

KNOXVILLE-KNOX COUNTY

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T E N N E S S E E

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Minutes

OCTOBER 8, 2015

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

The Metropolitan Planning Commission met in regular session on OCTOBER 8, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee.

Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

* **2. APPROVAL OF OCTOBER 8, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF SEPTEMBER 10, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

Commissioner Scott Smith recused from voting on the postponement list.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL NOVEMBER 12, 2015. MOTION CARRIED 12-0-1. POSTPONEMENTS APPROVED.

John King. I understand that there was going to be a request for postponement on behalf of staff on item number 36 because we are seeking CA. If you recall the discussion Tuesday we had been told that a plan amendment wasn't necessary for a portion of this and now the decision has been made that there is. So it was to be postponed. I have a conflict for November date so would ask that that be postponed until the December meeting.

MOTION (CLANCY) AND SECOND (JOHNSON) WER MADE TO POSTPONE ITEM 36 FOR 60 DAYS UNTIL THE DECEMBER 2015 MPC MEETING. MOTION CARRIED 13-0. POSTPONED 60 DAYS.

Automatic Withdrawals Read
None

WITHDRAWALS REQUIRING MPC ACTION
None

REVIEW OF TABLED ITEMS

KNOXVILLE CITY COUNCIL (REVISED) 12-B-13-OA
Amendments to the City of Knoxville Zoning Ordinance regarding definitions, appropriate zone districts and development standards for various group living facilities.

TREVOR HILL 11-A-14-SC
Request closure of Forest Ave between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way, Council District 1.

WILSON RITCHIE 3-F-10-SC
Request closure of Lecil Rd between Asheville Hwy. and N. Ruggles Ferry Pike, Council District 4.

METROPOLITAN PLANNING COMMISSION 6-A-10-SAP
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

METROPOLITAN PLANNING COMMISSION 7-C-10-SP
Central City Sector Plan Amendment as recommended by the Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

WILLOW FORK - GRAHAM CORPORATION
a. Concept Subdivision Plan 11-SJ-08-C
Southeast side of Maynardville Hwy., southwest side of Quarry Rd., Commission District 7.
b. Use on Review 11-H-08-UR
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT

- a. Concept Subdivision Plan
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd.,
Commission District 6.

4-SC-09-C
- b. Use On Review
Proposed use: Detached dwellings in PR (Planned Residential) District.

4-D-09-UR
- BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1
Intersection of I-40 and McMillan Rd., Commission District 8.

2-SO-09-F
- HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission
District 6.

12-SJ-13-F
- RESUBDIVISION OF GEORGE HOSKINS PROPERTY
North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby
Lane, Commission District 8.

4-SE-14-F
- CHILHOWEE HILLS BAPTIST CHURCH RESUBDIVISION OF LOT 1
Northwest side of Asheville Hwy., north east of Macedonia Lane, Council
District 6.

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

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

9-SA-15-F
- TANASI GIRL SCOUT COUNCIL, INC. (REVISED)
Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5.
Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial)
to RP-1 (Planned Residential).

4-J-14-RZ
- BUFFAT MILL ESTATES - CLAYTON BANK & TRUST
South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4.
Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part
pending).

4-B-10-UR
- SOUTHLAND ENGINEERING
South side of Deane Hill Dr., east side of Winchester Dr. Proposed use:
Attached residential development in RP-1 (Planned Residential) District.
Council District 2.

7-A-13-UR

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEMS 22, 33a-c, and 53. MOTION CARRIED 13-0. ITEMS TABLED.

CONSENT ITEMS

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

Chair Longmire recused from reading or voting on the consent list.

Commissioner Bart Carey took over as chair on the consent list.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ.

Citizen: Ask that item no. 49 be removed from consent.

CLANCY AND JOHNSON AMENDED MOTION TO HEAR CONSENT WITH THE EXCEPTION OF ITEM 49. MOTION CARRIED 12-0-1.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ WITH THE EXCEPTION OF ITEM 49. MOTION CARRIED 12-0-1. APPROVED.

Commissioner Longmire resumed as Chair over the meeting.

Ordinance Amendments:

5. **KNOXVILLE CITY COUNCIL (Referred back by City Council)**

11-A-14-OA

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

STAFF RECOMMENDATION: Approve the amendments.

Dan Kelly: As we discussed at the agenda review meeting on Tuesday, this matter has been around for a while. It was originally recommended for approval by Commission and sent on to City Council. At City Council there was a review at Council and Council referred the matter back to MPC asking that we consider removing pet services from the C-1 Neighborhood Commercial District. That had been done. Once it got back to MPC two or three of the Planning Commissioners requested that we include the idea of pet grooming as being permitted in the C-1. We have made that amendment, included that in the proposed ordinance change that is before you right now. Whatever action you take today will be forwarded on to City Council. Council will of course will have the opportunity at that point whether to accept or reject the amendment as it may be adopted today.

Carlene Malone: 6051 Fountain Road On behalf of Fountain City Town Hall. We submitted to MPC and would like included in the record on November 12, 2015 and October 5, 2015, letters. As with all amendments to the Zoning Ordinance we

are concerned with enforcement and concern on the impact of the zoning district. Regarding the C-1 district. The general description of C-1 says the Neighborhood Commercial District "A restricted commercial district limited to a narrow range of retail service and convenience goods only." Based on the description the C-1 zoning district is usually located in areas near or in the middle of our older residential neighborhoods and those neighborhoods are fragile. For that reason we are concerned about uses that have potential negative impacts on our neighborhoods. We appreciate the staff's present recommendation limiting indoor pet services to grooming only. But as written there are no standards such as requiring air conditioning or sound proofing for pet grooming. And enforcement will be frustrated because there are no limitations on hours of operation. The City Inspection staff is very busy. I don't expect them to introduce themselves to try to determine if the reason a pet is there is to be bathed and picked up later in the day by its owners or if the pet is there to be boarded. Again we continue to ask why indoor pet services is not included in the recommendation for traditional neighborhood districts which is very similar to C-1 neighborhood district except that unlike C-1 the traditional neighborhood district have layer upon layer of review where conditions can be placed on the use. That is not the case with C-1. You put it in here as a permitted use, C-1 with no air conditioning, no sound proofing, gets a building permit or a business license and it is there. Again our older neighborhoods are fragile. Since there are so few C-1's in Knoxville and indoor pet services is being recommended to be added to every other commercial district that begins with the letter C or SC, we ask why indoor pet services have also got to be included in C-1. We ask that they be omitted from C-1. Our second issue has to do with pet day care. That is not for C-1. As suggested by Council and we renew that request that the hours of operation be limited to specific. Not to 18 hours. Well as it is specifically written "household pets are left by their owners in pet day care for less than 18 hours each day for the general purpose of supervision." Again we worry about enforcement. What exactly does that language mean? It does not mean that this can only be an 18 hour a day operation. This can be 24-7. It simply means if I drop my pet off at 6:00 in the morning I have got to pick it up within 18 hours which could be the next day. Somebody else could drop off their pet some other series of hours and pick theirs up 18 hours later. In other words you could have the German Shepard there from 7 in the morning left for 18 hours while someone else's pet comes in at 12 noon and is there for those 18 hours. It could be a 24 hour facility. We would ask that you think about the recommendation that was made at City Council which was to have specific hours of operation. We ask for these changes. We appreciate the work that you have done. We have nothing against pets. We have nothing against groomers. We have nothing against pets, well-

groomed pets in residential neighborhoods, but we do have a problem with noise and nuisance and doing it willingly and knowingly. Thank you.

Janice Tocher: I would like to hear from Mr. Kelly with regard to the question about including the TND for the indoor pet services limited to pet grooming. I also believe that it is a... Ms. Malone makes a really good argument with regards to sound proofing and air conditioning standards written into the ordinance which I don't see that is in that ordinance. I think that is a great idea. I also want to acknowledge the idea. I remember we discussed the 18 hours each day for the pet day care. It does make sense that it put an established time frame so that it is not 24 hours that the animals can be at the day care. I would like to hear from Mr. Kelly with regards to the sound proofing, air conditioning and TND district.

Dan Kelly: With regard to TND I am wondering if you don't mean TC-1 rather than. Town Center zoning as opposed to... TND is a traditional neighborhood more of a residential district and TC-1 is the commercial district.

Longmire: To whom are you addressing that. Ms. Tocher or Ms. Malone.

Kelly: Ms. Malone.

Malone: It is my understanding in reading the ordinance that in Traditional Neighborhood district it does provide for a node of commercial to serve the immediate area. The list of services, uses in that TND are amazing similar if not verbatim of the C-1 neighborhood district only unlike C-1 with layer upon layer of review and wealthier neighborhoods.

Kelly: The amendment as proposed is a reflection of the request from the Commission. City Council has reviewed the amendment and I believe was prepared to recommend approval or approve the amendment minus taking them out of the C-1 zone and establishing the hours of operation that were discussed by Ms. Malone. I think they were prepared to do that and it was sent back for that purpose. I thought the draft that we had had the hours of operation in there. It was at the request of two or three Commissioners that we included the indoor pet services in the C-1 because there was a desire to be able to do pet grooming. That is how it got to in the form that it is.

Michael Kane: Ms. Malone, I do understand the argument about some of the uncertainties regarding the pet grooming. I also understand the argument that pet grooming from a philosophical standpoint in a neighborhood commercial is something that a lot of people would like to see. You know

people who in older neighborhoods which is being revitalized there are young people with lots of dogs and they want to have that kind of opportunity. What I didn't hear you say was that if it was on a use on review which essentially would allow for the standards to be established on a specific measure. Would that be okay. I didn't hear that. What I heard is no categorically you don't think it should be in there.

Malone: Uses on review make me nuts. I will be honest.

Kane: That is true I have heard that before. We have heard that before. That is because you... therefore you don't trust MPC.

Malone: No, No, No. Their ability to do things is greatly exaggerated. Okay let's depend on use on review like magic; it doesn't happen because it can't. Okay. Trying to be reality based I would prefer standards be put in. In other words it has got to be air conditioned; it has got to be sound proofed and it's got to have specific hours of operation.

Kane: Of course we don't have that in for the other things either. We don't have all that. If somebody wanted just pet grooming in one of those other districts, we wouldn't have that either.

Malone: No, no, no. That is... if you look at gasoline service stations for instance there are very specific standards associated with gasoline service stations and some other uses that apply across the board to all zones. I think it is not asking too much that a place that is going to house animals for a certain amount of time especially in close proximity to homes that there be sound proofing and... for instance veterinary clinics if you read the zoning ordinance must be sound proofed and air conditioned. That is our ordinance. It says veterinary clinics as long as they are sound proofed. What is the big deal? Do that for this.

Bart Carey: This may be just splitting hairs but in an attempt to get it right, air conditioning is kind of half the equation on a total conditioned space. Maybe it would be HVAC conditioned which would also include heat in that application. I am not positive about that language but I think a conditioned space might be more appropriate than air conditioned.

Jeff Roth: Mr. Kelly my question was.. sounds like there is a question about whether we are requiring air conditioning here. Unless I miss something does item 13 where it says indoor pet services and veterinary services provided an animal is kept inside sound proof, air conditioned building, that apply to all indoor pet services or just under C-3?

Kelly: If it is in the definition of indoor pet services then that is why it say indoor pet services limited to grooming because we wanted to... It is an indoor pet service but grooming is the only activity that could occur in the C-1.

Roth: But under this definition of 13 it does say they have to be kept inside sound proof and air conditioned buildings. Does that apply back to C-1 as well?

Kane: That is the veterinary establishments.

Roth: It says indoor pet services and veterinarian services.

Kane: There is a semi colon.

Roth: Okay but it still says and. That is my question what are we saying here? Are we applying that to each case or is it just in the C-3 we are requiring air conditioning?

Kane: I have an English teacher sitting here but what I learned was if there is a semicolon and then there is another statement and then you have a clause after that, it only applied to the second item. That is what I understood.

Longmire: Grammatically that is correct.

Kane: Okay I just wanted to make sure.

Tocher: But is that the intent?

Kane: That of course would only apply to the C-3. We don't have that same one under the C-1.

Roth: That is what I am asking are we intending for it to apply to everything or just in the C-3.

Longmire: Gentlemen just a minute.

Kelly: It would apply in C-3, C-4 and C-6 at that point but not C-1.

Kane: For it to apply to all of them we would need to include that in the definition pet services, door, provided that all shall be kept inside sound proof, air conditioned buildings. Is that correct?

Kelly: Yes. Again a little bit of history on this. The pet services amendment came out of a desire by a couple of individuals that wanted to operate a pet day care facility in the central business district. When the discussion came up with regard to sound proofing buildings and things like that, their comment was if we have to sound proof these buildings then we can't...

there is no place downtown that we can do it. There was some discussion that well the market would take care of whether or not they are going to rent a building to a person who is going to keep a bunch of animals in a multi-tenant building would probably need to be aware of the fact that they may be creating their own nuisance if they did that. There wasn't any incorporation of sound proofing as part of the recommendation.

Longmire: I would really like to speak to the limited hours. We tend to think of people with pets as having an 8 to 4:30, 9 to 5 job. There are people who work all shifts and very often they are the ones, especially the evening hours that need pet boarding and pet services. I would personally be hesitant about limiting hours simply because we are disenfranchising a group of people simply because of their work hours.

