The Metropolitan Planning Commission met in regular session on February 12, 2015 at 1:30 p.m. in the Main Assembly Room, City/County Building, and Knoxville, Tennessee. Members:

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

* Arrived late to the meeting.
** Left early in the meeting.
A – Absent from the meeting

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

* 2. **APPROVAL OF FEBRUARY 12, 2015 AGENDA.**

THIS ITEM WAS APPROVED ON CONSENT.

* 3. **APPROVAL OF JANUARY 8, 2015 MINUTES**

THIS ITEM WAS APPROVED ON CONSENT.

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

Automatic postponements read

**POSTPONEMENTS TO BE VOTED ON READ**

John Dempster on behalf of Barbara Hooper: Item number 32 we would like to request that be postponed for 30 days. Barbara Hooper

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING ITEM 32 FOR 30 DAYS UNTIL MARCH 12, 2015. MOTION CARRIED 15-0. POSTPONEMENTS APPROVED.**
MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE POSTPONEMENTS AS READ FOR 60 DAYS UNTIL MARCH 12, 2015. MOTION CARRIED 15-0. POSTPONEMENTS APPROVED.

Automatic Withdrawals Read

WITHDRAWALS REQUIRING MPC ACTION

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO WITHDRAW ITEM NO. 35 PAUL MURPHY 7-E-14-UR. MOTION CARRIED 15-0. WITHDRAWN.

REVIEW OF TABLED ITEMS

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

WILSON RITCHIE 3-F-10-SC

METROPOLITAN PLANNING COMMISSION 6-A-10-SAP

METROPOLITAN PLANNING COMMISSION 7-C-10-SP

WILLOW FORK - GRAHAM CORPORATION 11-SJ-08-C
a. Concept Subdivision Plan
b. Use on Review
Proposed use: Retail subdivision in PC (Planned Commercial) & F (Floodway) District.

HARRISON SPRINGS - EAGLE BEND DEVELOPMENT 4-SC-09-C
a. Concept Subdivision Plan
b. Use On Review
Proposed use: Detached dwellings in PR (Planned Residential) District.
LONGMIRE SUBDIVISION 1-SA-11-C
West side of Tazewell Pk., north of E. Emory Rd., Commission District 8.

BEN H. MCMANAHAN FARM RESUBDIVISION OF PART OF TRACT 1 2-SO-09-F

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

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

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

908 DEVELOPMENT GROUP 7-E-14-SP
  a. Central City Sector Plan Amendment From C (Commercial) to HDR (High Density Residential).
  b. One Year Plan Amendment From GC (General Commercial) to HDR (High Density Residential).
  c. Rezoning From C-3 (General Commercial) and I-4 (Heavy Industrial) to RP-3 (Planned Residential).

BUFFAT MILL ESTATES - CLAYTON BANK & TRUST 4-B-10-UR

SOUTHLAND ENGINEERING 7-A-13-UR

ITEMS REQUESTED TO BE UNTABLED OR TABLED

CHAIR LONGMIRe RECUSED FROM VOTING ON THIS ITEM.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO UNTABLE LONGMIRE SUBDIVISION 1-SA-11-C. MOTION CARRIED 14-0-1. UNTABLED

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

COMMISSIONER ELIZABETH EASON AND COMMISSION LEN JOHNSON RECUSED FROM VOTING ON THE CONSENT LIST.

Chair Longmire: I am requesting item 13 be taken off the consent list.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO HEAR THE CONSENT ITEMS AS READ EXCLUDING ITEM 13. MOTION CARRIED 13-0-2.

MOTION (CLANCY) AND SECOND (LOMAX) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING ITEM 13. MOTION CARRIED 13-0-2.

Ordinance Amendments:
None

Alley or Street Closures:

* 5. CITY OF KNOXVILLE 2-A-15-AC

STAFF RECOMMENDATION: Approve closure.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 6. REGAS PROPERTIES, LLC 2-B-15-AC

STAFF RECOMMENDATION: Approve the closure of the recommended portion of the unnamed alley only (portion from Williams St. southwest to northeast corner of parcel 094EF022), subject to any required easements and subject to the following condition

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Subdivision Name Changes:
None

Plans, Studies, Reports:
None

Concepts/Uses on Review:
None
Final Subdivisions:

P 7. **WESTLAND GARDENS**  
South side of Westland Dr., west of Coile Lane, Commission District 5.  

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 8. **THE GLEN AT HARDIN VALLEY, PHASE I**  

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 9. **TERRY HOWARD PROPERTY RESUB. OF LOTS 1 & 2**  

STAFF RECOMMENDATION: Approve  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 10. **FURROW FAMILY PARTNERSHIP PROPERTY ON S. CONCORD STREET**  
At the southwest intersection of Jersey Ave. and S. Concord St, North side of Sullins St., Council District 2.  

STAFF RECOMMENDATION: Approve  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 11. **DAMERON’S ADDITION RESUB. OF LOTS 74-76 & PART OF LOT 77**  

STAFF RECOMMENDATION: Approve  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 12. **SNEED, KING & CO’S ADD. TO KNOXVILLE**  

STAFF RECOMMENDATION: Approve  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

13. **TALLENT PROPERTY**  

2-SC-15-F

**STAFF RECOMMENDATION: Approve variance and final plat.**

Longmire: My request is... Is the applicant present? Sir if you would mind coming up. I don't have opposition I have a request from the community. At one time they were told that there would be land dedicated for greenway use on this property. Does that strike any kind of bell at all with you?

Applicant: No.

Longmire: Then I would like to request as one of the conditions if you would please to dedicate a portion of that property so that the greenway may be connected through that property.

Applicant: Okay.

Longmire: That will go on record that you are agreeing to that condition.

Bart Carey: Should we define what part that is?

Gary Roth: 6718 Kern Road, Knoxville, TN

Longmire: Mr. Roth is there a portion that should be assigned to that dedication? I simply received messages from community members and also from the Urban Wilderness group wanting, apparently they had been told in a meeting that there would be a portion of the land dedicated to the greenway.

Roth: I have just not been made aware of that by the owner or anything.

Jeff Welch: I am not sure we can do this.

Art Clancy: We can't approve a final plat without that being on it.

Welch: I think we don't have adequate information at all.

Roth: What I would probably need to do is get with the owner and see if I can get some information on that.

Longmire: That would require a postponement for 30 days.

Roth: Okay that is fine.

Wise: This is a final plat. Would have to be denied and refile and ask for a waiver of the refileing fee that would the delicate thing to do seems to me. Postponing it is not available under the State statutes.
Longmire: I just got this yesterday, last night actually. Did you understand what Mr. Wise said?

Roth: Yes.

Longmire: Okay so the option is for us to deny it and you reapply and maybe waive the fee.

Jeff Welch: I am not experienced in that. I am not sure if the staff is experienced that. Dan have waived a fee on something of this nature:

Dan Kelly: When a plat is normally denied you can bring it back within 120 days. There is a fee but it is nominal. If commission so directs us to we would waive that fee if you direct us to do so.

Michael Kane: I just want to make sure I understand exactly. You were communicated by a greenways coordinator for Knox County?

Longmire: Carol Evans, Carol is with Legacy Parks and also Sandra Clark who is with the Shopper News. With another person in the community there is no community opposition to these apartments. They would just like to have a portion of the land dedicated so that the greenway through the Powell area can be connected.

Kane: Apparently that was discussed with the owner at some time?

Longmire: In the email I got during meetings with the owner they were told that a portion of the land would be dedicated so that the greenway may be joined. They just asked me to please make sure that was entered into the record some way. So it has just been an interesting...

Kane: Sounds like to me that there is as given there is community opposition to this because it does not have any designation for a greenway path. Therefore I would like to make a motion to...

Wise: Keep in mind that final plats are almost ministerial for this body if it complies with the terms of the subdivision regs and comports with any prior concept plans, there is no basis to not approve a final plat. If it meets the criteria then you are supposed to approve it. If you intention is to deny the plat there has to be a reason.

