RP-1 (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 11. HARPERS COVE** **10-SE-17-C**
 Northwest side of S. Northshore Dr., north of Charlottesville Blvd., Commission District 5.

STAFF RECOMMENDATION: Deny the concept plan.

Tom Brechko

Not all of the lots have 1 acre of land along the lake at summer pool. Definition of lot in the dictionary refers to that land area not covered by water. The one acre lot size would not be an issue if rezoned to planned residential. Applicant has submitted a request to rezone to plan residential in December. Used this interpretation for years as far as usable land area.

Paulette Pelletier, 12211 Fredericksburg Boulevard
Ask for denial.

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Look at the bigger picture as far as infrastructure and streets and walkability.

Scott Davis, PO Box 11315, 37931

Comes down to the interpretation of lot size. Does not state in the ordinance or subdivision regulations that it can only be calculated above the 813 line. On Loudon you own into the river and can use that land for a structure such as a dock. Does not say the 813 line cannot be counted as acreage.

Section 2.20 specific terms a lot defined as a parcel of land which is or may be occupied by a building and its accessory buildings for uses customary incidental thereto. It is surveyed out as an acre. If I can use the land under the water to put an accessory building on, then that land should be able to be calculated toward my total one acre required.

Steve Wise, MPC attorney

In the absence of specific definition for land in the ordinance, the applicant is using a contorted definition in order to try to acquire density based upon land that is submerged and staff is using definition of land that is not under water. Logic would indicate calculation of property underwater could result in bizarre results. Concur with staff's approach and it makes sense.

Scott Smith

If he goes with PR then he can put a lot more density. An acre lot on lake one can build a boat dock, boat lift, important part of property and usable. Boat dock is an accessory structure.

Pat Phillips

Previously we said the part of land under water is not considered part of lot. Would set a precedent.

MOTION (PHILLIPS) AND SECOND (SMITH) WERE MADE TO POSTPONE FOR 30 DAYS.

Upon roll call the Planning Commission voted as follows:

- Anders yes
- Bustin no
- Clancy yes
- Cole no
- Crowder yes
- Eason no
- Goodwin no
- Lomax no
- Ooten yes
- Phillips yes
- Roth yes

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Smith yes
Thomas no
Tocher no
Longmire no

MOTION FAILED 8-7.

MOTION (COLE) AND SECOND (PHILLIPS) WERE MADE TO DENY PER STAFF RECOMMENDATION. MOTION CARRIED 14-1 (ROTH-NO). DENIED.

* **12. PARK WEST MEDICAL CENTER EXPANSION - LAND DEVELOPMENT SOLUTIONS**

a. Concept Subdivision Plan

10-SF-17-C

Southeast side of Sherrill Blvd, west end of Park West Blvd., Council District 2 & Commission District 3.

STAFF RECOMMENDATION: Approve the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. USE ON REVIEW**

10-I-17-UR

Proposed use: Expansion of Hospital in PC-1 (Retail and Office Park), PC (Planned Commercial) & OB (Office, Medical and Related Services) District.

STAFF RECOMMENDATION: Approve the Development Plan for the medical center expansion of approximately 132,000 square feet and new parking lot layout and circulation system, subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **13. 2129 EMORY ROAD - STEVE BETHEL**

a. Concept Subdivision Plan

11-SA-17-C

West side E. Emory Rd, east of Fortner Ln., Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-8 and the concept plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. USE ON REVIEW**

11-C-17-UR

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

STAFF RECOMMENDATION: Approve the Development Plan for up to 64 detached dwelling units on individual lots, subject to 2 conditions.

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THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 14. CENTURY PARK, PHASE II** **11-SB-17-C**
(12-14-17) South end of Century Park Blvd., northeast side of Sherrill Blvd., west side of Mabry Hood Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 15. RIVER MEADOWS, PHASE TWO** **11-SC-17-C**
(1-11-18) West side of Saylor Ford Rd., south end of River Poppy Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 16. CASCADE FALLS, LLC ON LOBETTI ROAD - CASCADE FALLS, LLC** **11-SD-17-C**
(12-14-17) **a. Concept Subdivision Plan**
Southwest side of Lobetti Rd., southeast of Ball Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. USE ON REVIEW** **11-F-17-UR**
(12-14-17) Proposed use: Attached Residential Subdivision in PR (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

- P 17. KILMORE PROPERTIES** **8-SJ-17-F**
(12-14-17) South side of W Ford Valley Road, west of Stonecress Lane, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **18. ARTHUR STREET PROPERTY** **11-SA-17-F**
At the intersection of Arthur Street and McGhee Avenue, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. THE MANESS PROPERTY** **11-SB-17-F**
Northwest side of Kensi Drive at intersection of Ruth Road, Council District 5.

