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# Minutes

## September 13, 2012

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

The Metropolitan Planning Commission met in regular session on September 13, 2012 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members:

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

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\* Arrived late to the meeting.

\*\* Left early in the meeting.

A – Absent from the meeting

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Chair Rebecca Longmire introduced the four new Planning Commissioners – Herb Anders, Len Johnson, Charles Lomax and Janice Tocher.

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

### \* 2. APPROVAL OF SEPTEMBER 13, 2012 AGENDA.

THIS ITEM WAS APPROVED ON CONSENT.

### \* 3. APPROVAL OF AUGUST 9, 2012 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements read

#### POSTPONEMENTS TO BE VOTED ON READ

COMMISSIONER LEN JOHNSON RECUSED FROM VOTING ON THE POSTPONEMENTS.

John McCook, Seven Oaks Homeowners Association regarding item 30 the residents ask that this item be heard today.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO POSTPONE ITEMS AS READ EXCEPT ITEM NO. 30. MOTION CARRIED 12-0-1. POSTPONED UNTIL THE OCTOBER 11, 2012 MPC MEETING.**

Automatic Withdrawals Read  
None

***WITHDRAWALS REQUIRING MPC ACTION***

None

**REVIEW OF TABLED ITEMS**

METROPOLITAN PLANNING COMMISSION 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.

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

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

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

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

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

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

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

TIPPIT VILLAGE - SITES TO SEE, INC.

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

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

LONGMIRE SUBDIVISION

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

BEN H. MCMAHAN FARM RESUBDIVISION OF PART OF TRACT 1

2-SO-09-F  
 Intersection of I-40 and McMillan Rd., Commission District 8.

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).

CITY OF KNOXVILLE

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

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST

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

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

None

**CONSENT ITEMS**

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

COMMISSIONER LEN JOHNSON RECUSED FROM THE CONSENT LIST.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-1.**

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-1. APPROVED.**

## **Ordinance Amendments:**

5. **KNOXVILLE CITY COUNCIL**

**9-A-12-OA**

Amendments to the City of Knoxville Zoning Ordinance to permit courtyard development in some residential zone districts.

STAFF RECOMMENDATION: Staff recommends that the planning commission recommend approval of courtyard development as a use permitted on review in all the residential zone districts of the Knoxville Zoning Ordinance as described in Exhibits A, B and C.

Mark Donaldson: This is a request from the City of Knoxville Council to consider amendments to the zoning ordinance to permit what we have been calling courtyard development within residential zones in the city. A little background to fill in some blanks. MPC staff has been working to draft the requirements for a new zone district that we are tentatively calling Residential Heart of Knoxville 1 which if adopted could be used to replace R-1, R-1A and some of the other zone districts that are used within those neighborhoods immediately around downtown which have a development pattern that is significantly different than the R-1 standards of a 75 foot wide residential lot with a minimum of 7500 square feet allowing a smaller minimum lot size with a much tighter development pattern. Within that draft which has been shared with several City Council members there was a provision for what we have been calling courtyard development as a use permitted on review in addition to multi-dwelling structures and developments as a use on review. In reviewing the draft several citizens remarked that they liked that provision and asked that it be considered in zone districts other than the proposed new RHK. As a result City Council asked us to look at it. We have modified the proposed standards to fit as a general set of standards in Article 5, Section 3, where standards for uses permitted on review are located rather than having these standards housed within the proposed new zone district itself. If adopted the new zone district would simply refer to these. Those standards include the applicability, ownership, density, orientation of the houses, which is the major significant difference from our standard zoning practice; I will get back to that a little later. Lot and bulk standards, your setbacks and separations, height, those kinds of requirements. A list of criteria for design features and parking

requirements. We have provided in Exhibit B how each of these could be amended into the various residential zone districts plus the O-1 zone district which allows all of those uses in the R-2 zone district as well. It is one of our few mixed use districts. The major change from a typical development pattern with courtyards is that lots are not required to have frontage on a public. They are allowed to have frontage on a courtyard or common space which has frontage on a public street. We have proposed some limitations on this type of development so that the number of houses either detached or attached is limited to between four and ten at a maximum density of 12 units to the acre. This is an opportunity to encourage infill development originally in the proposed Heart of Knoxville neighborhoods and to a certain degree to promote redevelopment of areas that may be in need of that. It is a concept that was first introduced to the country back in the 1920's and 30's when automobile use was first becoming common and people in their neighborhoods would have common garages and orient their homes around courtyards. It is making a resurgence in the Midwest in Colorado along the west coast. We have mirrored the requirements from the Seattle, Washington, zoning ordinance for our courtyard development requirements. Besides the provision that the homes orient towards, may be oriented towards a courtyard rather than a street, we provided a variety of different ownership types can happen. Many communities are seeing these types of housing development as coop housing for condominium ownership rather than fee simple. We provide for all of that. We have listed all of the residential zone districts to be considered. But as you review this keep in mind the various characteristics of some of the zone districts that are out there, courtyard development may no be perceived as not appropriate in some off the zone districts. The R-1E for example has, starting with the R-1 zone district, has eliminated many of the uses that are permitted either by right or on review in the R-1 zone district. The EN-1 and EN-2 Established Neighborhoods districts are generally at a very low density development pattern and there is already a provision for infill development within that zone district for development that is typically 2 to 3 times greater than the typical development in those neighborhoods. You may want to consider recommending a limited menu of zone districts. Staff was perfectly comfortable introducing this with the new zone district which is always an option as well. I have received just in the last day two invitations to speak to neighborhood groups. Postponing it in order for me to have the opportunity to talk to them individually or as organizations about the proposed regulations could be appropriate.

Longmire: Read the staff recommendation.

Dennis Owen with the Kingston Pike Sequoya Hills Association we do feel strongly about this. Our organization represents about 1700 households we think. I would disagree with that number

because I think I have gotten 2,000 calls in the last couple of days. Full disclosure I have the privilege of being on Mayor Rogero's neighbor advisory council. Our mandate going back to the Kingston Pike Sequoyah Hills Association, our mandate is consistent with what the proposal is that is to promote, as director Donaldson has pointed out, to promote neighborliness and community in a diverse environment. That is part of our mandate that is actually part of our bylaws. We understand that. We also think that we should promote that type of environment. We can see this as a positive. Folks that I have heard from are saying that in an appropriate residential district this could be wonderful, but here we feel like it is extremely detrimental to our neighborhood. We feel that it is too broad. But more importantly what I am hearing from most people is that it creates an enormous amount of uncertainty. That is if you are going to move into our neighborhood if you are going to move into the Kingston Pike neighborhood, do you want to live next to a park? Do you want to live next to a river? Do you want to live on a tree lined quiet street? Terrific. But do you know when purchasing that home or maintaining that home what is going to be next door to you in the next year and one half. Will you be able to develop on a large lot? Will developer be able to come in and put eight houses on a lot? It creates an enormous amount of uncertainty. We have gotten an incredible amount of feedback from that. I was going to also quote from, okay I have got thirty seconds here. Director Donaldson says that "courtyard development can help add diversity to the stock of housing in neighborhoods and increase the existing density in many neighborhoods to a level that is sustainable." We don't even have, we have maybe two lots for sale in Sequoyah Hills Kingston Pike. We are more than sustainable. We are more than dense. We are going to ask respectfully that the Commission vote against this. We feel very strongly about it. Thanks for your time in allowing me to address you.

Lynn Redmond, 5246 Oak Hill Lane in the Norwood community. I am here as President of the Norwood Homeowners Association. We voted Tuesday night to ask that if this does go forward today that you please remove sections, zoning districts R-1, R-1A and R-1E from it. We are very concerned. We have people in the audience from Fountain City Town Hall who voted Monday night a version of the same resolution that ask that these three zones be taken out. Wednesday Community Forum voted, which is a loose confederation of neighborhood groups across the city that ask that these three districts be taken out. A couple of quick reasons and I am watching my time. It opens up every residential zone in the whole city whether it is appropriate or not. It is a multifamily development. You can do wonderful multifamily developments; you can do terrible ones. With all the limitations of the fixed zones R-1 and R-1A thinks like that, you know what you are getting when you move there. Just like in Sequoyah Hills which is mostly R-1. The other thing that concerns us is the lack of

development standards. And I know all about uses on review and I know we are going to have one, but if you notice every standard says or unless the MPC staff thinks better. This staff and this commission should be very proud of the fact that in the last seventy-five years they have worked on a voted for every single, wonderful, good, strong, sustainable development in this community. Unfortunately by the same standard, all the failed developments in the last seventy-five years, all the things that we call mistakes now were also voted on. Sometimes beauty is in the eye of the beholder and then later on. We prefer in suburban communities like mine to know what we are getting. There are plenty of other ways to do courtyard development. We are not saying you can't do good development. We are just saying it is not appropriate. Thank you.

George Ewart: I lived in one of these developments on Forest Court and it was a great experience. I think some of the things that people are taking about multifamily dwellings on here aren't going to be the case because they have got to be single dwelling units. They can't be attached is that correct Mark, in a courtyard?

Donaldson: It calls for either detached houses or attached houses. An attached house is defined as single family unit on a single lot which may share a common wall.

