

KNOXVILLE-KNOX COUNTY

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**T E N N E S S E E**

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
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# Minutes

## March 14, 2002

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

The Metropolitan Planning Commission met in regular session on March 14, 2002 at 1:30 p.m. in the Main Assembly Room, City/County Building, Knoxville, Tennessee. Members present at roll call were:

Mr. Philip French, Chair	**	Ms. Mamosa Foster
Mr. Trey Benefield		Mr. Richard Graf
Mr. Rusty Baksa		Ms. Jennifer Martella
Mr. Michael Brown		Ms. Mary Parker Slack
Ms. Susan Brown		Mr. R. Larry Smith
Mr. Herbert Donaldson		Ms. Patsy Vittetoe
Mr. Michael Edwards		

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\* Arrived late to the meeting.

\*\* Left early in meeting.

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### 1. ROLL CALL

Ms. Vi Whitmire called the roll.

### 2 INVOCATION

Ms Susan Brown gave the invocation.

### 3 PLEDGE OF ALLEGIANCE

Ms. Susan Brown led the Pledge of Allegiance.

### 4. APPROVAL OF MINUTES OF PREVIOUS MEETING DATED FEBRUARY 14, 2002.

MOTION (SMITH) AND SECOND (EDWARDS) WERE MADE TO APPROVE THE MINUTES OF THE PREVIOUS MEETING DATED FEBRUARY 14, 2002. MOTION CARRIED 13-0. MINUTES APPROVED.

### 5. APPROVAL OF AGENDA

MOTION (VITTETOE) AND SECOND (M BROWN) WERE MADE TO APPROVE THE AGENDA. MOTION CARRIED 13-0. AGENDA APPROVED.

**6. REQUEST FOR POSTPONEMENTS, WITHDRAWALS AND TABLINGS****All items automatically postponed to the April 11, 2002 MPC Meeting:**

- P** 3-SC-02-C      S & E PROPERTIES ON LOVELL ROAD  
Southeast side of Lovell Rd., south of Hibbert Rd., Commission District 6.
- P** 3-H-02-UR      S & E PROPERTIES  
Southeast side of Lovell Rd., south of Hibbert Rd. Proposed use: Detached single family subdivision in PR (Planned Residential) & F (Floodway) District. Tax ID 104 171, 172 & 172.01, Commission District 6, Northwest County Sector.
- P** 3-SC-02-F      MERRELL & ANTHONY SUBDIVISION  
Southwest side of Coppock Rd, southeast of Wood Rd, Commission District 8.
- P** 3-SD-02-F      JERNIGAN'S GARDEN  
West side of Shangri-la Dr, north of Wayne Dr, Council District 4.
- P** 3-SF-02-F      J L KING ESTATE, RESUB OF LOT 11  
South side of W. Ford Valley Rd, east of Kasson Rd, Council District 1.
- P** 3-SI-02-F      MAPLE CREEK  
West side of Wright Rd, northwest side of Oak Ridge Hwy, Commission District 6.
- P** 3-SO-02-F      B & P INDUSTRIAL PARK  
Northwest side of Callahan Dr, east of Clinton Hwy, Commission District 6.
- P** 3-N-02-RZ      CITY OF KNOXVILLE MAYOR VICTOR ASHE  
Southeast corner of the intersection of Union Avenue and Walnut Street (420-430 Union), Rezoning from C-2 (Central Business District) to C-2 (Central Business District)/H-1 (Historic Overlay) and design guidelines. Tax ID 94 L F 021, Council District 6, Central City Sector.
- P** 3-L-02-UR      DAMON A. FALCONNIER FOR WEST PARK BAPTIST CHURCH  
North side of Middlebrook Pike, east side of Pheasants Glen Dr. Proposed use: Expansion of Educational Facility for Church in PR (Planned Residential) & RB (General Residential) District. Tax ID 105 157 & 157.01, Commission District 5, Northwest County Sector.

**POSTPONEMENTS –REQUIRING MPC ACTION– (Indicated with P)****Items to be postponed until the April 11, 2002 MPC meeting:**

- P** 2-B-02-SC      CITY OF KNOXVILLE  
Request closure of Jessamine Street between north side E. Fifth Ave. and First Creek, CLT Map 82, City Block 15720 and 15781, Council District 6, Central City Sector.

- P 8-SN-01-F BOZEMAN SUBDIVISION  
West side of Diggs Rd., south of George Lovelace Ln., Commission District 6.
- P 11-SB-01-F R. WENDELL JONES LLC  
West side of Asbury Rd, northwest of Archie Weigel Rd., Commission District 8.
- P 11-SK-01-F HOOMAN SUBDIVISION  
South end of Alki Ln, west of Dukesbury Dr., Commission District 4.
- P 11-SP-01-F CHATSWORTH, RESUB OF LOTS 6 & 7 AND PROPERTY OF EARL & GENEVA SCATES  
Southeast side of Duncan Rd, northeast of Duncan's Glen Dr., Commission District 4.
- P 11-SV-01-F KING PROPERTY  
North of Norris Fwy, southeast of E. Raccoon Valley Dr., Commission District 8.
- P 12-SI-01-F KATHLEEN S. WHITE PROPERTY  
East side of Bishop Rd., south of Tate Trotter Rd., Commission District 7.
- P 1-SR-02-F DORENE DYER PROPERTY, RESUBDIVISION OF LOT 1R  
East side of Graves Rd., north of Ruggles Ferry Pike, Commission District 8.
- P 2-SA-02-F SHARI LOVE GRACE SUBDIVISION  
South side of Hickory Creek Rd., directly south of W. Gallaher Ferry Rd., Commission District 6.
- P 2-SH-02-F BASIL SATTERFIELD  
Southeast side of Greenwell Dr., northeast of Pedigo Rd., Commission District 7.
- P 2-SS-02-F J. S. EUGENE O'NEILL ESTATE  
Northwest side of S. Northshore Dr., west of Ebenezer Rd., Council District 2.
- P 3-SL-02-F SEQUOYAH HILLS, RESUB OF LOT 10-R  
West side of Cherokee Blvd, south of Tugaloo Dr, Council District 2.
- P 9-V3-01 BRAINE & LEE'S FIRST ADDITION TO KNOXVILLE, RESUB OF LOT 15 & PART OF LOTS 14 & 16  
North side of Hiawasse Ave, south side of Watauga Ave., Council District 5.
- P 3-V5-02 LEESON ADDITION, RESUB OF LOTS 1 & 2  
Southeast side of Holston Dr, southwest side of Meadowview Dr, Council District 6.
- P 2-I-02-UR SUMMITT PROPERTIES

West side of Wallace Rd., just south of Galewood Rd. and on the north side of Branton Blvd. Proposed use: 228 unit apartment complex in PR (Planned Residential) District. Tax ID 133 083, Commission District 4, Southwest County Sector.

- P** 2-J-02-UR CHILHOWEE HILLS BAPTIST CHURCH  
East side of Eastburn Dr., north side of Asheville Hwy. Proposed use: Multi-family residential development in RP-1 (Planned Residential) District. Tax ID 71 I C 028, Council District 6, East City Sector.
- P** 3-B-02-SP ROGER PHILLIPS  
Southwest of Ball Camp Pike, south side of railroad right-of-way, south of Fitzgerald Rd. Request Northwest County Sector Plan Amendment from LDR (Low Density Residential) to LI (Light Industrial). Tax ID 91 214.01, Commission District 6, Northwest County Sector.
- P** 3-E-02-RZ ROGER PHILLIPS  
Southwest of Ball Camp Pike, south side railroad right-of-way, south of Fitzgerald Rd. Rezoning from A (Agricultural) to LI (Light Industrial). Tax ID 91 214.01, Commission District 6, Northwest County Sector.

**Items to be postponed until the May 9, 2002 MPC meeting:**

- P** 12-SH-01-F LAKE HILL PARK - UNIT 2, RESUBDIVISION OF LOTS 29R, 29R-1,  
(May 9, 2002) 25R, 20 & 22  
East end of Lake Front Dr., south of Tedford Ln., Commission District 4.

**Items added or removed from the postponement list:**

Mr. Charles Wagner, Attorney, Wagner, Myers & Sanger on behalf of Cherokee Country Club Request to add 3-A-02 RZ City of Knoxville to the postponement list.  
City of Knoxville objected.

3-A-02-RZ remains on the Agenda to be heard at its regular time.

- 3-C-02-RZ E.L. VOTAW  
E.L. Votaw: 2923 Foxtail Road, Neighbors had not be notified. Talked to some of the neighbors. Need more time to talk to the neighbors. Request postponement until April 11, 2002.

MOTION (VITTETOE) AND SECOND (SMITH) WERE MADE TO APPROVE POSTPONEMENTS AS READ INCLUDING 3-C-02-RZ E.L. VOTAW UNTIL THE APRIL 11, 2002, MPC MEETING AND 12-SH-01-F LAKE HILL PARK - UNIT 2, RESUBDIVISION OF LOTS 29R, 29R-1, 5R, 20 & 22 UNTIL MAY 9, 2002 MPC MEETING RESPECTIVELY. MOTION CARRIED 13-0. 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** **3-SN-02-F**      **KENILWORTH SQUARE**  
Southeast side of Kenilworth Ln, east of Brice St, Council District 4.
- W** **3-V2-02**      **CONNER'S CREEK, UNIT 2, RESUB OF LOT 47**  
North side of Eagle Creek Ln, east of Blue Meadow Ln, Commission District 6.
- W** **3-V10-02**      **LINWOOD 1ST ADDN, BLOCK "A", RESUB OF LOTS 34 & 35**  
Northwest side of Cedar Av, northwest side of Murray St, Council District 5.

**WITHDRAWALS – REQUIRING MPC ACTION – (Indicated with W)**

- W** **10-SC-01-C**      **GARY MEEK**  
North side of E. Emory Rd., northeast of Bell Rd., Commission District 8.
- W** **2-W-02-RZ**      **S & E PROPERTIES**  
Southeast side S Northshore Dr., southeast of Knightsbridge Dr., Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 145 16, 17, Commission District 4, Southwest County Sector.
- W** **5-M-01-UR**      **HEMPHILL CORPORATION AND TRITEL COMMUNICATIONS, INC.**  
East side of Alcoa Hwy., south of Mount Vernon Dr. Proposed use: 180 foot monopole telecommunications tower in CA (General Business) District. Tax ID 122 O J 002, Commission District 9, South County Sector.

MOTION (M BROWN) AND SECOND (VITTETOE) WERE MADE TO APPROVE WITHDRAWALS AS READ. MOTION CARRIED 13-0. WITHDRAWALS APPROVED.

**REVIEW OF TABLED ITEMS**

**TABLED**

- 4-K-01-PA**      **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). Tax ID 154 96,97, Council District 2, Southwest County Sector.
- 4-R-01-RZ**      **MICHAEL MCCLAMROCH**  
South side S Northshore Dr., southwest of Pellissippi Parkway. Rezoning from NZ (No Zone) to TC-1 (Town Center). Tax ID 154 96,97, Council District 2, Southwest County Sector.
- 3-SJ-00-F**      **PEMMBROOKE PLACE, PHASE 2**  
West of Dick Lonas Rd, northeast end of Remington Grove Ln., Council District 3.
- 6-SV-00-F**      **COLONIAL PARK TOWNHOMES & TERRA PROPERTIES**  
Northwest side of Broome Rd, at Chadwick Dr., Council District 2.
- 8-SE-00-F**      **RESUBDIVISION OF LOTS 5 & 6, SAM TOOLE S/D NO. 2**  
Northeast side of Lyndell Rd., southeast of Bonita Dr., Council District 4.

- 12-SM-00-F     RESUB OF LOT 11, RUGGLES FERRY S/D  
South side of N. Ruggles Ferry Pk, west of Burriss Rd., Commission District 8.
  
- 12-D-00-RZ     CITY OF KNOXVILLE  
Southeast side of I-140 / Westland Dr. interchange., Rezoning from No Zone to A-1 (General Agricultural).Tax ID 144 32.01, Council District 2, Southwest County Sector.
  
- 12-Q-00-RZ     CITY OF KNOXVILLE  
North side of Westland Dr., east side of I-140 interchange, Rezoning from No Zone to RP-1 (Planned Residential). Tax ID 144 30.02, Council District 2, Southwest County Sector.
  
- 12-Y-00-RZ     CITY OF KNOXVILLE  
West side of I-140, south of Westland Dr., Rezoning from No Zone to A-1 (General Agricultural). Tax ID 144 032, Council District 2, Southwest County Sector.
  
- 3-N-01-RZ     ENNIS MILLS  
North and south sides of Millertown Pk., east of Washington Pike, Rezoning from R-1 (Single Family Residential) to O-1 (Office, Medical, and Related Services). Tax ID 59 M E 6,7, 59 LC 22, front 200 feet of parcels 59 MA 2, 3 Council District 4, East City Sector.

**TABLINGS – (Indicated with T)**  
None

**ITEMS REQUESTED TO BE REMOVED FROM TABLE – (Indicated with U)**  
None

**7. CONSENT ITEMS**

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

MR. MIKE EDWARDS RECUSED FROM DISCUSSION OR VOTING ON THE CONSENT ITEMS.

MOTION (VITTETOE) AND SECOND (S. BROWN) WERE MADE TO HEAR THE CONSENT ITEMS AS READ. MOTION CARRIED 12-0-1. THE FOLLOWING ITEMS WERE HEARD BY CONSENT.

**STREET/ ALLEY CLOSURES**

- \*     3-C-02-SC     CITY OF KNOXVILLE- Request closure of Parkdale Rd. between northwest side Cedar Lane and Relocated Parkdale Road alignment. City Block 38490 and 36160 Council District 5, North City Sector.

STAFF RECOMMENDATION: Approve subject to any required easements.

- \* 3-A-02-AC     CHARLAINE FLEMING  
Request closure of Unnamed Alley between Hall Street and unnamed alley approx. 150' to the east (northeast corner of Parcel 34), CLT Map 109, City Block 26291 and 26294, Council District 1, South City Sector.

STAFF RECOMMENDATION: Approve subject to any required easements.

### **CONCEPTS/USES ON REVIEW**

- \* 12-SC-01-C     UNION SCHOOL ACRES  
West and south side of Union School Rd., south of Hammer Rd., Commission District 8.  
  
STAFF RECOMMENDATION: Approve the Concept Plan subject to 8 conditions.
- \* 3-SA-02-C     ISAIAH'S LANDING  
South side of South Mall Rd., west side of Millertown Pike, Council District 4.  
  
STAFF RECOMMENDATION: Approve variances 1 & 2 and approve the Concept Plan subject to 4 conditions.
- \* 3-SB-02-C     RESUBDIVISION LOT 4, WESTBRIDGE BUSINESS PARK  
West end of Caneel Dr., west of Wescott Bv., Commission District 6.  
  
