The Metropolitan Planning Commission met in regular session on August 12, 2004, at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members present at roll call were:

Ms. Susan Brown, Chair
Mr. Trey Benefield
Mr. Art Clancy III
Mr. Herb Donaldson
Mr. Philip French
Mr. Dick Graf
Mr. Mark Jendrek
Mr. Stan Johnson
Mr. Chester Kilgore
* Mr. Stephen Lewis
Mr. Randy Massey
Mr. Jack Sharp
Ms. Mary Parker Slack
Mr. Larry Smith

* Arrived late to the meeting.
** Left early in meeting.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Buz Johnson called the roll.
Mr. Randy Massey led the invocation and Pledge of Allegiance.

2. APPROVAL OF AUGUST 12, 2004 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

3. APPROVAL OF JULY 8, 2004 MINUTES

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic Postponements (as provided for in Article XII, Section 1.B of MPC’s Administrative Rules and Procedures which allows automatic postponements when the request is received by 3:30 p.m. on the Monday prior to the Thursday MPC meeting)

POSTPONEMENTS – AUTOMATIC – (Indicated with P)

AUTOMATIC POSTPONEMENTS (Indicated with P)
All items automatically postponed until the September 9, 2004 MPC Meeting:

**P 30. NORTHSHORE SUBDIVISION - TRAVIS FULLER**
- **Concept Subdivision Plan**
  Northwest side of S. Northshore Dr., southwest of Whittington Creek Blvd., Commission District 4.

**P b. Use on Review**
- Proposed use: Detached single-family subdivision PR (Planned Residential) Pending District.

**P 54. RALPH C. & LUCILLE E. CHISM PROPERTY**
North side of Texas Valley Rd, southwest of Brock Rd., Commission District 8.

**P 56. ROSEDALE LAND & IMPROVEMENT RESUB. OF LOT 51R**
East side of Minnesota Ave, west side of Johnston St., Council District 5.

**P 57. RESUBDIVISION OF THE ETHANOL CORPORATION**

**P 63. SUMMER HALL, UNIT 4**
Southeast end of Cool Breeze Dr., southeast of Porch Swing Rd, Commission District 7.

**P 72. MITCHELL L. & CAROL LAVERNE PARSLEY PROPERTY**
West and east side of Majors Rd., northwest of Tell Mynatt Rd., Commission District 8.

**P 76. GILBERT DRIVE COMMERCIAL PARK, LOTS 1-3**
South side of Gilbert Dr., west of Lovell Rd., Commission District 5.

**P 77. WEAVER AND DUNCAN PROPERTY**
South side of Greenwell Rd., southwest of Greenwell Dr., Commission District 7.

**P 80. DOCKINS PROPERTY & P/O LOT 1 OF TAYLOR S/D**
South side of Staley Ln., west of Tazewell Pk, Commission District 5.

**P 82. EAGLE'S NEST RESUBDIVISION**
Northwest side of Millertown Pk., east of Fulton Rd., Commission District 8.

**POSTPONEMENTS - REQUIRING MPC ACTION** (Indicated with P)
Items to be postponed 30 days until the September 9, 2004 MPC Meeting:

Page 2
P 6. **KNOXVILLE ZONING ORDINANCE AMENDMENT**

   Article 5, Section 13 and associated sections, regulating portable storage containers in residential zones.

P 8. **FORT SANDERS REGIONAL MEDICAL CENTER & MARK BAILEY**

   Request closure of Unnamed right of way between south property lines of parcels 094NL003 and 004 and north property line of parcel 094NL028, Council District 1.

P 17. **TAYLORS VIEW (REVISED) - AEMC**

   a. **Concept Subdivision Plan**

      Southeast side of Meredith Rd., west of Shalidar Dr., Commission District 6.

   b. **Use on Review**

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

P 19. **HABITAT FOR HUMANITY ON RISING ROAD - HABITAT FOR HUMANITY**

   a. **Concept Subdivision Plan**


   b. **Use on Review**

      Proposed use: Detached single-family subdivision in PR (Planned Residential) Pending District.

P 23. **SCHAEFFER ROAD BUSINESS PARK - HOLROB INVESTMENTS, INC**

   a. **Concept Subdivision Plan**


   b. **Use on Review**

      Proposed use: Business Park subdivision in BP (Business and Technology Park) & TO (Technology Overlay) District.

P 33. **CHRISTIAN SPRINGS, UNIT 2**

   East end of Ruby June Ln., east of Stair Dr., Commission District 8.

P 34. **RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY**


P 38. **WEST HILLS PARK**
South end of Park Hill Circle, south of Toxaway Drive, Council District 3.

P 39. **THE WOODS AT SHANNONDALE**

P 42. **WORLD'S FAIR PARK**
Henley St. at Western Ave., Commission District 1.

P 47. **ROYAL CROWN BOTTLING COMPANY**
South side of Deane Hill Dr. at Royal Crown Dr., Council District 2.

P 50. **PLEASANT RIDGE INDUSTRIAL DISTRICT**
West side of East Industrial Pkwy, south of Sycamore Dr., Council District 3.

P 85. **ROEFIELD S/D, UNIT 6, PHASE I**

P 112. **HUBER PROPERTIES, LLC**

**MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE POSTPONEMENTS AS READ UNTIL THE SEPTEMBER 9, 2004 MPC MEETING. MOTION CARRIED 13-0. POSTPONEMENTS APPROVED.**

Items to be postponed 60 days until the October 14, 2004 MPC Meeting:

P 5. **KNOXVILLE ZONING ORDINANCE AMENDMENT**
10/14/04 Article 5, Section 10, Signs, Billboards and Other Advertising Structures, providing standards for electronically operated message boards.

**MOTION (MASSEY) AND SECOND (GRAF) WERE MADE TO APPROVE POSTPONEMENT AS READ UNTIL THE OCTOBER 14, 2004 MPC MEETING. MOTION CARRIED 13-0. POSTPONEMENT APPROVED.**

Automatic Withdrawals (as provided for in Article XII, Section 3.D of MPC's Administrative Rules and Procedures which allows automatic withdrawals when the request is received by 3:30 p.m. on the Monday prior to the Thursday MPC meeting)
WITHDRAWALS - AUTOMATIC - (Indicated with W)

W 120. Consideration of appeal of approval of resubdivision of Lot 7, Levenia Metcalf, Administrative Plat No. 4-T-04.  7-A-04-OB

WITHDRAWALS - REQUIRING MPC ACTION - (Indicated with W)

W 13. KCDC  8-C-04-SC
Request closure of Old Vine Ave between Mee Street east ROW line and Dead end, Council District 6.

W 35. PROPERTIES OF ALLEN DUNLAP, BRYAN BARKLEY & JAMES BURKHART  2-SH-04-F

W 88. HABITAT FOR HUMANITY  6-N-04-RZ
Northwest side Terry Dr., southeast side Rising Rd., southwest side E Dr., Rezoning from RB (General Residential) to PR (Planned Residential). Commission District 8.

Mr. Jane Crow: Asked that No. 13 be withdrawn. Chair confirmed

MOTION (MASSEY) AND SECOND (DONALDSON) WERE MADE TO APPROVE WITHDRAWALS. MOTION CARRIED 13-0. WITHDRAWALS APPROVED.

REVIEW OF TABLED ITEMS

RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY  5-SG-04-C
a. Concept Subdivision Plan
   North of Ball Camp Pk, west of Johnson Rd., Commission District 6.

b. Use on Review

THE VILLAS OF WELLSLEY PARK  1-SC-03-C
East end of Gleason Dr., east of Morrell Rd., Council District 2.

BARGE WAGGONER SUMNER & CANNON, INC.  1-E-03-UR
East end of Gleason Dr., east of Morrell Rd. Proposed use:

DUCK COVE  2-SI-04-C
East side of Duck Cove Dr., south of Early Rd., Commission District 5.
G.S. GILL PROPERTY, RESUB OF LOT 3R1  
North of Ball Camp Pk, west of Byington Solway Rd., Commission District 6.

41 NORTHSHORE DRIVE SUBDIVISION, RESUB OF PARTS OF LOTS 2 & 3  
Northwest side of S. Northshore Dr, northwest of Morrell Rd., Council District 2.

SHERLAKE CENTER, LOT 5  
South side of Parkside Dr, west side of Hayfield Rd., Council District 2.

CITY OF KNOXVILLE  
Southeast side of I-140 / Westland Dr. interchange, Rezoning from No Zone to A-1 (General Agricultural). Council District 2.

CITY OF KNOXVILLE  
North side of Westland Dr., east side of I-140 interchange, Rezoning from No Zone to RP-1 (Planned Residential). Council District 2.

CITY OF KNOXVILLE  
West side of I-140, south of Westland Dr., Rezoning from No Zone to A-1 (General Agricultural). Council District 2.

MICHAEL MCCLAMROCH  
South side S Northshore Dr., southwest of Pellissippi Parkway. Request One Year Plan amendment from NPD (No Plan Designation) to GC (General Commercial). Council District 2.

MICHAEL MCCLAMROCH  
South side S Northshore Dr., southwest of Pellissippi Parkway. Rezoning from NZ (No Zone) to TC-1 (Town Center). Council District 2.

CITY OF KNOXVILLE  
East side of Sherlake Ln., west side of Hayfield Rd., south of Parkside Dr., Rezoning from No Zone to C-6 (General Commercial Park). Council District 2.

WATERFRONT DEVELOPMENT CORPORATION DBA THE SAND BAR  
Southeast side Neyland Dr., west of Henley Street Bridge. Proposed use: Approval of business on barge on the water in C-2 (Central Business) and F-1 (Floodway) District. Council District 6.

ITEMS REQUESTED TO BE REMOVED FROM TABLE -  (Indicated with U)  
None
TABLINGS – (Indicated with T)

T 32. WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R

T 41. FARMER PROPERTY
South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.

T 87. JOSEPH KENNEDY, SR.
South side Andersonville Pike, southwest of Pleasant Gap Dr.
Commission District 8.

a. North County Sector Plan Amendment
   From Rural Residential & SP (Slope Protection) to LDR (Low Density Residential) & SP (Slope Protection).

b. Rezoning
   From A (Agricultural) to PR (Planned Residential).

MOTION (MASSEY) AND SECOND (JOHNSON) WERE MADE TO TABLE. MOTION CARRIED 13-0. ITEMS TABLED

CONSENT ITEMS

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

Please note that if you would like to discuss an item marked with (*), approach the podium after the entire consent list is read and request that it be removed from the consent list.

MR. STEVEN LEWIS ARRIVED AT THE MEETING AT THIS TIME.

MOTION (SLACK) AND SECOND (KILGORE) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 14-0. THE FOLLOWING ITEMS WERE HEARD BY CONSENT.

* 2. APPROVAL OF AUGUST 12, 2004 AGENDA

* 3. APPROVAL OF JULY 8, 2004 MINUTES.

Zoning Ordinance Amendments
* 7. **MINIMUM SUBDIVISION REGULATIONS** 8-A-04-OA
Amendments deal primarily with housekeeping amendments, procedural changes and street grade and corner radii requirements.

STAFF RECOMMENDATION: Approve the amendments.

**Alley/ Street Closures**

* 9. **SHEB PHILLIPS/ RALPH HARWELL** 8-A-04-AC
Request closure of Unnamed Alley between southwest property lines of parcels 5 and 15 and eastern deadend, Council District 6.

STAFF RECOMMENDATION: Approve subject to City Engineering comments and required easements.

* 10. **CITY OF KNOXVILLE** 8-B-04-AC
Request closure of Unnamed Alley between Lovenia Ave. north 150' and north line of parcel 12, Council District 4.

STAFF RECOMMENDATION: Approve, subject to any required easements.