Ewart: I think this as a whole these communities like Sequoyah Hills... Mr. Owen I guess you forgot to mention about the apartments that you have in the heart of Sequoyah Hills that brings a whole different characteristic to that whole neighborhood and that has been there for as long as a lot of the houses have been there. I kind of agree with Mark said earlier that we probably need to get some public forums here and some meetings with everybody. I would like to make a motion to postpone this thing for 60 days to have those.

MOTION (EWART) AND SECOND (CLANCY) WERE MADE TO POSTPONE 60 DAYS.

Michael Kane: I am in favor of the postponement. I would like to ask maybe a couple of little things in my thought process. Mark you talked about infill. I am not too sure what that means and it may mean different things in different areas. I was wondering about why wouldn't... I know R-1A already under use on review already allows I think a multifamily unit. But for R-1 and R-1E that why wouldn't we want to go through a two stage process in those areas where you would either rezone to RP-1 first and then go through the process of a courtyard development like thing or an R-1A. It is almost like the issue of density because you are proposing 12 dwelling units per acre in all of these zones as a maximum. Why you wouldn't go through that process first to establish what is acceptable density and then go through the use

on review process or whatever is appropriate for courtyard development.

Donaldson: As far as infill is concerned as we drafted this with regard to the RHK-1 district, we saw that district being used in areas that frankly are subject to a lot of vacant lots and a lot of abandoned homes. The opportunity to infill, develop in an infill pattern on those lots is significant and to increase more diversity into the housing stock through this particular product which is a very niche market at this point. It is a market and it is not available currently. We saw this provision in the RHK-1 as an opportunity to address some of those vacant and blighted lots. As far as a two step process, if you remove from it as a use on review from all the residential zone districts but keep it in some of districts that are available in the low density land use classification such as R-1A which already allows multifamily, then that option is available and does provide for the legislative body to act on a zoning case before the planning commission would act on a use permitted on review.

Laura Cole: I just wanted to say that I have seen some really good examples of courtyard development. I think this gives us an opportunity to do some really interesting and creative things but I also think any time we make a change like this it is critical that we get input from the neighborhoods and others. I think council is probably going to want to ask a lot of questions about this as well. I am in supportive of the postponement..

Longmire: We do have a motion on the floor for postponement for 60 days. All I know about courtyards are the pictures I have seen and pictures look really nice. But I don't know a whole lot more.

**MOTION CARRIED 13-0. POSTPONED 60 DAYS.**

**Alley or Street Closures:**

- P 6.      GERDAU      **12-A-11-SC****  
Request closure of Stonewall St between Ely Avenue and northwest property line of parcel 081PK035, Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 7.      GERDAU      **12-B-11-SC****  
Request closure of Ely Ave between Stonewall Street and northeast property line of parcel 081PK035, Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 8.      JEFFERSON FEDERAL BANK      **9-A-12-SC****

Request closure of Monterey Rd between northwest property line of parcel 0680A054 and Peppercorn Ln., Council District 3.

STAFF RECOMMENDATION: Approve closure subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **9. HOLSTON GASES, INC.** **9-B-12-SC**

Request closure of Brookside Ct between TDOT I-275 right-of-way and W. Baxter Avenue right-of-way, Council District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **10. JEFFERSON FEDERAL BANK** **9-C-12-SC**

Request closure of Peppercorn Ln between southwest terminus and northeast terminus, Council District 3.

STAFF RECOMMENDATION: Approve subject to conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Street or Subdivision Name Changes:**

None

**Plans, Studies, Reports:**

- P 11. METROPOLITAN PLANNING COMMISSION** **8-A-12-SP**

South County Sector Plan Update. Commission Districts 8 & 9. Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**Concepts/Uses on Review):**

- \* **12. GERDAU AMERISTEEL PROPERTY** **2-SA-12-C**

Northwest side of Ely Ave., southwest of Bragg St., Council District 5.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the Concept Plan subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 13. ASHLEY MEADOWS** **9-SA-12-C**

West side of Gray Hendrix Rd., south of Garrison Rd., Commission District 6.

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

Rocky Smith, Smithbuilt Communities, 4909 Ball Road.

Kenneth Ely, 2505 Sherwin Road. I have several concerns concerning additional traffic flow on Gray Hendrix Road. Over the past several years there have been many accidents on Gray Hendrix Road. I would like to submit copies of accident reports from the Knox County Sheriff's Department to support that. There is major concerns about emergency vehicles service on that road. There is times during the day particularly at 3:00 to 3:45 in the afternoon that the road is totally impassable, totally blocked. The reason for that is Karns School. Any subdivision that is already on there of which we have four now – that would be Brown View, that would be Golden Meadows, that would be Andrews Crossing and Roland Lane feeds into that road. There is major concerns because of the narrow width of the road. There have been in the last three years at least three fatalities on there. You have to compete with the school buses in the morning and the afternoon to travel that road. There is also major road problems in two locations of the road that has to be addressed. My concerns and the community concerns that I am speaking for is that we feel like it is an extremely hazardous to add additional cars to. If you add up the four subdivisions I spoke of earlier you are looking roughly at 500 cars per day that has to travel there. We also have an issue with the north-south corridor because of the west Knoxville traffic uses that road as a cut through back to Oak Ridge Highway. Again at 5:00 in the afternoon there is major additional traffic flow on that road. I would also like to submit the guidelines of standard street widths in the county as part of the argument that minimum width is typically 12 feet per lane. There is locations in that road that overall width of the road is less than 15 feet. It has no shoulders on it. There are locations on it that has less than 15 feet width from side to side. There are no shoulder at all on that road. There is two extreme curves on the road that any time you have type of participation whether it rains, snow or sleet you can almost assure yourself there will be an accident there. We are not totally opposed to Mr. Smith building a subdivision if something is addressed about the condition of the road. As an alternative for him he has an exit off the back of this party, which if you review your plat he can use Hodge Road to exit his subdivision out and not dump his traffic out onto Gray Hendrix Road which puts him within 50 feet of Byington Solway Road.

Longmire: Did you have something you wanted to submit for the record sir? If you will just bring them up here please.

Rocky Smith: We looked at this property just recently. When we contracted to purchase it we knew it was zoned 4 units per acre. As we started looking into it we determined that there had

been a concept plan submitted in 2007 and 2009 that had been previously approved but the development had not been done because of various reasons, economic times or whatever. We elected and looked at the development. it was a single family subdivision that is conducive to what we wanted to do. So we just basically took the exact same concept plan that was approved in 2007 and 2009 and have resubmitted it. I hear Mr. Ely's concerns. The school is a long way away from there. There is a lot of things and 15 feet, all the reports I have seen we meet the standards. I think the staff has recommended approval with a few comments there, we ask that you all approve it as you did in 2007 and 2009. It is the exact same plan. It was conducive then and it is conducive now and vote along with staff recommendation for approval.

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

- Laure Cole: I just wanted to check in with Engineering for the record and see if there were issues with traffic accidents. The opposition mentioned and any water issues that you are aware of.

Cindy Pionke: In regards to the traffic what we have in our records from the Sheriff's Department we are showing 13 crashes over three years. None of the ones sent over to our office showed any fatalities. We only get whatever the Sheriff's Department forwards to us. I personally am not aware of any stormwater drainage issues. I could go back and check at the office on that as well.

Michael Kane: The suggestion was made to use another access point that is closer and I know the current developer is looking at what was already approved. I was wondering from staff if there was a reason why that wasn't suggested originally back in 2005 timeframe when I guess this was first approved.

Dan Kelly: We have had a number of calls from the people who live on Hodge who certainly don't want a subdivision connected onto Hodge Road either. My recollection again is there is a creek that goes along or kind of through the property along the northern part of the property and then it goes under Hodge and through there. I think the topography of the site on the back end around Hodge there may be issues with the drainage and stormwater that may prevent the connection to Hodge. I don't know that for a fact, but that is my recollection from many years ago.

Kane: Mr. Ely you mentioned about the... have you talked to your County Commissioner about the width of road or potential for getting improvements along the road. Is that something that has been actively discussed with engineering or... I have made several calls about certain situations with the road with disrepairs. I have

lived out there 28 years and I have never seen any type of improvement or any issues about wanting to do anything with the road. There are areas in the road that breaks off in the winter time. It is just not a safe road at and to get a many to come out and just repair it sometimes takes 5 to 6 months.

Kane: Since this is such a small development I assume it does not require a traffic study.

Dan Kelly: That is correct

Art Carey: I don't really have a specific questions or point about this development, but more of an observation. It is interesting that in back to back agenda items we have something about infill and then we have something about what some people might call building in a cow pasture where infrastructure and services are not adequate or at least we are hearing that possibility. I think those are two extremes and it gives us a good insight to compare those to. What is infill? Infill is building where there is already infrastructure-schools, roads, drainage, sewer- all the things we need to have a easy residential life and maybe, if use the word sprawl and I hate to call it that, moving out into cow pasture to build residences creates pressure on the roads that may have been built as farm roads. So what we are looking at is two extremes in the same back to back agenda items that really help us think about what is going on here. When will the infrastructure catch up with the development? Well that is up to the tax base. We kind of have to do a compromise in both cases to figure out how we can best use this land. I think that is kind of a thing to think about.

