



# Minutes

## OCTOBER 10, 2013

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

The Metropolitan Planning Commission met in regular session on October 10, 2013 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

Ms. Rebecca Longmire, Chair	A	Mr. Nate Kelly
Mr. Herb Anders		Mr. Charles F. Lomax, Jr
Mr. Bart Carey, Vice Chair		Mr. Brian Pierce
Ms. Laura Cole		Mr. Jeff Roth
Mr. Art Clancy		Mr. Jack Sharp
Mr. Len Johnson		Mr. Wes Stowers
Mr. Michael Kane		Ms. Janice Tocher

---

\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

---

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

**\* 2. APPROVAL OF OCTOBER 10, 2013 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

**\* 3. APPROVAL OF SEPTEMBER 12, 2013 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

**POSTPONEMENTS TO BE VOTED ON READ**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL NOVEMBER 14, 2013. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.**

Automatic Withdrawals Read  
None

**WITHDRAWALS REQUIRING MPC ACTION**

Jesse Patterson, 2514 Edgewood. Item No. is 10-A-13-SP. Ask for withdrawal. Yes numbers 22.

**MOTION (CLANCY) AND SECOND (ANDERS) WERE MADE TO WITHDRAW ITEM NO. 22. MOTION CARRIED 13-0. WITHDRAWN.**

**REVIEW OF TABLED ITEMS**

WILSON RITCHIE 3-F-10-SC

Request closure of Lecil Rd between Asheville Highway 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.

TIPPIT VILLAGE - SITES TO SEE, INC.

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

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

LONGMIRE SUBDIVISION

1-SA-11-C  
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

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

**U** **NICK WHITE ADDITION RESUBDIVISION OF LOTS 3-4 & 6** 9-SE-13-F  
 At the intersection of Velma Road and Warlex to the west and Nicks to the east. Commission District 7.

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

METROPOLITAN PLANNING COMMISSION (REVISED) 4-H-13-RZ  
 North side Sutherland Ave., east and west sides Forest Heights Blvd., Council District 2. Rezoning from R-1 (Low Density Residential) & RP-1 (Planned Residential) to R-1E (Low Density Exclusive Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST 4-B-10-UR  
 South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).

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

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 9-SE-13-F. MOTION CARRIED 13-0. ITEM UNTABLED .**

**CONSENT ITEMS**

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

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 13-0.**

**MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 13-0. APPROVED.**

**Ordinance Amendments:**

\* 5. **METROPOLITAN PLANNING COMMISSION** 10-A-13-OA  
 Amendments to the Knox County zoning ordinance at Article 5, Section 5.22.03 (W) regarding retail sales of agricultural products in the A (Agricultural) zoning district.

Staff Recommendation: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**6. METROPOLITAN PLANNING COMMISSION**

**10-B-13-OA**

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

STAFF RECOMMENDATION: Postpone until the November 14, 2013 MPC meeting.

Mark Donaldson: Two years ago at our October meeting we started this process of making a recommendation on sign heights for the City of Knoxville Council. Since then a task force has met almost every other week for more than a year and one half, almost two years. I thought they would be done when I scheduled this. There are still some unresolved issues. I have requested a postponement. I am working with City Council to schedule a workshop to which the Planning Commission will be invited as well. We don't have a firm date yet. We are hoping that will happen before our November meeting. Stay tuned to that.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. POSTPONED UNTIL THE NOVEMBER 14, 2013 MPC MEETING.**

**Alley or Street Closures:**

None

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

None

**Concepts/Uses on Review:**

\* **7. PELLISSIPPI VILLAGE**

**10-SA-13-C**

East side of George Light Rd, north side of Rather Rd., Commission District 6.

Staff Recommendation: APPROVE the request to alter condition #4 of 6-SB-11-C to permit widening of George Light Rd. to 18 ft. rather than 20 ft. as previously approved subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Final Subdivisions:**

- \* **8. HAMPSON PLACE** **9-SJ-13-F**  
Southeast side of Nubbin Ridge Rd, west of Morrell Rd, Commission District 4.  
  
STAFF RECOMMENDATION: Approve  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
  
- \* **9. FINAL PLAT OF THE HARMON-FLEMING PROPERTY** **10-SA-13-F**  
East side of Sullivan Rd, at the intersection of Conway Circle, Council District 3.  
  
STAFF RECOMMENDATION: Approve  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
  
- \* **10. FAULKNER PROPERTY** **10-SB-13-F**  
East side of Idumea Rd, north of Hogskin Rd, Commission District 8.  
  
STAFF RECOMMENDATION: Approve  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
  
- \* **11. WILLIAM D. JONES PROPERTY** **10-SC-13-F**  
Southwest side of S. Peters Rd, at intersection of Ebenezer Rd, Commission District 5.  
  
STAFF RECOMMENDATION: Approve  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
  
- \* **12. CARIS HEALTHCARE COWARD MILL OFFICES** **10-SD-13-F**  
Coward Mill Rd at intersection of Pellissippi Parkway, Commission District 6.  
  
STAFF RECOMMENDATION: Approve  
  
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
  
- \* **13. GERDAU AMERISTEEL PROPERTY** **10-SE-13-F**  
Southeast side of New York Avenue, northeast of Stonewall, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**14. STEVEN & PATRICIA JOHNSTON PROPERTY**

**10-SF-13-F**

Southwest side of Grassy Creek Way, northwest of Schaad Road, Commission District 6.

STAFF RECOMMENDATION: Deny variances 1-3 and Deny Final Plat.

Tom Brechko: This subdivision plat was before the Planning Commission earlier this year and in May the Planning Commission denied the plat based on the denial of the variance request because the joint permanent easement that serves the subdivision does not meet the minimum standards for width and surface materials. There are presently although a couple of lots have other platted means of access there are 9 lots that use this joint permanent easement. With the proposed subdivision will be a total of 10 lots served by an 11 foot wide paved joint permanent easement. Staff in the past has recommended denial of the request for a joint permanent easement even serving less than 6 lots it requires at least a 20 foot wide gravel surface. If you have 6 or more you are supposed to meet minimum street standards which can be reduced down to 22 foot pavement width. But staff again is recommending denial of the variance request and denial of plat. In the packet of materials you have a letter from Arthur Seymour who is representing the applicant. There is also a letter from Karns Volunteer Fire Department and also Rural Metro concerning access on the existing driveway. There is a letter from KUB in there concerning some repavement they are doing but only to the existing width of the driveway due to some work they have been doing in the area.

Arthur Seymour, Jr: Here with Mr. Johnson, the owner of the property. Steve Johnson who is the applicant here is retired from the post office down town and has lived at this site since 1974. His daughter Jennifer is here. She and her husband desire to build a home next to their parents. Mr. Johnson as I mentioned is retired. He has lived here for a number of years. He and his wife have approximately 4.5 acres of property. It is their desire in their golden years to have family near by. It is the desire of Jennifer and her husband, by the way he is at Oak Ridge today and could not be here, to move in next door to the Johnsons with their two grandchildren and look after the parents and live as a family there together. The Esteps also Jennifer teaches at Grace Baptist Academe. Their two children attend there. That is about a mile and one half away. Eric volunteers there and they have very close ties to their school and church. The two objections basically to the variances that are required to record this plat are one hardship. Eric was not aware that he would be required to plat this property

to build a house on it. He cleared the property. He has expended time and money clearing the property. It was onyx when he went to the bank for financing that he learned that a plat would be required in order for them to build a house next to his in-laws. The other objection is safety. The road as witnessed by a letter in the file is being paved by KUB. Karns fire department which services this area has no objection. They can get up and down the road and turn around without any problem. Rural Metro can do the same as you can see in your file there are photos of a Rural Metro ambulance out there and a Karns Fire truck out there. There have been two prior variances granted. If I may could you hand these around... two prior variances for lots on this joint and permanent easement have been granted in the past. One in 1998 and one in 2003. I know what code says and what the subdivision regulations say but they also grant the right of a property owner to apply for a variance. If it was a mechanistic procedure we wouldn't even be here today if you couldn't get more than 6 lots off of a joint permanent easement, but the subdivision regulations contemplate a situation where the strict application of the law should not apply. This is one of those I submit to you. Every one who lives on Grassy Valley has signed a petition which is in the file, every property owner has signed a petition to allow Mr. Johnson to subdivide his property into one lot for his daughter and her husband, a little over 2 acres, and another one where he and his wife will continue to remain, a little under 2 acres. We submit that there have been no issues. Variances have been granted in the past for lots on this road. Mr. Johnson would ask you to allow his daughter and grandchildren and her husband to move in next to them. Do you want to add anything to that Steve?

Longmire: Mr. Brechko so two different times variances have been granted, 98 and 2003.

Brechko: Staff's position all along has been denial that it needs to meet standards. The Planning Commission has approved plats previously with variances on them. Then there were a lot fewer lots at the time.