11. **KCDC** 8-A-04-SC
Request closure of Hanson Ave between Mee St. and Harriet Tubman St., Council District 6.

THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

12. **KCDC** 8-B-04-SC
Request closure of Nelson Circle between Mee Street (north) and Mee Street (south) Council District 6.

THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

**Street Name Changes**

* 14. **KNOX COUNTY EMERGENCY SYSTEM, E-911** 8-A-04-SNC
Change Unnamed easement to 'Birdsnest Way' between Ball Road and Dead end, Commission District 6.

STAFF RECOMMENDATION: Approve.

* 15. **KNOX COUNTY EMERGENCY SYSTEM, E-911** 8-B-04-SNC
Change Unnamed easement to 'Dana Point Way' between Bombay Lane and Dead end, Commission District 6.

STAFF RECOMMENDATION: Approve.

* 16. **KNOX COUNTY EMERGENCY SYSTEM, E-911** 8-C-04-SNC
Change Unnamed easement to 'Brown Vista Way' between Dodson Road and Dead end, Commission District 9.
STAFF RECOMMENDATION: Approve.

Concepts/Uses on Review

18. MONTACRES - S&E PROPERTIES
   a. Concept Subdivision Plan 7-SB-04-C
      South side of Montacres Ln., south of Point Oaks Dr.,
      Commission District 4.
      THIS ITEM WAS REMOVED FROM THE CONSENT LIST.
   b. Use on Review 7-B-04-UR
      Proposed use: Detached single family subdivision in PR
      (Planned Residential) District.
      THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

21. SMITH - CAMPBELL JOINT VENTURE, SOLWAY RD-- SMITH
    - CAMPBELL JOINT VENTURE
   a. Concept Subdivision Plan 7-SI-04-C
      Southwest side of Solway Rd., southeast side of Sam Lee Rd.,
      Commission District 6.
      THIS ITEM WAS REMOVED FROM THE CONSENT LIST.
   b. Use on Review 7-K-04-UR
      Proposed use: Detached single family subdivision and
      business park in PR (Planned Residential) pending, BP
      (Business and Technology Park) & TO (Technology Overlay)
      District.
      THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 22. CHUKAR ROAD DEVELOPMENT - SUMNER ASSOCIATES
   a. Concept Subdivision Plan 7-SJ-04-C
      STAFF RECOMMENDATION: Approve the concept plan subject
      to 6 conditions.
*   b. Use on Review 7-P-04-UR
      Proposed use: Detached single-family subdivision in RP-1
      (Planned Residential) District.
      STAFF RECOMMENDATION: Approve the development plan
      for up to 12 detached single family dwellings on individual
      lots subject to 2 conditions.

* 25. SOLOMON PLACE, FUTURE UNITS - HOLSINGER
   CONSTRUCTION, LLC
   a. Concept Subdivision Plan 8-SB-04-C
      Southwest end of Knowledge Ln., west of Hill Rd.,
      Commission District 7.
STAFF RECOMMENDATION: Approve variances 1-7 and the concept plan subject to 8 conditions.

* b. Use on Review 8-D-04-UR

Proposed use: Detached single-family subdivision in PR (Planned Residential) Pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 97 detached single family dwellings on individual lots subject to 2 conditions.

26. PHYLIS & RICHARD HOBBS SUBDIVISION 8-SC-04-C


THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

27. JOSHUA'S LANDING 8-SD-04-C


THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 29. EMERSON PARK 8-SF-04-C


STAFF RECOMMENDATION: Approve variances 1-4 and the concept plan subject to 9 conditions.

* 31. SNYDER RIDGE - S & E PROPERTIES 8-SH-04-C

a. Concept Subdivision Plan


STAFF RECOMMENDATION: Approve variances 1-3 and the concept plan subject to 9 conditions.

* b. Use on Review 8-I-04-UR

Proposed use: Detached single family subdivision in PR (Planned Residential) & PR (Planned Residential) pending District.

STAFF RECOMMENDATION: Approve the development plan for up to 27 detached single family dwellings on individual lots subject to 3 conditions.

Finals
* 37. **HAROLD OGLE PROPERTY**  
5-SA-04-F  
South side of W. Simpson Road, north of Mountain Ridge Lane, Commission District 9.  

STAFF RECOMMENDATION: Approve.

* 40. **MILTON THOMAS PROPERTY**  
6-SE-04-F  

STAFF RECOMMENDATION: Approve.

* 43. **RAYMOND H. RUTHERFORD PROPERTY, RESUB. OF LOTS 2R1 & 2R2 AND ADJACENT TRACT**  
7-SB-04-F  
Southwest side of Frank Merritt, west side of Midway Rd., Commission District 8.  

STAFF RECOMMENDATION: Approve.

* 44. **LAKESIDE CENTRE**  
7-SD-04-F  
Pellissippi Parkway at Northshore Dr., Council District 2.  

STAFF RECOMMENDATION: Approve.

* 45. **POLLARD PROPERTY**  
7-SF-04-F  

STAFF RECOMMENDATION: Approve.

* 46. **TOM M. CARTERS**  
7-SG-04-F  
North side of Highland Dr., southwest of N. Broadway, Council District 5.  

STAFF RECOMMENDATION: Approve.

* 49. **JOHN MCCAY PROPERTY**  
7-SV-04-F  
South side of Tenwood Dr., at Parkwood Rd, Council District 3.  

STAFF RECOMMENDATION: Approve.

* 51. **SCHAAD PROPERTIES**  
7-SKK-04-F  
South side of Kingston Pk., southwest side of Canton Hollow Rd, Commission District 5.  

STAFF RECOMMENDATION: Approve.

* 52. **OAKWOOD ADDITION, RESUB. OF LOTS 2 & 3 OF BLOCK 5**  
8-SA-04-F  
Northeast side of Central St., southeast of E. Caldwell Av., Council District 5.
STAFF RECOMMENDATION: Approve.

* 53. **CLARK STRANGE PROPERTY**
   North side of E. Beaver Creek Dr, west side of Rhye Ln.,
   Commission District 7.

STAFF RECOMMENDATION: Approve.

* 55. **JOHN M. JONES FIRST ADD. TO CASWELL, RESUB. OF LOT 4 & 5, BLOCK A**
   North side of Old Rutledge Pk, south side of Wilson Dr.,
   Commission District 8.

STAFF RECOMMENDATION: Approve.

* 58. **NEW HOPE MISSIONARY BAPTIST CHURCH**
   South side of Cecil Ave., west side of Crockett St., Council District 4.

STAFF RECOMMENDATION: Approve.

* 59. **BAILEY PLANTATION**
   North side of W. Emory Rd. northeast of Staffordshire Blvd.,
   Commission District 6.

STAFF RECOMMENDATION: Approve.

* 60. **COLD SPRINGS ADDITION TO KNOXVILLE, RESUB. OF LOTS 1 & 2, BLOCK G**

STAFF RECOMMENDATION: Approve.

* 61. **JAMES MCKINNEY AND PATRICIA K. HOLT**

STAFF RECOMMENDATION: Approve.

* 62. **OVERHOLT S/D RESUB. OF LOTS 2R & 2R1**
   North side of Emory Rd., east of I-75, Council District 5.

STAFF RECOMMENDATION: Approve.

* 64. **BOWMAN BUSINESS PARK LOT 5**
   Southwest side of Middlebrook Pk., southeast of Bob Kirby Rd.,
   Commission District 6.

STAFF RECOMMENDATION: Approve.
* 65. **DAVID TALLENT**
Southwest side of Tipton Station Rd., southeast of Chapman Hwy.,

STAFF RECOMMENDATION: Approve.

* 66. **NEALS LAND UNIT 2**
West side of Neals Landing Rd., north of Asheville Hwy.,
Commission District 8.

STAFF RECOMMENDATION: Approve.

* 67. **KARNS CROSSING S/D LOT 9**
Northeast side of Karns Crossing Ln., northwest of Oak Ridge Hwy.,
Commission District 6.

STAFF RECOMMENDATION: Approve.

* 68. **WEATHERSTONE, UNIT 1**
Southwest side of Pipken Ln., northwest of Fox Rd., Council District 2.

STAFF RECOMMENDATION: Approve.

* 69. **SOLOMON PLACE, RESUB. OF LOTS 2-R2, 3, & 4**

STAFF RECOMMENDATION: Approve.

* 70. **SUMMER ROSE, UNIT 9**
Southeast end of French Lace Drive, southeast of Magic Lantern Dr., Commission District 7.

STAFF RECOMMENDATION: Approve.

* 71. **RIVERDALE HEIGHTS LOT 14, BLOCK C RESUB. & THE DEBRA P. SMITH PROPERTY RESUB.**
West side of North Apopka Dr., northwest of South Apopka Dr.,
Commission District 8.

STAFF RECOMMENDATION: Approve.

* 73. **J. F. G. COFFEE COMPANY**
Southeast of Sutherland Ave., east of Liberty St., north of Southern Railway line, Council District 6.

STAFF RECOMMENDATION: Approve.
74. **ELMER C. GARRETT, J.R. PROPERTY**  
South side of Gibbs Dr., east of Jacksboro Pike, Council District 4.

STAFF RECOMMENDATION: Approve.

75. **VANOSDALE PROPERTY**  

STAFF RECOMMENDATION: Approve.

78. **REVISION OF LOT 11R2 OF THE RESUB. OF LOT 11 SCRENIC DRIVE ADD.**  
West side of Oakhurst Dr., north of Glenfield Dr., Council District 2.

STAFF RECOMMENDATION: Approve.

79. **THOMAS HAUN PROPERTY**  
Intersection of Kingston Pk., and Lovell Rd., Commission District 5.

STAFF RECOMMENDATION: Approve.

81. **WINDSTONE S/D, LOT 86 RESUB.**  
East side of Stone Castle Ln., south of Timberstone Ln., Commission District 6.

STAFF RECOMMENDATION: Approve.

83. **BETHANY SPRINGS**  
West side of McCloud Rd., south of Bucknell Dr., Commission District 7.

STAFF RECOMMENDATION: Approve.

84. **JOHN KERR CONSTRUCTION CONCEPTS**  
North side of Harvey Rd., east of Amberwood Dr., Commission District 6.

STAFF RECOMMENDATION: Approve.

86. **CLARENCE WILMOUTH PROPERTY**  

STAFF RECOMMENDATION: Approve.

**REZONINGS**
* 89. **SCOTT & ELISHA HALL AND METROPOLITAN PLANNING COMMISSION**  

a. **Northeast County Sector Plan Amendment (Revised)**  
   From LDR (Low Density Residential) to MU (Mixed Uses - Office, Medium Density Residential, Commercial).

   **STAFF RECOMMENDATION:** Approve MU (Mixed Use - Office, Medium Density Residential, Commercial) for all parcels except 121-003.

b. **Rezoning**  
   From A (Agricultural) to CA (General Business).

   **STAFF RECOMMENDATION:** Approve CA (General Business).

* 93. **GILES S. WEAVER**  
Northeast side N. Central St., northwest of E. Quincy Ave., Rezoning from C-4 (Highway and Arterial Commercial) to C-3 (General Commercial). Council District 5.

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

* 94. **WILLIAM MONDAY**  
Northeast side N. Central St., northwest side E. Woodland Ave., Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial). Council District 5.

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).

* 95. **KNOX COUNTY SCHOOLS**  

STAFF RECOMMENDATION: Approve A (Agricultural).

* 96. **ROGER L. AND RHONDA L. GUINN**  

STAFF RECOMMENDATION: Approve A (Agricultural).

