

KNOXVILLE-KNOX COUNTY

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METROPOLITAN
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C O M M I S S I O N
T E N N E S S E E

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Minutes

SEPTEMBER 10, 2015

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

The Metropolitan Planning Commission met in regular session on SEPTEMBER 10, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.

** Left early in the meeting.

A – Absent from the meeting

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

*** 2. APPROVAL OF SEPTEMBER 10, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

*** 3. APPROVAL OF AUGUST 13, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

POSTPONEMENTS TO BE VOTED ON READ

Chair Longmire recused from reading or voting on the 30-day postponement list.

Commissioner Bart Carey took over as chair on 30-day postponement list.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 30 DAYS UNTIL

OCTOBER 8, 2015. MOTION CARRIED 11-0-1. POSTPONEMENTS APPROVED.

Commissioner Rebecca Longmire resumed as Chair.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENT AS READ FOR 120 DAYS UNTIL JANUARY 14, 2016. MOTION CARRIED 12-0. POSTPONEMENT APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO WITHDRAW ITEMS 14A&B, 32, 38, 40, 45 AND 50. MOTION CARRIED 12-0. ITEMS WITHDRAWN.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE AND WITHDRAW 7-D-10-RZ CITY OF KNOXVILLE. WITHDRAWN. MOTION CARRIED 12-0

REVIEW OF TABLED ITEMS

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

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

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

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.

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

HARDIGREE - HERRON ADDITION RESUBDIVISION OF LOT 9 12-SJ-13-F
North side of West Gallaher Ferry Dr, west of Hardin Valley Rd, Commission District 6.

RESUBDIVISION OF GEORGE HOSKINS PROPERTY 4-SE-14-F
North side of N. Ruggles Ferry Pike, on a private right of way known as Rugby Lane, Commission District 8.

HOOD PROPERTY 7-SR-15-F
North side of Rhea Road, southwest of Spangler Road, Commission District 9.

U & W

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).

TANASI GIRL SCOUT COUNCIL, INC. (REVISED) 4-J-14-RZ
Southeast side Merchant Dr., east of Wilkerson Rd., Council District 5. Rezoning from A-1 (General Agricultural) & C-1 (Neighborhood Commercial) to RP-1 (Planned Residential).

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).

SOUTHLAND ENGINEERING 7-A-13-UR
South side of Deane Hill Dr., east side of Winchester Dr. Proposed use: Attached residential development in RP-1 (Planned Residential) District. Council District 2.

ITEMS REQUESTED TO BE UNTABLED OR TABLED

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO TABLE ITEMS 16 AND 20. MOTION CARRIED 12-0. TABLED.

CONSENT ITEMS

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

Chair Longmire: Need to remove number 42 from the consent list.

John Fairstein, 11205 Sam Lee Road. Ask that Item 15 be removed from consent, Safe Harbor Development.

Commissioner Scott Smith recused from voting on the consent list.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCEPT ITEM NO. 15. MOTION CARRIED 11-0-1.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCEPTION ITEM 15. MOTION CARRIED 11-0-1. APPROVED.

Ordinance Amendments:

- * **5. CITY OF KNOXVILLE PLANS REVIEW AND INSPECTIONS DEPARTMENT**

9-A-15-OA

Amendment to the City of Knoxville Zoning Ordinance at Article 8, Section 14, regarding directory signs

STAFF RECOMMENDATION: Approve the amendments.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Alley or Street Closures:

- * **6. ROBERT G. CAMPBELL & ASSOCIATES**

9-A-15-SC

Request closure of Old Callahan Dr between northwest corner of parcel 067EA012 and southeast corner of parcel 067EA012, Council District 3.

STAFF RECOMMENDATION: Approve the closure of the proposed portion of Old Callahan Drive.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:

- * **7. THOMAS C. BEELER**

9-A-15-SDNC

Change The Glen at Hardin Valley North to Hardin Valley Vista, Commission District 6.

STAFF RECOMMENDATION: Approve Hardin Valley Vista.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:

None

Concepts/Uses on Review:

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

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * 9. HARDIN VALLEY SUBDIVISION - SHADY GLEN, LLC 7-SA-15-C**
a. Concept Subdivision Plan
South side of Hardin Valley Rd., southern end of Westcott Blvd., Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * b. USE ON REVIEW 7-C-15-UR**
Proposed use: Detached residential subdivision and apartments in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- 10. BRANDYWINE AT TURKEY CREEK, PHASE 3 - CAMPBELL STATION ROAD PARTNERS 7-SB-15-C**
a. Concept Subdivision Plan
West end of Woodhollow Ln., west of Fretz Rd. and north of Hatmaker Ln, Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 & 2 and APPROVE the Concept Plan subject to 5 conditions.

Chris Martin: Attorney, 111 Fox Road 37922. I am here representing the applicant and the property owner of part of the property that would be included with our Phase III.

Longmire: Alright Mr. Martin let me see if there is opposition. There is opposition. Mr. Martin you may go first or if you wish your opposition may go first.

Martin. If I could go first and reserve about one minute. As I indicated I represent the applicant and also the adjoining property owner that part of this land would be sold to the applicant. We are asking that the Commission approve Phase 3 today without delay

or postponement. The amenity package which is commented on in staff recommendation is ready to go. An \$11,000 deposit is already with the pool manufacturer, with the pool installer. If we get a delay it is going to probably push all of this construction off until the spring. We really need to get going as quickly as we can. We only take issue with two items that are in staff recommendation. The principle one being staff recommendation to increase the size of the clubhouse. We will agree to modification of that condition to extend the size of the meeting room by 5 feet in width. We can agree to do that within budget. We will also agree to the staff recommendation to air condition that main meeting room. Otherwise what we have is a swimming pool, a dog park and a parking lot which staff has recommended be reduced. We are okay with that and also the pool clubhouse. We cannot agree with staff recommendation to expand it to 1600 square feet of air conditioned space. That simply is not within our budget. Our budget has already been approved by the lender. We are ready to go and get this built. We question whether or not MPC really should be in the area of determining the size of a clubhouse or asking a developer to increase the size of the clubhouse or even whether or not the space is air conditioned or not. I am not sure that is really a place for this body and that was certainly debated at the agenda meeting on Tuesday that I was present at. We question whether or not that is appropriate for this body. Nonetheless we are willing to do an increase of 5 feet in width and air condition the space without... we will just agree that those can be conditions in order to get this moved on. I would ask in the packet of materials that the Commission has is a letter from the developer's HOA attorney indicating that this project is still in the declarant control period and the developer still retains significant authority to make changes by the recorded documents. We think that that is something that the developer has a right to do at this juncture. The change is we take the position that the change to increase the size of the space is not warranted by the plans. The plans have been out there for over a year for this clubhouse. Nothing has changed in that regard. It is adequate space. We are willing to make the concession to the condition in order to get this moving forward so we can go ahead and build this amenity package and get these people a pool by next summer.

Longmire: Mr. Martin before you sit down what are the dimensions, do you know the dimensions of the meeting room by the developer.

Martin. They are shown on the plan. Right now it is 20 by 20. We would consent to an amendment to make it 25 by 25... 25 by 20. I am sorry 5 feet.

Longmire: And that meeting room would be the only air conditioned?

Martin: Yes the other spaces in this clubhouse are pool bathrooms, his and her pool bathrooms, and storage space for pool equipment and those do not need to be air conditioned.

