Minutes
June 10, 2004

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

The Metropolitan Planning Commission met in regular session on June 10, 2004, at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members present at roll call were:

Mr. Randy Massey, Acting Chair  Mr. Mark Jendrek
Mr. Trey Benefield  Mr. Chester Kilgore
Mr. Herb Donaldson  Mr. Jack Sharp
Mr. Ray Evans  ** Ms. Mary Parker Slack
Mr. Philip French  Mr. Larry Smith
Mr. Dick Graf  Mr. David Wolf

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

Mr. Randy Massey presided as Chair over the meeting.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Vi Whitmire called the role.
Mr. Dick Graf led the invocation and Pledge of Allegiance.

Chair Massey presented a plaque in appreciation to Commissioner David Wolf.

Mr. Dave Hill discussed the new agenda numbering format.

*  2. APPROVAL OF JUNE 10, 2004 AGENDA

THIS ITEM WAS APPROVED ON CONSENT.

*  3. APPROVAL OF MAY 13, 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)
All items automatically postponed until the July 8, 2004 MPC Meeting:

P 7. 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.

P 44. ALBERT KELLEY PROPERTY
6-SD-04-F
South side of W. Emory Rd, east of Mountain Vista Rd., Commission District 6.

P 45. MILTON THOMAS PROPERTY
6-SE-04-F

P 50. FARMER PROPERTY
6-SJ-04-F
South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.

P 53. WORLD'S FAIR PARK
6-SM-04-F
Henley Street at Western Avenue, Commission District 1.

P 74. CROSSROADS PROPERTIES, LLC
6-H-04-RZ

POSTPONEMENTS – REQUIRING MPC ACTION– (Indicated with P)
Items to be postponed 30 days until the July 8, 2004 MPC Meeting:

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

P 24. WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R
1-SF-04-F

P 25. CHRISTIAN SPRINGS, UNIT 2
1-SN-04-F
East end of Ruby June Ln., east of Stair Dr., Commission District 8.

P 26. RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY
2-SF-04-F
P 28. **MIDDLEBROOK HEIGHTS COMPANY, RESUBDIVISION OF PART OF LOTS 5 & 6, BLOCK B**

P 31. **SUNCREST ESTATES**

P 32. **HAROLD OGLE PROPERTY**
South side of W. Simpson Road, north of Mountain Ridge Lane.,

P 33. **NORMAN ADDITION TO KNOXVILLE LOTS 5 & 6 RESUBDIVISION**
North side of McClung Ave, east of Buford St., Council District 1.

P 34. **WEST HILLS PARK**
South end of Park Hill Circle, south of Toxaway Drive, Council District 3.

P 35. **THE WOODS AT SHANNONDALE**
East side of Shannondale Rd, north of Tazewell Pk, Commission

P 36. **PETREE FARM & LEE MAYSHARK PROPERTY**
Southeast side of S. Northshore Dr., southwest of Tobler, Council District 2.

P 40. **HOWARD S. & LISA BUSH PROPERTY**
East side of Delrose Dr, south of Boyds Bridge Pk, Council District 6.

P 60. **41 NORTHSHORE DRIVE SUBDIVISION, RESUB OF PARTS OF LOTS 2 & 3**
Northwest side of S. Northshore Dr, northwest of Morrell Rd.,
Council District 2.

P 61. **AMERISTEEL PROPERTY**
Northwest side of Tennessee Ave., southeast side of Louisiana
Ave., southwest side of Stonewall St., Council District 5.

**Items to be postponed 60 days until the August 12, 2004 MPC Meeting:**

P 64. **JOSEPH KENNEDY, SR.**
8/4/04  
a. South side Andersonville Pike, southwest of Pleasant Gap Dr.
Request North County Sector Plan Amendment from Rural Residential & SP (Slope Protection) to LDR (Low Density Residential) & SP (Slope Protection). Commission District 8.
Items added to or removed from Postponement List:

76. a. SMITH CAMPBELL JOINT VENTURE
    b. SMITH CAMPBELL JOINT VENTURE

Mr. Dave Hill: 76a & b Smith Campbell Joint Venture asked for postponement until July 8. Would like 30 days to try to work through the issues of the Beltway Right-of-way issue.

MOTION (SHARP) AND SECOND (FRENCH) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING 76A & B UNTIL THE JULY 8 AND AUGUST 12, 2004 MPC MEETINGS RESPECTIVELY. MOTION CARRIED 12-0. POSTPONEMENTS 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 9. MURDOCK CENTER DEVELOPMENT - BOOGER BEAR, LP

W MURDOCK CENTER DEVELOPMENT - BOOGER BEAR, LP

W 20. ST. MARY'S HEALTH SYSTEMS, INC.

W 27. PROPERTY OF ALICE RUTH GRIFFIN
East side Neubert Springs Road at Tarwater Road, Commission District 9.

W 30. WESTSHORE SUBDIVISION, RESUBDIVISION OFLOTS 5, 6 & 7
Southwest end of Rock Arbor Way, northwest side of Westland Dr., south of S. Northshore Dr., Commission District 5.
WITHDRAWALS – REQUIRING MPC ACTION – (Indicated with W)
None

REVIEW OF TABLED ITEMS

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.

THE VILLAS OF WELLSLEY PARK
East end of Gleason Dr., east of Morrell Rd., Council District 2.

BARGE WAGGONER SUMNER & CANNON, INC.
East end of Gleason Dr., east of Morrell Rd. Proposed use:  
Detached single-family subdivision in RP-1 (Planned Residential) & 

DUCK COVE
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.

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.

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 12. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY

T RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY

MOTION (SMITH) AND SECOND (DONALDS) WERE MADE TO TABLE. MOTION CARRIED 12-0. 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.

MOTION (EVANS) AND SECOND (BENEFIELD) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 12-0. THE FOLLOWING ITEMS WERE HEARD BY CONSENT.
2. APPROVAL OF JUNE 10, 2004 AGENDA

STAFF RECOMMENDATION: Approve.

3. APPROVAL OF MAY 13, 2004 MINUTES.

STAFF RECOMMENDATION: Approve.

Zoning Ordinance Amendments

6. KNOX COUNTY ZONING ORDINANCE AMENDMENT

Knox County Zoning Ordinance amendment regarding variances to the 500-foot separation requirement for businesses selling beer for on-premise consumption.

STAFF RECOMMENDATION: Approve.

Street Name Change

8. KNOX COUNTY EMERGENCY COMMUNICATIONS E-911


STAFF RECOMMENDATION: Approve.

Concepts/Uses on Review

10. MAPLES GLEN - VANCE BURKEY


Staff Recommendation: Approve variances 1-3 and the concept plan subject to 8 conditions.

MAPLES GLEN - VANCE BURKEY

b. Southeast side of Nubbin Ridge Rd., northeast of Davis Ln.


Staff Recommendation: Approve the plan for up to 14 detached single family dwellings on individual lots as shown on the development plan subject to 2 conditions.

11. COPPERSTONE (FKA NORRIS FREEWAY HEIGHTS) - J. B. S. HOLDINGS, LLC

Staff Recommendation: Approve variances 1-5, deny variance 6 and approve the concept plan subject to 12 conditions.

* COPERSTONE (FKA NORRIS FREEWAY HEIGHTS) - J. B. S. HOLDINGS, LLC  5-I-04-UR


Staff Recommendation: Approve the plan for up to 239 detached and attached single family dwellings on individual lots as shown on the development plan subject to 5 conditions.

* 14. YARNELL ROAD DEVELOPMENT - B & J ENTERPRISES  5-SM-04-C


Staff Recommendation: Approve variances 1-4 and the concept plan subject to 10 conditions.

* YARNELL ROAD DEVELOPMENT - B & J ENTERPRISES  5-R-04-UR


Staff Recommendation: Approve the plan for up to 239 detached and attached single family dwellings on individual lots as shown on the development plan subject to 5 conditions.

* 16. MOUNTAIN PLACE, UNIT 2  6-SA-04-C

Northwest side of E. Governor John Sevier Hwy., northeast of Austin Park Ln., Commission District 9.

STAFF RECOMMENDATION: Approve variances 1 & 2 and the concept plan subject to 9 conditions.

* 17. HUBER PROPERTIES LLC ON TIPTON STATION RD. - HUBER PROPERTIES, LLC  6-SB-04-C


STAFF RECOMMENDATION: Approve variances 1-8 and the concept plan subject to 9 conditions.

* HUBER PROPERTIES LLC ON TIPTON STATION RD. - HUBER PROPERTIES, LLC  6-D-04-UR
b. West side of Tipton Station Rd., south of Chapman Hwy.
   Proposed use: Detached single-family subdivision in PR

STAFF RECOMMENDATION: Approve the plan for up to 95
detached single family dwellings on individual lots and the
reduction of the peripheral setback along the common lot line
between the subdivision boundary and the existing homesite, from
35’ to 15’, subject to 3 conditions.

* 18. HUBER PROPERTIES, LLC ON SANDS LN. - HUBER
   PROPERTIES, LLC
   a. Northeast side of Sands Rd., northeast of Bakertown Rd.,
   Commission District 3.

Staff Recommendation: Approve variances 1-4 and the concept
plan subject to 10 conditions.

* HUBER PROPERTIES, LLC ON SANDS LN. - HUBER
   PROPERTIES, LLC
   b. Northeast side of Sands Rd., northeast of Bakertown Rd.
   Proposed use: Detached single family subdivision in PR

Staff Recommendation: Approve the plan for up to 46 detached
single family dwellings on individual lots as shown on the
development plan subject to 2 conditions.

19. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE -
   SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY
   a. Northwest side of Ball Camp Pike, southwest of Amherst Rd.,
   Commission District 6.

RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE -
   SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY
   b. Northwest side of Ball Camp Pike, southwest of Amherst Rd.
   Proposed use: Detached single-family subdivision in PR

THESE ITEMS WERE REMOVED FROM THE CONSENT LIST.

* 22. HANNAH'S PARK SUBDIVISION - DAVE GENCAY
   a. South side of Meredith Rd., E. of Fieldstone Farm Ln.,
   Commission District 6.

Staff Recommendation: Approve the concept plan subject to 8
conditions.