Art Clancy: If I had a show of hands of all the people in this room that know how to sound proof a building, I bet you might get two. What are the standards. We can't enforce that any more than we can enforce use on reviews that make everybody nuts. It seems futile to try and go through the minutia of everything it takes. The next thing you will want is automatic deodorizing. Nobody is going to walk in a say I know for a fact that this building is not sound proofed because I can hear it. That doesn't any sense. You can soundproof a building and still hear noise. It is not a perfect science. There are ways to do it but retrofitting it is expensive. Who is going to police this. Who is going to go in and say you can't do thing because you are not sound proof. So I am going to make a motion that we recommend that City Council approve the proposed amendments to the zoning ordinance as shown in Exhibit A.

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

Upon roll call the Planning Commission voted as follows:

Anders	Yes
Kane	No
Johnson	Yes
Eason	No
Cole	Yes
Smith	No
Longmire	No, simply because of the hours
Carey	Yes
Tocher	Yes
Clancy	Yes
Roth	Yes
Lomax	No
Goodwin	No

MOTION CARRIED 7-6. APPROVED.

- P 6. METROPOLITAN PLANNING COMMISSION** **10-A-15-OA**
Amendments to the City of Knoxville Zoning Ordinance regarding creating a mixed use zoning district for properties located in the area defined by the Bearden Village Opportunities Plan.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Alley or Street Closures:

- * **7. SAM FURROW** **10-A-15-SC**
Request closure of Simmons Rd between Lexington Drive and southern terminus at I-40/75 right-of-way, Council District 2.

STAFF RECOMMENDATION: Approve the closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

None

Concepts/Uses on Review:

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

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 10 conditions.

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

- * **9. DUTCHTOWN ROAD OFFICE WAREHOUSE** **9-SB-15-C**
Northwest side of Dutchtown Rd., southwest side of Simmons Rd., Commission District 6.

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 10. ELY PARK, PHASE II - RUFUS H. SMITH**
a. Concept Subdivision Plan **10-SA-15-C**

Southeast side of Millertown Pike, east of Ellistown Rd.,
Commission District 8.

STAFF RECOMMENDATION: Approve variance 1, deny variances
2-4 and approve the Concept Plan subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

b. USE ON REVIEW

10-A-15-UR

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

STAFF RECOMMENDATION: Approve the development plan for
up to 227 detached dwellings on individual lots and reduce the
periphery boundary setback on lot #1 from 35' to 25' as shown
on the development plan subject 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

11. HAMILTON FARM - RICK WILKINSON

10-SB-15-C

a. Concept Subdivision Plan

South side of Bob Gray Rd., east of Gray Eagle Ln., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-4 and approve
the Concept Plan subject to 8 conditions.

Engineer for the applicant. Joe Farowich: 1136 Northshore Lane, Caryville, TN. We are proposing a 33 lot subdivision on the subject property. It has been through staff review. They had a few comments which we addressed. That is it.

Sheila Marlowe: 1008 Gray Eagle Lane, Great Eagle Springs subdivision. We back up to the proposed development. I am representing our homeowners association. So I have a few items that we were concerned about. Number one: drainage. The property we are basically at the bottom of the hill. And right now the property that is going to be developed is a forest for the most part. We have a couple of lots that back up to that property that have drainage issues right now from the runoff coming through. So once they being to clearing the trees, we need to have plan in place to deal with that flow of water. We have got properties that have spent thousand literally of dollars to maintain the keep the water flowing away from their homes and protect their property. We want to make sure that is addressed appropriately. Lot 4 and 5 particularly have had a real problem with that. The other issue that we wanted to bring up was the lots sizes. There are two subdivisions that basically back up, our subdivision and Thompson Place. The proposed lots that are going in are 65% smaller than lots in our subdivisions and 36% smaller than those in Thompson's Place. So we are just looking at property values, resale, comps, those kinds of concerns have come up. Because

of I am sure the lot sizes, and I am guessing here, but the peripheral setback they would like to change to be able to, I am guessing, push the houses back further onto the lots which of course would put them closer to the homes in our subdivision and not allow for a whole lot of landscaping back there or any kind of border between the two subdivisions and the different properties. We would like to look at not changing that setback from 35 feet to 25 feet. I think that is everything I have. Thank you.

Farowich: Regarding the drainage, there is a stormwater detention basin in the lower left hand corner that will intercept all site runoff from the back half of the property or accept all runoff. There is an existing storm drainage pipe going through her subdivision that we will be tying into. So the previous, the developer of Glen Eagle did make provisions for the runoff from our property.

Tom Brechko: The proposed subdivision the zoning of the property has not been finalized by County Commission. Their proposed density is based on that approval. So it still requires approval of Knox County Commission on the zoning change. I believe the request is for up to 4 dwelling units per acre. Their proposed development is within that density but again it would require that Knox County Commission approval. The lots of widths as far as this proposed development, the majority of lots are proposed at a 60-foot lot width which is getting more standard with the type of requests we have seen in the past couple of years. Lot sizes are a lot smaller than they were in previous subdivisions in years past. One of the conditions recommended on staff's recommendation for approval condition number 5 is dealing with the design plan review stage of the subdivision. We are asking more and more for preliminary grading plans with our developments and we often see potential problems with the proposed layout that we have lately been putting a condition that when they go through design plan approval they would have to submit a more detailed grading plan and actually show that all lots would have buildable areas on them. When you look in the grading plan that was included with this packet that southwest corner where they are proposing the detention puts a lot of question on about 4 lots in there as to whether or not they are going to have adequate building sites. Same with the proposed detention basin in the northeast corner. Also as you do grading on the site, we ask that they provide a 15% driveway grade or nothing greater than that. So they are going to have to provide document through design plan that they can achieve buildable sites on all lots. If they cannot they would have to combine lots together to make sure their buildable sites are not problem lots that are created and sold before they can get a plat recorded. If you have any other questions I would be glad to answer them.

Longmire: I would ask Mr. Farowich has there been communication from the developer or engineer to the community?

Farowich: No there has not been.

Longmire: Very often questions can be answered at that. We do encourage community communication so that any worries might be taken care of prior to coming before Commission

Laura Cole: I would like to hear from County Engineering on whether or not they are aware of stormwater issues out there at this time.

Cindy Pionke: At this time I am not aware of them but I will be sharing this with the stormwater division.

Michael Kane: In regarding the peripheral setback, it says o lot number one. Does that lot abut the existing neighborhood or is that internal to this development? Mr. Brechko or the developer one or the other.

Brechko: Are you talking about lot one in the proposed subdivision?

Kane: Yea. It says cause what we are doing is granting a variance from 35 to 25 feet. That is all I need to ask. Just answer.

Len Johnson: It is actually on the roadway at the front of the subdivision. It looks like to me they are doing that because of the grading situation. It looks pretty steep in there.

Brechko: The peripheral setback would apply to the entire property.

Kane: I am talking about the reduction of the setback from 35 to 25. Are you saying that applies to everything?

Brechko: It is my understanding that is their request unless I...

Kane: So what we are saying is the people who are already there because it is a PR we are allowed to reduce the setback from 35 to 25 feet. Those people are objecting is what I heard. All this doesn't just impact the people in the subdivision. It also impacts the people who are already there and they are objecting. Is that what I am hearing.

Janice Tocher: I don't understand Commissioner Kane's question that the people that are already there...

Kane: The people that are already there in the subdivision that partially surrounds. What they are saying is that those people's

houses will be closer to us because we are being asked to approve a variance to reduce the peripheral setback from 35 feet to 25 feet. And they are objecting to that. I just want to make sure we know that.

Longmire: The neighborhood is objecting to the fact that the houses will, If we approve the setback, will be ten feet closer than what they normally would have been. That is what the community is saying. They don't like that setback.

Tocher: You are just reiterating.

Kane: I am. I just want to make sure people understand... often times when we reduce these setbacks it is only for the people who are within the subdivision. In this case that is not just the case. There are people who already have homes that these lots that are along theirs will essentially have their neighbors closer than what because we approved that variance. I just want to make sure people understand that. The second thing is I see on the second set of conditions where it talks about the amenities common area is that show in this at all. I apologize. I didn't... Is that in our packet where it is shown or will they have to go back and say okay we are going to take this area and make it an amenities area.

Farowich: There are no amenities proposed as part of the development. There will be two stormwater detention basins which will be green areas but that is all there is I terms of amenities.

Longmire: Where did you see amenities?

Kane: We are on number 10 are we not?

Longmire: 11

Kane: Well that would be the problem. I am sorry. At least I wasn't playing on a different sheet of music in hand bells.

Longmire: That is true and I hope you never are.

Brechko: To respond to his questions on a previous case on this one, the plan that has been submitted for approval of the concept is showing a 25 foot peripheral setback which would apply to the entire boundary of this property which adjoins existing subdivisions. When the adjoining properties were developed I believe at that time a peripheral setback could only be reduced if it adjoined another planned residential district. So this property being RA would not allow consideration of that reduction unless they at that time went for a variance. The Planning Commission can consider a reduction of that peripheral setback down to 15 feet. Typically when we have had this request there has not been

opposition to it we have supported the request unless we saw there was some major issue or problem. The more as staff the fact that the zoning now allows if you adjoin any residential district you can ask for that reduction. We are starting to see more cases where developers are asking for reduction in not wanting to maintain a 35 foot peripheral which I think raises some questions as to whether we should revisit that issue in the Zoning Ordinance or our approach on how we recommend approval. Again we have been recommending approval if there has not been any expressed opposition, but the Planning Commission does not have to grant that.

Scot Smith: 90% of my question has been answered. The existing subdivision that this peripheral setback will back up to their peripheral setback is 35? Is that right Tom. Or 25?

Brechko: I did not review them but at the time that they were approved I believe it would have been a 25 foot, excuse me a 35 foot peripheral setback.

Bart Carey: I am kind of the same as Commissioner Smith. This is a reiteration. We deal with this peripheral thing seems like on more and more of our approvals on concepts. A lot of times we do go a lot smaller than 25, down to the 15 range. I think 25 is a very moderate acceptable setback for the peripheral.

Herb Ander: My question is is it possible rather to have a 25 foot peripheral over the entire lot. Can we do a minimum rear setback and leave it at 35 to address the concerns?

Longmire: Yea I would rather have a smaller front yard and keep the back yard a little bit bigger.

Dan Kelly: In developing the concept plan they supply a typical unit layout for the proposed subdivision and you have subdivisions that have lots that are internal only meaning they are not around the periphery of the project. The peripheral boundary setback only comes into play for those projects that area at the periphery. There may be an internal rear yard setback for those other lots. Typically what we have seen for years now is the typical internal rear yard setback is 15 feet. The other thing that we see is that the front yard setback is typically established at 20 feet. That appears to be in most cases the more telling setback because the, if at possible, typically the houses are built as close to that front setback line as they can be. There is a cost savings both typically through grading and the cost of extending the driveways and things like that so they try to pull the houses up to the front of the lot. Even by reducing it from 35 feet to 25 feet you may or may not see an encroachment into that area because of the typical desire to pull the house to the front of the lot. You look very confused.

Longmire: No. I was just thinking what a good idea which is confusing to me that we have a good idea. No. Good job.

Art Clancy: I think we have got one subdivision that is on one side that is 1 to 5 and one subdivision on the other side that s 1 to 3. I don't know it but I would venture that the subdivision that is 1 to 5 had to have reduced setbacks as well. Density dictates that to a large extent. That being said would like to make a motion to approve variances 1-4 because the sites topography and shape restrict compliance with the subdivision regulations and the proposed variance will not create a traffic hazard.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-4 PER STAFF RECOMMENDATION. MOTION CARRIED 12-1 (Eason). APPROVED.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONCEPT PLAN PER STAFF RECOMMENDATION. MOTION CARRIED 12-1 (Eason). APPROVED.

b. USE ON REVIEW

10-B-15-UR

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

STAFF RECOMMENDATION: Approve the Development Plan for up to 33 detached dwelling units on individual lots, and the requested reduction of the peripheral setback from 35' to 25', subject to 2 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE DEVELOPMENT PLAN PER STAFF RECOMMENDATION

Upon roll call the Planning Commission voted as follows:

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

Motion carried 9-4. Approved.

Longmire: But I would ask the developer and the engineer to please get with the community and talk about the concerns and see if you can't smooth things because good neighbors are much more important than setbacks. Okay.

- * **12. BAKERTOWN CROSSING - WORLEY BUILDERS INC.**
a. Concept Subdivision Plan **10-SC-15-C**
Southwest side of Bakertown Rd., southeast side of Ball Camp Pike., Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and approve the Concept Plan subject to 9 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. USE ON REVIEW** **10-F-15-UR**
Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

STAFF RECOMMENDATION: Approve the request for up to 40 detached dwellings on individual lots subject to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 13. CAMBRIDGE SHORES SUBDIVISION (FKA: EMORY COVE) - D. K. DEVELOPMNT**
a. Concept Subdivision Plan **10-SD-15-C**
West side of S Northshore Dr., north of Bluegrass Rd., Commission District 5.

STAFF RECOMMENDATION: Approve variances 1 & 2 and approve the Concept Plan subject to 9 conditions.

Longmire: Is there opposition? We can hear from the applicant first, we can hear from the opposition, but keep in mind each side has a total of 5 minutes so if there is a spokesperson you might want to make sure that you cover all the angles. Otherwise it is going to be a very short talk for each of you. We do have the handout that was given. Mr. Kelly will be available to answer questions. Applicant would you like to go first?

