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Minutes

September 9, 2010

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

The Metropolitan Planning Commission met in regular session on September 9, 2010 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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|----|-----------------------------|----------------------------------|
| A | Mr. Robert Anders,
Chair | Mr. Michael Kane |
| | Ms. Ursula Bailey | Mr. Nate Kelly |
| | Mr. Bart Carey | Mr. Robert Lobetti |
| | Ms. Laura Cole | Ms. Rebecca Longmire, Vice Chair |
| | Mr. Art Clancy | Mr. Brian Pierce |
| | Ms. Rachel Craig | Mr. Jack Sharp |
| | Mr. George Ewart | Mr. Wes Stowers |
| ** | Mr. Stan Johnson | |

* 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 SEPTEMBER 9, 2010 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* **3. APPROVAL OF AUGUST 12, 2010 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

Chris Kirby, Wilbur Smith & Associates, The Kroger Company item No. 34 ask for a 30-day postponement.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS 30 DAYS AS READ INCLUDING ITEM NO. 34 UNTIL THE OCTOBER 14, 2010 MPC MEETING. MOTION CARRIED 14-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

None

REVIEW OF TABLED ITEMS

<u>METROPOLITAN PLANNING COMMISSION</u>	8-A-08-OA
Amendment of the City of Knoxville Zoning Ordinance adding Section 4.2 (Cumberland Avenue District) to the proposed Article 4, Secti4 (Form Districts) to establish development regulations and standards for the area described in the Cumberland Avenue Corridor Plan. Council District 1.	

<u>KNOX COUNTY SCHOOLS</u>	1-C-08-SC
Request closure of Frazier St. between E. Magnolia Avenue and E. Fifth Avenue, Council District 4.	

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

<u>BUTLER HOMES ON GLEASON DR. - BUTLER HOMES & CONSTRUCTION</u>	
a. Concept Subdivision Plan	1-SG-08-C
Northwest side of Gleason Dr., north of Ashton Ct., Commission District 5.	

b. Use On Review	1-J-08-UR
Proposed use: Attached residential subdivision in PR (Planned Residential) District.	

<u>WILLOW FORK - GRAHAM CORPORATION</u>	
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.	

<u>HARRISON SPRINGS - EAGLE BEND DEVELOPMENT</u>	
a. Concept Subdivision Plan	4-SC-09-C
Southeast side of Harrison Springs Ln., northeast of Schaeffer Rd., Commission District 6.	

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

<u>HENRY DAVENPORT FARM RESUBDIVISION OF PART OF LOT 18</u>	8-SB-08-F
South side of Woodlawn Pike, east of Southwood Drive, Council District 1.	

DAVIN AND STURM RESUBDIVISION OF LOT 1R2 10-SQ-08-F
South side of Kingston Pike, south of Walker Springs, Council District 2.

HARDIN VALLEY CROWN CENTER RESUBDIVISION OF LOTS 3 & 4 11-SO-08-F
South side of Hardin Valley road between Schaeffer and Iron Gate, Commission District 6.

LECONTE VISTA 11-SP-08-F
Kelly Lane near intersection of Kodak Road, Commission District 8.

HART PROPERTY 12-SH-08-F
East side of S. Molly Bright Rd, south side of Asheville Hwy., Commission District 8.

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

WYRICK PROPERTY 8-SC-09-F
East side of Tazewell Pike, north of E. Emory Rd, Commission District 8.

U **ROBERT D. FOREMAN PROPERTY** **11-SD-09-F**
East side of Ellison Lane north of Wrights Ferry Road, Commission District 4.

U **SIDNEY M. CAMERON PROPERTY RESUBDIVISION OF TRACT 3** **5-SB-10-F**
West side of Whirlwind Way, south of Mascot Rd., Commission District 8.

BRANDYWINE AT TURKEY CREEK PHASE I 8-SP-10-F
West side of Fretz Road, south of Campbell Station Road, Commission District 6.

OLIVER A. SMITH
Northeast side Lake Heritage Way, southwest side I-140, southeast of Westland Dr., Commission District 5.
a. Southwest County Sector Plan Amendment 6-H-06-SP
From LDR (Low Density Residential) to O (Office).
b. Rezoning 6-S-06-RZ
From PR (Planned Residential) and CA (General Business) to OB (Office, Medical, and Related Services).

PROPERTIES DIVERSIFIED, INC.
Northeast side Central Avenue Pike, northwest side I-75, Commission District 6.
a. North County Sector Plan Amendment 8-B-08-SP
From LDR (Low Density Residential) to C (Commercial).
b. Rezoning 8-E-08-RZ
From RB (General Residential) to CB (Business and Manufacturing).

METROPOLITAN PLANNING COMMISSION/CITY OF KNOXVILLE 8-O-08-RZ
Area generally described from White Avenue to Lake Avenue between CSX Railroad Corridor and Seventeenth Street (See Map), Council District 1. Rezoning from C-3 (General Commercial), C-7 (Pedestrian Commercial), O-1 (Office, Medical & Related Services), O-2 (Civic & Institutional) and R-2 (General Residential) to Cumberland Avenue Form District.

JAMES L. MCCLAIN
Southeast side Lovell Rd., northeast side Hickey Rd., Commission District 6.
a. Northwest County Sector Plan Amendment 9-A-09-SP
From LDR (Low Density Residential) & STPA (Stream Protection Area) to C (Commercial) & STPA (Stream Protection Area).
b. Rezoning 9-A-09-RZ
From A (Agricultural) to CB (Business and Manufacturing).

LISA HOSKINS 4-F-08-UR
Northwest side of Merchant Dr., northeast side of Scenicwood Rd. Proposed use: Afterschool day care facility and family life center in R-1 (Low Density Residential) & R-2 (General Residential) District. Council District 5.

MIKE ELLIOTT 2-A-10-UR
West side of Arthur St., north side of McGhee Av. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay) District. Council District 6.

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE 11-SD-09-F ROBERT D. FOREMAN PROPERTY AND 5-SB-09-C SIDNEY M. CAMERON PROPERTY RESUBDIVISION OF TRACT 3 AS READ. MOTION CARRIED 14-0. ITEMS UNTABLED.

MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO TABLE ITEM 14B AS READ. MOTION CARRIED 14-0. ITEM TABLED.

CONSENT ITEMS

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

COMMISSIONERS COLE AND EWART RECUSED FROM VOTING ON THE CONSENT LIST.

MOTION (CLANCY) AND SECOND (STOWERS) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-2.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-2. APPROVED.

Ordinance Amendments:
None

Alley or Street Closures:

- * **5. MORGAN S. CANTEY** **9-A-10-AC**
Request closure of Unnamed alley between Iskagna Drive and southern terminus, Council District 2.

STAFF RECOMMENDATION: Approve subject to any required easements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W 6. REGIONS BANK** **9-A-10-SC**
Request closure of Stekoa Ln between Southeast property line of parcel 067MA005 and Southwest property line of parcel 067MA004, Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **7. MPM DEVELOPMENT COMPANY** **9-B-10-SC**
Request closure of Long Shot Ln between 323 feet north of High Alpine Ln. and northern terminus, Council District 5.

STAFF RECOMMENDATION: Approve subject to any required easements and subject to the 5 conditions specified in the August 19, 2010 letter from City Engineering.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **8. MPM DEVELOPMENT COMPANY** **9-C-10-SC**
Request closure of Ski Lift Dr between Steamboat Lane and Long Shot Lane, Council District 5.

STAFF RECOMMENDATION: Approve subject to any required easements and subject to the 5 conditions specified in the August 19, 2010 letter from City Engineering.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **9. MPM DEVELOPMENT COMPANY** **9-D-10-SC**
Request closure of Steamboat Ln between Northern terminus and Southern terminus, Council District 5.

STAFF RECOMMENDATION: Approve subject to any required easements and subject to the 5 conditions specified in the August 19, 2010 letter from City Engineering.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

None

Plans, Studies, Reports:

- P 10. **METROPOLITAN PLANNING COMMISSION** **12-A-09-SAP**
Hillside and Ridgetop Conservation Plan.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11. **METROPOLITAN PLANNING COMMISSION** **6-A-10-SAP**
Ft. Sanders Neighborhood District Long Range Planning Implementation Strategy. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 12. **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.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Concepts/Uses on Review:

- W** 13. **CIRCLE LANE EXTENSION** **5-SB-09-C**
East end of Circle Ln., northeast of Westfield Rd., Council District 2.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 14. **BUFFAT MILL ESTATES - CLAYTON BANK & TRUST** **4-SA-10-C**
a. Concept Subdivision Plan
South side of Buffat Mill Rd., north side of McIntyre Rd., Council District 4. (Concept previously approved. No action needed.)

- T** **b. Use On Review** **4-B-10-UR**
Proposed use: Detached dwellings in RP-1 (Planned Residential) District (part pending).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * 15. **PEBBLESTONE CONDOS - DOYLE JOHNSON** **7-SB-10-C**
a. Concept Subdivision Plan
Southwest side of Murphy Rd., just south of Tazewell Pike, Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-12 and the concept plan subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Use On Review** **8-H-10-UR**
 Proposed use: Attached and detached residential subdivision in RB (General Residential) & A (Agricultural) (PR Pending) District.

STAFF RECOMMENDATION: Approve the development plan for up to 69 attached and detached residential units with 37 units being on individual lots and reducing the peripheral setback along the southern boundary line to 25', subject to 3 conditions..

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **16. ROEFIELD - M. A. SCHUBERT, JR.** **8-SB-10-C**
a. Concept Subdivision Plan
 South side of Westland Dr., east side of Woodsboro Rd., Commission District 5.

STAFF RECOMMENDATION: Approve the concept plan subject to 12 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **b. Use On Review** **8-D-10-UR**
 Proposed use: Detached Residential Subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 29 detached single-family dwellings on individual lots subject to 2 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 17. TIPPIT VILLAGE - SITES TO SEE, INC.** **9-SA-10-C**
a. Concept Subdivision Plan
 Northeast side of Andes Rd., north of David Tippit Wy., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Final Subdivisions:

- * **18. THE HERITAGE AT ROEFIELD** **8-SG-10-F**
 South side of Westland Drive, east side of Woodsboro Road,
 Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **19. WASHINGTON PIKE MINI WAREHOUSES RESUBDIVISION OF LOT 2** **9-SA-10-F**
 Northeast side of Washington Pike, at intersection of Washington Court, Council District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **20. MIDDLEBROOK HEIGHTS RESUBDIVISION OF PART OF LOT 24** **9-SB-10-F**
 East side of Millard Beets Rd, north of Kim Watts Dr., Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **21. WALKER'S GATE RESUBDIVISION OF LOTS 85-87** **9-SC-10-F**
 South side of Wavetree Dr. at intersection of Wade Green Lane,
 Commission District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. EXPRESSWAY 40** **9-SD-10-F**
 Northwest side of Kingston Pike, northeast of Buckingham Rd,
 Council District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. PIQUE AND BREEDING PROPERTY** **9-SE-10-F**
 Southwest side of Hankins Lane, south of Miller Rd, Commission District 7.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **24. WILLIAM T. MARTIN PROPERTY** **9-SF-10-F**

East side of Branch Lane, north of N. Ruggles Ferry Pike,
Commission District 8.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **25. MCKENRY PROPERTY** **9-SG-10-F**
South side of Fox Rd at intersection of Canton Hollow Rd,
Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- P 26. CLAYTON BANK & TRUST** **3-B-10-RZ**
Northwest side McIntyre Rd., northeast of Buffat Rd., Council District
4. Rezoning from R-1 (Low Density Residential) to RP-1 (Planned
Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 27. JOE G. TATE**
South side Oak Ridge Hwy., east side Meadowrun Ln., Commission
District 6. **8-A-10-SP**
 - a. Northwest County Sector Plan Amendment**
From LDR (Low Density Residential) to GC (General Commercial).