STAFF RECOMMENDATION: Approve.

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THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. WEST LONSDALE S/D RESUBDIVISION OF LOT 82R** **11-SC-17-F**
North side of Canna Avenue at intersection of both Dayton Street and Waverly Street, Council District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. JOHNSTONE SUBDIVISION, UNIT 2** **11-SD-17-F**
Calvert Lane 303.97' from intersection of Havenstone Lane, Commission District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 22. GIBBS & MALONEY'S ADDITION TO FOUNTAIN CITY, RESUB OF LOTS 1 & 3** **11-SF-17-F**
N Broadway at the intersection of Gibbs Drive, Council District 4.

STAFF RECOMMENDATION: Postpone until the December 14, 2017, meeting per applicant's request.

Arthur Seymour Jr, 550 W Main Ave on behalf of the applicant.
Tennessee Department of Transportation has said if the property is divided into two lots could get a right in, right out access onto Broadway which will require a resubmittal to staff.

Steve Muffler, 3017 Gibbs Drive, Gibbs Drive Historic Neighborhood Association
Would like an opportunity to review that revised plat map.
Do not object to postponement now.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO POSTPONE FOR 30 DAYS. MOTION CARRIED 15-0. POSTPONED.

- * **23. MAITLAND MEADOWS** **11-SF-17-F**
North and East sides of Ancient Oak Lane, east of Airtree Lane, Commission District 3.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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- * **24. PALMER SUBDIVISION** **11-SG-17-F**
South side of Hardin Valley Road, southwest of Castaic Lane, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. HIGHLAND POINTE** **11-SH-17-F**
Northwest side of Westland Drive at intersection of Anthem View Lane, Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. BRAXTON CREEK** **11-SI-17-F**
North side of N Campbell Station Road, east of Fretz Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. VINING MILL, UNIT 1** **11-SJ-17-F**
Intersection of Hardin Valley Road and Marietta Church Road, Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. RESUBDIVISION OF CENTURIANS II AND UNPLATTED PROPERTY** **11-SK-17-F**
At the intersection of Cross Park Drive and Directors Drive, Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendments:

- 29. KNOX COUNTY COMMISSION**
Northwest side Coward Mill Rd., northeast side Pellissippi Pkwy., Commission District 6.

a. Northwest County Sector Plan Amendment

11-C-17-SP

From TP (Technology Park) to LDR (Low Density Residential).

STAFF RECOMMENDATION: DENY LDR (Low Density Residential) sector plan designation.

Arthur Seymour, Jr, 550 W Main Avenue on behalf of applicant. Tennessee Technology Corridor Development Authority has approved this zoning.

At the County Commission meeting last month, Dwight Van De Vate, Department of Engineering, explained the access with road work in planning stages and this is primary to County. Mr. Bittle will dedicate right of way for the road work.

Development Corporation is selling land at below market in this area and owners cannot compete with this.

Timing of platting property could be controlled by use on review.

Cindy Pionke, County Engineering

In process of contracting with design engineering firm to make Cherahala extension work and getting ahead of process.

Project will be recommended for next year's budget.

Probably 2 years out for construction.

TDOT conversations debating cutting off access at Cherahala location.

Deborah Petitt, 10451 Laurel Point Lane, Magnolia Point Homeowners Association President and for over 275 families

Would like 2.5 per acre at the maximum which is what is in the area.

Should not complete apartments without roads and infrastructure completed.

Many reported accidents 19 since January on Coward Mill Road.

Herb Anders

Should stay as business property and improvements would only make it more appropriate for business.

If this is made residential, the residents that move in would be opposed to businesses next to their homes.

Chris Ooten

Could there be language added that something not be developed until road improvements made.

Brusseau

Technology Park best use especially with access improved.

Residential could oppose future businesses.

Delaying until road improvements completed would be a good idea.

Scott Smith

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The BP parcel that adjoins it is a church.
If make sure nobody lives on property until road completed for safety reasons, I could support.

Gerald Green

One of the foundations for considering zoning is the infrastructure that serves it and the larger view of the use.
Use on review would refine the provisions to address detail.