STAFF RECOMMENDATION: Approve variance 1 and approve the Concept Plan subject to 5 conditions.
- \* 3-SE-02-C     CANTON PLACE, LOT 30  
Southeast corner of the intersection of Canton Place Ln. with Trent Ln., Commission District 5.  
  
STAFF RECOMMENDATION: Approve the request to revise Concept Plan condition #2 (2-SG-01-C approved 2/8/01) and allow the driveway for Lot 30 as constructed subject to 4 conditions.
- \* 3-SG-02-C     MAPLE CREEK RESUBDIVISION  
West side of Wright Rd., just south of New Beaver Creek Dr., Commission District 6.  
  
STAFF RECOMMENDATION: Approve variance 1 and approve the Concept Plan subject to 4 conditions.

### **FINAL SUBDIVISIONS**

- \* 12-SL-01-F     ROY LARUE  
South side of Long Hollow Rd., west of Shade Weaver Rd., Commission District 7.

STAFF RECOMMENDATION: Approve variances 1-4 and final plat.

- \* 1-SA-02-F EVELYN I. SPANGLER PROPERTY  
East side of Springlake Dr., north of E. Governor John Sevier Hwy,  
Commission District 9.

STAFF RECOMMENDATION: Approve final plat.

- \* 2-SB-02-F JESSICA SMITH AND CHRIS PATTERSON SURVEY  
North side of Texas Valley Rd., east of Brock Rd., Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

- \* 2-SL-02-F CHEROKEE PEAK, UNIT 2  
South side of Cherokee Peak Ln., south of Kanuga Dr., Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

- \* 2-SP-02-F JAMES & MICHELLE BREEDEN  
West side of Deaton Hollow Rd., south of Thorngrove Pike., Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

**FINAL SUBDIVISIONS - NEW**

- \* 3-SA-02-F SUBDIVISION OF THE GERALD PIZELL PROPERTY  
North side of Wayland Rd, west of Pickel Ln, Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

- \* 3-SB-02-F HILLSHIRE OF WHITTINGTON CREEK, UNIT 8  
Northwest side of S. Northshore Dr, northeast side of Whittington Creek Blvd, Commission District 4.

STAFF RECOMMENDATION: Approve final plat.

- \* 3-SE-02-F ISAIAH'S LANDING  
South side of South Mall Rd., west side of Millertown Pike., Council District 4.

STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat.

- \* 3-SG-02-F THE PRESERVE  
South side of Gleason Dr, west of Idlewood Ln, Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

- \* 3-SH-02-F OUTLET PARK, RESUBDIVISION OF LOT A-1-R  
North side of Outlet Dr., west of Lovell Rd., Commission District 5.



STAFF RECOMMENDATION: Approve variances 1 & 2 and final plat.

- \* 3-SJ-02-F      PROPERTY OF MILES MENCER, REVISED  
Southeast side of Duncan Rd, south of Dogwood Rd, Commission District 4.

STAFF RECOMMENDATION: Approve final plat.

- \* 3-SK-02-F      SUBDIVISION OF ANDREA Y. HENDREN PROPERTY  
Northwest of W. Raccoon Valley Dr, southwest of Crisman Rd, Commission District 6.

STAFF RECOMMENDATION: Approve final plat.

- \* 3-SM-02-F      RESUBDIVISION OF LOT 4R-2, BLOCK E OF FOREST PARK ADDITION & UNPLATTED PROPERTIES (FKA: MCCARTY PROPERTY)  
Southeast end of Cassell Dr, southeast of I-640/I-75 and southwest of I-275, Council District 1.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

- \* 3-SP-02-F      WILLOW SPRINGS, UNIT 6  
Northeast side of Henegar Rd, northwest side of Puritan Ln, Commission District 8.

STAFF RECOMMENDATION: Approve final plat.

**ONE LOT SUBDIVISIONS**

- \* 3-V1-02      STONERIDGE, UNIT 1, RESUB OF LOTS 6 & 7  
North end of Stonemont Ct, north of Stoneridge Dr, Commission District 6.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

- \* 3-V3-02      MONDAY, WILHOIT, & CUNNINGHAM PROPERTY  
North side of Kimberlin Heights Rd, west of French Rd, Commission District 9.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

- \* 3-V4-02      SANDRA K. BOBINSKI  
West side of W. Dick Ford Ln, south of Grandeur Dr, Commission District 9.

STAFF RECOMMENDATION: Approve variances 1-3 and final plat.

- \* 3-V6-02      LONNA RHEA SMITH  
North side of S. Carter School Rd, northwest of Thorngrove Pk, Commission District 8.

STAFF RECOMMENDATION: Approve variance 1 and final plat.

- \* 3-V7-02      CRAWFORD'S ADDN, LOT 1R, PART OF BLOCKS 10 & 13  
South side of Middlebrook Pk, east of Loraine St, Council District 3.  
  
STAFF RECOMMENDATION: Approve variance 1 and final plat.
- \* 3-V8-02      MARK & MONA CROCKETT  
West side of Kodak Rd, southwest of Moulden Hollow Rd, Commission District 9.  
  
STAFF RECOMMENDATION: Approve variance 1 and final plat.
- \* 3-V9-02      FORESTEDGE ADDTN, LOTS 1-4, RESUB WITH WOODLAND ADDTN, LOTS 5,6 AND 103R  
North side of Edgewood Av, east side of Whittle Springs Rd, south side of Forestdale Av, Council District 4.  
  
STAFF RECOMMENDATION: Approve variance 1 and final plat.
- \* 3-V11-02     SEFTON, LLC  
West side of Huxley Rd, south side of Flickenger Ln, Commission District 5.  
  
STAFF RECOMMENDATION: Approve variance 1 and final plat.

### **REZONINGS**

- \* 2-O-02-RZ     CHILHOWEE HILLS BAPTIST CHURCH (REVISED)  
North side Asheville Hwy., southwest side Carta Rd., Rezoning from C-3 (General Commercial) and R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Tax ID 71 I C 25, and 27, Commission District 6, East City Sector.  
  
STAFF RECOMMENDATION: Approve O-1 (Office, Medical and Related Services)
- \* 3-B-02-RZ     GORDON N. NEWMAN  
South side of Asheville Hwy., west of Brakebill Rd., Rezoning from A (Agricultural) to CA (General Business). Tax ID 61 85, 72 206. Commission District 8, East County Sector.  
  
STAFF RECOMMENDATION: Approve CA (General Business).
- \* 3-F-02-RZ     VANDEVENTER PARTNERS, L.P.  
East side Harry St., south of Sutherland Ave., Rezoning from I-2 (Restricted Manufacturing and Warehousing) and O-1 (Office, Medical & Related Services) to C-6 (General Commercial Park). Tax ID 107 E L 20, Council District 6, Central City Sector.  
  
STAFF RECOMMENDATION: Approve O-1 (Office, Medical & Related Services)
- \* 3-J-02-RZ     CITY OF KNOXVILLE

East side Lovell Rd., west side Parkside Dr., east side Simmons Rd., Rezoning from No Zone to C-4 (Highway and Arterial Commercial). Tax ID 131 J A 23-26,28,29,29.01,30, Council District 2, Southwest County Sector.

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

- \* 3-K-02-RZ DICK BALES  
Southwest side Central Avenue Pike, southeast of W. Emory Rd., Rezoning from A (Agricultural) to CA (General Business). Tax ID 57 10, Commission District 6, North County Sector.

STAFF RECOMMENDATION: Approve CA (General Business).

- \* 3-M-02-RZ RIC MIXON  
Southeast side of Old Maynardville Pike, southwest of Maynardville Pike, Rezoning from PR (Planned Residential) / F (Floodway) @ 3 du/ac and PR (Planned Residential) @ 1-3 du/ac to PR (Planned Residential) / F (Floodway) @ 3.5 du/ac and PR (Planned Residential) @ 3.5 du/ac. Tax ID 28 M D 16, Commission District 7, North County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) and PR (Planned Residential)/F (Floodway) at 3.5 dwelling units per acre.

- \* 3-O-02-RZ CITY OF KNOXVILLE  
Northeast side of Capital Dr., southeast of Kingston Pike., Rezoning from No Zone to PC-1 (Retail and Office Park). Tax ID 131 L B 3, Council District 2, Southwest County Sector.

STAFF RECOMMENDATION: Approve PC-1 (Retail and Office Park)

- \* 3-P-02-RZ CITY OF KNOXVILLE  
East side of Mabry Hood Rd., north of Kingston Pike, Rezoning from No Zone to C-3 (General Commercial). Tax ID 131 119, 119.18, Council District 2, Southwest County Sector.

STAFF RECOMMENDATION: Approve C-3 (General Commercial)

- \* 3-Q-02-RZ CITY OF KNOXVILLE  
East side of Perimeter Park Dr., south of Parkside Dr., Rezoning from No Zone to C-3 (General Commercial). Tax ID 131 E C 1, Council District 2, Southwest County Sector.

STAFF RECOMMENDATION: Approve C-3 (General Commercial)

- 3-R-02-RZ 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). Tax ID 132 3, 5, 132 HE 18. Council District 2, Southwest County Sector.

THIS ITEM WAS NOT READ WITH THE CONSENTS (REMOVED).

**USES ON REVIEW**

- \* **2-B-02-UR**      **TURKEY CREEK LAND PARTNERS, LLC**  
 West side of Lovell Rd., north and south side of Parkside Dr. and south side of I-40. Proposed use: Master Signage Plan for Turkey Creek in C-4 (Highway and Arterial Commercial), C-3 (General Commercial) and F-1 (Floodway) District. Tax ID 130 L A 1 & 2, 130MK001-005 &, Map 131, Parcels 29, 29.06-29.08, 29.12-29.37 & 31.04. Council District 2, Southwest County Sector.
- STAFF RECOMMENDATION: Approve the Master Signage Plan for Turkey Creek to include a development directory sign on the I-40/I-75 frontage and four project directional signs on the north side of Parkside Drive subject to 6 conditions.
- \* **3-A-02-UR**      **SITE, INC.**  
 Southwest side of the end of Castaic Ln. Proposed use: Subdivision Sign in PC (Planned Commercial) / TO (Technology Overlay) District. Tax ID 103 119.04, Commission District 6, Northwest County Sector.
- STAFF RECOMMENDATION: Approve the design plan for a subdivision sign within a PC (Planned Commercial)/TO (Technology Overlay) District, subject to 3 conditions.
- \* **3-B-02-UR**      **OUT REACH BAPTIST CHURCH**  
 North side of Cedar Av., east side of McMurray St. Proposed use: Church in R-2 (General Residential) District. Tax ID 81 C A 029, Council District 5, Central City Sector.
- STAFF RECOMMENDATION: Approve this request for a church at this location as shown on the development plan subject to 7 conditions.
- \* **3-C-02-UR**      **PEACE AND GOODWILL BAPTIST CHURCH**  
 South side of Woodbine Av., southwest of Polk St. Proposed use: Church expansion in R-1A (Low Density Residential) District. Tax ID 82 O B 6 & 7, Council District 6, Central City Sector.
- STAFF RECOMMENDATION: Approve this request for a church and the proposed expansion as shown on the development plan subject to 7 conditions.
- \* **3-E-02-UR**      **SOLWAY STORAGE / BILL SCHUBERT**  
 South side of Jim Jones Ln., east side of Oak Ridge Hwy. Proposed use: Expansion of self storage facility in PC (Planned Commercial) District. Tax ID 76 008, Commission District 6, Northwest County Sector.
- STAFF RECOMMENDATION: Approve the request for an expanded self-storage facility at this location with a maximum of 33,300 square feet of indoor storage space subject to 7 conditions.
- \* **3-F-02-UR**      **SHARON STARTUP**

Northwest end of Norman Jack Ln., north of E. Emory Rd., west of Bishop Rd. Proposed use: Two 3,750 square foot Commercial Buildings in PC (Planned Commercial) & A (Agricultural) District. Tax ID 47 75.17, Commission District 7, North County Sector.

STAFF RECOMMENDATION: Approve the development plan for up to 7,500 sq. ft. of commercial building space subject to 5 conditions.

- \* 3-J-02-UR     CBJ, INC.  
Southeast side of W. Beaver Creek Dr., east side of Clinton Hwy. Proposed use: Self storage facility in CA (General Business) District. Tax ID 67 078, Commission District 6, North County Sector.

STAFF RECOMMENDATION: Approve the request for a self-storage facility at this location with a maximum of 74,250 sq. ft. of indoor storage space subject to 9 conditions.

- \* 3-K-02-UR     H. D. DEVELOPMENT, LLC  
North of Fox Lonas Rd., east of N. Cedar Bluff Rd., west of Gulfwood Rd. Proposed use: 34 Multi-family Condominiums in PR (Planned Residential) District. Tax ID 119 1.05. Commission District 5, Northwest County Sector.

STAFF RECOMMENDATION: Approve the development plan for up to 34 attached residential condominium units and a reduction of the peripheral setback to the PR property located to the north and west, from 35' to 20', as shown on the development plan subject to 11 conditions.

### **OTHER BUSINESS**

- \* 3-A-02-OB     Consideration of staff report for Plans of Service.

STAFF RECOMMENDATION: Approve and adopt this report and forward these findings to the Knoxville City Council.

### **Items added or removed from the Consent List:**

Mr. Larry Smith:        Asked for a map of Plans of Services.  
Mr. Norman Whitaker: Agreed to do that.

MOTION (VITTETOE) AND SECOND (BAKSA) WERE MADE TO APPROVE ITEMS AS READ. MOTION CARRIED 12-0-1. ITEMS APPROVED AS READ.

## **8. ORDINANCE AMENDMENTS**

***Ordinance Amendments recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.***

### **ORDINANCE AMENDMENTS - OLD**

None

**ORDINANCE AMENDMENTS - NEW****3-A-02-OA METROPOLITAN PLANNING COMMISSION**

Amendments to the *Knox County Zoning Ordinance* dealing with the deletion of hog and livestock storage and other Agricultural Uses from Commercial zones, and other related sections.

**STAFF RECOMMENDATION: Approve.**

Mr. Buz Johnson: These amendments were prepared in response to a request by Commissioner Mary Lou Horner. We took a look at the removal of the keeping of hogs and other livestock in the CA zone. We looked at some of the other zones where this is allowed. We felt like the way the use of farming is described in the CA zone it included other uses which we felt could have an impact on an area of commercial and CA zoning in particular. Still have farming allowed as a permitted use in the Agricultural zone and would still be maintained in the CB business zone and industrial zone where you include uses that can create nuisances, such as dust, noise, odor. Recommend that the entire use described as farming be deleted from the CA zone.

MOTION (S BROWN) AND SECOND (MARTELLA) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. APPROVED.