* 97. **WILLIAM C. AND CAROL S. MEREDITH, JR**
Southeast side Lovell Rd., southwest of Thompson Rd., Rezoning from A (Agricultural)/TO (Technology Overlay) to RA (Low Density Residential)/TO (Technology Overlay). Commission District 6.

STAFF RECOMMENDATION: Approve RA (Low Density Residential)/TO (Technology Overlay).

* 98. CITY OF KNOXVILLE 8-F-04-RZ
Southeast side Dutchtown Rd., northeast side Pellissippi Parkway, Rezoning from No Zone to C-6 (General Commercial Park)/TO-1 (Technology Overlay). Council District 2.

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park)/TO-1 (Technology Overlay).

* 99. TOBY TUMPSON 8-G-04-RZ
Southeast side Sutherland Ave., northeast of Forest Heights Rd., Rezoning from R-1 (Single Family Residential) to O-1 (Office, Medical, and Related Services). Council District 2.

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

* 100. GERALD MARTIN GREEN 8-H-04-RZ

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

101. MPI BUSINESS SOLUTIONS, INC. 8-I-04-RZ
Southeast side Martin Luther King, Jr. Ave., northeast side Bentley St., Rezoning from C-1 (Neighborhood Commercial) and R-1 (Single Family Residential) to C-3 (General Commercial). Council District 6.

THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 102. S & E PROPERTIES 8-J-04-RZ
Northwest side Dogwood Dr., southwest of Merriwood Dr. Commission District 4.

a. Southwest County Sector Plan Amendment 8-A-04-SP
From Rural Residential and SLPA (Slope Protection) to LDR (Low Density Residential) and SLPA.

STAFF RECOMMENDATION: Approve LDR (Low Density Residential) and SLPA.

* b. Rezoning 8-J-04-RZ
From A (Agricultural) to PR (Planned Residential).
STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1-3 dwelling units per acre.

* 103. MARVIN DEAN RUTHERFORD, TRUSTEE 8-K-04-RZ

STAFF RECOMMENDATION: Approve C-3 (General Commercial).

* 104. HELEN J. VANCE 8-L-04-RZ
East side Fox Rd., south of Donovan Ln., Rezoning from A (Agricultural) to OB (Office, Medical, and Related Services). Commission District 5.

STAFF RECOMMENDATION: Approve OB (Office, Medical, and Related Services).

* 106. S & E PROPERTIES 8-N-04-RZ

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1-3 dwelling units per acre.

* 107. KATHERINE WYROS DICK FOR THOMAS FORD 8-O-04-RZ
South side Hall Dr., south of Dutchtown Rd, Rezoning from A (Agricultural) to CA (General Business). Commission District 5.

STAFF RECOMMENDATION: Approve CA (General Business).

* 108. B & J ENTERPRISES 8-P-04-RZ

STAFF RECOMMENDATION: Approve CR (Rural Commercial).

* 110. MESSIAH LUTHERAN CHURCH 8-R-04-RZ
South side Kingston Pike, west of Golf Club Rd., Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial). Council District 2.

STAFF RECOMMENDATION: Approve C-4 (Highway and Arterial Commercial).
* 111. CITY OF KNOXVILLE 8-S-04-RZ

STAFF RECOMMENDATION: Approve R-1 (Single Family Residential)/H-1 (Historic Overlay)

Uses on Review

* 113. NEW HOPE MISSIONARY BAPTIST CHURCH 8-A-04-UR

STAFF RECOMMENDATION: Approve the development plan for the church building and parking lot expansion subject to 6 conditions.

* 114. LEIGH BURCH III 8-B-04-UR

STAFF RECOMMENDATION: Approve the development plan for the apartments catering to the elderly (42 units) subject to 6 conditions.

117. H & W LIMITED PARTNERSHIP 8-J-04-UR
West end of Corridor Park Blvd., southwest of Data Ln. Proposed use: 50,000 square foot office building in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

THIS ITEM WAS REMOVED FROM THE CONSENT LIST.

* 119. WARREN LONGMIRE 8-L-04-UR

STAFF RECOMMENDATION: Approve the development plan for an office/warehouse building in the BP/TO zone subject to 6 conditions.

Other Business

* 121. Consideration of Staff report for Plans of Services. 8-A-04-OB

STAFF RECOMMENDATION: Approve and adopt this report and forward these findings to the Knoxville City Council.
* 122. Consideration of amendment No. 1 to MPC's FY 2004/2005 Budget. 8-B-04-OB

EXECUTIVE COMMITTEE RECOMMENDATION: Approve

Items added or removed from consent list:

Teresa Reed: 102 Hanson Avenue concerned with KCDC closing street No. 11 and 12 were removed from consent.

Jane Parker Conrad: 11409 Berry Hill Drive. No. 21 Smith Campbell Joint Venture to be heard.

Jamie Rowe: 4215 Tazewell Pike. Pulled No. 27 Joshua Landing.

Susan McKissick: 2414 Caravell Lane. No. 26 Phyllis and Richard Hobbs pulled off consent.

James Crisp: Fox Run Lane. No. 18 Montacres and S & E Properties removed from consent.

Jewel Rogers: 3334 Martin Luther King Ave. No. 101 MPI Business Solutions removed from consent.

Bill Bullock: Sherwin Drive. Asked that 117 H & W Partnership pulled from consent.

MOTION (SMITH) AND SECOND (KILGORE) WERE MADE TO APPROVE CONSENT ITEMS EXCEPT
11. KCDC 8-A-04-SC
12. KCDC 8-B-04-SC
18. MONTACRES - S&E PROPERTIES a. 7-SB-04-C & b. 7-B-04-UR
21. SMITH - CAMPBELL JOINT VENTURE, SOLWAY RD--SMITH - CAMPBELL JOINT VENTURE - a. 7-SI-04-C & b. 7-K-04-UR
26. PHYLLIS & RICHARD HOBBS SUBDIVISION 8-SC-04-C
27. JOSHUA'S LANDING 8-SD-04-C
101. MPI BUSINESS SOLUTIONS, INC. 8-I-04-RZ
117. H & W LIMITED PARTNERSHIP 8-J-04-UR
MOTION CARRIED 14-0. CONSENT ITEMS APPROVED.

Zoning Ordinances:

P 5. KNOXVILLE ZONING ORDINANCE AMENDMENT 6-A-04-OA
10/14/04 Article 5, Section 10, Signs, Billboards and Other Advertising Structures, providing standards for electronically operated message boards.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.
P 6. **KNOXVILLE ZONING ORDINANCE AMENDMENT** 7-B-04-OA
Article 5, Section 13 and associated sections, regulating portable storage containers in residential zones.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 7. **MINIMUM SUBDIVISION REGULATIONS** 8-A-04-OA
Amendments deal primarily with housekeeping amendments, procedural changes and street grade and corner radii requirements.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Street or Alley Closures:**

P 8. **FORT SANDERS REGIONAL MEDICAL CENTER & MARK BAILEY** 6-A-04-AC
Request closure of Unnamed right of way between south property lines of parcels 094NL003 and 004 and north property line of parcel 094NL028, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 9. **SHEB PHILLIPS/ RALPH HARWELL** 8-A-04-AC
Request closure of Unnamed Alley between southwest property lines of parcels 5 and 15 and eastern deadend, Council District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 10. **CITY OF KNOXVILLE** 8-B-04-AC
Request closure of Unnamed Alley between Lovenia Ave. north 150' and north line of parcel 12, Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

11. **KCDC** 8-A-04-SC
Request closure of Hanson Ave between Mee St. and Harriet Tubman St., Council District 6.

STAFF RECOMMENDATION: Approve.

Mr. Teresa Reed: 1206 Hanson Avenue
Opposed because it is in the Austin Homes Community which is scheduled for demolition but 43 families still live there. Less than 5 families have even moved. Perimeter of agenda items 11 and 12 surrounds my house. If closed, there is no in and out. Streets also encompass some of the older section that is still not being torn down. Need streets open until everybody moves out. We do have other residents of Austin Homes here.
Mr. Michael Brusseau: My understanding is KCDC requested closure because it is part of the overall redevelopment plan for the property.

Mr. Larry Smith: When will they close it?

Mr. Brusseau did not know and no one from KCDC was at the meeting.

**MOTION (JOHNSON) AND SECOND (BENEFIELD) WERE MADE TO POSTPONE UNTIL THE SEPTEMBER 9, 2004 MPC MEETING. MOTION CARRIED 14-0. POSTPONED**

Chair Brown asked Mr. Brusseau to contact KCDC to be at the next meeting.

**12. KCDC**

Request closure of Nelson Circle between Mee Street (north) and Mee Street (south) Council District 6.

**STAFF RECOMMENDATION: Approve.**

**MOTION (SLACK) AND SECOND (JOHNSON) WERE MADE TO POSTPONE UNTIL THE SEPTEMBER 9, 2004 MPC MEETING. MOTION CARRIED 14-0. POSTPONED**

**W 13. KCDC**

Request closure of Old Vine Ave between Mee Street east ROW line and Dead end, Council District 6.

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

**Street or Subdivision Name Changes:**

* **14. KNOX COUNTY EMERGENCY SYSTEM, E-911**

  Change Unnamed easement to 'Birdsnest Way' between Ball Road and Dead end, Commission District 6.

  **THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

* **15. KNOX COUNTY EMERGENCY SYSTEM, E-911**

  Change Unnamed easement to 'Dana Point Way' between Bombay Lane and Dead end, Commission District 6.

  **THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

* **16. KNOX COUNTY EMERGENCY SYSTEM, E-911**

  Change Unnamed easement to 'Brown Vista Way' between Dodson Road and Dead end, Commission District 9.
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Plans, Studies, Reports:
None

Concepts/Uses On Review:

17. TAYLORS VIEW (REVISED) - AEMC  
   a. Concept Subdivision Plan  4-SG-04-C  
      Southeast side of Meredith Rd., west of Shalidar Dr.,  
      Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

b. Use on Review  4-K-04-UR  
     Proposed use: Detached single family subdivision in PR  
     (Planned Residential) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

18. MONTACRES - S&E PROPERTIES  
    b. Concept Subdivision Plan  7-SB-04-C  
       South side of Montacres Ln., south of Point Oaks Dr.,  
       Commission District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and  
concept plan subject to 8 conditions.

Mr. Dan Crisp 8213 Fox Run Lane 37919  
Representing homeowners and residents of Montacres in  
opposition to access through Montacres. Main concern is  
increased traffic. PASSED OUT MAPS AND INFO WHICH  
BECOMES A PART OF THESE MINUTES. Parcel 820 originally  
had an easement to Nubbin Ridge. Easement is no longer  
available and access is currently through Montacres  
Subdivision. Not been able to find a record where the  
property owner connected to Montacres Lane is directly able  
to access through his driveway. Safety is a concern with a  
dangerous curve on Westland and it is hard to pull in and  
out of driveways. There is a property across Westland that  
will be developed into 27 condos. This has occurred since  
the MPC April 8 ruling. This will cause more traffic on curve.  
Also there is an adjacent parcel for sale with intent to be  
developed. Combination of all three developments causes  
concern for traffic around Montacres Subdivision. There is a  
dangerous railroad crossing that does not have an arm to  
keep people from crossing. This crossing gets backed up at  
peak time and there are no safe barriers. Subdivision  
covenants state there shall be changes made unless the
majority of homeowners give consent and this must be recorded. There are 5 to 10 feet of this property that stands between the end of Montacres Lane and parcel in question. This has not been recorded that we can find. Now that the property is potentially to be developed we do have opposition. 820 Montacres Lane originally had an easement to Nubbin Ridge. Easement was replatted and purchased by Ilex residents. Feel we should not have to absorb the traffic from this subdivision when their original access was to Nubbin Ridge, a much less traveled road. There have been two other adjoining developments, Ilex and White Oak Subdivision that have tried to connect to our subdivision. Due to homeowner opposition the road has remained deadend with no outlet. MPC ruled for the residents of Montacres on both deadends due to traffic concerns. We hope to do that today. We hope you review traffic and safety concerns when determining the development of this property. If this development is granted, we ask that it not be accessed through out subdivision. We would prefer not to exercise our rights as homeowners, although we are prepared to do so.