Kirby Purjet, I represent the resident owners of the petition that is before you. I am a resident of Woodhollow, Brandywine. My address is 12036 Woodhollow Lane 37932. I want to thank you for the opportunity today to speak with you. We the resident owners of Brandywine have sent you a lot of information and we hope you have had an opportunity to read that. Would be happy to answer any questions related to that information after we get through today. Respecting your time I will try to limit my comments this morning. Just to recognize there are others here who also representing the owners if you all want to stand up just to be acknowledged that represent owners as well at Woodhollow. (About 7 people stood). As you can see by the number of residents present and the overwhelming majority of owners that have signed our petitions, we care a great deal about Brandywine at Turkey Creek Subdivision. All of us have invested hard earned dollars in houses that we want to make our homes. We have already begun to create a sense of community sharing in each other's joys and heartaches and learning to work together toward a common goal. When we purchased our homes we all believed Mr. Matsell the developer when he said quoting from his website "My newest goal is to building and deliver the finest low maintenance lifestyle communities in Tennessee. I have selected a team who share the same goals that I use in commitment to deliver the very best homes and excellent customer service for our buyers different than many other companies building today. We listen to your input to create a low maintenance community that would be an enjoyable lifestyle for you" end of quote. We believed the developer when he promised a community with elaborate clubhouse facilities and amenities as quoted from the Metropolitan Planning Commission minutes of 2009. We believed that the concept sketch given to us at the purchase and again two weeks ago was a reasonable representation in scope, size and quality for those amenities. We believed the developer when he said on numerous occasions and on his website that those amenities would be started and completed in 2014. The website still says that today. In early 2015 with no amenities in sight and excuses based on excessive rain, we began to doubt. Clearly this excessive rain did not seem to slow the building of additional houses. We began to wonder if those amenities were coming at all. We sent a letter to Mr. Matsell in April asking for a meeting to discuss a number of issues including the status of amenities. We got no response. Houses continue to be built and sold but still no amenities. Then we discovered that Mr. Matsell was proposing Phase 3 with an extension of Woodhollow through the area previously designated for our amenities. We paid for those amenities when we purchased our homes. We looked forward to enjoying their use and they represent a significant financial interest for us both now and upon resale. So we had to act. You may recall that two of our residents appeared to speak

against the proposed extension at your July meeting. Your message at that meeting was fairly clear. Mr. Matsell was supposed to go back and talk to us. You wanted us to try to work this out. Mr. Matsell did hold a meeting, but not for the purpose of speaking with us he rather presented his significantly scaled down version of amenities that were far from elaborate as presented to you in 2009. Quite frankly we believe that he misrepresented his original intent upon which we relied in making our purchase all to our detriment. In hopes of finding a way to move forward and avoid escalating the matter, we proposed a modest but adequate compromise. We again offered to meet and work out a solution. Mr. Matsell instead has his attorney quote bylaws and covenants essentially saying not only did we not have any voice in the matter but he was not interested in hearing our concerns. We come to you today asking for your help in whatever way you are able to offer. We have tried every step of the way to have open and honest dialog with Mr. Matsell only to be met with his silence even when you tried to encourage him to do otherwise. I hope the message is clear that we stand together in opposition to any further development in Brandywine unless and until Mr. Matsell provides that which he promised. We thank Mr. Brechko and other MPC staff for offering a compromise. While the size of the clubhouse is a bit larger than our proposal, we are in agreement that the staff proposal would work if we could also find some way to make sure that what is approved to be built is within the spirit of the original representation in quality, function and utility and is actually built as approved and that no building permits are issued in Phase 3 until amenities are completed.

Martin: Listening to the opponent position, I am not sure that we are really that far apart. We are fine with no building permits until the amenities are completed. We are ready go. The construction of the pool can start within 10 days. The only thing we are asking for is to allow the condition with respect to the clubhouse to be to increase the size of that air conditioned space from 20 by 20 to 20 by 25. Again I think that is a fair position the developer has taken. There have been a lot of development in Knox County where amenities never got constructed because of the recession. Mr. Matsell in his case he is prepared and has got financing arranged to go ahead and build these beginning right now. So if the residents are really in favor of getting this amenity package started going so that they can enjoy them next spring and summer, I would move that the commission approve the application with the two comments that we made.

Purjet: The size of the facility as represented to us in the drawings I think it is not this one but another one that was originally presented to us on sale and then a couple of weeks ago reflects a clubhouse facility in relation to the pool that is about 4 times the size of the pool. The pool is 1000 square feet. This clubhouse facility represents something around 4,000 square feet. We came back with a proposal that would offer something about 1800 square feet

not quite sure what the proposal from the staff is but it is not that we adding to it is that he is taking from that we understood was our original proposal.

Tom Brechko: Staff made a recommendation on the amenity package which we stand by. I think it is closer to what they originally were given in their proposal and that actually is the plan that shows up on the screen right now is what was apparently provided to potential homebuyers or homebuyers. We feel that by reducing the amount of parking on site what they are proposing to do something more in line with what would maybe use that would make money available for putting into the club house to increase the size of what he is proposing.

Scott Smith: Personally I would rather... I understand the neighbor's frustration and too bad the developer wasn't able to build these amenities up front and then you know what you are getting. I kind of think for our purposes I hate to get into the middle of an argument about the size of a clubhouse. I would rather us kind of look at land use and planning as far as what is appropriate for this property and let you guys kinds of handle the size of the clubhouse. I think there are other avenues besides this board to work through those things in my opinion.

Art Clancy: I agree with Commissioner Smith to some degree but at the same time we have got the developer asking us for variances and allowances to help him get it done. The people of the neighborhood I think have exhausted all their avenues other than legal. I think it is not necessarily our place to determine the size of the clubhouse but I also think it is part of our responsibility to make sure the developments get done as advertised and the land is used as we approved the use for the land. I didn't buy a lot in there but these people did. We approved the subdivision and its amenities. I am going to go ahead and make a motion that we approve variances 1 & 2 because the sight restrictions and compliance with the subdivision regulations the proposed variance will not create a traffic hazard.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1 AND 2 BECAUSE THE SITE'S SHAPE RESTRICTS COMPLIANCE WITH THE SUBDIVISION REGULATIONS, AND THE PROPOSED VARIANCES WILL NOT CREATE A TRAFFIC HAZARD.

Michael Kane: Yes I have a question for Mr. Martin. If I recall correctly you said in your statement that the new amenities plan had been out for a year.

Martin: Yes, if you look at the drawings that were included in your package that actually are the architectural renderings scale drawings, you will note that they are dated June 6 I think of 2014.

Those have been in the sales office on site displayed and given to people who have been out there.

Kane: The residents my understanding is that within the last year they tried to communicate with the developer about the amenities and got no response.

Martin: I do not know about that. The developer is here you can ask him about that. I did not represent the developer at that time.

Kane: Is the developer willing to come up and answer that question?

Bruce Matsell: I am the developer of Brandywine of Turkey Creek. I could swear on a Bible... 12023 Woodhull Lane. As I said I could swear on a Bible that any person in the last year plus who walked into that amenity center or asked during the tour from the sales people could we see a plan of the clubhouse drawing, it has been in the clubhouse. I even could get an affidavit from the architect that it was delivered to my building at a date in 2014 around March.

Kane: So you were not contacted by these people and asked for the amenity package?

Matsell: No nobody never asked me and I said no you cannot have it. It has been the same drawing that we have shown everybody from the beginning.

Kane: So your website is different from what this drawing has been?

Matsell: Yes that was a website artist rendering. I realize now it was a mistake that the website artists just took it into his own hands to do the sketches. There was no fraudulent intention here. That pool was going to be that size from the beginning. The clubhouse has the pool and everything that I have been telling people including the dog park which I am going to find a spot for and I might take some of the space in the parking lot.

Longmire: Mr. Matsell. Last month we asked that you and the community get together. At that point did you think about handing out copies of the rendering?

Matsell: Ma'am. Not one person asked for that.

Longmire: No did you make an effort?

Matsell: No because nobody has come in or made a specific statement strong or in a letter form saying we want to see the real pool. We want to see the real layout. We want to see... Not one person.

Longmire: I understand that. I am asking did you make an effort to reach out? You waited for them to come to you. I just want a yes or no.

Matsell: I didn't make an effort to reach out. No.

Bart Carey: I want to follow up from our agenda review discussion. I am kind of torn here. I don't think I remember in that meeting talking about the fact that this was back in 2009 I didn't recall but I am sure it is I this information. I just didn't glean that. I think where I am torn is that we had a number of developments that we approved back in 7, 8 and 9, 7 & 8 in particular, that didn't make it. Not only did they not get amenities package a lot of them never did get off the ground. They were approved and maybe some permits were issued and some houses were built but they basically stopped in their tracks. When the bank took those back in many cases the value of the homes being built, the amenity packages, all kinds of things were stripped from those developments because the economy would not support it. In this case it is the same developer. You are the one who initiated this concept plan and promoted these amenities. I guess I am trying to wrestle with the difference in that. In your case you were able to hold on and save the development and now actually increasing the size of it when the economy is back. I am like Commissioner Smith. I do think it was kind of important to change it from an unconditioned to a conditioned space because that totally changes the flavor and nature of the beast. Increasing the size based on a prerecession concept I have a little bit of issue that we should go that far. That is why we are discussing it I guess. That is my opinion.

Laura Cole: I appreciate the confusion. I am struggling with this one myself on how far our responsibilities should go and how far into the details we should go about amenities. We are where we are. I think it is important to note that these amenities were initiated by the developer and agreed to. I also really appreciate the work that staff in taking this situation and trying to come up with something that is amenable to both and get as close as possible. I would like to call for the question.

Longmire: Mr. Brechko would like to make a statement before I call for the question.