Longmire: Now there are 9 lots.

Brechko: There is one that actually has its own separate access strip but they actually use the road. There may be two situations like that. There are a total of 9 lots served and this would be 10.

Longmire: When KUB resurfaces they are only going to resurface the current 11 foot width.

Brechko: According to their letter it says the existing width for approximately 2,000 feet.

Longmire: So not even the whole width of the JPE.

Jeff Roth. I just want to go on the record to say I don't see why there would be an issue. There is nobody opposed to it. It is their property and they want to live next to their family. I just don't see why there would be an issue.

Longmire: I do see a problem. I really do. I do because the people who live there now may not be the people who live there in six months. I have seen real problems about joint permanent easements that were not kept up. Since we have already had variances twice that indicates that perhaps there will be further development on that area. I have a personal problem with it.

Wes Stowers: I concur with Commission Roth. Again the variances before were for people who are there. Everybody is happy with it. There is no opposition to it. From a practical standpoint people come and go there all the time. This is if they were subdividing this to put in a subdivision or something of that nature yes it wouldn't work. Anybody who is coming here later and buy a piece of property they know what they are buying when they come in that they have variances and that it is a narrow road. From a practical matter there is no problem with any of the utilities, the neighbors or community. The only opposition is this government body.

Longmire: I always hope that people know what they are buying when they buy it. We have seen instances when that doesn't appear to be true.

Laura Cole: Staff denial is based on safety and lack of a proper hardship. I just wonder if staff could clarify what is a proper hardship and explain a little about that process.

Mark Donaldson: The subdivision regulations actually specify the required evidence in granting a variance based on a hardship. One is because of the particular surroundings, shape or topographical conditions of the specific property which are unlike all the other properties in the area. A finding that those conditions are unique to the property. That the purpose of the variance is not based exclusively upon a desire for financial gain and that the granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located. That is the framework for making findings to grant a variance.

Herb Anders: I can't determine the width of that right of way, that joint permanent easement going back there. Is there sufficient width there to bring this piece of property in compliance as far as road width? Is there room to do what is required from a roadway standpoint?

Brechko: There is actually a 50 foot right of way for the joint permanent easement. That was stated to the Planning Commission in the previous case that the right of way is there and there is not a problem in having adequate right of way to upgrade the road to the required pave standard. One thing that is part of their hardship is that with the previous variances that have been granted other people have subdivided their property and now the one that wants to subdivide it is all of the sudden faced with somewhat of a burden of well you have to get this road brought up to standards. I believe nobody else wants to participate in helping paving the road to that required standard.

Art Clancy: The problem that I have and Mr. Seymour makes a good point, everybody needs to have their grandkids around them and that is great. There are 9 people living on this joint permanent easement right now. We have a subdivision standard set. It is not that I mind making exceptions to that rule, but if we do it without a hardship, if we keep doing it we risk the next thing coming that maybe not everybody is all on board and well you gave it to these people. There are 9 people coming down this road. Everybody has signed a petition to say we are all for leaving it undone. Let's everybody get together and bring it up to at least the minimum standards for no other reason than for the safety of the people there. It is based on safety. That is kind of why they make it no more than 6 on a joint permanent easement. I will make a motion that we deny the final plat.

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY.**

Bart Carey: Much like Mr. Estep I have in-laws who have 3.7 acres. They live on a joint permanent easement; have since 1954. Houses have built on that joint permanent easement. It is narrow; it is about 12 feet wide. They granted my wife and myself permission to build on their property and when I went to get the building permit I was told that I needed to go over to Baxter Avenue and talk to the engineers over there which I did. They told me there was too many houses on that JPE and there was no way I would be getting a permit. We didn't build the house and there are still 3.7 acres there. The idea to me is there is a precedent issue here but the safety issue, what happens if we allow 11 foot road for a JPE whether it is 6 houses or 10 or 12? The idea that well we are the last ones we are getting blamed for the road. Why should we take care of the road is a similar argument that if we are going to put 400 apartments on a busy country road everybody is against that because traffic is already bad. That is true but those issues exist on all scales and on all levels. I am certainly not opposed to this in animosity that I couldn't get a building permit it is just those are the rules and we have the rules to follow. I think that the situation especially with nobody opposed is very compelling. I had the support of all the

people on my JPE as well and it just didn't fly. I think we have got to have those rules.

Longmire: County engineering do you want to have input?

Cindy Pionke: The only thing I would add to the situation in terms of the safety. The Karns Volunteer Fire just last month we had a subdivision that came through at County Commission on Gray Hendrix Road which you probably remember. That road was 17 to 18 feet wide and at that point they had a letter saying that the road was too narrow and dangerous for the fire trucks. This is 11 feet wide and they are saying it is not a problem. There is real conflict there in terms of what is going on. From our perspective we would ask that it meet the regulations just because for future folks that are moving in and just for general safety and the fact that everybody is aware once you grant variances and whatnot they come back for the same reason, why did you favor those people and not us. It is a problem.

Jeff Roth: If we deny this today is that saying they can never come back and ask for it again or if they change the road could they ask for it again? Is our ruling today would that be final if we deny the variance request?

Steve Wise: Any appeal would go to Court. They would have an opportunity to come back and show and to build road. Certainly they can come back. It can be fixed.

Roth: Mr. Seymour, KUB has plans to pave this road anyway. Has there been any conversation with them to see what the difference would be in cost to go ahead... if they are going to pave it any and they are going to do 12 feet of pavement what would be the difference in cost to widen the road to where it is acceptable?

Seymour: \$65,000 because you have got to bring it to County road standards which would require putting down base stone and paving.

Roth: That would be the additional cost above what KUB is getting ready to spend in paving? Right. Has there been any conversation amongst the residents as to whether they would be willing to do that or not?

Seymour: They are frankly not willing to. That is the problem. Mr. Johnson does not have it. He worked hard and worked for many years at the post office. His daughter works at Grace Academy and that would exceed her annual salary and her husband works at Oak Ridge at Y-12 and that would approximate his annual salary. That is not going to happen it doesn't look like.

Roth: I understand the argument with Commission about we set precedents and we can't make decisions. I for one think that we

need to make decisions on an individual basis. This particular situation nobody opposes and Karns Fire Department is on record as saying there is not a safety issue. I just think in this particular situation that we should allow them their variances.

Charles Lomax: What exactly has changed since we last heard this case?

Seymour: I don't you had the evidence that KUB was repaving the road. I don't think you had the Rural Metro letter at that time. Safety is the justification. None of the emergency provider see a safety issue. MPC staff is saying safety and there does not appear anything from any emergency providing that would cause a problem,

Longmire: How long is the JPE.

Seymour It is 2,000 or more.

Longmire KUB is going to pave the whole thing.

Lomax called the question.

Clancy: \$65,000 to approve the JPE to safety standards. If I was going to build a house the value has to be in there somewhere. \$65,000 does not seem like an outlandish sum to work in there. There is a way to do it. You are getting a free piece of property. There is going to be a mortgage.

Longmire: I would like to point out the subdivision regulations.

Upon roll call the Planning Commission voted as follows:

- Anders Yes
- Carey Yes
- Clancy Yes
- Cole Yes
- Johnson No
- Kane Yes
- Lomax No
- Pierce No
- Roth No
- Sharp No
- Stowers No
- Tocher Yes
- Longmire Yes

**MOTION PASSED 7-6. PLAT IS DENIED.**

- \* 15. **MAITLAND WOODS PHASE III**  
At the terminus of Ancient Oak Lane, Commission District 6.

**10-SG-13-F**

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **16. HORACE IRWIN RESUBDIVISION OF LOT 2** **10-SH-13-F**  
Northwest side of Irwin Drive, southwest side of Loren Circle, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. THORNGATE RESUBDIVISION OF LOTS 17, 36-41M & 52-54** **10-SI-13-F**  
Northeast side of Harvey Road, northwest of Choto Road, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 18. WHITE AVENUE PROJECT**- White Ave at 17th St. Council District 1. **10-SJ-13-F**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Rezoning and Plan Amendment/Rezoning:**

- P 19. JAMES L. MCCLAIN**  
Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.  
**a. Northwest County Sector Plan Amendment** **9-A-09-SP**  
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

STAFF RECOMMENDATION: Deny CB (Business and Manufacturing)

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 20. CHOTO PARTNERS**  
Northwest side Plum Creek Dr., southeast of Parkside Dr., Commission District 5.  
**a. Southwest County Sector Plan Amendment** **6-A-13-SP**

From LDR (Low Density Residential) & STPA (Stream Protection Area) to HDR (High Density Residential) & STPA (Stream Protection Area).