Kane: Can the applicant postpone it?

Wise: Not at this time. It has to be provided to us in advance of the meeting otherwise passage of 30 days, which would be more
than 30 days from the time of filing, if it is not acted on it is approved. Basically you can approve it today or you can deny it. But the denial needs to be based on something in the subdivision regulations.

Longmire: I will say this. In the agenda packet for Tuesday where it was listed in my tablet that there was a suggestion, it was not a condition, but it was a suggestion that land might be donated so that greenway could continue.

Kane: I would like this to be moved to the end of the agenda. We can vote on it then.

Longmire: He is here and I appreciate that point.

Clancy: It seems to me like if the owner of the property is going to be willing to work with the Legacy Foundation and Legacy Parks and the greenway people then he is going to. If he is not, he is not. I don't think we can force the owner to do that.

Kane: They will have to resubmit plat though if they are going to do that with the easement with greenway on it.

Clancy: Again he can put the cost on the people that want it and that he donating the land to. Like he says it meets the subdivision regs. It would be hard to deny that.

Bart Carey: Maybe I am saying the same thing but a 30 day postponement would guarantee the waiver.

Longmire: We can't postpone a final plat.

Wise: It seems a bit disingenuous and maybe a little not straight forward but he is asking for variances. That is a reason to turn down a final plat is because you disagree with the variances. But then you becoming intellectually dishonest if he brings the variance back next month with something else that you want and then you approve it. This is the sort of thing that should have been brought up to the staff in advance and it could have been dealt with at that time. You just don't have any latitude at this meeting to manipulate final plat approvals.

Brechko: Looking at a copy of the plat that County Engineering staff had, there is reference to a deed. I don't see that this was previously platted. Was it? No. I mean it is a deeded parcel in the Ag district. It is not a part of a previous subdivision and usually there would have been nothing before the planning commission on establishing or having a requirement through the Planning Commission for having any kind of greenway easement. If there was anything that was you know parties outside any kind of review of approval that we would have had as far as establishing that type of easement. Sometimes you will have property that
was approved and under the concept or use on review there may have been a condition on establishing greenway easements or buffer strips that would be shown on the plat. But there was no previous action from looking now with the limited information I have that indicates that there was anything placed on by the Planning Commission at any point in time.

Longmire: I have a question. If we approve the final plat and at a later time the owner would like to donate some land to join the greenways, would he have to reapply?

Brechko: Well I think you can establish probably a greenway easement by a written document and not by an actual plat. It is always cleaner to have both documents as part of it. If it was done as a plat showing that it would be an administrative review just for that purpose of establishing an easement. My guess is, and Steve may be able to answer, they could record an easement on that property.

Wise: Yes, right.

Longmire: So you are aware that the community is very anxious for the greenway to be continued and we cannot deny the final plat unless there is something wrong with the plat and there doesn't seem to be that. But we have now made it a part of the record that there is a request that he consider what the community and what Legacy Parks would like to have. I think having a walking area is always a bonus when one is building.

Roth: I will bring that up with the owner.

**MOTION (CLANCY) AND (JOHNSON) WERE MADE TO APPROVE VARIANCE AND FINAL PLAT.**

**CAREY RECUSED FROM THIS ITEM. MOTION CARRIED 14-0-1. APPROVED.**

* **14. BURLINGTON SPEEDWAY ADDITION RESUBDIVISION OF LOTS 8-11**

At the intersection of Martin Luther King Jr. Ave. and Holston Dr., Council District 6.

**STAFF RECOMMENDATION: Approve**

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

* **15. HENRIETTA CLABOUGH ESTATE PROPERTY**

South side of E. Brushy Valley Dr., northeast of Heiskell Rd., Commission District 7.

**STAFF RECOMMENDATION: Approve**
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 16. **BENNY D. REAGAN PROPERTY** 2-SG-15-F
   East side of E Dick Ford Lane, south of Sevierville Pike, Commission District 9.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 17. **SCHOFIELD'S PLEASANT VIEW ADDITION RESUBDIVISION** 2-SH-15-F
   Loraine St., Council District 3.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 18. **DAMRON ADDITION TO KNOXVILLE RESUBDIVISION** 2-SI-15-F
   At the intersection of Steward St and Alexander St, Council District 4.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 19. **ANDERSON, HENDERSON & TAUGUAY PROPERTY** 2-SJ-15-F
   North side of Smallwood Dr., Southwest side of Sheraton Lane, and South side of Ginn Rd., Commission District 9.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 20. **RONALD AND ROSE ANN THOMPSON PROPERTY** 2-SK-15-F
   At the intersection of E Ford Valley Rd. and Chapman Hwy., Council District 1.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 21. **BRETT HONEYCUTT PROPERTY** 2-SL-15-F
   West side of Foggy Bottom St., north side of Sevier Ave., Council District 1.
   STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 22. **SHERRILL HILL RESUBDIVISION OF LOT 2R1** 2-SM-15-F
East side of Moss Grove Blvd. south of Kingston Pike, Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 23. **BOULDER POINT PHASE 2**  2-SN-15-F

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 24. **BLESSING RIDGE**  2-SO-15-F

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 25. **REGAS SQUARE**  2-SP-15-F
Site bounded by Magnolia Ave., Gay St., Depot Ave., and Williams St., Council District 6.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 26. **ARDILA POINT RESUBDIVISION OF LOTS 5 & 6**  2-SQ-15-F
At the terminus of Calumet Dr., west of Blows Ferry Rd., Council District 2.

STAFF RECOMMENDATION: Approve

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Rezonings and Plan Amendment/ Rezonings:**

P 27. **TANASI GIRL SCOUT COUNCIL, INC. (REVISED)**  4-J-14-RZ

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

28. **MESANA INVESTMENTS, LLC (REVISED)**
a. **Northwest County Sector Plan Amendment**

From LDR (Low Density Residential) & SLPA (Slope Protection Area) to MDR/O (Medium Density Residential/Office) & SLPA (Slope Protection Area).

**STAFF RECOMMENDATION:** DENY the request to amend the future land use map of the Northwest County Sector Plan to MDR/O (Medium Density Residential/Office)

Chair Longmire: This is the handout you gave us for this particular project. You received a handout that had some information on it for this particular project.