Brechko: It was an oversight on our part. When the packet went out I did not realize the drawing was not in the material you had. But we did have a concept plan from actually it was the November meeting in 2010 that showed the amenity area. What it showed as far as the pool and size of the clubhouse was similar to the earlier material that the developer had shown the residents out there and was part of the material that he submitted to them recently. The scale and everything of the clubhouse was a larger size building late in 2010.

Carey: Can you quantify Mr. Brechko the difference in what the developer is offering and what the HOA is requesting?

Brechko: I think the main issue between from their comments and what he is proposing is the size of the meeting space.

Carey: What is... can somebody quantify what the difference there is.

Brechko: With the change they are going with it is about 500 square foot meeting space verses they had asked for about 1100 square foot meeting space.

Clancy: What was approved in the original concept plan?

Brechko: Size wasn't shown and by scale it is hard to tell by this. It was a much larger facility and it is closer to the 3,000 square foot size or so as far as building area.

Carey: So it is basically the proposed square foot is half what the homeowners, a little bit less than half what the homeowners would like to see. Is that correct?

Brechko: That is my understanding. What they are asking for is less than what staff had recommended. We would be happy with the compromise.

Carey: Compromise between what?

Brechko: Between what we had and what the developer is proposing. The residents out there are asking for 1100. We had recommended 1600 for meeting space area.

Clancy: The developer is proposing 500.

Carey: That is what I am trying to get. So if we vote to support this we are going 400 feet more than the homeowners are asking for.

Brechko: I will back off on staff's position and recommend we go with what the homeowners are asking for which is 1100 square feet.

Carey: This is a compromise.

Brechko: This is a compromise on staff but that is not the compromise between the residents and the developer.

Carey: I understand. That changes what our vote is about then. Is that right?

Longmire: I have a question Mr. Brechko if I may just a second. We are approving concept plans twice. That was my question. We

have a concept plan subject to five conditions and then a concept plan for up to 18 detached dwellings subject to two conditions. Why?

Brechko: It should probably state development plan. I made that change when I was revising one of the other staff reports when we actually have a concept plan and a development plan because there is a mix of subdivision and apartments. This is a subdivision approval. It is a concept plan approval. The use on review wording we have kind of used in the past said development plan. But it is the concept plan that is being approved. So one is conditions related to the concept plan and one is conditions related to the use on review approval.

Longmire: Does that need to change?

Carey: Is the staff recommendation now for an 1100 foot facility or building?

Brechko: Yes. For meeting space.

(Several people talking at once. Could not hear clearly.)

Clancy: We don't have a motion on that yet.

Matsell: Can I say something?

Longmire: Let me do the motion that is on the floor and then we will. We get easily confused sometimes with all the words that are here. We have a motion and a second to approve variances 1 & 2 because of the site's shape restricts compliance with the subdivision regulations and the proposed variances will not create a traffic hazard. All in favor say aye.

Kane: This is not the one that includes the clubhouse?

Longmire: It is not the one that includes the meeting room. This is just the very first one that the variances 1 and 2 that are the basically the horizontal curve and reverse curve. I will let you know when we get to the meeting room.

MOTION CARRIED 12-0.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE CONCEPT PLAN SUBJECT TO THE 5 CONDITIONS which has nothing to do with the 1100 square feet.

Longmire: Again this does not have to do with anything about the amenities. This is simply the sewer and the sidewalks and County Engineering. That sort of thing. I have a motion and a second to approve the concept plan subject to five conditions.

MOTION CARRIED 12-0.

b. USE ON REVIEW

7-D-15-UR

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

STAFF RECOMMENDATION: Approve the reduction of the peripheral setback as identified on the Concept Plan and APPROVE the Concept Plan for up to 18 detached dwellings on individual lots subject to 2 conditions.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE REDUCTION OF THE PERIPHERAL SETBACK AS IDENTIFIED O THE CONCEPT PLAN.

Longmire: Alright this again does not have anything to do with the amenities and you will be next. Approve the reduction of the peripheral setback as identified on the concept plan.

MOTION CARRIED 12-0

Matsell: Can I talk. Okay. A concept plan is exactly what the word means – conceptual. Okay. Every building job in America starts out with a concept plan.

Longmire: We have approved the concept plan.

Matsell: Okay but there wasn't specific sizes on anything. That is because it is conceptual. Then you take the property when it comes down to where you are going to build it now and you go to your architect, which I did. We designed that because it would fit on the site and accommodate the parking, the pool area, the clubhouse and area.

Longmire: We understand that Mr. Matsell. We understand that Mr. Matsell that is why our next motion will not deal with the concept plan, it will deal with the use on review development plan. That is what we approve. The use on review development plan. This is what we are going back to. That will include the club house and the pool and that sort of thing. So that is a different thing.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE THE USE ON REVIEW DEVELOPMENT PLAN FOR UP TO 18 DETACHED DWELLINGS ON INDIVIDUAL LOTS SUBJECT TO THE TWO CONDITIONS AMENDING CONDITION NUMBER 1D TO 1100 SQUARE INSTEAD OF 1600 SQUARE FEET.

Longmire: I have a motion to approve the use on review development plan for up to 18 detached dwellings on individual lots subject to two conditions with the exception of 1d which changes the size of the meeting room to 1100 square feet.

MOTION CARRIED 12-0. APPROVED.

Longmire: Thank you all very much, the developer, lawyer, and the community for showing up. I appreciate you.

- * **11. HOLSTON BEND DRIVE EXTENSION** **9-SA-15-C**
Northeast end of Holston Bend Dr., east of Eastbridge Dr.,
Commission District 8.

STAFF RECOMMENDATION: Approve variance 1 and the Concept Plan subject to 4 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 12. DUTCHTOWN ROAD OFFICE WAREHOUSE** **9-SB-15-C**
Northwest side of Dutchtown Rd., southwest side of Simmons Rd.,
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 13. MIMRICK** **9-SC-15-C**
North side of W. Ford Valley Road, northeast side of Neubert
Springs Road., Council District 1.

STAFF RECOMMENDATION: Approve the concept plan for the subdivision of up to 12 lots, subject to 5 conditions.

Longmire: Is the applicant present? Is anyone representing the applicant present?

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

Longmire: Was there opposition? Anybody care about this at all? Alright I have a motion and a second to approve the concept plan for a subdivision of up to 12 lots subject to 5 conditions. Mr. Reynolds was the applicant, developer aware that we were meeting today?

Mike Reynolds: Yes he should have been aware. Yea.

Longmire: I agree. A lot of should have's. I just feel uncomfortable approving or disapproving but we have that.

Michael Kane: I just want to say that we did receive some opposition by email. Just saying that there was opposition.

Longmire: That is why I wondered nobody showed up.

MOTION CARRIED 12-0. APPROVED.

W 14. RESUBDIVISION OF CONRAD-BYRD PROPERTIES & UNPLATTED PROPERTY - CAPITAL BANK

a. Concept Subdivision Plan

9-SD-15-C

South side of Charlie Haun Drive, west side of Washington Pike, Council District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

W b. USE ON REVIEW

9-G-15-UR

Proposed use: Commercial subdivision in PC-1 (Retail and Office Park) District.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

15. SAFE HARBOR DEVELOPMENT - SAFE HARBOR DEVELOPMENT

a. Concept Subdivision Plan

9-SE-15-C

South & east side of Sam Lee Rd., west of Solway Rd., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1-12 and the Concept Plan subject to 10 conditions.

John Fairstein, 11205 Sam Lee Road, Knoxville, 37932. I am also representing my neighbors Aaron Ellison at 11204 Sam Lee and Jason and Clara Mount at 11201 Sam Lee. Thank the MPC for your service and congratulate the Campbell's Safe Harbor Development for proposing this potentially attractive subdivision in our neighborhood. Our major concern is that the traffic on Sam Lee Road. These are two very dangerous entrance and exit locations that are shown on the drawings. Particularly the one on the south which is kind of a choke point there between a steep bluff and Beaver Creek tributary to Beaver Creek. The document says there is adequate site of 300 feet on either side. Boy if it is 300 feet it is like 299.99. I mean it is very close. It is surrounded by blind curves there that are on elevations. The street is only 18 feet wide. Mention of increasing the traffic on Sam Lee to more than 750 trips per day. That is just not possible on Sam Lee. There is going to be huge congestion on the street itself and danger plus there will be huge congestion at the intersection of Steel Road to the west and Solway Road down to the east. That is kind of a summary. There is also some environmental concerns because this Sam Lee borders on Beaver Creek Road. Obviously Beaver Creek is we don't want to corrode or contaminate that. I have got a little map here and some notes that I would like to provide to you guys. I reserve the rest of my time.