About 15 people raised their hand in opposition.

Danny Kirby, 3035 Port Royal Lane. Since they are all standing here I am going to defer to let the opposition go. I just want to say real quickly I did meet with the homeowners last Wednesday night. We have been back out meeting with more homeowners just in the last couple of days and have been out to the site. I will defer to them. Hopefully I can answer any questions and address their concerns afterwards.

Longmire: Thank you. I appreciate your letting us know there had been meetings.

Jack Godwin. 10604 Sandpiper Lane at the southeast corner of the intersection of Northshore and Sandpiper in Woodlake Acres. These are all people that are with me. I know Danny. I know John Turney, David Phiser, Cerna and Ed Rose and we are not trying to kill this project. However we the residents of Woodlake Acres and Riverlake were here first. We do feel that a couple³ of very important issues need to please be addressed before MPC approves this project. I like Danny. I like his partners and developers and financial backers of this project; however our concerns are traffic safety and more importantly the project's water retention dams not being built properly and failing when big floods come and they will. Our concerns are MPC approved Schaad development without requiring them to make the agreed upon lowering and traffic signal improvements to the intersection of Northshore, Chandler and Bluegrass which would have made Northshore traffic flow and this project's traffic flow much safer. However the Schaad's project property changed from 800 to 100 lots and I agree with MPC's decision. I also understand there is some trigger for those improvements to have to take place which is structured maybe years down the road therefore what we are requesting is that this project be delayed until those improvements are made or other arrangements are negotiated to add this project and all other projects that develop in this area to the Schaad's trigger. The key to developing this area safety and increasing the property taxes, property values in the lot prices is the Northshore, Chandler, Bluegrass lowering and traffic signal or roundabout. We are asking the developers and the County through this Commission to please come up with a way that gets this very important intersection built as this area develops. Our major concern we have is the project's water retention pond and their 6 foot high earth dams which will tower over our properties. There is a copy which Dan handed out of a plat that showed... no, no. Well it shows the drainage ways coming through our... that. Okay. Then the page on the back of that, a copy of the plat for Woodlake acres and the back page of the original deed of lot 8. Please note that this drainage easement that runs through lot 8 and lot 2 in Woodlake Acres and on through Riverlake to the lake is worded on the deed as a flowage easement granted to the United States of America. This easement was established by TVA when Fort Loudon Lake was built. Since both the EPA and the Corps of Engineers have jurisdiction over TVA drainage and waterways we are requesting that MPC please delay this project until the developer gets TVA approval of his water flow and retention plan and more importantly the construction of his 6 foot high water retention dams. Most water retentions you see are down in low places. You come up to our lots and you are going to see it sitting right up here above a bunch of places. The dams need to be built right.

Michael Wright, 10652 Sandpiper Lane. I border on the property. I am the one with the handout. In a few seconds I will just say the red represents the 50% grade slopes. The green is natural land behind it. Really that is not accessible. So the actually developable land here is in the middle. It works out to be 9 acres. At 36 each that is a density of 4 per acre. This looks like a development. The developer is doing Brierstone around the corner at the same thing. This is not consistent with the spirit of the recommendation. Also the new occupants of these houses will go out the back down to see a 45 foot high excavations or look down into 35 foot holes. That is not commensurate with the quality of life in east Tennessee and does not result in attractive development. We recommend a concept plan more in keeping with the site. We are not opposed to development. We have known that. We think this plan will not result in attractive development.

Richard Emert. 10620 Sandpiper Lane. I will probably take about 3 minutes if you all will indulge me.

Longmire: I don't know that we can sir. I want to ask are all of you wanting to speak? If you are not wanting to speak would you sit down please so it doesn't look quite as much. I want you to understand that if I give you any extra time that the other side gets the same amount of time added to their time. Unless you have something new to add... We have all the facts in the case unless there is something new to add whether it is about traffic or anything else because we are very aware of that traffic. I am getting ready to call on County Engineering.

Emert: I am the one that has the brochures that floating around here that shows what comes off of Sandpiper onto Riverlake. These are actual pictures that was made back when Rankin was trying to get this property approved. Mr. Kirby he wants to represent Ladenhall which is a nice flat area. Mr. Kirby is changing the contour of an entire mountain. Mr. Wright was quite right all of this is going to be very steep. The water is not controllable just because you put a contention pond in there. The banks are so steep you will never stop them. Anyway our concern is water runoff issues. The retention is built above ground. TVA has got 500 engineers. I am an engineer. There are 5 engineers that live on Sandpiper. TVA couldn't keep it above ground. Knox County has had several detention ponds that have failed that have been built above ground. Mr. Kirby, nothing gets to Mr. Kirby. But he says he wants to build one. Mr. Kirby has not offered to put a deceleration lane in here. There has already been three deaths on Northshore within a mile and one half of this place. One of them has already been across the street from where Mr. Kirby is wanting to build. Mr. Kirby met with several residents and appeared generally confident our concerns and his issues amounts to nothing. The residents have not been offered any impact studies not real concept plans. He give us a little plot. It

is not really a concept plan nor is it an engineering impact or anything else. Mr. Kirby basically says how the development will develop. He is going to build Phase I. Which he is going to put in a few houses. I assume short roads; a few pipes. If he sell them he is going to go to phase II. That is facts. That is his direct statements.

Longmire: Just the facts please. He will say that I just want to hear from you your concerns.

Emert: When I get on over to this page right here and I will just bypass most of this. Jack has already went through most of it. You can see how high the bank is. Now this is Leaden hall. Page 4. Now you can see how high the bank is and this is Leaden Hall dump pouring onto Northshore Drive. It takes a half a day's hard rain to fill this up and then it is pouring down to Northshore.

Herb Anders: I would like to, before we go any further with this, I would like to hear from County Engineering.

Kane: I would like to know if there are any more of these handouts. The one with the photos.

Longmire: Give them back to Mr. Wise for the record. We are going to County Engineering now. What specifically would you like to hear just about the water and the safety also.

Anders: If these are existing issues, I would like know if the Count is aware of it and if they have made any attempts or inspections or anything.

Pionke: In regards to the drainage along Northshore Drive from Leaden Hall Gardens, I am not aware of anything but one of the problems you have to recognize is that Northshore Drive is a state route. So any drainage problems along that road would be fixed by the Department of Transportation not Knox County Engineering. I can go back and check our records to see if we have forwarded any calls onto TDOT. At this point we have not heard from them in regards to any maintenance issues and in regards to drainage on Northshore.

Longmire: Mr. Kelly if there is a drainage problem would the State have to deal with it. I understand the concern about the dams also. I thought TVA had to or the Corps of Engineers had to do something with certain dams.

Kelly: What he is talking about a dam is maybe referred to as a headwall for a detention basin or something. I think Danny Kirby is going to get up and explain his drainage plan to you. I think there may be two sides to this thing.

Scott Smith: I just wanted to ask since you are at the microphone do the two subdivisions you guys live in do they have any detention ponds or drainage infrastructure.

Emert: No that is one of the problems that we have is that every house on Sandpiper and Riverlake is septic tanks. The flood water is syphoning off the sewage gas coming off of those drain fields. It is a health hazard. To answer this young lady's questions over here, the County has been out to Riverlake at least 8 to 9 times in the last 10 to 12 years. Three years ago we had the County Engineering and if you look at probably the last picture in the back back here you will see that Mr. Miles went in and put tow 18 inch culvert pipes in his back yard and paid for it to run them 200 yards to try to get the water off of Riverlake. One of the pictures in here shows the water just blowing by these two culverts. It doesn't even slow it down. Then there is another picture showing a huge 25 inch stream coming out of Mr. Garvis's back yard which comes right between mine and Moore's and goes directly into garden. The County has been made aware of this for many, many years. This is not a new problem.

Longmire: Was it County Stormwater that was made aware of it or do you know?

Emert: No. It is storm drain water. It is coming out of Northshore. It is coming out of Leaden Hall. It is coming off of Sandpiper. This piece of property right here because this is an average of 30 to 40 degree bank is creating, it doesn't slow the water down. It just pours into Sandpiper.

Charles Lomax: I know that opposition's time is long spent. We do still have three individuals standing and as long as they have something new to contribute I was hoping that we could at least allot them 30 seconds each.

Longmire: I think that is possible. Mr. Emert I thank you for what you have to say. We do need to move on and let the other speak.

Emert: Let me say one other thing and I will be brief. We would like to postpone this enough until County can come out here and check these problems before this concept plan is approved.

Elizabeth Dowell Wright. I live on the other end at 10652 Sandpiper Lane. Our house border on a different part of this drainage that goes through the Emory property. Between 2006 when this area behind us was initially rezoned from agricultural and now there has been a geologic map prepared of the Louisville quadrangle which is not shown on the KGIS system. That would be helpful I think for developers to see. It explains about what is happening perhaps with the drainage in this area. If you are familiar with the area between Bluegrass and Westland, there is a big ridge there. It is the copper ridge dolomite thrust up along

the Knox fault line. It is this impermeable layer which basically is highlighted in green there which is covering over two different limestone formations. These limestone formations are permeable, karst susceptible. They are not entirely mapped in this area. If you compare the Louisville with the adjacent quadrangle, you see that the lines are not connected. There hasn't been enough work to clearly define where the karst areas might be. I believe that is part of the problem here with this drainage. I encourage you to have maps finished regarding this and take into consideration that the people living on the colored Emory property up there have appreciated the varied topography, the forests and the slope. It has created a secluded area that they and everyone else has enjoyed.

Longmire: Madame I appreciate that but we can't make a decision on somebody's view.

Wright: I am talking watershed. What you don't see if you back out just a little bit you will see that this water does not all drain toward... out see the blue line up there in the left hand corner. If you look at the topography carefully you can see how this lower potentially karst area all drains ultimately some drains over across Sandpiper and down as you have been told and a lot of it including the shallow stormwater drains around the back through the middle of the proposed development towards that blue line over there.

Longmire: Madame I have got to let someone else speak. Thank you very much. That was very informational.

Rexana Johnson, 10642 Sandpiper. The proposed development as I see it plans to clear cut the land, mass grade or bulldoze the site to squeeze in the maximum easy build number of lots under the zoning regulations with disregard for the natural beauty of neighborhood as recommended in the southwest sector plan. This does not contribute to or complement the existing neighborhood as I would hope would be residential planning oversight. The action by the developer may be legal but it is also wrong for this particular site. At a minimum my request of MPC is in order to reduce the impact of the immediate and residual damage to the natural habitat and mature hardwood trees on our property we request that MPC stipulate that within the 35 foot setback from the peripheral boundary for the section with the proposed lots numbered 13 through 19 on the drawings, that there be a no cut vegetation tree buffer and an no fill excavation within this 35 foot setback. This would address the dripline of most of our trees and we request that this requirement be noted on final plat if at all possible. Thank you.

Bob Johnson: 10642 Sandpiper. I am the spouse of the one that just talked. I submitted ten comments electronically to you people. I sincerely hope you have had a chance to review and

think about that. I would like read the last of my summation and that will be it. Ladies and Gentlemen I urge you to deny this proposed subdivision. It is the wrong type of development to build between Woodlake Acres and Rivermist. I urge you to authorize relatively spacious, well separated homes on large lots. These homes should be built on existing topography and preserve as much of the mature woods as possible. The entrance to this subdivision should be at the rear on the Rogers Island Road and will help alleviate a lot of these traffic problems. The bottom line of most of the stuff we are talking about is you are putting too many homes on some relatively rough property and it is wrong, wrong, wrong no matter how you look at it.

Ted Ballard, 10617 Riverlake Drive. I am at the bottom of the hill below everything you have heard. Once or twice a year I see in the existing conditions my whole field flooded by the drainage.

Bob Kirby: I am going to hand out some... I am probably not going to address all of those in the order I have... Like I said we met last Wednesday so I have an idea of what their concerns where. I have prepared some information here and I am going to go in order. I think I touch on most of the subjects they brought up. I am just going to start with the density. If you look on page 3 of the handout you can see there are several other neighborhoods old and new that are developed at a higher density than what is being proposed. MPC staff actually recommended approval up to 40 lots and we are only proposing 36. MPC staff report also states that the proposed development is consistent in use and density with the zoning and subdivision development in the area and is consistent with the sector plan. In terms of lot size on page 4, I included a small snapshot of lot sizing in the subdivisions that were being reviewed today by MPC and some that were recently developed nearby. As you can see the lots we are proposing are much bigger than a typical lot developed today. These are 75 by 175 lots. They are about 13,000 square feet. A typical lot today is about 60 by 120 or about 7200 square feet. We are almost double the size of the lots. As far as the trees and the grading plan as you can see up on the screen, one of the things that you all talked about in the previous case we are trying to do here. Because obviously what we are trying to show to MPC and what we are trying to show to Knox County Engineering is how we are going to make these buildable lots and how we are going to handle the drainage. The only way to do that is to create a conceptual grading plan which is what we have done. Unfortunately this involves a lot of clearing in order to make this work. All we ask is that we be afforded the same opportunity that other developers have been given and we see occurring in other developments nearby.

Longmire: Sir could you explain the red, blue and green.