Scott Davis: PO Box 11315, Knoxville, 37939. I appreciate your all’s time. This property has been in the same family since 1935. We are talking about acres that fronts on Hardin Valley Road that is directly across from Westbridge Business Park as well as the Hardin Valley Business Park. As you all know since 2003 when the sector plan was instituted substantial changes have occurred in the Hardin Valley/Pellissippi corridor. This acreage of which it is 85 acres total, the piece you have in front of you on the board is 75. We are showing 60 acres of 15% slope average or less and it is also adjacent to technology corridor. I am required to meet one of four changes to warrant an amendment of the 2003 general plan. My proposal meets three of those four. First introduction of new roads or utilities that make development more feasible. Several new roads have been introduced into the General Plan since it was adopted. Most recently the Karns Connector which dead ends immediately in front of this property as well as the widening of Hardin Valley Road, the widening of Middlebrook Pike. In addition sewer and water have been brought within 200 feet of the property so it definitely makes it “more feasible to develop”. You can also see the other road projects that occurred in that area. Number 2 changes in government policy such as a decision to concentrate development in certain areas. The Hillside and Ridgetop Protection Plan is a “change in government policy to concentrate development in certain areas”. This is from the Hillside and Ridgetop Protection Plan and I am paraphrasing: Limited medium density housing or office development may be appropriate in areas where provisions for housing near jobs have been found to be a prudent land use policy (such as the Technology Corridor)... the following recommendations should be considered in creating site plans: Allow consideration of medium density residential and office uses on slopes of 15 to 25 percent. Remember I have to meet one of these conditions. I have met two and here is the third. Trends in Development: Population or traffic that warrant reconsideration of the original plan proposal. The population in this area has increased 22.5% since 2003. Traffic counts on Hardin Valley Road in 2003 were 7,533. As of May of 2014 that count was 20,280. That is increase of 275%. Remember I am required to meet one of those conditions. I meet three of those conditions. Section 6.30 of the Knox County Zoning Ordinance states four conditions must be met for sector plan amendment. My request to change the sector plan for this property meets all four of those conditions. The Northwest sector plan as we discussed is the fastest growing sector of Knox County. If this sector plan cannot be amended there is no way any sector plan anywhere in Knox County should be amended because you cannot meet the threshold. Look at what has happened in this area since 2003. Multifamily has increased by 74%. Commercial has increased by 44%. Office increased by 42% and so on. Again the population has increased by 22.5%. The proposed amendment shall be consistent with the intent and purpose of this resolution. It is. The proposed amendment does not adversely affect any other part of the county and there are no direct or indirect adverse effects as a result of such amendment. I am proposing a 20 to 22 acres conservation easement and I am also...
offering a greenway trail easement that will be accessible to the public. The amendment is consistent with and is not in conflict with the General Plan of Knox County. The property is designated planned growth. Tennessee Public Chapter 1101: Growth Plan. In a planned Growth area the following policy shall apply: The purpose of the Planned Growth Area is to encourage a reasonable compact pattern of development, promote expansion of the Knox County economy, offer a wide range of housing choices. Please remember this property fronts Hardin Valley Road. There is 60 acres of 15% or less slope. It is adjacent to two business parks. I am offering 20 acres in a conservation easement to protect the ridgeline and I am offering a greenway trail with public access. From Middlebrook Pike to the west side of Pellissippi Parkway, which is almost four miles, there are hardly any pieces of property you can find in that corridor that are not zoned CA, PC, OA or higher density residential. I respectfully request the zoning for the property to be OB and PR for mixed use development. I have met and exceeded all requirements for such and I would request you all approve such.

Art Clancy: Mr. Brusseau, Mr. Davis’s arguments are extremely compelling could you give us a little insight please.

Brusseau: One thing that wasn’t mentioned is that staff uses the Hillside and Ridgetop Protection Plan in making density recommendations. The slope analysis was conducted and based on that slope analysis, keeping in mind it is just guidelines but staff uses these guidelines in making our recommendations. The slope analysis revealed when you crunch the numbers that this property should be developed at no more than 2.81 units per acre. Staff rounded it up to 3 units per acre just because of the nature of the surrounding development. Essentially that is the reason for the lesser density. The other thing to keep in mind is that OB zoning allows up to 12 units per acre with no review by MPC. Certainly this property with the slope constraints it has to be developed in a planned zone. That is why we recommended planned residential for the entire site. Limiting the density is based on the Hillside Protection Plan policy.

Clancy: Don’t we also when slope is involved don’t we also always do density swaps and try to make the best use of the property itself.

Brusseau: I made note in my report that as Mr. Davis indicated to me we haven’t received anything as far as showing where the protection area but he did indicate they were willing to do that. We certainly would... the hillside plan also has a stipulation that allows density bonus when you dedicate the conservation easement and provide public access within that as he indicated he would. It is a 10% bonus for each of those factors for a total of 20%. That would bring it up to 278 units total rather than the 232 that is about 3.6 units per acre. With those caveats staff would be willing to support up to 3.6 units per acre.

Clancy: The fact that he is offering conservation easements and greenway connections that has all been factored in. If we approve it planned residential we don’t have to change the sector plan is that correct.

Brusseau: As long as the density is 5 units per acre or less.

Clancy: Planned Residential also means he has to come back with a development plan that has to be approved. Is that correct? I would like to make a motion that we approve or ask County Commission to approve Planned Residential of up to 5 dwelling units per acre on the entire property.
MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PLANNED RESIDENTIAL UP TO 5 DWELLING UNITS PER ACRE ON THE ENTIRE PROPERTY.

Longmire: So you are doing actually the second recommendation? We need to deny the request to amend the future land use plan first. Yea we need to do that first.

MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO DENY THE REQUEST TO AMEND THE FUTURE LAND USE MAP THE NORTHWEST COUNTY SECTOR PLAN TO MDR/O LAND USE CLASSIFICATION.

Carey: I see a little bit of a discrepancy or actually a large discrepancy between our slope analysis map and our staff’s analysis versus what the applicant is saying. I have no idea which one is right. In looking at the color of the map it does look like there is more than 21 acres at less than 15%. Was this calculated on a 21 acre slope on 15% or less?

Brusseau: I don’t understand the question?

Carey: In or packet it shows that there is 21 acres at 15% or less of the total property. I think that is what it says.

Dave Hill: If you look at the slope analysis it actually says non-hillside 9.83 and I am referring to the staff report, 9.83 which is outside sloped areas. And then 0 to 15 is 21.09. So less than 15% according to the USGS maps that we use comes to about 30 acres. There is a discrepancy between the 60 acres represented by the applicant and the 30 acres we got from our data.

Jeff Roth: I have the same question. Mr. Davis where did you get your information on the percent of slope.

Davis: In all due respect to Mr. Brusseau I also have the additional 10 acres so my calculation includes that additional 10 acres which is the square piece that kind of cuts into the property. So that does add a little bit to that. I did the calculations myself and I had our engineer to do the calculations as well to confirm that. We came up with 59.6. I don’t know how you are using the calculations. I don’t know how you base those calculations but from an engineer and from myself the number that I had is significantly different than what was calculated by staff.

Carey: If you look at the green map which is the 15% or less and looked at the color codes slope map it does look like there is a huge portion that is... The major of the land on this map is green. I think our chart is also a little bit faulty. There is a 0 to 15 category then there is a 15 to 25, so that is an overlap there. It should say 0 to 15 and 16 to 25 but this a technicality that is neither here nor
there. Well maybe it is. How much of that is redundant. That is something I was curious as to how we are getting a major discrepancy in those calculations there.

**CLANCY WITHDREW MOTION TO DENY SECTOR PLAN.**

Clancy: The problem I had originally was with... the slope I think we can work out. There is a discrepancy. I understand that. I think that is something we can work out with a development plan. If we change to office that doesn't come that can be developed pretty high. I am trying to get my head around what part of the property is going to be OB. Is it all going to be OB or just one portion of it?

Davis: The portion see where the lighter yellow comes in there at the corner. You should have it on your maps. There is a line approximately where that is where the back portion is OB and front portion is PR. The idea was to concentrate as the Hillside and Slope Protection Plan recommends. What I tried to do and as you all well know I spent a lot of time challenging the Hillside and Slope Protection Plan for years. I said okay I am going to look at the plan and I am going to try to do what the plan asks me to do. I am going to agree to preserve the ridgetop, which the plan asks me to do. I am going to provide public access and a greenway which the plan asks me to do. For doing these things the idea was to concentrate areas into the flat areas and that was what was understood from day one. Now that is being misconstrued in my opinion. I am agreeing to take that whole red area that you had, that red area which is the ridgetop, I am agreeing to preserve that even though I never agreed with the hillside protection plan. Even though I know it is purely a recommendation. I am agreeing to that. That ridgetop. That red you see there. I am agreeing to set that aside in a conservation easement which is what we did, spent two and one half years doing. Now I am going to focus all the concentration down to the usable flat area and now I am being told I cannot use that. For whatever reason, I do not know. What benefit is it to me to give up the ridge top. What benefit is it to me to do a conservation easement. What benefit is it to do a ridgeway trail if I can't develop the usable portion of the land to its highest and best use? Then you might as well take the Hillside and Ridgetop Development plan and throw it in the trash.

Kane: I apologize I wasn't following you Mr. Davis. Your proposal... Our maps for some reason do not show the distinction between what you wanted as OB and what you wanted as PR. If you break them up the OB cannot be considered in the PR portion right. It would all have to be PR for that to be done at density. OB allows up to 12 without any in terms of apartments without any MPC review.