* HANNAH'S PARK SUBDIVISION - DAVE GENCAY
   b. South side of Meredith Rd., E. of Fieldstone Farm Ln.
   Proposed use: Detached single family subdivision in PR
Staff Recommendation: Approve the plan for up to 19 detached single family dwellings on individual lots as shown on the development plan subject to 3 conditions.

* 23. **STERCHI VILLAGE, UNIT 4 - WIDE HORIZON DEVELOPMENT**  
   a. West side of Fountain City Rd., north of Rifle Range Dr., Commission District 7.

Staff Recommendation: Approve variances 1-3 and the concept plan subject to 8 conditions.

* 23. **STERCHI VILLAGE, UNIT 4 - WIDE HORIZON DEVELOPMENT**  

Staff Recommendation: Approve the plan for up to 27 detached single family dwellings on individual lots as shown on the development plan subject to 2 conditions.

**Finals**

* 37. **STONEBURY COURT**  
   South side of Osprey Point Ln, southeast of S. Northshore Dr., Commission District 4.

Staff Recommendation: Approve variance 1 and final plat

* 39. **LYLE FARM RESUB. OF LOT 2**  
   Northwest side of W. Beaver Creek Rd, southwest of Clinton Hwy., Commission District 6.

Staff Recommendation: Approve final plat

* 41. **ROGER D. PHILLIPS & GRACE S. PHILLIPS PROPERTY**  
   North side of Rutledge Pk, south of Circle Rd at Varnard Ln., Commission District 8.

Staff Recommendation: Approve variance 1 and final plat

* 42. **SUMMER HALL**  
   Northeast side of Shadewell Dr, north of Summertime Ln., Commission District 7.

Staff Recommendation: Approve final plat

* 43. **RALPH JOEL OWNBY**  
   
   Page 10
Northwest side of Twin Oak Ln, southwest of Tazewell Pk., Commission District 8.

Staff Recommendation: Approve variances 1-4 and final plat

* 46. **TRENTVILLE RIDGE** 6-SF-04-F

Staff Recommendation: Approve final plat

* 47. **KIRKWOOD** 6-SG-04-F
Northeast end of Webster Groves Ln, northeast of Missouri Ln., Council District 3.

Staff Recommendation: Approve final plat

* 48. **J. C. LONG ADD, RESUB. OF LOTS 13 & 14** 6-SH-04-F

Staff Recommendation: Approve variance 1 and final plat

* 49. **CONNERS CREEK, RESUB. OF LOT 22** 6-SI-04-F
Northwest side of Walnut Creek Lane, northeast of Blue Meadow Ln, Commission District 6.

Staff Recommendation: Approve variance 1 and final plat

* 51. **STAUB-VANGILDER & HENDERSON ADDITION LOTS 303-305 & 326** 6-SK-04-F
North side of Central St, south of Third Ave., Council District 6.

Staff Recommendation: Approve variance 1 and final plat

* 52. **SANCHEZ PROPERTY** 6-SL-04-F
East side of Tazewell Pk, south of Emory Rd., Commission District 8.

Staff Recommendation: Approve variance 1 and final plat

* 54. **LAKEVIEW AT CENTURY PARK** 6-SN-04-F
North of Sherrill Blvd, west of Mabry Hood Rd., Council District 2.

Staff Recommendation: Approve variances 1&2 and final plat

* 55. **WYNDHAM POINTE** 6-SO-04-F
Oak Ridge Hwy at Beaver Ridge Rd, Commission District 6.

Staff Recommendation: Approve final plat
* 56. CASCADE FALLS
South side of Ball Camp Pk, west of Bakertown Rd., Commission District 6.

Staff Recommendation: Approve variances 1&2 and final plat

* 57. S & T PROPERTIES
South side of Dutchtown Rd, west of Progressive Rd., Commission District 6.

Staff Recommendation: Approve final plat

* 58. REMINGTON RIDGE
West side of Wrights Ferry Rd, north side of Badgett Rd, Commission District 4.

Staff Recommendation: Approve variance 1 and final plat

* 63. RONALD DEWAYNE WHITT PROPERTY
Northwest side of Old Maynardville Pike, west side of Thomas Weaver Rd., Commission District 8.

Staff Recommendation: Approve variance 1 and final plat

Rezonings

* 66. ROBERT MORTON (REVISED)
Southeast side E. Inskip Dr., northeast side Fennel Rd., Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial). Council District 5.

STAFF RECOMMENDATION: Approve I-3 (General Industrial) limited to I-2 uses and screened auto storage.

* 67. ROY M. CLAI BORNE
Northeast end Todd Ln., northwest of Schaad Rd., Rezoning from A (Agricultural) to RA (Low Density Residential). Commission District 6

STAFF RECOMMENDATION: Approve RA (Low Density Residential).

* 69. RICHARD OLINGER
Northeast side Clinton Hwy., northwest of W. Emory Rd., Rezoning from RB (General Residential) to CA (General Business). Commission District 6.

STAFF RECOMMENDATION: Approve CA (General Business).
* 70. **SANDRA GREEN** | 6-D-04-RZ
Northeast side Gore Rd., southwest side Opal Ave., Rezoning from R-2 (General Residential) to C-6 (General Commercial). Council District 2.

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

* 71. **KNOXVILLE CITY COUNCIL - CHARLES W. SWANSON** | 6-E-04-RZ
South side of S. Middlebrook Pk, east of Knott Rd., Rezoning from C-6 (General Commercial Park) to C-6 (General Commercial Park)/H-1 (Historic Overlay) and design guidelines. Council District 2.

STAFF RECOMMENDATION: Approve C-6 (General Commercial Park)/H-1 (Historic Overlay) and design guidelines.

* 73. **CHARLES CHRISTIANSEN** | 6-G-04-RZ
Southwest side of Central Avenue Pike, southeast of Copenhaver Dr., Rezoning from R-2 (General Residential) to C-3 (General Commercial). Council District 5.

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

* 75. **VAUGHN BURESS** | 6-I-04-RZ
West side N. Broadway, south of Chickamauga Ave., Rezoning from O-1 (Office, Medical, and Related Services) / F-1 (Floodway) to C-3 (General Commercial) / F-1 (Floodway). Council District 5.

STAFF RECOMMENDATION: Approve C-3 (General Commercial) and F-1 (Floodway).

* 78. **SOUTH CENTRAL COMMUNICATIONS, CORP.** | 6-L-04-RZ
Northwest side Freemason St., east side Sharps Ridge Memorial Park Dr., Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Council District 5.

STAFF RECOMMENDATION: Approve O-1 (Office, Medical and Related Services) for the existing facilities and a 2-acre area surrounding those facilities and approve OS-1 (Open Space) for the remainder of the site.

* 79. **SHARON STARTUP** | 6-M-04-RZ
Northwest side Chambliss Ave., northeast of Carr St., 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).
* **81. SONJA KIRBY JOHNSON**

North side Hardin Valley Rd., west of Westcott Blvd., Rezoning from A (Agricultural) / F (Floodway) to LI (Light Industrial) / F (Floodway), Commission District 6.

**STAFF RECOMMENDATION:** Approve LI (Light Industrial) and F (Floodway)

* **82. W. CONARD, LLC**


**STAFF RECOMMENDATION:** Approve RP-1 (Planned Residential) at a density of 1 to 4 du/ac

* **83. BRIAN CHARLES RAY**

East side Mine Rd., northeast of Flat Creek Ln., Rezoning from I (Industrial) to A (Agricultural). Commission District 8.

**STAFF RECOMMENDATION:** Approve A (Agricultural).

**Uses on Review**

* **86. MICHAEL ORWITZ**

South side of Lonas Dr., west of Weisgarber Rd. Proposed use: Apartments (Phase III of Londontown Apartments) in R-2 (General Residential) & O-1 (Office, Medical, and Related Services) District. Council District 2.

**STAFF RECOMMENDATION:** Approve the development plan for up to 81 multi-family residential units subject to 7 conditions.

* **89. JOHN SCHAAD**


**STAFF RECOMMENDATION:** Approve the request for a self-service storage facility on the CA zoned portion of the site as shown on the development plan subject to 5 conditions.

**Other Business**

* **90. Amendment #2 to MPC’s FY 2003-2004 Budget**

**EXECUTIVE COMMITTEE RECOMMENDATION:** Approve.

Items added or removed from Consent List:
19. a. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY 6-SD-04-C
b. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY 6-E-04-UR

Citizen requested Item 19 b. 6-E-04-UR Rufus H. Smith & Company be removed. Chair stated Items 19a & b must both be removed.

Mr. Rocky Smith: This has been before you with many times. I knew of no objections.

Mr. Dave Hill: It is our practice if someone asks to hear an item, we remove it from the consent.

Items removed from consent.

MOTION (EVANS) AND SECOND (BENEFIELD) WERE MADE TO APPROVE CONSENT ITEMS AS READ EXCLUDING 19A & B. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE-SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY. MOTION CARRIED 12-0. CONSENT ITEMS APPROVED AS READ EXCLUDING 19A&B.

Zoning Ordinances:

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

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 6. KNOX COUNTY ZONING ORDINANCE AMENDMENT 6-B-04-OA
Knox County Zoning Ordinance amendment regarding variances to the 500-foot separation requirement for businesses selling beer for on-premise consumption.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Street or Alley Closures:

P 7. 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.

Street or Subdivision Name Changes:

* 8. KNOX COUNTY EMERGENCY COMMUNICATIONS E-911 6-A-04-SNC

THIS ITEM WAS APPROVED ON CONSENT EARLIEST IN THE MEETING.

**Plans, Plan Amendments/ Rezonings:**

None

**Concepts/ Uses On Review:**

**W 9. MURDOCK CENTER DEVELOPMENT - BOOGER BEAR, LP**

- **9-SH-02-C**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**W MURDOCK CENTER DEVELOPMENT - BOOGER BEAR, LP**

- **9-Q-02-UR**

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**MAPLES GLEN - VANCE BURKEY**

- **5-SD-04-C**

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**MAPLES GLEN - VANCE BURKEY**

- **5-H-04-UR**

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**COPPERSTONE (FKA NORRIS FREEWAY HEIGHTS) - J. B. S. HOLDINGS, LLC**

- **5-SE-04-C**

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**COPPERSTONE (FKA NORRIS FREEWAY HEIGHTS) - J. B. S. HOLDINGS, LLC**

- **5-I-04-UR**
  - Northeast side of Norris Freeway, southwest side of Andersonville Pike, north of Pelleaux Rd. Proposed use:

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

T 12. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

T RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - NORTH SECTION - RUFUS H. SMITH JR. & COMPANY

THIS ITEM WAS TABLED EARLIER IN THE MEETING.