Kirby: I did not create that map. I believe what they are trying to show there are cuts and fills where I believe the red is probably a cut and the green is probably a fill area because this is basically what we would be doing. The topography here sort of rolls as you go west off of Northshore. So you have got a low area a valley, a low area and valley. What we propose to do is level that out to rise up to one peak in the middle and dive down in the back. You can see on that plan the detention areas. Aside from the actual trees that are on the property that would require clearing, I have gone out personal behind Mr. Johnson, Mr. and Ms. Johnson's house. Looked at the white oaks that they have in their back yard. It appears that the drip line from those two trees are at least to the property line, pretty close. There is a couple of others that are really close to property line. We are going to go back, we will look at that and try to adjust the grading plan accordingly so that we don't have cuts where we all know those roots can get out. We are going to try to address that there. The big issue I think is the drainage. I have actually had Martin Pleasant from Knox County Engineering out meeting with Mr. Godwin, Ms. Moore, Mr. Gargas. There is a couple of things going on there. Obviously there are no detention ponds in Woodlake Acres. This was developed in 1968. It is basically a surface drainage system that runs from the existing property that we are talking about developing here under about an 18 inch pipe that goes under the driveway and connects to what is supposed to be a drainage easement next to Ms. Moore's house. It goes down and it runs into their subdivision road. There it drops down into a 36 inch pipe that goes underneath the road. On the other side of the road it is connected to an 18 inch pipe. At one time I believe this was actually supposed to, the 36 inch pipe was probably supposed to just daylight and run surface from that point on. But at some point over the last 45 years somebody has tried to pipe it. So that is one problem that we did identify, Mr. Pleasant and myself, that the 18 inch pipe is causing that water to back up and come back out of the catch basins and settle into the road. Causes it to spread out and then it runs over surface again on down to the lower are. I don't know what we can do about that. Again we are required by Knox County Engineering to detain our water according to their standards. We have two different detention areas. We have one going to the low area that they are referring to behind Ms. Moore's house. Then we have an area to the west these are actually in the natural low areas of the property where water currently goes. Typically that is what Knox County requires. You don't divert water. We couldn't take water that typically goes that direction and send it out to Northshore or send it another direction. We typically try to find the low areas where the water runs naturally and you detain it there for the required amount of time, the required amount of volume. You design your structures and your piping to release that water at the same rate after development as pre-development. So I don't know really how to address any of that other than to say we will meet all the Knox County requirements and if there is anything we can do while we

are out there if we are lucky enough to go forward with development that can help with that situation, we will certainly be glad to look into it. In terms of the traffic I think the biggest thing that most folks have brought up to me is the speed of the traffic. Obviously they mentioned the Schaad development has been scaled back considerably probably due to what was going to be required there at Chandler and Bluegrass Road. One of the issues you have got there is if you are coming westbound on Northshore the last speed limit sign is actually east of Riversound's entrance. From there to Chandler Road and Bluegrass is about a quarter of a mile. In that quarter of a mile there is not a single road or a subdivision. So it is basically a race track from Riversound to Bluegrass and Chandler Road. Then you top Chandler and Bluegrass and you are coming down hill until you start to get into some development areas. There is probably a speed issue there. Obviously traffic and intersection whether it needs to be done I will defer to Knox County Engineering or TDOT to determine that. I have been in contact with TDOT and it is my understanding that they are under contract with Knox County to, Cindy correct me if I am wrong here, to actually install a flashing beacon at that intersection. Am I correct about that?

Cindy Pionke: At the intersection of Chandler, Bluegrass and Northshore and that was just activated this past week.

Kirby: Hopefully that would ease their concerns their a little bit. In terms of the decel lane, all we do is we typically submit plans to the permitting authority which in this case is TDOT. If you will look on the last page I believe it is of the handout I gave you is the email from Cameron Parker from TDOT basically approving our access as it is proposed. In terms of trying to provide a decal lane. The traffic, the fast traffic is actually coming down the hill in the other direction. Going east bound you are actually going uphill. A decel lane according to TDOT standards most of the time needs to be 275 feet long with 130 foot taper. For a 36 lot subdivision that is probably not necessary. There is also the concern that traffic that people that are unfamiliar with the area may see the taper and think it a lane opening and at 40 miles per hour hit that and then there is also concerns of just in general when there is deceleration lanes the traffic doesn't slow. I think what you will find is that where there are neighborhood entrances, where there are cross streets, the traffic typically moves slower because cars do have to stop there and make their turns. In terms of the only other item I think that I may have overlooked here is the property values. These lots will probably sell in the \$70,000 range and if there are any builders in here they can probably attest to you that those would probably be houses built and sold at around \$350,000 to \$400,000 range. As much as the neighbors would like me to guarantee that we are going to improve the property values, I can't promise that but I don't think we are going to hurt property values whatsoever at all. Would be glad to answer any questions.

Bart Carey: I am not so sure this is a question Mr. Kirby. I am somewhat familiar with this area of Northshore. I guess a lot of us are. Northshore is a disaster from Northshore and Westland all way to the traffic circle at Concord Road. That is just the way it is. There has been a state plan to widen that road for 35 years and it is not happening. We can't affect that. Well as voters and tax payers we can. This is not in our purview here. If you look at the development plan for that area it is really not that well done. It is basically each landowner subdivided their strip at some point off in time, put a cul-de-sac down the middle and with proper or improper drainage built a subdivision. Whether you live on Riverlake or Sandpiper or Rivermist some of those may have proper detention but it sounds like to a large degree that a lot of the problem is a result of not very good engineering back when the density was not quite so heavy. Under a concept plan what we as a body try to do is see if this concept fits this land. It fits right in as another typical component of what is happening here. Now is it right or wrong? We will decide that. We have to depend on traffic studies, TDOT, TDEC, Knox County Engineering, and Stormwater. We are not hydrologists here. We are not geologists. We are not engineers necessarily, some of us might be. But we can't get that deep into the weeds on these things. We have to rely at this stage on our experts that are trained and paid and we have to rely on their opinion. At this stage of this game it seems to me that Mr. Kirby has designed this to meet the guidelines that are set forth to him. I just wanted to kind of lay that outline out there and see where it goes. It is going to come back after a concept as well I guess. We hope you all understand how we are guided on these kind of issues.

Scott Smith: The only other thing I was going to mention is in light of the drainage problems that the neighbors have over there, I can personally attest to you that the new drainage requirements in Knox County are extremely strict. And that after concept plan approval the County will go through the engineering process with the

Developer. I would almost will to guarantee you not that but that it would not be a furtherance of the problems you may have. In other words I can definitely tell you it should make things better and not worse.

Eason: I have a question for staff I am looking at the GIS map. I think I am seeing that this whole parcel is in the hillside protection are. Is that not correct?

Dan Kelly: The interpretation has been in the past that once the property is zoned... The hillside protection that comes in during the rezoning process. That is when the calculations are done with regard to the permitted densities on the property. In this particular case this property was zoned prior to the hillside

protection plan being put into place. It was zoned at up to 3 dwelling units per acre.

Eason: So that happened before the hillside protection plan was in place?

Kelly: The rezoning was done I believe in 2006.

Laura Cole: I agree with everything Commissioner Carey said up to a point. I am concerned about this particular piece of property. I think it has so many issues that it should not be developed necessarily like everything else around it. I think there are constraints. I am really concerned about the pictures I am seeing. I am concerned that we are assuming that the development of the new piece of property is going to work well with everything that is already there. I just want to express my concern at taking these problems lightly because personal experience myself with stormwater issues. People aren't necessarily going to take care of this unless there is a real push to make stormwater people look at the whole area in a comprehensive way. I have got some real reservations about this.

Longmire: I will say I don't think anybody is taking it lightly. I think there is a lot of concern about it.

Michael Kane: I want to try to understand what staff was saying. So the hilltop protection comes into play when we are rezoning and we establish density. But apparently after that it has nothing to do... In other words once we establish the number of lots then it is okay to clear cut an area that we have decided should be protected?

Kelly: That has been the past action of Commission.

Kane: If that has been the past action of the Commission, I think we need to change that. That is just not... I mean that is whole purpose of PR and all that kind of stuff. If we decide that clear cut is okay once we decided the density that just doesn't make sense.

Longmire: Well you have got to remember this is Knox County Commission area. They did not chose to say that hillside had to be enforced. It is a suggestion. Whether we agree with it or not.

Kane: It just doesn't make sense. The logic doesn't make sense. It doesn't make sense to say we are going to protect it, we are going to do all this stuff and then to go in a clear cut it to make buildable lots. That just doesn't make sense. It is not logical.

Longmire: No it is not logical. However County Commission chose not to make it an adopted plan. They chose to make it more of a suggestion.

Eason: I would like to follow up on what Commissioner Kane said. After the dwelling units per acre there also is based on the slope percentage of grading that can happen on the lots which haven't been looked at in the past and I do think that should be looked at in case too. Even if it is a suggestion, I am pretty sure the suggestion would not be 100% grading on a lot that is this big.

Longmire: That again is logical.

Clancy: Mr. Kelly would you address the last comment from Commissioner Eason.

Kelly: I don't know that I. I don't disagree with the concept of the hillside protection and what we should be doing with that regard encouraging development in the more developable portions of the site and things like that. The direction we got from the policymaker body, the County Commission, basically says once the zoning is in place they are entitled to submit a plan that can be accommodated in the zoning. That is the direction that we have followed and that is the direction that the Commission has followed. With regard to the grading, given the lot sizes these days and things like that it has become almost impossible to do a grading plan where you preserve trees. They don't go in and just grade the roads out and then each individual lot is graded as it comes online. The way the development process has been and it has been this way since probably in the early 2000 the building pads are created at the same time as the roads are created. As such you end up having and as one lady said here this afternoon it is a mass grading. There will be mass grading on this property. Every subdivision that you have approved today will be mass graded. There have been approximately 400 lots approved that will be done by virtue of mass grading today. Well I take that back 200 of them were approved but the property has already been graded. It was already done. This is not something as a staff... It is difficult when you have a desire to protect the hillsides and things like that yet at the same time when the decision makers in the community are saying that plan doesn't count, so we have to work with the direction we have been given.

Art Clancy: On the back side of that Sandpiper Lane, Riverlake Drive, Rivermist, River Ridge, Lake Cove Way every single one of those subdivisions was clear cut to put utilities. Now there are... you have to clear cut some to put a septic tank in and a drain field. People want to live on a piece of property. They do not want outhouses. They actually want water piped into their houses. It is the process of development. As Commissioner Smith said the regulations of Knox County's drainage policies right now are as strict as they have ever been. There is no way these pieces of property as far as drainage goes are going to be loads better off. Even after they strip and clear cut. They have to put retainage. There is no retainage on this property. Yes that is true. It is just

a fact. You have to retain your water. Nothing says that there has to be a retainage or any kind of retainage or detainage on this piece of property until it is developed. What you are seeing is the lack thereof. I know it is tough. I am not for clear cutting our slopes either. But Knox County Commission in their infinite wisdom decided that what we argued about for 5 years as far as slope protection was not something they wanted to codify or they wanted to develop in Knox County. Now the City took another tract. But you can't, Michael you can't tell people that are buying a piece of property here's the rules, but once you get before us I don't like those rules and we are going to change them and that is how and that is not..

Kane: You are lecturing me. My rebuttal is that is not necessarily what the other people in the community would be is that they need to clustering development and attach dwelling units so the rest of the property could be saved without clear cutting it. That would be a way to get the number of dwelling units on the property without cutting all the trees and doing all the grading. Now some of the neighbors might not like that because it is not single family all that kind of stuff. We have heard these arguments before . That would be a way to do this development and protect the ridges and the trees. I didn't see that. I am not seeing that in this plan.

Clancy: I have got the floor.

Longmire: You do have the floor. No more lecturing.

Clancy: My rebuttal to that is I make a motion that we approve the concept plan or approve the variances 1 & 2 because the site's topography restricts compliance.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1 & 2 PER STAFF RECOMMENDATION.

Bart Carey: Mr. Kelly I am trying to think back. I was involved with that hillside plan. I guess ultimately we all were in the County. Prior to the hillside plan we had County slope recommendations which to a large degree, as I recall, were to a large degree fundamental very similar to the hillside in that we encouraged development off the slopes and maybe offered some density concept bonus to stay off the slopes. It was a recommendation. We can talk about the recommendation and we could vote to use it or not use it. The County in its codification decided not to make it a part of the rules. When the hillside came along basically it was just a continuation of the same thing. There was a lot more detailed in the hillside plan but basically the County is treating that the same way it did the recommendation plan prior to that hillside. Is that a fair summation?

Kelly: We have had formulas in place that have been used in calculating density in hillside impacted areas for the purpose of calculating density based on the percentage of slope for some number of years. Yes.

Carey: Those recommendations then go toward staff uses those recommendations when they do a staff review of property and make their opinion whether to approve or deny in laying out the guidelines. I am trying to look at how we operate and how we have in the past. Maybe we won't continue that way but this has been the track we have been on. The size and shape of this particular property doesn't lend itself... if it was a square in clustering homes and creating green spaces would be a whole lot more feasible. With a one shot lane and in one case only development on one side of that lane and the length of that property it does not lend itself to that kind of conceptual design. I am kind of back not saying right or wrong. I am a tree hugger. I would prefer not to cut any trees and leave all slopes normal. But as you said that is not the way of the world at least in Knox County and most building sites are being graded to the bone. I am just wanting to go back in history and look how we have done it and then use that kind of as a precedent going forth.