STAFF RECOMMENDATION: Adopt resolution #8-A-10-SP amending
the Northwest County Sector Plan to O (Office) and recommend the
County Commission adopt the amendment.

Mike Brusseau, This is an item that was postponed by the applicant last month automatically. The property in question is located at the intersection of Meadowrun Lane with uh, at its intersection with Oak Ridge Highway. It's currently zoned office and the applicant is requesting that it be rezoned to CA general business. The sector plan, the current sector plan designation on the property actually shows low density residential so it does not recognize the current office zoning. Staff is recommending that the sector plan be amended, but not to commercial. We are recommending that it be changed to office to reflect the current zoning on the property. We are recommending denial of the CA zoning. And the main reason being because there is quite a bit of commercial zoning already in the area. And this particular site is located at the entrance to a small residential neighborhood. The property, a similar property on the opposite side of Meadowrun Lane is also zoned OA. We feel that by allowing commercial use of this property that it may open up the door to allow nonresidential use to continue on down Meadowrun

Lane. As it stands office is probably an appropriate use at this intersection with an arterial highway. Again there is quite a bit of unused commercial zoning in that area already. It is preferable to kept he commercial uses located to the west there are the intersection with Byington Beaver Ridge and Oak Ridge Highway where most of the commercial zoning is. So we are recommending approval of the sector plan to office, rather than commercial and denial of the CA zoning.

(Chair Longmire read the staff recommendation as above.)

Joe Tate, I was here three years ago when MPC recommended that it be rezoned to commercial. So I am a little shocked to see the opposite today. What we are looking at here is a very small subdivision with a deadend street. There are 10 houses. My company owns the front two that front on the highway. There is a rent house among the 10. One of those houses also has sat empty for about three years and it is in bad state of disrepair. It is a modest neighborhood and an aging neighborhood. Good people live there. But what I, I am a developer and a dreamer. I look at things and see what might could be, not what is. I developed Cedar Bluff, the property on Cedar Bluff Road, Carl Tate's Gallery, the bank next to it and the Walgreens next to that. What I do is upscale stuff. It is not junk. I see an opportunity to help the community here. I am looking, I am trying to look beyond just a few houses. If you would consider it, I would like to see what I can do for the community in terms of jobs and opportunities.

MOTION (CLANCY) AND SECOND (CRAIG) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. O (OFFICE) APPROVED.

b. Rezoning
From OA (Office Park) to CA (General Business).

8-A-10-RZ

STAFF RECOMMENDATION: Deny CA (General Business)

MOTION (CLANCY) AND SECOND (CRAIG) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.

28. THIS AND THAT ANTIQUES
Northeast side Middlebrook Pike, east side Keith Ave., Council District 3. Rezoning from R-2 (General Residential) to C-4 (Highway and Arterial Commercial).

9-A-10-RZ

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

John Valliant, 800 S Gay Street, I represent the applicant, This and That. I would like to defer.

Susan Hardin: 2806 Denson Avenue in the Westview Community. We are coming forward today to ask for a one month postponement on this issue. We seem to have some trouble with a wandering sign on the property. We feel that the community has not had enough time to consider options. We are concerned with the location being changed to anything that allows outside storage or sales due to the size of the property. This is the second request that the applicant has made this year for a zoning change. And the first did not get through Council. It does seem that the location continues to do business as usually, and there is at this moment furniture sitting outside the establishment. I would like your consideration for a postponement. Thank you.

Ann Brummett, 5428 Smoky Trail, Knoxville, TN which is very close to the Westview Community. I have been there 28 years. Yesterday I stopped at the This and That antique shop and someone had dropped off a dresser and an old desk that I wouldn't have in my shop. So I went home immediately, because I wasn't able to lift it by myself to get it, to move it. We have not left anything outside since we were going through this last year. We stopped immediately everything is inside at night. There is nothing outside. I called the police department at 311 and I have their reference number for me to get a report about someone dumping there. And they had dumped off an old dresser and an old desk. So that is why that is still there today, because it was dumped off yesterday. When I came to work yesterday, and I come to the City County Building, I, it wasn't there, but as I left and went home yesterday evening the stuff was outside. And I have been very, very particular about not leaving things outside because I have been trying to cooperating with the Westview Community and do things. They didn't want the big sign up there, so we had it cut down so that, and hauled off because we thought the community would look better by doing that. And this is the second time, she was right this is the second time I have been here. But the day I was supposed to come was February the 9th and I was taken by ambulance to UT hospital and I stayed in intensive care and I was there at the hospital for three weeks and home health care six weeks. No one showed up. All this happened and I went to the doctor and I came back, by ambulance to the hospital. But we have been going over this and I have been trying to cooperate with people, you know, in the community. They have signed petitions for me about what I have. I try not to have, I don't want it to be a junky place and I've told you this before. I don't intend for that to every happen. I want to cooperate with the community and I want to make it look nice. I just appreciate it that the, I would have been here on February 9th of last year, but like I said I was sick in the hospital. And I do have, I can get a copy of the report. I have the reference number with me where I reported this yesterday afternoon about 5:30 to the City Police Department or 311. And that....

Chair Longmire, Ms. Brummett did you hear the opposition's request for postponement?

Brummett, I will leave that up to my.. Postponement of what?

Chair Longmire, They would like to put it off a month because they didn't feel like they had adequate notice.

Brummett, I am willing to cooperate with them or whatever my attorney wants to do is fine with me. I didn't mean to put that back off on you John.

Valliant, She has referenced a petition and I think she needs to make whatever she has referenced part of the record. With regard to the postponement, apparently a, the MPC sign had been moved. I don't know when it was. Somebody said it was Tuesday. Somebody said it was yesterday. I don't know when it was moved. If anybody is complaining about notice, I certainly, I do not think Ms. Brummett would want to have this thing proceed and have somebody claim that we have done something unfair to them in any way.

Chair Longmire, Ms. Brummett do you want to give that, do you want to add it to the file?

Art Clancy, So the sector plan has not been changed even though we recommended that it be changed. And in order to get C-3, which if I understand correctly does not allow outside display, C-3.

Chair Longmire, She was asking C-4.

Clancy, I know. So in order to get C-3 we have to go through and change the section plan again. Michael, is that correct.

Michael Brusseau, No the sector plan could support either C-3, C-6, or C-4. It just calls for, it includes commercial in the mix of uses.

Clancy, Ms. Brummett, is C-3, would that be an acceptable zoning for you? I mean the only limitation is it doesn't let you display your stuff outside, which if they are antiques you don't really want them outside, right?

Brummett, Well I don't, but it always helps, like I told you before. If you put two or three nice pieces out there, and it helps with the traffic coming through and it just helps people see the type of furniture. We really don't try to, we don't, we won't mess with junk. I know there have been some concerns in other places in the City with people pulling up and setting up and having any old kind of junk out there to sell. This is what my intentions are, is to put up a nice awning, paint the building and be able just to put 2-3 pieces under the awning and move it in every evening when I leave the building and put it back out there when I come back the next morning. Of course, with me working I am only there on Friday and Saturday for right now until I retire.

Michael Kane, I am more supportive of C-3 here than I would be of C-6. One of the things I am concerned about with C-6 is partly is the C-6 is considered general commercial park district. It says to encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and discourage the proliferation of commercial uses along major thoroughfares in noncommercial areas. This is .06 acres. It seems to me C-6 and .06 acres isn't real compatible. It if was a larger tract and this was a small one as part of that, it might make more sense. Logically it just doesn't make sense to me. So I just wanted to put that out there for other Commissioners to think about.

George Ewart, Ms. Hardin, can I ask you a question please? What is the intention of postponement? What are you all going to do? Are you going to sit down and talk and try to work something out? Or is it that the sign moved so you want another 30 days.

Hardin: The intention was to get the community more involved. Our community is largely a 50 plus community. We only had a few days notice. Again the sign wandering around the property. Whatever that happened. I am not making accusations. But many people had doctors' appointments; they care for elderly family members or grandchildren. Something like that. We just simply need the time to work things out. The other request was for a different zoning. It is strictly just time to get the community involved into the situation.

Ewart, We have been talking about this for a while now. Even though this sign supposedly moved or whatever it did, how have you all addressed it knowing that it could have happened in February?

Hardin, The previous zoning request, we do have a community group that had discussion on the issue. We have several members that are in close communication over these things.

Ewart, What was the resolution there? I am trying to get at what you all are trying to

Hardin, The original zoning died in City Council.

Ewart, I am trying to get at what your neighborhood association is trying to accomplish. What you have done before to get to that point, it shouldn't have changed that much pending six months. I am hoping, six months difference.

Hardin, I am not able possibly to speak to that as well as some other members could. We are hoping to avoid a flea market sort of look in the community. I am, I personally am also concerned with the residences immediately in behind the store. I did understand that Ms. Brummett had been ill. I did not know that until recently. So my assumption in Council in February was that perhaps things, something had changed on her end and it was just dropped.

Ewart, But all the people behind the property should have received a card. Is that correct?

Mark Donaldson, Anybody within 200 feet, which would be most of that block.

Ewart, Are they here.

Hardin, I don't believe so.

Chair Longmire, Yes some of them are. See the hands raise.

Ewart, I think they are property owners aren't they.

Hardin, I didn't recognize anybody.

Ewart, So did you receive a card?

Yes, I am Christine Taylor. I live at 3901 Windcress Road in Powell or Karns, excuse me. I am the owner. I inherited from my mother, Myrtle Amons, who lived in the house next door. I still own that property. I own the property that This n That is in. This has been a terrible looking place for quite a few years. The gentleman moved out that we in there. We have cleaned it up. Removed all the trash and debris from outside. Painted the building, refurbished the inside compete with new bathroom, new ceiling tile, the whole bit. And new carpet. This N That wanted to come in there. I was very pleased because of what they wanted to do and keep it neat. I had not been able to do this for quite some time. My mother passed away in 1997 and it has been a constant trial. I had people renting the house next door. My grandson was one of those and he looked after the property and helped clean it up. I am very pleased to have Ann Brummett want come in there and make this a nice place in the Westview area. There will never be a flea market there. I don't plan to die, of course, that is sort of a joke. But this property is not for sale and, as far as I am concerned, will never be for sale. I understand that commercial taxes and the zoning does not go hand in hand. But we have paid as well as my mother commercial taxes forever. Mother had owned the property since 1930 and lived there until her death.

Ewart, Michael, What is, on C-3 what would that do to the property. I know on C-4 it opens up a lot of different uses. What would C-3 do?