**9. STREET CLOSURES**

***Street Closures recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.***

**STREET CLOSURES - OLD****P 2-B-02-SC CITY OF KNOXVILLE**

Request closure of Jessamine Street between north side E. Fifth Ave. and First Creek, CLT Map 82, City Block 15720 and 15781, Council District 6, Central City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**STREET CLOSURES - NEW****3-A-02-SC KNOXVILLE UTILITIES BOARD**

Request closure of Mohawk Avenue between Senaca Street and approximately 550' east of Senaca Street, CLT Map 95, City Block 12941 and 12920, Council District 6, East City Sector.

**STAFF RECOMMENDATION: Approve subject to any required easements and the conditions noted in City Engineering's February 18, 2002 letter.**

Mr. Bill Watson: Coldwell Bankers, real estate brokers  
Mohawk has several buildings in it that require access from trailer trucks. If close this road without a new road being put in, trailer trucks cannot enter.

Understand KUB plans to revise one of the roads to allow use of trailer trucks to give access to Mohawk. It seems appropriate to require them to have a plan in writing before the street is closed and that the new road be open to trailer trucks before the street is closed.

Mr. Ken Pruitt: City Engineering and KUB are in the process of developing plans for the improvement of one of the alternative accesses to Mohawk. I do not know the state of those negotiations. The funding source between the two agencies is the sticky point. One owner of property on Mohawk, who has a business that is directly affected, also has had direct conversation with these agencies. He was okay with us going forward to City Council. If they had not had a resolution at that point he would raise his objection with City Council. It is up to the Commission if you would like to postpone it to see if they can get that in writing before you give a recommendation or allow it to go forward with all agencies and property owners working to get this resolved. I feel comfortable the City will do what is required. It is just a matter of who is going to foot the bill for improvements necessary for the turning radius required at those intersections.

Mr. Mike Brown: This would not be closed until the new access is open?

Mr. Pruitt: The roads are there and the accesses are there. The only issue is the turning radius for the heavy trucks on one of those intersections.

Mr. Harold Cannon: Cannon & Cannon, 9724 Kingston Pike, Representing KUB  
To both street closures A & B. The reason KUB has made the request is to limit access onto the MBW Waterplant property. Has been a resolution for improvements. KUB has met with property owners. We request this be approved. If issues come up, this could be postponed at Council. Ask that you approve this.

MOTION (EDWARDS) AND SECOND (S BROWN) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. CLOSURE APPROVED.

3-B-02-SC      KNOXVILLE UTILITIES BOARD  
Request closure of Senaca Street between Riverside Drive and Mohawk Avenue, CLT Map 95, City Block 12941 and 12921, Council District 6, East City Sector.

STAFF RECOMMENDATION: Approve subject to any required easements and the conditions noted in City Engineering's February 18, 2002 letter.

MOTION (S BROWN) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. CLOSURE APPROVED.

\* 3-C-02-SC      CITY OF KNOXVILLE- Request closure of Parkdale Rd. between northwest side Cedar Lane and Relocated Parkdale Road alignment. City Block 38490 and 36160 Council District 5, North City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**10. ALLEY CLOSURES**

*Alley Closures recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**ALLEY CLOSURES - OLD**

None

**ALLEY CLOSURES - NEW**

- \* 3-A-02-AC     CHARLAINE FLEMING  
Request closure of Unnamed Alley between Hall Street and unnamed alley approx. 150' to the east (northeast corner of Parcel 34), CLT Map 109, City Block 26291 and 26294, Council District 1, South City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**11. STREET NAME CHANGES**

*Street Name Changes recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**STREET NAME CHANGES - OLD**

None

**STREET NAME CHANGES - NEW**

None

**12. SUBDIVISION NAME CHANGES**

*Subdivision Name Changes recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**SUBDIVISION NAME CHANGES - OLD**

None

**SUBDIVISION NAME CHANGES - NEW**

None

**13. PLANS AND PLAN AMENDMENTS/REZONINGS**

*Plans and Plan Amendments/Rezoning recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**PLANS AND PLAN AMENDMENTS/REZONINGS - OLD**

- 9-B-01-MP     METROPOLITAN PLANNING COMMISSION - Consideration of the Walker Springs/Mars Hill Road Corridor Study and related amendments to the Northwest City and Northwest County Sector Plans.



STAFF RECOMMENDATION: Approve Alternative E of the Walker Springs/Mars Hill Corridor Study, amending the Northwest City and Northwest County Sector Plans.

Mr. Buz Johnson: We have had 4 public meetings in the area to review our work and discuss concerns. Average attendance. Staff is recommending Alternative E. We looked at several alternatives from no change to intense development along the new North Gallaher View Road connector. On Alternative E you see a land use pattern that is proposed. In the north you see low density residential on either side of new north Gallaher View connector running over to the Ten Mile Creek floodway. Other areas we are showing for low density residential are the western side of floodway back up to Crestwood Hills Subdivision. The low density residential to the east backs up to West Hills Community. We feel this is the most appropriate land use to recommend in this area, primarily along the road for several reasons. With the floodway of Ten Mile Creek you have had over a period of years substantial flooding at times. LDR is best choice for use of the property as opposed to office or commercial whereby you could have uses that would substantially lessen the amounts of impervious surfaces. With such narrow depth of the lot between the roadway and the floodway, we thought this would only contribute to a consistent problem. Low Density Residential allows reasonable use of the property. In the City portion of the study area one of the recommendations is that allow a variety of low density residential zones to be considered which would give flexibility for the development of property. One of the properties, which is the subject of a One Year Plan amendment we had on the agenda early last year was in part responsible for conducting this study, the Thomas Walker house between old Mars Hill Road and the North Gallaher View Road. We recommend at some point that we establish a historic overlay because the house is of historic significance and any future development of that property should incorporate that structure. We also show additional greenways to the existing greenway in the area. Pointed out what the colors on the maps represented.

Mr. John Bynon: West Hills Community Association and Sue Mauer of Crestwood Hills Brought about 19 people, who stood in support of staff recommendation. We strongly support staff recommendation.

Mr. Colman Hoffman: On behalf of one property owner, Dave Gibson.

I am here to speak to the plan and the Plan Amendment. Asked the Chair if he should address both or just the plan. Chair asked that he address the plan.

First issue relates to the Ten Mile Creek. The Ten Mile Creek has been moved to the west side of Gallaher View Road. The floodway is now on the west side of Gallaher View Road. One of the neighboring property owners took picture which shows after heavy rains that the west side did flood. Gallaher View Road at the north end is estimated 15 foot high. We have been in contact with City Engineers and TDOT. They have both affirmed that there is a study being conducted on the floodway. DOT has retained consulting engineers who will conduct the floodway study. When that is completed it will be referred to the Federal Emergency Management Agency

who will revise the floodplain map. I request of MPC that if there is uncertainty with the floodway and where it exists with existing maps, this matter be deferred until we get an accurate floodway map. On the traffic flow, N Gallaher View Road was constructed as an open access artery. It runs between I-40/I-75 and Middlebrook Pike. It is a 5-lane highway, 4 lanes with a turning lane. It will support traffic flow as a result of office. A typical dentist office produces 25-35 cars a day. On the character of neighborhood, on the south side from I-40/75 down the corridor you have Sams, Walmart, office buildings, and multi-family apartments. Only residential use between Mars Hill Road and Gallaher View Road on the east side is Mr. Gibson's property. On the west side there is one single family residence. The character of the corridor has changed. It has become commercial and office. Since the character of the corridor has changed, we propose that office is an acceptable use. Adjoining homeowners do support office use in portions of the corridor. We have provided letters of support from all the property owners on Mars Hill Road. All the opposition is from West Hills Neighborhood and Crestwood. There are existing buffers between those neighborhood associations.

Mr. John King: Representing James Peach, in opposition.

Mr. Phil French: Opposition's time is up. He used all the five minutes. In my opening remarks I say if there is more than one opposition, you need to get together.

Mr. Dick Graf: I think we ought to let Mr. King have 2 minutes.

Ms. Susan Brown: I second that.

Mr. John King: James Peach owns property where Old Walker Springs comes into Gallaher View on the west side of what is the new Gallaher View Road. Immediately north he owns tracts of property that go up northward to a point even with the boundary line between the two pieces of property. He has a block of property on the west side of Gallaher View Road. He also owns property on the east side of Gallaher View Road at that same area. A problem with all the proposals, Alternatives B, C, D and E, on the east side of Gallaher View Road north of where old Walker Springs comes in from that point just to the line where it shows Maynardview Drive going into the property on the east side, all the green area, shows this as open space. It is part of my client's property. Mr. Johnson thought it was publicly owned property by the state and was going to be transferred back to the City. Leave Mr. Peach some ability to utilize his property on the west side. Leave it medium density residential as it is now. That is Alternative C. Correct the problem about trying to dedicate his property on east side of Gallaher View Road.

Mr. Bynon: In response to the first testimony, the character of the neighborhood has changed. City Council designated the West Hills area small area plan and MPC adopted it. It ran all the way to the City limits on the west. The property in contention has been low density residential over 20 years. Three quarters of the properties in question interface West Hills Subdivision, which is an R-1E developed neighborhood. All properties are occupied by one resident, with some lots sizeable. The property on the west side is in a

serious floodplain. TDOT in its environmental assessment identified the significant encroachment on the floodway. They are currently studying that. It is right that we need to resolve the zoning because it will have an impact on the computations with respect to the floodplain and floodway. What you have is a pan of water, you fill it half with dirt and it increases the level of the water. All the studies to this point by the County and the State recommend that this remain low density residential. Mr. Wilkinson has some photographs and has done some computations and will present that.

Mr. George Wilkinson: 917 Woodbrier Road, adjacent to the property in discussion.

I have lots ranging from 1.5 to 2.2 acres, residential lots that front on the same property that Mr. King defined in his statement while along the Ten Mile Creek road bank. Mr. Peach over the last 18 months has been doing grading and minimal backfilling in the floodplain and flood fringe. He cut down all the trees, over 100 trees, and left about 6 trees on the lot. This gives me a big concern about any development he might try to do around the environmental impact. A lot of those trees are still laying on the ground 18 months later. The other thing is the floodplain maps, dated May 19, 2000. They show in the area between Walker Springs Road north about 2400 feet adjacent to the old Walker homestead that about 25 % of fringe flood area and about 25% of the floodway itself has been filled by TDOT or Mr. Peach in his grading and backfilling. We had about 3.5 inches of rain for 3 days prior to January 24. These pictures clearly show water standing in that floodplain for the Ten Mile Creek area that is in the 100 to 500 year flood plan are. That tells of the impact of the backfill that has already occurred in that very short corridor. The corridor is flat, both sides are steep. All we are going to do by filling up part of it is make the water run deeper and flow down stream into the Cedar Bluff Area. TURNED IN HIS STATEMENT AS PART OF THE RECORD WHICH BECOMES A PART OF THESE MINUTES. Showed pictures as exhibit. Firmly support MPC staff recommendation.

Mr. John Bynon: As far as the appropriateness of higher density development on the east side, the drain is such, the embankments and slopes are fairly steep, and any high density development would require extensive excavation and grading. Mr. King and I have had discussions about property to the south of this which is zoned for Office. They had to remove 150,000 cubic yards of earth to prepare the site. This could have a very serious adverse affect on this property in the floodway.

Mr. Edwards: Was there grading done on the property under a permit?

Mr. Buz Johnson: We understand that on the property on the west side of North Gallaher View Road the initial grading was done illegally. Pursuant to that we understand some correction had been made to the grading and to the filling on the west side of the road.

Mr. Bynon: The City has cited, with respect to properties on the east side. I understand that is subject to a court hearing and appeal. He has had two citations--one from the County and one from the City.

- Mr. Phil French: Help me understand the property that your property owner owns. South of old Walker Springs to the east of the new road his property is zoned commercially?
- Mr. King: The property owned by my client is north of where old Walker Springs Road comes into Gallaher View. It lies on both sides of Gallaher View Road as you go north of that point. A portion of what he owns on the west side on this map shows it in the floodplain. Virtually all of what he owns on the east side is shown being in the floodplain. There are some other issues related to where that floodplain is and what it looks like now. I want to respond to the grading activities. On the west side what was done by Mr. Peach, they got that issue worked out with the County. There is a dispute between him and the City with respect to property which he owns on the east side having been filled without a permit. We are still working with City Engineering and State DOT, Renfro Construction and everybody else trying to get that part squared away on the east side. Yes he was cited. It is on appeal. We are working on that issue.
- Ms. Susan Brown: Asked if other part of property outside of the floodway, is it yellow as in low density residential? Mr. King approached the Commissioners to point out the property on the map.
- Mr. Whitaker: Is it safe to say Alternative E is no more restrictive on Mr. Peach's property than the current sector plan?
- Mr. Johnson: That is correct.
- Ms. Brown: So the current Sector Plan land use, under A today, there is no recommended change under E?
- Mr. Whitaker: Other than more accurate flood information based on the 2000 flood studies by the County.
- Mr. Johnson: Under the current Sector Plans for both, most of his property is shown for stream protection. Under the new Alternative E we show a little more on the west side for low density residential and on the east, according to Mr. King, there is about an acre that is shown as public open space.
- Mr. King: Leaving aside the issue of the plans, my client's property on the west side of Gallaher View Road is zoned RB. Currently he can do up to 12 units per acre without a use on review. He is simply asking for Alternative C which is medium density residential for a portion of the property on the west side of Gallaher View Road which leaves him closer to the same kind of zoning classification and the same kind of potential use as he has now. That is why my preference and his preference is Alternative C. (Approached the Commission and pointed out property on the map again.) On the east on Alternative B, C, D, AND E shown it is shown as public park, open space, but my client owns it. The City and State do not own it. I pointed that out. Our preference is Alternative C.

Mr. Baksa: I suspect in a plan we could show that it would be appropriate to be public use even though it is not public use right now. That would indicate that the County should pursue purchasing that property. Is that the idea of the plan?

Mr. Whitaker: It would be inadvisable to use that green strip as a reason to deny a rezoning or a development plan unless someone was standing there to buy it for fair price for park and open space usage. We would probably defer to the land use classifications on either side of that strip, but would also look closely at the flooding characteristics, flood maps and observed flooding characteristics in the area. We are showing two types of information on one map. A proposal for a park assuming it was acquired for park purposes.

Mr. Baksa: The Peach property to the west already has zoning that allows medium density. Staff 's position is that it would be desirable if it were developed as low density, but there is nothing to stop them under the current zoning to develop it as medium density. In effect the plan has no affect on the use of that property.

Mr. Whitaker: The proposed Alternative E and the existing plan designation are essentially the same. The zoning is the same and would not be changed through the plan amendment process. There are flooding problems observed in the area. These are very narrow parcels on the edge of a single family residential area with poor access. This does not seem like a logical place to quadruple the allowable development density given the characteristics of these properties. The zoning stays the same.

Mr. Baksa: On the Peach tract you can still develop it at 12 units per acre without use on review or more with a use on review. Between the road and the back of the property, he has a lot of depth. He has room in the back divided by the creek, that would allow residential at low density and would be somewhat protected by the creek from the road.