STAFF RECOMMENDATION: Deny HDR (High Density Residential)

Mike Brusseau: This property the same property was requested for OB zoning and office sector plan designation back in 2012. MPC denied that request and it was withdrawn before it was heard on appeal at County Commission. The applicant has now come back and asked for high density residential plan designation in order to request planned residential zoning at 35 units per acre. For a lot of the same reasons we are recommending denial once again. The main reason being the larger lot of the two is designed on the Boxwood Hills Plat. It is part of the Boxwood Hills Subdivision and designated that plat which was recorded in 1967 as a recreational site or a pool specifically. Property assessor information also reflects that. Both of those documents are in your package. The property although it sites along side Parkside Drive does not have access to Parkside Drive. So that is another factor that all the traffic for this would have to go through the neighborhood streets. Being that it is recorded on the plat as recreational use only any property owners that bought homes in the Boxwood Hills Subdivision assumably if they looked at the plat would have the expectation that this would not be a high rise apartment attached development, which certainly at that density that is the only way that could be accommodated on this site. Even if not for the plat it is still not appropriate to be placing that high of density directly across from single family lots. There is no justification to recommend approval of the sector plan. There are no properties in the county that I am aware of that are currently designated high density. High density is anything over 12 units per acre. Not to say that there aren't properties that may be appropriate for that but there is no precedent for that preferably a property designated for that type of design would be a larger property in closer proximity to commercial uses that aren't car lots that are more residential serving type commercial uses. There are commercial uses to the west and to the north the property but they are on the opposite side of Parkside. The ones to the west are pretty much, they are part of the development that has occurred at the intersection of Lovell and Parkside. The one final thing. The General Plan calls for using natural barriers as dividing lines between unlike zonings which you have got commercial across the street. This property is... Basically there is a creek that runs right along the north side of the property that kind of serves as a border thas as well as the four-lane Parkside Drive. We feel that that border should be maintained; keep the low density on the south side and the commercial and other non residential on the north side. One other thing I would mention is that the property appears that it

has been prepared for development They did get permits to do some site work. However there was some clearing that went on in the buffer area of the creek that was reported by some of the neighbors. When I investigated that the County did not, the County ordered a permit to do some work on the site, excuse me, or issued that permit and there was no notice of violation. But the city, and this property is right on the border of the city in fact the creek is pretty much in the city limits, the city issued a notice of violation because they went in and took some of the vegetative buffer that was around that creek and removed it. That was not supposed to have been done. That has caused some concern from the neighbors because they once had a buffer there that kind of protected, screened their view from the commercial across the street and it is no longer there. We are recommending denial of both requests.

Arthur Seymour Jr. I am here on behalf of the applicant Choto Partners the owner of this property. There is a lot of opposition to this. We start with staff which bases its opposition on a plat 46 years old that does not have any legal enforceability. The owners title company says although that says Boxwood Pool Inc on the plat that is just who the owner was at that point in time. There was a pool at that place at one time. There is no pool there now. Staff also says there is no high density residential in the County. I would agree with that. I don't think that is a valid reason when you look at where this property is located. It is less than  $\frac{1}{4}$  of a mile from the largest shopping area in east Tennessee, Turkey Creek. It is bounded to the west by commercially zoned properties, C-6 property in the City of Knoxville, I mean excuse to the east, it is bounded to the west by commercial property. Directly across Parkside Drive are car lots. The proposal for high density residential is consistent at least it is residential. The other application was for office zoning. This application is for residential zoning which protects Boxwood Hills from further encroachment. The subdivision frankly is on the north, east and west surrounded by commercially used property or commercially zoned property. Parkside Drive has been enlarged. It is a 4 lane street divide by a median. The applicant could not develop this property unless it can get access to Parkside Drive. It has discussed with property owners to the east the ability to get access to Parkside Drive. It would have to go through City engineering but the access point would be 450 to 500 feet from the intersection. It would be then up the applicant's engineers to obtain a curb cut from the City of Knoxville to get onto Parkside Drive. We think this property needs another look. I don't think the applicant or the owner is under any duty to maintain his property as a buffer for the other residents in Boxwood Hills anymore than they are obligated to maintain their property in a way to protect his property. You maintain it in accordance with the ordinance and that is all he is required to do. Yes he got an NVO. It was back in 11. He was not fined for that. Anybody that has anything to

do with property will find that a complaint will bring a notice of violation pretty quickly. There are any number of reasons that this property should not remain low density residential. If somebody is going to build a house there it is not going to be one that would be in accordance with the standards of Boxwood Hills. It cannot be because you are by a major highway right across from car lots with bright lights on 24 hours per day. The reason there has been no further residential development in this area is because of the commercial development around there. Just simply saying no this is supposed to be a swimming pool is no reason. There is no legal reason that would compel the owner of this to maintain this for recreation. As a matter of fact if it was used by neighborhood children their parents should be concerned because traffic does travel at a pretty high rate along Parkside Drive. I would like to reserve the remainder of my time for rebuttal.

Sam Alexander: 10724 Plum Creek Drive. I have quite a few folks with me here today. I would like for them to stand up. (About 20 people stood.) They are members of the neighborhood. They are in opposition, strong opposition to this rezoning. You have just been handed also a petition from almost every resident in the neighborhood who opposes this. We do not, we in no want to see this. It will add traffic to our neighborhood where we have older folks that want to walk. We run. We have children that play you know ride their bikes in the neighborhood. It is a nice peaceful neighborhood. We think this would literally destroy it. There are a couple of things I want to point out to you. Originally this lot sort of gave us some water relief to Turkey Creek. Several years ago after I moved here in 2000 the lot was filled and now we have Plum Creek Drive which is a road inside the neighborhood that floods and the houses behind that adjoin the creek there they also have water backed up into their yards pretty consistently. The pictures that you have will reflect the flooding that is very common. Those pictures are just from a morning shower, a morning rain. The second thing I want to point out. The moving party here they clear cut along a protected water way. That is why they were cited. When we approached their workers about not continuing we were completely ignored. They came back time and time again. Just simply put they ignored the request of their neighbors. The only reason they cut was because they put a for sale sign on the property and they wanted to make it visible. That is just how simple that was. That is just with disregard to who their neighbors would be in this case. At the last meeting here as I recall I was not present but have been advised by those that were present here that they said they were going to reach out to the neighborhood. We have not received a phone call, an email, a knock on the door or anything. We think they are completely untruthful. Frankly for that we just don't think they would make good neighbors to start with. We are not sure that that is their intent. The other thing I want to point out is

this same group that is proposing the high density yesterday there was an article in the News Sentinel that actually said the developer knew nothing about this development at all. I think there is a copy of a blog there. The article is in the News Sentinel front page business section. With that I would hope that you would deny this request. I would like to reserve the balance of my time.

Longmire: Is there anyone else who wishes to speak? Are you the spokesman?

Alexander: I am.

Laura Cole: I would like to ask engineering about NOV. Second question about the likelihood of access to Parkside.

Chris Howley: We did issue an NOV when they did do some cutting along that buffer zone. I don't know the current status on that. I believe it is unresolved. In other words it is still an open NOV that could have subsequent enforcement action associated with it.

Longmire: If you could move that sign to the center so that others can see. I just can't see the people behind you. If you will just put it right in the center or set it up right in front. I think I can see now. Excuse me.

Howley: As far as access goes we just take that on a case by case basis. If they have enough frontage and can have a safe access point along Parkside then we would just evaluate that based on what they proposed. But there is that creek that they would have to cross. There is a buffer zone associated with it which they would have to cross and there are certain standards associated with that that they would have to overcome in order to cross that creek and have that access to Parkside.

Art Clancy: This is a peculiar case. It is a beautiful concept; the building is. Somebody did a great job with that. It is strange... I am not opposed to high density residential next to neighborhoods. The tighter we get in the City and County the more that is going to happen. This would be a classic example of how you do it right and how you would develop that. But I see the constraints on this. The lot seems to be too small. I know engineering and setbacks and all that need to be done at development plan. Bring me this same building one lot north and I am fine with it. This piece of property seems to be within the boundaries of the subdivision. I am not saying it needs to be a swimming pool but it does need to be single family residential in my opinion. With that I would like to make a motion that we deny high density residential on the sector plan designation.

**MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY.**

Stowers: Two questions. One the flooding, sir before the grading was done was flooding not an issue on normal rains?

Alexander: No it was not.

Stowers: And since the grading was done it is.

Alexander: Yes it is.

Stowers: Can City or County engineering. I am not sure which it is as it is right on the border.

Howley: I am not sure which flooding they are referring to and the line is, it could be city or county depending on where this is specifically. I am not sure.

Stowers: I think it is probably flooding in the County but it is because the creek is blocked in the City. What have you all been told about recourse to that?

Alexander: I don't know if that has been discussed so much. We have complained about it. Those changes haven't been made. Where the flooding is is along Plum Creek Drive which is, well it is actually in two places, it is along Plum Creek which is inside the subdivision on what you would call the south side of the property. That is just a matter of it was not ditched property when it was filled. By filling the property itself when heavy rains come down Plum Creek I mean down Turkey Creek itself, the property now causes the water to back up behind the houses that back up to the creek. So you could say the flooding along Plum Creek is in the County and the flooding behind the homes is part City, part County.