Brusseau, C-3 basically just allows all your retail uses as long as they are confined within the building. It does not allow any outdoor display which is specifically what Ms. Brummett would like to do. So that's really the main difference.

Rachel Craig, The request for C-4 I think is not a good idea. It opens that property up to way too many intensive uses. I understand the

neighborhood would like a postponement. I am not convinced that anything would be different in a month. I think the neighborhood's position is pretty, at least to me it is pretty clear. The neighborhood would really like for this property to stay R-2, but if it went commercial, they would like not to have any outdoor displays. Am I summing that up fairly accurately? Ms. Hardin answered Yes, you are. Craig, So as I understand it with regard to this property, the biggest difference in C-6 and C-3 is that C-6 would allow the outside displays and C-3 would not. Is that correct Mr. Brusseau? Brusseau answered yes. Craig, I am like Commissioner Kane. C-6 does not seem very appropriate for this tiny piece of property. I look at the zoning map and I see there are several properties just down the street zoned C-3 and it seems to fit in. So I would like to make a motion that we recommend that City Council approve C-3 for this property.

MOTION (CRAIG) AND SECOND (KANE) WERE MADE TO APPROVE C-3 (GENERAL COMMERCIAL).

Nate Kelly, I don't have a whole lot new to add now that the last couple of statements have been made. I completely support of C-3. I do, I hope we can get this resolved today because we have got a business operating not in compliance right now. I think it would be important to go ahead and move on this today. I do think that C-3 takes care of most of the neighborhood concerns with regard with sort of potential proliferation that would be permitted under C-6. So I think C-3 is a nice compromise and I will support the motion.

Clancy: I think C-3 is probably appropriate. Understand outside displays when you have got a small antique shop trying to get people in, but at the same time C-6 does allow outside display. What we are afraid of is a flea market and it does not seem that a lot that small could be conducive to a flea market either. The problem with C-6 is we can't undo C-6 once we do it. That's gotten us into some trouble on other pieces of property. So I can probably support either one of the zonings.

Wes Stowers, Yes I just wanted to make sure Ms. Brummett, C-3 no outside storage, does that eliminate your ability to conduct your business? Cause one thing, this was an eyesore before you all took it over.

Brummett, I invite each and every one of you to come by when you can and take a look and see.

Stowers I have seen it before and after. But I am asking you, if the indoor, if you are restricted to an indoor display, does that put you out of business.

Brummett: Yes, it would go pretty far doing that because, it seems like, I just want to say, and I know you don't know me, most of you don't know me. But I have worked here at the County for almost 30

years now. If I tell you something, I am going to do it. I can't look you in the face after I stand up here and tell you that it is not going to be a flea market. If I could be allowed to put 3-4 pieces of nice old, old furniture just under the walkway on the side, you wouldn't, that makes a big difference when people are coming by and they see those things.

Clancy, It is not you we are worried about Ms. Brummett.

Stowers, I would add, you know, we are looking at such a small parcel there are very stringent setbacks. If the laws are enforced, it would be virtually impossible for somebody to come in there and have a flea market or a car lot or anything else based on simply the size of the property. If the codes were enforced. But it would be possible to place a couple of small pieces of furniture out in front of the building under the awning and allow Ms. Brummett to continue her business.

Stan Johnson, I would like to add to that. C-3 seems to be the right zoning for this property, but just because it is so small. I don't see a big, big reason why we couldn't go C-6. She has cleaned up that property tremendously. I can remember those blue tarps. I have had calls and I have been out there to those different customers, I mean client's houses that those things have happened. But since she has been there it has been cleaned up. I can remember from February to now, that property has done a tremendous turn around. I would like to ask the neighbors would C-6 be too much to ask for if she is only putting out 2-3 pieces of property, of furniture outside?

Polly Johnson (Doka), 4804 Tomache Drive. The reason we want no outside sales is the blue tarps was, in fact, those were operated under Ms. Brummett's store. She says that is when she first started into business. Those were there for some extended period of time even though I realize she may have had a storage problem. But again C-6 even it is not Ms. Brummett it does open the neighborhood to that exposure after Ms. Brummett and myself are dead and gone. We would like, C-3 was compatible for the neighborhood. If we can't agree on C-3 today, I think the neighborhood does need to be consulted because we had a lot of the neighbors had doctor's appointments and people coming to work on their house. And actually the MPC sign did not get in front of the property until Tuesday, I guess after we brought it to Mr. Donaldson's attention. So C-6 is not compatible for the neighborhood.

Johnson: My next question is, C-3 no outside displays. Does that mean no signage, no something pointing into her place saying antiques or ...

Brusseau, Just no outside display of any merchandise. They would still be able to do a sign.

Chair Longmire, We have a motion on the floor ma'am. Any other questions from the Commissioners?

Clancy, Call for the question.

Chair Longmire, It has been called. All in favor of C-3 zoning please say yes, I, sure, in the affirmative. Alright negative voices in opposition to C-3. Roll call.

Upon roll call the Commission voted as follows:

- Bailey Yes
- Carey No
- Clancy No
- Cole Yes
- Craig Yes
- Ewart No
- Johnson No
- Kane Yes
- Kelly Yes
- Lobetti Yes
- Longmire Yes
- Pierce Yes
- Sharp Yes
- Stowers No

MOTION CARRIED 9-5. APPROVED C-3 (GENERAL COMMERCIAL).

- * **29. DAVID WELLS** **9-B-10-RZ**
 Southwest side Catlett Rd., northwest of Alanridge Ln., Commission District 6. Rezoning from A (Agricultural) to RA (Low Density Residential).

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **30. CC COMPANY (REVISED)** **9-C-10-RZ**
 Southeast side Deane Hill Dr., southwest side Royal Crown Dr., Council District 2. Rezoning from I-2 (Restricted Manufacturing and Warehousing) to O-1 (Office, Medical, and Related Services).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 31. RON SCOTT JR. OR BEN KIZER (REVISED)**
 Northwest side Guinn Rd., southwest of Oak Ridge Hwy., Commission District 6.
a. Northwest County Sector Plan Amendment **9-A-10-SP**
 From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: Deny C (Commercial) designation.

Mike Brusseau: This request is on the portion of Oak Ridge Highway just north of where it merges in with Pellissippi Parkway almost up into Anderson County. Guinn Road is a residential street that comes off Oak Ridge Highway. It would be the first one you come to. There is a gas station on the corner. The two properties that front on Oak Ridge Highway, which portions of them are part of this request, are both shown entirely for commercial on the sector plan. The remaining portions that are still zoned Ag just have not been zoned commercial to this point. We are recommending that those remaining portions of 6.01 and 6.03 most of which are already zoned CA, but CA on the entire pieces. Those two have access directly to Oak Ridge Highway They don't face any residential uses and it doesn't stretch into the neighborhood to the point where it is starting to intrude into the neighborhood, the residential uses. 6.02 one the other hand is a piece that is predominately zoned Agricultural although a little corner of it is zoned CA currently. It is not shown for commercial on the plan. This is the piece that the applicant is requesting be zoned to commercial. We are recommending denial of that request mainly based on the fact that the sector plan does not propose commercial uses there. We think that the sector plan is correct in this case that that property does not have direct access to Oak Ridge Highway, it faces residential uses and by allowing commercial use there would be an intrusion into this residential area. Just one other note. There is, you will probably see on your zoning map, there is a piece of property zoned OA directly west of this. The sector plan also does not reflect that. That was done years ago prior to sector plan amendments being required along with rezonings. As far as I could tell out in the field it didn't look like there was any office use occurring there. I appeared to be a residence. We are recommending approval of the zoning on those portions of 6.01 and 6.03 and denial of the zoning on 6.02.

Ben W. Kizer, Jr, I just bought the property. 1231 Destiny Ridge Way in Farragut. Basically what I was wanting to do there is a, the house that I just purchased I closed on Friday, way it was a small psychiatrists office. What it was, it was a house that they turned into a psychiatrists office. I actually bought the house and am turning it back into a residential house. What I was wanting to put behind it. I am a boat mechanic and all I was wanting to do was build a 40 by 60 building and do my repair business that I have been doing for 8 years in the small building behind the house. I have only got, I am not no big boat dealership or anything like that. I have 5 boats at one time sitting on my lot. I keep my stuff really clean and nice. I don't run any motors or anything. There is a boat ramp 5 minutes down the lake, down the road from where that is.

MOTION (CLANCY) AND SECOND (COLE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-1 (EWART). DENY C COMMERCIAL.

Michael Kane, Can I have verification. What we are saying is deny sector plan, is that on all the parcels? Staff had recommended. Never mind I understand. Sorry.

b. Rezoning

9-D-10-RZ

From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: Deny CA (General Business) for parcel 89 BA 6.02 and Approve CA for the requested portions of parcels 6.01 and 6.03.

MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED CA FOR PARCELS 6.01 AND 6.03.

P 32. TN VALLEY SURVEYING, INC.

9-E-10-RZ

East side Branch Ln., north of N. Ruggles Ferry Pike, Commission District 8. Rezoning from A (Agricultural) to RA (Low Density Residential).

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

33. METROPOLITAN PLANNING COMMISSION

9-F-10-RZ

Public parks within the City of Knoxville, All districts. Rezoning from various zones to OS-1 (Open Space Preservation).

STAFF RECOMMENDATION: Staff recommends that MPC recommend the following to City Council: 1. APPROVE OS-1 (Open Space Preservation) zoning for the following parks:

Buck Toms Park, Westview Park, Riverbluff Wildlife Area, Loghaven Conservation Area, Ijams Nature Center (remainder not already zoned OS-1), Forks of the River Wildlife Management Area, Ten Mile Creek Greenway Park, Turkey Creek Conservation Area, William Hastie Park. 2. That no conditions prohibiting currently listed uses permitted on review be placed on the rezonings. In addition, staff recommends that MPC recommend to City Council that it initiate an effort to create definitions for open space and parks in the zoning ordinance and add parks as a use permitted on review in all zone districts.