Chris Ooten: Vice President of Safe Harbor Development, 308 Letterman Road, Knoxville, 37919. Just a couple of quick comments. Obviously we are here with staff recommendation for approval. Part of that approval process we had to do provide a traffic impact study to look at the site which is noted in the staff

recommendation. We are way under the density that is allotted for this particular piece of property with a lot of the property being zoned OB which we can put apartments on. We do recognize that there is a note in the staff recommendation that requires us to provide the 300 foot of sight distance. That is something we will do later on in the development as we get to the design stage and get the surveyors out there to make sure that we have that 300 feet. But we do recognize that and understand that. We are very happy with staff recommendation. As everybody knows this is in Hardin Valley. It is kind of a hot part of Knox County. A new middle school was announced out there so we feel that this is a great location. Less than 2.5 dwelling units per acre. So we feel that this will be a good development.

Longmire: Could you speak to the water quality concern about Beaver Creek please.

Ooten: We own the farm on the other side of Sam Lee Road which most of this development is going to drain through that we will have to be looking at as we further develop the farm. The Campbell family has owned this farm for quite a long time. That is certainly something that our engineers would have to take into account as we go again through the design process with water quality units and the detention design. That will be submitted to Knox County. That would be the next phase that we do.

Longmire: You will be keeping the neighbors in the loop.

Ooten: I am going to get his information right now. Yes ma'am.

Longmire: County Engineering would you like to speak to the fact that we have curvy roads and narrow roads.

Cindy Pionke: That kind of sums it up ma'am. As the applicant said a traffic impact study was performed for this development. Essentially yes traffic will double out there that is because there is so little development out there right now. The road is only 18 feet wide but we checked our crash data. Essentially we do not currently have any type of a problem out there. Sam Lee Road is very far down in our priority list in terms of two lane roadways that need to be widened to better deal with the traffic flows on it. We are satisfied in regards to the amount of traffic. As to the sight distance there is a requirement that it is certified on the final plat and we actually go out there and check those especially I light of the fact that Sam Lee is a curvy road. We will be very careful to make sure that it is met if not exceeded.

Longmire: Mr. Fairstein, we have found that when roads are widened it just makes more people just go faster. There are advantages to narrow curvy roads.

Fairstein: This is directed toward engineering. No there is probably not a lot of accidents on there now because there is very little traffic. When I look at the numbers of what I think are trips on Sam Lee versus this projected more than 750 trips, I think we are talking about 3, 4 or 5 times as much traffic on there. I don't think it is going to be very even possible to widen Sam Lee Road at that choke point that I mentioned. I think we are talking about a really dangerous situation when there are other options. There could be an entrance on Solway Road to the subdivision or there could be an entrance on Hardin Valley Road near Bryant Lane. There are a couple of other options that we can look at. I think this is extremely dangerous what we are talking about here.

Longmire: Please be sure and get with the developer so you all can kind of converse about things and share ideas.

Art Clancy: I think the sight distance rules are in place to keep from having dangerous situations that guide us as far as land use and what works and what doesn't. That being said I would like to make a motion that we approve variances 1-12.

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

Fairstein: Did anybody from engineering actually go down to Sam Lee Road and look at this?

Pionke: Yes sir we actually drive out to all the site locations every month for every concept plan and use on review that comes in.

Longmire: Not only that sir the Commissioners drive out to see..

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

b. USE ON REVIEW

Proposed use: Detached residential subdivision in PR (Planned Residential) OB (Office, Medical and Related Services) & TO (Technology Overlay) District.

9-H-15-UR

STAFF RECOMMENDATION: Approve the Development Plan for up to 261 detached dwellings on individual lots subject to 2 conditions

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

Final Subdivisions:

- T 16. CHILHOWEE HILLS BAPTIST CHURCH RESUBDIVISION OF LOT 1** **5-SH-15-F**
Northwest side of Asheville Hwy., north east of Macedonia Lane,
Council District 6.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- P 17. FAERBER PROPERTIES** **7-SL-15-F**
1-14-16 Southeast side of Westland Drive, south of Pellissippi Parkway,
Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 18. HAROLD D. AND RUTH A. MYNATT PROPERTY** **8-SE-15-F**
South side of Tell Mynatt Road, southwest of Bell Road,
Commission District 7.

STAFF RECOMMENDATION: Approve Variances 1-2, Deny Variance 3, and DENY Final Plat

Tom Brechko: This is a subdivision of a two acre tract into two lots. It is taking an existing deeded lot and creating a plat for two separate lots meeting the minimum requirements of the subdivision regulations and the zoning ordinance. There is an existing JPE that serves three houses out there now. They are all on different tax parcels. With this additional lot there would be 4 lots that would be served by the easement. Staff does not have an issue or problem with the variances on the existing JPE not meeting the JPE standards. The issue and concern is the sight distance requirement where the easement, the existing easement comes out to Tell Mynatt Road. There is adequate sight distance to southwest, but to the northeast there is only approximately 225 feet of sight distance. The standard we use is ten times the posted speed limit. In this case it would be 300 feet. So the concern we have and it has been our practice not to support variances dealing with creating additional lots when there is not adequate sight distance under the subdivision regulations.

Andrew Graybeal, realtor, Realty Executives and I represent the applicant. I live at 3321 Whispering Oaks Drive, Knoxville 37938. The Mynatt family has lived on this property in this community for over 100 years. They have always exercised due care of entering and exiting this property. There are three current homes on the property. Ms. Wilkerson is wanting to the number 3 waived as she is wanting to build a home next to her father and mother who are aging. They are in their golden years. To be able to do this it will require a line of sight distance to be waived. This will always be an issue on this property forever. I have photos that show the line of sight showing what we are dealing with to the left and right if the Commission would like to see.

Longmire: That would be nice to at least have on the record please.

Graybeal. The applicant is actually seeking this variance. She could build a home on this property without as she has been told but she wishes to do it the correct way the first time rather than licking the calf over again. We are asking for you to waive this. This is a family community here. This is family that lives on this joint easement. They will always continue to use exercised care. I mean that is something that is going to happen from here to eternity until the county decides to redevelop this road to either widen it or cut down the hill. They have had the inconvenience through the widening of Maynardville Highway for the last year and will continue. The family would greatly appreciate your support and vote.

Len Johnson: I have got a question I guess for Mr. Brechko or engineering. On one of our photographs it has got a sign and maybe you guys made this photograph that says hills blocks view 20 miles per hour. Is that a speed limit that is basically across the crest of the hill?

Graybeal: No it is not. It is 30 miles an hour. It would be nice to have that in the community if this isn't approved. It would be nice to have that for the current residents that are there.

Johnson: I suspect that it is there because we have photograph that shows it.

Graybeal: It is not there.

Longmire: Oh those photo shopping what can I say. I don't know very many people that go over 30 miles on Tell Mynatt Road. It does it says 20 miles an hour.

Chris Howley: That is located on Fort Sumter Road next to the Coomer property.

Johnson: That is not on the roadway?

Kane: This is just showing comparison of what is going on I the community.

Graybeal: Correct. It would be nice to have this even for the current resident there. Like madam chair said to exceed 30 miles an hour on Tell Mynatt Road is highly unlikely.

Art Clancy: I realize on the last issue I said that rules are in place to keep us safe. We are not exactly approving 261 home sites. These people have actually been pulling out of this JPE for the last 100 years.

Longmire: The name of the road is Tell Mynatt. That the family.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE VARIANCES 1-3 AND APPROVE THE FINAL PLAT. MOTION CARRIED 12-0. APPROVED.