Stowers: Question for Mr. Seymour. Does the developer have any plans to address the flooding?

Seymour: Are you talking about the flooding on Plum Creek.

Stowers: The flooding that was caused by the change of elevation on the site.

Seymour: My client bought the .. when did you buy the property Sal. Two years ago. The grading predated that. He is aware of the citation or the NOV because it appeared in the MPC report. But he has never been... have you ever been cited? Come on up here and state your name.

Saul Gadiano. We did get a letter and a phone call and then I called them back and they said no everything was okay.

Stowers: As far as the access in and out do you all propose to use only the entrance in and out of Parkside or would it still also have access from Plum Creek Road?

Gadiano: Only Parkside.

Stowers: If it were approved then there would be no traffic added to Plum Creek?

Gadiana: If we couldn't get access to Parkside we wouldn't do the development.

Stowers: You really are planning on putting in a 10 story building?

Gadiana: I am trying to sell the land.

Longmire: Mr. Seymour I would like to point out that the date on the notice of violation is November 1<sup>st</sup>, 2011.

Seymour: Choto Partners owned it at the time but they had not... you all had not authorized the grading? (inaudible answer)

Carey: I am a real proponent of medium and high density in infill areas. I think Knoxville is very much lacking. If you drive to Nashville or some of the other cities around here you will see projects maybe not quite this ambitious but multistory higher density in a lot of great places. Knoxville is really lacking on that. I also agree with Mr. Seymour that even though it is in the county it is really in the city as evidenced by the fact that the creek is part way in the city. Also I will agree that due to what has happened out there with Parkside and all the commercial development chances are that is not really going to become a conventional residential lot or two. I don't have a lot of problem with the fact that there's... The pool doesn't really mean that much. I don't think that is something we have to weight our decision on. I will leave the flooding issues up to TDEC and engineering experts. We can't really... we aren't experts to really understand all those things. But what I do feel is that this even though it is a great plan is overly ambitious at this location. If you on lot... there are three lots behind this. They would basically be in the shade of this building for hours of the day in seasonal parts of the year. This is going to be looming over them. I hope we can come up with something like this at some time. I am not necessarily opposed to something with a higher density than R-1 on this property. I also see something here I want to voice. We were handed a pack of photographs by the people that are supporting this denial. There are two photographs in particular that are a little disturbing. One shows the property at some time in past and there is a full riparian buffer along this creek. It has got trees completely on both

sides of the creek all the way down the creek. We have a photograph from a later time that shows a huge swath of the vegetation being removed on both sides. That is not a good environmental practice. I am disturbed by that. I hope they can come back with something maybe lower in its residential density. I can't support this. I can support the denial.

Longmire: Mr. Seymour I have a question and it may be for your client. He said he wanted to sell this property, right. So this project that we are looking at might not even be the one.

Seymour: Correct. We would be happier with a lower density. It is R-1 or excuse me RA in the county is not going to result in anything happening there other than a vacant lot.

Longmire: Well part of it is LDR and part of it is RA. You have got your city, county thing going there. I understand Mr. Seymour. Basically if we do vote in favor of the high density residential that goes with the property not with the developer.

Seymour: If you feel uncomfortable with high density residential we would suggest you vote for a lower medium or low density residential at a planned residential zone. There is not going to be a house built there.

**MOTION CARRIED 12-1 (ROTH).**

**b. Rezoning**

**6-C-13-RZ**

From RA (Low Density Residential) to PR (Planned Residential).

STAFF RECOMMENDATION: Deny PR (Planned Residential).

**MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE STAFF RECOMMENDATION TO DENY. MOTION CARRIED 12-1 (ROTH). PR PLANNED RESIDENTIAL DENIED.**

\* 21.

**DANNY HAMILTON**

**10-A-13-RZ**

West side Fox Rd., south of Capital Dr., Commission District 5. Rezoning from A (Agricultural) to OB (Office, Medical, and Related Services).

Staff Recommendation: Approve OB (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

W 22.

**JESSE C. PATTERSON**

Southeast side Edgewood Ave., east of Whittle Springs Rd., Council District 4.

**a. East City Sector Plan Amendment**

**10-A-13-SP**

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

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**W b. One Year Plan Amendment**

**10-A-13-PA**

From NC (Neighborhood Commercial) to MDR (Medium Density Residential).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**23. SMITH/CHASE DEVELOPMENT**

Southeast side Deane Hill Dr., northeast of Winchester Dr., Council District 2.

**a. West City Sector Plan Amendment**

**10-B-13-SP**

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

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential)

Brusseau: Again this is a case not the same property that we have heard before but very similar. It is right next door to a property that was approved by MPC for MDR and RP-1 up to 10 units per acre; that property just to the west of the subject property at the intersection of Deane Hill and Winchester. It is still pending at City Council presumably for them to wait for this property to come in and they can hear it all at one time. Staff at that time had recommended denial of the sector plan change and one year plan change to MDR and recommended approval of RP-1 density at the max which was 5.99 units per acre. The reason being is that the, one that is consistent with the sector plan and consistent with the surrounding pattern there. It is predominantly single houses on individual lots on the area. There are some attached developments however none of those developments exceed the low density residential density. There is a property that is shown MDR to the east on Deane Hill, but it is like I said is not zoned or developed at medium density level. The reason for the recommendation is basically because it would be a spot allowing the higher density at this spot and it is surrounded by the low density. I am sure the applicants will bring up that there is MDR to the west on the north side of Deane Hill. That is true but that is also a transitional area between the Deane Hill Shopping to kind of transition between the commercial uses there and the low density residential along Deane Hill. The entire south side of Deane Hill is low density residential until you get to some of the non residential uses that are down associated with the light industrial park down there. Because there being really no justification for the sector plan or one year plan change and being a spot amendment and spot rezoning staff is maintaining our opinion that this should be kept at low density residential.

Longmire: I failed to read the staff recommendation on the back of the sheet.

Wayne Kline, Hodges Dougherty Carson, 617 Main Street. I represent about 150 families. This opposition has grown slowly and I have just been recently retained. I am going to be careful with my words because I don't want to say something that I really don't know. To the extent that I have been hired and to the extent that you have information there are some people here that are opposed as well as those that couldn't come. We have in your packets a petition signed by many people I have 43 more signatures here that were just garnered last night that I am going to put in the record when I get done talking. We support Mr. Brusseau and the staff recommendation. It would be a spot amendment because of the low density nature of this particular residential area. It would be spot rezoning as well. As you all know and your attorney can tell you that spot rezoning is illegal because what you are doing is taking one particular lot and allowing a higher density than what surrounds it. What surrounds it is low density residential. Also the plan that is applicable, the one year plan as well as the longer plan, both call for low density single family residential. If you take a look at the surrounding land use as planned and then your staff recommendation, we are completely in step. We are asking you to support your staff recommendation in all three motions as madam chair appropriately told you to begin with. For the rest of my time I am going to reserve it.

Josh Sanderson, 4909 Ball Road. Staff does a great job always bringing you up to speed on the history of this. I just want to touch on a few highlights. We didn't try to string this property again it abuts the 2.2 acres that we already got approve by your all in May of this year at 10 in units per acre. After we got that approval our next door neighbor Mike Chase called us and we always had intentions of doing something together. However, when I looked up on KGIS I looked at a different last name and I assumed, and that was my fault, that he did not own it still. That was my fault. Mike Chase assured us that he does own it and we were ready to partner up. After that May meeting that you all approved on that 2.2 acres at 10 units per acre, we sat down and we drew up what we think is a first class development. It shows 50 homes on it. It is asking for 10 units per acre. I handed everyone packet. The first page of it shows what we originally handed out to you all in May to show you all exactly what we wanted to build and the layout. What I want to hand out I am going to hand to the opposition to make sure they have one too. So the first page shows exactly what I put in front of you all. It shows us tearing down an existing house on the property which is in my opinion an eye sore. It shows us building units; single loaded and again this got approved by you all in May. After we sat down with Mr. Chase we combined the

property to make 5.1 acres, and we came up with a much better layout; a much better layout. It is centralized. It is a fenced in, it has got a huge landscape buffer. There is going to be a pool, a pavilion. There is going to be a walking trail; there is going to be sidewalks. The units will be all brick with some stone. It is a first class development. It will be owned and operated by two credible families in this neighborhood. You have got the Smith family who has built more houses in this county than anybody. You have got the Chase family who has fed more families in this county than anybody. What we want to do is we are going to own and operate it. What we are trying to do is ask you all to zone Mr. Chase's property, the 2.9 acres, exactly the way you all zoned us in May at 10 units per acre and that we can do this first class development. What I am going to do is save the rest of my time for comments and questions from you all.