Mr. Steve Roth: Baker Donaldson 900 S. Gay Street, Suite 2200

Montacres Road comes off Westland and you find a stub road at the end and not a cul-de-sac. A stub road indicates there is going to be future development and access. I think they are making arguments which are more properly made as to whether this should be rezoned. This is a public road and developer can have access to a public road. You have already zoned this to PR. This is a relatively small subdivision of 14 lots, which will not add a lot of traffic. This is not a large development and will deadend at two ends. It is just not a situation where a significant amount of traffic is going to be added. I disagree that this is a dangerous curve on Westland Drive and I drive it. Even if the planners find a problem, it can be addressed at the design plan phase. Other matter raised is there are restrictive covenants. There may be covenants but that is not a zoning issue. There may be rights under subdivision covenants, but this is not the place to decide that. It is in keeping entirely with the nature of this area. Lot sizes are larger or the same as surrounding territory. We think it is an appropriate plan.

Mr. Dan Kelly: We looked at it once it got past the zoning in terms of the subdivision regulations. There are two minor variances and we recommend approval of those. Development is in keeping with the remainder of the area. It is adjoined on one side by attached single family
condominium development and other development in the area which is in keeping with this development.

Ms. Mary Slack: What it looked at with anther access? Is there a reason another entrance at Nubbin Ridge was not selected?

Mr. Roth: I cannot answer that my client is not here. I think it is a matter of looking at something where there is public stub road that leads directly into the area. Assuming because public road they can have access through it.

Mr. Kelly: Property proposed to be subdivided does not front on Nubbin Ridge Road. If they previously had an easement and it was on the east side of Ilex Subdivision between that and the condominium development, I would be very surprised if they could get the site distance where they would have to come out on Nubbin Ridge Road.

Mr. Dick Graf: I think it was fairly clear that it was intended to be a stub.

**MOTION (GRAF) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Crisp: There are three streets that are stubs. Each road was determined for utility access and turnaround. Ron Pearson in the zoning department stated that those pieces of property were owned by the subdivision or property owners at those deadends. Your handout shows the original easement from Nubbin Ridge to Montacres. Also shows where the driveway was put over the property line. We feel like we have rights just as much as S & E to govern how our subdivision is to be used. We feel we can prove that the driveway was across the line without adequate approval. I feel like at one time he had access to Nubbin Ridge and now he want to use our subdivision for access. For us to have to endure construction and safety issues and other developers starting, we feel there are other options.

**MOTION CARRIED 14-0. APPROVED.**

b. **Use on Review**  
Proposed use: Detached single family subdivision in PR (Planned Residential) District.

**STAFF RECOMMENDATION:** Approve the development plan for up to 14 detached single family dwellings on individual lots subject to 2 conditions.
MOTION (GRAF) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

P 19. HABITAT FOR HUMANITY ON RISING ROAD - HABITAT FOR HUMANITY
   b. Concept Subdivision Plan 7-SF-04-C
       Southeast side of Rising Rd., northeast of Rosewood Rd.,
       Commission District 8.

   THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

   P  b. Use on Review 7-I-04-UR
       Proposed use: Detached single-family subdivision in PR
       (Planned Residential) Pending District.

   THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

20. VICTORIA'S LANDING - VALLEY GROUP C/O BETTY RULE
   a. Concept Subdivision Plan 7-SH-04-C
       South side of Silveredge Rd., south of E. Emory Rd.,
       Commission District 8.

       STAFF RECOMMENDATION: Approve variances 1-3 and the
       concept plan subject to 7 conditions.

       MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

   b. Use on Review 7-O-04-UR
       Proposed use: Detached single family subdivision in PR
       (Planned Residential) District.

       STAFF RECOMMENDATION: Approve the development plan
       for up to 21 detached single family dwellings on individual
       lots subject to 2 conditions.

       MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

21. SMITH - CAMPBELL JOINT VENTURE, SOLWAY RD-- SMITH
   - CAMPBELL JOINT VENTURE
   a. Concept Subdivision Plan 7-SI-04-C
       Southwest side of Solway Rd., southeast side of Sam Lee Rd.,
       Commission District 6.
STAFF RECOMMENDATION: Approve variances 1-4 and all variances identified on the revised concept plan and the concept plan subject to 10 conditions.

Mr. David Harbin 4334 Papermill

Jane Parker Conrad, Berryhill Drive
Location is about ¼ miles north of entrance to Pellissippi College. Issues that could be debated such as where to put another 500 to 1,000 in over packed schools, safety, egress. The biggest issue is legal and ethical issues involved with this parcel. MPC staff voted to deny this request last month. Property is right in the path of new Orange Route beltway. When Parkway is constructed it will cut this subdivision right in half. MPC approved since TDOT plans are still not final and said to put a note on final plat “The development is within the path of the proposed parkway and that it will impact the lots within the project.” Actual contingency says this property is located within the path of TDOT’s current plans and if project is built within the 1000 foot wide study area, the road project will impact all lots within the subdivision. Also placing note on the plat that says “all lots within the subdivision will have access only to the internal street system. I can see lawsuits if this is approved. You knew the Orange route was coming. It seems like it is setting a bad precedent. Ask for 30-day delay and consider advisability of proceeding until you have a written statement from TDOT, a traffic report and study and a written statement from schools regarding the overcrowding of the schools.

Mr. Harbin: Last month you rezoned it with these issues debated. There is a risk involved in developing out here. We are making the potential buyers aware of this and full disclosure will be made. This project will not be built for another 10 to 15 years. Are we to ask the property owners to sit on this property for 10 to 15 years until the State finally decides which way they want to go? It is a risk, but there will be complete disclosure. TDOT anticipates a right-of-way path of 300 feet through this property. Do not know where it is yet. Urge your approval.

Mr. Trey Benefield: Asked why he did not plan on building for 10 to 15 years.

Mr. Harbin: I misspoke. TDOT anticipates not applying the right-of-way for another 10 to 15 years. The subdivision will probably start in the spring.
Mr. Dave Hill: I do not think that staff is comfortable that government or the private property owner is being well served in this instance. It is a question of timing. We did not think it was fair and equitable on property owners to ask them to wait 2 to 3 years down the road when the actual 300 foot alignment might be identified. If and when the alignment is positively identified or environmentally cleared, MPC is willing to cover the administrative costs of correcting the plat if the applicant is willing to bring us revised documents. We think it is an undue delay and infringement of property development rights to recommend denial.

Mr. Chester Kilgore: If this notification is placed on the plat, how are bankers going to feel about loaning someone money to buy a house?

Mr. Hill: This is the purpose. The note is like a buyer beware label. Having that note on the plat has the potential for stifling the market for these lots. We do not think that is a good situation but we think we have a responsibility to inform prospective buyers that this corridor exists and could affect their property.

Mr. Harbin: Most of the Smith houses are spec houses.

Mr. Kilgore: What if the developer is stuck with houses they cannot sell?

Mr. Hill: That would be a bad business decision.

Mr. Larry Smith: Is there a way for you to build away from this area? There are over 100 homes that you and I are going to have to pay for and buy back as taxpayers. Can you stay away from that corridor area?

Mr. Harbin: The 1000 corridor area encompasses about 80% to 90% of the property. There will be a 300-foot corridor only, but we do not know where it will be.

Mr. Hill: Just because the recommendation was brought before the commission for formal action, we still think we need to explore policy issues and need to work with the developer and TDOT and phasing of subdivision improvements of the property. We do not have a better answer. We had a meeting with 10 local folks and Nashville. Bottom line is there cannot be a firm bottom line for alignment until environmental is obtained.
MOTION (CLANCEY) AND SECOND (GRAF) WERE MADE TO APPROVE CONCEPT PLAN. MOTION CARRIED 12-2. APPROVED.

b. Use on Review 7-K-04-UR
Proposed use: Detached single family subdivision and business park in PR (Planned Residential) pending, BP (Business and Technology Park) & TO (Technology Overlay) District.

STAFF RECOMMENDATION: Approve the development plan for up to 296 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (CLANCEY) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-2. APPROVED.

* 22. CHUKAR ROAD DEVELOPMENT - SUMNER ASSOCIATES 7-Sj-04-C
a. Concept Subdivision Plan

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* b. Use on Review 7-P-04-UR
Proposed use: Detached single-family subdivision in RP-1 (Planned Residential) District.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 23. SCHAFFER ROAD BUSINESS PARK - HOLROB INVESTMENTS, INC 7-SK-04-C
a. Concept Subdivision Plan

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P b. Use on Review 7-Q-04-UR
Proposed use: Business Park subdivision in BP (Business and Technology Park) & TO (Technology Overlay) District.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

24. HUBER PROPERTIES ON MARTHIN MILL PIKE 8-SA-04-C
a. Concept Subdivision Plan
Northeast side of W. Martin Mill Pike, south of Mount Vista Dr., Commission District 9.
STAFF RECOMMENDATION: Approve variances 1-4 and the concept plan subject to 10 conditions.

Ms. Barbara Barton, Tipton Overlook Way, adjoin subdivision Do not oppose subdivision, but concerned about water that would be generated by this development and how it would affect adjoining properties as well as traffic on that dangerous section of Martin Mill Pike. Concerns for the record.

Mr. Craig Huber: 904 Marlboro Road, Applicant. We think the plan is consistent with County’s Growth Plan and the current zoning. We have hard from some local residents and they have brought up drainage as an issue. We are taking that very seriously and are going to consider that going through the final concept. Also there is an issue with Morgan Road and the plan is contingent upon the County handling that. I have spoken to some Commissioners. Morgan Road will be handed by the County as I understand it. We are doing everything in our power to engineer the drainage appropriately and it will not be approved by Knox County until we do.

MOTION (GRAF) AND SECOND (CLANCEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

b. Use on Review
Proposed use: Detached single-family subdivision in PR (Planned Residential) District.

STAFF RECOMMENDATION: Approve the development plan for up to 46 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (GRAF) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

* 25. SOLOMON PLACE, FUTURE UNITS - HOLLSINGER CONSTRUCTION, LLC
   a. Concept Subdivision Plan
      Southwest end of Knowledge Ln., west of Hill Rd., Commission District 7.

* b. Use on Review
    Proposed use: Detached single-family subdivision in PR (Planned Residential) Pending District.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
26. **PHYLLIS & RICHARD HOBBS SUBDIVISION**


STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 7 conditions.

Mr. John Luttrell: 7529 Northshore Drive. I am under contract to purchase the property.

Ms. Susan McKissick 2414 Caravell Lane, Channel Point Homeowners Association
Simply want to ask if the entrance will come out on Choto Road.

Mr. Luttrell: All lots will front on White Frye Road

Ms. McKissick: The whole Choto Bend area is trying to preserve the 1 acre or density.

Mr. Luttrell: Because sewer is not available, it is required to have one 1 acre or more per lot. Each of the lots is at least one acre.

MOTION (BENEFIELD) AND SECOND (DONALDSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.

27. **JOSHUA’S LANDING**


STAFF RECOMMENDATION: Approve variances 1-7 and the concept plan subject to 12 conditions.