- * **19. KCDC CENTER CITY REDEVELOPMENT RESUBDIVISION OF LOT 292** **8-SH-15-F**
North side of West Vine Avenue, at northern intersection of Locust Street, Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- T 20. FINAL PLAT OF THE JERRY SHARP PROPERTY** **9-SA-15-F**
At the terminus of Goldfinch Avenue and the east side of Ellis Street, Council District 1.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

- * **21. MILLER & WEBB ADDITION TO KNOXVILLE, RESUB. OF LOT 8R & P/O LOTS 5R, 6R, & 10R** **9-SB-15-F**
At the southwest intersection of Arrowhead Trail and Sylvan Lane, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **22. SUTTON PLACE RESUBDIVISION OF LOTS 17-19** **9-SC-15-F**
At the terminus of Stone Pony Lane, southeast side of Deane Hill Drive, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **23. APAC TENNESSEE INC. PROPERTY ON SPRING HILL ROAD** **9-SD-15-F**
At the southwest intersection of Spring Hill Road and Maplehill Road, Commission District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 24. BRANDYWINE AT TURKEY CREEK, UNIT 3** **9-SE-15-F**
At the terminus of Woodhollow Lane, west of Fretz Road, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- * **25. DOUGLAS BRETT HONEYCUTT PROPERTY** **9-SF-15-F**
South side of Sevier Avenue, east of Dixie Street, Council District 1.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **26. JASON ROBERTS PROPERTY** **9-SG-15-F**
Southwest side of Russell Road, north of Kodak Road, Commission District 8.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **27. MAPLE GLEN RESUBDIVISION OF LOTS 20-22 & 24** **9-SH-15-F**
South side of Maples Glen Lane, east side of Nubbin Ridge Road, Commission District 4.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **28. THOMAS & ANITA DRINNEN PROPERTY** **9-SI-15-F**
At the terminus of Mountaincrest Drive, north of Ridgemont Drive, Commission District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 29. STAUB, VAN GILDER AND HENDERSON'S ADDITION TO KNOXVILLE** **9-SJ-15-F**
North intersection of N. Broadway and N. Central Street, southwest side of Lamar Street, Council District 4.

STAFF RECOMMENDATION: Deny Variances 1-2, Approve Variances 3-4, and DENY Final Plat

Tom Brechko: In this case here the right of way dedication is the main issue and concern. While the variances to meet the requirement of the road plan going from 30 down to 25 and 35 to 30 would not apply completely in this case because the building that is out there a portion is actually up against the property line or the right of way line and then it kind of angles back on the sides going to the corners of that lot. The concern that City Engineering and I will let them respond a little bit further if need be, is that the sidewalk that is out that that actually goes up to the building face along that side there is not all within... excuse me?

Longmire: On North Broadway?

Brechko: On Broadway yes. It goes around the corner because this is right at the corner going on Central. The usable sidewalk goes

up to the building face. I believe the position of engineering is that if the right of way dedication went to the face of the building that would put the usable sidewalk within the public right of way. I think that is what they were looking for on that why they do not support the variance to reduce the right of way dedication.

Chris Howley: That is basically the case. If you look at the existing sidewalk that is out on site, its original pour for the most part was beyond the limits of the property so the usable sidewalk that is out there today for the most part is a portion of it is already within the limits of the property. Additionally the variances we talk about 1 & 2 but the 3rd one is equally appropriate as well in that it is the turning radius for the intersection of those streets and they do occur at a somewhat odd angle but the radius requirement that we would typically have just at the intersection would also encompass more than the availability of what right of way we are talking about. We have been working with the surveyor and have talked about what we can live with and what we can't. The section of the building that is more on the north end where it is slightly tapered away from the right of way after further discussion we decided that I think we can live without having that piece of it. That section of the sidewalk is more uniform as opposed to the south side which is more tapered in other words it gets smaller as it gets to the corner. Additionally with the accessibility and the ramps that are at that corner there is a need for more sidewalk than we would typically have in an area and that is more so because of the angle of the street at this particular intersection.

Longmire: I will let the applicant speak and then I had a question.

Ryan Lynch: 4405 Coster Road 37912. We are asking for as we talked about small right of way variances on the corner of Broadway and Central. Our existing building actually fronts on that 25 foot from Broadway except for those two small triangle on either side. On Central we only have 2.9 feet of frontage. We researched all the plats within a two block area and all were granted these variances included FM George on Central and Regents Bank directly across the street. If you grant the variances that we have requested, the City of Knoxville will still have 8 foot of sidewalk on Central and 9 feet of sidewalk on Broadway. So we ask that you grant our variances.

Longmire: You are not going to tear down any of the buildings you are just reconditioning let's say.

Lynch: This is correct.

Kane: I don't ... what is the impact if we don't approve it? I guess I don't understand what you said versus what he said in terms of 8 feet and 9 feet. I don't understand.

Howley: The triangular section of property which is hard to see on this particular drawing. If we had the one that depicts the survey available that would probably be clearer. The frontage of the building is basically 0.4 of a foot off the right of way. Either side the north side and the south side they taper at an angle. In those areas there is existing sidewalk that is a portion of that system. When the city comes out, in fact we are doing south of this location on Central we are currently working towards a street scape project which inevitably will continue on through that area. When we have limitations of where that right of way is all the sudden we are starting to draw a line in the sand as far as being able to put a sidewalk at the full width of what is functionally a sidewalk out there today. So you basically would end up with a discontinuity between those areas. Additionally because of the accessible ramp that is on the corner there is a need for slightly more than what is available to meet that criteria as far as when we ever come back and do some additional work at that corner.

Lynch: We have located those property corners and I have photographs of where they hit in the sidewalk if anybody would like to see them. Again they still have 8 feet and 9 feet respectively of sidewalk. It hits well beyond the handicapped accessible part. We only own 2.9 feet on Central the part that we are talking about. So say that we give up ours it does not change anything downstream because they have already given those variances. So you have just got a corner there that has been unusable nor or usable by the City. When we have C-3 zoning we have 0 setback. we could possibly do some with our building and façade in the future.

Longmire: It's an antique shop?

Lynch: It was. You know where we are at.

Kane: Close to Hi Hos Construction at the second floor.

Longmire: You are not going to make any effort to take away any of the sidewalk that exists. Is that correct?

Lynch: No ma'am. We are not. We want to leave it the way it is as of right now.

Kane: You are just trying to say in case you want to tear down the building and do something a little different you would have a little more space. Is that what you are saying?

Lynch: Let's not say tear down the building but if say we wanted to have an entrance there we could do something with that usable space that we could make it nicer in the future. This is all obviously theoretical. But we would not have the option if we gave up this.

Kane: Could he go through the Board of Zoning Appeals something like that? If he wanted to do something with the entrance?

Clancy: No it is zoned C-4.

Longmire: C-3.

Howley: Don't think the entrance is really a factor. If you have sidewalk out there and you have a location where an entrance can be made I am not sure that the property line is really a factor in whether or not that you can have a new entrance at that location.

Art Clancy: I am sorry I am not really clear on why we are arguing again 8 foot, 9 foot. Not granting the variance does that make the building that is there unusable? If the variance is granted you are saying that the streetscapes will be affected.

Longmire: Eventually.

Clancy: But I can't... I don't understand because if they are not going to tear down the building...

Howley: Basically if we came out and did a street scape project today there would be an offset off the building where we would be able to put new sidewalks. So you would have this older version of a sidewalk that would be potentially at a different angle, sometimes a cross slope. When we are looking at ADA we are very particular on what that would look like. When we have existing stuff out there that is something that can't be corrected. That is something that is more problematic in making grades tie in from one area to another whereas if it was a portion of the right of way when we came through with the street scape project, we would look at the sidewalk as a whole from the face of the building out to the curb and that whole area would be improved as a kind of a global sidewalk system as opposed to having piecemeal portions of a portion that is private and a portion that is public.

Longmire: But as of right now you have no plans to extend the street scape to that point.

Howley: The current street scape project we have does not make it to this point.

Tom Brechko: On the issue of discussions that the surveyor and engineering staff has had as far as a modification to this plan, to do that would require denial of this plat because we don't have that in front of us and they would have to come back with a revised survey to address the concerns of engineering. So it is either, in this case it is either approving with the variances, because the variance they have identified here are shown where the property line is. By approving those variances they could record the plat and future sidewalks would have to be dealt with at that time. If there is the issue of compromise and if there is something else that can be done to address concerns of both parties it would have to

require denial of the plat today and they would have to come back with a new plat.

Clancy: That is fine.

Bart Carey: Maybe I am way behind the curb here. Is this before us because of it is resub, a subdivision therefore we are back to the setback deal?

Lynch: We are asking for a variance from the subdivision regulations of the Major Thoroughfare Plan that was adopted as part of it.

Carey: What is the trip point. What are you trying...

Lynch: We are trying to get a building permit. As part of that we have to remove the lot line which happens to be inside the building from 1908 and as part of that we have to come before this board and Commission to get those removed and we have to ask for these variances, some of which we can't help because of the building being on the actual property.

Carey: The building was there since 1908. What was the setback in 1908? What I am getting to is are we back to one of those deals that we heard once a year about a subdivision that creates the need for the city or county, the city to have right of way that wasn't already there? The right of way goes right to the building or within 4 or 5 inches of it right now.

Lynch: In the front but if you notice the corners there ...

Carey: It tapers back.

Lynch: Keep I mind there is an existing building directly south of us. We are just going to give away a triangle that essentially will go to nowhere.