Brusseau: We have been talking about the rezoning. We have got it in front of us here. When that came in they asked for 5 units per acre. We ran a slope analysis very similar to what we do today on that. It has been expanded slightly with the hillside and ridgetop plan, but for the most part it is the same. Staff had recommended 3 units per acre apparently that is what the numbers came out at 3 units per acre. But there was many mentions in there about trying to stay off the slopes and things like that. I just wanted to clarify that. It was 2006 and slope was definitely taken into account in the density recommendation.

Cole: I wanted to ask County Engineering what the new stormwater detention or retention rules are in place? What would be there to give them more protection?

Pionke: Unfortunately I am not as familiar with what the new rules are in terms of what the actual requirements are. I do know that there are more storm sizes that they have to plan for as part of that. The new rule that is coming out is the one inch runoff that is the new one that is coming on line that has to be retained on site before it can be released. Then there is the two year, the five year, ten, 25, 50 and 100 year storms that have to be accommodated for as part of the development. Scott may have a better feel for this having to live through it.

Smith: It is my understanding or what I have been told by my engineers that we used to design for 25 year storms and more recently we are designing for 100 year storms and that is the threshold. I am not an engineer. That is my understanding of it.

Cole: In this particular situation there is already issues there clearly with flooding. Adding more to that there are going to be more problems. What is the likelihood that engineering is going to take a look at the whole system as it networks together? I am a little bit concerned that we are going to look at this site in isolation because that is what typically happens. What needs to happen to ensure that somebody is looking at the way the whole system works together?

Pionke: At this point after I get back from this meeting to the office, I am going to be sending out an email requesting that all of the folks from stormwater actually get together for a meeting to discuss what has happened and where we are going forward with this and to see how this development is going to fit into it. We have not had any kind of a group meeting like that. Typically when we do have problems we have what we call a level of service meeting where we have drainage complaints that frequently come through the system. If they are not simple solutions in terms of what needs to happen that the maintenance supervisors for those districts can handle just as part of their basic work order, that there is more work involved that County might have to actually hire an engineering firm. Those are the ones we sit down and discuss and take a look at the possibility of having to look at the bigger picture.

Cole: It may also come down to a funding issue.

Pionke: Ultimately it could. Sometimes depending on what happens I have no idea what kind of money is in the stormwater budget currently, but in regards to probably getting a design plan done that probably would be feasible but in terms of an actual construction plan if we actually had to go out and do something that could be much more expensive and would end up being a capital project that Knox County would have to approve. Once again I am not sure that currently in this fiscal year budget they have the money to do that.

Cole: So it is possible this may not be done because it is something that we can't afford. It is not something that is budgeted. That is my concern.

Pionke: That is possible.

Upon roll call the Planning Commission voted as follows:

Tocher	Yes
Smith	Yes
Roth	Yes
Lomax	No
Kane	No
Johnson	Yes
Goodwin	No

Eason No
 Cole No
 Clancy Yes
 Carey Yes
 Anders Yes
 Longmire Yes

MOTION CARRIED 8-5. APPROVED.

Clancy: Madam Chair before I make my next motion I would like to point out condition 8 of the concept plan, the 9 conditions. If there wasn't somebody here asking for development of this piece of property, one of the neighbors stated that for years they have asked Knox County Engineering to come down and look at the drainage problem. We have karst studies that say there is no way to absorb it. Which may all be true. But now we have got somebody coming here to try to development this piece of property which I maintain will do a world of good for the drainage problems in both of these subdivisions. But we have a stipulation. We have a condition that says they have to meet all other applicable requirements of Knox County Department of Engineering and Public Works which means they have to develop under those standards whatever they may be. Cindy that kinds of puts them behind the eight ball even when we give them permission, you all still have to say look you are retaining what you bring in, you are helping the situation, or you are not making it worse. Now somebody from Knox County Engineering is coming down to this area and looking at a positive way to possibly help some of the... to change some of the pictures we have seen coming around. So I would like to make a motion that we approve the concept plan subject to the 9 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE CONCEPT PLAN SUBJECT TO THE 9 CONDITIONS PER STAFF RECOMMENDATION.

Cole: I would like to make a rebuttal to that lecture. I would like to mention that there is possibly that what needs to happen cannot happen because there is not funding for it despite the fact that we say and they say yes we want to do it. It may not happen at all. That is the concern. I appreciate you thinking the condition is going to take care of but in all likelihood it may not. Those are the consequences I am considering.

Longmire: I have a question to County Engineering. It says traffic calming as may be required. Would that be within the subdivision or...

Pionke: That is within the subdivision.

Longmire: That was what I was kind of hoping that would include Northshore. We have a motion and a second to approve the concept plan subject to 9 conditions.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 7-6. APPROVED.

b. USE ON REVIEW

10-G-15-UR

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

STAFF RECOMMENDATION: Approve the request for up to 36 detached dwellings on individual lots subject to 1 condition.

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

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 7-6. APPROVED.

Longmire: I do want to say a few things. First of all please keep the lines of communication open. For those of you who are concerned about clearcutting and slopes and things like that, please address that to your County Commissioner. Because only through that becoming a plan that has to be enforced will we be able to do much about that. Thank you very much.

P 14. PALMER SUBDIVISION

10-SE-15-C

Southeast side of Hardin Valley Rd., west of Valley Vista Rd.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P b. USE ON REVIEW** **10-E-15-UR**
- Proposed use: Detached residential subdivision in PR (Planned Residential) pending District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 16. WILLOWS POINTE SUBDIVISION (FKA: TWIN WILLOWS SUBDIVISION)** **10-SG-15-C**
- Southeast side of Buttermilk Rd., west of Graybeal Rd.,
Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 – 4 and approve the Concept Plan subject to 5 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions:

- * 17. BRANDYWINE AT TURKEY CREEK, UNIT 3** **9-SE-15-F**
- At the terminus of Woodhollow Lane, west of Fretz Road,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 18. HELEN L LOY ESTATE PROPERTY** **10-SA-15-F**
- At the terminus of Zola Lane, south of George Williams Road,
Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * 19. CHESNEY HILLS RESUBDIVISION OF LOTS 53, 57, 58, & 59** **10-SB-15-F**
- North side of Winding Hill Lane, west of Chesney Hills Lane,
Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. VILLA ESTATES AT LYONS VIEW** **10-SC-15-F**
Southeast side of Lyons View Pike, southwest of Kingston Pike,
Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. GERSHENSON & HORNE RESUBDIVISION OF LOT 1R** **10-SD-15-F**
At the east intersection of Old Callahan Drive and Pleasant
Ridge Road, Council District 3.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 22. CREEKHEAD CROSSING UNIT 2** **10-SE-15-F**
Southeast side of Creekhead Drive, at the southeast intersection
of Whitman Drive, Council District 3.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- 23. WOOD FAMILY SUBDIVISION** **10-SF-15-F**
West side of Greenwell Drive, north of High Mesa Drive
Commission District 7.

STAFF RECOMMENDATION: Deny variance 1 & 2 and deny final plat.

Tom Brechko: This request is a final plat to subdivide a 17 acre tract that creates two smaller lots and then there is the remaining larger lot. Access to these two new lots is from an existing JPE. There are actually 6 lots that would have legal access to that JPE. This would add two additional lots that would be served that access. It is the recommendation of Engineering that once you have more than 5 lots served by a JPE it is supposed to meet street design standards which is a paved street, public street design standards. They are requesting to add these additional lots under the exiting conditions of the driveway that serves the properties. Engineering is recommending... the recommendation of staff is that the JPE would need to be paved to a width of 22 feet from Greenwell up to the northeast corner of Lot 1 which would be the entire frontage along this larger tract of the two lots that are being divided. Since the applicant has requested a variance from that it has recommended for denial. Engineering recommended denial of the variances. Staff has taken the position to support that position so therefore we are

recommending denial of the variances and recommending denial of the plat.

Longmire: I want to be clear about what you said that if they paved up to the edge of lot 1 then it would be acceptable. Is that right?

Brechko: Their recommendation was up to the northwest. It would basically be across the entire frontage of the lot then it would stop at the end of their property. From that point it would be existing condition.

Longmire: There are two lot lines but you are talking about the two smaller lots. Mr. Carey it's these right here. These two smaller lots. The fact that there are two numbered lot 1's and that was the confusion.

Rob Sanders, 2654 Barringer Station Lane, Knoxville, TN. Let me give you guys a brief history about this property. This is the heirs of the Anita Buel property. I think a lot of people in this room probably recognize that name. She was a teacher in the Knox County forever. The people that she left this property to she also left some specific instructions. She did not want this property to be developed in any shape, form or fashion into a gigantic subdivision much like the one we just heard about. Her wishes that this family, the Woods family, be allowed to put two house on there and for themselves and one for their daughter and no other development happen with this property. This family is simply trying to follow her wishes. In their mind she would not have wanted another driveway. Without granting these variances these people will probably be forced to add another driveway to this property and it will... it won't have to match the county standards so it will be another gravel driveway crossing another creek that nobody really wants when we have got a great existing 50 foot permanent easement in place right now. I have some pictures I want to pass around. (Passed around pictures that Dan Kelly collected for the record.) The history of this particular easement, not the land the land has been there forever obviously, the history of this particular easement is it was created 25 years ago. It was created with the thought that Ms. Buel would be able to offer access to herself, her family and her really good neighbors behind her. All of these neighbors are still really good friends and they have all pulled together and formed more of a neighborhood than a bunch of neighbors. They maintain this gravel drive. The best I have seen in the last 18 years I have been surveying. It is remarkable how well it is maintained. These people are spending about \$5,000 per year on this gravel road way past what County Engineering is recommending being paved. They are actually maintaining the entire thing like I said to the tune of about \$5,000 a year. One thing to note as you look at those pictures. Those pictures were taken in the last rain storm we had. You can't really tell it by looking at the gravel drive that

rain is even happening. I think that is a testament to how well these people are maintaining. Their concern with the paving is twofold. One is they feel like we have a semi permeable surface there now that is handling drainage perfectly. To our knowledge we don't think anybody in County Engineering has ever heard of any issue with this property whatsoever for the last 25 years or maybe more than that. We don't know. Their concern is if we pave it then we have a non-permeable surface that could potentially create more drainage problems down the road that they do not want to deal with and they really don't want to dump on anybody else. Their other concern is obviously economic. The verbal quotes they received on actually paving this to Knox County standards was in excess of \$50,000. None of these families pooled together or separately could overcome that kind of burden. That is a lot of money for something that in our mind really doesn't need to be done. Everything that needs to happen drainage wise and traffic flow wise is already happening with the existing easement. So that's our argument.

Longmire: I am going to say something that sounds really mean and I don't want you to think I am. Can these people guarantee they are going to live forever? That is the problem we have. Yes right now they are maintaining. I knew Ms. Buel. I was a teacher too. She definitely was a personality and it would be nice to have her wishes followed But 10 years down the road, 20 years down the road we look at how that land is going to be used and by whom. It would be nice if we could say all these neighbors would be there and nobody can promise that. That's my big concern.

Sanders: Ms. Longmire can I ask you a question. Where do we stop doing that? How far is enough? I can guarantee you from the ages of these people's kids and the ages of the people who live there now we are looking at a good 50 years before anything happens. Is that long enough?

Longmire: One would hope. We have all had families come before us that the plan had been to live peacefully and you know as well as I do things happen. I do understand. Right now the limit is 6 dwelling units on a JPE. But we have some people who wish to speak.

Charles Lomax. I was trying to see what the width is of the JPE.

Sanders: The width of the gravel as it exists today is 15 feet.

Jeff Roth: I think I have been on record before as disagreeing with the number of units on a JPE on an individual basis. I think this is probably one of them that I would disagree to limit it. I would agree to give them the right to access this one. A couple of reasons. One I think is his point to put the non-permeable surface on the driveway makes sense to me. I think it is well maintained. They could also in this particular situation there's

other options. They could cut new driveways for the two new houses. They are certainly zoned to do that. Given that I think we should allow them to use the JPE for these two new developments, two houses.

Longmire: So are you making a motion or making a statement?

Roth: I was just making a statement. I would be glad to make a motion of it. I would like to make a motion that we approve the two variances requested by the applicant.

MOTION (ROTH) AND SECOND (LOMAX) WERE MADE TO APPROVE VARIANCES.

Upon roll call the Planning Commission voted as follows:

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

MOTION CARRIED 7-6.

MOTION (ROTH) AND SECOND (LOMAX) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 9-4. (Same vote as above with Commissioner Kane and Commissioner Tocher changed to vote yes)

Longmire: I tell you one of my big concerns is that they are paying \$5,000 a year to maintain that driveway and it is not going to get cheaper what with gravel prices and stuff. They would be better off paving it in the long run.

Sanders: Well in the long run they are hoping the additional two families will drive that cost down a little bit. There will be more people sharing the expense.

Longmire: I hope they keep up with the economy.

- * **24. HOUSER ROAD PROPERTY RESUBDIVISION OF LOT 1**
Northeast side of Houser Road, southeast of Cove Island Road, Commission District 4.