Longmire: Mr. Sanderson when you are talking about the piece of property we rezoned or advised City Council, they haven't approved it yet, it is the property to the southwest?

Sanderson: Correct. It touches on Winchester.

Kline: I can respond a little bit. A development is a development. A developer can stand up here and say it is going to be first class, it is going to be top notch, top quality. Once you change the density once you change the plan amendment and amend it you have allowed you to open the door for development that is consistent with whatever you approve. What we are asking you to do is not allow further development at 10 dwelling units per acre. What you have got is a domino effect going on here in an area that you have approved by the approval of the sector plan and by our legislative body, in this case city council, to be low density single family residential. That is what it is slated to be. That is what it should be. When you start putting this domino effect bringing in Mr. Chase's land adding more and more density you are destroying the rest of the neighborhood. A lot of these folks have lived there for a long time and want to continue to live there the rest of their lives. I reserve the rest of my time.

Chase: In our opinion the domino effect started where 19 units per acre got zoned 300 yards from this property. I mean literally across the street. This is still a planned development. We are going to have to come back for a use on review. We are asking for the zoning which literally 300 yards away is 19 units per acre. I don't know if you have been by their lately but it looks like the great pyramids are being built literally across the street from these people. Again we ask that you all zone this 10 units per acre. Thank you.

Art Clancy: Le me reiterate I am not opposed to high density residential. In the city any more you have got property that presents more challenges. We don't want urban sprawl but in my

opinion the city does not help us out enough developing the infills. The apartments right down the street that were built on the Deane Hill property which is at 19 dwelling units per acre those are an excellent example of what you do with property inside to raise the residential quota that we need to put on these infill lots. I supported 10 units per acre when it came here a couple of months ago. I think the development just got a lot more attractive. If we are going to use infill development, I think it is going to have to be at least at medium density residential. I think the medium density on Prescott Way was a fine addition to that neighborhood. I don't think it hurt the neighborhood at all. Therefore I am going to make a motion to approve MDR sector plan designation.

**MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE MEDIUM DENSITY RESIDENTIAL.**

Longmire: We do have to have... A change of conditions is what you are doing. The condition has changed because of the development near by.

Carey: Like Commissioner Clancy I too supported the approval of the density on the adjacent lot. I did have a little bit of reluctance in doing that. I live near this area. I drive that road all the time. Part of my reluctance on approving that earlier was that the way this thing is shaping up here I believe ultimately we are going to end up with this whole strip here in some kind of higher density form. It is just that trend. We see it. It is pretty obvious to see. My issue before was if we keep following this pattern we are going to have so many narrow ribbon type developments. Each one of those lots could be its own independent development. There is no continuity; there is no cohesiveness there. In combining these in looking at the layout that was proposed to us in this packet this thing makes a whole lot more sense. It is a higher quality product. It is not a long ribbon strip. It is going to be more square than long in its nature. I would support that.

Michael Kane: One of the things I have a concern with is the idea of developing buffers and communities essentially trying to decide what works. A higher density does work and can work but it works in areas where things are more walkable; things where people essentially want to live in more urban environments. Granted this is near a commercial development. It is not... people will be driving there. They are not going to be walking there. I think we have achieved some higher densities with the Deane Hill development in the former golf course. I don't see that something of this dense nature right within essentially a low density development works. I cannot support.

Longmire: I would point out were there sidewalks on Deane Hill Drive the walkability would be increased immensely.

Clancy: I would like to make one more comment if that is alright. City infill lots are tricky at best. Densities are hard. I know everybody that lives in a neighborhood wants it to be what their neighbor is. That is tough. At the same time if you restrict density on some of these infill lots you risk not getting a good development. You can approve stuff at a lower density and that is great. But it causes the developers to look at the numbers hard and say we still need to develop it let's not put as many amenities in it. I think that is important. Also with an infill lot there are very few developers in Knoxville that I would trust to actually put it down just like that. When I say yes that looks good with this developer I feel like we are probably going to get this same product. That is why I make the motion. I know it is not... it is big and a lot more than normal. I agree with Commissioner Carey this whole strip may go that way. Being to pull it in at least these two parcels and be cohesive is a very attractive option.

**MOTION CARRIED 12-1 (Kane). MDR APPROVED.**

**b. One Year Plan Amendment**

**10-B-13-PA**

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

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential)

**MOTION (CLANCY) AND SECOND (ROTH) WERE MADE TO APPROVE MEDIUM DENSITY RESIDENTIAL. MOTION CARRIED 12-1 (KANE)**

**c. Rezoning**

**10-C-13-RZ**

From R-1 (Low Density Residential) to RP-1 (Planned Residential).

STAFF RECOMMENDATION: APPROVE RP-1 (Planned Residential) zoning at a density of 5.99 du/ac.

**MOTION (CLANCY) AND SECOND (PIERCE) WERE MADE TO APPROVE RP-1 UP TO 10 DU/AC. MOTION CARRIED 12-1 (KANE) APPROVED.**

**24. KENN DAVIN**

**10-D-13-RZ**

Southeast side N. Sixth Ave., east of Abilene Place, Council District 4. Rezoning from I-3 (General Industrial) to C-2 (Central Business District).

STAFF RECOMMENDATION: Approve C-2 (Central Business District)

Opposition: We would prefer to defer and hear the applicant's request please.

Steve Wise: The applicant has the option to defer; you don't.

Dwight Guinn, 1249 Monroe Street. That is in the Parkridge neighborhood approximately 4.5 blocks from this site. I would like to start off by saying that I do support the reuse of existing industrial type buildings within the neighborhoods. The neighborhoods need it. I think it can be a very good thing for the neighborhoods. I also support the policy of mixed use rezoning for industrial buildings. I do not think C-2 is a proper zone for this type of development without some additional use on review requirement being added to the rezoning. The reason for that is there are uses that are allowed in C-2 zone which do not help the neighbors. I think developments should be reviewed on a case by case basis rather than the blanket rezoning to C-2. Also one of the requirements for C-2 is no off street parking requirement. I think that is a major issue for redeveloping warehouse properties. This property has potentially over 50,000 square feet of building square footage and to develop that property without an off street parking requirement is really detrimental to the planning process. I would like a member of this commission to ask for a use on review be added to this request. Thank you.

Lynn Sullivan, 1912 Washington Avenue. I am here representing the Parkridge Community Organization. We would just like to say that are in agreement with Mr. Guinn's recommendation about the use on review. This is the first project of its kind to come into the Standard Knitting Mill district and we think that there needs to be some oversight over this initial project to make sure that this large area in the middle of three historic neighborhoods goes in the right way in terms of redevelopment. Thank you. Also we would appreciate it if Mr. Davin would communicate with the neighborhood so that we would know more about what he is doing. We would ask that he talk to us. Thank you.

Mike Anderson: Chair of Historic Edgewood Neighborhood Association, 1730 Washington Avenue. We concur with previous opposition and we also suggest that we have communication with the developer at this point. We view this as very positive in reference to the neighborhood development, but we would like to know a bit more about it before we come down one way or another. Thank you madam chair and commission.

Kenn Davin: 1216 Westland Bay Drive, Knoxville. There is not parking off street on that street at all. It is a bicycle trail on both sides of the street so there will not be any off street parking for this site. As far as any other issues we don't know exactly what is going to go in the building yet. But we do, the City or MPC had

recommended C-2 zoning because we wanted to use it for residential and retail.

Longmire: Mr. Brusseau would you speak to why the staff wants C-2.

Mike Brusseau: C-2 is the only zone that is available that allows residential as well as retail. It was also supported by the Magnolia Avenue Corridor plan which takes into account this area. The standard knitting mills site on the opposite side of the railroad to the east of this site the larger building was recommended a few years back for C-2. Same reasons the applicant wanted to try to do a residential development but also include some retail in it. The best response is that it is truly the only zone that we have got that allows that kind of mix of uses. We didn't see the need for a use on review I guess simply because it was supported by the plans. The plans did not mention that they should require a use on review or anything. Generally if the plan is supportive of a request, we will support it also. I don't think staff would have any opposition to a use on review condition being placed on that. That was discussed at the meeting at our zoning review meeting, but we opted to just recommend approval. I feel like the parking issue for the residential there would have to be demand for parking if they were going to set up residences there. I guess my opinion would be that would sort of take care of itself but it wouldn't be required. So the use on review condition would be a route to make sure that issue is addressed if you chose to go that route.

Longmire: The neighborhood said they were concerned about possible uses in C-2 that would be detrimental to the neighborhood.

Brusseau: C-2 is the downtown zone. It allows a wide array of different uses. I can certainly see where that could be a concern. I can't think of anything specifically off the top of my head that they might have a major concern with but I can certainly see that there may be some uses in there that would not be desirable at that location.