Carey: The triangle you are speaking of is one of those two flanking wedges that flank where you front. For you to lose that would be a hardship for the sake of an entrance or what?

Lynch: For whatever purpose that we may see fit in the future. Like if you were going to do some sort of street scape maybe, we have a door right there right now. Maybe we want to meet with you and make some sort of nice and do something nice there.

Longmire: That would be nice for that corner.

Carey: I am just trying to get my head around what is at stake here. What are we taking or giving away? Are those wedges basically what it comes down to?

Kane: The thing is the city owns them now. Right. Is that correct? The city has the right of way now or doesn't?

Carey: Look at the... The survey shows...

Howley: The wedges are part of the private property component and basically the right of way dedication would make those so that the wedges would be a right of way component.

Carey: We are taking those wedges away from the present ownership?

Brechko: The subdivision regulations would do that.

Scott Smith: This is property owned by you or your client. The city has increased at some point the right of way slightly. 25 to 30, 30 to 35 on these two roads. Over time, at some point in time that right of way has gotten bigger. Is that right?

Lynch: No that is not right.

Howley: It is that the Major Road Plan calls for a greater width as well as the subdivision regulations calls for a greater radius at intersections. That is one thing that makes this one different than some of the other ones that are depicted in the surrounding area is that this is at an intersection as opposed to it being just at a straight of way where the sidewalks are more uniform.

Scott: The darker line is the wall of the building. Is that right? So my point I guess the only reason you are not asking for a straight line of right of way is because there is a wall there. If you tear this down and rebuilt it you have got to build kind of a wedge shaped building. Right?

Howley: That is correct. Basically the radius that would be required according to the minimum subdivision regulations would be 75 feet which would be way into the building so we are basically saying we just want the area that is external to the building on the sidewalk side between 0.4 to 0.5 foot from the frontage of the building which is consistent with the rest of the right of the way in the area out to the edge of the property line is what we are requesting with the right of way dedication.

Jeff Roth: I may have promised I wasn't going to say anything today but I have changed my mind. I think in this situation is a lot like other situations to me. We have private property here. There is a wall there and is not in the right of way now. It is where they want the right of way to be because they are removing a lot line which bifurcates the building. I don't agree with it. I think we ought to approve it the way they requested it.

Kane: I guess I don't understand it that way. What I understand is we have a plat that was based upon 1908. Now they have, they want to do a building permit that requires an updated plat. Is that correct? So to update it you have to update it to the new standards. Right? So the only thing what we are saying is that we are not giving up... Do they own, do they have... These little triangle spots right now if they did not do anything they would have control over that. Is that correct? But because they are replatting it now we want to have control over those little triangles.

Clancy: I think this is a murky caldron. I really think that if we look hard enough at it there is a solution that is appropriate for both parties. But I don't think we can get there by approving it. I think denying would cause the two parties to come back together and look for a common solution that we can make this work. I think there is one. If we could get it...

Roth: Would you like to share what you think that is.

Clancy: No. I think I am not an engineer and I am not a surveyor. I think there is a way this can work for both parties. You all need to sit down and you are working together right now. Correct? I think it needs just a little bit more work. So I am going to make a motion to deny variances 1 & 2, approve variances 3 & 4 and deny the final plat.

MOTION (CLANCY) AND SECOND (KANE) WERE MADE TO DENY VARIANCES 1 & 2, APPROVE VARIANCES 3 & 4 AND DENY THE FINAL PLAT.

Herb Anders: The applicant made mention of the variances had been granted to adjoining properties. Is that correct?

Lynch: Yes. All up and down Broadway and Central they have consistently granted these same variances. Since the time of the subdivision regulations all the way up until 2014 was the last one which was the last plat that came through. Everybody else has been granted this same variance yet now here we are with the issue we have in front of us.

Anders: That being the case does the City still stand their ground with that.

Howley: He did provide us with that and we went and looked at each of those locations. They are different than what we are talking about here. Most of those either the building parking or whatever the appurtenances are on that lot they are right up to the edge of the frontage of the property. In other words this one has these tapered corners. All the others ones that we looked they were not in that same condition. These were straight sections of sidewalk, straight buildings, straight parking lots, straight amenities that were contiguous to the sidewalks. This one is different in that it is at an

intersection and that the alignment of the intersection puts it at a different standing than some of the other locations that were presented to us.

Anders: I understand that. But that triangle at the widest point the end of that point can't be more than a couple of feet.

Lynch: It is 4 feet. Which again it leaves them with 9 feet of sidewalk. To reply to that Regis Bank was completely vacant at the time of the approval of the variance. Here we have an existing building that is the reality. We have one proven that they did it when it was vacant, open for them.

Clancy: Regis was just a parking lot.

Longmire: Yes it was. Still it wasn't a building.

Carey: The motion is to deny right.

Longmire: The motion is to deny variances 1 & 2, approve variances 3 & 4 and deny the final plat per staff recommendation.

Anders: If he bring this back and they come to an agreement of some kind, does the applicant reapply and have to pay another fee?

Longmire: Yes.

Clancy: We can waive fees though can't we. I would like that to be included in my motion that **THE FEE BE WAIVED.**

Longmire: As I understand it you have amended your motion to deny variances 1 & 2, approve variances 3 & 4 and deny the final plat but waive fees for reapplication.

Kane amended his second.

Longmire: The motion is to deny variances 1 & 2, approve variances 3 & 4 and deny the final plat and to waive any fees related to reapplying.

Upon roll call the Planning Commission voted as follows:

Anders	Yes
Carey	Yes
Clancy	Yes
Cole	No
Eason	No
Johnson	No
Kane	Yes
Roth	No
Sharp	Yes
Smith	No
Tocher	Yes

Longmire No
MOTION FAILED 6-6

MOTION (JOHNSON) AND SECOND (ROTH) WERE MADE TO APPROVE ALL 4 VARIANCES AND APPROVE FINAL PLAT. MOTION CARRIED 12-0. APPROVED.

- * **30. FOUNTAIN PLACE BUSINESS PARK** **9-SK-15-F**
North side of Cogdill Road, west of Pellissippi Parkway, Commission District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **31. THE KROGER COMPANY RESUBDIVISION OF TRACT 2 & PART OF TRACT 1** **9-SL-15-F**
South side of E. Emory Road at the south intersection of Blueberry Road, Council District 5.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezoning and Plan Amendment/Rezoning:

- W 32. SHADY GLEN LLC** **8-I-15-RZ**
Northwest side Lovell Rd., northeast of Bombay Ln., Commission District 6. Rezoning from A (Agricultural) & RA (Low Density Residential) to PR (Planned Residential).

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * **33. U.S. REALTY INVESTMENT CORPORATION** **9-A-15-RZ**
Northwest side Oak Ridge Hwy., northeast of Karns Crossing Ln., Commission District 6. Rezoning from RA (Low Density Residential) to CA (General Business).

STAFF RECOMMENDATION: Approve CA (General Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 34. THE COURTLAND GROUP, LLC** **9-B-15-RZ**
Southwest side Ogden St., southeast side W. Magnolia Ave., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business).

STAFF RECOMMENDATION: Approve C-2 (Central Business) zoning.

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

- * **35. JOHN KING** **9-C-15-RZ**
Southeast side Bob Kirby Rd., southwest of Middlebrook Pike, Commission District 6. Rezoning from A (Agricultural) to PR (Planned Residential).

STAFF RECOMMENDATION: Approve PR (Planned Residential) zoning at a density of up to 10 du/ac.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 36. ERIC MOSELEY** **9-D-15-RZ**
South side Bob Gray Rd., north side Dutchtown Rd., west of Bob Kirby Rd., Commission District 3. Rezoning from BP (Business and Technology) and A (Agricultural) to PR (Planned Residential).