Jeff Roth

If we rezone it today, we are not giving up the opportunity to make sure road improvements are done.

MOTION (CLANCY) AND SECOND (BUSTIN) WERE MADE TO APPROVE PER STAFF RECOMMENDATION TO DENY. MOTION CARRIED 14-1 (Roth-no). DENIED.

H.E. BITTLE III (Revised)

b. Rezoning

7-J-17-RZ

From BP (Business and Technology) / TO (Technology Overlay) to PR (Planned Residential) / TO (Technology Overlay).

STAFF RECOMMENDATION: DENY PR (Planned Residential) / TO (Technology Overlay) zoning.

MOTION (CLANCY) AND SECOND (BUSTIN) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 14-1 (ROTH). DENIED.

30. TIM DWYER, LEESMAN ENGINEERING

South side S. Northshore Dr., north side Osprey Point Ln., Council District 2.

a. Southwest County Sector Plan Amendment

10-C-17-SP

From O (Office) to GC (General Commercial).

STAFF RECOMMENDATION: DENY GC (General Commercial) sector plan designation.

Arthur Seymour Jr. 550 W Main Ave, on behalf of applicant
Asking to put tire store on the site and you have site plan.
Not a high volume or intense use.
Brick wall surrounding facing people living off Osprey Point.
Northshore Town center does not allow such use.
Willing by covenants and/or use on review to protect the neighbors from their concerns.
O-1 could be more burdensome on the community than this use.

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Robert Ostriker, 1 East 4th Street, Cincinnati, OH 45202
Bringing Tire Discounters into the Knoxville area with 9 stores.
May have to reconsider our investment in Knoxville if both denied.
Met with neighbors and hear concerns and would be glad to work with conditions to make them more comfortable.

Bill Hendon, 9620 Levens Way, 37922, Stonebury Subdivision
Speaking for Tim Stewart, President of homeowners association.
Reached a compromise in 2001 for O-1.
All members of subdivision do not want commercial across from us.

Beverly Milam, 936 Osprey Point Lane
Owner did not address our concerns.
Already multiple tires stores within 15 minutes.
Rock in the area has to be removed and that takes a long time.
Do not need more traffic in this area especially during construction.

MOTION (CLANCY) AND SECOND (THOMAS) WERE MADE TO APPROVE PER STAFF RECOMMENDATION TO DENY. MOTION CARRIED 15-0. DENIED.

b. One Year Plan Amendment

10-C-17-PA

From O (Office) to GC (General Commercial).

STAFF RECOMMENDATION: DENY GC (General Commercial) One Year Plan designation for the site.

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

c. Rezoning

10-D-17-RZ

From O-1 (Office, Medical, and Related Services) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: DENY the rezoning to C-6 (General Commercial Park), consistent with the denial recommendations for the associated plan amendments.

MOTION (CLANCY) AND SECOND (THOMAS) WERE MADE TO APPROVE PER STAFF RECOMMENDATION TO DENY. MOTION CARRIED 15-0. DENIED.

31. TIM DWYER, LEESMAN ENGINEERING

10-J-17-RZ

Southeast side Moss Grove Blvd., south of Kingston Pike, Council District 2. Rezoning from PC-1 (Retail and Office Park) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: DENY the rezoning to C-6 (General Commercial Park).

Mike Brusseau

Entire development has developed under the PC-1 zone which will not accommodate a tire store per codes administration.

Not fair to let this property develop with a whole set of different criteria than the rest of the neighbors.

Lot of protections would be lost if goes C-6.

Arthur Seymour Jr, 550 W Main Ave.

When we asked of Codes we found PC-1 allows a service station but not a stand-alone tire store.

C-6 does require site plan review by staff but not opposed to use on review by this body.

Sherrill Hill landowners are in support of a new tire store in the area.

Area has a lot of commercial around it.

Development there has covenants on it also.

Peter Ahrens, Director of City Plans Review and Inspection

Only auto related use in PC-1 is gasoline service station.

Can appeal our determination to Board of Zoning Appeals

Scott Smith

There is a car wash on the property and apparently they did not ask codes.

MOTION (CLANCY) AND SECOND (PHILLIPS) WERE MADE TO APPROVE C-6 WITH CONDITION THAT THERE BE A USE ON REVIEW AND CONCEPT PLAN.

Jeff Roth

PC-1 allows retail sales with product displayed indoors.

Do not see how that cannot be allowed without changing the zoning.

We determine the zone but cannot determine if use appropriate.