Mr. Whitaker: One way Alternative E differs from Alternative A, the existing plan, is the existing plan is pretty much tied to R-1E zoning, which allows detached single family houses and nothing else. Alternative E allows low density residential not restricted to R-1E. It will allow Planned Residential development up to 6 units per acre which gives flexibility in siting housing on these odd shaped tracts. It also would give the Planning Commission the ability to control the number of curb cuts since site plan review would be involved.

Mr. Baksa: With that I am comfortable with what staff is recommending. But moving farther north, the Walker tract, it is very narrow with double frontage of roads. At 6 units per acre, on 3 acres, 18 possible units on that. 18 units compared to a small office development is about the same impact. I am leaning toward Alternative B, except for a portion that butts up to Mr. Compton there is a little mixed use. Showing single family residential abutting a single family subdivision. That one looks like it makes a lot of sense.

- Mr. Whitaker: For the reasons you stated, that one makes sense to you, We do not think there are any totally unreasonable alternatives in here. There is a range. Our recommendation is more conservation in terms of land use because of the recent history of continued flooding. We would have thought those things would have been taken care of during the road project. There is a lower intensity development pattern that would be subject to review by the Planning Commission along this problematic creek on Alternative E. Alternative E also recognizes that becoming a 5-lane road does not necessarily open up property for commercial development. Many of our plans are based on clustering the most intense development at the highest order thoroughfare intersections. In this case, Gallaher View/I-40 interchange is where the most intense development is located. There is some commercial at Mars Hill and Middlebrook Pike intersection.
- Mr. Baksa: We are not talking about commercial, but office, which is typically used as buffer.
- Mr. Benefield: I have a question about flooding and storm water management. Regardless of which development style implemented, would not the runoff require the same management of the storm water?
- Mr. LaCamera: Knox County Engineering, Anything over 0.5 acre developed would require a detention basin. If they decided to try to justify not having detention that would also require a study. That would have to do about the timing of runoff as opposed to the peak from the creek itself.
- Mr. Benefield: If they develop low density residential or develop offices, ideally we would end up with the same runoff profile after development.
- Mr. LaCamera: The peak rate of runoff should be the same after development as before. More impervious areas however, would result in a higher volume of runoff so it would be spread over a long amount of time. More intense the development, the peak flow rate would be the same, but the volume would be different.
- Mr. Phil French: Asked Mr. Bynon if a postponement would be a problem.
- Mr. Bynon: We have been at this for a year. I think we need to make a decision for the property owners. Go ahead and make a decision.
- Mr. French: If we had a little bit better idea of what the State is going to say after their study of the flood area, it might help.
- Mr. Bynon: They really cannot until you tell them what you are going to have on the bank.
- Ms. Susan Brown: Anytime we have a new roadway land use can change. The area near Kempton Road, the contacts I have been getting are from Kempton Road residents looking for a measure of protection. They realize there is a new road and there are flooding issues. We have to take into account people who have been there a long time.

- Mr. Baksa: If you look at Alternative B it does a good job of protecting the neighborhood except for one piece of residential backing up to subdivision and making that property difficult to develop or sell as it is.
- Ms. Brown: From the neighborhood contacts, they feel that residential gives them that protection.
- Mr. King: In light of comments from Mr. Baksa and staff's comments, do I understand that staff has no intention to initiate rezoning petitions to put property along this corridor into compliance with plan that is adopted.
- Mr. Whitaker: It is adopted into the City that could eventually happen as part of the One Year plan process if it is annexed. County rarely initiates rezonings. MPC does not initiate those rezonings unless directed to. If it was annexed, through the one year plan process that might happen at some point in the future. Although it might take years to happen to square all the maps up.

MOTION (EDWARDS) AND SECOND (S BROWN) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 10-3. ALTERNATIVE E APPROVED.

4-G-01-PA

STEVEN E. BROCK, DDS

West side Mars Hill Rd., south of Middlebrook Pike. Request One Year Plan amendment from OS (Open Space), LDR (Low Density Residential)(R-1E) & F (Floodway) to O (Office) & F (Floodway). Tax ID 119 D D 3, Council District 2, Northwest City Sector.

STAFF RECOMMENDATION: Deny O (Office).

- Mr. Buz Johnson: This falls in line with your previous action on the corridor study. Staff has recommended denial because this property can be rezoned RP-1 or other low density residential zones that would provide more flexibility for residential development of the site than what is now available. This could lead to additional applications in the corridor for similar uses. The new connector road parallels the stream corridor that has flooding problems and would be made worse if the remaining vacant land or residential properties were developed as offices. Finally, additional development of such uses could also generate additional traffic that would take away from the function of this as being a prime mover of traffic between the interstate and Middlebrook Pike.
- Mr. Coleman Hoffman: Representing 645 Mars Hill Road property owner  
The floodway is on the west side of Gallaher View Road. Any clearing and drainage issues would be engineered responsibly resulting in a site that did not adversely affect the floodway or drainage. As far as the traffic flow, the proposed use of office development would not significantly increase traffic along Gallaher View. Each office or use might increase automobile flow about 25-35 automobiles per day. The entire development might increase automobiles 200-300 cars per day, which would not affect traffic. The character of neighborhood has been pointed out. This 4-acre piece of property is a strip between Mars Hill Road and Gallaher View Road. It s

unique in character. A residential buffer does remain on the east side of Mars Hill Road. Between Kempton and Mars Hill Road there are two residential areas. Property owners on Mars Hill support the proposed use. As far as the approval of this use resulting in other land use applications, I think this property is unique. It should be considered independently. Any other proposals should be considered on their own merits.

Mr. John Bynon: In support of staff recommendation and agree with all the conclusions.

Mr. Mike Brown: It is not too often we get a chance to preserve a roadway that can move traffic through a neighborhood as we have here. Any further development along this corridor is going to impede that.

MOTION (M BROWN) AND SECOND (S BROWN) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-1. O (OFFICE) DENIED.

MS. SUSAN BROWN LEFT THE MEETING AT THIS TIME.
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**PLANS AND PLAN AMENDMENTS/REZONINGS - NEW**

None

**SUBDIVISIONS**

**14. CONCEPTS/USES ON REVIEW**

*Subdivision Concepts/Uses on Review recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**CONCEPTS/USES ON REVIEW – OLD**

10-SC-01-C

GARY MEEK

North side of E. Emory Rd., northeast of Bell Rd., Commission District 8.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

\* 12-SC-01-C

UNION SCHOOL ACRES

West and south side of Union School Rd., south of Hammer Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**CONCEPTS/USES ON REVIEW - NEW**

\* 3-SA-02-C

ISAIAH'S LANDING

South side of South Mall Rd., west side of Millertown Pike, Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

\* 3-SB-02-C

RESUBDIVISION LOT 4, WESTBRIDGE BUSINESS PARK

West end of Caneel Dr., west of Wescott Bv., Commission District 6.



THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P**    3-SC-02-C      S & E PROPERTIES ON LOVELL ROAD  
Southeast side of Lovell Rd., south of Hibbert Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P**    3-H-02-UR      S & E PROPERTIES  
  
Southeast side of Lovell Rd., south of Hibbert Rd. Proposed use: Detached single family subdivision in PR (Planned Residential) & F (Floodway) District. Tax ID 104 171, 172 & 172.01, Commission District 6, Northwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 3-SD-02-C      ANDES PLACE & ATLEE FIELDS  
Northwest side of Andes Rd., south of Ridges Meadow Ln., north of Middlebrook Pk., Commission District 6.

STAFF RECOMMENDATION: Approve variances 1 - 3, deny variances 4 & 5 and approve the Concept Plan subject to 10 conditions.

MOTION (EDWARDS) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. CONCEPT PLAN APPROVED.

- 3-G-02-UR      JAMES R. WHITE  
Northwest side of Andes Rd., south of Ridges Meadow Ln., north of Middlebrook Pk. Proposed use: Detached single family subdivision in PR (Planned Residential) & PR (Planned Residential) pending District. Tax ID 105 42.05, Pt. 42, 42.07 & 17, Commission District 6, Northwest County Sector.

STAFF RECOMMENDATION: Approve the development plan for up to 43 detached single family dwellings on individual lots subject to 2 conditions.

MOTION (EDWARDS) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. DEVELOPMENT PLAN APPROVED.

- \*    3-SE-02-C      CANTON PLACE, LOT 30  
Southeast corner of the intersection of Canton Place Ln. with Trent Ln., Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 3-SF-02-C      WITHDRAWN PRIOR TO PUBLICATION

- \*    3-SG-02-C      MAPLE CREEK RESUBDIVISION  
West side of Wright Rd., just south of New Beaver Creek Dr., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

## 15. FINAL SUBDIVISIONS

*Final and One Lot Subdivisions recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

### FINAL SUBDIVISIONS - OLD

7-SD-01-F

L. J. SATTERFIELD PROPERTY

East side of Cooper Rd, south of S. Carter School Rd., Commission District 8.

STAFF RECOMMENDATION: Approve variances 1 & 2, Deny variance 3 and Deny final plat.

Mr. L. J. Satterfield: 1122 Cooper Road, Straw Plains

Intention to give my third son a lot. Already given other two sons a lot. Resided here 32 years. Joint permanent easement has been installed 14 years. It was put in at the specifications the County asked me to do. Had to give County 12.5 foot adjoining to driveway that was across the property to make it 25 foot wide, which we did. We have done everything to make the variance. There is absolutely no way I can get this corrected. Ask that you waive the variance of sight distance. Coming from the south, which your denial is based on, it is impossible to see 330 foot to where the JPE meets Cooper Road. Since we have been there we have taken down all the trees and trimmed the 2-3 trees left to where they are 7-foot high. I do not know of anything else we can do to meet the requirements. Request you waive this variance.

Ms. Bonnie Curtiss: That was the basis of staff recommendation of denial of the sight distance variance. To stay consistent with what staff would recommend due to public safety issues. It does fall short of the required 300 feet to the south, 220 is available based on the surveyor certification. Mr. Satterfield's property does fall south with that small curve. He would have to grade some of this property to get it closer. There are a couple of trees involved also.

Mr. Satterfield: We have taken down the trees and the 5-foot bank. We graded it back to the field. Low enough to where we can get over it with a riding mower.

Mr. Graf: Since this is in the family and he wants to keep his son on the property, I do not have a problem with sight distance.

MOTION (GRAFF) AND SECOND (SMITH) WERE MADE TO APPROVE VARIANCES 1-3 AND FINAL PLAT AND VARIANCE. MOTION CARRIED 12-0. VARIANCES 1-3 AND FINAL PLAT APPROVED.

**P** 8-SN-01-F

BOZEMAN SUBDIVISION

West side of Diggs Rd., south of George Lovelace Ln., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11-SB-01-F R. WENDELL JONES LLC  
West side of Asbury Rd, northwest of Archie Weigel Rd., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11-SK-01-F HOOMAN SUBDIVISION  
South end of Alki Ln, west of Dukesbury Dr., Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11-SP-01-F CHATSWORTH, RESUB OF LOTS 6 & 7 AND PROPERTY OF EARL & GENEVA SCATES  
Southeast side of Duncan Rd, northeast of Duncan's Glen Dr., Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 11-SV-01-F KING PROPERTY  
North of Norris Fwy, southeast of E. Raccoon Valley Dr., Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- 12-SE-01-F PROPERTY OF RICK GENTRY  
North side of Middlebrook Pike, east of Piney Grove Church Rd., Council District 3.

STAFF RECOMMENDATION: Deny final plat.

Ms. Bonnie Curtiss: Denial is based on the Administrative Rules. This item has been on the agenda since December 2001. To this date a request for a postponement or action otherwise has not been received and a revised plat has not been submitted.

MOTION (SMITH) AND SECOND (GRAF) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. FINAL PLAT DENIED.

- P 12-SH-01-F LAKE HILL PARK - UNIT 2, RESUBDIVISION OF LOTS 29R, 29R-1, 25R, 20 & 22  
(May 9, 2002) East end of Lake Front Dr., south of Tedford Ln., Commission District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 12-SI-01-F KATHLEEN S. WHITE PROPERTY  
East side of Bishop Rd., south of Tate Trotter Rd., Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 12-SL-01-F     ROY LARUE  
South side of Long Hollow Rd., west of Shade Weaver Rd., Commission District 7.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 1-SA-02-F     EVELYN I. SPANGLER PROPERTY  
East side of Springlake Dr., north of E. Governor John Sevier Hwy., Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 1-SR-02-F     DORENE DYER PROPERTY, RESUBDIVISION OF LOT 1R  
East side of Graves Rd., north of Ruggles Ferry Pike, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 2-SA-02-F     SHARI LOVE GRACE SUBDIVISION  
South side of Hickory Creek Rd., directly south of W. Gallaher Ferry Rd., Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 2-SB-02-F     JESSICA SMITH AND CHRIS PATTERSON SURVEY  
North side of Texas Valley Rd., east of Brock Rd., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 2-SH-02-F     BASIL SATTERFIELD  
Southeast side of Greenwell Dr., northeast of Pedigo Rd., Commission District 7.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 2-SL-02-F     CHEROKEE PEAK, UNIT 2  
South side of Cherokee Peak Ln., south of Kanuga Dr., Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 2-SP-02-F     JAMES & MICHELLE BREEDEN  
West side of Deaton Hollow Rd., south of Thorngrove Pike., Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 2-SS-02-F     J. S. EUGENE O'NEILL ESTATE  
Northwest side of S. Northshore Dr., west of Ebenezer Rd., Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**FINAL SUBDIVISIONS - NEW**

- \* 3-SA-02-F      SUBDIVISION OF THE GERALD PIZELL PROPERTY  
North side of Wayland Rd, west of Pickel Ln, Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-SB-02-F      HILLSHIRE OF WHITTINGTON CREEK, UNIT 8  
Northwest side of S. Northshore Dr, northeast side of Whittington Creek Blvd, Commission District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-SC-02-F      MERRELL & ANTHONY SUBDIVISION  
Southwest side of Coppock Rd, southeast of Wood Rd, Commission District 8.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P** 3-SD-02-F      JERNIGAN'S GARDEN  
West side of Shangri-la Dr, north of Wayne Dr, Council District 4.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-SE-02-F      ISAIAH'S LANDING  
South side of South Mall Rd., west side of Millertown Pike., Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-SF-02-F      J L KING ESTATE, RESUB OF LOT 11  
South side of W. Ford Valley Rd, east of Kasson Rd, Council District 1.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-SG-02-F      THE PRESERVE  
South side of Gleason Dr, west of Idlewood Ln, Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-SH-02-F      OUTLET PARK, RESUBDIVISION OF LOT A-1-R  
North side of Outlet Dr., west of Lovell Rd., Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-SI-02-F      MAPLE CREEK  
West side of Wright Rd, northwest side of Oak Ridge Hwy, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-SJ-02-F      PROPERTY OF MILES MENCER, REVISED  
Southeast side of Duncan Rd, south of Dogwood Rd, Commission District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-SK-02-F      SUBDIVISION OF ANDREA Y. HENDREN PROPERTY  
Northwest of W. Raccoon Valley Dr, southwest of Crisman Rd, Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-SL-02-F      SEQUOYAH HILLS, RESUB OF LOT 10-R  
West side of Cherokee Blvd, south of Tugaloo Dr, Council District 2.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-SM-02-F      RESUBDIVISION OF LOT 4R-2, BLOCK E OF FOREST PARK ADDITION & UNPLATTED PROPERTIES (FKA: MCCARTY PROPERTY)  
Southeast end of Cassell Dr, southeast of I-640/I-75 and southwest of I-275, Council District 1.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W** 3-SN-02-F      KENILWORTH SQUARE  
Southeast side of Kenilworth Ln, east of Brice St, Council District 4.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- P** 3-SO-02-F      B & P INDUSTRIAL PARK  
Northwest side of Callahan Dr, east of Clinton Hwy, Commission District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-SP-02-F      WILLOW SPRINGS, UNIT 6  
Northeast side of Henegar Rd, northwest side of Puritan Ln, Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**16. ONE LOT SUBDIVISIONS**