10-SG-15-F

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. CASCADE VILLAS, PHASE 3D** **10-SH-15-F**
North side of Tumbled Stone Way, north side of Beacon Light Way, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. MORRELL PARTNERS, LP PROPERTY ON MORRELL ROAD AT KINGSTON PIKE** **10-SI-15-F**
At the intersection of Morrell Road and Kingston Pike, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. R. M. MOORE PROPERTY RESUBDIVISION OF LOT 1** **10-SJ-15-F**
At the intersection of Westland Drive and Clover Hill Lane, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. JAMES R MITCHELL PROPERTY** **10-SK-15-F**
East side of Bell Road, north of E Emory Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **29. NUBBIN WOODS** **10-SL-15-F**
Northwest side of Nubbin Ridge Road, northeast of Dunaire Drive, Commission District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **30. BUNCH PROPERTY** **10-SM-15-F**
South side of Asheville Highway, west of Molly Bright Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **31. CEE BEE LLC PROPERTY** **10-SN-15-F**

Northwest side of E Raccoon Valley Drive, northeast of I-75, Commission District 7.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 32. WILLOW POINTE PHASE II **10-SO-15-F****
Southeast side of Buttermilk Road, southwest of Graybeal Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- T 33. FIRST BAPTIST CHURCH CONCORD AS SUCCESSOR BY MERGER TO WESTLAKE BAPTIST CHURCH**
North side Westland Dr., east side I-140, Council District 2.
a. Southwest County Sector Plan Amendment **7-D-15-SP**
From PI (Public Institutional) & SLPA (Slope Protection Area) to C (Commercial) & SLPA (Slope Protection Area).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T b. One Year Plan Amendment** **7-C-15-PA**
From P (Public Institution) to GC (General Commercial).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- T c. Rezoning** **7-G-15-RZ**
From RP-1 (Planned Residential) to SC-1 (Neighborhood Shopping Center).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

COMMISSIONER SCOTT SMITH LEFT THE MEETING AT THIS TIME.

- 34. SMITH-LINDSEY DEVELOPMENT**
South side Gibbs Dr., east side N. Broadway, Council District 4.
a. North City Sector Plan Amendment **7-E-15-SP**
From LDR (Low Density Residential) to NC (Neighborhood Commercial) and O (Office).

STAFF RECOMMENDATION: ADOPT RESOLUTION # 7-E-15-SP, amending the North City Sector Plan to O (Office) and NC (Neighborhood Commercial) and recommend that City Council also adopt the sector plan amendment.

Gerald Green: The applicant and neighbors have worked together to reach a consensus on the development of the property and have entered into an agreement to manage that development. I

appreciate the efforts of both the neighborhood and the developer in working together on this. MPC staff respects that agreement and will work with the neighbors and developer or applicant to assure that that agreement is fulfilled.

Longmire: And again we always like it when neighborhoods work together, neighborhoods and developers.

I am here for the neighborhood and we are supporting the application.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1 (SCOTT SMITH OUT). APPROVED.

b. One Year Plan Amendment

7-D-15-PA

From LDR (Low Density Residential) to NC (Neighborhood Commercial) and O (Office).

STAFF RECOMMENDATION: Approve O (Office) and NC (Neighborhood Commercial) One Year Plan designations, as requested.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1 (SCOTT SMITH OUT). APPROVED.

c. Rezoning

7-H-15-RZ

From R-1 (Low Density Residential) to C-1 (Neighborhood Commercial) and O-1 (Office, Medical & Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical & Related Services) and C-1 (Neighborhood Commercial) zoning, as requested.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1. (SCOTT SMITH OUT) APPROVED.

COMMISSIONER SCOTT SMITH RETURNED TO THE MEETING AT THIS TIME.

* **35. AGGREGATES USA (I-75 QUARRY). LLC**

Northwest side E. Raccoon Valley Dr., northeast of I-75, Commission District 7.

a. North County Sector Plan Amendment

10-A-15-SP

From MU-SD (Mixed Use Special District) (MU-Co5) and Agricultural to HIM (Mining).

STAFF RECOMMENDATION: ADOPT RESOLUTION #10-A-15-SP, amending the North County Sector Plan to HIM (Mining) for parcel 017-03903 only, and recommend the Knox County Commission

also adopt the sector plan amendment. RECOMMEND that MPC DENY HIM (Mining) for parcel 017-038.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **10-A-15-RZ**
From OB (Office, Medical, and Related Services), RB (General Residential) and A (Agricultural) to I (Industrial).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE I (Industrial) zoning for parcel 017-03903 only, as shown in the attached staff recommendation map. RECOMMEND that MPC DENY I (Industrial) zoning for parcel 017-038.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 36. JAMES STERNBERG**
Southeast side W. Emory Rd., southwest of Central Avenue Pike, Commission District 7.
 - a. North County Sector Plan Amendment** **10-B-15-SP**
From LDR (Low Density Residential) & SP (Stream Protection) to MU-CC (Community Commercial) & SP (Stream Protection).

STAFF RECOMMENDATION: DENY the request to amend the future land use map of the North County Sector Plan to MU-CC (Mixed Use - Community Commercial) land use classification.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- b. Rezoning** **10-B-15-RZ**
From A (Agricultural) and TC (Town Center) & F (Floodway) to CA (General Business) & F (Floodway).

STAFF RECOMMENDATION: RECOMMEND that County Commission DENY the request to change the zoning map to CA (General Business).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **37. MARJORIE SHEPHERD** **10-C-15-RZ**
South side W. Beaver Creek Dr., south of Old Black Ferry Ln., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **38. BETSY BRENT**

West side Piney Grove Church Rd., north of Middlebrook Pike,
Council District 3.

a. One Year Plan Amendment

10-A-15-PA

From NC (Neighborhood Commercial) to O (Office).

STAFF RECOMMENDATION: Approve O (Office) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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b. Rezoning

10-D-15-RZ

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

STAFF RECOMMENDATION: Approve O-1 (Office, Medical & Related Services) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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39. SKM HOLDINGS, LLC

10-E-15-RZ

South side Washington Ave., west side Mitchell St., east of N. Sixth Ave., Council District 6. Rezoning from I-3 (General Industrial) to C-6 (General Commercial Park).

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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40. YORK ACQUISITIONS, LLC

East side N. Concord St., south of Sutherland Ave., Council District 6.

a. Central City Sector Plan Amendment

10-C-15-SP

From MDR/O (Medium Density Residential and Office) and Stream Protection to HDR (High Density Residential) and Stream Protection.

STAFF RECOMMENDATION: ADOPT RESOLUTION #10-C-15-SP, amending the Central City Sector Plan to HDR (High Density Residential) and recommend that Knoxville City Council also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

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b. One Year Plan Amendment

10-B-15-PA

From MDR/O (Medium Density Residential/Office) to HDR (High Density Residential).

STAFF RECOMMENDATION: Approve HDR (High Density Residential) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **c. Rezoning** **10-F-15-RZ**
From I-2 (Restricted Manufacturing and Warehousing) to RP-2 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-2 (Planned Residential) zoning at a density of up to 35 du/ac, as requested

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **41. RYAN LEVENSON** **10-G-15-RZ**
North end Debusk Ln., north of Victoria Dr., Commission District 5. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 12 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **42. EAST KNOX FREE MEDICAL CLINIC**
Southwest side Oakland St., southeast of Martin Luther King Jr. Ave., Council District 6.
 - a. East City Sector Plan Amendment** **10-D-15-SP**
From TDR (Traditional Neighborhood Residential) to O (Office).

STAFF RECOMMENDATION: Approve ADOPT RESOLUTION #10-D-15-SP, amending the East City Sector Plan from TDR (Traditional Neighborhood Residential) to O (Office), and recommend that Knoxville City Council approve the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. One Year Plan Amendment** **10-C-15-PA**
From TDR (Traditional Neighborhood Residential) to O (Office).

STAFF RECOMMENDATION: Approve O (Office) One Year Plan designation.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **c. Rezoning** **10-H-15-RZ**
From R-1 (Low Density Residential) to O-1 (Office, Medical, and Related Services).

STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services) zoning, subject to 3 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. MICHAEL A. DUNAWAY** **10-I-15-RZ**
Southwest side Smithland Ln., northwest of Ball Rd., Commission District 6. Rezoning from A (Agricultural) & I (Industrial) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. STEVENS ESTATE** **10-J-15-RZ**
North side Oak Ridge Hwy., east of Karns Valley Dr., Commission District 6. Rezoning from OA (Office Park) & F (Floodway) to A (Agricultural) & F (Floodway).

STAFF RECOMMENDATION: Approve A (Agricultural) and F (Floodway) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **45. WORLEY BUILDERS, INC.**
Southeast side Black Rd., southwest of Snyder School Rd., Commission District 5.
a. Northwest County Sector Plan Amendment **10-E-15-SP**
From AG/RR (Agricultural/Rural Residential) to LDR (Low Density Residential).

STAFF RECOMMENDATION: DENY the request to amend the Northwest County Sector Plan from AG/RR (Agricultural and Rural Residential) to LDR (Low Density Residential) land use classification.

THIS ITEM WAS DENIED ON CONSENT EARLIER IN THE MEETING.

- * **b. Rezoning** **10-K-15-RZ**
From A (Agricultural) to PR (Planned Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Number not assigned **10-L-15-RZ**

- * **46. CITY OF KNOXVILLE** **10-M-15-RZ**
Northwest and southeast sides Repass Dr., northeast of Candora Rd., Council District 1. Rezoning from No Zone to RP-1 (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) zoning at a density of up to 2.8 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **47. H.E. BITTLE III**

10-N-15-RZ

South side Hardin Valley Rd., west of Valley Vista Rd., Commission District 6. Rezoning from A (Agricultural) / TO (Technology Overlay) to OB (Office, Medical, and Related Services) / TO (Technology Overlay).

STAFF RECOMMENDATION: Approve OB (Office, Medical & Related Services) / TO (Technology Overlay) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

48. BELLE INVESTMENT COMPANY, INC.

10-O-15-RZ

East side Neubert Springs Rd., north side W. Governor John Sevier Hwy, Commission District 9. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 5 du/ac.

Travis Fuller 2561 Willow Pointe Way, Knoxville, 37931
I will defer to the opposition.

Anna Chappelle Executive Director of the Governor John Sevier Memorial Association, 1616 Washington Avenue. Before we start the clock since this is a unique and complex issue with the State of Tennessee having voiced their concern about the zoning and having people in the community who are passionate about the proposal would you please consider giving us additional time.

Longmire: I will see how the Commission feels about asking for additional time. They may ask at any time.

Chappelle: Thank you for the opportunity to speak for you. I am the executive director of the association, the nonprofit that improves and maintains Marble Springs for the State of Tennessee. This is located at the southwest portion of the property in question. Marble Springs was the farmstead of the first Governor of Tennessee. We are on 35 acres of the original property. We are an asset to the community. We are a key heritage area. John Sevier was in company with President Madison, Thomas Jefferson and Andrew Jackson. It is a heritage destination meant to be a living history experience for the people to leave feeling as though they were immersed in the time period that we interpret. As evidence of the importance of John Sevier there is a bus located just outside of this door and John Sevier is also buried on Knox County Courthouse the lawn. As indicated by letter submitted by the Tennessee Historical Commission, members of the board and myself, we are opposed to this rezoning and please ask you to reconsider some elements of it. Marble Springs is the gateway into Knoxville, Sevier and Blount Counties.

We are a tourist destination and as such part of the tourism industry that generates billions of dollars in tax revenue. If this development occurs on what is part of the original farmstead, we are concerned that this will impact our programs and visitor experience. However I am a realist and I am aware that landowners have rights. In the even that this rezoning and the development are approved, we respectfully ask that the concerns and recommendations that we state in our letters be addressed during the planning process. I am going to leave this over to my other colleagues.

Robert H. Thompson, 8136 Jonesboro Road. I am with the South Doyle Neighborhood Association. We also submitted a letter. I wanted to point out that all the plans the Knox County General Plan, the Growth Plan, public law upon which the growth plan is based and the sector plans all prominently call on your to recognize and preserve historic and scenic assets such as Marble Springs and the John Sevier Scenic Highway as designated by the State. I ask how can you meaningfully consider protection when your staff report before you makes absolutely no mention of those assets. We can call it to your attention but with the limited information we have had and the time limits we can only do so much. I also ask you to clarify whether you think you ought to automatically approve up to 5 units per acre. As I read the general plan you are not. I will be happy to discuss chapter and verse of these things if you want. I also ask you to clarify one more thing about the staff report as it states to support this rezoning there must be several requirements met including a show of substantial change in the area. I discussed this with various people. There seems to be confusion on this. As I read the zoning ordinance it specifically points to the need for specific change and yet the staff report does not actually list any change having occurred. Based on these I ask you to table this item to try to clear some of this up. Meanwhile it might give us a chance to talk to the developer. As Ms. Longmire said it is encouraged to talk to developers. We do that in every case. We have done it a number of times here. In this case we contacted the Bell Group as soon as we heard this thing. They chose not to meet with us which is their choice. If you will delay this perhaps it would give us time to work out these concerns. Thank you.

Jim Buckmyer, 4310 Vinegar Valley. I am associated with the Governor John Sevier Memorial Association and with the South Doyle Homeowners Association. I was a principle proponent of the historic and neighborhood things when the sector plan was being developed. I have a strong interest in seeing that this area is preserved. It is a historic site of national significance. It is the only historic site of national significance in east Tennessee. John Sevier was so important that he was up there as Anna said with Madison, Jefferson, Benjamin Franklin. This property the rights are there for the landowner. What makes this property so significant is its historic and its scenic beauty. I mean look at everything in the

sector plan. There is recommendation upon recommendation. There are many things to preserve the historic aspects of this and the scenic aspects of this. Those will be destroyed by any form of major development. So what makes this property so valuable to a developer will be destroyed by the development of it which is unfair to the surrounding property owners. Also there are many other concerns that haven't been brought up. It states in the staff recommendation that this leads onto a primary collector. Neubert Springs Road is a 20 foot wide very windy, very poorly maintained road that has right now a total of 480 according to the MPC's statistics visits per day. This proposed development at 1 to 5 would put 518 would more than double the traffic in an area that is already listed as congested and has a high rate of accidents. It has an LOS of D. The environmental concerns are extremely great. This property will drain into, see that little blue line, that creek has gone through the stream mitigation program.