Mark Donaldson, Thank you madam chair. This item is in front of the Planning Commission at the request of City Council which asked MPC to consider rezoning all of the public park lands that aren't currently zoned OS to OS and to consider placement of conditions on those parklands that would prohibit and restrict the development of residences, marinas, or cellular communication towers on these properties. Staff did analyze each and every park in the City. Coming off the heels of our development of a City/County Parks, Recreation, and Greenway plan, we have a complete inventory that even goes beyond the list that was provided by City Council. We looked at every one of those properties and compared it to what we feel the intent and the regulations of the OS-1 district are. If you think of

parks in terms of trying to break them into two different groups of passive parks versus active parks, the OS-1 regulations clearly are oriented toward passive parks with large areas of natural open space and undeveloped land. There is a provision in the ordinance that places a maximum of 5% of the land area can have manmade structures or features on them. That would include ball fields or other recreation fields. The use of the OS-1, in our minds, excludes parks that are predominantly active in nature and limits their use, the use of that zone district to those that are primarily passive. That is the genesis of the recommendation for the limited list that was read into the record. Also in our analysis we looked at other communities' zoning ordinances to see if they had zone districts exclusively for active park lands. And there are very, very few in our inventory of ordinances that have that case. A few do have open space or natural area conservation zones similar to our OS-1. The only one in Tennessee that we could find that had an active park zone district was the new ordinance for Memphis which was adopted a month ago. And they created the intent paragraph for their park district, referred to active park lands and they also have an open space zone district and the intent paragraph referred to passive recreational areas. I think there is a clear distinction in planners' minds between active parks and passive parks and the use of a district like OS-1. We have recommended the list of parks where the characteristics of the park matched up with what we believe is the intent and regulation of OS-1. OS-1 lists as uses permitted on review multi-dwelling structures, marinas and cell towers. One of the stated whereas clauses in the City Council's resolution was to create a public process for consideration of these sorts of things. We think that the use on review process with its ultimate appeal to City Council creates a public process that is comparable to a rezoning for any of the considerations that might be under the use on review list. That in combination with the ownership by the City and the need to budget any improvements that might be contemplated for park lands on public parks plus any debate that might occur at City Council on the use of city park lands creates adequate public process for that discussion in the community. So we recommend that no conditions eliminating those use on reviews be applied and that the use on review process be allowed to take place. If City Council really wants to pursue creating a zone district for active parks, we are more than prepared to do that. They need to initiate that. What they asked us to do was consider rezoning all the land not to change the ordinance. If we are to use the OS-1 district for parks that are more active in character we need to change the regulations through an ordinance. If they come back with that sort of recommendation, we are prepared to do that.

Chair Longmire, First I would like to see if there is any one here in support or opposition to this.

Tom McAdams, 4823 Old Kingston Pike, Suite 300, and I am opposed to the staff recommendation. I appreciate the opportunity to address you on this issue. City Council asked for your help in

rezoning the City parks to protect the parks and to ensure there is a thorough public process if the use of a city park is going to be changed. There have been discussions over the years about doing different things in parks and City Council, of course, at a single meeting with no MPC input can grant rights and so on. That does not ensure public participation and public review. In many cases the property is not posted. There is no professional planning staff review. There is only one hearing and on a 5 to 4 vote at any given meeting, a change could be made. What this process would do is to ensure that before the change could be made in the use of a park, it had to come before you. It had to have the professional review of your staff. The property had to be posted and there had to be at least at three public hearings; one before you and two for the ordinance amendments at City Council. That's what they were seeking was a comprehensive process that would create openness and transparency and that is what the OS-1 zone does. I respectfully submit to you that staff is misreading the OS-1 ordinance and it is a reading that has not historically been applied. The City does have a park zone and it is the OS-1 zone. It always has been. There are 18 city parks, active city parks that are in the OS-1 zone and have been. And what City Council asked you to do was to consider bringing the rest of them in. Parks are mentioned in three sections of the zoning ordinance. In two sections, A-1 and R-1, it's permitted as a use on review. The only zone in which parks active or passive are permitted is the OS-1 zone. And it specifically says its for the protection of park and recreation lands. Uses permitted park and recreation uses including parks, playgrounds, golf courses, cycling, hiking and equestrian trails. Put it, this is the zone. This is the park zone and the City is asking you to zone its parks to the park zone. The conditions are necessary because for some strange reason the open space zone permits cell towers, multi unit housing and marinas. So they asked you to put conditions that would prohibit that. That is what they asked you to consider. They also asked you to consider park expansion areas. And I can tell you at Lakeshore Park in particular, there is more park expansion area than there is park today. There is an implementation agreement with the State that calls for approximately 140 acres to be deeded by the State to the city to become a public park and the city asked you to protect that area as well. The existing State uses would number 1 be grandfathered and number 2 the State takes the position its exempt. So changing the zoning does not in any way affect the operation of the Lakeshore Mental Health Institution. I will circulate to you a copy of that map. The portions to become city parks are tracts 2, are all of the tracts shown 3-12 except tract number 1. That is the one that is the future mental health site. So what we ask you to do is to respond to City Council's request. Put these parks, recommend that the parks be put in the park zone. We disagree with the reading about the 5% rule because it says if it hasn't been grass, well if you look at most city parks there are soccer fields which are grassed or seeded. There are ball fields which are seeded and so on. So most city parks will in fact meet the requirements without an amendment. But to the extent an amendment is made, and it's a very simple

amendment that says that manmade improvements have to be limited except park improvements and recreation facilities within City parks. I will circulate to you a motion that I would urge you to consider to approve open space zoning for all parks with the conditions prohibiting cell towers, marinas and multi-unit housing and recommending that City Council amend the maximum lot coverage to add an exclusion for trails, parking lots, recreation facilities and other park improvements. I will be happy to respond to any questions you may have and appreciate the opportunity to address you.

Rachel Craig, I have a question for Mr. McAdams while he is up there. Mr. McAdams, both in the letter you wrote us and in some of what you said today, you used the plural pronoun "we". Are you representing yourself or are you here representing others? If so, who is that?

McAdams, I am not here as a lawyer today. I am here speaking on behalf of a group people who actively support parks and who are in favor of preservation of city park lands.

Art Clancy, I have a question for Mark. I support city parks too, I am pro city parks. Mark I am trying to get my facts straight here. If we put OS open space zoning on all parks in the City, county city sorry, there is a park in my neighborhood that is less than an acre. Before we could put a swing set there we would have to get a use on review? Are we talking about if we put OS zoning on that before we built a dog trail around the thing, we would have to come before MPC?

Donaldson, OS-1 provides park facilities as a use by right, permitted use by right but it has a front yard setback of 50 feet for example. And it has a maximum limitation on manmade features and structures of 5% of the land area. So in order to build a ball field, which you know might take an acre of land, you need 20 acres of park to support one ball field. I would like to read the actual language on the maximum lot coverage. It says "All manmade structures or features excluding earthwork which is has been seeded or otherwise returned to its natural condition shall cover not more than 5% of the lot area." Staff would argue that a golf course or a ball field is not the natural condition of land even though it has been seeded. We think that the 5% maximum lot coverage is a significant deterrent to active park land. And if City Council wants to continue to use OS-1 to protect park lands, we need to change that or we need to create a new zone district.

Clancy, That clarifies quite a bit. I guess Michael if you have a question, but I am ready to make a motion.

Donaldson, And if I could say that our planners are in favor of parks as well.

Michael Kane, Two things, on Mr. McAdams' comments. What I heard Mr. McAdams, I heard you say was that currently under our existing rules for OS-1 there, if there needed to be some kind of use on review that it would only take one vote and one public review. And I don't, that is not my understanding of our process. Understanding exactly what you said it would come here, use on review would come here for is one meeting, but then you would have the ability to go to a City Council for appeal. Was that what you were commenting on? I didn't quite understand, didn't get your point.

McAdams, It is feasible to simply approve that at one hearing. It would require an appeal. If it was appealed then there would be a second hearing. But in the absence of the appeal there would only be one hearing. So that if someone missed the notice, didn't see the sign, they had one chance to come down here and didn't see if. If they didn't appeal it is over.

Kane, Okay that is your point. Which is of course no different than any of our use on reviews. One would say you have a problem with our whole use on review process. Is that where you are taking this?

McAdams, Not a problem with it. Simply that a zoning is a much stronger protection than a use on review is. Because a rezoning requires a more formal process than use on review.

Kane, Then your problem is that the use on review within OS-1 you feel are more zoning changes than use on reviews. That is your argument.

McAdams, I would say that as to cell towers, multi-unit housing and city parks.

Kane, So then your problem really is with the OS-1 zoning district and how it is constructed.

McAdams, I would not say that. I think the OS-1 zoning district works. I think it can be made stronger and I think conditions are permitted. So I have trouble understanding why there are these uses permitted in open space that if you are trying to protect woodlands and open spaces why do you permit multi unit housing in there. That seems an aberration to me, yes.

Donaldson: I would like to respond to that. Its from staff's reading of the OS-1 district, it is clearly contemplated that OS-1 can be used for private land. It allows a house as a use by right, multi-dwelling structures as a use on review and marina as a use on review. So somebody, in fact one of the parcels that we have suggested rezoning to OS-1 is the former third phase of the Woodlands property up off of Cherokee Trail. Someone literally could have rezoned that to OS-1 and gotten a use on review for multi-dwelling structures up to 12 units to the acre and preserved 95% of the land

area as open space, but developed X-number of housing units on 5% of the land. OS-1 can be used by the private sector to do open space preservation.

Kane, The second part, and that is very helpful, I appreciate that. The second part was really regarding the requested restrictions from City Council. In City Council's resolution, and I am reading from Section 1, "and all park expansions rezoned to OS-1, with conditions which prohibit and restrict the development, construction or operation of houses, multi-dwelling structures or developments, commercial marinas or communications towers on such property." I understand the logic that staff went through. The rationale saying all parks do not meet the intent of the OS-1 district. I completely understand that. What you have done is come up with the parks that you believe will fit that and have added that for recommendation. It makes sense to me. What I don't understand, I guess is that essentially what we are doing is with the second part we are going back to City Council and saying we don't agree with what you want to do and kind of tossing it back to them. And going back and forth with this intent is kind of, to me is very non-productive. I guess what I would prefer to see that there would be some kind of discussion with council members either in a work shop or whatever they want to construct to talk about this instead of us formally going to them and then them saying no you didn't do what we asked you to do. It just seems non-productive to me. Maybe I am not seeing, that is the angle that I see. Maybe there is another paradigm that I missed. That is the paradigm that I see. I would kind of like comments from other Commissioners. Does that make sense or is there a different paradigm.

Craig: In response to that Commissioner Kane, Council asked us to look at eliminating, or putting those conditions on. They didn't ask us to do it. We don't know what Council's real intent was. We don't know what was going on in those nine heads whether they a majority of them actually would vote for it if it came back or not. What they did was ask us to look at it. It's not our job to deliver to Council some predetermined product anyway. It is our job to do what they asked in terms of evaluating something that they want us to evaluate and its staff's job to make the best recommendation that they can make in their professional judgment. And then it our job to evaluate that and make the best recommendation we can make to Council. And then Council will do what Council will do. They can approve it. They can deny it. They can remand it. But I don't think we should be assuming that we know what the intent of those nine people was in sending that over here and asking us to look at it.

Kane: It doesn't say that. I doesn't say look at it. I am wondering what the intent would be if they didn't want it to be more specific. I mean what would the language be if they didn't want it to be something besides please come back, you know please consider rezoning and putting these additional restrictions on.

Craig, If you read that entire paragraph it says, The Council of the City of Knoxville hereby respectfully requests the Metropolitan Planning Commission to consider rezoning all land within city parks, blah, blah, and all park expansion areas to OS-1 open space, with conditions which prohibit and restrict the development, so forth and so on. That is all one sentence. So I take respectfully request to consider as applying to everything in that sentence.

Kane, Correct. And what would they say if they didn't want us to.. Typically that's their language when they want us to go back and do something.

Craig, Again that doesn't mean we should necessarily do it. We should make the best recommendation that....