Janice Tocher: I was just out the Byington Solway- Beaver Ridge Road yesterday with my husband trying to drive a U-haul truck. The roads are really, really narrow and the shoulders do drop off quite a bit. It does seem that before putting additional traffic on that road that the road issues might need to be addressed.

We still have 1.57 to use is that appropriate to ask to use that time. I am on the side opposing. I want to make sure I am not using it inappropriately. Barbara Parrish, 2713 Roland Lane. I have lived on Roland Lane which is very close to this proposed development for 36 years. I travel that road regularly going back and forth to work. I agree with everything Mr. Ely said. I appreciate your comments you just said. It is dangerous and the other comments about the roads have not kept up with the development. I have no way to get out of my street easily. I am going onto Byington Solway facing school traffic taking my life in my own hands if I go the other way because I am cutting across traffic coming towards Oak Ridge Highway. I go that way regularly. I see the flooding there regularly. Any time it rains and it does not have to be what we call a heavy, heavy rain a lot of inches, but the farmland over there it doesn't saturate the rain

well. It flows over the road there. I image that property over there has some flooding problems too. My concern would be if we add more concrete and driveways there is that flooding problem would get worse. That road is dangerous. I saw Life Star myself personally come and take victims from there about four years ago. There have been fatalities.

Smith: These concerns that we are hearing are speculation of road widths and everything and flooding. We all know that there is much planning, much effort, much technical stuff that goes into the design and the development of these things. We will meet all the standards. We will meet all the requirements. Garrison Road a lot of these comments from growing up in Karns and living in Karns, the middle school is maybe a mile away from here. Garrison Road is just not where I am at. We are talking about a lot of different things and a lot of different issues along this area, but just not this road. This road seems very adequate to me for this size development we are doing. To be honest with you I didn't even think there would be any concern. I read all the previous comments from engineering department before when it was submitted before there were no comments. I again ask for approval along with staff recommendation and engineering department has looked at it. Everyone that is qualified to look at this has looked at it.

Longmire: I will say that it is a narrow road to joint many, many, many of the narrow roads in Knox County. I would say that County Engineering could work the rest of their lives and never get all the roads fixed up because we have outgrown them.

Cole: I am going to support staff recommendation but I would like to ask Ms. Pionke to follow up with Mr. Ely and anybody else that has problems out there.

**MOTION CARRIED 13-0. APPROVED.**

**Final Subdivisions:**

- P 14. WESTLAND MANOR RESUBDIVISION OF LOTS 3 & 4 8-SG-12-F**  
West side of Gothic Manor Way, southeast of Westland Drive,  
Commission District 5.

**THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.**

- \* 15. CARTREF ADDITION, BLOCK A, RESUBDIVISION OF LOTS 9R, 10R, & 17R 9-SA-12-F**  
South side of Sherwood Dr, west of Westland Dr., Council  
District 2.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **16. CARPENTERS ADDITION TO CASWELL RESUB. OF LOTS 1-13, BLOCK F** **9-SB-12-F**  
North side of Sarah Ln, east side of Carpenter Rd.,  
Commission District 8.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **17. PROPERTIES OF HEADRICK & RENO** **9-SC-12-F**  
South side of Millertown Pike, east side of Robin Ben Ln,  
Commission District 8.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **18. PROPERTY OF CLAUDE YOW AND UNPLATTED PROPERTY** **9-SD-12-F**  
South side of Callahan Dr, northeast of Keck Dr., Commission  
District 7.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **19. MAYFIELDS ADDITION RESUB OF LOTS 146 & 147R** **9-SE-12-F**  
Intersection of Ninth Ave, Gillespie Ave, and Flemming St.,  
Council District 4.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **20. TALAHU RESUB. OF LOT 15 PART OF LOT 14, BLOCK L** **9-SF-12-F**  
North side of Taliluna Ave, southwest of Tugaloo Dr., Council  
District 2.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **21. BEAVER CREEK ADDITION RESUB. OF LOT 14 AND UNPLATTED PROPERTY** **9-SG-12-F**  
Northeast side of Joyce Ln, southeast of East Joyce Ln.,  
Commission District 6.  
  
STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **22. MARY EVELYN DEATON ESTATE PROPERTY** **9-SH-12-F**  
South of Charles Dr, east of Inskip Rd, Council District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 23. THE VILLAGE AT HARDIN VALLEY RESUB. OF LOT 7** **9-SI-12-F**  
Southeast side of Greenland Way, south of Hardin Valley Rd.,  
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* **24. THE GAZEBO AT WATERFORD COVE** **9-SJ-12-F**  
South side of Maloney Rd, east side of Ginn Dr., Council  
District 1.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **25. FALCON POINTE UNIT 4** **9-SK-12-F**  
South side of S. Northshore Dr, northeast of Harvey Rd.,  
Commission District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **26. WATERS RESUBDIVISION OF LOTS 1-3** **9-SL-12-F**  
Northeast side of Kinnamon Rd, east of Tipton Station Rd.,  
Commission District 9.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **27. THE TOMBRAS GROUP** **9-SM-12-F**  
East side of S. Concord St, north of Sullins St., Council  
District 6.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **28. BRAINE & LEE'S ADDITION RESUB. OF PART OF LOTS 20 & 21** **9-SN-12-F**  
Northwest intersection of Dill St and Hiawasse Ave., Council  
District 5.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **29. DOGWOOD COVE RESUBDIVISION OF LOTS 10-14** **9-SO-12-F**  
South side of Dogwood Cove Ln, west of Dogwood Dr.,  
Commission District 4.

STAFF RECOMMENDATION: Approve.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### **Rezoning and Plan Amendment/Rezoning:**

- 30. KINGSTON PIKE, LLC** **8-J-12-RZ**  
South side Kingston Pike, west of Moss Grove Blvd., Council  
District 2. Rezoning from PC-1 (Retail and Office Park) / H-1  
(Historic Overlay) to PC-1 (Retail and Office Park).

STAFF RECOMMENDATION: DENY the reduction of the H-1  
(Historical Overlay) on the subject property.

Arthur Seymour Jr: on behalf of the applicant. Members of the Commission I am here to speak only on in the postponement of this. I represent the developer for this 100 plus acre tract of property. There is at the northern, northwest corner a house that is of historic significance that has a historic overlay on it. We are in this situation. The house is going to take a considerable amount of money to restore. No one is willing to pay a price for the house knowing the price that it will take to restore it. We have had structural engineers look at it and we have shown that to potential buyers. None are interested at any price. We are down to the proposition that we are going to have to give this house away to someone who will agree to restore it. The restoration costs will be several hundred thousand dollars. To do that we are going to have to realize enough money out of the balance of the property to cover the loan on this part. It's a three party agreement. We have potential user for the property who will take it and restore it in accordance with the historic guidelines. However to transfer the property to him we have to obtain consent from our lender. Like most developers we are in the hands of our lender. To obtain that consent we are going to have to realize more money out of the lot that is immediately to the east of it. We have been dealing with several purchasers for that lot. We do not have a contract now, but the people we have dealt with indicate they need more land to make that lot doable and to pay the price we and our lender need to get out of it. To that end we have asked for a reduction of the footprint of the Walker Sherrill house. We do not know and we have met with Ms. Graybeal and Knox Heritage on several occasions, we do not know at this time what the reduction will need to be to satisfy the potential buyer, actually the donee of the house and our

bank and the potential purchaser of that lot. That is why we are asking for a postponement. We are trying to get the house saved. We are not in a position to move forward at this time. If you do not grant the postponement, I assume you will do what staff has recommended and simply deny it. If you do that we have no choice but to come back when we have a three party deal between the donee of the house and the bank and again ask for the same thing. We have no basis for going forward now. I think a postponement would (1) save use another application fee and (2) would enable this process to move forward hopefully where we can achieve what I assume everybody wants to achieve is the preservation of the old Sherrill house. As a matter of fact if the deal does not work out with the person who we are working with now who I know something about his business and past efforts in historic preservation and I have every reason to believe it will work out. I received just yesterday I think in response to some discussion of this at MPC agenda review the other day a call from another person who would be very interested in the house. I am simply asking that we be allowed to postpone this and work this all out. I think the opposition is coming from Seven Oaks which is to the west. Most of what we are asking be moved from the historic overlay is to the east. There is a little piece to the south. We may not need to have that removed. We simply don't know which way we are going now other than we are moving to give somebody the house who will preserve it. That is why I hope in less than five minutes we meet a postponement in this matter.