Longmire: Commissioner Kane. The map that has the hatching on it.
Kane: The front portion is what you want PR and that is the flattest portion of the land.

Davis: No sir. The middle section you can tell better here. This is Hardin Valley Road. This swath all through here averages about 8 to 10% slope. This is the best piece of the property right through here. It is the flattest piece.

Kane: The flat part cuts between what your want PR and what you want OB?

Davis: The PR starts about right here down. The OB goes here up.

Kane: Sorry our map is the other direction. That helps. I got it now. The maps weren't oriented the same way. The OB is in the back which again that would allow up to 12 units per acre without review but that is also the portion that would contain the conservation easement which cannot be included in the PR because PR is what would be the Hillside Protection. OB doesn't have Hillside Protection issues.

Dave Hill: I think what you might be asking is whether or not you are going to see a development plan. You will see it for the PR but you wouldn't see it for the OB.

Kane: Right I understand that. What I am saying is he is trying to apply the Hillside Protection requirement onto the OB which it doesn't really normally fall into our thinking because it is not a planned zoning. Is that correct? Am I correct in that?

Hill: Mr. Brusseau can correct me if I am wrong. I don't think we would see a development plan or use on review associated with OB.

Brusseau: Well there are some uses in OB that but as far as residential use if it exceeds 12 units per acre it would require use on review but anything up to that would not.

Kane: Right and there is nothing on our maps that show that conservation easement now. If I remember the Parkwest Hospital it was rezoned to OB and they flattened the top of that ridge and it is not coming back it is still sitting there. We will never see anything on that. Again if we approved it now without having anything on the map for OB, that is what could happen.

Longmire: Is there a big different between O and OB?

Brusseau: O is not a zoning. O is the land use designation.

Lomax: The portion of the land that you spoke of between the 8 to 10% slope is that divided between the two portions that would be OB verses PR or is it in one particular area?
Davis: The vast majority of that is in the OB area because that was the most suitable piece of property for more condensed concentration than the remainder of the property. I was trying to create a nice wide buffer around the perimeter of the property with the conservation easement and respect anybody that had any concern with any development around there and utilizing the flattest piece of property to disturb the least amount of soil...

Clancy: Yeah but you are putting OB which is the least restrictive and requires no development... no, no concept plan on the largest parcel. Really to me OB makes more sense on the front parcel as it gets closer to Hardin Valley. Maybe I am looking at it wrong. Then we are left with PR planned residential at the front along Hardin Valley that really doesn't, I don't know. I am sure it makes sense to somebody but it seems confusing to me.

Davis: If the concern is to look at a development plan, which I understand staff and MPC like to have a plan, if that in fact is the concern I would agree to PR at 6 units per acre for the whole thing. That it comes back before you. I think I clearly stated the rational why and how you can make the sector plan amendment and I would be agreeable to 6 units an acre PR for the whole piece of property. That way your concern as it relates to a plan; making sure the conservation easement is there; making sure the greenway is there; all of that is resolved. If it was the will of this body to approve PR at 1 to 6 units per acre, I would be agreeable with that.

**MOTION (CLANCY) AND (JOHNSON) WERE MADE TO REQUEST THAT COUNTY COMMISSION AMEND THE FUTURE LAND USE MAP OF THE NORTHWEST COUNTY SECTOR PLAN TO MDR. MOTION CARRIED 13-2 (Kane & Eason). MDR APPROVED.**

b. Rezoning

From A (Agricultural) to PR (Planned Residential) & OB (Office, Medical, and Related Services).

**STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 3 du/ac on the entire property.**

**MOTION (CLANCY) AND SECOND (JOHNSON) WERE MADE TO APPROVE PR AT A DENSITY UP TO 6 DWELLING UNITS PER ACRE FOR THE ENTIRE PROPERTY.**

Elizabeth Eason: I have a question about that. Is that motion contingent on the conservation easement being included in that and the greenway?

Clancy: It is contingent on being able to see a development plan. If
it is not in there I will not vote to approve it if it does not include a conservation plan or a greenway connection. That is my intention.

**MOTION CARRIED 13-2. (KANE, TOCHER). PR APPROVED.**

Longmire: Mr. Davis thank you very much for the informative information you gave us. Please know it is not that we distrust you, it is that we have been scorched a couple of times. Nigh on third degree burns a couple of times.

Davis: Yes Ma’am. Thank you all for your service.

* 29. **RUSSELL AMANNNS**  
West side Maynardville Pike, north side Rifle Range Dr., Commission District 7.  
**a. North County Sector Plan Amendment**  
From MDR (Medium Density Residential) to GC (General Commercial).

**STAFF RECOMMENDATION:** ADOPT RESOLUTION # 2-A-15-SP, amending the North County Sector Plan to GC (General Commercial) and recommend that County Commission also adopt the sector plan amendment.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2. **b. Rezoning**  
From RB (General Residential) to CB (Business and Manufacturing).

**STAFF RECOMMENDATION:** RECOMMEND that County Commission APPROVE CB (Business and Manufacturing) zoning.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 30. **TDK CONSTRUCTION COMPANY (REVISED)**  
Southeast side W. Emory Rd., southwest of Central Avenue Pike, Commission District 7.  
**a. North County Sector Plan Amendment**  
From MU-SD (NCO-4) (Mixed Use - Special District - North County) to HDR (High Density Residential).

**STAFF RECOMMENDATION:** APPROVE an amendment to the Emory Road/I-75 Mixed Use District (NCO-4) to allow consideration of MDR up to 24 dwelling units per acre for the subject properties in the PR (Planned Residential) zone.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 2. **b. Rezoning**  
From PC (Planned Commercial) to PR (Planned Residential).
STAFF RECOMMENDATION: RECOMMEND that County Commission APPROVE PR (Planned Residential) zoning at a density of up to 19 du/ac, as requested.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 31. **FURROW FAMILY PARTNERSHIP, L.P.**
   2-C-15-RZ
   West side S. Concord St., north side Sullins St., south side Jersey Ave., Council District 2. Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services).
   
   STAFF RECOMMENDATION: Approve O-1 (Office, Medical, and Related Services).

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

32. **BARBARA HOOPER**

   
   a. **Northwest City Sector Plan Amendment**
      2-C-15-SP
      From LDR (Low Density Residential) to MDR (Medium Density Residential).

      THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

   b. **Rezoning**
      2-D-15-RZ
      From RP-1 (Planned Residential) @ up to 5 du/ac to RP-1 (Planned Residential) @ up to 16 du/ac.

      THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 33. **JUSTIN ELLIS**


   STAFF RECOMMENDATION: Approve I-3 (General Industrial) zoning, subject to 1 condition.

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

   bv

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**Uses on Review**

W 35. **MR. PAUL MURPHY**

   7-E-14-UR
THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

P 36. **THE KROGER COMPANY**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 37. **UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 38. **STERLING DEVELOPMENT**

**STAFF RECOMMENDATION:** Approve the development plan for up to 109 apartment units, subject to 12 conditions:

Brad Salsbury, Cannon and Cannon. If there is no opposition, then we will let you continue.

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

Longmire: And there was no opposition. I didn’t see anybody.

Tom Brechko: You have some correspondence in your packet but there is no one here.

Longmire: No one here to speak.

Kane: The problem is I was trying to use my computer and got behind. This is the one on Wellsley Park correct. I have a question. There was a thinking in our packet that brought up the issue of the boulevard and construction of trees and landscaping that had been planted by the community. I was just wondering if there was any information on that.

Longmire: On a previous project.

Kane: Yea. Previous project.

Salsbury: We met with the residents of the adjacent community. I actually have correspondence that the trees that they asked to be planted were done by the developer with following correspondence that said thank you. I think we have met everything that
they needed. In addition I talked with Chris in engineering about trees in the existing boulevard. He asked if we would make sure that we work with Kasey in making sure that anything that can stay can be pruned and limited and will be so protected. To the degree that that is not a problem we will do that.