13. MAPLERIDGE
   South end of Homewood Rd., north of Dutch Valley Dr., Council District 5.

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

   Mr. Jack Stooksbury, 7938 Pelleaux Road, Copia Development, On behalf of applicant.

   Mr. Wendell Wyrick: My name is not Wood Wyrick. Representing the Lockwood Area ABOUT 45 PEOPLE STOOD We tried to meet with the developers to work out a compromise plan. Jack Hayes and I met the two developers. We then met as a neighborhood without the developers. We collectively came to agreement on what we wanted and later arranged a meeting with Mr. McDaniels to meet with Mr. Hayes and myself. We gave them our suggestions and asked that they consider it and get back with us. We did not hear from them. Mr. Meek saw the signs of our neighborhood meeting. The developers were free to attend. I made corrections to the letter that Mr. Stooksbury handed out. HANDED OUT MATERIALS WHICH BECOME A PART OF THESE MINUTES. We are not opposed to development, but to this concept. They told us they intended to build 40 houses. Mr. Stooksbury asked me how I got that number and I told him I heard that in my house. Traffic Department got a request that included 40 houses. Later that was changed to 71. Did not know what the truth is. House plans look good, but which are they building? We pulled the existing plot for that subdivision area and it is almost identical to our proposal. We have not asked for
anything out of the order. Concerned with developer being able to build and walk away. He built condos on Jenkins Road and he has sold them already. I do not know of any other condo that sells for $56,000. To me it is an apartment building. This plan and description of houses to be built do not make sense to me. We stick with the original request for 36 houses and approach from Dutch Valley.

Mr. Jack Hayes: 4404 Estonia
Mr. Wyrick and I did met with the two builders and we gave them the wishes of the community, 60 people, and they never gave us an answer.

Mr. Stooksbury: I gave you a letter and you have my word on what I said. We submitted some drawings for proposed houses. Appraisals are comparable with the houses in the neighborhood. The yards are smaller, but times are changing and needs change. Small lot sizes may be thought of as lesser status, but I do not see how you can say that.

Mr. Charles Mink: Property owner
Mr. Wyrick made the statement that I had seen their signs and had not come to one of their meetings. Three years ago at this very Commission Dick Bales said he would come to one of the meetings and Mr. Hayes said you had better bring your bodyguard. This is why I have not gone to the meetings. I am trying to get my ducks in a row and not leave a burden on my wife and children. We do not have anything to hide. These people did not let the builders come to their open meeting. They got to come only to a private meeting. The builders have not had a chance to speak to the community. In the last two years in this community I have bought two dilapidated houses and remodeled them and moved my son in one and sold one. I did do a good job on rebuilding those houses.

Mr. Larry Smith: Asked Mr. Dave McGinley of City Engineering. Seems to be concern about access and slope. Are they correct in saying this is the only way for them to come in?

Mr. Dave McGinley: They do not own access to Dutch Valley. He would have to purchase additional lots to have that access.

Mr. Smith: Are you building houses the size comparable to what is there now? Reason lot sizes are small was when the people moved it was before septic tanks and had to have larger lots. and Basically your size house is the same size as what is there now.

Mr. Mary Slack: If they did have access from Dutch Valley would it be feasible from the slope standpoint? Mr. Mink, is property for sale? Do you own lots?
Mr. Mink: City owns 50 foot from center of Dutch Valley onto Ridge Grove Road. Off Dutch Valley it is wide but the rest is a one lane road. I asked the city two years ago when neighbors had school buses to run the feasibility of bringing the street on up. At that time $18,000 would be the cost to bring the road up to our property. They did not see it feasible. My father-in-law bought this property in 1954 and it was zoned R-1. Why we are having to go through all this again? Otherwise I am land locked on this property. What can I do with this property if not what it has been zoned for the last 30 years?

Mr. Dick Graf: This does not look difficult to me. It is R-1 which has definite rules. It is single family. I do not know why people insist something new has to look exactly like what they have. Three to the acre is not dense. I do not see the problem.

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

Mr. Chester Kilgore: Can somebody tell me who owns what? That seems to be a problem.

Mr. Wyrick: Mr. Mink owns 069FB013. There is property on Dutch Valley that would give access to that. Ridgegrove Road is there. If we are going to cram 71 houses in there, the neighborhood cannot accommodate the traffic on Homewood, which is only 16 feet wide. Idea of Dutch Valley approach is safety for the neighborhood. City Council has allotted $200,000 for a neighborhood safety program now. We need the safety factor in the neighborhood. If the numbers were more around 36, we could probably live with the Homewood approach.

Mr. Hayes: I would like to ask the width of curve right off Adair and does he think two cars can pass on that.

Mr. Kilgore: Who owns the current property in question (lot 11)?

Mr. Mink: This is true. We do own the property, but it does not connect. This Ridgegrove Road, the corner lot is someone else. We own the next one down. There is no way anyone can go in there.

Ms. Joann Kagley 4323 Homewood Road, lived there 34 years. When we moved there, there were cattle in the field. We called the Health Department and they said it was Agricultural. Now he is saying it was for residential. He just got rid of the cows. Homewood is entirely too small even for the school bus to get up to children.
COMMISSIONER FRENCH CALLED FOR THE QUESTION

Upon roll call vote the Planning Commission voted as follows:

BENEFIELD     YES  
DONALDSON     YES  
EVANS         YES  
FRENCH        YES  
GRAF          YES  
JENDREK       YES  
KILGORE       NO   
SHARP         NO   
SLACK         YES  
SMITH         YES  
WOLF          NO   
MASSEY        YES  

MOTION CARRIED 9-3. APPROVED.

* 14. **YARNELL ROAD DEVELOPMENT - B & J ENTERPRISES**  5-SM-04-C

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* **YARNELL ROAD DEVELOPMENT - B & J ENTERPRISES**  5-R-04-UR

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Mr. Jeff Garrett: 2727 Sands Road
Asked about 18 a & b Huber on Sands Lane.
Chair explained that it was approved on consent earlier.

15. **MCCAMPBELL FARMS (FORMERLY BABELAY FARMS)** - 5-SO-04-C
   VICTOR JERNIGAN
   a. Southeast side McCampbell Dr., east of Anderson Rd., Commission District 7.

   STAFF RECOMMENDATION: Approve all variances as identified on the June 8, 2004 Concept Plan submittal and approve the Concept Plan subject to 9 conditions

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

   Mr. James McMillian 4715 McCampbell Road
I border this property. We have chronic flooding because of one aspect in this watershed. We have 5 developments above me that do not meet the Knox County Stormwater ordinance. They are Summer Rose, Windgate, Fountain Head Condo, Beverly Square and Southland Group on Murphy Road. I am within 1.5-2 miles of Fountain City and Broadway that gets hammered with flooding. They have no engineering calculations on what they have to catch. They have to figure out how much drainage they do need to catch. These other developments do not have any as-built site plan certification on any of their things. That is why they are in trouble. State has come in and put them on notice of violations of State law permits. They have filled the creeks and the creeks do not have the capacity to carry their normal flow without overflowing about 2 miles up Broadway. He has not considered two blueline streams on his property. Developers should consult with TVA, Corps of Engineers and US Department of Conservation and explain blue line streams, wetlands and other water areas. Developers must apply for a permit to cross, culvert, ditch or alter in any form. This developer has no idea of how much land he has that is developable because he has not going through these steps. There is a health problem. There has been a landfill from a former greenhouse burying pesticides, dirt and other refuse over the years. This has not been addressed in any way, shape or form. This project will be tying onto an 8-inch sewer line. There are already 3 subdivisions tied onto an 8-inch line. Once it gets on down stream, it gets to a completely dilapidated line that condemned and was supposed to be repaired, but was not. You are adding more sewage to a line that leaks 365 days per year and runs on my property and others in Fountain City, Broadway to the Tennessee River. The road is narrow, 8-10 feet wide. The developer says they are going to rebuild the roads for $200,000. I do not believe that. The cart is way before the horse and these issues need to be addressed before we start putting more in it. You have passed these other 5 developers and are batting 0-5. Do not make it 0-6.

Mr. Victor Jernigan 815 Sunnydale Road, 37923
PASSED OUT A DRAWING AND AERIAL PHOTO OF SITE AND SURROUNDING AREA WHICH BECOMES A PART OF THESE MINUTES.

We are concerned with Mr. McMillian's concerns. We have been in negotiations with Northeast Knox Preservation Association for over a year in the design. We have taken ideas from best neighborhoods and tried to implement them all together. There are over 4,000 feet of boulevards over 22 feet wide. 180 homes enter off alleys. In front of every home there is a 4-foot sidewalk and 7-foot planting area. Detention areas that were originally designed have been modified. The drawing you have is the second final drawing. We now have a third drawing relative to road system and how alley will work which is more final. We have
added parks even since this drawing. We have met with Mr. McMillan and tried to tell him that we understand his concerns and to work with him to show that we are going to move forward in a responsible way. You have a letter outlining that changes we have already made and a commitment to share information with him so we are not designing that is substantially in excess with what Knox County and or the State would require. The issue of the blueline streams and stormwater are Benny’s expertise.

Mr. Benny Mooreman: 10308 Hardin Valley Road
Thanked staff on working with them. We hope this development will be a trendsetter for the area. Everybody involved in the process knows that it is customary to bring forth a concept plan for review to be sure developments are being prepared in accordance with the area. To ask them to enter into design calculations at this point is going way out on a limb. We have taken Mr. McMillian’s comments to heart and retention ponds will help take out some of that siltation. We have talked to KUB and they assured us they can support this development. Staff comments mentioned we would have to complete the design plans on roadway improvements prior to any construction whatsoever. We would like to consider allowing us to do our design plan for the development and possibly allow grading of the site with no houses being built until improvements are in place.