Ms. Jamie Rowe: 4215 Tazewell Pike
Plan is for 54 homes and 35 condos on 30 acres with two sinkholes and a 1.5-acre wetland. Concerned about traffic generated by this many homes. Four trips times 89 homes are around 356 trips per day. Property is one quarter in the City and rest in County. This area of Tazewell Pike is very dangerous. Our City Councilman has told us 50% of calls he receives about traffic are about the area between Briercliff and Shannondale Road. Neighborhood has spent money on two studies by a hydrologist at two locations less than one quarter of a mile from this proposed area. It was determined that the groundwater table is incredibly saturated due to caves, wet weather springs and additional construction has increased the amount of runoff to where underground drainage system is exceeded even with relatively light rain. Evidenced by saturation of lawns, crawdad holes and flooding of any holes you dig in your yard. With a heavy rain it takes a week for the water to fully drain from the area. This will
increase the flow of Whites Creek due to flat grade and flat floodplain. In the past 2 years a pipe four times the size of the previous pipe to carry runoff was installed near Whites Creek. Still water stands in streets and yards. Because of these findings by our hydrologist, we are concerned about water problems after development of this property with at least 7 ¼ acres being impervious not counting the roof surface. We can submit documentation. Density is high relative to surrounding properties. This leads to increased runoff volumes even with use of properly designed and maintained detention ponds. This project requires several variances as well as an agreement from the City Engineers, County Engineers and Corps of Engineers concerning the water flow and impact. TDOT must approve and make a left turn lane at Tazewell Pike and Shannondale. Tennessee State law states that the upper owner of land cannot artificially increase the natural quantity of water or change natural flow by collecting and discharging it upon the lowland from its natural discharge. By significantly increasing the density, the quantity of runoff for all frequency storms would be increased. Duration of resulting runoff would be extended by the use of a detention pond or injection well. Affects of magnitude on Whites Creek have not even been determined. Ask you vote denial or postponement because needs special studies. Ask that downstream impact study be conducted and stamped by registered engineers with expertise in hydrology, geology and urban stormwater issues to determine increase in elevation of the flooding profiled that would result due to this development.

Mr. Bob Campbell: 7523 Taggart Lane, We have had a traffic study done and we do have to do a left turn lane onto Shannondale. Our road has excellent sight distance. We have been in contact with TDOT and the City about how to do this. We do not want to create a traffic hazard. There is a wetland on site. We situated the homes around the perimeter of the wetland and hope to create a park area for the neighborhood in there. Since we discharge into a sinkhole immediately downstream, we have to retain, not detain, a 100 year storm event. It is not a discharge situation. It has to hold that amount of water on site. We understand the challenges. There are certainly some downstream issues the people do have. We will do what we have to do and need to do to take care of those.

Mr. Cindy Pionke: City Engineering.
At this point a design plan has not been done for drainage. The wetland that exists will take the initial water overflow to one of the two ponds. Injection wells will be required as part of those ponds. We do not have the design yet. It will require a geotechnical expert to help design that.

Mr. Tim Trass: Anderson Road
My objection is that it is out of place in the Fountain City area. Especially condos. I have the smallest lot with 1.2 acres. My neighbor has 3 acres and across the road is 10 acres. Condos backing up to my property would be out of place. I might be the only one still with a well. I know construction would probably affect it and render it useless.

Mr. Dan Kelly: RB zoning allows 12 units per acre. Anything over 12 units per acre up to 24 units would be a use on review. What they are proposing is well under that number.

Mr. Clancy: There does need to be a geotechnical survey and hydrology study?

Ms. Pionke: Yes, as part of the design plan.

Mr. Larry Smith: Asked about how much wetland?

Mr. Campbell: Wetland is 1.6 acres. Condos are actually contained on the interior of the property. There is some on one side. We have started some of the hydrology and geotechnical studies already.

Mr. Dick Graf: They are going to have to meet higher standards on the front end.

**MOTION (GRAF) AND SECOND (CLANCEY) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Mary Slack: I applaud having a turn lane at Shannondale. Those of us who travel this road know how horrible it is right there. Asked about traffic and entrance to subdivision.

Mr. Bob Campbell: We will start left turn at the top of hill, which is were the drive to the subdivision comes in. The problem with Shannondale intersection is you come over a hill and down. Traffic recommendation was that they realign Shannondale where our drive is. From a plan standpoint with City and TDOT that is not on their drawing board right now. We have also asked them to consider the possibility of taking the hump out. Those are issues we have talked about but not gotten a firm response from them. As far as exiting, we are at the top of the hill and can see past Shannondale and have 500 to 600 feet of sight distance both directions.

Mr. Larry Smith: If they widen Tazewell Pike, will that affect you?

Mr. Campbell: Widening would actually helps because it would provide a turn lane. I think intersection of Briercliff they are redoing.
Mr. Smith: I am concerned about the density.

Mr. Kelly: The property is R-1. Every lot proposed in this development is in the 10,000 to 12,000 square feet requirement for single family housing in R-1. Other portion located in the County is zoned RB. He is showing condominiums for illustration only. The RB zone you go to County codes, submit your site plans and get your permits through them. You are approving a 54 lot single family subdivision and a large tract that is left that he is proposing to do something other than single family homes. Based on information that he is providing to us, this at much less density than is available.

Mr. Slack: I would like to confirm what Mr. Kelly is talking about. There is a lot of RB in the area and that is a wide-open ticket. I guess that the residents understand that. We should be thankful we have a quality developer coming in and doing a quality development.

Ms. Rowe: The comment I made about density is high due to surrounding area and leads to increased runoff volumes even with properly designed and maintained detention ponds is not my comments but by a hydrologist that is nationally known.

MOTION CARRIED 14-0. APPROVED.

28. WALKER HILLS - E. DOYLE JOHNSON
   a. Concept Subdivision Plan 8-SE-04-C

   STAFF RECOMMENDATION: Approve variance 1 and the concept plan subject to 14 conditions.

   Mr. Robert Campbell: 7523 Taggart Lane, on behalf of applicant. We have met with several of the neighbors, but not all of them. We can take care of their concerns and most have to do with protecting their privacy.

   Ms. Teresa Lion, 7020 Washington Pike. Do not have a problem with them building there. We have had a water problem. PASSED OUT PICTURES WHICH BECOME A PART OF THESE MINUTES. I am downhill and they are behind me. I want to be protected. I have been here back in 1998. You approved condominiums and they are still not completed. The streets are not even completed and red mud. They did not put a drain on the detention. The County had to put a pipe underneath my property to go to the creek so they would not flood me. Before that they had taken 20 feet of PVC pipe and
drained their pond onto my property. I have been burned before.

Ms. Cindy Pionke: County Engineering We are planning on Mr. Campbell doing piping on the back side of her property so that it wraps around parcels 170 and 171 and goes into the creek right there. She should get less water than she is getting now.

**MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.**

b. Use on Review

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

**STAFF RECOMMENDATION: Approve the development plan for up to 76 detached single family dwellings on individual lots subject to 2 conditions.**

**MOTION (SMITH) AND SECOND (JOHNSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.**

**29. EMERSON PARK**


**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

**30. NORTHSHORE SUBDIVISION - TRAVIS FULLER**

a. Concept Subdivision Plan

Northwest side of S. Northshore Dr., southwest of Whittington Creek Blvd., Commission District 4.

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

b. Use on Review

Proposed use: Detached single-family subdivision PR (Planned Residential) Pending District.

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

**31. SNYDER RIDGE - S & E PROPERTIES**

a. Concept Subdivision Plan


**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**
**b. Use on Review**

Proposed use: Detached single family subdivision in PR (Planned Residential) & PR (Planned Residential) pending District.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Final Subdivisions**

**T 32. WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R**


THIS ITEM WAS TABLED EARLIER IN THE MEETING.

**P 33. CHRISTIAN SPRINGS, UNIT 2**

East end of Ruby June Ln., east of Stair Dr., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 34. RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY**


THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**W 35. PROPERTIES OF ALLEN DUNLAP, BRYAN BARKLEY & JAMES BURKHART**


THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**36. MIDDLEBROOK HEIGHTS COMPANY, RESUBDIVISION OF PART OF LOTS 5 & 6, BLOCK B**


**STAFF RECOMMENDATION:** Deny.

**MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. DENIED.**

**37. HAROLD OGLE PROPERTY**

South side of W. Simpson Road, north of Mountain Ridge Lane, Commission District 9.
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 38. WEST HILLS PARK**
South end of Park Hill Circle, south of Toxaway Drive, Council District 3.

**P 39. THE WOODS AT SHANNONDALE**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **40. MILTON THOMAS PROPERTY**

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**T 41. FARMER PROPERTY**
South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

**P 42. WORLD'S FAIR PARK**
Henley St. at Western Ave., Commission District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **43. RAYMOND H. RUTHERFORD PROPERTY, RESUB. OF LOTS 2R1 & 2R2 AND ADJACENT TRACT**
Southwest side of Frank Merritt, west side of Midway Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **44. LAKESIDE CENTRE**
Pellissippi Parkway at Northshore Dr., Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **45. POLLARD PROPERTY**

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
46. **TOM M. CARTERS**  
North side of Highland Dr., southwest of N. Broadway, Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

47. **ROYAL CROWN BOTTLING COMPANY**  
South side of Deane Hill Dr. at Royal Crown Dr., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

48. **TURKEY CREEK, PHASE III**  
South side of Parkside Dr, west of Herons Nest Rd., Council District 2.

MR. TREY BENEFIELD RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.

STAFF RECOMMENDATION: Deny final plat.

Mr. Arthur Seymour: This is an approvable plat and would need a waiver of the nine-day administrative procedure. This is the new Regal Cinema project and there are some unusual problems that involve City of Knoxville and Town of Farragut. Regal Cinema already has a grading permit for their new 20-screen complex and to keep on schedule, we need waiver at this time.

**MOTION (MASSEY) AND SECOND (DONALDSON) WERE MADE TO WAIVE ARTICLE 6, SECTION 1, OF MPC’S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS. MOTION CARRIED 13-0-1. ARTICLE 6, SECTION 1, OF MPC’S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.**

**MOTION (MASSEY) AND SECOND (CLANCEY) WERE MADE TO APPROVE FINAL PLAT. MOTION CARRIED 13-0-1. APPROVED.**

A BREAK WAS TAKEN AT 2:57 P.M. TO 3:11 P.M.