Gerald Green

Problem is outdated ordinance that goes into too much detail on the types of uses. We are trying to address them with the Recode Update.

Peter Ahrens

Auto parts sales is permitted in PC-1.

If retail sales is 2,000 square feet of building and 20,000 square feet of repair, then primary use is auto repair.

Ostriker

This store is about 8,000 square feet and about 1,500 is sales area.

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Our business is tire retail with a service component to put the tires on the car.

Majority of building is a service bay because cars are big.

Janice Tocher

Problem with rezoning because of issues brought up, but also not allowing this business here.

Clancy

Motion is to approve rezoning with use on review.

Other option is to leave PC-1 and bring the Codes Administration into question which is not our place.

Good use for retail business.

Commissioner Clancy called the question

MOTION CARRIED 14-1 (Tocher). APPROVED C-6 WITH ADDITION OF USE ON REVIEW.

* **32. S2 CORPORATION **11-A-17-RZ****

South side Loop Rd., east side Concord Rd., Commission District 5.
Rezoning from A (Agricultural) to RA (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

33. KATHY PINKSTON **11-D-17-SP**

Northwest side Hickory Creek Rd., southwest of Graybeal Rd., Commission District 6.

a. Northwest County Sector Plan Amendment
From AG (Agricultural) to LDR (Low Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION #11-D-17-SP, amending the Northwest County Sector Plan to LDR (Low Density Residential) and recommend that Knox County Commission also adopt the sector plan amendment.

Gerald Green

Apologized to Mr. Davis for staff not advertising all the property he requested including the additional parcel paid for.

Could waive requirement for advertising only one piece of property.

Other option is to act on all parcels except that 5 acre parcel and act on it next month.

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Steve Wise

By Laws state that you have authority to suspend the Administrative Rules upon majority vote or 8 of you to do that.

In this case Administrative Rules has requirements beyond the State requirements to advertise not including the parcels.

It did not get done and it is our fault.

Scott Davis, PO Box 11315, Knoxville, 37919.

Would like to move forward with this to have all the property in front of County Commission in December.

MOTION (LOMAX) AND SECOND (COLE) WERE MADE TO SUSPEND ARTICLE II, SECTION 1.C OF THE ADMINISTRATIVE RULES REGARDING ADVERTISING. MOTION CARRIED 15-0. SUSPENDED.

Commander Eugene Patton, 2161 Nora Mae Lane

We have horses and concerned about egress and being able to get out of the way of new property owners.

Easement to access property.

Buffer to be sure kids do not get on our property.

Davis

Willing to grant 50 feet deeded access to the new County road.

Would be a new county road coming into the subdivision and then if decide to develop their portion of property they would have 50 feet deeded access to the county road.

Access easement over the land to their property which cannot be taken away. Higher and better use for access.

Will always have to maintain access.

Cindy Pionke

Nora Mae Lane is a public County road which becomes an easement.

Part of concept moved entrance further west on Hickory Creek Road.

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

b. Rezoning

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

11-B-17-RZ

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 2 du/ac.

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

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Scott Davis

2.5 dwelling units per acre was approved one half mile up the street.

Clancy

I am fine with 2.5 units per acre.

Better to go on the high side of density to get a better development.

CLANCY AND PHILLIPS AMENDED THEIR MOTION TO APPROVE PLANNED RESIDENTIAL ZONING AT A DENSITY UP TO 2.5 DWELLING UNITS PER ACRE. MOTION CARRIED 14-1 (Eason – No). APPROVED.

* **34. JACQUETTA SCATES**

Southeast side Lovell Rd., southeast of Schaeffer Rd., Commission District 6.

a. Northwest County Sector Plan Amendment

11-A-17-SP

From MDR/O (Medium Density Residential and Office) to GC (General Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #11-A-17-SP, amending the Northwest County Sector Plan to NC (Neighborhood Commercial) and recommend that Knox County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **b. Rezoning**

11-C-17-RZ

From PR (Planned Residential) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, consistent with the sector plan recommendation, subject to 1 condition..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **35. MJM DEVELOPMENT, INC.**

11-D-17-RZ

Northwest terminus of Poplar Grove Ln., northwest of Boulder Point Ln. and Stanley Rd., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Agenda Item No.

MPC File No.