Mr. David Wolf: I am concerned about the pesticide being dumped in that area? Has the state done any inspection to clear that?

Mr. Jernigan: No the state has not done any inspection yet. We are aware of this issue. We assured the McMillian’s that as we begin to remove the soil from this site, the soil will be tested and we will ensure and follow up on Phase 1 environmental and maybe phase 2 prior to being able to develop that property.

Mr. Wolf: I am familiar with the pesticides that have been dumped over the years. I think it would be wise to get State approval before you go forward.

Mr. Jernigan: All of those procedures are in place already. We are extremely aware of how sensitive this neighborhood is. McMillian’s have lived in the same house for 7 generations. We feel honored they picked us over other people because we had a goal to build a nice subdivision in north Knoxville. You know Northeast Knox Preservation Association and their attention to these projects. This is just one of the areas we have been working through.

Mr. Ray Evans: Mr. McMillan made statements that several developments in the area did not meet requirements and said the State had cited them?
Mr. LeCamera: City Engineering. The State may have cited them for stormwater control and not for lack of stormwater detention. I have a State letter which says... 152 CFS before development, ten year storm after 176 CFS. I went looking at surrounding subdivisions and tried to find those specific numbers and found them on the Southland Subdivision on Murphy Road. What Mr. McMillian did not take into account is the 176 is the amount going into the detention basin. After coming out of the detention basin the flow was only 58 CFS. They have actually reduced the flow.

Mr. Evans: You are stating to your knowledge all these area subdivisions he mentioned are in compliance as far as you know?

Mr. LaCamera: As far as I know. I only found out one of them and that is all I am familiar with. He is looking at hydrographs going into the detention basin and not the routed hydrographs coming out of the detention basin.

Mr. Dick Graf: There is a rigid set of rules concerning development. This is an idea for now. It gives you a feel for what they want to do. The use on review takes that to another level. Things such as blueline streams are things you have to follow before you can start work and get permits. You cannot get a grading permit until you have identified blueline streams and detention. You need permits from Knox County and TDEC. If they have problems with chemicals, that will have to be addressed as to how they are going to handle this. What we are doing today is saying whether this is a good idea here. It is up to the engineers to show how they are going to detain the water. If sewer line is not adequate, they cannot tie on. They cannot build a house before they get final plat approval. They cannot get final plat approval until it is looked at and will work. If the other developers are not doing what they are supposed to be doing, I do not see how they are getting away with it. They are headed in the right direction, this is not final plat approval. If we said no, they would have spent a lot of money if they brought in detailed plans at this point.

Mr. McMillan: Mr. Jernigan has owed this property for two years and has not contacted TDEC. He has not done anything about this dump. These things need to be looked at before they are planned. They have all been written up by TDEC on State law violations on the clean water act on a ¼ inch of rain. They have no detention and no retention. Their mud is in the creek all the way through Fountain City and Broadway. When a 25-year rain comes, all of Fountain City and Broadway will be flooded out. It will all be because of what is above me. Please consider that before you start adding any more to it. This is the first stage of proper planning on restricted water flow, proper planning on if it is
Mr. Ray Evans: I think Commissioner Graf is right in that what we are doing today is saying this is a good idea. The second or third largest complaint we get is opposed to development is drainage. I encourage those groups and governmental entity to do a good job, that minimum standards are adequate and inspect the property and continue to do that. The area we live in has many hills and valley.

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

MCCAMPBELL FARMS (FORMERLY BABELAY FARMS) - VICTOR JERNIGAN 5-U-04-UR

STAFF RECOMMENDATION: Approve the development plan for up to 213 detached single family dwellings on individual lots and 108 multi-family condominiums subject to 5 conditions.

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

* 16. MOUNTAIN PLACE, UNIT 2 6-SA-04-C
Northwest side of E. Governor John Sevier Hwy., northeast of Austin Park Ln., Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 17. HUBER PROPERTIES LLC ON TIPTON STATION RD. - HUBER PROPERTIES, LLC 6-SB-04-C

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* HUBER PROPERTIES LLC ON TIPTON STATION RD. - HUBER PROPERTIES, LLC 6-D-04-UR

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
* 18. HUBER PROPERTIES, LLC ON SANDS LN. - HUBER PROPERTIES, LLC
   a. Northeast side of Sands Rd., northeast of Bakertown Rd.,
      Commission District 3.
      
      THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 18. HUBER PROPERTIES, LLC ON SANDS LN. - HUBER PROPERTIES, LLC
   b. Northeast side of Sands Rd., northeast of Bakertown Rd.
      Proposed use: Detached single family subdivision in PR
      
      THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

19. RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY
   a. Northwest side of Ball Camp Pike, southwest of Amherst Rd.,
      Commission District 6.
      
      Staff Recommendation: Approve variance 1 and the concept plan
      subject to 9 conditions.
      
      Mr. Jim Walzack 7320 Ball Camp Pike
      I am looking for a little help. The right-of-way for the property
      lines up directly across from my house which could cause safety
      problems and inconveniences to my property like light into my
      house. Ask that he move his secondary entrance onto Ball Camp.
      Showed Mr. Rocky Smith a map of potential access points.
      SUBMITTED COPY OF MAP WHICH BECOMES A PART OF THESE
      MINUTES. We are not against the development. I am worried
      about safety aspect of having a major entrance across from my
      house and the traffic flow.
      
      Mr. Rocky Smith: 4909 Ball Road, 37921
      We want to be as neighborly as we can. I am not sure what we
      can do. This entrance has been at this spot since this began a
      year and one half ago. The entrance has been here each time we
      submitted. If you move easterly, there is a lot of drainage comes
      through which we are trying to stay away from. Westerly
      separation for lots gets tight. If we move down to where they
      recommended, that would be okay, but we are trying to develop
      the western side first. Ask you approve in accordance with staff
      recommendation. Then maybe we can get together and discuss it
      with him. I have been waiting a long time on this property to be
      approved. I do not know the answer today about the access.
      
      Mr. Ray Evans: Mr. Smith has been going through a lot to get this
      property approved. There have been issues neither he nor we
      have been about to resolve. We have felt some of the same
frustrations he has. I am glad we have worked cooperatively, at least on this property, to come up with something we both agree with.

**MOTION (EVANS) TO APPROVE VARIANCE.**

Mr. Phil French: I have known Mr. Smith to be an honorable man and he will keep his promise.

Mr. Walzack: The simplest solution is possibly losing one lot especially if you go back toward Western Avenue to change the road where he could add a smaller, tighter lot in front of mine. Just ask you to consider that if you are sitting on the front porch would you want that?

Mr. French: We cannot redesign a Concept Plan at this Commission meeting. If we have Mr. Smith’s assurance that he will work with you to accommodate your request, I think that will work.

**EVANS AMENDED MOTION TO APPROVE VARIANCE AND CONCEPT PLAN AND (DONALDSON) SECONDED. MOTION CARRIED 12-0. APPROVED.**

**RUFUS H. SMITH JR. & COMPANY ON BALL CAMP PIKE - SOUTH SECTION - RUFUS H. SMITH JR. & COMPANY**

b. Northwest side of Ball Camp Pike, southwest of Amherst Rd.

Staff Recommendation: Approve the plan for up to 102 detached single family dwellings on individual lots and the reduction of the peripheral setback along the south side of the proposed Ball Camp Pike to 20 feet, subject to 2 conditions.

**MOTION (SMITH) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.**

**20. ST. MARY'S HEALTH SYSTEMS, INC.**


**W 20. **

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**21. WESTLAND LAKES - S & E PROPERTIES**

a. South side of Westland Dr., south of S. Northshore Dr., Commission District 5.
STAFF RECOMMENDATION: Approve variances 1-2 and the concept plan subject to 9 conditions.

Mr. Dan Kelly: The developer is proposing a 10 lot subdivision. Staff is recommending approval subject to requirements. We have been in discussion throughout the day and I believe we have come to a conclusion in regard to landscaping for the development and meet the needs of the adjoining neighbor for some privacy. I think one lady will discuss the same issue as far as headlights. TVA approval would have to be obtained and there is going to be extensive landscaping. Recommend approval of plan.

Ms. Barbara Haning: 10801 Westland Drive
This part of Westland Drive is very narrow with two larger subdivisions coming out of it. Road is not longer than ¼ of a mile. Spoke with Scott Smith last week. We asked Mr. Smith to show us where the entrance of the subdivision is going to be and looked like wide boulevard. We found a stake in our driveway which will mean the entrance will be right across from us and lights in our bedroom as well. Asked if we could get a shield at the entrance so we do not see the entrance. He said that probably was not possible. Is there a possibility to move that entrance 40 feet east of where the center peg is now? With that there will be a nature barrier with the houses on the other of the road and that entrance. Other side of the road Westshore Subdivision backs up with a larger row of trees, which cover that. When property was put on the market and some sort of zoning, there was never a sign on the property. Because of this meeting today we do have a sign across from us. I would like to work with the developer. You also have a long letter from Margaret Mason with her concerns also. Even though I have been assured it will be beautiful, I know I do not want to face this day in and day out.

Mr. Steve Roth: Baker, Donaldson, Bearman & Caldwell, 900 S Gay St
Mr. Kelly and I came to an agreement about fencing on west side of property. Staff report recommends that if the developer is going to put up a wrought iron fence, that the fence be located back from the property line and the vegetation be planted in front of it. Mr. Smith would like the flexibility to place the fence a little closer to the boundary and have the trees planted inside the fence line. I think Mr. Kelly is comfortable with that modification. I feel like we are being asked to redesign the entrance to the subdivision. I do not have the authority to do that today. I would understand the concerns if we were talking about a subdivision of 30-50 lots. We are talking about a subdivision of 10 lots with not much traffic. It is going to be gated community with a stone front and wrought iron fence around it. I suggest we leave the plan as it is for entrance. I will be glad to take her concern to Mr. Smith and encourage his dialog with her. With that modification of the
fencing and landscaping we are supportive of staff recommendation.

Mr. Kelly: Our desire is to create a vegetative buffer along that property, whether it is inside the fence or outside the fence is not something to argue over.

Chair Massey: So we would be amending condition no. 3?