John McCook, President Seven Oaks Homeowners Association. Live at 125 Essex Drive. This is not the first time a request has been made of this commission to reduce a historic overlay on this property. In fact about one year and one half or two years ago there was some reduction of historic overlay on this piece of property. The entire Sherrill property I assume has been a fairly positive financial arrangement for Mr. Seymour's clients. That property included this historic overlay and the home that was there. To go along with what the first request was it is my understanding that we would have everything reduced up to eight feet of the home in terms of reducing the historic overlay. I can tell you what the impact has been to Seven Oaks Subdivision. There are 84 homes. Between last April and today we have had 12 burglaries. They are parking in the Sherrill Hill property at night. Walking across a 50 foot buffer strip that the developers department in terms of the landscaping, not landscaping but the survey cut a path through. They are parking in that development and they are walking across the path and entering sheds, garages, and sheds rather in the evening between midnight and the sun coming up in the morning. I have an 80 some old lady who now sleeps with all her lights on in the house because of the fear of people coming back. We have stopped numerous people that are suspicious nature and had the Sherriff's office stop people of suspicious nature who are now

walking into the subdivision and walking across from the property. So to further remove them Mr. Seymour has contacted two members of our residents of our subdivision to talk about potential impact of reduction of historic overlay. We ask that the historic overlay remain. We ask in that property being bought with that historic overlay there to begin with. We ask that you follow the staff's recommendation. That is not to postpone, but to go ahead and reject this reduction of historic overlay. Thank you.

Margo Kline, 8845 Ebenezer Oaks Lane. Representing the Council West Knox County Homeowners. I am the president of that group. We met last Tuesday night and voted so support Seven Oaks, Ashley Oaks, Faith View and South Cedar Bluff which are some of the neighborhood close to the Sherrill property. There are a total of 37 neighborhoods in the Council of West Knox County Homeowners. This most directly affects Seven Oaks. There is a large number of people in the area who are concerned about the preservation of this home because over a period of about 5 years there have been a lot of promise made. It seems that there is an attempt to chip away and chip away at the amount of property around the house that has the historic overlay. I don't think anybody is opposed to new development going in there. In many respects it has been very positive. It is very attractive. The area up and down the street there seems to be developing very nicely. This is a historic home that was there prior to Civil War. Apparently it has characteristics that are unique that do not exist anywhere else in Knox County. To remove all but eight feet from the house would mean that there could be a parking lot put there any number of things similar to what happened just about a block and one half away to that Baker Peters House which ended up with a gas station in the front yard which is now shuttered and has been boycotted and I could go on and on. I think we feel that we need to protect our really important historic properties and promises have been made. We are just asking you to follow the guidelines and the recommendations of the staff and deny further removal of the h-1 zoning. Thank you.

Longmire: Next week is the meeting of the Historic Preservation. I ask Mr. Donaldson to speak to that please.

Mark Donaldson: Speaking solely to the issue of postponement and not the merits of the case, this particular request will require the recommendations from the Historic Zoning Commission as well as the Planning Commission. The Historic Zoning Commission has expertise in this area. You may want to hear from them before you act on your recommendation. Postponing would allow the Historic Zoning Commission to consider it prior to your consideration.

Art Clancy: Lady Chair can we hear from the Historic Zoning person?

Kaye Graybeal: Historic Preservation Planner for MPC. I did receive a request from Mr. Seymour to I believe I understood that he also wanted to postpone HZ consideration next Thursday September 20th.

Seymour: I probably was not as plain... to get this in proper sequence we ought to postpone this 60 days then hear it next month at Historic Zoning Commission in October and hear the zoning request in November. That gets it in proper order.

Longmire What you are asking that next weeks Historic Zoning postpone this particular until the following month and therefore you need a 60 day postponement for so that we can hear from Historic Zoning.

Graybeal: We need to address whether or not Historic Zoning would decide to go ahead and hear it because it has been advertised. They could decide to go ahead and hear and make a recommendation. They could decide to also postpone it until. That is a possibility I just wanted to throw that out there.

Clancy: Thanks Kaye. I am not big on postponements either. A house that is that significant if 60 days will buy us a person that will put it in as a residence, you don't need as many setbacks. If he is going in an using it as an office, he is going to need verybit of the setbacks for parking spaces. So that is significant information right there as far as the development and the ability to save that piece of property. 60 days doesn't seem unreasonable. I know it is an inconvenience to the Seven Oaks people having to come back in in 60 days, but if it will save that house and it makes it a usable piece of property rather than eyesore that it is right now. It looks like it is getting ready to fall down. I would like to take 60 days to try to see if we could save it. We can't determine what the Historic Zoning Commission is going to do. But I would say that they would have the same desires as that. My motion is that we postpone for 60 days.

MOTION (CLANCY) AND SECOND (LEN JOHNSON) WERE MADE TO POSTPONE 60 DAYS.

Longmire: I have a question Mr. Seymour. The homeowners spoke of a pathway that had been made in the buffer.

Seymour: I am not aware of that, but I will report that to the owners.

Longmire: And ask that it be fenced off or closed up in some way?

Seymour: There is... your original zoning approval for this property had a no disturb buffer on the perimeter and then a no build area inside of that. I am not aware of the pathway, but I will find that out in just a minute. I know who the surveyor is. I will call him right after the meeting. (inaudible in audience)

Longmire: That is much preferable to landmines sir. We appreciate that.

Michael Kane: I am in support of the postponement and am definitely not in support of the proposal as we see today. I would expect that whatever is proposed by the developer that he come back with something a little more reasonable and in line with what the Historic Zoning Commission evaluates in terms of as necessary to protect the property.

George Ewart: Mr. Seymour, may I ask you a question. You say you have a potential buyer that want to live in it. Would they have to get their property rezoned correct?

Seymour: That is true if they are going to use it as a residence. I have not been privy to the negotiations. I know the identify of the person. I know he is somebody that you can say is for real. He has done very fine work in west Knoxville before.

Ewart: It would behoove us to wait anyway just in case they have to rezone it or something.

Clancy: Mr. Seymour in 60 days when you come back if we are looking at reductions in the Historic Overlay, I encourage you to make sure that you have some strong guarantees and certain specific plans laid out that that house will be restored immediately.

Seymour: That is part of our contractual arrangements that are being worked on now is not only preservation of the house within the guidelines that are there for the house but also a time line for it.

Clancy: That needs to accompany whatever you come back with in 60 days I would think.

Longmire: I would ask that you make sure to share with the community the plans and what is going on. I think that allays fears.

Seymour: I might add that one of the empatises for getting this house into the hands of somebody who will preserve it not only for exiting tenants Academy Sports and the other tenants up there, when we show the property to potential tenants they say when is that house going to be leveled or restored. We have to explain that you cannot level the house that is big emphatic

going forward for our people to get the house restored in a timely manner.

Art Clancy called for the question.

Carey: I have got a quick question for I am not sure who. Mr. Seymour you mentioned contractual obligations. Going back in history what are the contractual obligations in terms of these lot lines and what has been committed to already? We are trying to shrink the lot size right now. There is already a firm understanding or contract I assume.

Seymour: Not a contract but negotiations with the lot to I believe that is 3R what is it immediately to the east there are discussions for development of that lot and these are necessarily three party discussions because of the position the owner is in with the bank. We are actually having four party discussions. We are having discussions with the person who will take the house we hope and restore it, with a buyer for the lot immediately to the east and with our bank.

Carey: What I am trying to get to is we are trying to shrink the lot down from what was originally agreed to. What kind of agreement was that?

Seymour: It was the footprint for the zoning. Are you talking about the Sherrill house?

Carey: We are trying to go to an eight foot setback from...

Seymour: It could be that small. We don't think it will be.

Carey: Are you obligated to the larger lot size right now?

Seymour: No. No. We are in negotiating with a buyer for the lot immediately to the east. That lot size is an issue with the buyer we are negotiating with. Have I confused you?

Carey: They are obviously are committed to preserving the house. That is an obligation through.

Seymour: Oh yes. That is an obligation; a legal obligation, not a contractual obligation.

Michael Brusseau: This may help answer Commissioner Carey's question. The condition that was placed as part of the PC-1 approval was that simply that H-1 overlay be placed on the house but there was no specified lot size that had to be maintained. Basically recording of the original plat is what established the original lot size which has since been reduced back in 2011 and this is I believe the second time they have asked for it to be reduced. There was no size.

Len Johnson: Mr. Seymour, was the owner of this property consulted when they set up the H-1 overlay zone? The small tract the historic tract.

Seymour: It was part of a 100 acre tract. Actually it was over 100 acre tract. The owners just for history was a family. I think we dealt with 13 or 14 people when we bought the house. The lady who lived in the house, Ms. Sherrill had a life estate on all the property. She lived well beyond her life expectancy well into her 90's. When you hold a life estate you tend not to maintain the property beyond what you need to continue living there. That is the situation the house was in in 2005 when she died.

Johnson: But she was aware of the boundaries that were set on the H-1.

Seymour: It wasn't set until after she died and the property was sold.

Johnson: The owner that succeeded her basically was negotiated with as to the boundaries of H-1.

Seymour: Yes sir. That is our client.

**MOTION CARRIED 13-0. POSTPONED FOR 60 DAYS.**

Becky Longmire recused from discussion or voting on the following item.

Bart Carey assumed the Chair.

**31. JACK WALKER**

Northeast side Tillett Ln., northeast of Corryton Rd., Commission District 8.

**a. Northeast County Sector Plan Amendment**

From NC (Neighborhood Commercial) and AG/RR (Agricultural/Rural Residential) to RC (Rural Commercial).

**9-A-12-SP**

STAFF RECOMMENDATION: ADOPT RESOLUTION #9-A-12-SP, amending the Northeast County Sector Plan to RC (Rural Commercial) for a portion of the site and recommend the Knox County Commission also approve the sector plan amendment to make it operative.