* **36. PRIMOS LAND CO., LLC** **11-E-17-RZ**

Southeast side Oak Ridge Hwy., west of Beaver Ridge Rd., Commission District 6. Rezoning from RA (Low Density Residential) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

37. BENCHMARK ASSOCIATES, INC. **11-B-17-SP**
a. Northwest County Sector Plan Amendment

Southeast side Hardin Valley Rd., west side Thompson Rd., Commission District 6.
From TP (Technology Park) to GC (General Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 11-B-17-SP, amending the Northwest County Sector Plan to O (Office) and recommend that County Commission also adopt the sector plan amendment.

Jim Macelroy, 2211 Finley Cane Lane, 37932, subdivision up Thompson Road
Prior uses created safety issue at Thompson Road with access not approved. Illegal use in past.
Topography may not be good for retail.
Commercial property to the east.

Horace Beckner, 2305 Thompson Road, adjacent home
Endorse office and not commercial.

Benny Mormon, 10308 Hardin Valley Road, on behalf of applicant
No illegal activity since the new owners about it.
Median cuts serve the property.
CA is predominant zoning in the area.
No residential structure within 200 feet of property.
Fronts on a four lane highway.
Site is developable, just strange shape.
Shielded from home behind it by the topography.
Strong option for owners would be to build a restaurant.

Mike Brusseau
PC has a high setback and kills the amount of area for development.
Office is around it with frontage on Thompson Road which is only residential.
Office gives use without more unneeded commercial.

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Pionke

Usually goes to lower classified road as far as access. When get building permit would determine then.

Pat Phillips based on available of general commercial in the area recommend office.

MOTION (PHILLIPS) AND SECOND (CLANCY) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 14-1 (ANDERS-NO). OFFICE APPROVED.

b. Rezoning

11-F-17-RZ

From A (Agricultural) / TO (Technology Overlay) to CA (General Business) / TO (Technology Overlay).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning.

MOTION (PHILLIPS) AND SECOND (THOMAS) WERE MADE TO APPROVE PER STAFF RECOMMENDATION. MOTION CARRIED 14-1 (ANDERS-NO). OB /TO APPROVED.

38. KING PROPERTIES & DEVELOPMENT, LLC

11-G-17-RZ

South side Rather Rd., east of George Light Rd. and Pellissippi Pkwy., Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3 du/ac (Applicant requested 4 du/ac).

Albert Robertson, 10519 Rather Road (Handed out materials)
Rather Road is about a 16 foot wide road with accidents because too narrow.
Entrance is unsafe with hills and narrow road as shown in pictures.
Not adequate for development.

Robert Campbell, 7523 Taggart Lane, on behalf of applicant
Asking for 3.3. Road is going to have to be improved and the 0.3 extra density will pay for widening the road. Right-of-way is available for that.
Plan to widen back to George Light Road.

Cindy Pionke

Rather Road is not to be widened very soon.

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George Light east will be a cul-de-sac with no access to Pellissippi Parkway once Pellissippi work is done. That is on the fast track to move forward.

MOTION (CLANCY) AND SECOND (PHILLIPS) WERE MADE TO APPROVE PER PR PLANNED RESIDENTIAL AT A DENSITY UP TO 3.3 DWELLING UNITS PER ACRE.

Upon roll call the Planning Commission voted as follows:

- Anders yes
- Clancy yes
- Crowder no
- Eason yes
- Goodwin no
- Cole no
- Bustin no
- Lomax no
- Ooten yes
- Phillip yes
- Roth yes
- Smith yes
- Thomas no
- Tocher no
- Longmire no

MOTION FAILED 8-7.

MOTION (PHILLIPS) AND SECOND (OOTEN) WERE MADE TO APPROVE PR PLANNED RESIDENTIAL AT A DENSITY UP TO 3 DWELLING UNITS PER ACRE.

Chris Ooten

We have someone willing to solve problems on Rather Road and spend their money to do it now and we want to make it hard on him.

Gayle Bustin

Problem with putting in a major subdivision without infrastructure. That one piece of road is not really building infrastructure in. Unsafe practice.

Campbell

If I do not do anything then nothing will happen for another 25 years. Probably have to widen to 20 feet. Could cost around \$50,000.

Phillips

Need to take advantage of the right of way already platted and dedicated along Rather Road.

Agenda Item No.

MPC File No.

MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY UP TO 3.5 DWELLING UNITS PER ACRE.