**ONE LOT SUBDIVISIONS - OLD**

- P** 9-V3-01      BRAINE & LEE'S FIRST ADDITION TO KNOXVILLE, RESUB OF LOT 15 & PART OF LOTS 14 & 16  
North side of Hiwassee Ave, south side of Watauga Ave., Council District 5.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**ONE LOT SUBDIVISIONS - NEW**

- \* 3-V1-02      STONERIDGE, UNIT 1, RESUB OF LOTS 6 & 7  
North end of Stonemont Ct, north of Stoneridge Dr, Commission District 6.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- W** 3-V2-02      CONNER'S CREEK, UNIT 2, RESUB OF LOT 47  
North side of Eagle Creek Ln, east of Blue Meadow Ln, Commission District 6.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

- \* 3-V3-02      MONDAY, WILHOIT, & CUNNINGHAM PROPERTY  
North side of Kimberlin Heights Rd, west of French Rd, Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-V4-02      SANDRA K. BOBINSKI  
West side of W. Dick Ford Ln, south of Grandeur Dr, Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-V5-02      LEESON ADDITION, RESUB OF LOTS 1 & 2  
Southeast side of Holston Dr, southwest side of Meadowview Dr, Council District 6.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \* 3-V6-02      LONNA RHEA SMITH  
North side of S. Carter School Rd, northwest of Thorngrove Pk, Commission District 8.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-V7-02      CRAWFORD'S ADDN, LOT 1R, PART OF BLOCKS 10 & 13  
South side of Middlebrook Pk, east of Loraine St, Council District 3.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-V8-02      MARK & MONA CROCKETT  
West side of Kodak Rd, southwest of Moulden Hollow Rd, Commission District 9.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-V9-02      FORESTEDGE ADDTN, LOTS 1-4, RESUB WITH WOODLAND ADDTN, LOTS 5,6 AND 103R  
North side of Edgewood Av, east side of Whittle Springs Rd, south side of Forestdale Av, Council District 4.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**W** 3-V10-02      LINWOOD 1ST ADDN, BLOCK "A", RESUB OF LOTS 34 & 35  
Northwest side of Cedar Av, northwest side of Murray St, Council District 5.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

\* 3-V11-02      SEFTON, LLC  
West side of Huxley Rd, south side of Flickenger Ln, Commission District 5.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

A BREAK WAS TAKEN FROM 3:00 P.M. TO 3:17 P.M.

MS. SUSAN BROWN RETURNED TO THE MEETING AT THIS TIME.

**17. REZONINGS**

*Rezoning recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.*

**REZONINGS - OLD**

9-G-01-RZ      CENTRAL AVENUE PARTNERS (REVISED)  
West side Central Avenue Pike, south of Barberry Dr., Rezoning from A (Agricultural) to T (Transition). Tax ID 68 74, Commission District 6, North City Sector.

STAFF RECOMMENDATION: Approve T (Transition).

MOTION (SLACK) AND SECOND (VITTETOE) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 13-0. T (TRANSITION) APPROVED.

\* 2-O-02-RZ      CHILHOWEE HILLS BAPTIST CHURCH (REVISED)  
North side Asheville Hwy., southwest side Carta Rd., Rezoning from C-3 (General Commercial) and R-2 (General Residential) to O-1 (Office, Medical, and Related Services). Tax ID 71 I C 25, and 27, Commission District 6, East City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

**W** 2-W-02-RZ      S & E PROPERTIES  
Southeast side S Northshore Dr., southeast of Knightsbridge Dr., Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 145 16, 17, Commission District 4, Southwest County Sector.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

**REZONINGS - NEW**



3-A-02-RZCITY OF KNOXVILLE

Northwest and southeast sides Lyons View Pike, southwest of Colony Street, Rezoning from R-1 (Single Family Residential) to R-1 (Single Family Residential)/ H-1 (Historic Overlay) and design guidelines. Tax ID 121 B D 002, 121CA021, 121CA022. Council District 2, West City Sector.

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

Ms. Ellen Adcock: 3111 Ramona Avenue, Director Department of Administration, representing Mayor Ashe

Pointed out handout on the readapting of the J Allen Smith House and a book *The Lyons View Pike Historic District*, WHICH BECOMES A PART OF THESE MINUTES. Dewayne Grieve is here to answer questions. Mayor has made historic preservation top priority for downtown and throughout the City. It does not make sense to him that taxpayers spend millions of dollars expanding the Museum of East Tennessee Historic while watching historic homes fall to the wrecking ball. Preservation not only occurs in museums, but across the city neighborhoods that serve as visible reminders of our history and cultural heritage. I have in the past asked Cherokee Club Board of Directors to consider alternative uses for the J. Allen Smith House to preserve its unique character. By that the Mayor is referring to a letter he sent to the Board in July of 1999. We registered our concern that early on about this property. I think, he continues, that this is the best solution of blending historical preservation with the needs of the Club. The property is zoned for residential use and the H-1 designation does not modify that R-1 zoning. We are ready to work with members of the club to find the best way to save this historic home. I would like you to reference Wayne Grieve's study which shows the Club can easily adapt the home for Club use. City has applied the H-1 overlay process to several places the last two years without legal challenges. I believe the Lyons View historic designation would stand up to any legal action. You are here today as a board to determine the appropriateness of this request which we feel is a legal action for this Commission. The Lyons View historic district contains a number of homes dating from the early part of the twentieth century and includes the J. Allen Smith home which the Cherokee Country Club Board of Directors is trying to demolish. The Club's Board of Directors applied for a permit to demo the home on February 20,2002. The City denied the application based on the City Ordinance which prohibits issuance of a demolition permit while an H-1 application is pending. Mr. Smith, who built this beautiful home, was the founder of White Lilly Flour Company and the famed Knoxville Charles Barber designed this house. Please note this great short history of the Lyons View area. Also included in the district are homes of Mr. & Mrs. Robert Samples and Doctor and Mrs. James Wall, who strongly support efforts to place the district under an H-1 designation. We are talking about 3 homes, which is the beginning of a historic district. There has been an awful lot of community support and we have had a lot of calls. About 22 people stood in support.

Ms. Wall: I beseech you to preserve this house. It was my great-grandfather's and I lived on Lyon View Pike for 58 of my 65 years. Consider our request.

Mr. Charles Wagner: 1801 First American Plaza, Wagner Myers and Sanger on behalf of Cherokee Country Club

PASSED OUT A HANDOUT WHICH BECOMES A PART OF THESE MINUTES. On behalf of one of the property owners, Cherokee Country Club. We are here to be allowed to provide effective information with respect to this application. To do that we need time to respond to the information supplied to us for the first time late Tuesday afternoon of this week. I have provided a short chronology with information. Reviewed chronology. The Coughlin property was purchased in July of 1999. Between July 1999 and February 2002 there has been tremendous discussion about this. The Board of Cherokee Country Club, which is made up of influential and responsible professional members of this community, have taken into consideration all the input received. Based on the recommendation of long range planning committee of Cherokee Country Club the decision was made to take Cherokee Country Club into the next century that this was a necessary action. We go to apply for a demolition permit, for which we are entitled under the current zoning, and we were advised it had been red flagged because the Mayor had filed for rezoning a month ago. As the landowner we were not advised of this application. On the bottom of first page says application accepted by A K. Bennett 1/17/02 1:49 a.m. Application was signed by the Mayor and has a specific listing of items necessary to be submitted with the application. Not one piece of information has been submitted. What was provided to us are these pages that you have received with no justification even though the application requires back up documents. We then file a lawsuit on the 8<sup>th</sup> pointing out that the application is defective on its face. Ultimately on Tuesday we are provided with a 14-page document and 3-page document that supports the application that was requested in the first place. We need time to prepared our documentation. We need time to show that this application does not meet historic needs and does not meet architectural needs. We need time to get together information so you can make a decision. We ask for equal consideration.

Ms. Ann Bennett: The owners of the parcels that have been involved have known about this for quite some time. As far as the designation report, that is part of the staff that is prepared for submission when all MPC staff reports are prepared. The 1:49 a.m. was a computer error. Clock was set a.m. instead of p.m. I would need to be supplied, in time to do a staff report, with whatever history and architectural descriptions the applicant possesses. It is the custom for the Historic Zoning Commission to look at and check that information to be sure it is accurate. There are things that are requested on the application, but they are not set out in the zoning regulations. Primarily that would be that the property meets the standards for overlay, which is 50 years old, architectural or historical significance or a National Register listed property.

Mr. Whitaker: The material that was allegedly not turned in is listed on our application form. We take in about 150 items for each meeting. Then we check every one to see if we have everything that we need. Most of them always need more information. The zoning ordinance says what the procedure for getting an H-1 overlay is and the criteria for adopting the overlay. There is no enumeration of specific paper documents that have to be included. Those

are things we ask for to make it easy to process the application. A large part of the overlay package is prepared by Ms. Bennett.

Mr. Susan Brown: I am assuming the application is complete and okay or it would not be in our package with a recommendation.

Mr. Whitaker: That is correct. We referred this to our attorney to look at the package closely so we could advise you if we should postpone this. There was no legal or procedural reason that we need to advise you to postpone this application.

Mr. Michael Kelly: City Law Director  
In response to the comment about the 21<sup>st</sup> century, if tearing down the J. Allen Smith house to make parking is going to take this Country and Cherokee into the next century, then put me back into the 19<sup>th</sup>. We are here on a historic overlay purpose. That gem of a house is what is at issue. If there ever is a place where historic overlay protection is appropriate, this is that house. The ordinance does not require all this information be provide at the time of the filing any more than Mr. Seymour or someone that does lots of zoning work files an application is everything provided at one time. The application is filed and then it is supplemented. They had the information before this hearing today. The lawsuit does not name MPC or any members of MPC. The lawsuit is between the Board of Directors of Cherokee Country Club and the City of Knoxville. There is nothing that should prohibit this process going forward today. There are multiple parties involved here. Historic Zoning Commission is acting at the same time and ultimately your recommendation will go to City Council. We ask that you go ahead and make the decision today.

Mr. Wagner: We received on Tuesday late afternoon a 14-page document which is very detailed and a 3-page document, two pages of which have substantial factual information and referenced several other documents we started assembling. That was the first time we knew what the position of the Mayor was. We cannot respond in a day and one half. This Commission is entitled to both sides of the story.

Mr. Mike Brown: If this historic overlay is approved, my understanding is the Historic Commission can also approve any demolition permits. We are not precluding them from proving their case down the line if we approve the historic overlay today.

Mr. Whitaker: You are correct. There were houses on Oklahoma Avenue in Old North Knoxville that were slated for demolition. The owners intended to have them demolished out of necessity. The Historic Preservation process basically allowed a period for consideration and what the options are. The owners, the City, and historic preservationists worked together and all three cases resulted in a successful development project that retained the historic structure. Ultimately somebody that wants to demolish a building with an H-1 overlay has some recourse. We think it is to the benefit of the community as well as the property owner to go through a carefully considered process to make that decision.

Mr. Mike Brown: That is in essence what we are saying today. Let's take a second, third or fourth look before this thing is torn down.

MOTION (M BROWN) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Ms. Jennifer Martella: In looking at the site plan, I think the Country Club is getting far more than a parking lot. It seems to be a wonderful reuse of the property.

MOTION CARRIED 13-0. R-1 (SINGLE FAMILY RESIDENTIAL)/H-1 (HISTORIC OVERLAY) APPROVED.

\* 3-B-02-RZ GORDON N. NEWMAN  
South side of Asheville Hwy., west of Brakebill Rd., Rezoning from A (Agricultural) to CA (General Business). Tax ID 61 85, 72 206. Commission District 8, East County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

3-C-02-RZ E.L. VOTAW  
North side Buffat Mill Rd., northeast of Bridalwood Dr., Rezoning from R-1 (Single Family Residential) to R-1A (Low Density Residential). Tax ID 70 J G 39, Council District 4, East City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

MS. MAMOSA FOSTER LEFT THE MEETING AT THIS TIME.

3-A-02-SP JON WEHREBERG  
West side of Roberts Rd., north of Washington Pike. Request Northeast County Sector Plan Amendment from Agricultural / Rural Residential to LDR (Low Density Residential). Tax ID 22 Part of 5 (map on file), Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Deny LDR (Low Density Residential).

Mr. Robert Campbell; 7523 Taggart Lane.

We believe this project has tremendous merit for this location and this intersection of Roberts Road and Washington Pike. Roberts Road is 22 feet wide, white line to white line. Roberts Road is a major thoroughfare from Emory Road to Rutledge Pike and connects Washington Pike in the middle. It is a substantial road. There are sufficient utilities. We have letters from both Northeast Knox and KUB, which is in the process of taking over Northeast Knox sewer, that the sewer as well as other utilities are available to this site at a sufficient amount to be able to serve this acreage. This is located about 400 feet from the intersection of Washington Pike and Roberts Road. There is CA zoning at the intersection, little further there is OB and PR zoning a little farther away. Typical plan for zoning at an intersection where you start with commercial, go to some form of office and usually to a much higher density than what we are asking for. Across the

street is approximately 10 acres still zoned 4 dwelling units per acre. At one time across the street there were 31 acres zoned at 4 dwelling units per acre. We are requesting 3 per acre. In the background you can see two major TVA transmission lines that cut across the corner. In the background you can see a major substation visible from this property. The owner sought out to develop this property based on his tract record of excellent quality. Our development will have 60 lots on 20 acres. Of that 20 acres, three will be dedicated as a common area and park area for the neighbors. There exists in this neighborhood a need for high-quality affordable housing. Feel staff recommendation is based on the development being the first one at this location. We believe our merits of this case warrant 3 dwelling units per acre residential subdivision. In 1996 MPC approved 4 units per acre on 31 acres and had this same vision or they would not have approved PR at this intersection. Ask you approve request.