Longmire: May I ask Mr. Guinn what did you have in mind sir?

Guinn: 3The 37917 has a higher density of social service providers of any zip code in the City. C-2 would open that property up to a shelter type operation which the neighborhoods have consistently opposed in other properties.

Herb Anders: I have a question for Mr. Davin. Do you plan to use the existing parts of the exiting building? I know there are some buildings there in very poor repair. What portions if any of the buildings do you plan to use?

Davin: We obtained a permit a week or so ago and removed the buildings on the outside. Those have been removed already. If you look in your packet the new picture actually shows them removed. Maybe you don't have it. It was in the newspaper a couple of days ago and it shows it. Those buildings that were on the front and now that opens all that for parking. So there is plenty of off street parking for a 12,000 square foot building. There is an acre of land.

Ander: So your plan is not to use any of the existing buildings?

Davin: The brick building. The buildings in the front have been removed. The existing brick building should remain. We removed the front buildings, the steel buildings on the front. They looked terrible. Now the building looks a lot better.

Laura Cole: I just wanted to say I think the neighborhood organization which is a very strong organization is pretty supportive of this. We want to make this work. We want to get off on the right foot. I would support an additional use on review process. I will make that motion if nobody else does.

**MOTION (CLANCY) WAS MADE TO APPROVE C-2 WITH ONE CONDITION THAT THERE BE A USE ON REVIEW.**

Clancy: Because this neighborhood it needs boosting up. We need to be able to do residential and some commercial and retail. So the C-2 is absolutely appropriate. I think the neighborhood is on board with that. Everybody wants to see this neighborhood developed. I would also like to say to Mr. Davin keep your... that is a proactive neighbor down there. Those people are like you. They are really passionate about what is going on down there. It is up and coming. It is the Magnolia Corridor is something we have all bought into and have worked hard on. I think if you will involve the neighborhood with your plans and let them know what is going forward I think you will find you will have some good support which will help you with your development. I don't think a use on review is going to hurt you.

Davin: I am fine with that.

Longmire: I do have a motion I need a second.

**COLE SECONDED THE MOTION.**

Stowers: I was going to say the same thing that Commissioner Clancy did so I am covered.

Jeff Roth: Mr. Brusseau I just have a question. One of the issues the neighborhood brought up was there could be a shelter under

C-2 zoning. Would a shelter type be a use on review under C-2 anyway?

Brusseau: I don't know off the top of my head I will have to check. Residential uses are permitted and it won't matter what type be it rental as far as residential development. If you are talking about an overnight shelter of some kind I am not positive on that.

Steve Wise Permitted uses are halfway houses subject to variance standards; no other one than a mile of the site; 300 feet of a park, school or daycare; 1000 feet of a transit route; signs; so on and so forth.

Roth: We are well within our rights to require a use on review regardless of how we zone?

Wise: Mmhm. Yes, you can condition the zone requiring use on review process. That is the motion that is pending.

Brusseau: My review shows it is not addressed specifically in that zone. That would be an interpretation.

Bart Carey: Number one what would be the time and monetary hardship on the applicant to have to file a use on review?

Brusseau: The application fee is, I believe, \$1500 for any use on review in the commercial zone and the time is similar to all other things heard by MPC. It is about a 90-day process from the time of deadline till... actually I take that back. On a use on review is less because MPC would have the final say. So it is about 60 days barring any postponements.

Carey: Would it be possible to do a reverse condition instead of putting that \$1500 automatic price tag on this job and slowing it down for 60 days, I wonder if the homeowners association... I love the fact that you guys are close and you made some great points to us and I am really appreciative of your knowledge and how this thing works and you too Ms. Sullivan and Mr. Anderson. I really admire what you all have done to bring this forward. Could we put a condition on this that it would not be a halfway house and that, I am not sure if the parking situation has been somewhat alleviated, but there does seem to be adequate space on the property to provide parking. If we eliminated the possibility for a halfway house would that help make this think more palatable?

Steve Wise: You do have authority to make conditions such as exclusion of particular uses that are identified in the code section. What you don't have is the ability to negotiate with the applicant or the opposition.

Carey: Okay. Sorry. I think I knew that didn't I? I was looking for eye contact.

Roth: Seems like I am talking a lot today doesn't it. I just want to point out I agree I want to echo what Commissioner Carey said. I think it is great the community is involved. But I would point out that the current zoning allows a whole lot of things that C-2 wouldn't allow that would not be as pleasant as what is being proposed under the C-2 designation. I just wanted to point that out to you.

**MOTION CARRIED 13-0. APPROVED AS MODIFIED WITH A USE ON REVIEW.**

- \* **25. FMC EAST KNOX, LLC** **10-E-13-RZ**  
 Northwest side E. Magnolia Ave., southwest of N. Cherry St., Council District 6. Rezoning from O-1 (Office, Medical, and Related Services) to C-3 (General Commercial).

Staff Recommendation: Approve C-3 (General Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 26. CRAIG ALLEN**  
 South side Middlebrook Pike, east side N. Gallaher View Rd., Council District 2.  
**a. Northwest City Sector Plan Amendment** **10-C-13-SP**  
 From LDR (Low Density Residential), SLPA (Slope Protection Area) & STPA (Stream Protection Area) to C (Commercial), SLPA (Slope Protection Area) & STPA (Stream Protection Area).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. One Year Plan Amendment** **10-C-13-PA**  
 From LDR (Low Density Residential) to GC (General Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P c. Rezoning** **10-F-13-RZ**  
 From R-1E (Low Density Exclusive Residential) to C-6 (General Commercial Park).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **27. WORLEY BUILDERS, INC.** **10-G-13-RZ**  
 East side Bob Kirby Rd., north of Dutchtown Rd., Commission District 3. Rezoning from A (Agricultural) to RA (Low Density Residential).

Staff Recommendation: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* **28. FAMILY PROMISE OF KNOXVILLE **10-H-13-RZ****

Northeast side Middlebrook Pike, east of Keith Ave., Council District 3. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).

Staff Recommendation: Approve O-1 (Office, Medical, and Related Services).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**29. S & E PROPERTIES LLC **10-I-13-RZ****

Southeast side Creekhead Dr., west side Helmbolt Rd., Council District 3. Rezoning from A-1 (General Agricultural) to RP-1 (Planned Residential).

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

Teresa Ledbetter, 6316 Creekhead Drive. We have a number of other residents that were able to be here today. I would like them just to stand please and be recognized. (about 4 people stood) I have lived in this neighborhood and on this particular property since 1974. I do want to thank you for giving us the opportunity to for the residents to express concern about this particular development of the 10 acres. I actually would like to request a postponement to have an opportunity to meet with the developer for the residents to hear what the proposed plan of this developer would be. I did contact, I didn't personally contact but another resident did contact, Mr. Moseley he chose not to agree to that postponement. I am asking to see if MPC would be able to entertain that at this time.

Longmire: Thank you. We will take that into consideration. We need to hear from the applicant also.

Ledbetter: May I proceed with the concerns. This area does involve Helmbolt Road which is major connector road to Frances Road. The width of the lanes on that road are about 9.5 per lane in terms of footage. In terms of Creekhead I think Creekhead is referred to as a collector road. This road is really a through road. We have got Helmbolt to the east of Creekhead and we have got Piney Grove Church Road on the west. Because of that we have got a great deal of traffic that comes into that area. The lane width for Creekhead are 9.5 with the footage as well. In about 1990 in September of 1990 we came before MPC and Mr. Bill Knight, who was a commissioner at that time, discussed the condition of the roads and he noted that as an example the

southwest side of Helmbolt and Creekhead needed to have a dedication of property for future road widening. His quote was keep houses back from the road. Again the northwest Ball Camp impact study done in 1990 stated that the roads were unaccepted for development under A-1 and that if there was any planned residential rezoning change it would definitely not be acceptable for the roads to be able to handle the volume. Autumn Place is a subdivision on Creekhead Road very close to this property; 43 acres, 132 units single family. We also have Fox Borrow on Piney Grove Church Road which is to the north of this property and we have Glenview which is an extension of Creekhead Drive. Both of those areas the developed areas are additional units. The issues that the residents have do have to our concern is for the public health, safety and welfare. The safety of the residents both for cars that travel the roads; both for pedestrians. This is an area this is probably one of the last agriculture strips that have been remaining in this area. Navigating the narrow roads is extremely difficult. Site is an issue. Size of the road is an issue. School bus pick up and drop off and passing school buses on the road. There are cars that obstruct being able to pass on the road as well. That is one issue. The second issue has to do with drainage and flooding. The impact both up and down stream with this particular development. I don't know how the creek that is existing in that area and the basic runoff from new development is going to be able to be handled. You have before you an example of flooding that occurs. That sample I believe is from 2001 if I am not mistaken. The other concern about aside from the flooding and the traffic the safety issues that are there in terms of green space and some sort of buffer. When Autumn Place was put in about 20 or so years ago we did request that at least there was a buffer of tree line. We have a wonderful canopy of.