49. **JOHN MCCAY PROPERTY**  
South side of Tenwood Dr., at Parkwood Rd, Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

50. **PLEASANT RIDGE INDUSTRIAL DISTRICT**  
West side of East Industrial Pkwy, south of Sycamore Dr., Council District 3.
THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 51. **SCHAAD PROPERTIES**
   South side of Kingston Pk., southwest side of Canton Hollow Rd, Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 52. **OAKWOOD ADDITION, RESUB. OF LOTS 2 & 3 OF BLOCK 5**
   Northeast side of Central St., southeast of E. Caldwell Av., Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 53. **CLARK STRANGE PROPERTY**
   North side of E. Beaver Creek Dr, west side of Rhye Ln., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 54. **RALPH C. & LUCILLE E. CHISM PROPERTY**
   North side of Texas Valley Rd, southwest of Brock Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 55. **JOHN M. JONES FIRST ADD. TO CASWELL, RESUB. OF LOT 4 & 5, BLOCK A**
   North side of Old Rutledge Pk, south side of Wilson Dr., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 56. **ROSEDALE LAND & IMPROVEMENT RESUB. OF LOT 51R**
   East side of Minnesota Ave, west side of Johnston St., Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 57. **RESUBDIVISION OF THE ETHANOL CORPORATION**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 58. **NEW HOPE MISSIONARY BAPTIST CHURCH**
   South side of Cecil Ave., west side of Crockett St., Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
* 59. **BAILEY PLANTATION**  
North side of W. Emory Rd., northeast of Staffordshire Blvd.,  
Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 60. **COLD SPRINGS ADDITION TO KNOXVILLE, RESUB. OF LOTS 1 & 2, BLOCK G**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 61. **JAMES MCKINNEY AND PATRICIA K. HOLT**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 62. **OVERHOLT S/D RESUB. OF LOTS 2R & 2R1**  
North side of Emory Rd., east of I-75, Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P * 63. **SUMMER HALL, UNIT 4**  
Southeast end of Cool Breeze Dr., southeast of Porch Swing Rd,  
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 64. **BOWMAN BUSINESS PARK LOT 5**  
Southwest side of Middlebrook Pk., southeast of Bob Kirby Rd.,  
Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 65. **DAVID TALLENT**  
Southwest side of Tipton Station Rd., southeast of Chapman Hwy.,  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 66. **NEALS LAND UNIT 2**  
West side of Neals Landing Rd., north of Asheville Hwy.,  
Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 67. **KARNS CROSSING S/D LOT 9**  


Northeast side of Karns Crossing Ln., northwest of Oak Ridge Hwy.,
Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 68. **WEATHERSTONE, UNIT 1** 8-SQ-04-F
Southwest side of Pipken Ln., northwest of Fox Rd., Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 69. **SOLOMON PLACE, RESUB. OF LOTS 2-R2, 3, & 4** 8-SR-04-F

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 70. **SUMMER ROSE, UNIT 9** 8-SS-04-F
Southeast end of French Lace Drive, southeast of Magic Lantern Dr., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 71. **RIVERDALE HEIGHTS LOT 14, BLOCK C RESUB. & THE DEBRA P. SMITH PROPETY RESUB.** 8-ST-04-F
West side of North Apopka Dr., northwest of South Apopka Dr., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 72. **MITCHELL L. & CAROL LAVERNE PARSLEY PROPERTY** 8-SU-04-F
West and east side of Majors Rd., northwest of Tell Mynatt Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 73. **J. F. G. COFFEE COMPANY** 8-SV-04-F
Southeast of Sutherland Ave., east of Liberty St., north of Southern Railway line, Council District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 74. **ELMER C. GARRETT, JR. PROPERTY** 8-SW-04-F
South side of Gibbs Dr., east of Jacksboro Pike, Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 75. **VANOSDALE PROPERTY** 8-SX-04-F
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P  76.  **GILBERT DRIVE COMMERCIAL PARK, LOTS 1-3**
South side of Gilbert Dr., west of Lovell Rd., Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P  77.  **WEAVER AND DUNCAN PROPERTY**
South side of Greenwell Rd., southwest of Greenwell Dr.,
Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 78.  **REVISION OF LOT 11R2 OF THE RESUB. OF LOT 11 SCRENI C DRIVE ADD.**
West side of Oakhurst Dr., north of Glenfield Dr., Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 79.  **THOMAS HAUN PROPERTY**
Intersection of Kingston Pk., and Lovell Rd., Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P  80.  **DOCKINS PROPERTY & P/ O LOT 1 OF TAYLOR S/ D**
South side of Staley Ln., west of Tazewell Pk, Commission District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 81.  **WINDSTONE S/ D, LOT 86 RESUB.**
East side of Stone Castle Ln., south of Timberstone Ln.,
Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P  82.  **EAGLE'S NEST RESUBDIVISION**
Northwest side of Millertown Pk., east of Fulton Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 83.  **BETHANY SPRINGS**
West side of McCloud Rd., south of Bucknell Dr., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 84.  **JOHN KERR CONSTRUCTION CONCEPTS**
MPC Minutes August 12, 2004

North side of Harvey Rd., east of Amberwood Dr., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 85. ROEFIELD S/D, UNIT 6, PHASE I 8-SHH-04-F

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 86. CLARENCE WILMOUTH PROPERTY 8-SII-04-F

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Rezonings and Plan Amendment/ Rezonings

T 87. JOSEPH KENNEDY, SR.
South side Andersonville Pike, southwest of Pleasant Gap Dr. Commission District 8.

a. North County Sector Plan Amendment 4-A-04-SP
From Rural Residential & SP (Slope Protection) to LDR (Low Density Residential) & SP (Slope Protection).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

T b. Rezoning 4-C-04-RZ
From A (Agricultural) to PR (Planned Residential).

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

W 88. HABITAT FOR HUMANITY 6-N-04-RZ
Northwest side Terry Dr., southeast side Rising Rd., southwest side E Dr., Rezoning from RB (General Residential) to PR (Planned Residential). Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

*89. SCOTT & ELISHA HALL AND METROPOLITAN PLANNING COMMISSION 6-E-04-SP

b. Northeast County Sector Plan Amendment (Revised)
From LDR (Low Density Residential) to MU (Mixed Uses - Office, Medium Density Residential, Commercial).

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
*  b. Rezoning
From A (Agricultural) to CA (General Business).

6-R-04-RZ

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

90. JIM AND MORTON ROSE AND DOVETAIL DEVELOPMENT
North and south sides of Cherokee Trail and northeast side

a. South City Sector Plan Amendment
From LDR (Low Density Residential) and SP (Slope Protection) to MDR (Medium Density Residential) and SP (Slope Protection).

STAFF RECOMMENDATION: Approve MDR (Medium Density Residential) for the tract south of Cherokee Trail.

Mr. Arthur Seymour Jr. on behalf of applicant
Asked Tom Valliant, Architect, to hold up a diagram. This is a little over 100 acres that starts at Tennessee River and goes to Navy Drive. Access is via UT Hospital up Cherokee Trail about ½ miles from Cherokee Bluff Condominiums. From Cherokee Trail north is in the City and from Cherokee Trail south is outside the City limits. It is zoned for single family detached dwellings now. It is inappropriate for that. This should be zoned Planned Residential. Proposal is to ultimately build condominiums and have submitted a concept plan to staff for a little over 300 units on north and south side of Cherokee Trail over to Candora Road. We have also asked for Planned Residential and agree with staff to an extent. Staff has indicated 1 to 2.5 and 1 to 8 and 1 to 8 works. Asking that staff recommendation be raised to 1-5 units to the north. Present development would be covered by the density proposed. Phase II is on a bluff that overlooks the Tennessee River and is one of prettiest sites in Knoxville. You have a view of river and downtown Knoxville and in the country with downtown access five minutes. We think we can bring in one of the finest developments in the area. We need 1 to 5 units per acre to do this. This was postponed because of concerns about possible Civil War artifacts and trenches. Since that meeting, UT Archaeological School has been retained to start work to see what can be up there. Also have hired a firm out of Atlanta to work with the data developed by UT to make an exploration of the site. If in fact there are Civil War trenches, then decisions will need to be made. Can they be made an amenity? You are facing simply a zoning decision today. Property has been farmed by the Rose family for nearly a century. Jim Rose lives next to the property and will continue to live there and is happy with the developer and architectural firm. Only way we can do that is if 1 to 5 units per acre on the north part is approved.
Ms. Susan Brown: Clarified that the area proposed for 1 to 5 units is it the entire R-1 section north of Cherokee Trail. Mr. Seymour confirmed.

Ms. Dorothy Kelly, 2921 Forestal Avenue, Knoxville Civil War Roundtable.
I am going to address just the Civil War portion. We were told that there would be a study by archaeologist and a paper background study. You should have information on the battle. I was disappointed to discover that even though I told these gentlemen that this property has been metal detected for 30 years by local gentlemen who are interested in the Civil War, I was discouraged to read the contract signed by the architect. Their contract states that it should be noted that metal detection is proposed as a supplement to reconnaissance and no excavation are proposed where metal detection takes place and no excavation of any kind will be conducted for this reconnaissance survey. Also NSA does not anticipate collecting artifacts. If you want to find out if Civil War entrenchments and artifacts exist, then digging shovel surveys are going to have to be used. I made a comment that one archaeologist would suggest this be handled by cutting across perpendicular to where they think the trenches would be from the maps from 1863-64. This is totally inadequate.

Mr. Martha Olsen 904 Lester Road and have property 2904 Scottish Pike and am planning on living there. I am active in Southside Waterfront Neighborhood Group. Our concern is traffic. Only place they looked was going out Alcoa Highway. We are concerned there will be traffic going down Cherokee Trail which is windy and is going to back up and add to the traffic problem there. Concerned about emergency services. They did say they assumed traffic would go out past UT Hospital. They say the intersection at Hospital Drive and Cherokee Trail is currently in failure. Naturally those drivers are going to choose to go down Cherokee Trail and out Scottish Pike. If nothing else do not raise the density to 5 units per acre. Even 2.5 is going to be a lot with the buildable sites. There are some good things about these developers as far as wanting to work with the community and saying something about greenways and easements. But the neighborhood and community do not have any hard and fast guarantees that they are going to do that. That is a problem. If you raise the density to 5 units per acre on a 90 some odd acre site that mostly steep terrain, that is just asking for trouble.
Mr. Mark Decay, 910 Loghaven

First is legal issue dealing with zoning and principles involved. I understand that basis of argument is existing zoning as if the property were a flat site with no steep slopes no riparian areas, no springs, no ponds, no cliffs and areas along the waterway, then one could take R-1 and calculate about 300 dwelling units. If you look at the developable land in what would be called a yield plan, one would first look at the yield plan and ask how much is actually buildable. Given lots sizes and easements, my estimation would be that you would get less than 50% developable, probably more like 20%. That yield plan should be the basis for any calculations. In most places that are interested in conservation, that is the basis one argues for a planned residential development. It does not seem that this has been done. What the proposal is asking us to do is change the law. The question is if our laws are supposed to represent the values of the public good and balance against private property rights. If the benefit is to the private property rights of owners, what is the benefit to the public good? I would say that very few arguments have been made that have any meat to them. The second set of issues has to do with the balance of property rights and benefits of public good. This property gives the public a highly undeveloped and visually beautiful waterfront on the south side of the river. We see the detrimental quality that we all share downstream at the riverfront both at Cherokee Bluff site and ridge top removal. There are several ordinances and regulations which are under proposal and in development including a slope protection ordinance, conservation subdivision regulations and forest protection regulations. This would be a really good pilot project to field test all of those things. Consider making this a prime example and good model for future development in the Appalachian landscape that we all share.

Mr. Seymour: We are only asking for rezoning to Planned Residential. We cannot turn a spade of dirt until we have a concept plan and design approved by the City of Knoxville and Knox County. To address the issues raised by speakers can be done under Planned Residential zoning rather than the residential zoning which would allow the landowner to start building houses one or two at a time for a much larger volume. Staff asked us to obtain a traffic study and Wilbur Smith did one and says the intersection at UT Hospital and Cherokee Trail is in failure. Technically, from an engineering standpoint, it is. Anybody else in the City would say that is a nice intersection. If you wait more than 30 seconds, that is a long time. Tom Dalia, our architect, will speak to archaeological issues.
Mr. Tom Dalia, Architect, 621 North Avenue, Atlanta, GA

We submitted an action plan and met with parties regarding concerns about archaeological issues. We have been moving forward with what we are trying to accomplish. We do not suggest a methodology to the field research group. We would have used UT research, but their schedule did not allow them to get onto the site fast enough. We have offered to share the information of the fieldwork and methodology utilized with UT if there is concern about an out of state consultant. That methodology is confirmed to be where these potential trenches or the areas where the fighting took place, to identify them with detection devices, through archival research and through map analysis of terrain mapping to determine if there are agricultural trenches or potential embattlement sites. That mythology is scientific we did not suggest it one way or another. A report will be generated, which we will share with everyone, and act on the recommendations of that report.

Mr. Seymour, Under the concept plan that has been submitted, less than 50% of this property will be utilized for development. The greatest amenity is the terrain itself. We anticipate we will put conservation easements over 50% or more of this property. Ask that we be allowed to commence the process, which I think will be lengthy.