Ms. Gail Weaver Farzanigan: 4816 Jones Road, Northeast Knox Preservation Association  
We homeowners solicit your help on preserving the rural character of this portion of the County. The proposed site is surrounded by vast farmland whose owners are opposed to amending our Sector Plan for this one spot. We agree with our Sector Plan and with the MPC recommendation in designating this area for agricultural and rural residential uses. Later this year we will be involved with updating the Sector Plan with active participation from the community, businesses, developers, neighborhoods, etc. There are many facets of property development that must be considered as far as schools, roads, drainage and sewer. Hope to participate in the planning of our area's future when the Sector Plan is updated later this year. Ask that you deny this proposal and not unfairly give one landowner one set of criteria with which to use his land verses other landowners in the same area. Lets look at the whole area to develop it in a proper way.

Mr. Campbell: Of the homeowners association I am not sure how many people have voiced their opposition. My property owner owns approximately 300 acres on Roberts Road. He has the majority land ownership. He has conferred with several of his neighbors and none have voiced opposition. We feel we are at a major intersection and developing according to the standards for intersections.

Mr. Michael Brusseau: Staff determined at the time of the application that legally by the policies of the Growth Plan that they can apply for 3 units per acre. At that time we issued a letter saying we could accept the application but that did not mean approval. We had to review it like any other case. This is similar to any spot rezoning which we generally do not recommend approval of. The Sector Plan has designated as agricultural and rural residential because the overall utility system is not in place out there and that could be addressed as part of the next Sector Plan update. The zoning would give this applicant development potential that no other large properties in that area has. As far as PR across the street, it has not been developed yet. Originally about 31 acres were zoned PR at 4 units per acre. About a year later 20 acres were rezoned back to agricultural and nothing was ever developed. Even if it

were developed at that density, it would not have the impact that this development could at 3 units per acre.

Mr. Larry Smith: Are they duplexes?

Mr. Campbell: They are single family homes. At three per acre we are talking 60. The property across the street is 10 acres at 4 per acre at a difference of 20 homes.

Ms. Susan Brown: The Growth Plan would support his type of development?

Mr. Whitaker: Growth Plan designates this area as rural. The Growth Plan is also a political compromise between the City and the County. There are lots of exceptions in the rural area in the Growth Plan. Plan says basically that Rural means 1 unit per acre or less. But the Plan says if you have access to water and sewer and a good road system, access from your property to the next major arterial road, then you can apply for up to 3 units per acre. The Growth Plan also says any development in the Rural area needs to be consistent with the Sector Plan. They have asked to amend the Sector Plan. If the Sector Plan were amended, they meet the legal criteria to be approved. Staff recommendation is based on the idea that while they could apply and this could legally be approved, we do not think it is a good planning action to go into area where the Sector Plan calls for rural residential and create the expectation that every other property owner with similar property should get up to 3 units per acre. With land use planning you can increase the public cost of serving development if you scatter development around in a leap frog manner. You can reduce some of the costs if development is more compact and proceeds in a logical pattern. If you develop isolated subdivisions in otherwise rural areas, there are new expenses for the taxpayers. They have to serve those subdivisions with fire and police protection, schools, and school buses traveling more miles to remote places to take them to school. The whole essence of land use planning is to encourage growth in the correct place.

Ms. Susan Brown: There is commercial zoning at the intersection and the tract across the street is zoned PR at 1-4 units per acre.

Mr. Whitaker: That pattern of zoning was in place when the sector plan was adopted. The Sector Plan recommends some commercial development. People in rural area need commercial services also. They need to buy milk and bread and other necessities.

Mr. Mike Brown: If two big agricultural neighbors to the north come in next month and ask for the same thing, we have to give it to them. Suddenly you have 2,000 homes on a 19-foot road with 6 million cars a day .

Mr. Rusty Baksa: I wonder if the original plan designation out here was based on the fact that sewer was not available. If there is sewer available now that would make a difference when we do an update to the plan.

Mr. Whitaker: That is something we always look at when we update the Sector Plans. We also look at how much of a supply of low density residential are you creating and where. The letter from the utility district says you could install a force main and get sewer to this property.

Mr. Campbell: There is already a force main here. It just requires a pump station and that area has several pump stations.

Mr. Mike Edwards: So it was probably bad planning to do Fox Den because it was so far out from other development? In a way I understand methodical growth where roads precede the growth. What actually happens, areas begin to grow and public services always have to respond. Some districts are set up to handle it. I am looking at 20 acres, flat and planned residential at 3 units per acre. It may start growth in that area. Recommend we accept applicant's request.

MOTION (EDWARDS) AND SECOND (S BROWN) WERE MADE TO APPROVE LDR (LOW DENSITY RESIDENTIAL). MOTION CARRIED 9-3. LDR (LOW DENSITY RESIDENTIAL) APPROVED.

3-D-02-RZ

JON WEHREBERG

West side of Roberts Rd., north of Washington Pike. Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 22 Part of 5 (map on file), Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Deny PR (Planned Residential).

MOTION (EDWARDS) AND SECOND (S BROWN) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL). MOTION CARRIED 9-3. PR (PLANNED RESIDENTIAL) APPROVED.

MOTION (EDWARDS) AND SECOND (S BROWN) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-3 DWELLING UNITS PER ACRE. MOTION CARRIED 9-3. PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-3 DWELLING UNITS PER ACRE APPROVED.

**P** 3-B-02-SP ROGER PHILLIPS

Southwest of Ball Camp Pike, south side of railroad right-of-way, south of Fitzgerald Rd. Request Northwest County Sector Plan Amendment from LDR (Low Density Residential) to LI (Light Industrial). Tax ID 91 214.01, Commission District 6, Northwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**P** 3-E-02-RZ ROGER PHILLIPS

Southwest of Ball Camp Pike, south side railroad right-of-way, south of Fitzgerald Rd. Rezoning from A (Agricultural) to LI (Light Industrial). Tax ID 91 214.01, Commission District 6, Northwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

\* 3-F-02-RZ VANDEVENTER PARTNERS, L.P.

East side Harry St., south of Sutherland Ave., Rezoning from I-2 (Restricted Manufacturing and Warehousing) and O-1 (Office Medical & Related Services) to C-6 (General Commercial Park). Tax ID 107 E L 20, Council District 6, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

3-C-02-SP JAMES R. STALLINGS

West side Three Points Rd., northwest side Rutledge Pike. Request Northeast County Sector Plan Amendment from LDR (Low Density Residential) to Commercial. Tax ID 41 248, Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Approve Light Industrial.

Mr. William E Stallings: 8708 Asheville Highway 37924, My brother is the applicant. This is not a precedent in the area. CA is right across the street. Up and down Rutledge Pike has been tremendous growth, especially in warehousing. There has only been one new house built in this area in the past 20 years. We have owned this property since 1890. Requesting this because we have it sold and it is part of the contract that it rezoned. We requested CB. We would prefer CB, but if I have to accept it then I accept it.

Mr. Roger White: Live across the street on Three Points Road, On behalf of homeowners around the property.  
I know of at least 16 people against this. I have 6 notarized letters from people against this. There is property zoned CA right beside. Read one of the letters from one homeowner about that. " My name is Sheila King ... I am opposed to rezoning of the Stallings property to anything commercial. Commercial property is choking us out here on this end of the County. Please put a stop to this one. This is a beautiful, country, residential area and we would like to keep it livable. My home borders the back side of the property. Please there are at least 9 homes that border that property directly on four sides, not including the ones across the street on the Three Points Road side. Please do not rezone this property. " Read another letter which is part of these minutes, from Ann Cannon "Four very nice homes border that property on the Three Points Road side alone. Mine is the fourth. The back corner of my property borders the Stallings property that is not up for rezoning. I work at the hospital and cannot be at the hearing. Please do not rezone to commercial status." That entire property is surrounded by residential except for All Pro Trucking, which is now in violation of its City zoning. It is a junkyard. ABOUT 6 PEOPLE STOOD IN OPPOSITION. Every single person that borders the property is here or has submitted a notarized letter not to rezone the property. This is called Three Points because three roads intersect. There is a school bus stop right at the border of the property and kids have to walk up Grant Road and Three Points Road to get home. I have to look out my window and see the property. There have been 12 new houses built in the past 18 years.

Ms. Pat Reese: 8801 Three Points Road



One reason I am opposed to the rezoning is the hazards as far as the kids. I am directly behind that property. There is only one way to go in. That area is too small for congested traffic. It is already hard to get onto Rutledge Pike. Grant Road, less than 15 feet, is where the trucking company that is illegal already. If you congest it more and look at an 18-wheeler and a 60-foot frontage. An 18-wheeler is approximately 15 feet just the trailer alone. If you get two trailers or two trucks in and out, if something goes wrong it will be backed up for hours and hours. All properties are around 25 feet from here. If you are looking at diesel fuel, you are looking at health factors.

- Mr. Stallings: The gentleman who spoke first, his property is zoned industrial. He opposes this. The piece of property beside this is CA. There is 150 feet right-of-way off Rutledge Pike to the entrance of this property and has approximately another 150 feet entrance into the property. There is no problem with congestion. If you look on the Sector Plan, about 400 feet away from this you have a C involved there. That property we sold. It was zoned Agricultural at the time we sold it. Sewer is approximately 0.5 mile away. There is no reason that this property should not be zoned CA.
- Mr. Michael Brusseau: The reason we recommended LI over CB is it allows for greater setbacks for more protection for the adjacent residential uses. It also allows not so many commercial uses that would have a negative impact. Sector Plan designates the area as low density residential. The CA and I must have been done against the Sector Plan.
- Mr. White: My property is on commercial. It was zoned a long time ago. I would love for you to look at it. I cannot help it because it is zoned commercial. These are neighbors around the area. Please look at the pictures. SUBMITTED PICTURES AND OTHER INFORMATION WHICH BECOMES A PART OF THESE MINUTES.
- Ms. Kim Stuffle: 8719 Trout Road  
I moved from the City 13 years ago because we chose to live in the County in an Agricultural area. We enjoy sitting on our porch and watching the deer and wild turkey wander from yard to yard. Would hate to see it zoned commercial and put an end to the wildlife that the neighborhood enjoys.
- Mr. Larry Smith: Asked the difference in the setback in LI and CB.
- Mr. Brusseau: In LI the setback is 50 feet, in CB it would be considerably less.
- Mr. Whitaker: In LI there is also a requirement that you have to have landscaping in that 50-foot setback. You have to have something that will grow 15 feet tall at maturity if you abut residential. In the CB zone the statement of purposes says the nature of such businesses in CB is to attract large volumes of automobile and truck traffic and would have adverse effects on surrounding properties. Hence they are not normally associated with nor compatible with residential or institutional uses or other uses that require an environment free of noise, odors, and congestion. The Zoning Ordinance says do not put CB next to residences. LI does allow the proposed use of warehouse

development, but has standards that would provide some protection to the residential properties nearby.

MOTION (M BROWN) AND SECOND (SMITH) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Upon Roll Call vote the Planning Commission voted as follows:

BAKSA	YES
BENEFIELD	YES
M BROWN	YES
S BROWN	NO
DONALDSON	NO
EDWARDS	YES
GRAF	NO
MARTELLA	NO
SLACK	YES
SMITH	YES
VITTETOE	NO
FRENCH	NO

MOTION FAILED 6-6.

Mr. Rusty Baksa: I know the area has potential for light industrial, office park. Does light industrial give us good control over what gets built?

Mr. Whitaker: You do not have a plan review unless they come back with a subdivision. There are some standards built into the light industrial zone. Light Industrial does allow warehousing and retail. It has wider setbacks when you abut residential and has some requirements to landscaping and greater restrictions on signs than in the CB zone. It is not an office or residential zone. It allows some fairly intense development. It does so in a way that is less likely to cause conflicts with the neighborhood.

Mr. Baksa: Asked about what is proposed for the property?

Mr. Stallings: A construction business wants to build approximately 3,000 to 5,000 square feet on what is a 180,000 sq. ft lot. It is a small structure.

Mr. Baksa: Would Light Industrial allow them to store equipment outside?

Mr. Pruitt: There are restrictions on outdoor storage in Light Industrial that you do not have in the CB zone. Warehousing is permitted provided all materials are stored indoors and retail sales provided sales of products not produced on the site shall be indoors. The intent of LI is to provide for indoor activities only. The only thing I see that was added by amendment is school bus storage is now a permitted use in the LI. If you had a school bus contractor there he could store his vehicles. I assume, based on that, that a contractor could store his vehicles related to his activity.

Mr. Whitaker: Is a Contractor a permitted use in LI? The application stated the use was warehousing. Is it a warehouse type structure with a contractor working out of it?

Mr. Stallings: Yes.

Mr. Mike Brown: We are talking about a small parcel. We are not talking about a 50-acre industrial park here.

Mr. Graf: We tend to give a lot of importance to putting some sort of commercial on just about every intersection in Knox County. It takes away from the residential character of the area.

MOTION (GRAF) AND SECOND (MARTELLA) WERE MADE TO DENY APPLICANT'S REQUEST.

Mr. Pruitt: I do not see anything that indicates that use is permitted in LI. It talks about manufacturing from previously prepared products. If you had an operation like a heating and air conditioning business where they were preparing their ductwork and things of that nature that might be allowed.

Mr. Whitaker: LI allows warehousing, retail and light manufacturing. It apparently does not allow a contractor's operation. We understood that he wanted warehousing. Our recommendation for Light Industrial implies a recommendation against CB. It sounds like the proposed use would not fit in LI.

UPON roll call vote the Planning Commission voted as follows:

BENEFIELD	NO
M BROWN	NO
S BROWN	YES
DONALDSON	YES
EDWARDS	NO
GRAF	YES
MARTELLA	YES
SLACK	NO
SMITH	YES
VITTETOE	YES
BAKSA	YES
FRENCH	YES

MOTION CARRIED 8-4.

SECTOR PLAN DENIED.

3-G-02-RZ      JAMES R. STALLINGS  
West side Three Points Rd., northwest side Rutledge Pike Rezoning from A (Agricultural) to CB (Business and Manufacturing). Tax ID 41 248, Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Approve LI (Light Industrial).

MOTION (MARTELLA) AND SECOND (SMITH) WERE MADE TO DENY CB (BUSINESS & MANUFACTURING) BASED ON DENIAL OF SECTOR PLAN AMENDMENT. MOTION CARRIED 11-1. CB (BUSINESS & MANUFACTURING) DENIED.

3-D-02-SP BRIAN HALL

East side of Armstrong Rd., southeast side of Darby Dr., south of Rutledge Pike. Request Northeast County Sector Plan Amendment from LI (Light Industrial) to LDR (Low Density Residential). Tax ID 60 133.01, 134.01, 134.03, Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Approve LDR (Low Density Residential).