Mike Brusseau: This request is for Mr. Walker's entire 1.5 acre site which includes what we are referring to as the panhandle which is the eastern portion of the site about 70 feet wide and 140 feet or so long. That is the portion of the site we are recommending be excluded from both the plan amendment and the rezoning. The reason being one it is fairly narrow to be developed with commercial uses and establish appropriate buffering between the commercial uses and the residential -

agricultural uses that are adjacent to it. I guess more importantly the house that you can see on the map on the screen that is just south of the little pond would be very close to that area. It also just extends commercial in our opinion very unnecessarily into a residential-agricultural type area. That all being said we are in favor, the applicant came in and a portion of this property is already zoned CA which is the general commercial zone and most of his commercial business buildings are located within that CA but some of them are outside that area. This request originally came in to take care of the issue of the businesses being located in the RB zone. Being in the rural area in the Growth Policy plan, really the only option as far as commercial zoning that could be considered was the CR rural commercial zone. That CA that you see on the map was put in place long time ago probably prior to the Growth Policy Plan as well as sector plan amendment. The rural commercial we feel it would go ahead and establish all the business that is already in place at the site under an appropriate commercial zoning. The rural commercial zone is appropriate at this location we feel. We just feel like commercial uses should not be extended onto the panhandle back further into a residential area. We are recommending approval of a partial sector plan amendment as shown on the staff recommendations maps as well as a partial rezoning. Those would be from RB to CR and from Ag rural residential to RC rural commercial.

Michael Walker, 8412 Washington Pike, This property we acquired it some few years back and have been doing a lot of renovation on the property. We understand the commission is not wanting to allow for us to continue on back in this section of property. But what we would like is for you to consider for us to add a buffer of maybe trees or howbeit what you would like us to do to be able to use that portion as far as for storing for storage buildings. We could go down the lot line and continue to use the storage on that particular panhandle.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1. APPROVED.**

**b. Rezoning**

From RB (General Residential) to CR (Rural Commercial).

**9-A-12-RZ**

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CR (Rural Commercial) zoning on the recommended portion of the site.

**MOTION (CLANCY) AND SECOND (EWART) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0-1. APPROVED.**

Becky Longmire resumed as Chair to the meeting.

- \* **32. STORE SAFE STORAGE**  
Northwest side Murray Dr., southwest side Primus Rd.,  
Commission District 7.  
**a. Northwest City Sector Plan Amendment** **9-B-12-SP**  
From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #9-B-12-SP, amending the Northwest City Sector Plan to C (Commercial) and recommend that Knox County Commission also approve the sector plan amendment to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- b. Rezoning** **9-B-12-RZ**  
From A (Agricultural) to CA (General Business).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CA (General Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **33. ROBERT A. MAPLES**  
Southeast side Three Points Rd., southwest of Mascot Rd.,  
Commission District 8.  
**a. Northeast County Sector Plan Amendment** **9-C-12-SP**  
From LDR (Low Density Residential) to C (Commercial).

STAFF RECOMMENDATION: ADOPT RESOLUTION #9-C-12-SP, amending the Northeast County Sector Plan to O (Office) and recommend that Knox County Commission also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **9-C-12-RZ**  
From RA (Low Density Residential) to CA (General Business).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE OA (Office Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **34. BRIAN BLAKELY** **9-D-12-RZ**  
Southeast side E. Emory Rd., northeast of Emerald Ridge Ln.,  
Commission District 7. Rezoning from A (Agricultural) to RA  
(Low Density Residential).

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **35. MARTHA N. WATKINS**  
North side Forest Ave., west side S. Twenty Third St., Council District 1.  
**a. Central City Sector Plan Amendment** **9-D-12-SP**  
From MDR (Medium Density Residential) to HDR (High Density Residential).

STAFF RECOMMENDATION: ADOPT RESOLUTION #9-D-12-SP, amending the Central City Sector Plan to HDR (High Density Residential) and recommend that Knoxville City Council also approve the sector plan amendment, to make it operative.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **b. Rezoning** **9-E-12-RZ**  
From I-2 (Restricted Manufacturing and Warehousing) to R-3 (High Density Residential).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE RP-3 (Planned Residential) zoning at a density of 24-60 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **36. C & T CLINTON EMORY PARTNERSHIP** **9-F-12-RZ**  
North side Clinton Hwy., west side Powell Dr., Commission District 7. Rezoning from A (Agricultural) & F (Floodway) to CA (General Business) & CA (General Business) / F (Floodway).

STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE CA (General Business) and CA (General Business) / F (Floodway) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **37. METROPOLITAN PLANNING COMMISSION** **9-G-12-RZ**  
Northwest side E. Fifth Ave., southwest side Winona St., Council District 6. Rezoning from I-3 (General Industrial) to O-3 (Office Park).

STAFF RECOMMENDATION: RECOMMEND that City Council APPROVE O-3 (Office Park) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## Uses on Review

- P 38. BEVERLY HOLLAND** **6-C-12-UR**  
Southeast side of Holston Dr., northwest side of Speedway Circle. Proposed use: Child Day Care Center for up to 100

children in C-3 (General Commercial) District. Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**39. U. S. CELLULAR CORPORATION**

**8-G-12-UR**

South side of South Mall Rd., east side of Washington Pike. Proposed use: 150' Monopole Telecommunications Tower in C-1 (Neighborhood Commercial) & C-6 (General Commercial Park) Districts. Council District 4.

STAFF RECOMMENDATION: Approve the request for a 150' monopole telecommunications tower in the C-1 zoning district, subject to 5 conditions.

Jackson Kramer: 800 S Gay Street, Suite 2500, Knoxville 37929. I represent US Cellular Corporation. With me today are two other representatives of US Cellular Corporation, Mr. Chuck Burton and Mr. John Locascio. As you all are aware this is a postponement from last month. This is a request for a 150 foot monopole on a commercially zoned lot adjacent to the I-640 corridor. At last month's meeting there was some neighborhood concerns expressed and there was a request that US Cellular representatives meet with community representatives to discuss those concerns. We did that. We met with the community on Monday, September 20th. There was a request that we consider moving this tower to another location. The issue with that is of course is that other properties that were pointed out to us are actually residentially zoned properties and are closer to residential areas than this location. I would point out to you that it is behind a vacant commercial building. It is commercially zoned. It is adjacent to the I-640 corridor. It is separated from residential properties by significant distances and by major streets such as Washington Pike. It meets every requirement of the zoning ordinance. It is an opportune site under the wireless communications plan that this body adopted because it is in a commercial corridor adjacent to an interstate. Staff has recommended approval with conditions which we will be happy to meet. MPC's independent consultant has stated that we have shown need for this tower. Ask for you all to approve our application.

Longmire: We were given a map and you can see the other side, we were given a copy by the neighborhood concerns. It does have a map where other tower sites could be located. You can see what Mr. Kramer was talking about as far as the zoning is concerned.

Greg Meadows, 900 S Gay Street, Suite 2300. I represent Alice Bell Community Homeowners Association. I wanted to take just a few minutes and secede some of my time to a Board

member of the homeowners association. The homeowners association would ask MPC to recommend denial of the application for this 150 foot cell tower or alternatively postpone so there can be consideration of the alternative sites. There are some of those alternative sites that you can see on that map that are in fact within a commercially zoned area. A number that, the report that was mentioned Mr. Kramer mentioned earlier in going through the application we noted some discrepancies and flaws in that report and given time limitation I will limit myself to two of those. The report acknowledges that there are currently some environmental monitoring wells on this site, but fails to address the impact that the tower would have on those continued monitoring operations and consideration of the depth of this cell tower and what impact those would have on these ongoing monitoring efforts. Additionally the report in paragraph 6 of the discussion section provides "there are no variances required as the landowner owns all of the property on all of the sides for more than 165 feet from the tower base." However based on the applicants plan, the tower is in fact only 30 feet or less on the property line on three of four sides. The homeowners association believes that the placement of the cell tower in this location as shown on the application would be detrimental to further commercial and retail development in the area. They also believe that the placement of this cell tower would severely detract from the gateway entrance to the community. As you have seen in the photos that we submitted which includes a super imposition of the cell tower. This is right where the community has its entrance gateway sign location. The association also believes that this would devalue the properties in this area. In respect to the alternatives, the homeowners association is aware of a number of alternatives that we feel like would be more appropriate and would alleviate their concerns in which they could support. However we don't feel like those were appropriately or seriously vetted. For these and other reasons the homeowners association respectfully asks you to deny the application, recommend denial of the application or in the alternative to postpone consideration of the application so that we can with the applicant more seriously vet the alternatives that are there. I will secede my remaining time to Bob Wolfenbarger a board member of the association. We appreciate your consideration.