Mr. Steve Roth: Pointed out in the staff report that says fence would be located 5 feet off the property. The sole amendment would be the omission of that last sentence.

Mr. Phil French: Pointed out the use on review condition no. 3, are you going to build a 6-foot high privacy fence?

Mr. Roth: No. I had read that. If the Commission wants to take that out, that would be in keeping with Mr. Kelly and my discussions. I had read the word “or” there as covering the landscape screen in the way we discussed.

Mr. French: That condition also refers to the 5 foot.

Mr. Kelly: That is the only place it is mentioned is in condition no. 3 of the use on review staff report. I believe that just eliminating the sentence that starts “Any fencing placed on the site...”, if you eliminate that sentence that will satisfy what the applicant wants. They are given the option of either constructing a fence or doing the landscape buffer. They are opting to do the landscape buffer and in addition to that they are going to probably construct a wrought iron fence which is not a privacy fence.

Mr. Dave Hill: Asked him to state what Condition no. 3 should state.

Mr. Kelly: It should state, “Constructing a 6' high privacy fence or installing a "Type B" landscape screen along the western boundary of the site. Landscaping between the fence and the property line is permissible.

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

WESTLAND LAKES - S & E PROPERTIES

b. South side of Westland Dr., south of S. Northshore Dr. Proposed use: Detached single family subdivision in PR (Planned Residential) & F (Floodway) District. Commission District 5.
STAFF RECOMMENDATION: Approve the plan for up to 10 detached single family dwellings on individual lots as shown on the development plan subject to 3 conditions.

MOTION (SLACK) AND SECOND (WOLF) WERE MADE TO APPROVE STAFF RECOMMENDATION AMENDING CONDITION NO. 3 BY DELETING SENTENCE “Any fencing placed on this site must be located at least 5’ back from any adjoining property line.” MOTION CARRIED 12-0. APPROVED.

Mr. Dick Graf: Have question about when property is rezoned. Is it a recent change that the staff report does not include this information? It should be included on the staff report.

* 22. HANNAH'S PARK SUBDIVISION - DAVE GENCAY 6-SG-04-C
   
   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 23. STERCHI VILLAGE, UNIT 4 - WIDE HORIZON DEVELOPMENT 6-SH-04-C
   a. West side of Fountain City Rd., north of Rifle Range Dr., Commission District 7.
   
   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* STERCHI VILLAGE, UNIT 4 - WIDE HORIZON DEVELOPMENT 6-K-04-UR

   THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

Final Subdivisions

P 24. WILLIAM H. HARRELL PROPERTY, RESUBDIVISION OF LOT 1R 1-SF-04-F
   
   THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.
P 25. **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 26. **RESUBDIVISION OF JAMES SLYMAN & B. H. NICELY PROPERTY**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

W 27. **PROPERTY OF ALICE RUTH GRIFFIN**
East side Neubert Springs Road at Tarwater Road, Commission District 9.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

P 28. **MIDDLEBROOK HEIGHTS COMPANY, RESUBDIVISION OF PART OF LOTS 5 & 6, BLOCK B**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

29. **THE RESERVE OF HUNTER'S RIDGE, UNIT 3**
East side of Stony Point Rd., east end of Kays Ridge Ln., Commission District 8.

STAFF RECOMMENDATION: Deny final plat.

Mr. Tom Brechko: This has been postponed three times. I informed applicant we needed a revised plat or request for postponement and we did not receive one. Based on that we recommend denial.

**MOTION (SHARP) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DENIED.**

W 30. **WESTSHORE SUBDIVISION, RESUBDIVISION OF LOTS 5, 6 & 7**
Southwest end of Rock Arbor Way, northwest side of Westland Dr., south of S. Northshore Dr., Commission District 5.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

P 31. **SUNCREST ESTATES**

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THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 32. HAROLD OGLE PROPERTY**
South side of W. Simpson Road, north of Mountain Ridge Lane.,

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 33. NORMAN ADDITION TO KNOXVILLE LOTS 5 & 6**
**RESUBDIVISION**
North side of McClung Ave, east of Buford St., Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 34. WEST HILLS PARK**
South end of Park Hill Circle, south of Toxaway Drive, Council District 3.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 35. THE WOODS AT SHANNONDALE**

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P 36. PETREE FARM & LEE MAYSHARK PROPERTY**
Southeast side of S. Northshore Dr., southwest of Tobler, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 37. **STONEBURY COURT**
South side of Osprey Point Ln, southeast of S. Northshore Dr.,
Commission District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

38. **INGLES MARKETS INCORPORATED, STORE #399**
South side of E. Emory Rd, east of I-75, Commission District 7.

**STAFF RECOMMENDATION:** Approve.

Mr. Tom Brechko: Recommend denial because all items had not been addressed at corrections deadline. All items have been submitted now. They did submit plat in timely manner and we did
not get our comments back to them in making some corrections in time. We now have an approvable plat.

Mr. Randy Herron: 1165 Russ Avenue, Waynesville, NC 28786, Surveyor for Ingles Market
Request waiver of 9-day period. We have been in contact and have resolved his comments.

Mr. Dick Graf: Asked if he worked out of North Carolina. I would think since they are not familiar with our procedures that we should approve this.

MOTION (GRAF) AND SECOND (SLACK) 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 12-0. ARTICLE 6, SECTION 1, OF MPC’S ADMINISTRATIVE RULES AND PROCEDURES AND SECTION 44-22 OF THE MINIMUM SUBDIVISION REGULATIONS WAIVED.

MOTION (GRAF) AND SECOND (SLACK) WERE MADE TO APPROVE VARIANCE AND FINAL PLAT. MOTION CARRIED 12-0. APPROVED.

* 39. LYLE FARM RESUB. OF LOT 2 5-SDD-04-F
Northwest side of W. Beaver Creek Rd, southwest of Clinton Hwy., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 40. HOWARD S. & LISA BUSH PROPERTY 5-SFF-04-F
East side of Delrose Dr, south of Boyds Bridge Pk, Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 41. ROGER D. PHILLIPS & GRACE S. PHILLIPS PROPERTY 6-SA-04-F
North side of Rutledge Pk, south of Circle Rd at Varnard Ln., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 42. SUMMER HALL 6-SB-04-F
Northeast side of Shadewell Dr, north of Summertime Ln., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 43. RALPH JOEL OWNBY 6-SC-04-F
Northwest side of Twin Oak Ln, southwest of Tazewell Pk., Commission District 8.
THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 44. **ALBERT KELLEY PROPERTY**  
South side of W. Emory Rd, east of Mountain Vista Rd.,  
Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 45. **MILTON THOMAS PROPERTY**  
North side of W. Gov. John Sevier Hwy, east of Winkle Rd.,  

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 46. **TRENTVILLE RIDGE**  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 47. **KIRKWOOD**  
Northeast end of Webster Groves Ln, northeast of Missouri Ln.,  
Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 48. **J. C. LONG ADD, RESUB. OF LOTS 13 & 14**  
Northeast side of Holston hills Rd, southeast of Holston View Ln,  

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 49. **CONNERS CREEK, RESUB. OF LOT 22**  
Northwest side of Walnut Creek Lane, northeast of Blue Meadow Ln, Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

P 50. **FARMER PROPERTY**  
South side of Majors Rd, east of Tell Mynatt Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

* 51. **STAUB-VANGILDER & HENDERSON ADDITION LOTS 303-305 & 326**  
North side of Central St, south of Third Ave., Council District 6.
* 52. **SANCHEZ PROPERTY**
   East side of Tazewell Pk, south of Emory Rd., Commission District 8.

**P 53. **WORLD’S FAIR PARK
   Henley Street at Western Avenue, Commission District 1.

* 54. **LAKEVIEW AT CENTURY PARK**
   North of Sherrill Blvd, west of Mabry Hood Rd., Council District 2.

* 55. **WYNDHAM POINTE**
   Oak Ridge Hwy at Beaver Ridge Rd, Commission District 6.

* 56. **CASCADE FALLS**
   South side of Ball Camp Pk, west of Bakertown Rd., Commission District 6.

* 57. **S & T PROPERTIES**
   South side of Dutchtown Rd, west of Progressive Rd., Commission District 6.

* 58. **REMITNGTON RIDGE**
   West side of Wrights Ferry Rd, north side of Badgett Rd, Commission District 4.

**W 59. **LASER PARK, LOT 1

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**P 60. **41 NORTHSHORE DRIVE SUBDIVISION, RESUB OF PARTS OF LOTS 2 & 3
   Northwest side of S. Northshore Dr, northwest of Morrell Rd., Council District 2.

**P 61. **AMERISTEEL PROPERTY
   Northwest side of Tennessee Ave., southeast side of Louisiana Ave., southwest side of Stonewall St., Council District 5.

**W 62. **WILLIAMSBURG ADDITION, RESUBDIVISION OF ALL OR PARTS OF LOTS 17, 18, 23, 24, 29, 30, 33 & 34
   South side of W. Hill Ave., west of Maplehurst Ct., Council District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

* 63. **RONALD DEWAYNE WHITT PROPERTY**
   Northwest side of Old Maynardville Pike, west side of Thomas Weaver Rd., Commission District 8.
Rezonings:

P 64. [JOSEPH KENNEDY, SR.]
4-A-04-SP
8/4/04  a. South side Andersonville Pike, southwest of Pleasant Gap Dr.
Request North County Sector Plan Amendment from Rural Residential & SP (Slope Protection) to LDR (Low Density Residential) & SP (Slope Protection). Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P 65. [JOSEPH KENNEDY, SR.]
4-C-04-RZ
8/4/04  b. South side Andersonville Pike, southwest of Pleasant Gap Dr.
Rezoning from A (Agricultural) to PR (Planned Residential). Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

65. [WILLIAM KENNEDY, JR.]
5-B-04-RZ

STAFF RECOMMENDATION: Approve RP-1 (Planned Residential) at a density of 1 to 5.99 dwelling units per acre.

Mr. Bill Kennedy: 2301 Hatcher Drive

Mr. Michael Osborne: 4433 Largo Drive, Mr. Kennedy's proposal is okay. If we change the zoning in Shangri-La Hills, does that mean they can put apartments in this area?