MOTION (S BROWN) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION.

Mr. Mike Parrett: 6100 Darby Drive

I am opposed to rezoning this for a trailer. The rezoning is for 30 units to be put on 15.1 acres at 2 per unit. We do not have sewage at all. We are all on septic tanks. We have good roads, but very narrow. We have a one-lane bridge, which has a flooding problem. If you put 30 people in here there will be a lot of children going to school. No school bus runs through there. If they put 30 units up there and the mobile home trailers caught on fire, there is no way they could put them out. I am not trying to stop progress, but thinking of the community.

MS. SUSAN BROWN LEFT THE MEETING AT THIS TIME.
--

Mr. Mike Brown: They are not allowed to put mobile homes in LDR and PR. It would have to be single family or duplex, it cannot be mobile homes.

Mr. Garrett: Asked how they would get homes and septic tanks in the side of a hill.

Mr. Norman Whitaker: Pointed out that a plan would have to be submitted for review on the actual development. The industrial zone that is on the property right now would allow industries that would not be allowed anywhere else. The worst development in PR would be good compared to industrial. In 1998 there was an application for a mobile home park at that location that was turned down.

MOTION CARRIED 11-0. LDR (LOW DENSITY RESIDENTIAL) APPROVED.

3-H-02-RZ BRIAN HALL

East side of Armstrong Rd., southeast side of Darby Dr., south of Rutledge Pike. Rezoning from I (Industrial) to PR (Planned Residential). Tax ID 60 133.01, 134.01, 134.03, Commission District 8, Northeast County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1-2 dwelling units per acre.

MOTION (BENEFIELD) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. PR (PLANNED RESIDENTIAL) APPROVED.

MOTION (BENEFIELD) AND SECOND (BAKSA) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-2 DWELLING UNITS PER ACRE. MOTION CARRIED 11-0. PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-2 DWELLING UNITS PER ACRE APPROVED.

MS. PATSY VITTETOE LEFT THE MEETING AT THIS TIME.
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3-I-02-RZ

B.L. BALL

North side Bluegrass Rd., west of Autumn Ridge Dr., Rezoning from A (Agricultural) to PR (Planned Residential). Tax ID 154 25, Commission District 5, Southwest County Sector.

STAFF RECOMMENDATION: Approve PR (Planned Residential) at a density of 1-4 dwelling units per acre.

Mr. B. L. Ball

1212 Gettysview Way

My 5 units per acre would have consisted of 17 lots. After engineering preliminary layout, physically I could not do 17 lots. With 4 units per acre I would come up short of 14 lots. I would like to request 4.5 units. This would allow me to have 14 lots which the land would support adequately.

Mr. Brian Hornback: 9706 Timberoaks Court, Autumn Ridge Subdivision

You have a letter from my wife and I and also from a neighbor asking that you deny this rezoning. I request that you feel you need to rezone this property, that you go with 2.5 units per acre which is what the Autumn Ridge property is. Staff refers to the intensity of residential development on the north side of Bluegrass Road. The property that would be 5.9 dwelling units per acre would be to the north and the only access that property has is off of Westland Drive at Pellissippi where Heritage Lake is. I understand that this tract possibly is going to go to a church. There is no access to that Planned Residential at 1 to 5.9 units per acre. The homeowners association is very interested in this issue and we are going to be having a meeting very soon. Ask for you go with 2.5. The map does not clearly give you an indication of the topography of this land. I do not believe it is suited to high density.

MS. PATSY VITTETOE RETURNED TO THE MEETING AT THIS TIME.
--

Mr. Graf:

Planned Residential at 1 to 4 gives him one more lot and 1 to 4.5 makes 14 lots. I do not know that one more lot between 13 and 14 makes that much difference.

MOTION (GRAF) AND SECOND (EDWARDS) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 11-0. PR (PLANNED RESIDENTIAL) APPROVED.

MOTION (GRAF) AND SECOND (EDWARDS) WERE MADE TO APPROVE PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-4.5 DWELLING UNITS PER ACRE. MOTION CARRIED

9-2. PR (PLANNED RESIDENTIAL) AT A DENSITY OF 1-4.5 DWELLING UNITS PER ACRE APPROVED.

MS. SUSAN BROWN RETURNED TO THE MEETING AT THIS TIME.
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- \* 3-J-02-RZ      CITY OF KNOXVILLE  
 East side Lovell Rd., west side Parkside Dr., east side Simmons Rd.,  
 Rezoning from No Zone to C-4 (Highway and Arterial Commercial). Tax ID  
 131 J A 23-26,28,29,29.01,30, Council District 2, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-K-02-RZ      DICK BALES  
 Southwest side Central Avenue Pike, southeast of W. Emory Rd., Rezoning  
 from A (Agricultural) to CA (General Business). Tax ID 57 10, Commission  
 District 6, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 3-L-02-RZ      EARL TAYLOR  
 East side Hampson Ln., south of Nubbin Ridge Rd., Rezoning from RA (Low  
 Density Residential) to A (Agricultural). Tax ID 133 F C 4, Commission  
 District 4, West City Sector.

STAFF RECOMMENDATION: Deny A (Agricultural).

Mr. Richard Smith: Dean Smith Realty Company, 412 Northshore Drive  
 We are in the process of selling this property. SUBMITTED A PACKET  
 WHICH BECOMES A PART OF THESE MINUTES. We have this property  
 under contract. The gentleman and his wife are veterinarians. He is coming  
 to teach at the UT Vet School and his wife is in private practice. They  
 currently own two ponies. We would accept conditional agricultural zoning  
 that would only permit two ponies and no other livestock on this property. I  
 have gone door to door and you have a petition with 14 names that do not  
 oppose what we are doing. These are the people that I found at home. This  
 is a 3.7 acres tract. It is not a high density situation. There is 100 year old  
 farm house they are going to live in. They are going to fence it in. The  
 pictures show what it looks like.

Mr. Phil French: Does RA permit horses?

Mr. Ken Pruitt: It does not. It permits the raising of agricultural crops, but no agricultural  
 animals.

Mr. French: I would dispute the definition of an agricultural animal. I do not think a pony  
 fits the definition of an agricultural animal.

MOTION (EDWARDS) AND SECOND (SMITH) WERE MADE TO APPROVE A  
 (AGRICULTURAL) LIMITED TO 2 PONIES. MOTION CARRIED 12-0. A (AGRICULTURAL)  
 LIMITED TO 2 PONIES APPROVED.

- \* 3-M-02-RZ      RIC MIXON  
Southeast side of Old Maynardville Pike, southwest of Maynardville Pike, Rezoning from PR (Planned Residential) / F (Floodway) @ 3 du/ac and PR (Planned Residential) @ 1-3 du/ac to PR (Planned Residential) / F (Floodway) @ 3.5 du/ac and PR (Planned Residential) @ 3.5 du/ac. Tax ID 28 M D 16, Commission District 7, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P    3-N-02-RZ      CITY OF KNOXVILLE MAYOR VICTOR ASHE  
Southeast corner of the intersection of Union Avenue and Walnut Street (420-430 Union), Rezoning from C-2 (Central Business District) to C-2 (Central Business District)/H-1 (Historic Overlay) and design guidelines. Tax ID 94 L F 021, Council District 6, Central City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- \*    3-O-02-RZ      CITY OF KNOXVILLE  
Northeast side of Capital Dr., southeast of Kingston Pike., Rezoning from No Zone to PC-1 (Retail and Office Park). Tax ID 131 L B 3, Council District 2, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \*    3-P-02-RZ      CITY OF KNOXVILLE  
East side of Mabry Hood Rd., north of Kingston Pike, Rezoning from No Zone to C-3 (General Commercial). Tax ID 131 119, 119.18, Council District 2, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \*    3-Q-02-RZ      CITY OF KNOXVILLE  
East side of Perimeter Park Dr., south of Parkside Dr., Rezoning from No Zone to C-3 (General Commercial). Tax ID 131 E C 1, Council District 2, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 3-R-02-RZ      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). Tax ID 132 3, 5, 132 HE 18. Council District 2, Southwest County Sector.

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

Mr. John King:      I request that we postpone this 30 days.

MOTION (S BROWN) AND SECOND (EDWARDS) WERE MADE TO POSTPONE UNTIL THE APRIL 11, 2002 MPC MEETING. MOTION CARRIED 12-0. POSTPONED UNTIL THE APRIL 11, 2002 MPC MEETING.

3-S-02-RZ      CITY OF KNOXVILLE  
 Northeast side of Green Rd., north of Chapman Hwy., Rezoning from No Zone to C-4 (Highway and Arterial Commercial). Tax ID 124 Part of 177 & ROW, Council District 1, South County Sector.

STAFF RECOMMENDATION: Approve A-1 (General Agricultural).

Mr. Pruitt:            We left this off the consent list because we thought the property holder on the property may have wanted to talk about C-4 rather than the A-1 which is a comparable City zone to what it was zoned. I was told earlier in the meeting that they are okay with this recommendation and will seek a change in zoning at a later date when they are ready to develop it.

MOTION (M BROWN) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. A-1 (GENERAL AGRICULTURAL) APPROVED.

3-T-02-RZ      COLUMBIA CAPITAL  
 North side of Sutherland Ave., east of Washburn Rd., Rezoning from I-2 (Restricted Manufacturing and Warehousing) to C-4 (Highway and Arterial Commercial) to depth of 85' from ROW. Tax ID 107 D J Part of 26.01, Council District 6, Central City Sector.

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

Mr. Harold Cannon: Client agrees with staff recommendation.

MOTION (BAKSA) AND SECOND (S BROWN) WERE MADE TO APPROVE STAFF RECOMMENDATION. MOTION CARRIED 12-0. C-6 (GENERAL COMMERCIAL PARK) APPROVED.

## 18. USES ON REVIEW

***Uses on Review recommended for approval on consent are marked (\*). They will be considered under Item 7 by one motion to approve.***

### USES ON REVIEW - OLD

W 5-M-01-UR      HEMPHILL CORPORATION AND TRITEL COMMUNICATIONS, INC.  
 East side of Alcoa Hwy., south of Mount Vernon Dr. Proposed use: 180 foot monopole telecommunications tower in CA (General Business) District. Tax ID 122 O J 002, Commission District 9, South County Sector.

THIS ITEM WAS WITHDRAWN EARLIER IN THE MEETING.

10-M-01-UR      CROWN COMMUNICATIONS INC. AND CINGULAR WIRELESS, LLP  
 (REVISED)  
 West side of W. Gallaher Ferry Rd., north of Hickory Creek Rd. Proposed use: 195 foot monopole telecommunications tower in A (Agricultural) District. Tax ID 116 026, Commission District 6, Northwest County Sector.



(Referred by the Knox County Board of Zoning Appeals for approval or denial of request.)

STAFF RECOMMENDATION: Approve the development plan for a 195-foot monopole telecommunications tower subject to 5 conditions.

Mr. Norman Whitaker: The original staff recommendation was to approve with conditions. You didn't approve staff's recommendation. We assume that was because you did not want to. Other options including turning it down. We would not recommend you postpone it. We recommend you approve something because they have demonstrated they need an antenna to provide some level of service there. The green handout includes a letter from Mr. Larry Perry, our technical expert, and Mr. Sam Weaver, one of the opponents of the tower. On the cover of the handout you have two alternatives listed. If you chose to approve a tower of a different nature than has been requested, Mr. Perry seems to favor a 165-foot flag pole type monopole tower subject to conditions that would include either putting the antenna inside the pole or flush mounting the antenna on the outside of the pole. Another alternative is to approve a stealth tower, a tower disguised as a tree up to 125 feet tall along with conditions.

Ms. Mary Miller: On behalf of Crown and Cingular Ask you approve a 195-foot monopole tower today. There has been an issue raised about some RF maps we issued at 165 and 125 feet in height. We made a mistake and I want to apologize. When we got the maps, we mislabeled them. There was a map labeled 125 feet and those maps were for 165 feet. So the maps you had were both for 165 feet. It was not intended to misdirect you. We have provided you RF maps at 125, 165 and 195 feet that are correct and show some difference in coverage. Questions about RF maps with the coverage at 125 feet and 165 feet with the proposed Pellissippi State or North Campbell Station site, which has not been approved but postponed until June 2002. When we met with homeowners initially they asked for RF maps with the Pellissippi State site at 275 and 195 feet. They also asked for RF maps at what the site would look like at 165 and 125. When we came to the meeting they then asked us to produce RF maps with the site at 165 and 125 along with the North Campbell Station site. We have tried to provide all of the RF maps that we might anticipate you would request. Our analysis of these maps has shown that 165 and 125-feet will not work to provide the handoffs we need. We have radio frequency engineers and their affidavits from John Parsely, who is an independent engineer with Site Safe (an affiliate of Crown), who has reviewed his own RF maps and generated his own RF data. He has concluded that 165 feet will not work and we need 195. Ken Cookson, a RF engineer with Tri-Tel, has reviewed his RF data and has concluded that 165 would not work. Mr. Perry has also concluded that at a minimum 125 feet would not work. We would like for you to approve 195 feet. Mr. Edwards has raised the question if you go at these lower heights, how many towers would it take. I asked RF engineers to look at that issues. They said if you went down to 125 feet in height it would take approximately 3-4 additional towers to get same coverage we were trying to obtain at 195 feet. In addition, we were trying initially to provide coverage for a tower at 275 feet.

To provide the same coverage at 275 feet you are looking at 6-8 additional towers, at 165 feet probably looking at 2-4 to provide the coverage for 195 feet or 4-6 towers to provide the coverage we were initially looking for of 275 feet. This does not even address the co-location issues. Tritell was interested in the site when it was 275 feet. When it went down to 195 they felt they could not justify the site. It does not make the handoffs.

Mr. Sam Weaver: 5440 Glencove Drive, Knoxville, TN 37919

We thought we had this right last time when we submitted to the wisdom of the MPC to draw up a sector plan that we were willing to live with. I am sorry that our opponents do not trust your judgement. In looking over the site maps, which they did not share with me this time, we decided by superimposing two of their charts they could live with 125 feet. If you look at the future of cell towers, you will see 100-foot towers all over the place. Do not need high towers when you get in a high-density situation. Why do we not start there and have the series of towers. Otherwise you are going to have a high tower and the other towers. There is some technology that allows you to co-locate with cooperation with cell tower people even with just one set of antennas. In Hendron County, North Carolina, which has as rugged terrain as we do, they do not permit towers over 100 feet. The only exception is they allow 60 feet above the average tree line, which in this case would be about 125 feet.