Bob Wolfenbarger, 3200 Lex Anne Lane, 37917. I don't want to recap what you just heard. I want to express basically two points. First of all I think most of you on the commission are aware that Alice Bell- Spring Hill Neighborhood Association can be found and can with the members that most of you know that we are not find, but when asked by the project manager at this meeting we had on the 20<sup>th</sup> of September, not September, 20<sup>th</sup> of August, if he has made any effort to

contact us. He said he did not know how. I am sure he could have asked the staff. And of course in addition to that we are a little disappointed that staff didn't recommend they might want to meet with us since this cell tower is directly behind the garden that we have maintained for 20 years. Most of you that have been our neighborhood have seen it. The sign in front of it it has our name on it with some considerable investment on the part of the neighborhood as well as the City of Knoxville. City of Knoxville maintains that garden for us. So with that said we had hoped that we had the courtesy of knowing about this prior to the previous month's meeting and had an opportunity to discuss it. With regard to moving forward we would love the opportunity to talk about alternative sites. We already have two cell towers in our neighborhood. We are not opposed. We are just opposed to this particular site. Thank you for your time.

Kramer: I will just point out a couple of things here. With regard to the environmental well that Mr. Meadows pointed out, I would point out to you that under the National Environmental Policy Act what we call in short hand terms NEPA, SEC has mandated that every time we consider a cell site there is a 9 point check list of various agencies that we have to contact to see if this site will have an impact. Those agencies include the State's Historic Preservation office to make sure that we don't impact historic sites. There is a Native American Clearinghouse to make sure we don't disturb Native American sites. We have to contact the Wildlife Resources Agency to make sure we are not infringing upon the habitat for endangered species. There is an environmental state office that we have to contact to determine if there is any issue with regard to such things as what Mr. Meadows mentioned, the monitoring wells. We hire an environmental consultant named Terracon to handle these items for us. I have a letter here from Terracon which I will be happy to submit that states that all of those agencies were contacted. Under the National Environmental Policy Act if any response is received from one of these nine agencies that further investigation is required, we have to pursue a further environmental assessment to determine the impact. This letter states that the studies have been conducted in accordance with SEC regulations, etc. etc. The studies have not identified any actions required during completion of the planned tower construction that would have a significant effect upon the quality of the human environment that would require a completion of an environmental assessment. We have in fact complied with every requirement that we are supposed in that regard. As to a further postponed, at this point in time we do not see that there would be any benefit to that. It has already been postponed for once. We have met with the neighborhood. They have asked us to consider alternate sites. The problem of course is that is not nearly as simple as it

sounds this requires extensive engineering to determine a suitable site because the antenna that we place on these towers have to be able to communicate with the other tower locations that we have in the area. You have to consider everything from topography to foliage to interference. If you are too close to another site with existing radio frequency emission, it is a fairly complicated process that requires a lot of engineering. It is not as simple as just saying, this looks like a suitable alternative let's go over here. It doesn't work that way. Thank you very much.

Longmire: Mr. Brechko I have a question to ask you. Why do we have cell towers? Seriously we are getting more and more cell towers. is this not a federal mandate that everybody has service?

Brechko: I am probably not the best one to answer on any legal requirements for that. My understanding is that the cell tower companies have to provide service for customers once they are licensed and provide coverage. There are certain things that we can or can't do on approval. One is we can't deny them a site or coverage when they can demonstrate that they have a need that has to be filled to provide that service. I guess why do we have these cell towers is probably because almost everybody in this room probably has a cell phone with them. One of the things that Larry had submitted with his report for the previous meeting was identifying that one of the major needs they are trying to fill now is with the 4G coverage which is a, I think it is a, very narrow band they have to provide more towers to meet that demand. It is driving more than somebody calling on a phone it is more the data needs that pulls that...

Longmire: And it is just not telephones. It is i-pads, etc.. When you think about a school issuing i-pads to all their students there has to be some tower somewhere that gives that coverage.

Brechko: I wish Larry were here. We do have a consultant, Larry Perry, who looks at all the cell tower applications that come in to look at the technical justification of the need to show that they do need the tower at that location and he has reviewed this case and the next one and identified that they do have a need that this serves.

Longmire: Part of it is topography and that is one thing we have in East Tennessee. We have topography all over the place.

Brechko: One of the other things that if within each one of the reports that we provide a copy of the matrix for location of the cell towers is included. Actually I don't know if this would be

different if there wasn't a community garden right there at that corner, if you go by the matrix there are two opportunity area items for this location. One it is in an expressway corridor which encourages the location there for a tower and also in a commercial corridor which is also, in this case it takes a neutral position on a medium cell tower. When they talk about notification, when any application comes in for a cell tower there is a notice put in the newspaper, we post a sign on the site. I know last meeting there was an issue raised about the sign wasn't there. It had been placed there and somebody moved it and threw it in a pile with some tires on the commercial property adjoining it. We also send postcards out to all adjoining property owners for cell towers within 500 feet where in the case of other use on reviews it is only 200 feet. The reason why no residential homeowners got notified of that is because there are no residential properties within that district. From looking at all the criteria this kind of site makes more sense than some others do.

Wolfenbarger: I just wanted to clarify if I may. First of all these sites that we are proposing I addressed those personally with the senior engineer some of which he said would probably work but none had been considered. Additional this is not an NIMBY issue. This is not about in our back yard. This is quite frankly on our front porch. We are asking them to consider some other sites that won't be on our front porch. Thank you.

Longmire: I am going to ask you. I am not sure if Mr. Kramer is aware. The environmental wells are there because there was a gasoline station there before. Is that what it is for?

Wolfenbarger: I am sure it is, but I am not capable of...

Kramer: That is my understanding. I have not delved into that because once we received approval from Terracon that no further investment you know investigation was needed there really was no point to doing so. But that is my understanding.

Longmire: I know that when there is a gasoline station they do have to monitor the soil and everything.

Meadows: It is my understanding they are monitoring the off ground water and the depth is one of the concerns. The other... It is unusual that there wouldn't be something more than just a letter of no recognized environmental conditions without a natural assessment.

George Ewart: Mr. Meadows may I ask you a couple of questions before you ... This packet of information I am assuming you are the one that gave it to us.

Meadows: It is actually given to me by the homeowners association.

Ewart: My question is who marked the possible cell tower sites?

Meadows: That was the homeowners association they provided that data.

Ewart: Who would be the one then I would ask about if these are actually possible cell tower sites. Did they contact the property owners and say hey are you willing to sell your piece of property or lease it to the cell tower people so they can get on your site or did we just randomly start putting TC all over the drawings?

Wolfenbarger: We contacted some of those; not all of those. What we are requesting ...

Ewart: You contacted them and they said they would be willing to sell them property or lease?

Wolfenbarger: Frankly the last lady I talked to she wanted the details. I am not a contractor.

Ewart: So these aren't really potential sites?

Wolfenbarger: Yes they, she is a potential site. But she didn't know, I didn't know... I can't discuss the dollar amount. I can't discuss...

Ewart: I know that. That is what I am saying. So they really are not potential sites other than what you all have recommended to do.

Wolfenbarger: Well to put it in context sir, I asked the senior engineer did you do due diligence in or he used the term due diligence actually...

Ewart: He didn't produce this document though. You did.

Wolfenbarger: Well if I may answer the question, I asked him if they would consider, if they had considered other specific sites. No we have not. They didn't consider these sites to start with and that is part of their requirement is that they consider all sites. We asked about two specific sites of which one was near the Home Depot site and he said that one would work but they didn't want him there. I spoke to the people at Home Depot and they indicated they were interested but no one approached them to discuss it. So I think that...

Ewart: There is not a TC site on the Home Depot. No this is on the Schaad property. I am just asking because we get information up here and we have got a lot of .... (inaudible)

Wolfenbarger: The Home Depot site is between this tower and the Schaad property.

Ewart: That is correct. But the TC is on the Schaad property over here. Sometimes I want to clarify these things that you know we get marks up here that say possible cell tower site and nobody has talked to the property owners about this.

Wolfenbarger: All we ask is that they consider it.

Ewart: Then you would say you haven't talked to anybody on it because I just want anybody to construe that as these are possible locations for cell towers.

Wolfenbarger: We would request that the cell phone company since they are the professional in this particular area, that they be the ones to look at these potential sites and determine if everybody can be made happy. That is all we are requesting.

Meadows: There are I believe at least two of those sites that currently are for sale and listed by a broker.

Ewart: The other thing I heard on here is that Alice Bell Community has got a sign at the front and a garden but they don't maintain it. The city of Knoxville maintains it. Is that correct?

Wolfenbarger: We maintain some of the structures on the site. The City maintains the garden.

Art Clancy: Just a couple of things. Mr. Wolfenbarger said the neighborhood association wasn't contacted. Actually the people that are in this room from the cell tower company were at the last meeting and so was I. That is one of the reasons we postponed it so that they could go to the Alice Bell Homeowners Association meeting and be honest with you. I they explained their position fairly well. I think some of the residents from the Alice Bell Community Association were rude to these people. Some of the people that are in this room where. That is not the point. I know they were contacted. I know they have had contact with the homeowners association and that there has been some discussion and explanation of the choice of the site. I do have a question for Mr. Kramer. You gave us a list of all the criteria that have to be met for approval of a cell tower and what the things you all consider when you are choosing the site. How important is the cost of the property or the lease of the property in your selection process?

Kramer: It certainly plays a role, obviously, but it is not necessarily the determining factor. There are a whole host of issues that go into making a decision as to how you place these towers and where they go.