Mr. Michael Brusseau: The zone change is only on this property and not the rest of the neighborhood.

MOTION (EVANS) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. RP-1 (PLANNED RESIDENTIAL) APPROVED.

MOTION (EVANS) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. RP-1 (PLANNED RESIDENTIAL) AT A DENSITY OF 1 TO 5.99 DWELLING UNITS PER ACRE APPROVED.

* 66. [ROBERT MORTON (REVISED)]
5-Q-04-RZ
Southeast side E. Inskip Dr., northeast side Fennel Rd., Rezoning from I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial). Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
* 67. **ROY M. CLAIBORNE**
Northeast end Todd Ln., northwest of Schaad Rd., Rezoning from A (Agricultural) to RA (Low Density Residential). Commission District 6

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

68. **MICHAEL BRADY**

STAFF RECOMMENDATION: Deny MDR (Medium Density Residential).

Mr. Ken Pruitt: We had a similar rezoning on Keck Road in this immediate vicinity for which staff recommended denial. Our plan continues to propose only low density residential development on this section of Keck Road with commercial and more intense development occurring up on Callahan Drive. We have not recommended approval of this request.

Mr. Michael O’Bryant: Michael Brady Architects, Weisgarber Drive There is CB zoning adjoining this property. There is also a C-6 zoning just next door. Less than 3500 feet there is RB zoning. It looks like this area is developing and will continue to be developed. Ask for rezoning.

Mr. Dick Graf: The C-4, CB and C-6 is that as far back as that is going to come?

Mr. Pruitt: Yes, according to the corridor study done last year as part of the widening and improvement of that arterial facility commercial and/or industrial uses are proposed along that arterial but with low density residential backing up to that development.

**MOTION (SMITH) AND SECOND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DENIED.**

**MICHAEL BRADY**

STAFF RECOMMENDATION: Deny RB (General Residential).
MOTION (SHARP) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DENIED.

* 69. RICHARD OLINGER
Northeast side Clinton Hwy., northwest of W. Emory Rd., Rezoning from RB (General Residential) to CA (General Business). Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 70. SANDRA GREEN
Northeast side Gore Rd., southwest side Opal Ave., Rezoning from R-2 (General Residential) to C-6 (General Commercial). Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 71. KNOXVILLE CITY COUNCIL - CHARLES W. SWANSON
South side of S. Middlebrook Pk, east of Knott Rd., Rezoning from C-6 (General Commercial Park) to C-6 (General Commercial Park)/H-1 (Historic Overlay) and design guidelines. Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

72. SARAH RALSTON
   a. Northeast side Concord Rd., north side Second Dr. Request Southwest County Sector Plan Amendment from MDR (Medium Density Residential) to C (Commercial). Commission District 5.

STAFF RECOMMENDATION: Approve C (Commercial).

Mr. Martin Bailey, 1801 First Tennessee Plaza on behalf of applicant.
This is approximately 5-acre tract of land just north of the intersection of Northshore Drive and Concord Road. Staff has recommended approval of the plan designation for medium density residential. Staff has recommended CN zoning instead of CA we requested. Ask for CA because the uses set forth in neighborhood commercial are entirely appropriate for this property. You can see from the survey of the neighbors, these are the types of uses intended such as small retail, professional offices, small neighborhood retail and are allowed in both zones. It is not a question of uses in either CA or CN. The problem is in Neighborhood Commercial there is a limitation on the size of buildings. In CN no building can be more than 5,000 sq. ft and 35 feet in height. This property is on Concord Road where the problem is going to be getting cars in and out and parking cars. We need larger buildings that are two story. Think CN is more for
foot traffic rather than car traffic. Property immediately to the south is zoned Commercial CA and to the north is zoned CA all the way up Second Drive into Concord. Only property zoned CN is to the north along Concord Road. This is not a question of type of use but the size of the building. We ask for CA zoning.

Mr. Max Dalson: 10931 Gilian Lane, It is my understanding that the Town of Farragut is in opposition. This item is not consistent with the Community Master Plan for Farragut and the Sector Plan for Southwest County for Knox County. Thirdly is the impact on the community is of concern. Would like to get idea what kind of conditions would be placed so that densities and dumpster would be taken into consideration.

Mr. Pruitt: CN does not address placement of dumpsters and things of that nature. That would be at convenience and design of the property owners. There can be some cooperation with entity that provides that service and hours to be picked up so that it would not be as disruptive on the neighborhood. Zoning Ordinance only regulates setbacks, parking, lighting and signage.

Mr. Dalson: If they develop into a high-rise situation, it would be virtually impossible to build a fence to shield the residents from this commercial endeavor. If it were CN, we could properly shield it from the neighborhood behind it with a barrier fence so it could remain a quite residential area.

Mr. Pruitt: The CN zone does have a 35-foot height limitation.

Mr. Ray Evans: Asked about difference in CN and CA other than the height.

Mr. Pruitt: CA is more inclusive commercial zoning in the County. It permits any type of resale sales activity from drug store to an auto or mobile home sales lot. It is quite open. CN is more restrictive and was created by staff as part of the outgrowth of Growth Policy Plan to provide some more restrictive commercial districts that would be more compatible with rural residential development than CA or CB zoning. If there is an issue over the CA zoning that you would like to allow the CA setbacks but restrict the uses to just CN uses, you could condition the zoning if you feel commercial is appropriate but you are not comfortable with CN uses. CN has a minimum building size of 5,000 square feet. Under CA zoning the building could be in the neighborhood of 50,000 sq. ft. If the 5,000 sq. ft. as written by the CN would only limit to one building, then that would be a substantial reduction in the amount of square footage. The height in CA is 45 feet versus 35 feet for CN.
Mr. Trey Benefield: I think this part of the County needs to be developed at a lower density than CA zoning allows. The ability to put car lots and some high intensity commercial is very much affirmative for that area on relatively small streets. Think we need to go with CN zoning and for the neighborhood we need to require a landscape buffer on that side of the property.

**MOTION (BENEFIELD) AND SECOND (EVANS) WERE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.**

**SARAH RALSTON**

6-F-04-RZ

b. Northeast side Concord Rd., north side Second Dr. Rezoning from RA (Low Density Residential) to CA (General Business). Commission District 5.

**STAFF RECOMMENDATION: Approve CN (Neighborhood Commercial).**

**MOTION (BENEFIELD) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION WITH THE CONDITION OF A LANDSCAPE SCREEN ALONG THE BACK SIDE. MOTION CARRIED 12-0. APPROVED.**

* 73. **CHARLES CHRISTIANSEN**

Southwest side of Central Avenue Pike, southeast of Copenhaver Dr., Rezoning from R-2 (General Residential) to C-3 (General Commercial). Council District 5.

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

**P 74. CROSSROADS PROPERTIES, LLC**


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

* 75. **VAUGHN BURESS**

West side N. Broadway, south of Chickamauga Ave., Rezoning from O-1 (Office, Medical, and Related Services) / F-1 (Floodway) to C-3 (General Commercial) / F-1 (Floodway). Council District 5.

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

**P 76. SMITH CAMPBELL JOINT VENTURE**

a. South and east sides of Sam Lee Rd., west of Solway Rd. Request Northwest County Sector Plan Amendment from TP (Technology Park) to LDR (Low Density Residential). Commission District 6.
THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

P  SMITH CAMPBELL JOINT VENTURE
b. South, east and west sides of Sam Lee Rd., west of Solway Rd.  Rezoning from BP (Business and Technology) / TO (Technology Overlay) to PR (Planned Residential) / TO (Technology Overlay). Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

77. SCOTT AND ELISHA HALL (REVISED)

STAFF RECOMMENDATION: Deny C (Commercial).

Mr. Ken Pruitt: This is defined as a rural residential area and adjacent to an established single-family residential subdivision and not at the intersection of an arterial street. Staff recommends denial feeling it is inappropriate and would be a hardship on established residential pattern.

Mr. Arthur Seymour: 550 West Main Avenue, 37902 on behalf of applicant. Ask for a postponement to discuss further with the Hall’s and staff. I have not been to the property. I will admit after looking at the report that it is debatable whether this is designated as rural commercial. Ms. Hall has brought pictures of other commercial uses in the area that appear not to be zoned commercial because closest commercial zoning is 0.5 mile. They have come and asked for the proper zoning. There are other businesses in the area that appear to be operating on Agricultural property, probably illegally. I am not in a position to say exactly why this should be zoned commercial today.

Ms. Anna Cantrell: 8420 Graceland Road, Corryton My husband and I own 16 acres that adjoins the Hall property. We have a significant investment in the property with the expectation of living in a residential community free from commercial clutter. I am here to oppose. The area is so entrenched as residential. You have Mountain Shadow Subdivision and directly across the street is a dead end one-lane residential road, Tindell Lane. On down there is another road, Lambert Lane, which has no outlet. There are no feeder roads nearby. From there on down there are no feeder roads. There is no commercial. You have to go all the way to Tazewell Pike and Jacksboro Pike. We have 41 petitions, WHICH BECOME A PART OF THESE MINTUES. ABOUT 15 PEOPLE STOOD IN OPPOSITION.
The forward-looking expectation is that this will remain a residential area. Subdivision are growing by leaps and bounds in the community. There are drainage problems behind it, traffic problems with Tazewell Pike being heavily traveled and I do not think the property is wide enough to accommodate a turn lane off it. If these changes are granted, it will be an economic loss to me personally and no benefit to the community. As a whole it would be a detriment to the community at large, which is a desirable area for people to move into. Ask that the Commission support staff recommendation and deny request.

Mr. Mary Slack: I do think there is a little bit of commercial, but not very near. It is extremely residential from Smithwood to Harbison Crossroads.

**MOTION (SLACK) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DENIED.**

**SCOTT AND ELISHA HALL (REVISED) 6-K-04-RZ**


STAFF RECOMMENDATION: Deny CR (Rural (Commercial)).

**MOTION (BENEFIELD) AND SECOND (EVANS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DENIED.**

* 78. **SOUTH CENTRAL COMMUNICATIONS, CORP.** 6-L-04-RZ

Northwest side Freemason St., east side Sharps Ridge Memorial Park Dr., Rezoning from R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Council District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 79. **SHARON STARTUP** 6-M-04-RZ

Northwest side Chambliss Ave., northeast of Carr St., Rezoning from R-1 (Single Family Residential) to O-1 (Office, Medical, and Related Services). Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

MS. MARY SLACK LEFT THE MEETING AT THIS TIME.