Mr. Mike Houston: 2127 W. Gallaher Ferry Road

Ask you to plan. I have attended previous meetings and listened to comment from MPC, attorneys and residents. I learned several things about towers, cell phones and the approval process. I learned the people in Knox County want cell phone coverage. In order to provide adequate service, we must have a network of towers to reach every hill and valley. Towers are approved on a case-by-case tower-by-tower basis. Tower coverage is only provided by tower company or phone company. In each case only the cell phone or tower company says it is necessary. No one presents information on how the tower links to existing or planned networks. No one shows other alternatives. No one shows that there is no duplication of coverage. No one knows if it is preferable to Knox County residents to have taller towers or more numerous, shorter towers that are less obtrusive. Approval on a case-by-case basis would be like approving a new road project 200 feet at a time. We must know where we are going with the cell phone network to eliminate unnecessary duplication of coverage. We also need to know how the citizens of Knox County feel about the number and types of cell towers in a network. I ask you to develop a comprehensive plan before approving any more towers. At the very least with this tower minimize the height to one 125-foot tower with a close in antenna within a monopole.

Mr. Rusty Baksa: Asked for a copy of his statement, WHICH BECOMES A PART OF THESE MINUTES. This is what I have been trying to say. We need a comprehensive plan of all the providers and cell towers. We do that with transportation planning. Mary mentioned that Tritell was looking at this site. We do not know what they are going to do. They may be back here next month and say that their coverage area does not match. We need to look at all these together.

Ms. Susan Brown: Can we get clarification of what the plan that staff is working on might provide?

Mr. Whitaker: You would be talking about a site location for hundreds of towers. Staff cannot do location maps. The industry has said they will not provide that and cannot do that. We are meeting with a couple of people in the industry tomorrow who say they can show us an example of advance planning for the future, which might be a model for getting a planning document from each provider. Roads are different. The County, State and local governments have the say. We gave you an outline with 6 points. One of the points was some type of schematic or graphic plan where we expect to be going with these. We can tell providers here is something you have to submit to tell us where you are going with your individual submissions. Questions we have run into have not been should we have cell towers. The question is, is a 195-foot tower okay? The zoning ordinance does not give you any guidance on that. We think the plan might say in some circumstances a 195-foot tower is just fine. Such situations might be locating in an area with many similar structures, locating in an industrial park in a freeway corridor area where it is not going to be an obtrusive structure. There are other situations such as between two residences along back property lines where 125-foot tall tower would even be too tall. The plan will also address what we will be dealing with in the next several years, which we think will be numerous requests for lower towers. We are working on the thing on a very short timeline. As far as a plan with circles and dots that says here are the towers and their sites, that would have to be in a schematic conceptual form. The providers know an area where they are going to look for a site and then they investigate the properties and make offers. It is not necessary that we approve 195 foot towers or any type of specific tower just because the industry says that is what we need because it would be expensive to do anything else. You are required to allow them to develop a network that provides adequate service. You are not required to accept every proposal. We have hired outside expert, legal council to advise us on this. We have Mr. Perry also as a technical advisor.

Mr. Rusty Baksa: It is not a secret that we want coverage everywhere. It seems like we should know where all the towers are we have right now and who is on what tower. We have maps here prepared based on a network for a small area. If they can provide these maps for a small area, they can do it on a County area. I think we could ask for such maps for a large area.

Mr. Whitaker: We need to come up with something we could ask for that we will get something useful in return. We could ask them as a prerequisite to submitting any further applications to show us different segments of their market area, what their plans are in the next few years, conceptually what is the area they are going to service and what technology they are going to use to do this. They are concerned about confidentiality on that. We will not have a map that is specific such as showing proposed sanitary sewer lines.

Mr. Michael Edwards: Within time we will become more knowledgeable and comfortable in making these decisions. Staff is working toward this. We are getting data

that makes us feel more comfortable. We find ourselves everyday making decisions based on the information we have in front of us. To hold an issue in front of us until we are comfortable to make a decision is not fair to the applicant. It is not fair to the neighborhood. We have an application in front of us that in two years from now we may be able to look at a lot differently and be able to handle it with a great deal more sense of ease. That is not where we are today. I move we accept staff's recommendation on a 195-foot pole. If nothing else there are appeals beyond us.

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

Mr. Mike Brown: We voted to postpone these requests until we got the information we asked for. We have this back because of the BZA. We have asked for something and we should not make a decision until we get it. This week we get new evidence of new technology just beyond the horizon that within the next few years they can all operate off of 100-foot towers or less with these new 3G technology. If that is the case, then the alternative here was to put three 100-foot verses this one 195 foot. If we are going to need these 100-foot ones in five years, let's build them now. I say we postpone it and get to where we want to be and feel comfortable on making a decision.

Mr. Baksa: I would like to ask the industry, all the providers, to provide a comprehensive plan for Knox County for their service. Submit that to our consultant. Let our consultant see how they all interact. It should locate where an area does not have coverage and there are three providers that do not have coverage in that area and they are going to need to make that coverage. Is there any kind of Federal law that we cannot ask for that?

Mr. Whitaker: No. It just depends on what you do while you are waiting for that. The County Law Director was advised by the BZA that postponing this tower was in effect a constructive denial and might violate the Federal Communications Act of 1996. That is not the definitive opinion on that for sure. That was linked to some court case in Alabama. You can definitely postpone towers for a reasonable period of time. If the Planning Commission wants us to make that request, we can do it. We have discussed it with the attorneys for the industry. We need to work on a format for a long-range planning document from them that is acceptable enough to them that we would actually get something back rather than just being embroiled in a number of postponements. Let me address the idea that nobody submits an opinion but the industry. That is not true. We have a third party review process. Mr. Perry reviews every application. He makes an opinion and he requires the applicant to justify why they want to build structure in the first place. Why can't they co-locate on another structure? He has made several recommendations that resulted in a reduction in the height of a tower. He says he has discouraged some applications from even being filed because there were co-location opportunities

Mr. Edwards called for the question.

Mr. Steve Lewis: 2939 West Gallaher Ferry

I agree with Mr. Brown. I ask that this be postponed until June along with the Campbell Station tower. They dropped from 275, to 195 and now they are says 165 and 125. If this tower were right beside your house in your neighborhood, wouldn't you like to know if the height is really needed? If you leave it postponed until June and get more information that says they have to have 195 or 165 feet, I think the residents out there would accept that. Give us the same consideration as Campbell Station.

Upon Roll Call vote the Planning Commission voted as follows to approve staff recommendation:

M BROWN	NO
S BROWN	YES
DONALDSON	YES
EDWARDS	YES
GRAF	YES
MARTELLA	NO
SLACK	NO
SMITH	NO
VITTETOE	YES
BAKSA	NO
BENEFIELD	NO
FRENCH	NO

MOTION FAILED 7-5.

Mr. French: We did postpone this and then it was appealed to BZA. BZA sent it back to us and asked us to make a decision on it. I know we are not committed to be beholding to the BZA, but we are County agencies that need to cooperate. We have been asked to make a decision up or down or something yes or no.

Mr. Michael Edwards: Deny request because the applicant has failed to, sufficiently in my mind, convince me that a 195-foot monopole is an appropriate size

MOTION (EDWARDS) AND SECOND (M BROWN) WERE MADE TO DENY.

Mr. Baksa: Did BZA understand the reason we postponed it was because we wanted a plan?

Mr. Whitaker: Yes we told them that in writing and verbal. You have a team that consists of one part engineers and the other part political lobbyists working here.

MOTION CARRIED 11-1. DEVELOPMENT PLAN DENIED.

\* 2-B-02-UR TURKEY CREEK LAND PARTNERS, LLC  
West side of Lovell Rd., north and south side of Parkside Dr. and south side of I-40. Proposed use: Master Signage Plan for Turkey Creek in C-4 (Highway and Arterial Commercial), C-3 (General Commercial) and F-1 (Floodway) District. Tax ID 130 L A 1 & 2, 130MK001-005 &, Map 131,

Parcels 29, 29.06-29.08, 29,12-29.37 & 31.04. Council District 2, Southwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P 2-I-02-UR SUMMITT PROPERTIES  
West side of Wallace Rd., just south of Galewood Rd. and on the north side of Branton Blvd. Proposed use: 228 unit apartment complex in PR (Planned Residential) District. Tax ID 133 083, Commission District 4, Southwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

- P 2-J-02-UR CHILHOWEE HILLS BAPTIST CHURCH  
East side of Eastburn Dr., north side of Asheville Hwy. Proposed use: Multi-family residential development in RP-1 (Planned Residential) District. Tax ID 71 I C 028, Council District 6, East City Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**USES ON REVIEW - NEW**

- \* 3-A-02-UR SITE, INC.  
Southwest side of the end of Castaic Ln. Proposed use: Subdivision Sign in PC (Planned Commercial) / TO (Technology Overlay) District. Tax ID 103 119.04, Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-B-02-UR OUT REACH BAPTIST CHURCH  
North side of Cedar Av., east side of McMurray St. Proposed use: Church in R-2 (General Residential) District. Tax ID 81 C A 029, Council District 5, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-C-02-UR PEACE AND GOODWILL BAPTIST CHURCH  
South side of Woodbine Av., southwest of Polk St. Proposed use: Church expansion in R-1A (Low Density Residential) District. Tax ID 82 O B 6 & 7, Council District 6, Central City Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

3-D-02-UR WITHDRAWN PRIOR TO PUBLIC NOTICE

- \* 3-E-02-UR SOLWAY STORAGE / BILL SCHUBERT  
South side of Jim Jones Ln., east side of Oak Ridge Hwy. Proposed use: Expansion of self storage facility in PC (Planned Commercial) District. Tax ID 76 008, Commission District 6, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-F-02-UR      SHARON STARTUP  
Northwest end of Norman Jack Ln., north of E. Emory Rd., west of Bishop Rd. Proposed use: Two 3,750 square foot Commercial Buildings in PC (Planned Commercial) & A (Agricultural) District. Tax ID 47 75.17, Commission District 7, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 3-I-02-UR      RENFRO CONSTRUCTION CO., INC.  
West side of Diggs Gap Rd., south of E. Raccoon Valley Dr. Proposed use: Asphalt mixing plant in I (Industrial) District. Tax ID 26 070, Commission District 6, North County Sector.

STAFF RECOMMENDATION: Deny the request for an Asphalt mixing plant because the proposed use does not meet the minimum required setback for a use permitted on review in the Industrial Zone.

Mr. Arthur Seymour: Attorney for American Limestone Company. On behalf of applicant. Property is presently occupied by an inactive plant owned by Ready Mix Concrete Company. They propose to remove that plant from the property. We are asking that Renfro be allowed to place an asphalt plant on it. PASSED OUT MATERIALS WHICH BECOME A PART OF THESE MINUTES.

There is an entire new technology in asphalt plants. There have been objections to them in the past because of odor and particulate matter. The plant they propose to put here eliminates those problems. Concrete plants do not have to be setback 300 feet from residential zones or churches like asphalt plants do. Asphalt plants were not as good in the past at keeping out odors and particulate matters as they are now. Mr. Akins' plant will do so. Some percent of asphalt is stone. There is already one plant there, which we are going to remove and put this asphalt plant in. It makes sense to be able to take the aggregate from the quarry and deliver it to the plant without putting it in trucks and putting it out on the public roads to be transferred to a plant somewhere else. A quarry is a heavy industrial activity. Staff has denied the request because the Zoning Ordinance requires that an asphalt plant be setback 300 feet from a residence or a church. Ask you approve this subject to us obtaining the necessary variances. They have already filed with the Board of Zoning Appeals. You will find a letter from the adjoining church on Raccoon Valley Road supporting the request. The residence that is within 300 feet, the owners submitted a letter supporting the request. There is a house next to the church that fronts on Raccoon Valley, which is zoned commercial already. A use on review of this type requires notification to surrounding property owners. Renfro and American Limestone have complied with notification procedures. Everybody they have contacted has understood the request and nobody has expressed opposition. Ask that it be approved subject to the applicant obtaining setback variances from BZA and subject to certain hours of operation. Staff report suggests hours be 7-9 during the week. The asphalt paving industry shuts down during the winter and starts back up about now. Ask that hours of operation be 6 a.m. to 9 p.m. When operating

on City or State contracts they have to start that early in the morning. This is a state-of-the-art plant and will not be a nuisance.

Mr. Mike Edwards: When we think how hard it would be to locate an asphalt plant and here we have not only the quarry but the neighborhood in agreement, something is right.

MOTION (EDWARDS) AND SECOND (SLACK) WERE MADE TO APPROVE STAFF RECOMMENDATION SUBJECT TO OBTAINING REQUIRED VARIANCES FROM BZA AND OPERATING HOURS BETWEEN 6 A.M. TO 9 P.M. DAILY. MOTION CARRIED 12-0. DEVELOPMENT PLAN APPROVED AS AMENDED.

- \* 3-J-02-UR      CBJ, INC.  
Southeast side of W. Beaver Creek Dr., east side of Clinton Hwy. Proposed use: Self storage facility in CA (General Business) District. Tax ID 67 078, Commission District 6, North County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- \* 3-K-02-UR      H. D. DEVELOPMENT, LLC  
North of Fox Lonas Rd., east of N. Cedar Bluff Rd., west of Gulfwood Rd. Proposed use: 34 Multi-family Condominiums in PR (Planned Residential) District. Tax ID 119 1.05. Commission District 5, Northwest County Sector.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- P** 3-L-02-UR      DAMON A. FALCONNIER FOR WEST PARK BAPTIST CHURCH  
North side of Middlebrook Pike, east side of Pheasants Glen Dr. Proposed use: Expansion of Educational Facility for Church in PR (Planned Residential) & RB (General Residential) District. Tax ID 105 157 & 157.01, Commission District 5, Northwest County Sector.

THIS ITEM WAS POSTPONED EARLIER IN THE MEETING.

**19. OTHER BUSINESS**

**OTHER BUSINESS - OLD**  
None

**OTHER BUSINESS - NEW**

- \* 3-A-02-OB      Consideration of staff report for Plans of Service.

THIS ITEM WAS APPROVED ON CONSENT EARLIER IN THE MEETING.

- 3-B-02-OB      Consideration of FY 2002-2003 MPC Work Program, Budget, Fee Schedule & Pay Plan.

EXECUTIVE COMMITTEE RECOMMENDATION: Approve FY 2002-22003 Budget and Work Program and Approve Pay Plan with one step



(approximately 2.5%) cost of living adjustment. Add "Chief Planner" and "Administrative Assistant II" to the pay table.

Mr. Whitaker: This is just the beginning of the budget cycle and we may have to make further adjustment in the budget and work program later in the year.

MOTION (S BROWN) AND (BAKSA) WERE MADE TO APPROVE EXECUTIVE COMMITTEE RECOMMENDATION. MOTION CARRIED 12-0. APPROVED.

MOTION (S BROWN) WAS MADE TO ADJOURN.

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There being no further business, the Metropolitan Planning Commission meeting was adjourned in order at 5:28 p.m.

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Prepared by: Betty Jo Lamb

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Approved by: Vi W. Whitmire, Administrative Services Manager

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Approved by: Norman Whitaker, Executive Director

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Approved by: Philip French, Chair

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