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

COMMISSIONER SCOTT SMITH RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

Frank Leuthold: 1125 Oakhaven Road 37932. Started out this thing 40 some years ago which is more than half my age. I am not here in opposition to this request. The request is in order of the neighborhood. I have talked to the developer here. The issue here and they have kindly discussed it with me and I think we are in agreement. In the back yard there is a small drainage ditch. The adjoining property which they own is basically covered with trees and so forth and of course that would hold back water. When they develop this there is a potential of additional water coming on to a ditch basically I the back yard. The seller of this property based on the inspection that we had for it said that they need to improve that drainage in that back yard which they have spent over \$3,000 to improve that drainage across there. I would say that the owner of that did go ahead and clear the back slope. Not only did they clear land that I now own they also cleared a little bit of their land which leaves an exposed slope. I told them that right now I have a whole bunch of mulch and I am going to mulch that area to make sure that it in fact has cover on it. They have said they are going to identify that back line which will be help to me where I can go ahead and plant vegetation on my side not their side for that. They have agreed to do that. I am only speaking for myself. I am not speaking for anybody else. I only closed on that thing ten days ago and we are moving into it. While I started out in Crestwood Subdivision now I am not in Cresthaven so I moved a little bit for that. They have taken my concern into consideration and they said they would address it. I believe them. So I am here to say that I have discussed with them and they seem to be in

agreement with that. I am not opposed to this because it is consistent where this subdivision is in surrounding areas. I served on this body back in the 70's. I thought they ought to increase at least to double the pay for you and I still feel that way. Maybe more than that really. I want to commend you for serving the community on the Planning Commission and donating your time and your efforts to do that. If they have anything to say that is fine. You have heard me. I think we will work on it. I realize while I would prefer for them to just leave that land alone and just look at the trees that they own the land and they have the right to develop it based on the same where I live. I am understanding. I am going to take corrective action to protect my property line and plant some vegetation there and to address the drainage the best as possible. I just didn't want them to increase the drainage on that ditch that really runs through the neighborhood.

Longmire: Mr. Leuthold what is your street name again?

Leuthold: It is 1125 Oakhaven Road.

Longmire: They did double our pay. Two times zero is still zero.

Eric Moseley: 405 Montbrook Lane. I am fine with staff recommendation.

Longmire: And you agree to help Mr. Leuthold out with the drainage?

Moseley: Yes ma'am.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0-1. APPROVED.

- * **37. JOHN C. TEXADA **9-E-15-RZ****

Southeast side Emory Pl., northeast side King St., Council District 6. Rezoning from C-3 (General Commercial) to C-2 (Central Business).

STAFF RECOMMENDATION: Approve C-2 (Central Business) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Uses on Review

- W 38. BRANCH TOWERS **6-G-15-UR****

Southwest side of Blow Dr., southeast side of Ferry Rd. Proposed use: 190' Monopole Telecommunications Tower in A (Agricultural) District. Commission District 9.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- P 39. ED CAMPBELL** **8-B-15-UR**
West side of Iron Gate Blvd., south of Hardin Valley Rd. Proposed use: Self-service storage facility in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 40. BECKY MASSEY SERTOMA CENTER** **8-E-15-UR**
North side of McDonald Dr. east side of Avonmouth Rd. Proposed use: Duplex in EN-1 (Established Neighborhood) District. Council District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 41. KIMBERLY ROCKER** **9-A-15-UR**
Southwest side of Tillery Rd., south of Britton Dr. Proposed use: Child Day care center for up to 30 children in R-1 (Low Density Residential) District. Council District 5.

STAFF RECOMMENDATION: Approve the request for a child day care center with a maximum enrollment of up to 30 children at this location subject to 6 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 42. MARK BIALIK, GBS ENGINEERING** **9-B-15-UR**
Southeast side of Hardin Valley Rd., northeast side of Greenland Way. Proposed use: Bank in PC (Planned Commercial) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for a bank with approximately 1,941 square feet and a drive-thru window, as shown on the development plan, subject to 7 conditions.

Tom Brechko: I will try to make this quick and easy. The proposed plan for the bank had an access to Hardin Valley Road that was a right in, right out only. That restriction that was placed on the plan that we had looked at was based on condition of the concept plan on any access near the intersection of Greenland Way. It has been brought to our attention that apparently on the final plat that was recorded for the subdivision that included that lot it said access shall be by internal streets only. Staff is recommending a change to our original recommendation with the 7 conditions adding an 8th condition that 8th condition would read as follows "Direct access to Hardin Valley Road is subject to MPC staff approval following resolution of present access restrictions for this lot."

Mark Bialik: 1313 Kamia Road, Knoxville, TN. We were just made aware of the same situation and we are happy with the 8th amendment.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PER STAFF RECOMMENDATION ADDING 8TH CONDITION AS STATED BY MR. BRECHKO.

Longmire: Direct access to Hardin Valley Road subject to MPC approval basically.

MOTION CARRIED 12-0. APPROVED AS MODIFIED.

43. MERCHANTS RETAIL PARTNERS

9-C-15-UR

South side of Ailor Avenue, East side of N 17th Street, West side of Red Cross Street, and North of I-40. Proposed use: Climate control storage, 3-story in C-4 (Highway and Arterial Commercial) District. Council District 6.

STAFF RECOMMENDATION: Postpone until October

Mike Reynolds: This is a project where we have been going back and forth with the developer quite a bit on their site plan. There is quite a bit of... As staff recommendation leads to there are a lot of access issues. They have three frontages: One Ailor, one on 17th Street and one on Euclid Avenue. The original site plan had an access on Euclid but because of the existing Joy of Music building there, sight visibility was really not there so they had to move their access to 17th Street. I don't know if you aware but 17th Street in that vicinity is just north of in interstate near campus. It is a very busy street. There's two through lanes. There is one turn lane left going toward the interstate. Then there also two lands coming south towards campus or actually three if you turn the ramp, the turn lane coming onto 17th street. The original site plan when they changed over to 17th Street was for full access 17th Street. That is problematic because of the turns and such. Then we switched to looking at what you see in this plan which is a one way out only onto 17th Street. But because of the placement of the building on the site and the turning radius is for a small truck like a U-Haul truck that would come to a storage facility like this that truck would turn out into 17th Street and cross over into the middle lane of 17th which is a dangerous situation as busy as 17th is. Another alternative that has been presented to staff which was today was to just have this as a one way entrance only. That is problematic to some degree as well. What it boils down to is staff just has not had a chance to fully the plans and work out all the different site issues that are associated with this project. So we are still recommending postponement.

Longmire: Just looking at the plan, was there to be an entrance onto Red Cross Street also?

Reynolds. No. There is an existing... As you see there is James Dick Lane which is essentially it is about alley width but it is part

of a parking lot now and they are proposing to eliminate that access to their property from that.

Michael Kelly, I am a lawyer her in Knoxville. My work address is 550 Main Street, Fourth Floor, just next door. I am here for the applicant. Let me say first I appreciate the opportunity to speak. This is the first time I have been before the Planning Commission in a long time. I have with me Danny Kirby who is a representative of the applicant. Mr. Kirby has been the one who has been dealing with the various issues that have come up on the regulatory side. He can answer specific questions for you. Let me say first I emailed a position paper to members of the Commission earlier today who had an email. You may not even have received them. I would like to put a copy of that in the record. I have extra copies that I would like to pass out.

Longmire: Are you aware on the MPC website there is a link and it is just Commissioners and it goes to every Commissioners. You don't have to...

Kelly: I think we did that in addition to the individual ones.

Longmire: If you did that then everyone received.

Kelly: I will be brief. This is a great potential project. I am assuming... My father was on the school board for years and he would read everything that was on the agenda and it if it said postponed he would still read it. I am assuming with all the things on your agenda that if something says postponed that probably does not get the level of attention that other things do. So let me tell you just a little bit about it. All we are here on today is asking for it to be approved for use on review. There are a couple of variances that are needed from BZA and we are working with City Engineering on to resolve the access issues. The project involves the placement building of a self-storage facility at this intersection of Euclid and 17th. What is a little different about it is than it is a vertical self-storage building. It will be three stories but the footprint will be only about 88,000 feet. So when I hear self-storage and I think when you look at the code what seems to have been in mind was the traditional self-storage where you have a large piece of property with individual garages and a lot of drive throughs. This is one building. The picture attached there shows you what it will look like. High quality office appearance from the outside. We think it is particularly well suited for this area in Knoxville close to the campus because of the need for self-storage. We are in C-4 zoning and C-4 does specifically allow for self-storage as use on review. Again I think if you actually were to look through all the appropriate uses for C-4, you would say oh this kind of facility that is one building would fit right in there. This other standard for use on review is really more for this sprawling facility. But as presently drafted it is simply for use on review. What I think is most significant about what you heard from the

presentation of that recommendation for postponement is that staff has said nothing to suggest that this isn't an appropriate use. It meets the general requirement that it be consistent with the overall... the quote "The nature makes it desirable that it be permitted to locate at the precise at a particular site." Then if you look at the criteria for use on review, it meets all of them. It is consistent with the general plan and the one year plan. It is in harmony with general purpose and intent of the zoning regulations. It is compatible with the character of the neighborhood and the location of the buildings. The use will not injure the value of adjacent property owners. The use will not draw substantial traffic through residential streets. The nature of the surrounding development, which is all if you look at the zoning map commercial or office, will not pose a hazard to the use. It meets the specific criteria for self-storage facilities and it is not one of the specifically prohibited uses such as repairing, storing vehicles and things like that. This is important to be approved for use on review now because of the contract that is in place and the need for the development to work forward. There is no question that we absolutely have to meet these access requirements. We can't get a building permit if City Engineering doesn't become comfortable... I think you can see how hard Mr. Kirby has already worked. The original proposal was Euclid then we needed to change it to 17th. Now we have changed it again. 12 seconds left. All we need is approval for use on review. We still have to get past the BZA. We still have to meet engineering requirements. So we would ask that you approve this.