Longmire: Quickly sir. Quickly.

Buckmyer: Into a 303d stream. We have recreational concerns. According to the sector plan there was to be a connection of the greenways over off of Chapman Highway with the stockcreek watershed for a continuation. The only place is that could be accomplished is through that viaduct they are talking about having to expand into. There are so many aspects of this that quite honestly we have been asked. Why didn't you extend Historic Zoning. We were assured at that time well it is recommended that historic zoning on this site encompass a quarter mile around it. Granted that is a recommendation that has not been codified. However that recommendation, the scenic highway recommendations, all these other things we were assured would protect this area. And now we are being told well that is only a recommendation and not codified therefore it does not apply and staff will have to approve it. The growth plan is also a recommendation. Thank you very much.

Tod Shelton, 3111 Foster Lane in south Knoxville. We are just off John Sevier. I actually have a couple of other people. We just walked in. We have been keeping track of the agenda but we walked out just as it got started. We support the previous citizens that stood up and talked. I think what I don't understand is this is there has been no kind of concept plan or anything. Just asking for a zoning change for this piece of property for this large of a development? Is that correct?

Gerald Green: That is correct. The zoning comes first then the... It is a planned residential zoning they are asking for and then the plan would come after that.

Shelton: I would ask you all if you could please defer until there has been some discussion between residents and people that's it going... in fact we have been out there for 40 years. It is a scenic

highway, John Sevier. So there is specific restrictions that apply to that and opening up the zoning change open up some commercial use and a lot of other questions.

Green: Not commercial. It is planned residential.

Shelton: What I read in your all's ordinances it allows for some commercial development inside based on every 100 units of development. It is also approved for solid waste dump.

Longmire: It is every 300 units not 100.

Shelton: I thought I read 100. How many units are supposed to be in this development?

Green: Approximately 30.

Shelton: We are just asking for a chance to be considerate of the community. Thank you.

Fuller: I have not been able to address the neighbors as of yet because I didn't get a concept plan even in design because we, our plan is if we couldn't develop this property off of John Sevier Highway we had no intention whatsoever of taking it through the development process if we had to go off of Neubert Springs. For anyone who has ever had to deal with TDOT, we tried to set a meeting over a month ago and finally got our meeting set last week. My engineer who couldn't make it today and I went and sat with TDOT, sat down showed our proposed plan to those guys. Then they came back and have given us the requirements that will be necessary for us to come off John Sevier. What we will need to do to incorporate it into our development for what is essentially going to be 30 lots in that approximately 9 acres of ground that we are developing.

Longmire: So you are willing to meet with the neighbors any time now.

Fuller: I will. As I said I didn't even get a plan back until during this meeting from my engineer or I would have had it here and had it prepared. That was outside of our abilities. We were at TDOTs mercy.

Longmire: I understand. Mr. Reynolds this does not take a sector plan change does it? I see nothing that indicates that.

Mike Reynolds: I know that the report has my name on it but I was not the planner who created the report unfortunately. I would defer to Dan Kelly.

Dan Kelly: Hey my name is not on that report. It does not require a sector plan amendment. The area is designated for low density

residential. Low density residential will accommodate up to 5 dwelling units per acre.

Kaye Graybeal: with Metropolitan Planning Commission as Historic Preservation Planner. I would like to say as the Historic Preservation planner I appreciate all the passion that has been put into everybody's comments today and that it is good to know that people really care about our historic resources. I want to address the portion of the code. There is a portion of the code 5.80.05 the area boundary that allows for the initial establishment of boundaries around historic resources to extend a quarter of mile from the property line of the land containing the historic resource. That is a codified option. In this case the boundaries were extended to the east I believe that is, to the east of Neubert Springs Road to include some properties that don't have historic resources but were part of the original land grant. But at the time these boundaries were established there were not extended north of Governor John Sevier Highway. It is a codified option, it was implemented to a certain extent. I think at the time this area was established at Historic Zoning they didn't see fit to extend it beyond John Sevier Highway to the north. I do think that there hopefully would be a lot of opportunity to address concerns of aesthetics, landscaping, berms, entrances and exits, lighting, stormwater during the plan review process hopefully. I think it would...

Longmire: I think it is addressed then rather than at the zoning.

Graybeal: Yes it is a little premature to address all these things when you don't even have a site plan. I would hope that the developer owner would be open to some of these recommendations and some of these concerns. As one of the speakers before said you don't kill the goose that laid the golden egg for the area. It would be great to consider that historic resource as an asset for that development.

Dan Kelly: Just to let you know that I have already made the applicant aware that John Sevier Highway is designated as a scenic highway and that there are provisions in the South County sector plan that deal with buffering and some other issues such as that. I have already made him aware of that. He has stated that he has some understanding and will proceed in his planning according.

Longmire: And you would be willing to meet with the community as necessary to talk about those buffering or have you not? I mean you. You Mr. Kelly would be happy to talk to the community.

Kelly: I will meet with anybody at any time.

Longmire: It will be helpful. He may not be the font of all knowledge but he knows quite a bit to help you understand what might be going on. He is not all. Mr. Brechko has a little bit too.

Michael Kane: One for Mr. Kelly. I was kind of curious you recommended a density up to 5 dwelling units per acre. I know that next to this parcel is something that was developed or has a PR of 1-8. I don't know if it is that dense, but it is a fairly dense community. If you look at the area around it other than that, it is pretty much a fairly rural residential area. I was curious as to why would we allow 5 dwelling units per acre instead of 3 dwelling units per acre would be more appropriate for this particular area than trying to, especially given the historic nature of the area and what we are trying to protect. Why we went with five?.

Kelly: Again, you mentioned the 8 unit per acre that adjoins it. The fact that the property is located right on John Sevier Highway a road that carries somewhere between 15,000 to 20,000 vehicles per day, increasing the density there, maximizing the density under the low density residential designation just seemed to be appropriate at that time.

Kane: I see the argument with regard to the things you stated. What I don't see the argument is in consideration of the rural residential area and the fact that it is on a scenic highway to me would be the opposite of trying to keep it at more of a lower density.

Kelly: It may be a rural residential area but it is designated low density residential.

Kane: I know 5 dwelling units per acre is low density but its low density in a rural residential area is pretty high to me. The other question I had was you mentioned about the buffering that is already along the scenic highway. What is that? Help me to understand what that is and does it require a vegetative protection. If you go along that highway even with the development that is next door there is a really good screening of that. You don't really notice that neighborhood at all except for maybe at the entrance to that subdivision. Is that essentially a requirement or is that something that is...

Kelly: What I have talked to Mr. Fuller about is that we will be looking for a vegetative buffer along John Sevier Highway. Part of that can be done by maintaining the existing vegetation that is already there and supplementing that with additional vegetation.

Kane: That probably whether it is required by the existing highway, scenic highway, we would still require it.

Kelly: Right and he may... Given the fact that he does have a road that is going to be right behind these houses that is carrying 20,000 cars a day from a marketing standpoint he may very well say hey I need to create my own buffer to improve the marketability of his lots.

Laura Cole: I just wanted to clarify. I wanted to make sure that the community understood that the wording on page 48-2 reads like it is a sector plan amendment but it wasn't intended to. If I am not mistaken Mr. Kelly is that language that usually is used for a sector plan amendment but not a rezoning?

Kelly: That is my you know... When it talks about what has changes in the community, that is something that in this particular case the request does comply with the sector plan and that is why we are making the recommendation..

Thompson: May I address that question please. If you look in PR section of the zoning ordinance I think it is 5.8 I don't remember the subsection, it talks about to follow administrative procedures for going through the PR route. It specifically says that any PR application must comply with section 6.30 practices and 6.30 is where you get the requirements substantial change, no adverse impact and so forth. Just speaking as a lawyer I have to tell you it seems quite clear to me that that does apply here. I do understand there has been questions about that. Again I ask you to clarify that in your own minds before you take any action on this matter.

Bart Carey: We were told there is no HC zoning on the north side of John Sevier. I am not sure we have really... I see these corridors and lines that show gray is that HC zoning on the north side of John Sevier?

Tom Brechko: That is parental responsibility zone. There is a key in the upper corner of the map, upper right.

Carey: The key is a different color than the actual shading on the map. HZ it actually ends at John Sevier.

Gerald Green: There is a dashed line that shows the historic zoning.

Carey: Dashed line. Okay. I guess you mentioned Mr. Kelly if you look at this thing and I am looking at it on a satellite view right now there is a natural buffer that is there. Can we is it appropriate at the zoning stage if this is rezoned to keep the, to conditionalize that buffer be kept intact?

Kelly I think it is certainly appropriate for you to put in your motion that a vegetative buffer be provided. Now whether or not it has to be what is there or not... Yes you could put in that in your motion if you wanted to.

Kane: It is supposed to be maintained until the final decision on what it is going to look like.

Carey: They have to have a penetration somewhere if the entrance is off John Sevier obviously to the subdivision. More than likely in the middle. We don't know if it would be across from that street. That would be up to Engineering and the developer.

Kelly: One of the ways we have handled it in the past is that there would be no grading on the site, no land disturbance on the site until the plan has been approved and at that point we would know whether or not we are dealing with the existing vegetation that is there or if he is going to have to you know for the purpose of extending utilities and some other things may require some of that vegetation to be removed so... I think if we can do it that way.

Longmire: Mr. Buckmyer we are with Commission now.

Carey: So the condition would be then to leave no grading on the site until...

Kelly: No grading or land disturbance until the approval of the concept plan and use on review have been approved.

Janice Tocher: I have a couple of questions. I think my first question is to Ms. Graybeal. I understand this particular site was originally part of John Sevier's home. Is that correct? I am not sure where this condition kind of comes in but would it be appropriate or is it normal standard to do archaeological digs in locations like this that have been part of a historic site?

Graybeal: It is not a required procedure but sometimes the developer and stakeholders are able to negotiate an opportunity to do that.

Tocher: Is that something that MPC can do a requirement on? I think I am asking Mr. Wise.

Longmire: A condition you mean for sort of a shovel scan. That sort of thing?

Steve Wise: I have not thought about that before. Dan help me. River Islands. What did we do did MPC compel that or was that something that just the community.

Kelly: It was in the approval process, somewhere in the approval process. Now whether it was part of the rezoning or part of the plan approval it may have been part of the use on review.

Wise: That sounds more likely. I think in the abstract your right to conditionally zone is not particularly limited. Although this is County property. The City law department is kind of a little more restrictive than my view on it. I think it would be possible to do that in a condition as part of the zone, but I would suggest it would be more appropriate at the concept level.

Tocher: I do have one other question. Based on Belle Investments website, Belle develops only high quality, class A apartments. I think is going to be a question for Mr. Reynolds but probably Mr. Kelly. According to the website Belle develops only high quality, class A apartments that command premium pricing. If we are approving this rezoning with the proposed use, I mean when we approve the rezoning do we approve it based on the proposed use of detached residential or do we approve based on the 5 dwelling units per acre?

Kelly: Well in rezoning you rezone it planned residential at whatever density you approve. They have the opportunity at that point to submit a plan for detached dwellings or attached dwellings at any density up to the maximum approved by this Commission. Now this applicant has to a certain degree given you some leeway here in that he has stated that he is wanting to build 30 detached dwellings on this 9.42 acre site which if you do the math comes out to a little bit less than 4 units per acre. That would be option that you could recommend planned residential zoning at some density less than 5 units per acre. He would at that point have the density that he needs in order to develop the project according to his current plan and would be somewhat more compatible with the surrounding rural residential area. Again I believe Mr. Fuller has said that 30 units is what he is working for. I don't know if the 9.42 is a surveyed acreage or if that is just off the GIS>

Tocher: That 30 units is not in our white sheets. Is that correct?

Kelly: No. He stated that here today.

Fuller The 9.42 is surveyed. The property has been surveyed. We are doing 30 plus the individual home that already exists there will be cut out and be its own lot so there will be 31 single family detached homes on this. Sorry, the website that we do we typically do apartments through the southeast and that is for other municipalities to look at when we are Charlotte, Atlanta, or wherever. We have developed several subdivisions in Knox County throughout our 18 year history as well.

Clancy: Mr. Kelly looking here the staff recommendation is to approve PR Planned Residential but it also goes to comment and says "The zoning requirements from the zoning ordinance must meet all of these and the very first one is this site is accessed from Neubert Springs Road. They are not intending to access from Neubert Springs Road. How does that effect...

Kelly: The existing house has access from Neubert Springs Road. Mr. Fuller has stated that his desire is to access the subdivision from John Sevier Highway and apparently has had conversations with TDOT along that line.

Clancy: But TDOT doesn't necessarily acknowledge our rezoning requirements per se. Does that change your, the fact that they want to connect to John Sevier does that change staff's position at all knowing that they are absolutely going to do that or not develop at all.

Kelly I don't know that we have taken a position one way or the other with regard to what is the most appropriate access point to the subdivision at this point. Probably pluses and minuses with both access points.