Kane: I appreciate that. Who owns this property? Is it a common property to the people in the whole development or is it the City property.

Salsbury: The boulevard is the city's. Outside of the sidewalks one side is common property and the other side is actually Sterling Development.

Kane: So essentially what we are talking about is the landscaping on city property. Is that what we are talking about?

Salsbury: Correct.

Clancy called for the question.

**MOTION CARRIED 15-0. APPROVED.**

39. **PAUL MURPHY**
Southwest side of Wallace Rd., north of S. Northshore Dr.
Proposed use: Apartments in PR (Planned Residential) District.
Commission District 4.

**STAFF RECOMMENDATION:** Approve the development plan for a multi-dwelling development with up to 76 apartment units, subject to 12 conditions.

**COMMISSIONER ART CLANCY RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM.**

Tom Brechko: In your blue sheets you have a revised staff report that was provided today. Previously there were 11 conditions. There is a 12th condition that was added which is the new number 4 regarding the peripheral boundary of the property. We added this condition that would require them to preserve the existing mature trees within that peripheral setback area and that the landscape that was planned and submitted as part of this project would be supplemental to those existing trees. There is an exception on the area that is kind of on the north side of the property that would be used for access drive and the drainage for the development. There is an area backing of to two of the lots that front on Wallace that because of grading activity will require removal of some trees in that just that area, but the rest would be preserved as part of this new condition. Just to give you an overview on the project, as you are well aware there is a lot of correspondence, a lot of communication has come on this request in opposition to the proposal. One thing that I want to clarify is that there is a lot of reference to being opposed to a zoning change. There is no zoning change as part of this. It is use on review for a development plan based on existing zoning. The zoning on this property was part of a 75 acre tract that in 1986 was submitted for up to 24 dwelling units per acre. It was identified as being an apartment development. This was actually before a lot of the adjoining subdivisions
to the west... it actually was included in that property before they were actually developed. The Planning Commission had recommended 7 dwelling units per acre as part of that rezoning to County Commission. County Commission approved 15 dwelling units per acre for this property which means the applicant has the right to request a density up to that amount. Initially the applicant submitted a plan, came and talked to staff about a plan for development of the property. They had about I think 192 units which was about 12.5 dwelling units per acre for that property. Staff had identified that the sector plan for that area identifies the property as low density residential which would not support anything 5 or above under that request. The applicant revised their plan and changed the plan down to the 76 units which basically was a change from a high density development to a low density. Although it is apartments it is low density in nature. The proposed plan has a total of five buildings on the site and a clubhouse. There are three two-story buildings that include garage units as a part of the building and there are two three story buildings. These are clustered a little more to the center of the project. There is a perimeter road that goes around it that provides access and parking. Because of the way the property is laid out for the proposed development, while there is a 35 foot peripheral setback restriction in this district, the closest building under this plan is about 106 feet from the adjoining property. There is also a landscape plan that as submitted that is proposing a staggered row of evergreen trees. With that revised condition that with the existing trees that are there, excuse me, and hedge rows along there will help to buffer this development from adjoining property. They are also areas in the corners that they are doing some reseeding or planting that would give more than just a straight line of vegetation for a visual buffer. I also want to point out that there has been reference to this being a wooded hilltop. This area has basically been fields from the earliest topography that we have from the 90's, the fields that are there now where there at that time. There is not a lot of clearing involved for this property except probably at the entrance coming off of Wallace Road. We also have conditions of the approval that when they get to the detailed grading plan that they would need to identify the areas outside the limits of grading on the approach to this property from Wallace to protect any trees that are outside that graded area and they would have to submit a revised landscape plan for supplemental landscaping once the grading is done to help create some additional screening or buffer to the development. One of the requirements... well one of the things that was part of this analysis was a traffic impact study. Based on the number of units proposed, it did not require, by our administrative rules and procedures, it did not require a traffic study be prepared. One additional unit would have kicked in that requirement. But that would be a level I traffic analysis which looks only at the entrance to the development off of Wallace Road. We discussed with the applicant about doing a level II study that besides looking at the entrance also looked at the traffic situation on Wallace at both Nubbin Ridge and South Northshore. The applicant agreed to do that study. It was not a requirement but they agreed to do that as part of this proposal. That is included in your packet. Based on that just in general there was at the Wallace and Nubbin Ridge the analysis down there indicated that there would be no needed improvements at that
intersection. There had been recent changes done with fencing that improve sight distance there. It does meet sight distance requirements at that location. The Northshore end of Wallace there were recommendations for turn lanes in both Northshore and Wallace as part of that study. It looked at also a traffic signal but at this time the signal would not be warranted and was not a part of that. I have included actually revised in my staff report based on the presentation you received from Cindy Pionke on Tuesday that the estimated cost for the improvements to Northshore I had previously listed $250,000. The rough estimate is $400,000. Looking at the percentage of traffic impact from this development on the overall traffic in that area, this project would contribute about 3%. If you look at their fair share of any improvements, that comes out to about $12,000. The study that the applicant agreed to prepare for this project was very close to that amount of cost. I think Cindy is here to be able to add anything additional regarding some of the traffic analysis. The County has done some additional analysis out there following this study. There has also been some reference to the impact on the school system that with an apartment developed based on studies that have been done in this area 76 units would actually have approximately 12 school age children. A detached residential subdivision of 76 units would have about 45 students. So apartments generally have fewer children that would be going to the local schools. Based on that staff has recommended approval with those conditions. If you have any questions, I would be glad to answer them.

Longmire: Before we go to the applicant and to opposition, Ms. Pionke would you like to explain in a little more detail about the road situation.

Cindy Pionke: In regards to the road situation currently there are no plans for any improvements at the intersection of Northshore and Wallace Road. The intersection is actually a State route maintained by the City of Knoxville. Wallace Road is in the County as well as the Wallace Road/Nubbin Ridge intersection. That is in the County. Improvements are not scheduled or planned for at the Nubbin Ridge and Wallace Road intersection. The County went out based on the study and some of the emails that we had forwarded on to us, we conducted our own delay study in terms of what was happening at both of those intersections because the complaint was the traffic had a hard time going from Wallace Road onto Northshore and onto Nubbin Ridge. My traffic engineer and intern went out to do those studies. They were out there for both intersections on different days but they were out there between 7 and 8 in the morning and 5 and 6 pm in the evening to catch what we consider the peak hour traffic volumes what's happening out there. What they found was that for in the morning at Northshore and Wallace the average delay for the vehicles at that intersection was 17.3 seconds and in the evening it was 18 seconds. Both of those are considered level of service C. Very acceptable in terms of delay requirements. At the intersection of Nubbin Ridge and Wallace Road the same study was conducted. Once again they found that in the morning the delay was 11.8 seconds and in the evening 14.8 seconds. Both of those are a level of service B which are obviously better than what we had found at the Northshore intersection. That is not unusual in the fact that there is more traffic on Northshore
than there is on Nubbin Ridge Road. Northshore in that vicinity carries
15,000 cars a day. Nubbin Ridge Road varies. As you are closer to Morrell
it is probably about 3100 vehicles per day but as you approach Ebenezer
Road it is more like 2000 cars a day. On Wallace Road itself you have got
probably 2200 cars a day that travel that roadway. In regard to crashes,
that was the other thing that we took a further look at in terms of what
was going on as there was concerns about the number of crashes at the
locations. We pulled the crash reports for the last three years at each
intersection. For the crashes at Wallace at Northshore there have been
seven in the last three years. At the Wallace and Nubbin Ridge
intersection there have been three. There had also been concerns about
when you are at the Nubbin Ridge/ Wallace Road intersection as you look
towards the west towards Ebenezer Road that there is a slight dip in the
road. We did confirm that there is sufficient sight distance within our
regulations but none of the crashes were rated to that dip in the road
because you can see what is going on. From that perspective typically
both, I know the State I don’t know what the city does per se. I will let
Chris address that, but for both the State and for the County
improvement projects that we have been doing paying capital dollars for
have been related to safety concerns where there are known crash
problems. These two location do not meet that criteria so they would not
be on our list and if they were they would be probably towards the very
bottom of the list in regards to the information that we were able to
gather.