Kane, I agree with that. But then I come back to the point is then we are playing this thing back and forth. To me it would better to postpone it and get clarification for Council and get it resolved so we don't play this back and forth game. That's my concern. What council is doing by at least the proposed recommendation is to eliminate the use on review process for OS-1 for these particular things in city parks. That's what they specifically asked to do. Staff has come back and said you know we think there are adequate controls and I don't necessarily disagree with that. My disagreement is the fact that we are basically coming back to them with something they already had. There is nothing different in this. I just think that there should be.. I just think a postponement and discussion with City Council would be more productive than us sending this along to them without further discussion with them.

Craig, Do I still have the floor. Chair Longmire, You do. Do you want to keep on? Craig, I have a couple of things I want to say and a couple of questions I want to ask. Mr. Donaldson, if we were to recommend to, to make it simple let's look at Mr. McAdams handout on point 2. If we were to were to rezone everything OS-1 and add this number 2 that there is a condition that this property cannot be used for houses, marinas, etc, would that not require us to actually change the OS-1 zoning ordinance, since the zoning ordinance lists these things as permitted uses?

Donaldson, That would be one way to do it, but the OS-1 district, in our minds, clearly is directed towards private property as well as public property and City Council's request was for publicly owned parks. So we would have to bifurcate that. In looking at each one of those uses that are listed, there may be cases when for example a cell tower, if a provider can demonstrate the need for a cell tower in a particular location and that need can only be served by land that is owned by the public and is zoned OS-1 should not the Council be in a position, we can't deny it. And Council ought to be in a position to allow it under certain circumstances. The same goes for marinas. There are public park lands that perhaps are appropriate for marinas. The use on review process addresses that. The multi-

dwelling structures is in there because it is oriented toward private property. For the City Council to get into the development business on public land is a bold step for them and I suspect would require a whole lot of discussion at their level and capital budgeting at their level before it comes to us. And if we put a condition on there and City Council really wants to go that way, City Council can remove that condition.

Craig, This gets somewhat back to the elephant in the room which is the genesis of this, I think most of us know is a desire to keep multi-unit housing from being built in Lakeshore Park. That is where this got started from and it got expanded. And I am not saying that people aren't interested in protecting park land. I think we are all interested in protecting park land, but it seems to me that that is a policy decision that if and when a proposal like that is on the table, that it needs to be discussed. At that time it is a policy decision and we shouldn't try to handle it as some kind of run around it through the zoning ordinance. That gives me a little bit of heartburn. I do have another question Mr. Donaldson, I am sorry to take so much time. When I finish I promise not to say anything else. Number 3 on Mr. McAdams' handout where he is suggesting that we do actually amend the zoning ordinance on the maximum lot coverage, we could not do that today could we because we would have to give notice.

Donaldson, That is correct we advertised this as a rezoning case. It appears on our agenda as a rezoning consideration. We would have to advertise as an ordinance amendment to do that.

Craig, One more point. I wanted to address this, the fact that we do have parks out there that are zoned OS-1 that really don't fit in the OS-1 description. The one in my neighborhood is a fine example. I believe it has been rezoned OS-1 if I am not mistaken. Is has, I don't know how many acres because I am really bad at that. It is a small park and it has a little ball field and a tennis court and a play ground and a walking trail. It clearly does not fit into what the OS-1 is supposed to be. So I am not persuaded that because we done, we zoned parks OS-1 in the past that we shouldn't have is an argument for going forward and rezoning some parks now OS-1 that don't fit the description. I think staff has done an excellent job with their analysis here of the parks we have and which ones fit into OS-1, which ones don't fit into OS-1. I understand what you are saying Commissioner Kane about the conditions and there might be some utility in having that discussion. I certainly would not be opposed to having that discussion. But I do think the way it is set up with the use on review process would allow for adequate public meeting and participation and input and so forth. I am not particularly concerned about that. I am almost finished, hones. Also this changing the maximum lot coverage requirement, as Mr. McAdams has proposed pretty much guarantees that a whole bunch of parks are not going to meet the OS-1 requirement. Because he is wanting to change it from all manmade structures excluding earthworks shall not cover

more than 5% to all manmade structures, I am sorry I am reading that wrong. I have too many things going through my head here and I take that back. I am sorry. At any rate I am ready to support. I have a question. I am not sure if it is for Mark or if it is for Steve. If we look at staff recommendation, clearly recommendation one requires a vote and the in addition staff recommends that MPC recommend to Council about the new park district, that would take a vote. Condition 2 or recommendation 2 that we not change the permitted uses on review does that require a vote if don't want to do anything do we need to vote and say we don't want to do anything?

Donaldson, I would say yes. I think Council is clearly looking for a recommendation and in order to rezone a property and place conditions on it there has to be some record that the Planning Commission has considered it and that would clean that up.

Craig, Thank you that answers that question and I thank you all for your indulgence.

Ewart, I promise I will be brief. I want to know I guess Michael or Mark why aren't the other parks listed in the 5 acre tract or larger in the motion that you all put in? I know some of them are residential and some are other things and they already fit into parks, but it seems to me like logically if they asked us to make all these OS-1 and they attach an exhibit and list all the parks here in that exhibit and now we just like take out certain ones. Why are they asking us to do OS-1 and then we just take out like 8?

Donaldson, We analyzed every park in the system and characterized them both by size and by active verses passive. And the ones that we felt were large enough to support the OS-1 district and fit the passive recreation or natural conservation criteria of the OS-1 to get on the list that we recommended. You will find a couple of parks that are listed on our recommendation aren't on their list.

Ewart: I apologize I am (inaudible). Like West Hills Park 14 acres.

Donaldson, An active park.

Ewart, So it shouldn't be on this one then?

Donaldson, It does not meet the requirements. And to use that for an example, if West Hills was rezoned to OS-1 and the city or the community decided to put a playground structure and wanted to located it 30 feet off of a property line that had a street frontage, it would violate the setback and extend the violation of the maximum lot coverage with a good size tennis complex and YMCA in West Hills park.

Clancy, I think postponing would probably give us time to talk with City Council, buy I think we can do it, accomplish it by doing

something else. So what I am going to do... Apparently City Council wants a little more stringent control over their parks. And if they want to they need to specifically ask us to rewrite the ordinance so that it applies to all of them. But they need to specifically ask us because number one that is going to take manpower and resources and number 2 we need specific instructions being their advisory board. So I am going to make a motion that we recommend to City Council that we approve OS-1 for the following parks: Buck Toms Park, Westview Park, Riverbluff Wildlife Area, Loghaven Conservation Area, Ijams Nature Center (remainder not already zoned OS-1), Forks of the River Wildlife Management Area, Ten Mile Creek Greenway Park, Turkey Creek Conservation Area, William Hastie Park. And that no conditions prohibiting currently listed uses permitted on review be placed on the rezonings. In addition, MPC recommends to City Council that it initiate an effort to create definitions for open space and parks in the zoning ordinance and add parks as a use permitted on review in all zone districts.

MOTION (CLANCY) AND SECOND (CRAIG) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-3 (KANE, SHARP, CAREY). APPROVED.

BREAK WAS TAKEN AND RECORDINGS CHANGED AT THIS POINT.

Uses on Review:

- 34. **THE KROGER COMPANY** **7-D-10-UR**
 North side of Kingston Pk., west side of N. Cedar Bluff Rd. Proposed use: Retail development in PC-1 (Retail and Office Park) pending District. Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 35. **DAVID WYATT** **8-B-10-UR**
 Southeast side of W. Beaver Creek Dr., east of Weaver Rd. Proposed use: School bus parking in A (Agricultural) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request to permit the storage of up to five school buses on this site subject to 12 conditions.

ABOUT 6 PEOPLE STOOD IN OPPOSITON

Pamela Simmons, 4751 W Beaver Creek Road. Thank you for letting me appear today. Each of you were emailed and I apologize for reading but I've got so many things I want to cover that I am going to keep myself on track. Each of you were emailed or sent letters and also a flyer that we distributed in the neighborhood was included in your packet and then today I put this on your desk that shows what our neighborhood looks like and also a picture of the proposed site. I am here representing the neighboring properties to voice our objection to

the application for use on review by David. First of all let me point out that this really isn't a dispute between neighbors. This is the neighborhood trying to protect all of the property values by opposing a commercial bus storage lot at 4726 W. Beaver Creek Drive. A commercial parking lot does not belong in the agricultural, residential areas. And based on your own paper work it says that the surrounding properties are agricultural, planned residential, low density residential and also there was one other designation, I am sorry, other residential. We are very concerned about this use of property in our neighborhood. Over a six month period back in 2000 and 2001 several neighbors and I attended many meetings of the MPC and Knox County Commission to object the amendment of the zoning law to allow bus storage on property at 4741 W Beaver Creek Drive. They wanted to make a storage facility for 10 buses in this same agricultural zoned property. Because of our objections MPC and Knox County Commission did amend the status of 3.52, specifically 3.52.02 and 3.54.01 concerning parking of school buses on residential property to allow one commercial vehicle per household living on the property or premises. Since that zoning ordinances changes in 2001 numerous calls have been placed to codes enforcement to report noncompliance. More buses were being parked than the zoning allowed and the buses have been moved back and forth between these two properties at 4741 and across the street at 4726. There have been as many as 6 buses at different times over these ensuring years that have been parked at the 4726 property and there are currently 3 buses parked at 4741. The buses were moved off 4746, 4726, I am sorry, W Beaver Creek Drive as of the school year end in 2010. And as we approach the new school year one bus was parked there and there is still one bus parked there today and that's of course the use on review sign went up. The buses being parked at 4726 W Beaver Creek Drive do not belong to the applicant nor does he drive any of the buses as far as our knowledge. The applicant currently operates a business at East Emory Road at I-75 where these buses could be parked without any use on review or any change to the zoning. There is no doubt that this storage facility at 4726 W Beaver Creek Drive will be used for profit, so wouldn't that be considered a commercial use. And if that is so, then my understanding of commercial uses that it is not allowed in agricultural, residential zones. We have numerous concerns with this application, not just the commercial parking lot issue, but also the additional traffic with the fumes and dust created by these 40 or more vehicle trips in and out of 4726 that is each and every school day. When I speak of vehicles trips we are counting the 5 school bus drivers that will have to go in and out of that property and then also the 5 buses and that doesn't take into account any of the extra trips for field trips and that type thing. In 2009 a traffic study done by the City Engineers office counted 4400 plus trips on W Beaver Creek Drive and that we in a 24 hour period of time. W Beaver Creek Drive is considered a major collector street and these buses will need to travel to three major arterial streets from W Beaver Creek Drive. The major arterial streets are Oak Ridge Highway, Clinton Highway and Emory Road. The intersection of Oak Ridge Highway is the only one that has a traffic light. These are all dangerous intersections... Chair Longmire, Ma'am, you need to wind up your

comments. Simmons, Okay. However you vote today on this use on review the prior track record that we have faced in that neighborhood over the last nine years gives us little hope of compliance. Please use careful thought when you consider voting for this use on review of that property out in our neighborhood. Thank you very much.