Clancy: From a zoning standpoint I understand. We can deal with that at development time. Also I would like to find out it has been brought up that this is all part of the, this was once part of the John Sevier original home place. Was the 1 to 8 dwelling units per acre no part of the John Sevier home place at one time too? Actually wasn't everything on that side of the river part of that?

Kelly: I think the John Sevier home place at one point was a very large land grant well beyond the boundaries of what we are talking about here.

Clancy: So that makes. I get it. Seems like that point is mute since there is this 1 to 8 development right there next to it. I have a hard time seeing how that adversely affects...

Kelly: The density required in order to be able to do this would be somewhere between 3.3 to 3.5 dwelling units per acre.

Clancy: I think that is what probably we are going to see a concept plan come in looking like. I make a motion that we recommend that County Commission approve PR Planned Residential zoning at a density of up to 5 dwelling units per acre.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PR AT UP TO 5 DWELLING UNITS PER ACRE PER STAFF RECOMMENDATION.

Longmire: You want to leave it at 5 and not 3.5

Clancy: Let's just leave it at 5. I would rather see a really good development plan with 5 than a really poor development plan with 3.5 because they couldn't get it figured out.

Kane: What's the difference in a good one versus...

Longmire: Excuse me Commissioner Kane it is Commissioner Cole's turn.

Cole: I just wanted to ask Mr. Fuller what his plans where as far as getting together with the community. He has not really had a

chance to say what his plans are there and I would like to give him that chance.

Fuller: I will speak with these guys as soon as this is over. We are trying to do some colored renderings for TDOT regarding the landscape along the front. We are trying to figure out exactly where our entrance way will be because there is a decent amount of property that is just field. It is just raw pasture land. We definitely want the buffers along John Sevier for noise, marketing as well as the requirements of that. So what we will do is go in with our landscape architect. Create some kind of colored rendering that's going to show what that finalized entrance will look like. I will set up a meeting and hopefully I can have that ready for those guys in the next couple of weeks.

Kane: I wanted to understand what the difference between a good plan at 5 versus a mediocre plan at 3.5. What would be amenities or what would be the things that would make the difference?

Clancy: Not necessarily the amenities. I would like to see a plan where you get the benefits of the maximum density to be create enough to possibly use some berms that would help shield it from the road if that is an issue.

Kane: So you are basing it on economics is what you are saying.

Clancy: I am basing it on what is the best use of the land. The best use of the land on a piece of property that dictates that 5 dwelling units does it to get it to where it is the best use of the land. Let's give the developer and the engineers the opportunity to do that.

Longmire: It is a motion and you don't have to vote for it. You can have your own motion. It is just a little leeway sometimes makes a better product.

Carey: Is the undisturbed land buffer retainment understood or does that need to be a conditional part of this motion?

Kelly: Think it would be appropriate for you to include it as a condition.

Carey: Would you consider that Mr. Clancy?

Kelly: As it is right now, of course it is primarily pasture land, but they would have the opportunity to go in and timber the property and do things like that. I said most of it is pasture area. There may be some viable specimen trees on that.

Clancy: I will amend my motion to include a no grade clause.

CLANCY AND JOHNSON AMENDED THE MOTION TO INCLUDE A NO GRADING CLAUSE

Scott Smith: Why are we doing that on a rezoning?

Longmire: So the vegetative buffer on the road will maintain until we get the concept plan to see what is going to be there instead.

Smith: So we are concerned they are going to run over there and cut it down before the concept plan is submitted. I just don't understand that. That is the point of... If we do that at concept plan then I could understand it. But...

Longmire: This is to keep any grading from being done so that the sanctity of the John Sevier home place will be maintained.

Elizabeth Eason: I think we are saying two different things here. We are saying no grading and no site disturbance and we are not saying no cutting of existing trees.

Carey: I originally said retaining of the buffer and that got. You are right. They could still cut trees without grading.

Eason: I think there is a little bit of an existing buffer it should stay.

Longmire: Just to maintain... No grading and maintain existing buffer. Would you be willing to add that?

Clancy: So amended

Longmire: This motion is to **RECOMMEND COUNTY APPROVE PR PLANNED RESIDENTIAL ZONING AT A DENSITY UP TO 5 DWELLING UNITS PER ACRE WITH THE CONDITION OF NO GRADING AND MAINTAINING THE EXISTING BUFFER.** Is that correct?

Clancy: Yes Madam Chair.

Shelton: Could I ask you all a question? Just one question? I am a resident there.

Longmire: I know you are sir. I am trying to think what question hasn't been asked but go ahead.

Shelton: So if in this situation the zoning is approved to be changed and then there are problems with the development then the zoning has already been changed. If the development doesn't happen does the zoning automatically go back.

Longmire: The zoning will stay PR Planned Residential.

Shelton: Okay. I hope you all reconsider.

Clancy: Madam Chair you need a second to amended motion.

Johnson: Second the amended motion.

Scott Smith: About the grading and that clause, are we conditioning is it until the concept plan is submitted and approved.

Clancy: An approved concept plan whether it is theirs or the next four owners.

Longmire: Anybody even yours. We have a motion to approve PR Planned Residential up to 5 dwelling units per acre with a condition of no grading and maintaining the current vegetative buffer, al beit kudzu or whatever it is until we have an approved concept plan at which time we might make some allowance for a change in the buffer. Maybe get rid of the buffer.

MOTION CARRIED 11-2. (Kane, Tocher were no) APPROVED AS AMENDED.

Longmire: This will come back to us with a concept plan. Please get with the developer. He is willing. That is where you need to be talking to see what happens there.

49. ROBERT BYRNE

10-P-15-RZ

Northwest side McKamey Rd., north of Amherst Rd., Commission District 3. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 3.75 du/ac.

Bob Byrne, 12916 Butterfield Lane. My partners and I have requested PR zoning for this property. We are proposing to construct a senior living village which will be centered around the sides of the existing pond. We are very sensitive to preserving the beauty of the property and we wish to incorporate walking trails, pond site gazebo and other amenities to enhance the feel of the project. Since senior living and slopes are not compatible, we propose to cluster our project in a more developable areas of the site. We are in the middle of completing a formal market study on the site and looking at what types of housing and units we can install. We would appreciate the MPC staff's assessment of the impact of the sloped areas for the properties and the allowable density. Since we do not know at the present time what the results of the study will recommend, we would like to ask for greater density for the property because we would rather more approved density that we would not need rather not have the density that we would need. In order to allow us flexibility for our planning purposes, we would like to request an increase in allowable density

to 4.8 dwelling units per acre and we appreciate your consideration on this project.

Longmire: The school that is currently on there you want to maintain as a school. What school is it?

Byrne: Yes. It is the West End Academy.

Art Clancy: The reason we are going to 3.75 what is the maximum we can use. You said you would meet me anywhere. Who wants to do a sector plan on this? Is that what it would take to get the 4.8?

Dan Kelly: No. He applied for 5 which did not require a sector plan amendment. The slope analysis is what led to the staff recommendation of 3.75. I told you everything I know about this.

Clancy: If we approve it at 4.8 which they asked for, we do not have to do a sector plan change. I would like to make a motion that we recommend that County Commission approve PR Planned Residential zoning at a density of up to 4.8 dwelling units per acre.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PR PLANNED RESIDENTIAL AT A DENSITY UP TO 4.8 DWELLING UNITS PER ACRE.

Elizabeth Eason: I would just like to comment that this in the hillside protection in this case the slope calculations were put into place and that is what dropped it to the 3.75. I appreciate the concept of clustering density. I can't see that yet though so I am concerned about voting for that and not actually getting to see how that is working.

Byrne: Let me introduce my engineer, Dave Campbell, who can probably explain to our reasoning behind that process.

Eason: Question related to that is do you have percentage of site that won't be disturbed because of your clustering?

David Campbell, Ideal Engineering, 325 Wooded Lane. I don't under the percentage. The percentage of land use covered?

Eason: By asking for the greater density and by clustering your property can you give me a ball park of how much of that site is that allowing you to leave undistributed.

Campbell: Pretty much the entire sloped area of the site above the elevations where the school buildings are shown presently. Our objective senior don't get along well with steep slopes so we would like keep our slopes in the 2 to 3% range for safety purposes. So the slopes at greater than 10% are not even on our wish list.

Carey: I know in the zoning stage we don't see this but and I guess once we rezone it it could become a double wide park but conceptually a retirement area would maybe involve maybe duplexes or smaller units in general. We can't even comprehend that because we are not there yet. Is there and what you tell me today doesn't necessarily mean that is what you will bring us on a concept, but is there any thought or discussion on how that concept may play out. Is it conventional single family lots or what are these things maybe going to look like.

Campbell: These would be clustered units. The assisted living would be done in the confines of one building. We will be clustering. It will be attached housing. It won't be independent. We may in the fullness of time go with a few duplexes or whatever the market may bare, but right now it is attached dwellings. Independent living units.

Scott Smith: I got a call from several people. This is Orland property. Orland Carpenter's old property. I got a call from several people over there who said they were concerned about this but they would be supportive of it as long as density remained at the staff recommended of 3.75. I just want you to be aware of that.

Longmire: What was their concern?

Smith: They were unsure about what you want to do and they were concerned that it would turn into apartments for rental units. Not that is a bad thing in some cases.

Byrne: We were concerned about that as well. I reached out to the homeowners' association on Seven Springs. We met with Randy Smith one of the Commissioners and went over our plans. I spoke to Dean, the president of the homeowners association of Seven Springs which sits directly on the ridge above us and explained exactly what we were doing. He was very supportive of it. He said that there were some questions that were being fielded obviously when they see the sign pop up in the front yard of the property. In our full explanation to him of what our intent was and what the development would look like, they were very positive about it.

Longmire: And we do appreciate when you reach out to the community.

Kelly: Yes did Mike Brusseau during the review of the zoning application discuss with you the implications of the PR zone, the assisted living, that the area developed to the assisted living and school those area would be subtracted out for the purpose of calculating densities and you all have that figured into your plan?

Longmire: We have motion and second to recommend that County Commission approve PR Planned Residential zoning at a density of up to 4.8 dwelling units per acre.

MOTION CARRIED 12-1 (SCOTT SMITH) APPROVED PR UP TO 4.8 DU/AC.

David Case, 11820 Black Road: I am not familiar with the process here so I might have kind of messed up a little bit. I thought Item 45 on your agenda was going to be heard today.

Longmire: Was that on consent? At the very beginning we talked about the consent agenda and that if there was one you wanted removed from consent at that point that is when you should have come forward and ask that it be removed. The consent agenda is usually made up of things that we have not heard any opposition to.

Case: Could it be reopened for a moment?

Longmire: No. I read it very clearly that once an item is approved on consent it cannot be heard here.

Case: I really need to make one comment that is pretty...

Longmire: I will say sir you can appeal to County Commission because they have to approve everything we do. You can actually talk to your County Commissioner about it. Okay.

Art Clancy: The people on the other side don't have an opportunity to rebut.

Case: But the MPC has omitted some important information from their report.

Longmire: We can't do anything else about it now is my problem. So you need to get in touch with your County Commissioner and find out how to present to County Commission when they hear it so that your opposition can be heard.

Case: I was hoping maybe a couple of people could vote to reopen this.

Longmire: No sir. The rules are once it is passed on consent we are through with it. It has to go to either County Commission or City Council. But thank you for coming. Next time you will know.

Dan Kelly: In keeping with what I said earlier I will be glad to meet with this gentleman right now if you like.

Longmire: Mr. Case, Mr. Kelly would be glad to talk with you about that right now.

- P 50. GUSTO DEVELOPMENT, LLC**
Southeast side Ball Camp Pike, northeast of Middlebrook Pike,
Commission District 6. **10-F-15-SP**
 - a. Northwest County Sector Plan Amendment**
From LDR (Low Density Residential) to C (Commercial).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Uses on Review

- P 51. ED CAMPBELL** **8-B-15-UR**
West side of Iron Gate Blvd., south of Hardin Valley Rd. Proposed
use: Self-service storage facility in PC (Planned Commercial) / TO
(Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 52. MERCHANTS RETAIL PARTNERS** **9-D-15-UR**
Northeast side of Cherahala Blvd., north of Hardin Valley Rd.
Proposed use: Self-service storage facility in CA (General Business)
/ TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- T 53. WORLEY BUILDERS, INC.** **10-C-15-UR**
Southeast side of Creekhead Dr., directly southeast of Whitman
Dr. Proposed use: Detached residences on individual lots in RP-1
(Planned Residential) District. Council District 3.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 54. DAVID TRANTANELLA** **10-D-15-UR**
Northeast end of Bella Capri Ln., south of Casa Bella Dr. Proposed
use: Reduction of the 35' peripheral setback to 25' in PR (Planned
Residential) District. Commission District 8.

STAFF RECOMMENDATION: Approve the request to reduce the peripheral boundary setback from 35' to 25' along the northeastern boundary of parcel 040KB017 as shown on the site plan subject to 1 condition.

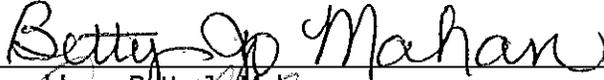
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:
None

Adjournment

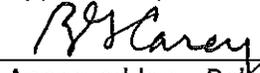
MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:34 p.m.



Prepared by: Betty Jo Mahan


Approved by: Secretary for the Commission


Approved by: ~~Rebecca Longmire, Chair~~ Bart Carey, Acting Chair

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