Clancy: Right. You go into an area. Obviously you don't just go in and zero in and say this is the only place we can put a cell tower. You go in and you identify two or three different sites and you contact owners and say would you be willing. So were there other sites where there other people that you contact while you were trying to decide on this specific site?

Kramer: Yes let me give you a couple of examples and then I may let Mr. Burkle speak because he is a site acquisition consultant who worked on this site and he may be able to shed even more insight. In this particular application, and this is true in most every location, the first thing we try to do is we look for existing towers around there to see if we can collate on those towers because of course that is a lesser capital expenditure than building a site from scratch. There is one tower that is located within the one-mile search ring for this tower. But it is fully loaded. It will not structurally hold any additional antennae. Okay so that one is full. There is one that is outside the search by a short distance but it is also fully loaded as well. Plus the topography for that one does not really work for what we need here because of the intervening hills and things of that nature. In this location we do actually look at other sites. As a matter of fact he mentioned the Home Depot site so I will address that one. The Home Depot is not exactly as I understand it owned by Home Depot. As is often the case it owned by a developer. While the developer was interested in talking to use he also pointed out that he had expansion plans. He has serious drainage issues with the area where he wanted us to put that. I believe it is also located down hill from where we were talking about anyway. We would have lost coverage by being in that area. In addition to having to deal with his expansion plans and drainage issues which created a big problem. The Home Depot site was considered but it simply didn't work for this location.

Clancy: Similar situations with the other sites that you looked at in the area. None of which... Are any of the sites you looked at anywhere near on this?

Kramer: I have not seen that. I was not given a copy of that. I really don't know what sites they even identified on that piece of paper. Nobody at US Cellular was ever provided a copy of that. I can tell you I was contacted by a lady who owns a piece of property not far from this site. The problem with her piece of property is it is residentially owner, it is adjacent to a parcel that has a house on it. My understanding is that

someone actually pointed out that possible piece of property at the neighborhood meeting and one of the other people at the neighborhood meeting said well I don't like that because that is closer to my house. So you know you have lots of competing concerns here when you have to try and look at these things.

Michael Kane: I think that is part of the issue that there are lots of competing concerns in putting these cell towers in. It is difficult for this body to how to deal with that. I do want to say though that because of proliferation of cell towers and going into communities and neighborhoods where people have a lot of pride this is a big deal for them. The process that we have now doesn't really allow for them to enter into the process until essentially it comes before MPC. The arguments that we have heard today primarily deal with a view shed in terms of people and how they feel about when people come into their community and what do they see and how do they respond to that. That is a big concern for a lot of people. Unfortunately it is open to interpretation. I am assuming that our guidelines that were established 10 years ago don't have a lot of discussion about view shed. Is that correct?

Donaldson: Tom you may be able to address that. I am not that familiar with the plan. We have provided a score card in the staff report that shows the appropriateness and all of the factors.

Brechko: Within your report there is a copy of the matrix and it identifies areas as being opportunity sensitive or avoidance. An example under avoidance it has a scenic highway would be an avoidance area. It also has, in fact I think one of the last meetings the issue was raised about well why don't you put this over on the ridge to get better coverage. Ridgetop ridgeline is an avoidance area. When you get into rural heavily wooded areas it is kind of an opportunity area. Or developed commercial, developed industrial are opportunity areas sensitive areas are like within 500 feet of a residence. When I look at this map there are at least three I think of the possible tower sites have moved to the edge of the commercial areas adjoining residential neighborhoods which brings in a lot of other issues under consideration. Those have been looked at. Needs to be reevaluated at some point probably.

Kane: I think that goes back again to what I was saying. There are lots of competing priorities. There is a neighborhood that some people would think well this is not really a view shed that we need to be concerned about because it is not on top of the ridge, it is not right next to residential. It is perfect. Well for them it is not perfect. It is difficult. The process we have in place is not conducive to mathematical decision making. I really like Commissioner Cole's recommendation at

our agenda review meeting that we maybe take opportunity to go back and look at the cell tower implementation plan or whatever we call it in detail and have some community input into that and we put that on the agenda for staff to put on their work plan. This case by case basis is going to be very difficult. I think that if we can allow neighborhoods that have concerns, are really concerned about their communities can have better input earlier in the process I think it would help.

Longmire: I would like to say I travel that area many, many times going to my home. I don't think a cell tower is any less attractive than the gasoline station or the little market that was there previously. I don't see how that could be a view shed. I kind of like a different view shed than some of the things that went on at the market. That is just a personal opinion.

Jeff Roth: I want to echo your sentiment. Looking at a picture of this area on my i-pad I am seeing a power pole with some lines running across the street. I am seeing a gas station and light poles all up and down the road. It is largely a commercial area. I think we can all agree that nobody wants a cell phone tower in their back yard. But I think there is not probably in this room that doesn't have a cell in their pocket and doesn't get frustrated if they run into a dead zone. I think the company has done a good job in this situation is trying to find a place that is in a largely commercial area where I don't really think the scenic view is affected by this pole. Mr. Kramer could you talk a little bit about the vegetative buffer that would be around the bottom of the pole and how those type of requirements are met.

Kramer: Yes. There is a landscape plan that the zoning ordinance requires. We filed the landscape plan and I believe it may be a part of your packet. It does require a certain amount of vegetation. The trees have to be planted so close together. They have to achieve a certain height within a certain time frame to screen the equipment compound that sits at the base of these things. We will certainly comply with that. We intend to. We have an ongoing duty to maintain that landscape buffer, so if any of the trees die, we have to place them and we do that. As I recall if you bear with me a second I will give you the details on that. I believe a copy of that is in your package as well.

**MOTION (EWART) AND SECOND (LEN JOHNSON)  
WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Art Carey: Mr. Wolfenbarger I am not overly familiar with the Alice Bell Community. Roughly how old is that neighborhood?

Wolfenbarger: I would say probably about 1950's originally, some of the original homes there. It was a suburb at one time. The association has been in business for 20 years. If I may respond to a couple of things..

Carey: Just a minute. Let me stay on this track first. We are urged to find places near interstate corridors and in commercial zones. This obviously complies. You made mention that is not really a NIMBY issue, this is a NIMFY, not in my front yard. Your front yard sometimes becomes your back yard. In this case I don't know when it was sometime in the late 70's or early 80's when malfunction-junction was such a problem I-640 was proposed. All the sudden your front yard became a commercial interstate zone. That was unfortunate. I have been displaced by a 4-lane highway before. It is no fun to have one come up against you like that. What happened in the exchange 30 somewhat years ago was that the whole complexion changed and your neighborhood because subject to this kind of development unfortunately. It kind of roots back to that. You didn't used to be on the interstate, but now you are. The need has arisen because how ever many hundreds of thousand trips a day are going through there. Nobody is going to come down here and support, we will never have or never will see a group of neighbors support anything coming into their neighborhood. It is not going to happen. So often we are going to hear objections, but I think in this case we are seeing how your neighborhood has changed as a result of development and interstate traffic more than so than anything else.

Longmire: Mr. Wolfenbarger you have 14 seconds.

Wolfenbarger: Gosh that is not much. First of all about the meeting that occurred, the tone of the meeting...

Longmire: Mr. Wolfenbarger, that is not something that we need to hear right now. What do want to say that will affect our vote?

Wolfenbarger: I am talking about the meeting he referred to.

Longmire: I understand that, but that is not something we need to discuss right now. I want to know what you can say that we have not heard before.

Wolfenbarger: I didn't discuss the meeting before.

Longmire: No, but other people have. I am trying to help you Mr. Wolfenbarger.

Wolfenbarger: I am willing to go along here. I just don't know where we are going. All I wanted to say was the media was

asked to leave this meeting so that it wasn't transparent. With regard to our neighborhood, we have seen it improve over the last twenty years and we would like to continue that.

Longmire: That is your time sir. Thank you very much. Alright we have a motion and a second. All in favor of approving staff recommendation say Aye. Opposed like sign.

**MOTION CARRIED 12-1 (Sharp). APPROVED.**

Longmire: Again I appreciate the neighborhood for being so forward looking so as to take part in things and thank you telecommunications people. Can we stop just talking about cell phones? This cover wireless communication of all kinds, not just cell phones.

**40. U. S. CELLULAR CORPORATION (Revised)**

**8-H-12-UR**

West end of Oaklett Dr., east of Haynes Sterchi Rd. Proposed use: 170' Monopole Telecommunications Tower in RP-1 (Planned Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for 170 foot monopole telecommunication tower in the RP-1 zoning district and to allow the tower to be closer than 110% of the height of the tower from the adjoining property that is owned by the church subject to 4 conditions.