Mr. Art Clancy: Asked if the concept plan will come before MPC.

Mr. Brechko: We have a use on review application that has been submitted as a condominium development that would not require a concept because they are not proposing lots for the present plan. They did file a use on review application for the development shown to you today that is schedule for next month’s meeting.

Mr. Hill: If approved what will be the next step for the RP-1 and then what happens on the RA side?

Mr. Brechko: They have submitted a use on review application which has development on both north and south sides of Cherokee Trail. That bluff area they have identified as the future second phase, they have not submitted anything to us at this time, but it will come before this body.

Mr. Clancy: Can we approve the density at 1 to 2.5 and then they come back with their 1 - 5?

Chair Brown: They have to come up with a density range.
Mr. Buz Johnson: We have a comment in the staff report that calls for them to do an inventory. We would expect the site plan we bring before you in the future to address whatever is there in a satisfactory manner. We will also take a closer look at the traffic impact study in terms of what they are proposing.

Mr. Dick Graf: How many total units on 104 acres do you anticipate?

Mr. Seymour: About 500 total with 350 on top of the hill and 150 on the bluff. The area in between will be undisturbed. I expect it will have to go under a conservation easement where it cannot be disturbed with probably some trails through there.

Mr. Buz Johnson: Our original staff recommendation is based on level tract to the south is 1 to 8. The north side is moderate to steep slopes. That is why we recommended 1 to 2.5 based on no development on the northern portion. I think staff will still recommend 2.5 on the north side on 85 acres.

Mr. Seymour: It would not take care of Phase II at this time. We would probably not submit a use on review for Phase II for a while. This on the 85 acres is what will pay for the project. For planning purposes we need 5 units per acre on the 85 acres. I doubt if we will use that, but 2.5 really puts us in a box. There are about 125 to 130 on the City side. I doubt if we could get 200 on the top. That would be 1 to 4.

Mr. Trey Benefield: I was terrified on Cherokee Trail yesterday when it was raining. It is a very poor road. The idea of approving another 500 units gives me great concern. That coupled with the environmental concerns. I appreciate the way you are looking at approaching development and conserving hills. Import concern is impact on the land. Visual impact for development the bluff from downtown is an important concern. There are an awful lot of concerns that are bothersome about this development, the road being one of them. This property may not be ready to be developed at this point. People that work downtown or Baptist Hospital will go Chapman Highway and Scottish Pike to the east.

Mr. Seymour: It is three lane up to Cherokee Bluff. Leaving aside the one-lane underpass, Cherokee Trail is in as good a shape as Lyons Bend, Houser Road, Duncan Road, Tooles Bend Road and yet there are hundreds of houses being built out there on a daily basis. The market is not deterred by the
road out there. The City has done a good job on keeping up Cherokee Trail and repaving it.

Mr. Phil French: If slope protection constraints are adhered to, how does that not impact the density even if we give them 1 to 5 density? Don’t the slope protection constraints say how many units can be built?

Mr. Johnson: The primary governing factor is the density you approve. Having a less density because of the slope guarantees you will be able to save more of the site. The greater density increases potential to have to move or grade more of the site or creates an intense pattern that might not be compatible with surrounding density. Given our slope protection policies, we try to recommend a density appropriate for the site.

Mr. Hill: The slope density regulations will determine the density. You can approve a density number as part of the rezoning, but it still is not going to supersede the slope density regulations on the books.

Mr. French: If we give them 1 to 5, they are not going to get the 1 to 5. I do not think it is fair to ask for property owner to pay for that good of the public. If we want to preserve the property for the good of public, then we need to buy the property to preserve. I do not think it is fair to ask the property owners to bear that good for public interest.

Mr. Graf: I have worked on the figures and in light of what Mr. French just said about the slope protection, I think 3.5 will do what they want to do or probably can do.

MOTION (GRAF) AND SECOND (KILGORE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-1. APPROVED.

b. Rezoning

From RA (Low Density Residential) and R-1 (Single-Family Residential) to RP-1 (Planned Residential) and PR (Planned Residential).

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density of 1 to 2.5 dwelling units per acre and PR (Planned Residential) at a density of 1 to 8 dwelling units per acre.

MOTION (GRAF) AND SECOND (MASSEY) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION
CARRIED 13-1. RP-1 ON NORTH AND PR ON SOUTH APPROVED.

MOTION (GRAF) AND SECOND (JENDREK) WERE MADE TO APPROVE RP-1 AT 1-3.5 DWELLING UNITS PER ACRE ON THE NORTH.

Upon roll call the Planning Commission voted as follows:

- BENEFIELD: NO
- DONALDSON: YES
- CLANCEY: YES
- JOHNSON: YES
- FRENCH: YES
- GRAF: YES
- JENDREK: YES
- KILGORE: NO
- LEWIS: NO
- MASSEY: YES
- SHARP: YES
- SLACK: YES
- SMITH: YES
- BROWN: YES

MOTION CARRIED 11-3. RP-1 (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 3.5 DU/AC APPROVED.

MOTION (GRAF) AND (KILGORE) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-8 DWELLING UNITS PER ACRE ON THE SOUTH. MOTION CARRIED 13-1. PR AT 1-8 DU/AC APPROVED.

91. HEARTHWOOD, LLC
North side Western Ave., northwest of Ball Camp Pike. Council District 3.

a. One Year Plan Amendment 7-J-04-PA
   From LDR (Low Density Residential) to O (Office).

   STAFF RECOMMENDATION: Approve O (Office).

Ms. Steve Badget: 4519 Hinton Road
My husband and I are the property owners. The applicant is not here. We gave Hearthwood verbal permission to file for the rezoning. This was over six weeks ago. They have not been forthcoming with a written contract. You cannot even find them. We ask that this be withdrawn.

Mr. Steve Wise: MPC Attorney. Withdrawals usually comes from the applicant. The end result of a denial is the same as
a withdrawal. I am not certain that a third party can ask for a withdrawal. If you think you want to come with the same proposal for one year, you may not wish withdrawal or denial.

Chair Brown: Asked if she preferred denial or withdrawal based on the fact that you could not come back for the same zoning within a year.

Ms. Badget: We would probably not come back for an office zone. Asked to put it off for 60 days.

Ms. Mary Slack: Asked if there did not need to be written authorization from property owners to apply.

Mr. Wise: It has to be in writing that the authority is there.

Ms. Badget: He may have without our knowledge.

**MOTION (BENEFIELD) AND SECOND (JOHNSON) WERE MADE TO POSTPONE FOR 60 DAYS UNTIL THE OCTOBER 14, MPC MEETING. MOTION CARRIED 14-0. POSTPONED**

b. Rezoning
From R-1 (Single Family Residential) to O-1 (Office, Medical, and Related Services).

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

**MOTION (MASSEY) AND SECOND (BENEFIELD) WERE MADE TO POSTPONE FOR 60 DAYS UNTIL THE OCTOBER 14, MPC MEETING. MOTION CARRIED 14-0. POSTPONED.**

92. NATHAN ROTHCHILD
Northeast side N. Gallaher View Dr., southeast side Middlebrook Pike Council District 2.

a. **One Year Plan Amendment**
From LDR (Low Density Residential) (R-1E) to O (Office).

**STAFF RECOMMENDATION: Deny O (Office).**

Mr. John Valliant: 800 South Gay Street, Suite 1650, Attorney on behalf of Mr. Rothchild
Mr. Rothchild went to MPC and discussed the appropriate zoning with staff for what he wanted to do, which is a Crescent Bend type situation where it would serve as a residence for his daughter and they would have weddings and wedding receptions. Mr. Pruitt indicated that the use is
something that they do not have a designation for but felt it might be appropriate to use office. This is a benign use of this property. It is an old home up on a hill at the corner of Middlebrook Pike and Gallaher View Road. It is a busy intersection of two four lanes. The people to the east of the site, the Walkers, are in favor of this. You cannot see any other house from this site, maybe in the winter. Everyday use is going to be a residence for Mr. Rothchild’s daughter. We believe the proposed use will be a pleasant benefit to the area. It is being refurbished. He put fountains in to keep out noise of traffic. Mr. Levitt talked to Wayne Kline yesterday to see if we could get some compromise. Mr. Kline told us his clients, Westboro and West Hills, were adamant in their position and that they were afraid of the noise and the domino affect of other such zonings coming in. There was not any compromise between the two parties. Historically O and O-1 is what was proposed for this site. Over the objection of West Hills, that was stricken and kept the way it is. The owners of this site have been wanting to use it for years. The bottom line is Westboro and West Hills do not want anything zoned there period. MPC says this is within the West Hills neighborhood. I always believe West Hills ended at Broome Road and went between Middlebrook Pike and over to Deane Hill and east up to Frances Road and Weisgarber Road. I do not see how this neighborhood can be impacted by this. There have been a lot of misstatements about this project.

Mr. Wayne Kline: Carson Doughty Hodges, representing West Hills Homeowners and residents of Westboro

In 2002 MPC staff recommended an amendment to the sector plan that was approved by City Council and County Commission in 2002. What was approved was alternative E which specially addressed the road upon which this parcel sits. “Low density residential is appropriate land use of properties fronting along ...Gallaher View Road. Relationship of properties on the west side of the new road to the floodway of 10 Mile Creek strongly suggests that any new development must not add to the potential for flooding. Uses such as office and commercial that result in substantial amounts of impervious surface... would not be appropriate for these sites where the depth of the property from the roadway to the floodway is at best approximately 170 to 220 feet. Regarding the east side of North Gallaher View Road, the small tract that includes the Walker House should maintained for low density residential development. Office zoning on this site would be spot zoning because the property would be surrounded by other low density residential properties as depicted in Alternative E.” It also says that the Knox County zoning ordinance may be amended, but if zoning request involves an amendment to the one year plan, certain
considerations must be considered—1) be necessary due to changed conditions, 2) be consistent with the zoning ordinance, 3) not adversely affect other areas and 4) be consistent with road, land use and facilities plans. None of these considerations apply to this property. The new Gallaher View Road was designed as an artery to move traffic through. New curb cuts would be inappropriate. Domino affect would be started for other properties to apply for a plan amendment. SUBMITTED A PETITION IN OPPOSITION FROM 61 OUT OF 62 HOMEOWNERS IN WESTBoro ABOUT 25 PEOPLE STOOD. Especially residents on Campton Road would be hurt by this zoning change. They are the ones that would be on the back yard of Mr. Rothchild’s property. Mr. Rothchild has informed neighborhood representatives that he would bring in portable outside dance floors and build a couple of gazebos to use for receptions and parties and add all that is necessary for a wedding reception and you have something that should not be allowed in a peaceful residential neighborhood.

Chair Brown: There are several residential parcels between Mr. Rothchild and the Westboro neighborhood. Are they part of Westboro?

Mr. Kline: No, they are part of the West Hills Association.