David Wyatt, 4726 W Beaver Creek Drive, Powell, TN. She was saying that buses, there have been 5 buses at one time. 4 buses on route for the Karns community and the Powell community. The traffic up and down Beaver Creek does have traffic. But if the buses do not park there, they are still going to be going up and down the road. If the buses are not there and hauling the children to school, then there's going to be more traffic from people taking their kids to school. Ms. Simmons said something about the traffic. I have got 70 something, excuse me, 65 signatures of people that signed, dated, that signed saying that is no problem with them being there, talking about close by. I know I could get it from the 6th district, but, which is a large area. But the dust, the closest one to the buses is 400 yards to the school buses. I had a pancreas and kidney transplant. Last Monday was my anniversary for a pancreas and kidney transplant. I understand if people are sick like Ms. Jones' husband that she claims he is hard of breathing, I am sure that he is. But I don't think that that is the problem that they are making of this. I do have a picture that she stuffed in everybody's mailboxes. But the picture that she put in the mailbox is not where the buses actually are. If you take a look at the picture of the mailbox of all the buses that she has and the actual picture of where the buses park at 4726, you will see the differences in this. Let's be honest and truthful about everything. May the praise and honor be to the Lord Jesus Christ, my Lord and Savior.

Chair Longmire: Do you want those added to the record, your petition. Wyatt, Yes that would be fine. Longmire, It needs to come up here to Mr. Johnson please. And sir have you finished what you have to say. Let's go to Commission.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO DENY.

Rachel Craig, I have a couple of questions for staff, I guess Mr. Kelly. In the comment section of the staff report you say the development plan submitted provides marginal detail to determine if the proposed use would meet the requirements. And I assume that is the reason for condition number 12 requiring that a revised site plan be submitted. Is there a reason that you didn't ask for a better and more detailed plan before this came to us?

Dan Kelly, Yes, the situation is the plan that we had the month before was worse than the plan we had now. We are making improvement on the quality of the plan as submitted, but they are still not very good. Not only is that the reason for condition number 12, but that the month before. That is the reason for practically every condition that is written there because basically what we are doing is restating the

requirements of the ordinance stating where the parking is supposed to be, what the landscaping, what the setback, everything is supposed to be in the ordinance. The reason we went ahead and recommended approval at this time is we are making a recommendation to you that we believe that that is a use that can be accommodated at that location with minimal impact and that there would be a site plan that could be prepared that would meet all the requirements of the ordinance and we believe the use would be, could fit into the community with minimal impact.

Craig: Condition number 3, which says the bus storage parking area is to be screen from view from W Beaver Creek Drive and abutting residential properties. There is not any detail there about what kind of screening or how much screening. What would you envision being acceptable?

Kelly: Probably a Type A screen. We had discussed that with Mr. Wyatt earlier.

Craig, Would it make sense... Kelly, you can add that if you like. Craig, we can add that if we were to pass this. And finally condition number 5 the bus storage lot must consist of an all weather driving surface that will minimize dust. I noticed on his drawing he has a gravel driveway. I presume gravel is not what you contemplate here.

Kelly, Certain gravel can be done and would be in essence dustless. It depends on how large the stone is that they use. The preferred thing would be a sealed surface, but a gravel lot for bus parking would not be out of the realm of possibility I don't think.

Craig, But you would look at that to make sure that dust would not be an issue. Kelly, Yes ma'am.

George Ewart: Mr. Wyatt do you think that...Chair Longmire, Mr. Wyatt would you come back up to the podium please. Ewart, Mr. Wyatt, have you read all the 12 conditions that they have in here?

Wyatt: Yes, I have read them. Which understanding it I am not, you know. I am not quite understand some of it, but I have read them.

Ewart, If you, if this thing is approved you have a lot of out of pocket money here. Wyatt, Right. Ewart, You understand that. Wyatt, Yes, sit. Ewart, And that you are going to have to submit a little bit more than what you submitted here you know to get a permit on it. Wyatt, Yes sir. Ewart, Are you aware of what the special pollution abatement permit is? Wyatt, No sir. Ewart, You probably need to get in touch, if something happens here, with an engineer, a civil engineer. I think you don't have the ramifications of how much this thing is going to cost you to park buses on that lot.

Wyatt, Okay. I am sitting here and I am agreeing with you, but I don't, you know, I am not fully aware of what, you know, of what you are saying about the permits.

Ewart, It might be... We already have a motion don't we.

Longmire, We have a motion.

Ewart, Then I will wait.

Longmire, You understand Mr. Wyatt that if this passes, you have to do what these things say. Wyatt, Yes, ma'am. Longmire, And that it will be very expensive. Wyatt, Yes, ma'am.

Wes Stowers, Just to follow up on that I don't on the surface see why it would be hard to make 5 buses disappear on 8 acres. But it will take money and you can't park them by the road. A question that I have, you do have commercial property that can accept these buses on Emory Road. Is that correct?

Wyatt, Sir I have got a lot that is for sales and not for parking, I bond a lot and it is BIC sales. I have the committee come by, the State comes by and checks every so often, checks my titles and checks paperwork. Now I am not going to say that it can't, but if they realize, come by and reality that I have got stuff parked there just for parking, I think that that is going to be an issue with the State.

Stowers: I can't react to that one way or another. I think everybody here on this Commission has concerns for the neighborhood. Clearly what has been taking place for the last several years is totally unacceptable. I think the staff has bent over backwards to come up with a bunch of very stringent requirements that protects the interest of the neighborhood, but they are only as good as the enforcement of them. And I echo Mr. Ewart's, Commissioner Ewart's point of view, it is going, this is not going to be cheap. You are not clear what we are really asking you to do are you?

Wyatt, Well, I, when you say about the dust, I understand that. But the permit,

Stowers, It's the screening, it's the parking, it's the location. I mean there is a lot of, there are 12 different standards that will have to be met to be within compliance.

Wyatt, Right, I mean, the screening, the parking, screening, fencing up that doesn't, that's not a problem. Now I couldn't do that overnight. The moving them I do have access to backhoes and some equipment. I do have a paver, but I disagree, I've got marble rock there. Marble does not create dust. When I say marble, the company that is behind me sells marble and they have cutoff marble where they cut out of sinks and stuff. I have even got it on my driveway up and down BIC Sales.

Stowers, The way it is written there are certain types of gravel that would be acceptable. But I just want to be sure, if this passes, you are not going to have 5 buses parked right next to Beaver Creek road.

Wyatt, Yes, sir I understand that.

Longmire, Mr. Wyatt I have a question for you. Do you reside at 4726, is this where you live?

Wyatt, That's where my address is. Longmire, That is not what I said sir. Do you live there? Wyatt, I live two doors down. My wife, we bought a residence down, two doors down on the other side of the Young's. We went through a separation 4 years ago. And part of the counseling was to move, now the farmhouse, what I call the farmhouse, is home to me. I have lived there since 1980. That is still home to me. I would still love to live there. I am not going to sit here and bring on a sob story, but yes I am living at 4736 right now, but I would be back at 4726 in a heart beat.

Longmire, Does anyone live at 4726. Wyatt, Yes ma'am. Longmire, Is it a rental? Wyatt, Yes ma'am.

MOTION CARRIED 13-1 (BAILEY). DENIED.

36. KCDC & PARTNERS DEVELOPMENT

8-E-10-UR

Southeast side of Selma Ave., Southwest side of S. Chestnut St. Proposed use: Duplexes in R-1 (Low Density Residential) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for the two duplexes as shown on the development plan subject to 5 conditions.

Dan Kelly, On this approximately 27,000 square foot lot or property, they are proposing to build two duplexes. This matter was before you last month. If you recall there were two requests last month for duplexes basically on opposite corners there at Selma and Chestnut. One was approved. This was postponed. It was postponed primarily for the purpose of determining if the KCDC, City of Knoxville, was in fact owner of the property. That has been clarified. I believe you have a letter in the package from Rogers Doughty of the City Community Development Department that addresses that issue. Our recommendation is the same as it was last month to approve. We believe that the duplexes at that location meet all requirements of the zoning ordinance and would be compatible with the area.

Orlando Diaz, Partners Development, 502 Union Avenue, Knoxville, 37902. We are the project manager for KCDC. We agree with, of course, the staff recommendation and comments. I would like to make a few additional comments. I would like to reiterate that the proposed use is consistent with the redevelopment plan. I believe as you know this property is a joint effort between the City and KCDC. The design

that you've seen reflects the input from all the regulator authorities as well as the City's infill committee design review. To clarify the residents for this development will be seniors that go through a qualification process with KCDC. And also to clarify this site was previously 4 vacant lots that have been replatted into two lots each with one duplex that has two single-bedroom units in it. So I think it is fair to say that the density proposed for this use is considerably less than what's possible had it been developed in 4 residential single family homes. This is the last, as was mentioned, of 10 duplex sites. 4 have been developed already in the neighborhood and 6 will be developed including these two sites. That project is scheduled to start immediately upon approval and issuance of permits. We think this project will be a positive improvement to the vacant lots as well as the neighborhood and surrounding community. I am open for questions.

Jim DuBose, Senior Warden at St. Luke's Episcopal Church. I came to say one thing. I guess I misunderstood something. I thought we were doing something different. Presently at St. Lukes, if you were to look at the map showing the streets, I am trying to find the page number, well it shows you a street map. We are the little Episcopal Church that is right across the street. Right now we have a fish pantry and we service probably anywhere from 3500 families to 5000 families a month providing them with free food. I think the partnership between KCDC and the developer has done a great job in our neighborhood of getting rid of unused housing, blighted housing, and cleaning the neighborhood up. This is a great project, but I think this land could be of better use. You can serve 4 families if you build the duplexes or if we build a food pantry, you can service anywhere from 1300 to 5000 a month. I have to admit, I am totally unprepared. I came prepared for one thing, but looks like that is a split. Our vestry which is the guiding council of our church won't meet until Sunday. So I cannot speak for the church, but I can speak for myself as a member of this community. I live approximately 3 blocks south of there on City View. I think it would be a better use for this if it were a use that would serve the whole community or the whole community as a food pantry as the outreach from St. Luke's Church. The economy of this neighborhood is probably yearly income of \$3500 or not over \$5,000 per household, which means they are desperately poor. There is no franchise Kroger or Red Food type of retail food place within walking distance. They are miles away. You have the Love Kitchen up on MLK which feeds, we actually just provide the food. It just makes it tough. I know this thing has been stalled and I have to apologize for my un-readiness. I do not know exactly where the majority of our church stands. But I do think there could be a better use for this property. If you have any questions, I can take any questions.

Elwood Roach, 2404 Victoria Avenue, I am a parishioner at St. Lukes also. I am also part of, we have a concept called Shared Ministry at St. Lukes and part of that came about because we have a part time director in place. My role was to be the minister for community outreach and justice. Two years ago we met with Rogers Doughty and Madeline Rogero once we knew the situation was such that we didn't

have control of the property. We had a vision for that property as Jimmy has just referred to. We have been in co-ministry with Fish Hospital Food Pantries for almost two years now. They are a vital part of the community. Part of that vision was to get them a building within the community and we had the open lots there right across from the Church. In that process in the conversations, we kept hearing this road block that we couldn't do this because it was considered a commercial entity. And then I had to give a history of that community and how many commercial entities we had had in that community up and down Chestnut and Selma and Wilson. In that process we also talked about the needs of that community and how one of the things that is very powerful about this community, Jimmy mentioned the income level. Well that means we also have a very transitory community. A lot of renters, okay. To be honest with you Jimmy made the best point. We can service and be of use in the community for thousands of people, literally, with a combined food pantry, free standing combined food pantry and community center. Whereas 4 families at most, at least on the property we are concerned with, two families. To me it is a no brainer. What is really best for the community at large. I understand KCDC wants to be a good community partner. But they have got other properties and they are taking over other blighted and vacant properties all over especially in east Knoxville. To me it would not be of any benefit to take a property that is going to benefit, potentially benefit... We have a vision if we are given the opportunity. I mean we purchased that property in 06.