Jason Kramer: 800 S Gay Street, Suite 2500, 37929. This is another postponement as you are aware from last month. Originally request was filed asking for approval for a 195 foot monopole to be located on property owned by the church. It was apparent at last month's meeting that there were neighborhood concerns about this tower. There was a request for a postponement so that US cellular could meet with the neighborhood to discuss this matter. This meeting was held on Tuesday, September 21st. At that meeting there were concerns expressed about the monopole's visibility and its height. As a result US Cellular asked its engineers to take another look and see what if anything we could do to perhaps try to accommodate some of those concerns. Our engineers determined that if we actually change out equipment on one adjacent tower and reposition and reconfigure our antennas on other adjacent towers that we can lower the height of this monopole from 195 feet to 170 feet. We have submitted a revised construction documents and have asked that our application be amended to reflect that we are asking approval for a 170 foot monopole. Quite frankly of course these changes will require that we significantly increase the capital expenditure that we are making at this site. We want to try to accommodate these neighborhood concerns where we can. It doesn't work at every location because of topography and because of the way that the towers have to communicate and

the way the signals have to be transmitted between towers. But it did work for us to do it here. We are happy to do that. We want to try to be a good neighbor where we can. Again I want to point out that this proposal does meet the requirements of the zoning ordinance. Staff has recommended approval with conditions which we will certainly meet. MPC's consultant Mr. Perry has also stated that we have shown the need for this tower. With the staff recommendation for approval we do ask for your approval of this as well.

Gene Greer, 1010 Pelleaux Road. First of all I would like to thank you all for granting a 30 day extension last month. This gave us a chance to meet with the church and US Cellular representatives so thank you very much. In those 30 days we were able to speak with most residents regarding this issue and it became more apparent our community is against this structure as evidenced by a collection of 180 individual signatures that I have given you from residents which we have collected since Monday of this week when we decided not to bring a bus load down to this meeting. We are here to ask you to please deny the placement of this tower in our community because it is literally feet within the school and our residences. Our major concerns: Sterchi Elementary School. This is one of the flagships of our community which we take great pride in. We do not feel that they should be subjected to safety risk issues involved with this tower on the church property which is literally feet from the school. It will overshadow the beautiful campus and will be very visible. Aesthetically it will be such a distraction and eyesore. If you recall last month at this meeting we were told it would not be visible from Sterchi because of the fence row. Well we were told in our meeting that is really the only place that it can be seen and however we all know that it will be visible above the tree lines and will be visible for everyone year and far. The dogwood trail: For over 45 years we have been the panoramic side of the Fountain City Dogwood trail which we are very proud of also. In the spring and fall letters are sent to the residents from the Dogwood Arts Festival asking and encouraging us to prepare our yards to showcase the beauty of our area. How can we in good faith ask residents to get excited, go to all the trouble and hard work to beautify their yards when in the center soaring above the beautiful landscaped and trees is a 170 foot cell tower. Is this really what the City of Knoxville wants to portray when literally thousands of people invited into our City and residents of Knoxville drive the trails in the spring. Please don't let this happen. We want it to be the most beautiful trail and showcase our natural east Tennessee for Knoxville. Residents: We are the residents of the community who live here on a daily basis; not just attend Church on Sunday and Wednesday nights and then go home to another neighborhood. We are asking you to please support and protect our neighborhood. Property value: We are concerned

that our property value will go down. Church: Bottom line Trinity Church will get compensated for this when it is placed on their property, otherwise I don't think they would because they have a beautiful campus there and it is going to be a distraction. As an outsider who attended our meeting and when asked if he had a cell tower in his neighborhood the answer was no. I live in a subdivision. Another was asked he said no if he had a cell, if one was recommended for his community and he said I would move. Well we the residents don't want to, we are not in a the subdivision and don't want to move. So we are proud of our neighborhood and are asking you to deny this tower from being placed so closely in a very highly populated area. Please deny this motion because of reasons stated above especially in a neighborhood where there is an elementary school next door, a beautiful Dogwood Trail, and such a very heavy populated area. Please do not approve this opposed tower. Thank you very much.

Clancy: I didn't think we had a problem with this one last month. I realize we did grant a postponement so the neighborhood can get together with the cellular company. They have offered to lower the height of the pole. I don't know that, most of these signatures we have probably have cell phones if not in their pocket sitting on their desk. I have to make a motion to approve the request for 170 foot monopole telecommunication tower in the RP-1 zoning district and to allow the tower to be closer than 110% of the height of the tower from the adjoining property that is owned by the church subject to the 5 conditions.

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

Cole: I just wanted to make a comment about our Wireless Communication Facilities Plan. Not to be outdone by Commissioner Roth I am looking it up on mine too, with my phone. Our current communication plan was done as a result of Commission asking MPC staff to look at it in 2001. If you will just bear with me, one of the reasons, well there are many reasons listed, but lack of technical guidance and sorting out complicated opinions on the necessity for these towers, lack of standards, absence of a plan, a piece meal approach, and a perception that applicants could get towers lower than the cell company is asking for. So there is lots of the same reasons and frustration is also listed with the time involved in power debated. So I guess my question is for Mr. Donaldson or Mr. Wise, is it appropriate at this time for me to suggest that staff take another look at this plan since it is 10 years old and the technology has changed. Do I need to make that in a motion now?

Donaldson: No. We accept your comment. It duplicates one that you made Tuesday that we took note of. We will try to make a place in our work program to accommodate an update to the Wireless Facilitate Plan. It maybe a year out; but we will get to it as soon as we can.

Cole: I don't want you to create more work, but I think it is not a bad idea to at least have somebody look into. It is very detailed and there were a lot of people that worked on it and I just wanted to let the other Commissioner know that a lot of these questions and issues have been dealt with and put into this plan, but it may be worth a look to see if it needs to be revisited.

Tom: In the motion you mentioned 5 conditions. In the blue sheets we handed out on Tuesday there are actually 4. The condition we removed was requiring them to do a close mount design and the revised sheets in the blue sheets they shows a close mount antenna arrays on the tower.

Longmire: Did you use your blue sheets or your white sheets? Did you say 5 conditions in your proposal?

Clancy: I used my white sheets. Amend motion to 4 conditions. Len Johnson seconded change.

Michael Kane: I would try to say this quickly. I think that this is very difficult again. The solution to this problem unfortunately involves our state legislature. It involves even how we implement utilities like this. We decided to do this through private ways and multiple competitions which has got people better cell phones and all kinds of stuff. A lot of this has to do with how this all started. We are now running into the problems of those decisions that were made a long time ago. I think it is worth going back and look at it and see if we can solve what we can solve locally and if there are issues that can go back to the State Legislatures to try to make those recommendations. I ask all the neighbors that are involved to try to get involved in the process through their state legislators and representatives. Hopefully they will be able to get involved with this process when we look at our plan. Right now in terms of what us as a Commission, the reasons that we can deny these things are fairly limited unfortunately.

Buz Johnson: Not to add too much more to the discussion than what has already been said, I was in on the first version of the regulations for cell towers back more years ago than I would like to remember. We quickly found out we are very limited as to what we can do. I guess when we did the plan we felt like that, I am just speaking to me, we probably went as far as we can go now. As to whether or not that plan can be tweaked, that is another question. It is not only the State

but it's the Federal Communication System that controls a lot of what we can do. We have very little wiggle room in terms of being able to do any kind of regulations. Just as an observation and just some reality checks we may be looking at it terms of trying to tweak that plan.

Clancy: It is very much like a water tower. Nobody wants one in their back yard. But we don't have any jurisdiction over that. It doesn't matter what we say they put them where they want to put them.

Longmire: Yes, but I like water. I want a hot shower.

Bart Carey: I just want to echo what Commissioner Cole said about us learning more about this whole process because as the consultant said last month in so many words, we ain't seen nothing yet. As we go from, we have gone from 3G that increases the band necessity tremendously. As Apple introduces the 4G the more and more towers are going to be necessary. We have got a lot of this in front of us and there are going to be a lot of unhappy people. We basically, I think we need to look hard at how we handle this and help make the best decision.

Longmire: It is a difficult decision. But it is one of those that is coming. I think we were told that in the next 20 years perhaps there will be antenna on utility poles and there won't have to be separate poles. We don't know what is going to be there. I do not even like to think of the number of satellites that are circling with all this telecommunications things, but it is there. So we are going to have to deal with it. We have a motion on the floor to approve staff recommendation with 4 conditions and we have a second. All in favor.

**MOTION CARRIED 12-1 (Sharp). APPROVED.**

Longmire: Again I would like to thank all parties for having such a civil discourse and thank you for your hard work.

**41. WITHDRAWN PRIOR TO PUBLICATION 9-A-12-UR**

**\* 42. SOUTHERN DESIGN LANDSCAPES, INC. 9-B-12-UR**

North side of Neal Dr., east of Neal Chase Way. Proposed use: Landscape design business - new building in PC (Planned Commercial) District. Commission District 7.

STAFF RECOMMENDATION: Approve the development plan for a 4,500 sq. ft. office/warehouse building, subject to 7 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **43. KCDC** **9-C-12-UR**  
South side of S. Chestnut St., north side of Cavalier St.  
Proposed use: 2 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.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* **44. DAMON A FALCONNIER, NCARB** **9-D-12-UR**  
West and south side of Alice Bell Rd., south end of Belleview Rd. Proposed use: Church / Family Life Center in R-1 (Low Density Residential) District. Council District 4.

STAFF RECOMMENDATION: Approve the existing church facilities and proposed family life center as shown on the development plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## **Adjournment**

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

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:45 p.m.

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Prepared by: Betty Jo Mahan

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Approved by: Mark Donaldson, Executive Director

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Approved by: Rebecca Longmire, Chair

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