Chris Howley: The portion of that project or that intersection that is in the
City is just the South Northshore section. We are probably on the same
page as far as information that Cindy has presented. As far as projects go
we also do not have this on any list that we are even looking at for future
projects. We have too many other locations that are much higher
priorities from a delay standpoint as well as a traffic incident perspective
as well. We currently don’t have any expectation of doing a project for
that intersection at all on our list.

Arthur Seymour Jr.: I am here on behalf of Mr. Murphy.

Longmire: Is there opposition? (People in the audience stood.) Would you
prefer to go first Mr. Seymour or the opposition?

Seymour: If I may. Again I am Arthur Seymour. I am here on behalf of
the applicant Mr. Murphy who is seated here along with his engineer, Billy
Fulghum both of whom will be happy to answer questions for you. As Mr.
Brechko has pointed out this is not a zoning case. The property is already
zoned. There is no attempt to amend the sector plan here. This is simply
a use on review. An attempt to submit to you all a plan that is compliant
with the zoning ordinance and then MPC staff puts conditions on the
property that will ensure it is compatible with the area and with the
property. As Mr. Brechko mentioned the property is zoned for up to 15
units per acre. Mr. Murphy proposes slightly less than 5 units per acre. He
is seeking to put 76 apartment homes on 15 units. So it is a low density
project. This is the same process that a subdivision developer would go
through. If we were putting single family homes up there we would have
to come back with a use on review since the property is zoned planned residential. Mr. Murphy's proposal is for 76 high end, apartment homes. The rentals for these homes will be in the range of $1,000 to $1,800 per month. I suggest that that exceeds the mortgage payments per month of many of the homes in the area if not most and certainly most in Knox County. This is a boutique-type apartment home area with access to shopping, entertainment and the University and downtown. These apartments will be widely separated from adjoining neighborhoods. They will have an amenity area right in the center. Rather than having numerous pools in the neighborhood you will have one swimming pool for 76 apartment homes. There will be one driveway rather than 76 driveways into these property. If you had 76 homes on this property you would have 76 different driveways. There have been suggestions that apartments devalue the surrounding property. Mr. Murphy has submitted to you a study which has looked at this and finds no evidence to support that. I think all we have to do is look around our own city and county to see that that is not supported by the existing evidence. If you look at West Hills there are numerous single family homes as well as apartments and condominiums and attached homes. Look at Sequoyah Hills. It has been here for over a hundred years. You have big homes on big lots. You have apartments. You have condominiums. Some of those apartments do not charge much rent, $500 per month. Some are newer and you have condominiums. There has been no devaluation I suggest in Sequoyah Hills caused by the presence of apartments. Mr. Murphy submits that what he is proposing is the best use for the property. As Knoxville increasingly urbanizes there is less property available for residential use especially property close to the center of the activities of the city: west Town Mall, The University, etc. Many people now chose apartment living over single family homes. Single family ownership has been decreasing since the depression. More and more people are seeing an apartment as an option to buying, maintaining and paying for a home. You write one check a month. If you want to leave, you lock the door and leave. This is an option more and more people are choosing. We are asking and suggesting to you that with the conditions MPC has imposed here this meets all the conditions and should be approved.

Longmire: Thank you Mr. Seymour. You timing is impeccable. Opposition you have a total of five minutes for everyone to speak. You are the sole spokesperson. Alright sir your name.

Boe Sutton, 8512 Tobias Lane in the Richmond Hills Subdivision off Wallace Road. Today I am speaking on behalf of the nearly 1,000 individuals who signed a petition opposing this development and the 700 plus single family residential units that live in direct proximity to Wallace Road. This use on review must be denied for three main reasons. One it substantially increases the level of traffic in the neighborhood. Two this development is not compatible with the character of the neighbor; and three, the development is inconsistent with the Hillside and Ridgetop Protection Plan. Let’s talk about traffic and safety first. As noted in the staff recommendation the number of units proposed by Mr. Murphy didn’t even require a level I traffic study. However, based on existing horrific conditions at the intersection of Wallace and Nubbin Ridge and Wallace
and South Northshore, the staff recommended a level II traffic study be performed. The study performed by Kimerly Horn said this development will significantly and adversely affect traffic in our neighborhood and recommended numerous and costly measures to mitigate some of these affects. These recommendations still fall short in adequately addressing the unsafe conditions on Wallace Road and at the intersection of Wallace Road and Nubbin Ridge. Let’s talk about Wallace Road and South Northshore. According to data provided in the traffic study there were 10 crashes on South Northshore between the years 2011 and 2013. Seven of the ten crashes that is 70% occurred at the intersection of South Northshore and Wallace Road. That means one percent of the road intersecting into South Northshore accounted for 70% of the accidents. The study also stated that the crash rate on South Northshore is already 1.8 times higher than the State average and the injury rate is already 2.11 times higher. Wallace Road; let’s talk about it. The traffic study stated there will be an increase of 586 daily trips on Wallace Road due to this development. That is a 28% increase over the current traffic data. If the 39,000 square foot office complex is built as approved at the corner of Wallace and Northshore, South Northshore, that would increase the number of daily trips to 746 which means a 34% increase in traffic on Wallace Road. Wallace Road is only .07 of a mile long. That equals 3% of the total mileage of Nubbin Ridge, Wallace Road and South Northshore combined. The traffic study stated there were six total crashes; that means 26% of the accidents on these three roads occurred in an area of just 3% of the total mileage. Wallace Road and Nubbin Ridge. There are 32 roads that intersect into Nubbin Ridge. The traffic study indicated there were seven wrecks on Nubbin Ridge. Four of the seven accidents occurred at the Wallace Road/ Nubbin Ridge intersection. This intersection is only 3% of the intersections on Nubbin Ridge but accounts for 57% of the accidents. Increasing traffic by 28 to 34% from the proposed development will make our neighborhood less safe than it already is. As someone has to drive down these roads every day with my family, I submit to you the answer to an already bad traffic situation is not to throw up your hands and say; Oh well it is already bad, let’s add an apartment complex to the mix. In regard to compatibility with our neighborhood. The MPC staff recommendation to approve this development at 4.99 units per acre is grossly out of character with the neighborhood. Only one month ago this same board approved the property adjacent to Lyon’s Crossing to be developed by Mesana Investments at a density of 3.1 units per acre, 3.15 unit per acre. Furthermore the MPC staff acknowledge in their own recommendations to you and I quote “While the majority of the detached residential subdivisions in this area had developed at densities less than 3 dwelling units per acre, the Villas at Lyon’s Crossing, which is located southwest of the proposed development along South Northshore, was developed with a density of 5.6 dwelling units per acre.” This comparison does not have merit because the Villas at Lyons Crossing were developed 26 years ago and they are not apartments. Your own sector plan in 2005 acknowledged that 90% of residential growth in the Southwest sector had occurred in the last 30 years. The 2005 sector plan also had this particular tract of land zoned as single family residential and it only changed to low density residential with changes to the 2005 sector plan.
Longmire: One minute.

Sutton: Everything around this development is either single family residential or attached residential homes. Putting three story apartment buildings with 25,000 plus square feet on top of Nubbin Ridge at an elevation of 1,000 feet is not compatible with the character of the neighborhood. Lastly the Hilltop and Ridgetop Protection Plan. 28% of this tract of land is designated a slope protection area and 65% is designated as hilltop protection. The proposed development at 4.99 dwelling units per acre is not consistent with your own density guidelines according to that plan. The whole purpose of your hillside and ridgetop protection plan is to balance development with conservation. In conclusion you should deny this use on review on any one of these three arguments but the totality of all three makes approving this development both arbitrary and capricious.