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

Stan Johnson, I would like to ask about right across the street, lot 19 and 20, is that also vacant property?

Kelly, That's where duplexes approved last month. The church back last year in cooperation with the City filed a use on review request for the food pantry and community room at the location that we are talking about right now and that was approved by this commission. I don't know what happened to the deal. I don't know what happened, but evidently the church does not own the property. The City owns the property and they have requested approval for these duplexes. It is a separate request and here to be heard.

Elwood Roach, St. Lukes, the director that we had before, Reverend Brown, took another assignment in Ohio. So we were without any technical leadership in terms of that. She had been part of the negotiations before two years ago. So a lot of that information, if anything came from MPC or the City or County some of that mail may not have gotten into the property channels for any actions to be taken. We have since in April gotten a new director, Reverend Pinar, and again we reinitiated the vision of the community center and Fish Hospitality Food pantries. Again being at that location at St. Lukes right now, we are doing the best we can, but it would thoroughly help us to expand our mission within the community to have a free standing food

pantry and community center. One thing you do need to know. We had a second meeting after the first meeting with Madeline Rogero and Rogers Doughty. We had a meeting with Councilman Mark Brown, Vice Mayor at the time, representatives from FISH and Rev Brown and myself. We had everything on board. And that led to the MPC ruling for a use on review. Now again not having a director in place to help follow through on the process, that was our fault. That is our loss. However our intent was to proceed forward with that. Another thing, when we talked to, information was given to us at the last meeting that there was a person who was negotiating quote on behalf of St. Lukes and the Pantry who is neither a member of St. Lukes nor the Food Pantry. I mean he is part of the Food Pantry, but he has no administrative function and has no ability to speak for the pantry. When that information was given to us, that's when Alvin Nance proposed a postponement. And then we were to meet and basically at the subsequent meeting we held at St. Lukes, basically he just came in and said, well we are still going to build on the property. So but we will help you try to do something else. We were prepared to pay the balance of what needed to be paid because we had started to get out act in order. We had the funds available to complete the actual sale. And we put out our vision to them. Of course they have their mandate.

Stan Johnson, So you basically are too little, too late is what you are telling me is what happened?

Roach, Again part of that I will reference back to the fact that there was negotiation done, take that for whatever you want, with someone that did not represent St. Lukes and someone who did not represent Fish Hospitality Food Pantry. I think there is something askew there that needs to be... I would ask that, I am not speaking for St. Lukes; I am speaking as member of St. Lukes and a member of the community and someone who is quite familiar with the area and the needs of the area. I would love to see you all somehow find a way to deny this use on review. Just think about this for a minute. Who is it going to benefit the most with the use of this property? With what we have envisioned versus what KCDC wants to do.

Johnson, You and Alvin talked since the last time we met. Correct?

Roach, You can call it talking. I mean there was a meeting at St. Lukes.

Johnson, That is why, that is one of the reasons why we postponed it so you could have that conversation. He's, they own the property now. You have no rights to it. You guys never owned the property. \

Roach, But there may be something askew in the process of getting that ownership. That is what I am saying. That needs to be investigated.

Johnson, Let me ask the developer. Is there was any chance of you guys not building on this property because of the Church's benefiting and the community benefiting as a whole based on that we could serve

thousands of people. This is my neighborhood also. I think we could probably do better with a food pantry, but we have gone far in this process.

David Cook, KCDC, 901 N Broadway

On August 18 Alvin Nance, myself and Rogers Doughty with the City of Knoxville met with parishioners of St. Lukes, the pastor, the associate pastor and most of the members of the vestry to explain what KCDC, what process they had gone through to develop the properties, what our vision for the neighborhood was via the City Council approved redevelopment plan and the effort to build these duplexes in the community for elderly citizens. At that meeting we also discussed St. Lukes' desire for a food pantry. We went back and forth understanding how their needs, they understanding what our purpose was and we agreed to work together on trying to address the food pantry need. Our position was that a food pantry with that many people, parking is already a serious problem at St. Lukes. If you can imagine the number of cars around serving as many people as they do, that maybe a food pantry would be better located two blocks away on Martin Luther King. We said there were properties there that we might be able to look at in working with them, but that we would work with them regardless of where they wanted to do that. Our feeling was just that right in the middle of that neighborhood creating a large structure wasn't necessarily the best thing. We had asked Reverend Pena for a letter of support. He could not be here today or he would speak to about that. He could not give us a letter of support because the vestry does not meet, according to as I spoke with him yesterday, until Sunday where he was going to bring this issue up. There is not 100% unanimity among the vestry. That is one reason why he said I cannot give you a letter until they vote on it. But in talking with him yesterday, I don't want to speak for him, he said he did not see opposition, but we are not going to jump up and down and say hallelujah. Because we are still interested in other ministries of our church, but we understand how we got to this point.

Johnson, But you are going to help them on Martin Luther King as best as you can?

Cook, Well, it's a decision that the church has to make. But we are willing to help anything that is going to help the community. Alvin couldn't be here today either.

Rachel Craig, I just have a quick question. Rogers could you come on up. I just want to make sure I understand the ownership issue. As I understand it, the city had a homeowner agreement with the church. The church was going to do the food pantry and for whatever reason they were unable to fulfill the obligations of that agreement and so property never was transferred to the church. Is that basically the situation?

Rogers Doughty, Right. That agreement originated in October 2006 and it required the Church or Fish Food Pantry or whatever entity was going

to build, our original agreement was with the church. We actually considered transferring it to the Food Pantry. That was never done. But it required them to do certain things including provide plans, which they did some concept plans and provide proof of financing, get their financing in place for the project. Mr. Road indicated they were prepared to pay the balance of the cost of purchasing the lots and they actually presented us a check that we didn't accepted at the meeting on the 18th. But it is more than just the \$2,000 balance for the purchase of the property from the City. We are trying to develop that whole corridor and according to the redevelopment plan. We have bought several properties that were commercial uses and torn them down and envision, as does the plan, that it will all go back as residential. We are very much in support of the church's mission and they are a vital entity in the community. But we also feel like in order to revive the community; we have to be consistent with that plan as prescribed. What we, if we had financing and all the pieces in place, within the time allowed in the plan, then we wouldn't be having this discussion about ownership. But the fact is the ownership was never actually transferred because they were not able to meet the conditions of their agreement.

Craig, And I assume your department at the City is willing to work with the Church also on possible food pantry at another location.

Rogers; We have control of property on MLK and we are putting out a request for proposals. We certainly would support and be willing to help them with a project on those sites. I think it would be a very appropriate use, but again we don't have the funding to provide them to build a food pantry at either location.

Ursula Bailey, I think we are getting a little off base here. The issue is what the owner of the property wants to do with the property and is that appropriate. While I always support the neighborhood and helping our fellow man and I think a food pantry would be a great idea, I don't think it is right for us to make that a condition of this application. If KCDC is willing to go out and help them, kudos to KCDC. Thank you for doing that. But I don't think that is a condition of this application. I think we need to look at whether or nor this is an appropriate use for the land as this application states.

Chair Longmire, Ma'am, I know you said you wanted to speak in opposition, but the time is up. There is a five minutes time limit and it has all been taken. Could you come to the podium please ma'am I can't hear you.

Patricia Reese, The last time you had the MPC meeting this gentleman and myself was up here. You all was in opposition to the property that was next to the church's lot. That is the one I have on the picture. That is the one that I spoke Mr. Dan Kelly yesterday concerning who all has, that is just like it was in the other meeting. You all put the sign on this same piece of property. It's just like the community has been misslead number one. You show you one thing, but you are speaking on

another. Okay the last time we was here I opposed tot his lot here also to the church's part, because they had an issue when Alvin Nance walked right up here and he told you that that's the wrong lot. I walked right there and I told you then that I still oppose on this lot. Okay, like every time you come you don't really know which lot. Okay and I talked to Marc that's in MPC last month and asked him what is the situation with the sign. You don't have a sign. He told me, he says Ms. Reese the sign is there. I said sir I pass that lot every day. The sign is not there. Well I can go out there, that was four days before the meeting, I think it was August 12 or whatever it was last month. Okay he says I can go out there, which he never did go out there and put it up. So really the community cannot voice an opinion. Just like on this lot now. Okay like...

Longmire, Okay what you are saying the current lots... we can only talk about the two lots we are dealing with today.

Reese, That's the one that was on the card that you sent me last month. The same two that we got today are the same one and I got the card. They didn't even send the church and them a card. They only sent me a card. And if I had been a member by being a resident, I called and I requested. They did not get a card. Okay did you get it. The church knew nothing about it until I brought it to their attention. Okay we knew nothing about anything. And then when he was up here speaking on the one that with this picture there and I went up to the one that they even questioned you. You were sitting there the last time. They asked, they told you it was 800 square feet duplex. That is not true. That is per unit. A duplex consists of two units. That's actually 1600 square feet. I went out today, no yesterday, excuse me, and I measured that property off that they are talking about in question, in question. It is not the one that we are speaking of with the church. That's the same way here too. We are the same way I am shaking too. And I got the card when they sent... go ahead.

Longmire, Let me see what Mr. Kelly says because I am really confused ma'am. I am sorry. We are talking about a different set of property than we talked about last time, is that correct?. Dan Kelly, That is correct. Longmire, Okay we are talking about a whole different set of property.

Dan Kelly, The opposite corner. Reese, Which opposite. Kelly, 19 and 20 which is on the north side of Selma and the west side of Chestnut was heard last month.

Reese, Okay according to the ones that you have in the paper. I got the cards. Do you want to see the cards I have. I didn't throw my cards away. You was looking on the north, you was on the northwest side and you was on the northeast side. They weren't even on this same (inaudible). I have the cards. Do want to see them.

Longmire, Well what is your objection ma'am?

Reese, My objection to the one now that you have here that you actually have the sign, you don't have adequate space in the alley for a 4 duplex, I mean as far as one duplex with the land that you have, I think that would probably be adequate because you have space. Because I have a picture right there in that alley. The alley is 9 feet. You do not have the 5 feet on each side and according to alleys I think you are supposed to have 5 feet on each side of the alley. Okay according to what Mr. Dan Kelly told me, he said that their intents were to go 40 feet back from the Chestnut side, I might be mistaken, one is 45 and one is 40. He said they was going back 45 feet from the Chestnut side. Okay you got lot that is 130 feet. How are you going 40 feet. I don't know if he is going long way or what. Okay you got 40 feet. On the side that he is going on is 130 feet. You have to take the 40 feet away from that. Plus it is supposed to be 20 feet in between the properties. That's 10 feet per each resident. Your property, you cannot build on the property line.