Longmire: You have one more minute and I will add that to you sir.

Ledbetter: Alright I would like to go ahead and just indicate that at this time I know that the market place has two constants and that is change and that is choice. We are asking as residents that MPC Commissioners consider denying the request of this particular zone. We are not opposed to change. We have had change for a long time. We have had over 350 units added to our immediate area and surrounding area. So that is not the issues. I think the issue is choice even though 4 per acre is being recommended by staff and I am sure they consider it a great recommendation, it is severely going to impact the residents of this community. I just ask that you take that into consideration and thank you for your time.

Eric Mosley: 405 Montbrook Lane. This 10 acre site is has been recommended for approval up to 4 units per acre. We initially asked for almost 6 units per acre which is within the low density

residential guidelines. We are very sensitive to all the issues that have been brought up. We basically usually address those at concept stage. Zoning really is more to get some direction of what you can do conceptually. For that reason I don't think that a postponement would do any good as far as addressing those issues. We will be glad to meet... The property has been for sale for 4 or 5 months and the family needs to sell the property. We have come forward with the rezoning. We are in conformity with what staff is recommending. We feel it is appropriate for the site. Like I said the issues that have been brought up are all pretty much addressed at concept stage which will be the next stage of this process.

Oliver Farris, 8216 Broken Arrow Drive. I am asking for consideration to make the change. This property has been in the family since mid 50's. My parents, my dad is dead and my mom is in the nursing home and we need to sell the property. I would appreciate the change.

Art Clancy: I have got a question with City Engineering. Have you all looked at those?

Chris Howley: I saw those pictures for the first time today. I was given them a little bit earlier. I was not familiar with that location prior to today. It does seem to be upstream of the current development. Most of the time we are used to seeing flooding problems downstream. I do not know exactly what the cause of it is but there is potential that if that is caused by too small of a drainage conveyance across the property that would something that would be evaluated and looked in conjunction with the concept plan and site development permits for the development.

Clancy: I would like to address the neighborhood in general. There is another process that goes along with this. It is called a development plan. What we are doing today is just letting the developers know if this is a suitable place to put 4 dwelling units per acre or 5.9 dwelling units per acre. After we decide whether that is appropriate or not they have to come forward with a development plan which if they are smart they will address the neighborhood and say this is what we are planning. This is what it is going to look like. Not everybody is going to love it. But what you do need to understand based on what the city engineers have just told us there is a very good chance that the development of this property will actually help your drainage situation. There is a good possibility that it will. They are going to be required to retain any and all water shed from their development and it will all have to meet the city engineering standards. They are very stringent upon these especially in the City. As well you have got a property owner that really does need to sell their property to help maintain his elderly parents. It is a matter of you have got to almost look at it if it was my piece of property and I was in the same situation what would you do.

Everybody says we are not opposed to development but with the way the property is... what is left inside the city all the easy pieces are done now. That being said I would like to recommend City Council approve RP-1 zoning at a density of up to 4 dwelling units per acre subject to the one condition.

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

Tocher: I have a question for city engineering. I spoke with someone yesterday on the phone lived on Tennyson Drive was concerned with the traffic on Helmbolt and Creekhead. I was wondering, the person I spoke with I asked if there was any stop signs on Helmbolt, I have not driven out there, I was wondered if there was a possibility of a three way stop at that intersection.

Howley: It is something that we can look at. I am not aware of what the stop condition is out there right now. When we review the concept plan assuming that the zoning does get approved we will evaluate some of the traffic issues in a around that area. This particular development at 4 units per acre will not reach the threshold of having to do a traffic impact study so it will be more based on taking some measurements in the field and taking some just general field evaluations to see if there is anything that needs to be done in conjunction with the added traffic to this location.

Michael Kane: I guess to Mr. Brusseau. You recommended the 4 dwelling units per acre. I guess that was based upon another property that is at 3.25. Is that property the one that is to the north of it which is access to Piney Grove? Is that the one that you are talking about that is 3.25?

Brusseau: Yes it also has access to Creekhead. That is 3.25 and then there is one that is just off the map that you are seeing that is accessed from Piney Grove that is around 6.

Kane: It has been a while since I have driven in this area so I am not that familiar. I guess I was very sensitive to the neighbors concern about the condition of the roads and why we were recommending something at 4 where it at least appeared from the map that it wasn't supporting up to the 4. It would be more like a 3 dwelling units per acre for roads that essentially could handle less traffic I guess. What I remember is Piney Grove would be able to handle more than Creekhead.

Brusseau: Both Creekhead and Helmbolt were measured at least 18 feet which is not bad.

Kane: I understand. I was just trying to figure out how you got to the 4 verses the 3. That was my basic question.

Brusseau: Well low density residential allows up to 5.9. You have got a mix of density. If you go further south there are densities that exceed that go into the medium density range. There is a wide range of densities. Clearly 5.9 was out of character with the surrounding area, but we feel that 4 is in keeping with the area.

Kane: You feel like the conditions of the roads in terms of the 4 for the general area the conditions of the road are okay with is what you are saying.

Brusseau: I am not an engineer but 18 feet doesn't raise a red flag from our standpoint.

Mark Donaldson: In addition to the planned residential districts in the area the biggest zoning is the base R-1. Our general rule of thumb on R-1 is at 4 units per acre is fairly typical.

Laura Cole: I support the zoning. I just wanted to ask engineering if they would personally check into flooding issue and personally contact Ms. Ledbetter to follow up on that.

Howley: Yes we can do that.

Longmire: This has gone to Commission right now.

**MOTION CARRIED 13-0. APPROVED RP-1 AT 4 DU/AC WITH ONE CONDITION.**

## Uses on Review

- P 30. FLOURNOY DEVELOPMENT 5-H-13-UR**  
West side of Thunderhead Rd., north of S. Northshore Dr.  
Proposed use: Apartments in TC-1 (Town Center) & OS-2 (Open Space) District [RP-2 (Planned Residential) pending].  
Council District 2.  
  
THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.
- P 31. 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) pending District. Council District 2.  
  
THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.
- 32. ROYAL PROPERTIES, INC. 8-B-13-UR**  
Southeast side of W. Church Ave., northeast side of Market St.  
Proposed use: Commercial Parking Lot in C-2 (Central Business District) / D-1 (Downtown Design Overlay) District.  
Council District 6.

STAFF RECOMMENDATION: Approve the request for the surface parking lot as shown on the site plan subject to 5 conditions.

Louis Howard, Lawyer of the applicant Royal Properties. The application involving this property began with the Downtown Design Review Board to demolish Pryor Brown Garage. That is where this would go back to if commission agrees with the staff recommended in that the entirety of this block with the exception of Pryor Brown garage is now dedicated to surface parking. This would add approximately 50 to 55 spaces to the existing lot which as recommended by the commission would reduce by about 39 spaces with all the additional site development the trees and shrubs and handicapped parking and what all would be involved. What we are seeking today is the approval of commission that if in fact the building is demolished that the site can be used for additional surface parking adjoining the existing lot already designed as C-2 which will be improved in accordance with the recommendation of the professional staff.

Kim Trent, Executive Director of Knox Heritage, 112 S Gay Street. We do oppose this use on review. Number one because the use is not compatible with the character of the neighborhood. It is surrounded by antebellum buildings to the east, the Bijou to the south, historic residential uses and St. John's Church to the west. We think this would be a very incompatible use with the character of the surrounding neighborhood. It will significantly injure the value of adjacent properties especially the residential property that go from overlooking an attractive historic building that just needs to be restored and then they would in return if this is approved would be overlooking a massive entire city block of asphalt. We think that will hurt the residential values adjacent to the property. Third it is just bad urban planning to allow an entire city block to be nothing more than asphalt. We have been promised a tower on that block since 1996 and even the applicant believes that won't be possible for 15 years. To me that is bad urban planning for our main street; our Great Street; our award winning Gay Street to have an entire city block remain paved for the next 15 years or for the foreseeable future. Massive parking lots in addition to that break the appealing pedestrian connection that we have on Gay Street all the way from Emory Place all the way down to the waterfront. To me that is the one block on Gay Street I avoid as a pedestrian just because it is such an unattractive thing to go through. Visitors feel the same way. It looks like there is nothing past there. The bijou is not clearly visible. The waterfront there is nothing beckoning you forward and toward the waterfront on the street when all you are faced with is a big blank block. Then there is the historic value of the Pryor Brown Garage itself. This building has been determined to be

eligible for listing in the National Register of Historic Places by the State Historic Preservation Office. It is eligible for the tax incentives that come along with that designation. It is really a model for how modern parking garages are built. It contains retail. It contains parking. It is the way we do this now in urban neighborhoods. It might be one of the oldest structures of that kind still standing in the United States of America. To me that makes it an important place worth saving. We have attempted to meet again with the owners to discuss possible solutions. They have declined to do that at the advice of their attorney. We are still willing to do that. I have identified two serious buyers who would like to buy the Pryor Brown Garage and convert it into a residential use. We really think that this is not a good decision for downtown to allow an entire city block to be paved for the next decade or more in the middle of a downtown that is being revitalized where there is huge demand for residential properties and where we should be building buildings that incorporate parking into them like Pryor Brown does right now. Thank you and I will reserve the rest of my time.