Mr. Randy Massey: I drove this yesterday. I agree with staff

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

b. Rezoning

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

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

* 93. GILES S. WEAVER
Northeast side N. Central St., northwest of E. Quincy Ave., Rezoning from C-4 (Highway and Arterial Commercial) to C-3 (General Commercial). Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
* 94. **WILLIAM MONDAY**  
Northeast side N. Central St., northwest side E. Woodland Ave.,  
Rezoning from C-3 (General Commercial) to C-4 (Highway and  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 95. **KNOX COUNTY SCHOOLS**  
South side E. Gov. John Sevier Hwy., east of Nichols Rd., Rezoning  
from CA (General Business) to A (Agricultural). Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 96. **ROGER L. AND RHONDA L. GUI NN**  
East side Dogwood Rd., east of Sam Crawford Rd., Rezoning from  
RA (Low Density Residential) to A (Agricultural). Commission  
District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 97. **WILLIAM C. AND CAROL S. MEREDITH, JR**  
Southeast side Lovell Rd., southwest of Thompson Rd., Rezoning  
from A (Agricultural)/TO (Technology Overlay) to RA (Low Density  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 98. **CITY OF KNOXVILLE**  
Southeast side Dutchtown Rd., northeast side Pellissippi Parkway,  
Rezoning from No Zone to C-6 (General Commercial Park)/TO-1  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 99. **TOBY TUMPSON**  
Southeast side Sutherland Ave., northeast of Forest Heights Rd.,  
Rezoning from R-1 (Single Family Residential) to O-1 (Office,  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 100. **GERALD MARTIN GREEN**  
Southeast side Maplegreen Ln., southeast of Bluegrass Rd.,  
Rezoning from A (Agricultural) to RA (Low Density Residential).  
Commission District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
101. **MPI BUSINESS SOLUTIONS, INC.**  
Southeast side Martin Luther King, Jr. Ave., northeast side Bentley St., Rezoning from C-1 (Neighborhood Commercial) and R-1 (Single Family Residential) to C-3 (General Commercial). Council District 6.

**STAFF RECOMMENDATION:** Approve C-3 (General Commercial).

**MOTION (MASSEY) AND SECOND (DONALDSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.**

* 102. **S & E PROPERTIES**  
Northwest side Dogwood Dr., southwest of Merriwood Dr. Commission District 4.

b. **Southwest County Sector Plan Amendment**  
8-A-04-SP  
From Rural Residential and SLPA (Slope Protection) to LDR (Low Density Residential) and SLPA.

**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

*  b. **Rezoning**  
8-J-04-RZ  
From A (Agricultural) to PR (Planned Residential).

**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

* 103. **MARVIN DEAN RUTHERFORD, TRUSTEE**  

**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

* 104. **HELEN J. VANCE**  
East side Fox Rd., south of Donovan Ln., Rezoning from A (Agricultural) to OB (Office, Medical, and Related Services). Commission District 5.

**THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.**

* 105. **BENNY MOORMAN (REVISED)**  

**STAFF RECOMMENDATION:** Approve PR (Planned Residential) at a density of 1-3 dwelling units per acre.

**MOTION (CLANCEY) AND SECOND (DONALDSON) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. PR (PLANNED RESIDENTIAL) APPROVED.**
MOTION (MASSEY) AND SECOND (DONALDSON) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-3 DWELLING UNITS PER ACRE. MOTION CARRIED 14-0. PR AT 1-3 DU/AC APPROVED.

* 106. S & E PROPERTIES

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 107. KATHERINE WYROSIDICK FOR THOMAS FORD
South side Hall Dr., south of Dutchtown Rd, Rezoning from A (Agricultural) to CA (General Business). Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 108. B & J ENTERPRISES

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

109. ROY AND LELA LAMBERT
Northwest side W. Beaver Creek Dr., northeast side Ammons Ln., northeast of Clinton Hwy, Rezoning from A (Agricultural) to CB (Business and Manufacturing). Commission District 6.

STAFF RECOMMENDATION: Approve CB (Business & Manufacturing).

Mr. Robert Campbell 7423 Taggart Lane
Ask you approve per staff recommendation

Mr. David Hamilton: 1810 Merchant Drive, Attorney for Robert Satlow, adjacent lot owner
Proposal is adverse to sector plan. Recently there have been improvements to West Beaver Creek and Clinton Highway. Those improvements are not sufficient to support commercial by having a manufacturing facility on this road. Beaver Creek Road does not connect to Clinton Highway in a manner that is safe for movement of large trucks. This intersection is at the base of a ridge and uses a concrete median divided to allow traffic to move in and out of West Beaver Creek. Access to this site is why the lot immediately across the road was denied to have a storage facility built on the site. Since this is commercial manufacturing facility, it appears staff recommendation is inconsistent with its position of a year ago.
My client is on a 6-acre Agricultural property and beside him are a number of homes at $250,000 each. To allow for commercial development across the road towards the residential area to construct boats or other recreational vehicles is not a benign change to the character of the area. It is actually adverse. This could become a 24-hour activity which is not what is needed in this vicinity. Across the street is a day care center. This would appear to be inappropriate for an industrial site, which is what they intend to be doing. It is not compatible with sector plan or future development of adjacent sites.

Mr. Campbell: We got a phone call from Mr. Hamilton yesterday asking that he put his property with ours in rezoning. I am confused. The house next door houses a dog kennel which is commercial. We have Emory Road to the rear of this property that ties into Clinton Highway, which is a five lane road. Beaver Creek has been wide enough for DeRoyals, Levis, and IBM and why it is not adequate suddenly is confusing. The intersection is improved. We are going to build houseboats. We build one houseboat every a month to a month and one half. The people that operate the day care center do not have any objections. With the other commercial around it, with the improvements of Emory Road behind it and with the activity for the past 25 year this is suitable for commercial.

Mr. Brusseau: There are businesses located in the CA zones. I have not been out there myself. Staff’s recommendation is based on logical extension of commercial from the south to the west.

Mr. Campbell: North is the former Levi’s plant. Temple Baptist built a school and DeRoyal is next to that.

Mr. Larry Smith: That intersection has been greatly improved. It is a very small day care with 7-8 kids.

**MOTION (SMITH) AND SECOND (CLANCEY) WERE MADE TO APPROVE STAFF RECOMMENDATION.**

Mr. Harold Baker, 7220 Ammons Lane. I live on Ammons Lane and traffic is very backed up. This land has water that comes off Clinton Highway and down through this property. All this painting is going to end up in Beaver Creek.

Mr. Campbell: There is a small sliver in the back that is unusable because of that and will be using it for appropriate drainage facilities. As far as paint these businesses are regulated on disposal and that type of thing.

**MOTION CARRIED 13-1. APPROVED.**
* **110. MESSIAH LUTHERAN CHURCH**  
South side Kingston Pike, west of Golf Club Rd., Rezoning from C-3 (General Commercial) to C-4 (Highway and Arterial Commercial). Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **111. CITY OF KNOXVILLE**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

### Uses on Review

**P 112. HUBER PROPERTIES, LLC**  

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **113. NEW HOPE MISSIONARY BAPTIST CHURCH**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **114. LEIGH BURCH III**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**115. ROTH LAND SURVEYING**  

**STAFF RECOMMENDATION:** Deny the development plan for four duplexes on four lots.

**MOTION () AND SECOND () WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED -0. APPROVED.**
Mr. James Wells 7111 Texas Valley Road
Asked for postponement.

Mr. Michael Brusseau: Staff is recommending denial because we do not have the required architectural and landscaping plans. There are a number of variances the way it is currently laid out. They are scheduled to be heard by BZA. I do not think staff would support postponement because even with revisions to the plans and landscaping staff could not support this request. In RA zone it is a privilege if granted approval from MPC that you can build a duplex in the RA zone. Staff would only recommend that when you can meet all the regulations in the RA zone. We are open to working with the applicant to get to them to a point where they had a possibly approvable plan, but from a capability standpoint I do not know that staff would recommend approval.

Mr. Wells: That is actually designed the same as Generals Landing. In General’s Landing we are only 50 square feet short of meeting those setbacks for duplexes. I understand concerns with buffer zones and architectural landscaping.

Mr. Dick Graf: I do not think there needs to be any duplexes in that area. We see a lot of encroachment on these roads as they get a little bit bigger and it has been very well contained. I would like to see it stay single family in that area. I do not see any reason for duplexes in that area.

**MOTION (GRAF) AND SECOND (SMITH) WERE MADE TO DENY. MOTION CARRIED 14-0. DENIED.**

**116. NANCY JENKINS**

West side of Piney Grove Church Rd., north of Middlebrook Pk.

**STAFF RECOMMENDATION:** Approve the request for a child day care center to serve up to 35 children as shown on the development plan subject to 5 conditions.

Mr. Dave Beck: Retired matine colonel and Attorney
Ms. Nancy Jenkins: 937 Piney Grove Church Road
Applying for day care center next door at 931 Piney Grove Church Road. I am glad I have had some opposition because it made me do some homework. I felt like this was a good idea from the needs in the church for quality day care. We found only two day care centers for 5 and under that have openings and only an opening for one two year old in each center. We have concern for traffic on Piney Grove Church Road. I do not have any problem backing in and out of the road. This is R-2 zone with apartments and I do not have a problem. Our neighbors do not have a problem because
they want to use our day care. We do not live at the blind curve, but closer to Middlebrook Pike. We plan to have the children enter in the back in a fenced area. The people who live right around us want us there. This is good for the community.

Mr. Robert Miller: 1023 Piney Grove Church Road
I am not opposed to a day care center. I am concerned about traffic onto Piney Grove Church Road, which is narrow. It is very dangerous with no sidewalks. If they have another 35 children, we are going to have another 70 to 80 cars entering and existing Piney Grove Church Road at a very busy intersection. We have convenience stores and liquor stores here. There is a very narrow driveway at the property at this time. I see multiple accidents in front of my house. By allowing you are endangering children and cars at the day care center. I spoke with Steve Hall and he says it was narrow and dangerous road as well.

Mr. Dan Kelly: The pavement width of Piney Grove Church at that location is 20 feet. The number of children proposed to be accommodated is 35. The drop off and pick up is usually scattered over morning and afternoon. I do not think you will see a significant increase in traffic. Driveway is proposed to be widened to accommodate two-way traffic. Meets all requirements of a day care center. Piney Grove is a collector street and would be an appropriate use. It is zoned R-2 which would allow multifamily housing.

Mr. Larry Smith: This is a long street but this is near the end.

**MOTION (SMITH) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 14-0. APPROVED.**

**117. H & W LIMITED PARTNERSHIP**

West end of Corridor Park Blvd., southwest of Data Ln. Proposed use: 50,000 square foot office building in BP (Business and Technology) / TO (Technology Overlay) District. Commission District 6.

**STAFF RECOMMENDATION:** Approve the development plan for a 50,000-square foot office building in the BP/TO zone subject to 7 conditions.

Mr. Bill Bullock 6704 Sherwood Drive
We would like to modify language on number 5 to have a joint permanent easement across the road. There is a road that we found out was not dedicated by the County. We would like to get an easement so the sellers can submit a concept plan dedicating the road at some point in the future.
Mr. Michael Brusseau: We discussed this earlier. I have proposed new wording for condition no. 5, “Prior to MPC certification of plans, a final plat must be approved dedicating the right-of-way of Corridor Park Boulevard or creating a legal access easement to the subject property from a public right-of-way from which this development will be accessed.” Basically that enables them to have access to their site. We would encourage them to work with adjacent property owners and come in with a concept plan to dedicate that paved road as a dedicated right of way. My understating is that they would also like to see that happen.

MOTION (MASSEY) AND SECOND (JOHNSON) APPROVE STAFF RECOMMENDATION AMENDING CONDITION 5. MOTION CARRIED 14-0. APPROVED.

118. WITHDRAWN PRIOR TO PUBLICATION 8-K-04-UR

* 119. WARREN LONGMI RE

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Other Business

W 120. Consideration of appeal of approval of resubdivision of Lot 7, Levenia Metcalf, Administrative Plat No. 4-T-04. 7-A-04-OB

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

* 121. Consideration of Staff report for Plans of Services. 8-A-04-OB

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 122. Consideration of amendment No. 1 to MPC's FY 2004/ 2005 Budget. 8-B-04-OB

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

ADJOURNMENT

MOTION (SMITH) WAS MADE TO ADJOURN
There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 4:49 p.m.

Prepared by: Betty Jo Lamb

Approved by: David M. Hill, Executive Director

Approved by: Susan Brown, Chair

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