* 80. **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.
STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1 to 5 dwelling units per acre.

Mr. Less Jones: 7107 Terry Drive
My property lies west of the proposed development. I am not opposed to development of this property or development by Habitat for Humanity and have volunteered for Habitat. My opposition along with my neighbors’ is the density. I do not think it is in line with the character and integrity of this community. I am concerned about property values. This property has been in my family property for 70 years. I talked with staff this week and he explained that should be in favor of PR at 1-5 instead of RB because it was better zoning. We all know Habitat builds beginner homes. Under RB they cannot build except at 1 to 4 dwelling units per acre. I am concerned about the 1-5 density staff has recommended. We have a Habitat community 0.5 away from this property. MPC changed zoning from RB to 1-4 about a year ago. That development does not come onto two small roads like this one does. I am concerned they would come in and ask for additional density level when in the past MPC zoned the last development in this area at only 1-4. Property has up to 16% grade. Plat of the property shows they will have to have variance on one road because it does not even meet. About 1/3 property will be on 15% grade. It would be hard to put 55 units on 12 acres. I know this is the first step. Would like to see Habitat and MPC staff get together and present John Sevier Community with a recommendation to you to approve PR at 1-2, which would be consistent with the character of this community. Density of 1-5 is not consistent. 84% of homes are built on ¾ acre or more. Slope not intended for density. Would like to see Habitat people have at least a half an acre. Ask for density of 1-2.

Mr. David Harbin: 4334 Papermill Drive, representing Habitat
This is zoned RB now. Currently under this zone we could develop up to 12 units per acre. We are asking for down zoning from 12 to 5. We were able to do another subdivision two years ago similar to this. We have been discussing with Knox County Engineering and roadwork may be required. We ask that you approve staff recommendation.

Mr. Dick Graf: This is not a real urgent issue. Would like Habitat to bring enough design to show the density and what it is going to look like. You are a long way apart from 1-2 and 1-5. Would like to see it postponed for 30 to 60 days.

Mr. Ray Evans: My concern would be the density. I would not vote for five at this point. The other Habitat up the street is of a much higher density than the neighborhood anyway. I agree they
need to come up with a common ground you can agree on that Habitat will be happy with.

Mr. Larry Smith: I agree that this is down in a lot bigger area and am for a postponement.

Mr. Harbin: With the PR zone you get different setbacks. Basically for a single family detached subdivision it is more convenient to build it under the PR than the RB zone. If we wanted to do apartments or high density, RB does allow that.

Mr. Evans: The density of 1-12 would be if you were doing a high density development. For single family homes you could not get 12 per acre on it. You have a minimum square footage you have to have per lot.

MOTION (SMITH) AND SECOND (EVANS) WERE MADE TO POSTPONE 30 DAYS UNTIL THE JULY 8, 2004 MPC MEETING. MOTION CARRIED 11-0. POSTPONED UNTIL THE JULY 8, 2004 MPC MEETING

* 81. SONYA KIRBY JOHNSON 6-O-04-RZ
North side Hardin Valley Rd., west of Westcott Blvd., Rezoning from A (Agricultural) / F (Floodway) to LI (Light Industrial) / F (Floodway), Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 82. W. CONARD, LLC 6-P-04-RZ

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

* 83. BRIAN CHARLES RAY 6-Q-04-RZ
East side Mine Rd., northeast of Flat Creek Ln., Rezoning from I (Industrial) to A (Agricultural). Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

84. SCOTT & ELISHA HALL 6-E-04-SP
a. North side E. Emory Rd., east of Tazewell Pike Request Northeast County Sector Plan Amendment from LDR (Low Density Residential) to GC (General Commercial). Commission District 8.

STAFF RECOMMENDATION: Deny C (Commercial).
Mr. Michael Brusseau: Main reason for denial is if we zoned commercial that would leave parcel 104 surrounded by commercial. It is not a logical extension. If the person owning parcel 104 were to agree to come in on the commercial, then staff would be able to recommend approval. The person that owns parcel 104 has a history of drainage issues. County Engineering says more introduction of pavement associated with commercial would not be a good idea in that area at this time.

Mr. Arthur Seymour, Jr: 1805 Ridgecrest Drive, 37918  
This property is almost at the intersection of Emory Road and Tazewell Pike. This is a booming area. You established commercial node at this area. There is a Weigels, an Exxon, a vets office, an insurance company and a convenience store there. This is a commercial node that serves a large area. On your previous vote you established your preference for establishing these nodes at intersections. The reason against the prior Hall request mitigates the denial here. This is directly across the street from commercial zoning. It is separated from other commercial zoning by this parcel in the middle. We have been unsuccessful in buying the parcel as of yet. The Halls want to use this initially for storage of their lawnmower equipment and eventually for a commercial development.

Mr. Philip French: Is property at parcel 104 residential and occupied? Staff replied yes.

Mr. Dick Graf: This is such a small piece of property that to do anything other than what they are proposing such as lawnmower storage you would almost have to acquire another piece of property if you were to expand it at all. I do not see a problem with it being commercial. Parcel 104 is bound to be commercial at some point.

Mr. D. C. Genoa: I own Parcel 104. About a year and one half ago I showed you a video of my house being flooded. These folks have done nothing to correct the problem. We are in a lawsuit right now. I have a temporary restraining order preventing them from doing anything on this property up there. They have ignored all attempts from even other engineers, Batson, Himes, Norvell & Poe. I have been forced out of my home for two years. They have done nothing to fix the problem. This is a court order that they cannot do anything with their property until they fix the drainage issue. SUBMITTED COPY OF COURT ORDER WHICH BECOMES A PART OF THESE MINUTES.

Mr. Seymour: The lawsuit involves the subdivision behind this property and not this property. There have been negotiations with Mr. Genoa, Knox County Engineering and Home Federal and Halls to buy his property. Those negotiations have fallen apart.
The Halls use of this property will not involve any construction, just lawnmower storage and so forth until a use on review is done. It is just interim use of the property, until as you pointed out, they can acquire more property in the area to put this with. They would like to acquire this gentleman's property, but have not been able to. I cannot debate the lawsuit here.

Mr. Chester Kilgore: Asked if the Halls lived in this neighborhood. Mr. Seymour responded no, they lived on Emory Road.

Ms. Alisha Hall 7541 E Emory Road, 37721
I do live on the L-shaped property in behind these. I acquired lot 101 next to Mr. Genoa a couple of months ago. It does come into my 7 acres I already own. I have spoken to Mr. Homerton on Lot 102. He is going to get his zoned commercial and trying to get other lots zoned commercial. Larry Bailey, Knox Realty, is trying to get other folks to go commercial. Why hold up progress in an area that is growing like it is? I keep the lawnmowers in my garage at home and I need to get them out.

Mr. Ray Evans: If we approve this parcel for commercial, it will not be long before we are facing the others. We have to decide where we think commercial has to stop. By leapfrogging we are just making the argument easier as to why the whole thing should be commercial. The issue is bigger than just this one lot. I would be inclined to oppose it for that reason. If we want commercial to creep on down Emory Road, then we need to approve it. If that is not what we want to do, then we ought to deny it.

Mr. Graf: The question to staff is how far down Emory Road is it planned to let commercial go?

Mr. Michael Brusseau: Current plan shows commercial designation stopping at parcel 104, which is why this required a sector plan amendment. That could possibly be updated at the next update, but there is no plan currently to extend it any further.

Mr. Arthur Seymour There are no other services close by. It is not like west Knoxville where there is something at every intersection. Let us discuss with staff and postpone this 30 to 60 days. It is interesting there is no opposition from neighborhood. I think you are going to start to get pressure for that area.

**MOTION (GRAF) AND SECOND (EVANS) WERE MADE TO POSTPONE 60 DAYS UNTIL THE AUGUST 12, 2004 MPC MEETING. MOTION CARRIED 11-0. POSTPONED 60 DAYS UNTIL THE AUGUST 12, 2004 MPC MEETING.**

**SCOTT & ELISHA HALL**

6-R-04-RZ

STAFF RECOMMENDATION: Deny CA (General Business).

MOTION (GRAF) AND SECOND (EVANS) WERE MADE TO POSTPONE 60 DAYS UNTIL THE AUGUST 12, 2004 MPC MEETING. MOTION CARRIED 11-0. POSTPONED 60 DAYS UNTIL THE AUGUST 12, 2004 MPC MEETING.

Uses on Review

MR. RANDY MASSEY RECUSED FROM DISCUSSION OR VOTING ON THIS ITEM, LEFT THE ROOM AND STEPPED DOWN AS CHAIR.

MOTION (JENDREK) AND SECOND (EVANS) WERE MADE TO APPOINT PHIL FRENCH CHAIR PROTEMP. MOTION CARRIED 11-0.

MR. PHIL FRENCH SERVED AS CHAIR PROTEMP FOR THIS ITEM.

85. SOUTH TRADERS LANDING, LLC

STAFF RECOMMENDATION: Approve the development plan for parking in a more restrictive zone subject to 4 conditions.

Mr. Brusseau: Most of this is zoned commercial. The corner of the parcel is zoned RB. Parking is permitted as long as adjacent to that zone and for a use permitted in that zone. Meets all criteria.

MOTION (EVANS) AND (BENEFIELD) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0-1. APPROVED.

MR RANDY MASSEY RESUMED AS CHAIR OVER THE MEETING.

* 86. MICHAEL ORWITZ
South side of Lonas Dr., west of Weisgarber Rd. Proposed use: Apartments (Phase III of Londontown Apartments) in R-2 (General Residential) & O-1 (Office, Medical, and Related Services) District. Council District 2.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.
87. RANDY FAULKNER

North and south side of Canter Ln., north of Tate Trotter Rd. Proposed use: Reduction of front setback to 20' and side setback to 5' in PR (Planned Residential) District. Commission District 7.