Michael Kane: If we approve this normally when we approve a use on review like this all the details have been worked out with staff and all the logistics we think this will work out. My question is if we approve this and all those things have not been worked out does that mean MPC staff doesn't have an oar in the race or does it mean because it goes on to engineering and BZA and MPC staff is gone away?

Steve Wise: Depends on what the approval is. On use on review applications you have the ability to add conditions and if you impose conditions regarding future approval at staff level or at engineering level or otherwise that those would have to be met as part of the approval process. Typically on these approvals there would be if there were a recommendation from staff for approval, there would be a provision in there that would say subject to meeting all requirements of City of Knoxville Engineering. In this case the staff is saying give us a chance to look at it first. That is the only difference. If it were to move forward then certainly in every case there would typically be imposition of complying with requirements of City Engineering.

Kane: I understand that but it gets MPC... If we don't require them to work something out with MPC staff if we approve it, then it would essentially go out of MPC's hands

Wise: Yes.

Elizabeth Eason: I have a question. It may be in the literature. I apologize I didn't see it. How many units are you proposing?

Danny Kirby: 3035 Port Royal Lane, Knoxville, TN 37938. We are still working through that right now because a lot of that will depend on the configuration, the final configuration of the building. Then we will have the architect who will work it out depending on... We will do a certain number of 5 by 5's and a certain number of 5 by 10's. We don't know those exact numbers. I am sorry I don't have that. I should probably have some kind of ballpark number on that. We really haven't moved towards refining the interior layout to see exactly how many units we would actually have just because we haven't really settled on the actual footprint of the building based on trying to move the building around a little bit here and there. I am sorry I don't have that number for you.

Eason: I think a follow up just a comment that I have about that is I do see how a lot of the... I would like MPC staff to have more time to work out the details and to sort of come back with more information. One thing I am thinking with this particular storage location I would anticipate that it is a lot of students that are going to be using storage units so you are going to have a crush of students in traffic every time there is a change of semester or end of school year which makes it a little different especially with a site that is this tight. So I would like to make a motion that we postpone and give staff more time.

MOTION (EASON) AND SECOND (CLANCY) WERE MADE TO POSTPONE.

Art Clancy: I would like to agree with Commissioner Eason. It is a good use of the piece of property. It is a good plan. You all have done a good job. I think a 30 day postponement is only going to... and let staff get their head wrapped around it. Smart guys. They may be able to come to the table with some things that will make it breeze through every other thing you need to go through.

Kirby: I don't disagree other than it seems since I guess we got our first set of comments, August 18th. Every day since then we have gone back and forth and back and forth with Mike Reynolds, Chris Howley, Mark Johnson. Everybody has kind of settled on this particular configuration. I think we are pretty close. We submitted two other access plans this morning. The only problem is I think we are going to spend 30 days working on something that is probably just going to take another 24 hours, 48 hours to figure out. That is my only concern.

Longmire: I understand that concern but you heard me say I thought today was going to be an easy meeting so don't count on that 24 to 48 hours okay.

Janice Tocher: I would just like to confer with City Engineering. Are you in concurrence that the current plan is within 24 hours.

Kirby: I think again we are sending plans back and forth between myself and the engineer and all three member of City Engineering staff and Mike and copying them going back and forth. I realize it probably takes 24 or 48 hours for them to sit down and review these plans and make comments to them. Again we have gone through several iterations of it. I feel like we are real close to getting there I would just hate to spend 30 days...

Tocher: I just want to confer both with Mr. Reynolds and City Engineering. Are you still in favor of postponing for 30 days because I understand that 30 days especially as we are getting toward the winter months that affects things. I just want to...

Longmire: Or would you be more comfortable with an approval with conditions that...

Howley: I think we can work with it either way. We did get the most recent revisions this morning. I didn't get an opportunity to look at it until probably 15 or 20 minutes before the meeting so we don't have a thorough review. My initial comments I have 6 or 7 of them. Most of them are not that sever. They are things that can be overcome. Some of them have to do with the ability to restrict trucks from entering at one entrance. There are some loading zone functionalities but there may be some different locations where they could swap parking. Accessible parking and the location of the loading zone seemed a little problematic. There are some traffic issues within the parking lot. A number of issues but those are not big issues to overcome so I think the biggest concern at the end of the day is what you see on your screen is not what we are currently reviewing. Are you at a point where you are comfortable just letting us work out the details versus having them submit something where you get an opportunity to look at that.

Kelly: Can I make one comment. The only practical problem is of course this body only meets monthly. If this body met weekly and again I am not advocating that. That is the practical problem. So to the extent this issue could be resolved one way or the other it would certainly be much better for us in light of what City Engineering just said to approve it subject to City Engineering and even MPC engineering staff approval as opposed to delaying it and then we may have it fixed in three days but practically have to wait another month.

Herb Anders: I understand the reason for the postponement. I don't think the 30 days is necessary. Can't we as a body give the authority and the confidence necessary for Engineering and MPC staff to resolve this. We can approve it based on the plan that they come up with. I have all the confidence in the world they are going to come up with something.

Longmire: We can add that as conditions to our approval. After we vote on this if this postponement is voted down another motion could be approved with the conditions.

Scott Smith: I just want to agree with the fact that I think that these guys it is a pretty black and white deal. They are not going to be able to build this building without satisfying City Engineering as far as safety and roads. When we do use on reviews a lot of times we will have to let them certify sight distance later before they get a grading permit. In this case I would be supportive of that.

MOTION FAILED 3-9.

Longmire: I feel like the no's have it. Is that another roll call? Do I have another motion from somebody.

MOTION (CLANCY) AND SECOND (JOHNSON) TO APPROVE UNDER THE CONDITION THAT THEY MEET THE REQUIREMENTS OF CITY ENGINEERING AND MPC STAFF.

Longmire: I have a motion and a second to approve with the conditions that they meet with MPC staff and City Engineering and get their approval of the project.

MOTION CARRIED 12-0. APPROVED.

- P 44. MERCHANTS RETAIL PARTNERS 9-D-15-UR**
Northeast side of Cherahala Blvd., north of Hardin Valley Rd. Proposed use: Self-service storage facility in CA (General Business) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- W 45. BEN GARLINGTON 9-E-15-UR**
East side of Washburn Rd., east of Apex Dr. Proposed use: Church in R-2 (General Residential) District. Council District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- * 46. URBAN ENGINEERING, INC. 9-F-15-UR**
Southwest side of S. Peters Road, North of George Williams Road Proposed use: Child day care center in OB (Office, Medical, and Related Services) District. Commission District 3.

STAFF RECOMMENDATION: Approve the request for the child day care center for up to 180 children, as shown on the site plan subject, to 1 condition.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **47. SCHULZ BREWING COMPANY** **9-I-15-UR**

Southeast side of Bernard Ave., southwest of N Central St. Proposed use: Brewery - revised development plan in C-2 (Central Business District) District. Council District 4.

STAFF RECOMMENDATION: Approve the revised development plan for a craft brewery within the C-2 (Central Business District), subject to 7 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **48. RANDOLPH ARCHITECTURE** **9-J-15-UR**

East side of Valley Vista Rd., southeast side of Virginia Pine Way. Proposed use: Child day care center expansion in PC (Planned Commercial) (k) / TO (Technology Overlay) District. Commission District 6.

STAFF RECOMMENDATION: Approve the request for an expansion of the existing child day care center with an addition of approximately 3169 square feet as shown on the development plan, with a total enrollment of up to 134 children, subject to 5 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- * **49. SUNDAY TEL** **9-K-15-UR**

Northwest side of Maryville Pk., east of Edington Rd. Proposed use: Restaurant in C-1 (Neighborhood Commercial) & I-4 (Heavy Industrial) District. Council District 1.

STAFF RECOMMENDATION: Approve the request for a restaurant with a maximum of 32 seats at this location subject to 11 conditions.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business:

- W 50. Consideration of similar use determination for metals manufacturing/warehousing.** **9-A-15-OB**

THIS ITEM WAS WITHDRAWN 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 3:40 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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