Howard: Of course the property owner is not seeking approval of demolition from the commission. That would be done with the Downtown Design Review Board. It might be well to point out that this building according to structural engineering examination in detail and according to Merit Construction Company which will be retained for the demolish if it is demolished is not capable of adequate repair for a reasonable cost. As the chairman of Merit Construction indicated to the design review board the only way to repair this building because of its age and condition would be to tear it down and rebuild on that site. There are no incentives from any governmental agency that are workable here because the building itself is not capable of any further sustained life. It is becoming a hazard to the operator. The fourth floor of the building is closed. Claims are routinely made for damage to automobiles from falling concrete inside the building. It is vital that that be done that it be demolished. That is not the purpose of our visit here today. It is just simply to determine that if it is demolished it can be used as additional surface parking. The adjoining property has been zoned C-2 for the last 17 years and has been used as surface parking. It is under a long term lease right now with a stipulation that if the owner can develop this property which is obviously in the long term best interest of the owner and city and the community that the parking lease can be terminated. That is something that we have looked at for years and will continue to look at in the future. It shouldn't have any bearing on the action that is contemplated in taking today.

Mike Kane: Ms. Trent I think this body has a difficult position in terms of these old buildings in our downtown area. Most of

us here are very supportive of the revitalization that is going on. We are in a little bit of a dilemma. I think what we are being asked to do is the demolition of the building is out of our hands at this moment. What you are asking us to do essentially is if it gets demolished is to not approve the use of the property for a parking lot. Which would mean essentially if it gets demolished it would just stay bare. I think that is my logic.

Trent: I am asking you not to approve a parking lot that would be the size of an entire city block. We will talk about the Pryor Brown in the Downtown Review session. I will say developers and engineers disagree about that building. I have some that say it will be fine.

Kane I am just trying to make sure I understand what we are being asked to do. There is a parking lot already there on the majority of that city block. That is correct. What we are looking at is if that building gets torn down that parking lot is still going to be there that is already there and essentially there will be this vacant portion of the remainder of the block which if we deny it would not be used for anything.

Trent: It could be used for a new building.

Kane: Right but we can't make the developer or the property owner put a new building on there. We can't do that. We can prevent from using it for something that we don't believe might be appropriate within the boundaries that the zoning allows us to do. We can't make them do something. It is difficult from my standpoint to see how we could, how that would be better, how having an unused, not improved at all if it gets torn down. I just can't see the logic in that.

Kim: It would be better because surface parking lots are bad for downtowns. That is universal knowledge. We should do everything possible to stop a wave of more surface parking lots downtown. We should have garages. We should have parking built into new construction. To me it is better to prevent additional surface parking than to allow it.

Kane: So what you are saying is that the logic being that if we deny this that that would essentially provide incentive for the current owner to maintain the building and not tear it down. Is that what you are saying?

Kim: I am not sure what the incentive will be for the owners. I am working on that. There are financial incentives for them to not tear it down. I am willing to bring that to the table. But in this case on an urban planning discussion this negatively impacts the residential neighbors across the street who will be

looking at a block sized parking lot and it is not in keeping with the surrounding historic structures that are already there.

Kane: I totally understand that. I understand those arguments. But what I... last month we talked about the tearing down of the building and it is moving through its process. I think that decision is out of this body's hands. Am I not correct? So then if that is correct what we are left with is we could deny this. They could tear it down and then not do anything with it. They would have that option. Or if we deny it and they say oh I don't have any use for it then maybe I will go ahead and try to renovate it or sell it to somebody who wants the building. That is kind of a difficult thing for this body to do to be honest with you. But to try to force somebody through this process to do something in terms of not tearing down a building.

Kim: I think that probably happens very often in zoning. When you have the zoning in place, historic zoning or use on review you can't force anyone to do something but you can put down a template that encourages development that is better for the community as a whole. Even though you can't force them to follow or do anything or force anything to fix something, you can encourage them not to create more surface parking lots in downtown.

Mark Donaldson: I think Commissioner Kane is trying to find a ledge on the foothold that the Downtown Design Review board put the Planning Commission on. They literally punted it to you to see what a surface parking lot would look like on this property in the event that the building was taken down. You can only deal with the application that is in front of you and that is whether that is an appropriate use that ought to be permitted on review and whether they have met the intent of the standards regarding landscaping and screening of commercial parking lots that are established within the code. It is staff's opinion that yes in fact they have done that.

Kane: It would seem to me that the argument that Ms. Trent is making is that it is not appropriate to have in this location an entire city block of gravel surface parking lot regardless of how pretty it may look. Is that correct?

Trent: Yeah, I am saying a downtown parking lot the size of a city block is a bad thing. I would also add I don't think Downtown Design Review punted to MPC. I think they said look we don't want to issue a demolition permit for something that may not even be allowed when you go through the entire process so let's see if it is even allowed by MPC before we issue a demolish permit. They didn't punt. I was there.

Longmire: Mr. Kelly did you want to say something? You pulled your mike down like you were ready.

Dan Kelly: If you want to hear it. The parking on the south end of the central business district is fairly limited. Public parking on the south end of the central business district right now is fairly limited. There are with the Federal Courthouse, the Bijou Theater and the other offices in the area there is a demand for parking in that general area. I don't know that I disagree with Ms. Trent that the whole idea of that being a parking lot for now nevermore is a good idea. But right now the plan would be to convert this to parking. The property is zoned C-2 with a D-1 overlay. There are design guidelines that have been put in place dealing with parking lots in the Central Business District. The fencing, the landscaping, the lighting, those issues are there or the guidelines are there for the D-1 board and this board to look at. For that reason we believe that this particular use at that location is a good use for now. The hope would be that the eventuality that there would be structures built on the property but given the fact that three-fourths of the property already is a parking-half of it has been a parking lot since at least in the 70's at least in the 70's because that is when I came to work here. The other portion a quarter of the property has been a parking lot since 1996. From that standpoint it is a use that has been there and evidentially a use that is needed because people are parking in that parking lot.

Clancy: I think parking is needed. Three fourths of a bad idea is still a bad idea. If I had been on MPC I wouldn't have approved the surface parking down Gay Street in the first place. I will say I think the engineers are probably right. The building probably cannot be restored. I would really hate to see which developer would go in there and try to do it. There are some.

Trent: I can tell you.

Clancy: I disagree with Commissioner Kane. We can set... we can't make a developer do anything. We can set the stage for him making a good decision. Not just a good decision for himself financially but a good decision for the City of Knoxville. It is real easy to do. You do it like this. I make a motion that we deny the request for the surface parking lot.

**MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO DENY REQUEST FOR SURFACE PARKING LOT.**

Anders	No
Carey	Yes
Clancy	Yes
Cole	Yes

- Johnson No
- Kane Yes
- Lomax Yes
- Pierce No
- Roth No
- Sharp Yes
- Stowers No
- Tocher Yes
- Longmire No

**Motion carried 7-6. DENIED.**

**33. HARRY HERNANDEZ 10-A-13-UR**

Southeast side of Rutledge Pike, southwest of Ellistown Rd.  
 Proposed use: Vehicle salvage and recycling in I (Industrial)  
 District. Commission District 8.

STAFF RECOMMENDATION: Approve the request for a metal salvage yard at this location as shown on the site plan subject to 6 conditions

Longmire: You can make a comment or be silent.

**MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.**

**\* 34. BRUCE KNIGHT 10-B-13-UR**

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

Staff Recommendation: Approve the request for a restaurant containing approximately 7,192 square feet of floor area and 2,469 square feet of patio as shown on the development plan, subject to 8 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**\* 35. DIAMOND BASEBALL / CHRIS MALONE 10-C-13-UR**

East side of Center Park Dr., south of Parkside Dr. Proposed use: Indoor baseball training facility and associated retail in PC (Planned Commercial) District. Commission District 5.

Staff Recommendation: Approve the request for an indoor baseball training facility as shown on the development plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Other Business:**

\* **36. Consideration of Personnel Compensation**

**10-A-13-OB**

Executive Committee Recommendation: Approve the personnel compensation adjustment in accordance with the annual evaluation retroactive to October 1, 2013..

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 3:49 p.m.

---

Prepared by: Betty Jo Mahan

---

Approved by: Mark Donaldson, Executive Director

---

Approved by: Rebecca Longmire, Chair

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