Upon roll call the Planning Commission voted as follows:

- Tocher no
- Thomas no
- Smith yes
- Roth yes
- Phillips yes
- Ooten yes
- Lomax no
- Goodwin no
- Eason yes
- Crowder no
- Cole no
- Clancy yes
- Bustin no
- Anders yes
- Longmire yes

MOTION CARRIED 8-7. PR AT 3.5 DWELLING UNITS PER ACRE APPROVED

Uses on Review:

- P 39. AARON PENNINGTON **8-E-17-UR****
 (12-14-17) Southeast side of Deane Hill Dr., south end of Gerald R. Ford St. Proposed use: Mixed use building (residential and non-residential) in C-3 (General Commercial) District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 40. CLEAR WATER PARTNERS LLC **11-A-17-UR****
 Southeast side of Carmichael Rd., southern end of Valley Vista Rd. Proposed use: Apartments in OB (Office, Medical, and Related Services) / TO (Technology Overlay) pending District. Commission District 6.

STAFF RECOMMENDATION: Approve the development plan for an apartment complex with up to 298 residential units subject to 12 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 41. REALTY TRUST GROUP **11-B-17-UR****
 North side Sherrill Blvd, west side Christian Academy Blvd. Proposed use: Medical office development in PC-1 (Retail and Office Park) District. Council District 2.

Agenda Item No.

MPC File No.

STAFF RECOMMENDATION: POSTPONE until the December 14, 2017 MPC meeting. (Applicant is requesting approval).

Mike Reynolds

The plan was submitted late and have not had time to review the traffic impact study properly.

Two access points primary concern.

Details not flushed out yet to be sure safe.

Curtis Williams, City of Knoxville Engineering

Several complex issues in the traffic impact study that we need to evaluate the recommendations.

Have not reviewed all the plans and issues.

Gerald Green

Staff feels inappropriate to go forward with number of issues outstanding.

Less than a week is not enough time to review significant changes.

Need to have comments during the process for the public also.

Don Parnell, 1213 Craig Road, representing Realty Trust Group

Original submittal was September 22, received comments on October 26, and revised submittal November 1 at 4:30 pm.

We are in conformance with one exception, access point to northeast on Sherrill Boulevard.

Still have discussion on the median cuts.

Request approval subject to taking care of issues of November with 20 issues we agree with, but issue on median cuts not in agreement.

Request we be able to meet 300 feet separation as opposed to major arterial separation standard.

MOTION (CLANCY) AND SECOND (THOMAS) WERE MADE TO POSTPONE TO DECEMBER 14, 2017. MOTION CARRIED 15-0. POSTPONED.

W 42. CHIMCO, LLC

11-D-17-UR

East side Lovell Rd, north of Lovell View Dr. Proposed use: Montessori school in OB (Office, Medical, and Related Services)/TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

*** 43. RYAN LYNCH**

11-E-17-UR

North side Westland Dr, north of Anthem View Ln. Proposed use: Detached houses in PR (Planned Residential) District. Commission District 5.

Agenda Item No.

MPC File No.

STAFF RECOMMENDATION: APPROVE the Development Plan for up to 3 detached dwelling units on individual lots, and a reduction of the peripheral setback from 35' to 15' for the side and rear boundary, subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

Gerald Green
Follow up on sidewalk policy will be on the agenda for next month.

- 44. Nomination of Calendar Year 2018 MPC Officers. 11-A-17-OB**

Laura Cole announced nominations of Rebecca Longmire as Chair and Janice Tocher as Vice Chair and opened the floor for more nominations.

MOTION (BUSTIN) AND SECOND (ROTH) WERE MADE TO SUSPEND THE NOMINATIONS.

- * **45. Consideration of consultant selection policy for projects funded in whole or part by the Federal Highway Administration or the Tennessee Department of Transportation 11-B-17-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Commissioner Charles Thomas asked that the October minutes be reconsidered to make a correction on a vote in the minutes.

MOTION (LONGMIRE) AND SECOND (CLANCY) WERE MADE TO MOTION TO RECONSIDER MOTION ON APPROVAL OF THE MINUTES OF LAST MONTH'S MEETING. MOTION CARRIED 15-0.

Charles Thomas asked that his name be added to the list of no votes on Item no. 7, Short Term Rentals. Simply because I had reservations with R-1 and R-1E.

MOTION (CLANCY) AND SECOND (THOMAS) WERE MADE TO APPROVE THE MINUTES AS AMENDED. MOTION CARRIED 15-0. APPROVED.

Adjournment

Agenda Item No.

MPC File No.

MOTION (CLANCY) AND (ROTH) WERE MADE TO ADJOURN.

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

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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