STAFF RECOMMENDATION: Deny the request to amend the subdivision plat for Trotter's Gait Subdivision, Unit 3, to permit a reduction of the front yard setback from 25' to 20' and the side yard setback from 8' to 5' for 3 reasons (listed in the staff report).

Mr. Tom Brechko: In 2002 a revised concept plan came before the Commission and required an additional condition that all lots be increased to 85 feet at the building setback line. Staff had recommended that the applicant have these setbacks because consistent with the setbacks for other units of the subdivision. The new property owner is requesting reduction of setbacks. Staff's denial is based on concern that by having only a 10-foot separation and reduction of front setback will make this portion of the subdivision look even more dense. The rest of the subdivision has been built with side-loaded garages and this request would not be in keeping with the rest of the subdivision.

Mr. Rob Sanders 8225 Spruceland Road, Powell, for applicant Whole issue is side width with 85-foot lot and additional 3-4 feet on the side some lots are going to be impossible to do a side-load entry. Applicant is aware of the continuity of the rest of the units and would like to continue with that. That is his only reason to ask for the variances.

Mr. Wayne Waggoner 8033 Canter Lane, Powell, Trotters Gate Homeowners Association We were here when the plat was redesigned from the original concept. We would like to uphold staff recommendation to deny setbacks for continuity. We have one person that lives next door that if setback were changed that the folks next door would be looking into a backdoor from their front door. We want to keep our continuity. Our Homeowners Association is relatively new. We were promised some issues that our declaration of restrictions would be attached to the plot plan and that has not occurred. There is basically no communication with the builder. There was a planning committee of three people that would look at what is being built. We did five because a lot of us work and we wanted to be sure that we could take care of issues. The committee has never been established. The builder says he has filed his own restrictions. We have not gotten a copy of those. Ask that you uphold staff recommendation.

Mr. Dick Graf: Are the side-loaded garages mandatory?
Mr. Sanders: It is almost a goodwill on the part of the builder to do that. We cannot put side-loaded on most lots, a few yes.

Mr. Graf: It takes a minimum of 25 feet for a side entry garage. It takes 30 feet then there is some maneuvering. You will have 25 feet between the houses if they have side-loaded garages. You could put a 50-55 foot house on there. Driveway is going to separate you by 25 to 30 feet. If it is not, that is an issue. That other 5 feet in the front yard setback, you cannot tell driving down the street.

Mr. Sanders: The slopes are playing an issue also in the setbacks.

Mr. Graf: I wish we had some kind of commitment to side entry garages then the side yard requirement does not play into it. They can move property closer.

Mr. Sanders: I could get hold of applicant and get back with you.

Mr. Phil French: In 2002 we considered a concept plan for unit 3. Did not that concept plan require a design committee with folks from the subdivision.

Mr. Brechko: When final plat was approved there was a reference to the covenants and looking at it, it is not clear unit 3 is subject to those same conditions. When the issue was raised we found that reference as to unit 1 covenants and conditions does not state they are subject to them.

Mr. Sanders: It is my understanding that putting that reference on the plat makes it subject to the covenants of unit 1. I do not know if there is a design committee for the third unit.

Mr. Waggoner: Your minutes of 2002 says...“for the record one member of the community is going to be on the design committee”. That has not occurred. We have a record of the plat plan. We assumed everything was going to run the way it was supposed to and these restrictions would be attached.

Mr. French: It seems like we ought to have control over a concept problem with a condition.

**MOTION (FRENCH) AND SECOND (GRAF) WERE MADE TO POSTPONE 30 DAYS UNTIL THE JULY 8, 2004 MPC MEETING.**

Mr. Waggoner: We just had more conversations while we have been waiting for this item to come up offering some sort of agreement with the homeowners association. They are so unwilling to do anything.
Mr. French: I thought I was helping the neighborhood. Do you still want someone on the design committee?

Mr. Waggoner: Yes sir. We would like to see our restrictions that we applied to the plot there. We negotiated with Mr. Davis over the 80 feet. He wanted to go 80 feet and we wanted 90 feet, which is consistent with our community. We ended up with 85 feet. We have negotiated a lot with the folks that are trying to get the building done. Our homeowners association met and it seems that we have negotiated everything we can at the time.

**FRENCH AND GRAF WITHHELD THEIR MOTION.**

Mr. Ray Evans: The person who bought the property should know what this body approved and what restrictions apply. I agree with Commission French. I would not approve anything if all the conditions have not been met. If there is a discussion about side entry garages, I would think neighborhood would be in favor. It looks like that is something that could easily be worked out with the homeowners. The fact that it has not been discussed is not really good.

**MOTION (EVANS) AND SECOND (SMITH) WERE MADE TO DENY.**

Mr. Brechko: If intent for the reduction in the setback is to allow construction of side-loaded garages on the lots, that may be something that can be considered as long as adjoining lots create that same kind of distance.

Mr. French: You would think the community would want side-loaded garages. If they do, the only way to get them is reduce the setbacks.

Mr. Evans: Here is a community against granting change in setbacks. If that was an issue with them they should have discussed it and realized that changing to the setbacks will allow side-loaded garages. It depends on if they are more concerned about setbacks or side-loaded garages.

Mr. Waggoner: That is why we are opposing the original concept plan to go from 90 feet to 80 feet to give them room to do the side loaded garages. Our subdivision does have both front and side loaded garages. We feel that we have negotiated all we can at this point. Ask that you go along with staff recommendation.

Mr. Graf: If you go to the 5 feet you are really only giving them 3 feet because you go from 8 feet to 5 feet on one side. From 25 feet to 20 on the front, the applicant said that is not the important
part. I agree with Mr. French, we tried to impose a condition and now we are making it so they cannot follow through on it. Mr. French was talking about a design committee. A 69 foot wide house could go on there the way it is. You could go with 75 and still have side loaded garages. You are not building houses 70 feet wide?

Mr. Sanders: Strictly speaking on the front setback issue, the land slopes from front to back. If we can put them closer, we end up with more back yards. Most are going to be between 55 and 60 feet wide. Would like to see motion amended to.

Mr. Graf: I would like to see the motion amended to let them have the 20 foot setback in the front and leave the side yards the way they area.

MOTION CARRIED 10-1. DENIED.

88. LEE MAYSHARK
South of S. Northshore Dr., east of Audena Ln. Proposed use: Second duplex on lot in R-1A (Low Density Residential) pending, Council District 2.

STAFF RECOMMENDATION: Approve the development plan for a second duplex on one lot in the R-1A zoning district subject to 5 conditions.

Mr. Heather Gun: 1304 Audena Road

Mr. Samuel Brown: Becker Plaoshman Brown and Knoght on behalf of Ben Casrae in opposition

Ms. Gun: MPC recently approved property for R-1A zoning that is currently pending before City Council. Use is compatible off Northshore Drive. There are several condos and apartment complexes out there. Granting Mr. Mayshark a variance would not be inconsistent with the land use currently there. A couple of blocks down the road there are several commercial developments, businesses, grocery stores. There is no single family residential neighborhood we are asking for variance in.

Mr. Brown: 600 First Tennessee Plaza, 800 S Gay Street
Mr. Casre’s family owns parcels 7206 and 7210 Northshore Drive. He handles real estate matters for the family. This matter came before City Council Tuesday night and there was opposition. Council Ms. Pelot intervened and the matter was reset until June 22. There was no vote at that time. I have prepared packet of information that I provided to the Planning Commission WHICH BECOMES A PART OF THESE MINUTES. We oppose this going from one duplex to two duplexes because inconsistent with
character of neighborhood, which consists primarily of single family residential dwellings. Exhibit C shows the neighborhood and the kinds of houses in the area. This type of development would affect the rural character of the neighborhood. Secondly, drainage and access to Northshore Drive would have to be taken up at the concept stage. Existing owner 7204 tract has a right under an easement to cross my clients property and go onto Northshore Drive. It is our position Mr. Mayshark does not have the right under the easement to increase the burden on my clients property. If he develops his property to where he has multiple family dwellings, that increases the traffic over the easement. Exhibit D shows the small road in question.

Ms. Gun: Mr. Casre does not live on these properties. He rents them. The two family dwelling he is seeking is consistent with the use Mr. Casre has on his property. There is no issue as to drainage. City Engineering has reviewed the plans and has no concerns. Adequate access from Northshore Drive has been proven through the plat submitted. Mr. Mayshark is the valid owner of a 50-foot easement. Mr. Mayshark only intends to pave 25 feet of the easement and has chosen to use less than originally intended. Talking 3-4 cars passing through this property daily. He has the legal right to have as many cars on it as he likes.

Mr. Brown: Existing duplex floods my client’s property. He has some plastic rubber pipe that is connected to a downspout, or something of the sort, and flows downhill directly onto my client’s family property.

Mr. Trey Benefield: Are there any restrictions on the easement?

Mr. Brusseau: That easement is an access easement that Mr. Mayshark has a right to use to access that property. There is no restriction I am aware of to access the property.

Mr. Benefield: If I lived on the front piece and somebody put an apartment complex with 500 units that would be more than I ever anticipated. I am trying to get a feel for whether 4 units, actually just 2 more, would be a negative impact on the lifestyle of the easement owners.

MOTION (GRAF) AND SECOND (JENDREK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. APPROVED.

* 89. JOHN SCHAAD
Other Business

* 90. Amendment #2 to MPC’s FY 2003-2004 Budget 6-A-04-OB

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

91. One year extension of concept plan for Rufus Smith, Jr. and Associates on Childress Road, File No. 6-SG-00-C 6-B-04-OB

STAFF RECOMMENDATION: Approve.

Mr. Steve Wise: Need to approve waiver of Article 2, Section 1 of Administrative Rules, regarding advertising.

MOTION (FRENCH) AND SECOND (EVANS) WERE MADE TO WAIVE ARTICLE 2, SECTION 1 OF THE ADMINISTRATIVE RULES. MOTION CARRIED 11-0. WAIVED.

MOTION (FRENCH) AND (BENEFIELD) WERE MADE TO APPROVE EXTENSION. MOTION CARRIED 11-0. APPROVED.

ADJOURNMENT

MOTION (EVANS) WAS MADE TO ADJOURN

There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:02 p.m.

Prepared by: Betty Jo Lamb

Approved by: Vi W. Whitmire, Administrative Services Manager

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.