Longmire: Your time is also impeccable. Mr. Brechko before we start would speak to the hillside slope protection and this property please. Can you do that?

Tom Brechko: I will do my best. One thing you will often hear is that again the hillside and ridgetop protection plan is a plan. It is a guide for development. One of the things that we were looking at on this piece of property is that the property is not a tree covered property. It is existing fields that were cleared and somewhat developed years ago. There won't be massive of clearing of trees to change the appearance. The steeper part of the property is that portion which is the access. The plan does not dent you the right to provide access to your property. I think with the conditions on having a grading plan and limit it will protect those area outside the grading limits for your access drive to the top and kind of putting supplemental landscaping back will help reestablish part of the look that was there. One of the things that has not been done for this it was done for a similar apartment development out west at Westland Cove, is they had actually done analysis in looking at views from adjoining property to the proposed development site and with the existing proposed tree coverage showing that most of that would not be visible from adjoining properties. Looking at the topography on this site with the fact that three of these buildings are two story which is not much different than what you find with most of the heights for existing homes in that area. There are just two buildings that are three story that are starting to go on the downhill slide towards Wallace that the existing tree coverage that borders that with proposed plantings of tree on there, most of the site will not be visible. Again a lot of the site had already been cleared. It is not making major changes to the site under the hillside regulations.

Michael Kane: Several questions I guess. One back to Ms. Pionke. We obviously heard something completely different from the neighborhood about what you had told us and a lot of their information was based upon the traffic study which is my understanding is a computer based model versus what you told us which from your data and from the traffic delay
that you had done. Can you kind of reconcile that for us if you can?

Pionke: In regards to the delay study, the delay study that the county did was strictly on the ability to turn out from Wallace Road onto Nubbin Ridge or onto Northshore. That was not addressed per se by the, in the same manner as the traffic study that was done. The traffic study that was done, I want to say that the results from it said that on average the delay would be more like one half a minute in terms of what was going on out there today. That was why we went out and did our own study just to confirm what is going on out there. We found that what we recorded was less than what the traffic impact study actually said.

Kane: So in terms of the crashes which was another item...

Pionke: The crash information that they have was actually provided by the County to the traffic engineer who did their study. But what they failed to do was calculate the critical crash rate which is what we actually use when we determine which intersections have a significant difference in terms of what the local rate is verses the State wide average. That is what you are trying to get a feel for in terms of what is going on. The crash frequency is lower than what was anticipated based on the crash exposure rate. You have got all these, unfortunately there are all these different traffic terms and calculations that have to be done. Anyhow. Based on the way that we do it and the industry standard for how we calculate crashes and like I said it is the critical crash rate which they did not address in the traffic study. That is what we actually use to rank the severity of the crashes in determining our needs for where we should be actually doing projects.

Kane: Thank you. One of the things that you brought up in our agenda review meeting was in some ways I think this comparison with the Emory Church Road and where we were requiring some changes to the intersection and a traffic light. I think that is important to understand an example where we did versus one here where apparently not at our staff is not recommending that.

Pionke: Correct. In regards to the Emory Church and Westland Drive, we went out once again there was a traffic impact study that was done for that and we went out and once again did our own delay study for what was going on out there. Based on the information that we found there were recommendations for what needed to be improved out there both from what we already knew was an existing problem and what the actual developer was going to add to the problem. So we came up with recommendations for that. In comparing the numbers in terms of the delay, the vehicles counted and all that kind of thing, essentially that intersection at Emory Church and Westland had 5 times the amount of traffic than what these intersections had.

Kane: I apologize for the monopoly but I do have a list of questions. One the issue on the current density is it 15 dwelling units per acre but the sector plan says low density which is a maximum of 5?
Longmire: To whom are you addressing the questions?

Kane: Mr. Brechko. So the question is did the general plan and sector plan come after this 1986 density? Is that how we got to that? Somewhere along the way County Commission approved a much higher density on the specific zoning, but the sector plan essentially says something different. I am trying to figure out how that discrepancy happened...

Brechko: I am not sure exactly if there was any change previously. When that came in staff's recommendation for that original request for 24 dus per acre, a part of that property was already zoned planned residential at 7 dwelling units per acre. The other portion was agricultural. Staff recommended that the agricultural portion be changed to a density range up to 5. The Planning Commission looked at with the adjoining zoning being 7 they recommended that it all be rezoned to 7 dwelling units per acre. I believe that 5 dwelling units per acre was there when the original request went through.

Kane: So there was a discrepancy back in 86 when County Commission essentially approved 15 there was a discrepancy between whatever sector plan was applicable at that time and what they had approved.

Brechko: Definitely a difference.

Kane: Okay. That is what I want to understand. In terms of the height issue with these buildings. I think the folks on Paddington sit up about 1,000 if I looked at the maps, elevation maps correctly, then it slopes down from that. The building heights essentially or the buildings are going to be lower than the highest point on the property. Is that correct? My understanding. To Mr. Brechko or the developer.

Brechko: Actually I would go to the developer.

Kane: I am trying to get an idea because one of the things again this is the view shed and high buildings from my house and these are valid concerns. I am not trying to dismiss things but I am trying to get what the real data says. If you are up at Paddington and you have got 1,000 feet, the next building down how high is it going to be?

Billy Fulghum, Fulghum, Macadoe and Associates, 10330 Hardin Valley Road I am the Civil engineer for the project. The buildings will start... the highest ones are the ones at the bottom of the sheet here. They will still be down below the existing property line. They will be cut down into the slope some. Probably 20 foot lower than the building furthest to the left would probably be about 20 foot lower than the existing grade right now.

Kane: So you are saying the people would actually... the rooftops would be lower than the existing elevation at the top at Paddington Road about.

Fulghum: I don’t know about from floor to rooftop what that elevation is. But where the floor would be...
Kane: The floor would be below 20 feet. Okay.

Fulghum: The floor would be cut down about 20 feet.

Kane: Okay. So if the building height is 35 then you have got 15 feet basically which says you would see 15 feet of the building. Okay that is what I needed. Thank you.

Lomax: If I could jump back and ask Mr. Pionke a question based on something she said. Could you please define for me and help me understand exactly what the critical crash rate is?

Pionke: Critical crash rate is when you take the state wide average crash rate and you have to add what your essentially the 95% confidence level times the state wide average crash rate divided by the exposure rate square route. Like I said it is a complicated formula in terms of what goes on in terms of the math. What you are trying to figure out is you have got cars going by and you are trying to figure out, you are trying find a way to make an equal comparison between different roadways that have different volumes of travel on them. You are trying to find a way to equalize so that a street that only has 300 cars a day versus some that have 30,000 per day. If you have got like 6 crashes occurring on the 300 cars a day versus 6 on 30,000 it is much more critical because there is a higher probability on the 300 cars a day that you would have an accident. In addition to that what you are trying to figure out is based on that calculation what the value comes out to be if it is grated than one, it means that there is a reason that you should be looking for why these crashes are happening. If it is less than one, it means it is just that. It is an accident. It is a fluke of nature. Something happened. When you actually start getting numbers greater than one and the higher they go greater than one, there is something positive and that is when we actually go out and do our forensics and try to figure it out.

Lomax: You said that the study that the neighborhood had done did not take that into effect.

Pionke: The traffic impact study that the consultant had done did not take it to that next level in terms of calcula... doing the calculations of critical crash rate...

Lomax: Does it have anything to do at all with the dates utilized. I think your study looked at the past three years where theirs went back to 2010. Is that correct Mr. Sutton 2010 to 2013 were the years of your study?

Sutton: Well there were two sets of data. One was between 2012 and 2014 and one was between 2011 and 2013. The data I guess they got from you all and the State maybe there was a one year difference. They identified wrecks in three year increments.