Longmire, I understand that, ma'am. We have a drawing of the way the houses are laid out and it does show adequate footage between the houses and the setbacks and everything.

Reese, And there's a house at 2445 Selma. It is right on the alley.

Longmire, And the alley shows as being 10 feet.

Reese, Ten feet is for the parking is. Okay but you don't have the...

Longmire, The parking is not in the alley ma'am; it is off the alley.

Reese, Or off the alley if you want to say off the alley. Anyway the alley is 10 feet. Okay off the alley alright. That is my mistake. Like I said it is 5 feet on each side if I am not mistaken. If I am off the alley.

Longmire, Okay I appreciate your concern ma'am and the Commissioners are looking at the map and they will certainly make their decision. We do have a motion on the floor.

Craig, Commissioner Longmire. I just want to speak to these dimensional things. There is a note in the staff report that variances have been granted. Do some of those variances have to do with setbacks and things like that?

Dan Kelly, I don't recall. I recall specifically that the variances that were granted were for lot coverage from 30% to 33% for number 5. Also parking off the alley there was a variance granted for that. There was also a variance granted for lot area for lot number 5.

Craig, And those variances have already been approved.

Kelly, They have already been granted.

CLANCY CALLED FOR THE QUESTION.

MOTION CARRIED 14-0. APPROVED.

- * **37. GARY F. NORVELL** **9-A-10-UR**
Northeast side of Hollywood Rd., southeast side of Papermill Dr.
Proposed use: Child day care center in O-1 (Office, Medical, and
Related Services) District. Council District 6.

STAFF RECOMMENDATION: Approve the request for a child day care center for up to 20 children in the O-1 zoning district, subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 38. EXCELL COMMUNICATIONS, INC.** **9-B-10-UR**
Northwest side of Old Valley View Dr., west of Fairway Rd. Proposed
use: Approval of a 240' lattice telecommunications tower in RP-1
(Planned Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 240' lattice telecommunications tower in the RP-1 zoning district, subject to 6 conditions.

Arthur Seymour Jr 550 West Main Avenue. I am here on behalf of the applicant and we request approval per staff recommendation. Do want me to go on?

Chair Longmire, I think that was a lovely statement it covered everything. You might want to stay a bit just in case there are questions, because I wonder if there aren't going to be.

Seymour, If there are questions we are here to answer them on behalf of Excell Communications, T-Mobile and Valley View Baptist Church.

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

Michael Kane, I brought this up at our agenda review meeting. I was trying to identify what the difference was from the prior application and this one. I was told that the only difference is, was going from a lattice from a pole. And why is the applicant asking for this please?

COMMISSIONER STAN JOHNSON LEFT THE MEETING AT THIS TIME.

Seymour ,There are three reasons. First cost. T-Mobile and will lay that out. A lattice tower actually is less expensive than a monopole. I did not realize that until I got into this. Cost is an important problem for any business, especially at this time, but really at any time. Second it gives an opportunity to put more receivers and so forth on. This tower is designed for four telecommunication facilities as shown at the top. You can also on a lattice tower very easily add police, fire, EMC radios and Omni receivers and so forth so you can get more

telecommunications equipment on this lattice tower than you can on a monopole where we would only have four. And there is a safety issue also. In servicing a monopole the employee is basically going up the side of a monopole. And I am advised by our construction, T-mobile's construction and maintenance people, that a lattice tower is safer to get to the top when service is necessary on the antennas.

Michael Kane, Why wasn't the application a couple of years ago made for a lattice tower? Why was it a monopole?

Seymour, I cannot tell you that.

Kane, Has... It doesn't appear that there is any neighborhood opposition. Was there any contact with Alice Bell or any of the neighbors surrounding this regarding this change?

Seymour, Postcards go out to a rather large number of people. I have talked to the pastor at the church, Pastor Pratt. He could not be here today. He had a child with a medical issue that he was substituting for his wife on. He said a number of the members of the church live around there and he has heard of no opposition to this from anybody. He said the sign was right in our church parking lot; and he said if there had been any opposition, he thought he or members of the church would have heard of it.

Kane, If they needed to put addition equipment on besides these four would that require a use on review for additional or does this change allow them to put additional coverage without any use on review?

Tom Brechko, It is show for four telecommunication tower arrays on it. But if additional equipment for smaller things are placed within the enclosure, that's approved as part of this. I don't see that there is a problem with this. I think it would be permitted by the ordinance without the additional review.

MOTION CARRIED 13-0. APPROVED.

39. POV CHIN

9-C-10-UR

Northeast side of Norris Freeway, Southeast side of Sam Walton Way. Proposed use: Murphy Express Fuel Center - Revised in SC (Shopping Center) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for a 20 pump gas fueling station, subject to 5 conditions.

Glenn Wright with Murphy Oil. I would like to defer please.

John King, I am here to speak on this issue not technically in opposition, but to make sure that the record is clear on a few points. P.O. Box 2425, Knoxville, TN 37901 appearing on behalf of Wilma Jordan and others who have an interest in this particular corridor as Norris Freeway goes out away from Maynardville Highway. As currently

proposed, if you recall there was some signage issues and now this one shows a different building being constructed that gives them more signage capability and that a proposed sign is within the permitted square footage. I just wanted to make sure that the record is clear that this is a ground-mounted monument sign. It is not in my view, and I want to make sure about this, an illuminated sign. It has lighting on the top of it that is directed downward and onto the face of the sign, but the sign itself is not directly or internally illuminated. That is number one. And number two, I wanted to make sure that the record is clear that there is no signage on the exterior of the building or on the fuel station canopy. If that's all correct, then I have no issues with this now.

Glen Wright with Murphy Express USA, 141 Eagles Glenn Drive, Franklin, Tennessee. We, as you well know, came last month with a plan that no one seemed to like too much. So we went back to the drawing board at your requests and we have come up with an idea that meets and in most cases exceeds the recommendations of the ordinance of the rules of the ordinance. And I would respectfully ask you to approve this plan.

Chair Longmire, Can you respond to Mr. King's request. Will the lighting be from....

Wright, The lighting will be externally lit just like its shown in the rendering. It will be I think 4 maybe 5 lights on each side shining down from overhead onto the sign. It will not be internally lit. The sign will be, and there will be no other signs on the canopy or no other signs on the building unless you guys want us to have them. We will put them up if you want us to.

Rachel Craig, Quick question for Ms. Pionke. There was a blue line stream on this property. If I am not mistaken some of it is now under the parking lot. I had a conversation yesterday with Chris Granju from Knox County Stormwater Engineering about this and he said part of the stream had been piped and the rest of it was part of a stream mitigation project and I just wanted to make sure that was correct and get that on the record. Cindy Pionke, It was.

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

- * 40. **DOMINION RAIN TREE GENERAL PARTNERSHIP** **9-D-10-UR**
North Raindrop Dr., west side of Rain Forest Rd.. Proposed use: Assisted living facility in RB (General Residential) District. Commission District 5.

STAFF RECOMMENDATION: Approve the request for an assisted living facility with 60 units and up to 72 beds as shown on the development plan subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- * **41. Consideration of two-year extension of the concept plan for Boulder Point until September 2012 - File # 1-SB-08-C. Commission District 6.** **9-A-10-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **42. Consideration of First amendment to MPC's FY 2010-2011 Budget.** **9-B-10-OB**

EXECUTIVE COMMITTEE RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **43. Consideration of extension of concept plan for Shannon Valley Condominium on Murphy Road until October 2011, File No. 7-SH-06-C, Commission District 7.** **9-C-10-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **44. Consideration of extension of concept plan for Shannon Valley Farms, Unit 5, on Horstall Drive until October 2012, File No. 10-SA-07-C, Commission District 8.** **9-D-10-OB**

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 45. Report to the Planning Commission on 2010 fee schedule.** **9-E-10-OB**

Mark Donaldson, As you will recall at the pre-agenda meeting last month, we had a brief discussion about fees related to final plats for smaller subdivisions. This year in order to balance the budget we have scheduled a fee increase and implemented new fees at the beginning of the fiscal year to do that. We essentially increased fees across the board on all of our applications. The last time we had done any fee increases was in 2006. Its part of a strategy to create a balanced the budget given the fact that there are no increases coming from either the City or the County and our costs continue to rise. It seems to be the intent to turn us into an enterprise fund. I provided you the previous year's schedule for administrative plats and final plats up to 5 lots which can be called minor plats. This year for the first time we have started to charge for a boundary closure on the first submittal to correspond with a fee that is charged by the

City of Knoxville for plats that are within the City. We charge this fee for plats that are outside of the City. Our fee of \$100 compared to the City's fee of \$185. The intent of that is simply to recover as much of the costs as we can for the position that is pretty much dedicated to running plat closures. We also implemented a fee for variance request to the subdivision regulations. A flat fee of \$250 dollars no matter how many variances they request. That corresponds with the variance charge that, the fee for variances that is charged for the zoning ordinance. The review of variances is probably more extensive than the review for plats. It requires input from engineering departments and all parties involved. Just as plat review does, it quite often involves many more meetings so there is justification for recovering a fee for the application for variances to the sub regs just as there is for the zoning ordinance. I think this has hit hard on some of the administrative plats that frankly were used to doing it at a low cost. Quite often plats are submitted in such a condition that staff ends up doing them for them and we get multiple iterations of plats. It is our hope that the increased fee will create a better quality initial application and that a fee for variances might dissuade people from asking for them in some cases. In any case it help to recover the costs of the review that is associated with each of those requests. When I compared the fees for platting here versus comparable Metropolitan areas in the southeast, we are still way below average. Nashville for example has a \$2,100 plat fee for any plat. In the Carolinas those fees are even higher in comparable Metropolitan areas. We would ask your continued support on the concept of charging a fee for boundary closure with the first submittal and charging a fee for the variances. In reconfiguring the fee schedule, we established basically a base fee for a minor plat which is less than 5 lots and then that became the base for major plats that are larger than a minor as that base plus an incremental fee per lot. If there is any place where we could move it, it might be in that base fee of \$500 for a minor plat. We went from \$200 plus \$15 per lot for any number of lots to a base charge of \$500. That is probably the biggest jump we took on any of these fees that you see in front of you. If there is interest in rolling back any of them, we can come back with an agenda item for next month for your consideration.

George Ewart, Has anyone spoken with any of the surveyors about this? Because they are the ones that...

Donaldson, Yes, staff speaks with surveyors on a daily basis and has been fielding questions and complaints since the day the new fees were implemented, which was for I think the September meeting.

Dan Kelly, I think the situation is and its, anyone providing a professional service if they get hit with something they don't know on the front end, it's tough. But I think they will probably adjust their fees to incorporate these fees into their schedule. From the development side we have not heard anything. The surveyors have been the ones that have been vocal.

Wes Stowers, When was the last time we adjusted these rates?

Donaldson, 2006 for fiscal year 2007.

Stowers, I wish I could raise my prices 35% to 100% in one year after we just raised them. I think this is something government agencies need to be very careful about just arbitrarily putting something in there when everybody in this industry is having a hard time.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:18 P.M.

Prepared by: Betty Jo Mahan

Approved by: Mark Donaldson, Executive Director

Approved by: Robert Anders, Chair

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