Pionke: Part of that exposure rate that you are talking about as part of
those calculations you look at the number of days that you collected the data for and you multiply it by what the actual volume of traffic is in a typical day and also multiply it by the length of the road section. That is what they call the exposure. Once again it is trying to equalize things so you can actually compare different roadways to each other.

Longmire: Please don’t ask a questions like that again. That first part. Once she got to square root I was just going what.

Bart Carey: Mr. Sutton you have basically three different areas of concern. There is traffic hillside and character. Is that right?

Sutton: Three main areas. There are others.

I think what we are seeing when we get into traffic discussions it becomes very complex and very formula based and it is not a, laymen like us do not have a full understanding of it. The same thing might apply with hillside. We deal with it most every month and still the calculations and formulas are things hard to get our hands around. But the character of the area is one I think we do all understand. That is one I think we ought to really talk about and try to, it is not a complex formula. It is on the ground right now. It is what is going to be on the ground in the future. I know there is only one other area that does have connected housing and that is the one we talked about that is not rental. It is condominiums.

Sutton: Lyons Crossing yeah. Like the study said everything around is, the majority is, developed at less than three units per acre in this area. There is... that is according to the staff recommendations. The dwellings at Lyons Crossing went to 5.6 I believe. Our contingency is that that was developed 26 years ago with this area was still growing. There is not apartments in direct vicinity to where this high traffic area, high crash rate area. Even though it is not critical there are still crashes and there are families. So there are not apartments anywhere directly attaching to Wallace Road.

Carey: I live in this area. I will plead guilty and acknowledge on camera that I have used this as a cut through before. Which is less and less appealing because there is a slowdown sometimes. I think one thing we have to, well I won’t say we have to think about it but, if this were a single family development what is the impact from that. I know that is, many of you probably wouldn’t be here today if this was a single family application.

Sutton: I think we would in the sense that you know the traffic study said that there needs to be $400,000 worth of improvements done just on Wallace and Northshore. Tom Brechko it was initially 250 now it is up to 400. This is a concern for us and our families. The level of service I the traffic study was a lot higher than what the City or County engineer said. They said that it was more critical.

Carey: We are getting back into the areas that are really complex.
Sutton: Okay. If the traffic situation was taken care of then we would be okay with three units per acres and ideally single residential units to be more consistent with the character of the neighborhood. So more around three dwelling units per acre because it would cut down on the traffic.

Carey: That 3 point something. It could be as many as I think we heard 55 dwelling units on that property instead of 76.

Sutton: Three times 15 is 45.

Carey: There is some other rounding. Three point something. Three even would be 45. 3.4 or whatever. Anyway something is going to go there. A lot of people we hear from don't want anything to be there. Of course that is not realistic. That is not the real world. I feel like in the height situation comes down to this. I think a single family residential you are allowed 35 foot high. Your house today if you want to build one they can be 35 feet high. From what I am hearing from the applicant's engineer that is approximately the height of the improvements on the property. Could you address that Mr. Fulghum? The two story units are going to be the highest units on the property. Is that right?

Fulghum: There is a, there are two three story buildings and the rest are two story buildings.

Carey: Are the three story units built on a lower elevation than the two story units?

Fulghum: They are.

Carey: So do you know the approximate height. I am not sure if you understand how we calculate the height of a residence. There is a formula for high verses the low if they are built on a cross slope. But what would be the approximate height of the two story units?

Sutton: 35 feet.

Seymour: I think the same height limitation applies to homes as well as apartments or condominiums. Does it not.

Carey: I am just trying to get my hands around how much varying, how much big difference is there in height side which is a concern.

Longmire: So you are asking if a one story house compares to a

Carey: Not a one story house. If there are 55 houses there they could all be 35 feet high is there a difference in the height regulations between this multifamily versus a single family residence?

Brechko: Not under the planned residential district there is not.

Carey: So there is really, there is no, there won't be any higher... if you
are looking at view shed there won’t be any higher. There will be a fewer number of roofs. They will be larger. There are 5 roofs in this plan you are looking at right now versus 55. But they would have virtually no difference in a residence, in a single family versus this. That is what I am trying... The character is what we are really wrestling with I think. The traffic is an issue. We have to listen to what our engineers advise us to listen to and the numbers they give us. Okay think you for that clarification.

Longmire: I would like to say traffic is an issue nearly on every project we look at. The infrastructure is not keeping up with development. If tax money is not there then it doesn’t get paid for. So there is a prioritizing of that. We are sympathetic with the traffic but I don’t know what we have heard lately that didn’t have traffic problems.

Scott Smith: I wanted to address a couple of things real quick. First of all I live in the area too. I recognize some of the people in the audience and I know the traffic gets bad at peak hours. I live right down the street off Northshore. In the morning it is bad. But most of the time you can get around. People are not moving out of the area due to traffic yet that I can tell. The other thing I want us all to keep in mind is that this property was zoned 15 units an acre in the 80’s. The family that owns the property obviously would like to sell it. I think we need to keep in mind that something is going to go there. I think this plan has a lot of benefits. It is the apartment factor. It is a scary word because we think of rent controlled apartments and lower income developments and things like that. Which I don’t think this would be. I think that from what I see, the rendering I have seen are very nice and very attractive. I have seen this developer’s apartments in the Hardin Valley area. I think they are complimentary. I just think the neighbors just think about if this does get denied you could have something worse because the zoning is in place. That is all I would say. I feel like to me at least this is a reasonable use of the property. I hope we all keep that in mind.

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

Herb Anders: Something that Mr. Smith said and I would ask either Mr. Welch or Mr. Hill to answer this question and clarify it. With a trend now in apartments, in well done apartments, not only here in Knoxville but it is in many other metropolitan areas that is more than welcome in most neighborhoods? Especially at the level I think this development would be at. Can you speak to that in any way Mr. Welch?

Jeff Welch: I think nationally you are seeing the types of family units, residential units as being more and more of condominiums and apartments versus single family dwelling units. In Knox County the trend is also and in the City of Knoxville we are building more apartments. The choice is obviously a huge demand for apartments. The most building permits for the last couple of years has been for apartments. The change in demographics that we are seeing nationally and locally with the younger population individuals are not having large families. It is a
lifestyle choice. It is nationally and it is also here locally and regionally. It is a lifestyle choice. I think the market is trying to meet that demand.

Lomax. I am good Madam Chair. Call for the question

**MOTION CARRIED 14-0-1. APPROVED.**

Longmire: I would like to thank the community and the developer for the civil discourse. Thank you. I would ask the developer to stay in touch with the community to help perhaps assuage some concerns.

**P 40. JOHN L. SANDERS**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 41. FARIS EID**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* **42. ANIMAL EMERGENCY AND SPECIALITY CENTER, LLC**
North of Kingston Pk., west of Cogdill Rd. Proposed use: Veterinary clinic expansion in CA (General Business) & OB (Office, Medical and Related Services) District. Commission District 5.

**STAFF RECOMMENDATION:** Approve the request for the veterinary clinic and the adjoining parking as shown on the site plan subject to 4 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **43. HOLLYBROOK CARE, INC**

**STAFF RECOMMENDATION:** Approve the request for an assisted living facility at this location with up to 19 beds as shown on the development plan subject to 10 conditions

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**P 44. COLONEL J. D. EDDLEMON & HENRY J. BRIGHT, III**
Northeast side of Schaeffer Rd., north of Lovell Rd. Proposed use: Office and research and development in BP (Business and

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

Other Business:
None

Chair Longmire: I would like to remind Commission that there is a City Council workshop at 5:30 here in this room. You will have to vacate your seat probably but you can find another.

Adjournment

MOTION (CLANCY) WAS MADE TO ADJOURN.

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 3:13 p.m.

Prepared by: Betty Jo Mahan

Approved by: Secretary for the Commission

Approved by: Rebecca Longmire, Chair

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